Oifig an
Office of the

Stiúrthóra Ionchúiseamh Poiblí
Director of Public Prosecutions

Annual Report 2021

This Report is also available in the Irish Language

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FOREWORD

I am pleased to introduce the Annual Report 2021 of the Office of the Director of Public Prosecutions, which details the diverse range and volume of work carried out across the Office during the year. This is my first Annual Report since my appointment as Director of Public Prosecutions in November 2021. I am honoured to be entrusted with this important position and very conscious of the responsibility that it involves. I am committed to delivering a prosecution service that has the trust and confidence of the people of Ireland by ensuring continued high standards, impartiality and independence.

During 2021, the prosecution service continued to meet the ongoing challenges created by the Covid-19 pandemic. Staff, state solicitors, counsel, Gardaí and other investigative agencies continued to adapt to an ever evolving working environment and provide an essential service in difficult circumstances, ensuring the efficient administration of justice.

This has been a challenging time for the Irish criminal justice system as it continues to grapple with the back-logs that developed during the pandemic. I am acutely conscious that delays associated with those backlogs are having a significant impact on victims, witnesses and accused persons who are awaiting trials, or where trials have to be adjourned. Efforts to address backlogs in the Criminal Courts are ongoing. For example, the assignment of additional judges to the Central Criminal Court in 2021 greatly assisted in alleviating delays for rape and murder prosecutions. My Office is committed to collaborating with our colleagues in the Courts and across the criminal justice system to ensure that the system operates in a way that gives more certainty for service users within a reasonable timeframe.

The Criminal Procedure Act 2021, which provides for preliminary trial hearings, came into effect in May 2021. This Act provides for statutory preliminary trial hearings to facilitate better case management enabling the early identification of legal and procedural issues that can arise during a trial. It is hoped that preliminary trial hearings, when consistently operated, will facilitate efficiency and provide greater certainty for all parties involved in criminal trials.

This Report includes a detailed statistical analysis of the work undertaken by my Office in 2021. As was noted in our previous Annual Report, the last few years have seen an unprecedented growth in the number of files being referred to our Office, with a 23% increase in the total files received in the three years up to this reporting period. This situation continued during 2021 with a 7% increase on the previous year. We have also seen increased complexity in many cases arising from the growing volume of digital material and the number of international cross-border issues involved. This is reflected in the increased number of Mutual Legal Assistance Requests - another trend that continued in 2021, with a 26% increase in such requests from the previous year.

The number of domestic violence cases being submitted to our Office also continued to grow during 2021 with a 36% increase in such cases being submitted for direction. We also expanded our service in the prosecution of domestic violence cases before the District Courts in Dublin. The overall number of District Court prosecutions dealt with by the Office also significantly increased during 2021 to 1,752 cases, representing a 40% increase on 2019.

In 2021, the Office started to apply for Arrest Warrants under the new Trade and Co-operation Agreement (TCA) with the United Kingdom which

came into effect on 31 December 2020. During the year, 29 such TCA Warrants were issued by the High Court following applications by this Office.

Despite the growth in case numbers, the Office continued to provide decisions on cases in a timely manner, with 72% of decisions being made within four weeks of receiving a completed prosecution file. Our external engagement and outreach activities also continued apace, with staff members participating in a wide range of national and international bodies, networks and inter-agency committees. In recognising that the provision of training to external organisations is a valuable opportunity to promote best practice in the prosecution of criminal offences, legal staff of the Office also provided training to a number of agencies including An Garda Síochána, the Law Society and the Legal Aid Board.

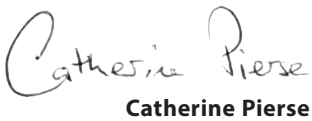
In April 2021, the Office commenced the first phase of the Sexual Offences Unit, a dedicated unit to deal with sexual offence case-work and to support the development of best practice by our own staff, state solicitors, counsel and the Gardaí. During 2021, the new unit took on an existing sexual offence case-load from the Central Criminal Court and Dublin Circuit Court.

As outlined above, various factors encountered during 2021 demonstrated beyond question the ability, resilience and capacity of our staff to adapt and deliver. During that period, we continued to invest in the development and learning of our staff through continuing professional development, training and wellbeing initiatives.

In light of the wide ranging increased demands on our Office, it was clear towards the end of 2021 that additional investment in the Irish prosecution service was necessary so that we could continue to provide the best service possible and to the same high level of professionalism. In this regard, I am very pleased that we have been successful in obtaining a significant increase in our budget for 2023, and we will be recruiting additional staff to deal with the increased volume and complexity of work. These additional resources will also enable us to better implement our strategic goals over the coming years, as outlined in our Strategy Statement 2022-2024.

We will continue to assess our resourcing needs and seek to keep pace with developments across the criminal justice system, including the work that is ongoing in relation to judicial numbers and the implementation of the Report on the Commission of the Future of Policing in Ireland.

In conclusion, I want to thank the dedicated staff of my Office, state solicitors and counsel for their resilience in meeting the very significant demands placed on them in 2021, and for their contribution to achieving our mission of delivering a fair, independent and effective prosecution service for all the people of Ireland.



Catherine Pierse
Director of Public Prosecutions

November 2022

2021 at a Glance

219
Total number of staff

18,256
Total number of prosecution files received in 2021

652
Number of requests for reasons for decisions not to prosecute

23%
Increase in files in past 3 years

€44.47m
Total cost of providing the Prosecution Service

€6.5m
Amount recovered from proceeds of crime and returned to public funds

26%
Increase in Legal Co-operation/ Mutual Legal Assistance Requests

33+
Number of national/ international networks & working groups on which staff participate

72%
Percentage of cases on which a decision is made within four weeks

PART 1:
Overview of the Office

OUR MISSION:

To deliver a fair, independent and effective prosecution service on behalf of all the people of Ireland

1.1 Overview of the Office

1.1.1 The fundamental function of the Director of Public Prosecutions is the direction and supervision of public prosecutions and related criminal matters.

1.1.2 The majority of cases dealt with by the Office of the Director of Public Prosecutions are received from the Garda Síochána, the primary national investigating agency. However, some cases are also referred to the Office by specialised investigative agencies including the Revenue Commissioners, Government departments, the Health and Safety Authority, the Competition and Consumer Protection Commission, the Office of the Director of Corporate Enforcement, the Garda Síochána Ombudsman Commission, the Environmental Protection Agency and local authorities.

1.1.3 The Office of the Director of Public Prosecutions has four divisions:

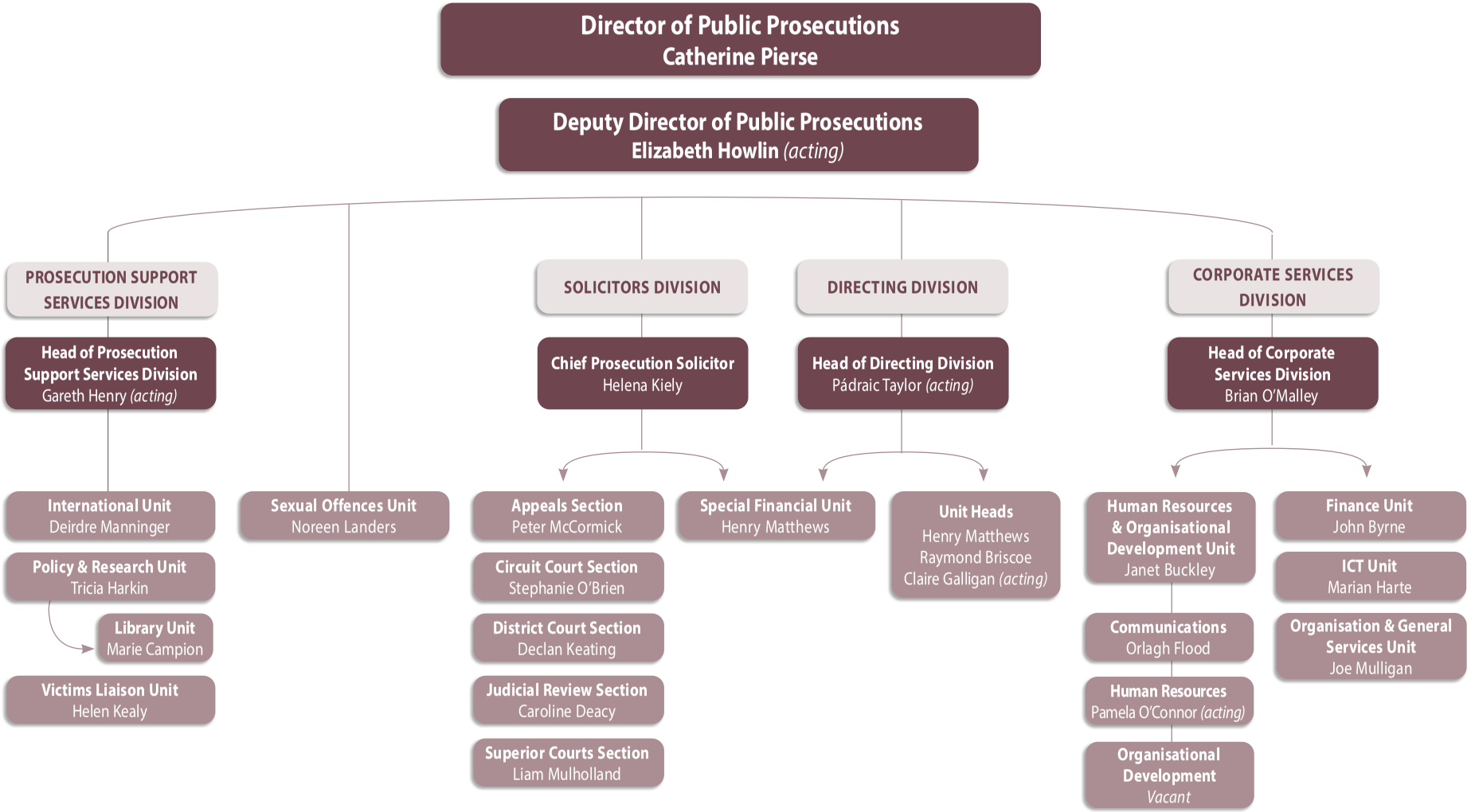
i) The **Directing Division** determines, following an examination of an investigation file, whether there should be a prosecution or whether a prosecution commenced by the Garda Síochána should be maintained. The direction which issues indicates the charges, if any, to be brought before the courts. In some cases further information and investigation may be required before a decision can be made. To prosecute there must be a *prima facie* case - evidence which could, though not necessarily would, lead a court or a jury to decide, beyond reasonable doubt, that the person is guilty of the offence.

ii) The **Solicitors Division**, headed by the Chief Prosecution Solicitor, provides a solicitor service to the Director in the preparation and presentation of cases in the Dublin District and Circuit Criminal Courts, the Central Criminal Court and Special Criminal Court, the Court of Appeal and the High and Supreme Courts. Outside the Dublin area 32 local state solicitors, engaged on a contract basis, provide a solicitor service in the Circuit Court and in some District Court matters in their respective local areas.

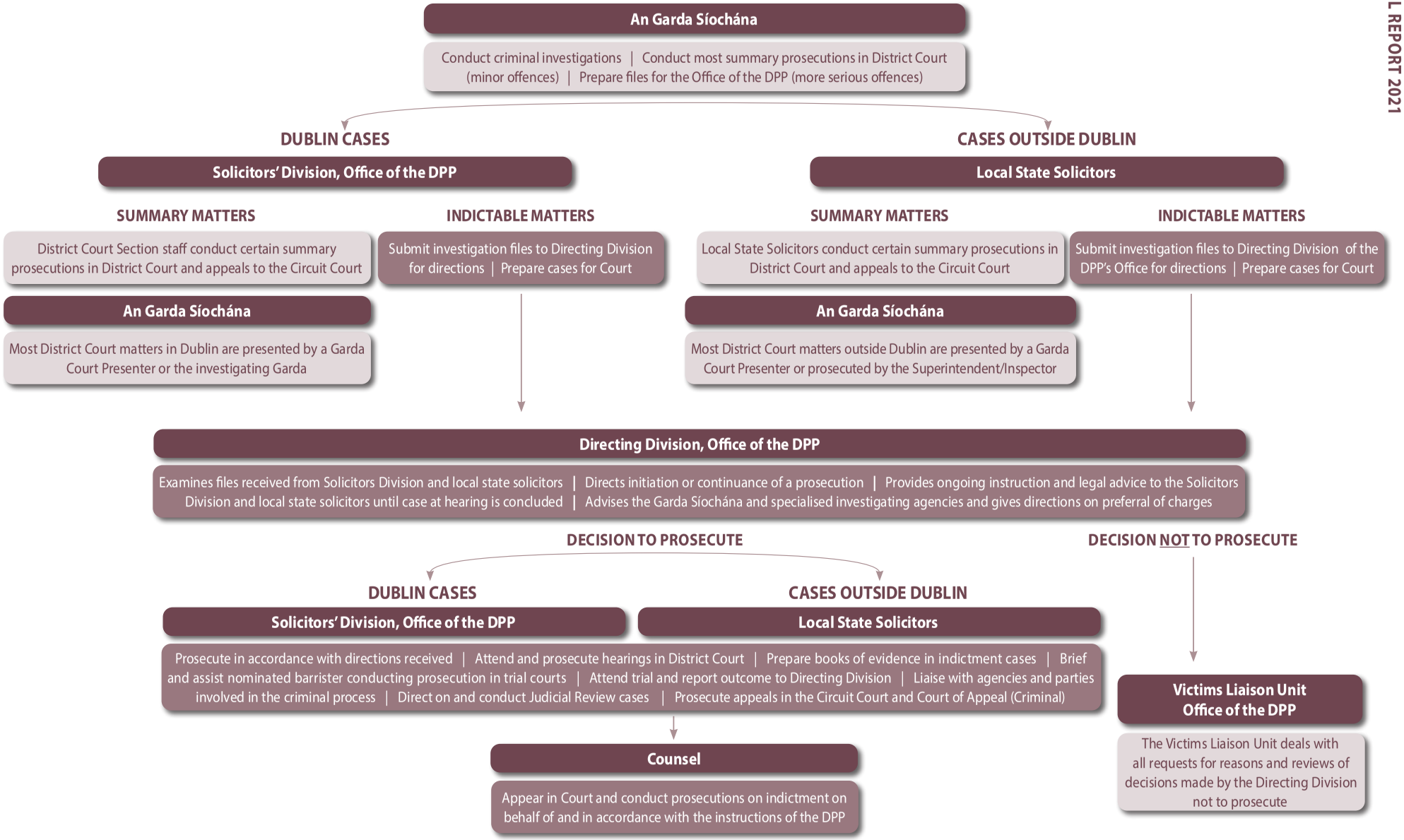
iii) The **Prosecution Support Services Division** incorporates the Victims Liaison Unit which is responsible for ensuring that the Office meets its obligations in relation to the support and protection of victims of crime as set out under the Criminal Justice (Victims of Crime) Act 2017; the International Unit which deals with areas of international criminal law, including extradition, European Arrest Warrants and requests for mutual legal assistance; and the Prosecution Policy and Research Unit which conducts legal research, provides support for the development of legal policy, and engages with external stakeholders on policy matters. The Policy and Research Unit also co-ordinates knowledge management and includes the Library service which provides information and know-how services for both legal and administrative staff.

iv) The **Corporate Service Division** contributes to the Office's overall strategy through a range of business functions including human resources and organisational development, finance, ICT, facilities management, procurement, communications, governance and other support services to the Office.

1.2 Organisation Structure (June 2022)

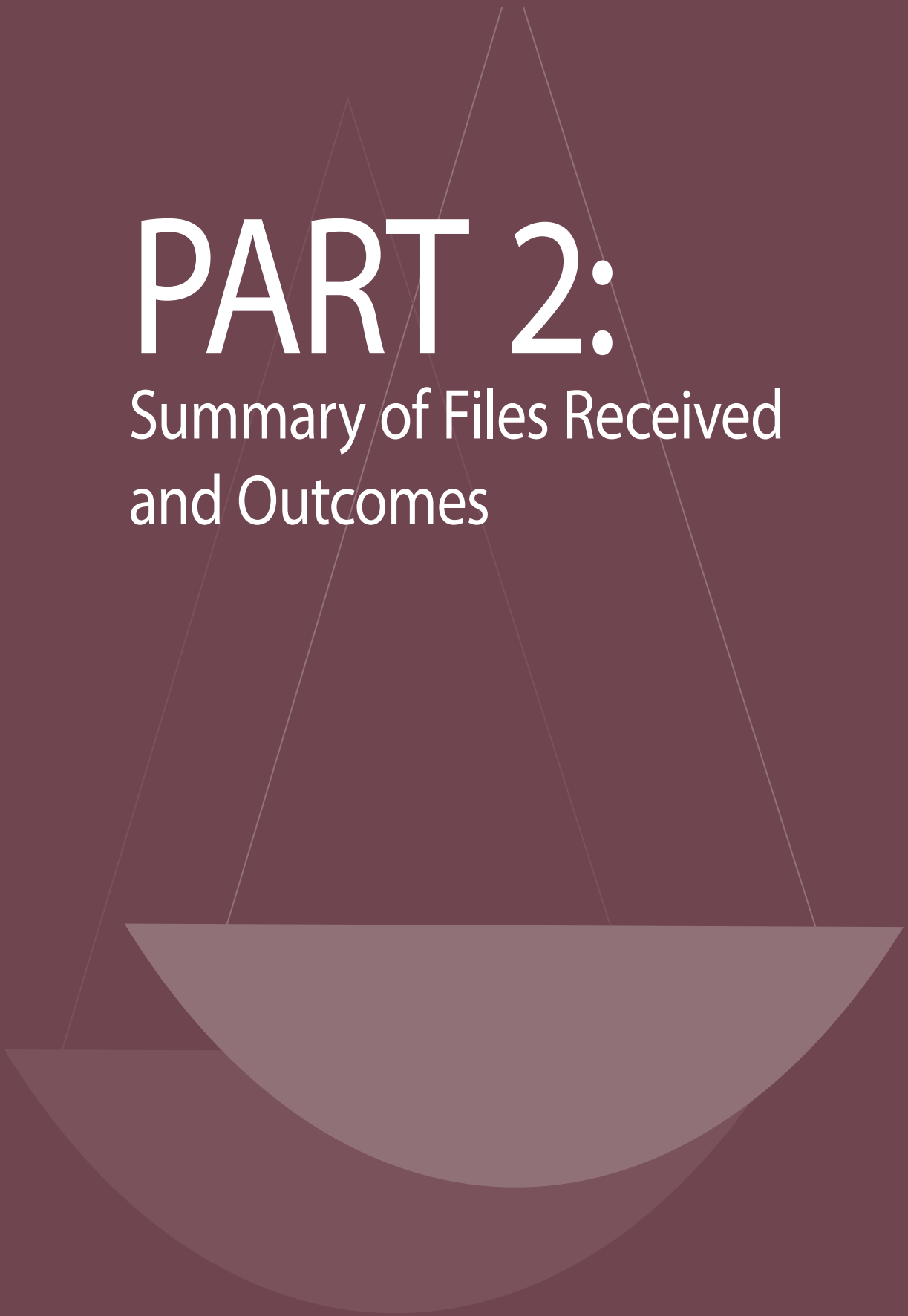


1.3 Criminal Prosecution Process in Ireland



PART 2:

Summary of Files Received and Outcomes



Explanatory note in relation to statistics

2.1 Part 2 is broken down into five distinct sections:

i) Charts 2.1.1 to 2.1.5 (Part 2.1) relate to the receipt of files in the Office and include details on the types of directions made;

ii) Charts 2.2.1 to 2.2.5 (Part 2.2) provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2018 and 2020;

iii) Charts 2.3.1 to 2.3.3 (Part 2.3) provide details of applications made to the courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, and confiscation and forfeiture of criminal assets;

iv) Charts 2.4.1 to 2.4.3 (Part 2.4) provide details of the preparation/issue of European Arrest Warrants, Trade and Co-operation Agreement Arrest Warrants, and extradition requests; *and*

v) Chart 2.5.1 (Part 2.5) provides details of requests for mutual legal assistance processed by the Office of the DPP.

2.2 All the yearly demarcations in the statistical tables refer to the year the file was received in the Office. The reason for going back so far in charts 2.2.1 to 2.2.5 is to take account of the time difference between a decision to prosecute being made and a trial verdict being recorded. If statistics were to be provided in respect of 2021 case outcomes, a large proportion of the cases would still be classified as 'for hearing' and the statistics would have little value. Cases heard within a short period of being brought are not necessarily representative.

2.3 In this report we have attempted in most instances to include updated versions of the data set out in previous Annual Reports in order to give a fuller account of the progress made since that data was previously published. Because of the continuous change in the status of cases - for example, a case which was pending at the time of a previous report may now have concluded - information given in this report will differ from that for the same cohort of cases in previous reports. In addition, data from two different years may not be strictly comparable because as time goes on more cases are completed so that information from earlier years is necessarily more complete than that from later years. Unless otherwise stated, data included in these statistics was updated in April 2022.

2.4 Caution should be exercised when comparing these statistics with statistics published by other organisations such as the Courts Service or An Garda Síochána. The statistics published here are based on our own classification and categorisation systems and may in some cases not be in line with the classification systems of other organisations.

2.1 Prosecution Files Received

Chart 2.1.1 shows the total number of prosecution files received by the Office of the Director of Public Prosecutions from 2002 to 2021.

The chart does not include work undertaken by the Office in relation to other matters not directly related to criminal prosecution files such as: requests for legal advice from the Garda Síochána, local state solicitors or other agencies; policy related matters; or queries of a general nature.

CHART 2.1.1: Total Prosecution Files Received

YEAR	FILES
2002	14586
2003	14696
2004	14613
2005	14427
2006	15279
2007	15446
2008	16144
2009	16074
2010	15948
2011	16127
2012	15285
2013	13761
2014	14012
2015	14306
2016	13169
2017	13667
2018	14849
2019	15580
2020	17107
2021	18256

The Solicitors Division of the Office of the Director of Public Prosecutions provides a solicitor service to the Director and acts on her behalf. The division also deals with cases which do not require to be referred to the Directing Division for direction.

Chart 2.1.2 represents the number of cases dealt with solely within the Solicitors Division and includes District Court prosecution files, appeals from the District Court to the Circuit Court and High Court bail applications. The figure for District Court Appeals represents the number of files held, not the number of individual charges appealed. One defendant may have a multiplicity of charges under appeal.

The Solicitors Division also deals with judicial review applications. While some of these applications are dealt with solely within the Solicitors Division, others require to be forwarded to the Directing Division for direction. However, because the dedicated Judicial Review Section is based in the Solicitors Division the total number of judicial review applications dealt with are included in this chart. Judicial reviews may be taken by the Director or be taken against her.

CHART 2.1.2: Certain Files Dealt with Solely by the Solicitors Division

	2021	2020	2019
District Court Prosecution Files	1752	1079	1253
Appeals from District Court to Circuit Court	2012	1270	2869
High Court Bail Applications	1887	2133	1448
Judicial Review Applications	166	140	168
TOTAL	**5817**	**4622**	**5738**

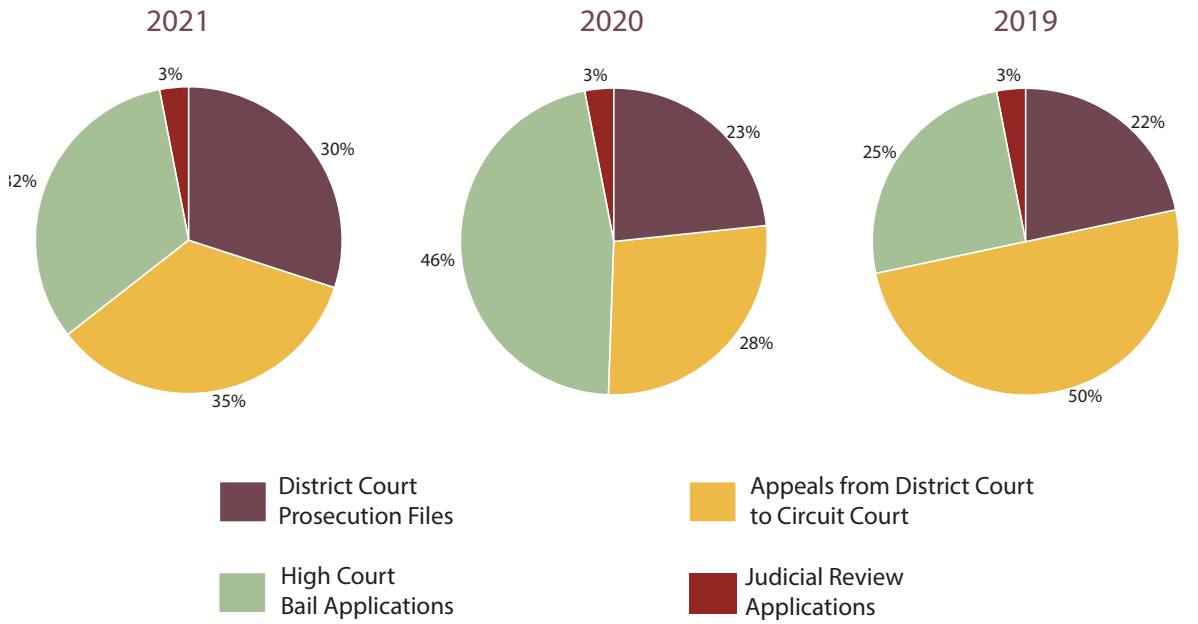
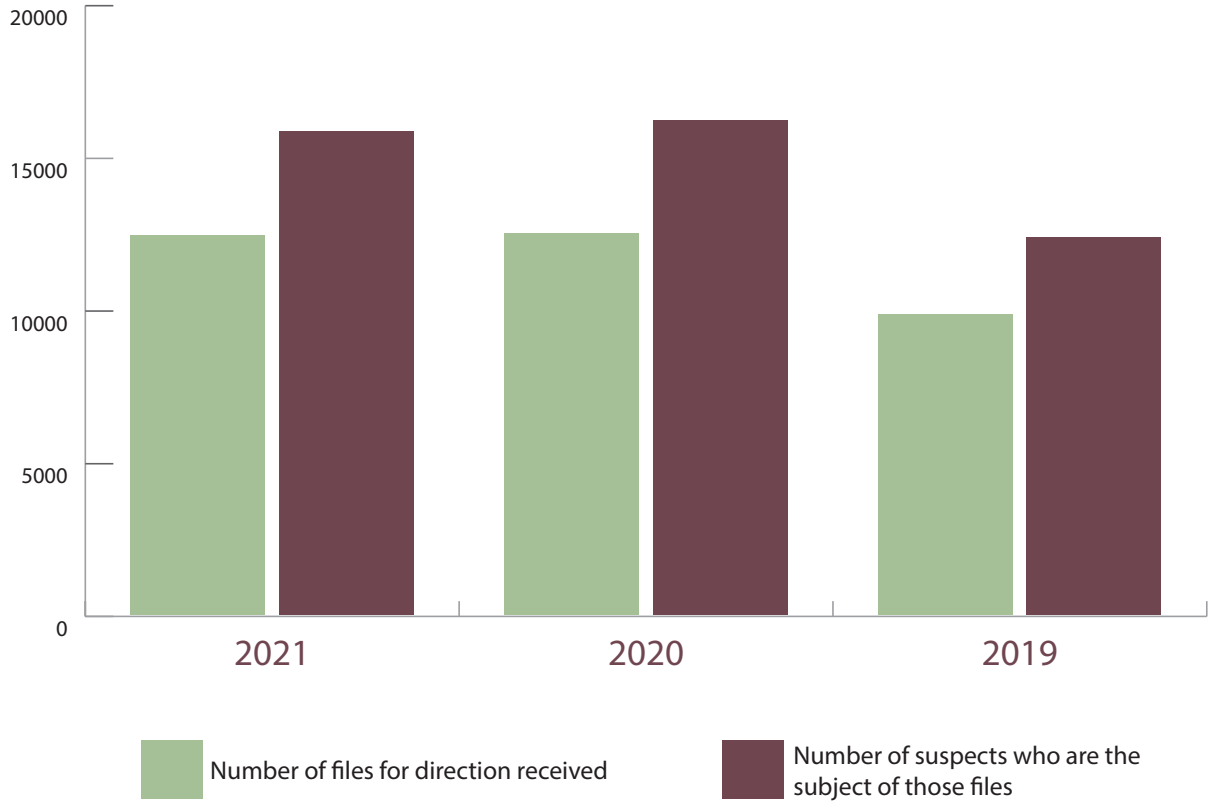


Chart 2.1.3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. This is because many files relate to more than one suspect. It is important, therefore, to look at the total number of suspects as well as the total number of files.

CHART 2.1.3: Breakdown of Files Received for Decision Whether to Prosecute

	2021	2020	2019
Files received for decision whether to prosecute	12439	12485	9842
Number of suspects who are the subject of those files	15818	16209	12369



The following chart shows a breakdown of the disposal of files received in the Directing Division in 2019, 2020 and 2021 (as of April 2022). An Garda Síochána and specialised investigating agencies submit files either directly to this office or to the local state solicitor, for a direction whether or not to prosecute. Depending on the seriousness of the offence and the evidence disclosed in the file, a decision will be taken as follows:

No Prosecution: A decision not to prosecute is made. The most common reason not to prosecute is because the evidence contained in the file is not sufficient to support a prosecution. The figures however include all decisions not to prosecute.

Prosecute on Indictment: It is decided to prosecute in the Circuit, Central or Special Criminal Courts.

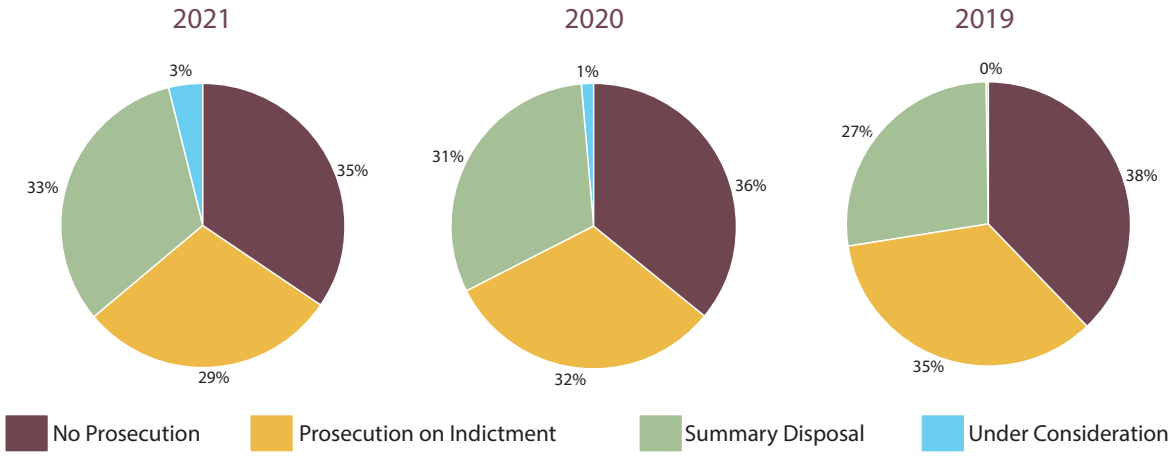
Summary Disposal: The offence is to be prosecuted in the District Court.

Under Consideration: Files in which a decision has not been made. This figure includes those files in which further information or investigation was required before a decision could be made.

NOTE: The figures for 2019 and 2020 have been updated since the publication of previous Annual Reports. The reduction in the files 'Under Consideration' figures compared with those given in previous years reflect developments on those files since then. 'Prosecutions on Indictment' include those cases in which defendants elected for trial by jury and cases where the judge of the District Court refused jurisdiction, even though the Director initially elected for summary disposal.

CHART 2.1.4: Disposal of Directing Division Files by Number of Suspects Subject of files Received

Direction Made	2021	%	2020	%	2019	%
No Prosecution Directed	5508	35%	5827	36%	4681	38%
Prosecution on Indictment Directed	4652	29%	5153	32%	4291	35%
Summary Disposal Directed	5227	33%	5017	31%	3378	27%
TOTAL OF FILES DISPOSED	**15387**	**97%**	**15997**	**99%**	**12350**	**100%**
Under Consideration	431	3%	212	1%	19	0%
TOTAL	**15818**	**100%**	**16209**	**100%**	**12369**	**100%**



A decision may be made not to prosecute in relation to a particular file for a variety of reasons other than the main reasons set out in this chart. The death or disappearance of the suspect, the death or disappearance of the complainant or the refusal of a complainant to give evidence are some examples. These are referred to as 'other' in the chart below.

CHART 2.1.4a: Breakdown of Main Reasons for a Direction Not to Prosecute

Main Reasons for No Prosecution	2021	%	2020	%	2019	%
Insufficient Evidence	4296	78%	4550	78%	3642	77%
Injured Party Withdraws Complaint	547	10%	515	9%	390	8%
Public Interest	83	2%	106	2%	88	2%
Adult Caution	83	1%	80	1%	71	2%
Juvenile Diversion Programme	73	1%	99	2%	44	1%
Time Limit Expired	48	1%	48	1%	33	1%
Undue Delay	43	1%	49	1%	35	1%
Suspect Deceased	42	1%	47	1%	28	1%
Other	293	5%	333	5%	350	7%
TOTAL	**5508**		**5827**		**4681**	

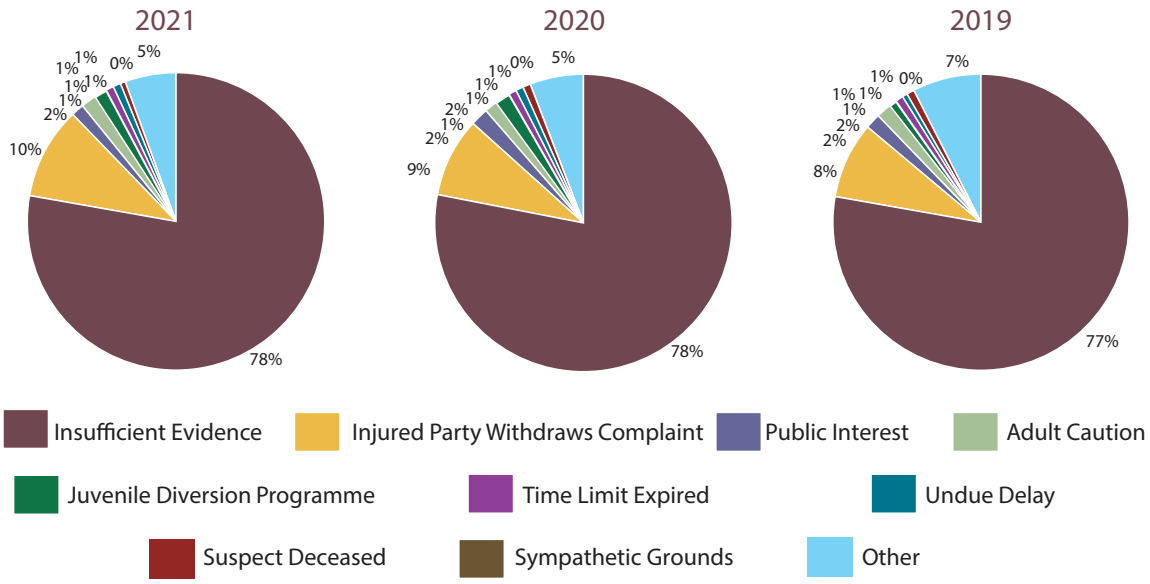


Chart 2.1.4b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'under consideration' (see Chart 2.1.4). These include cases where a file was received but further information was required. It is not possible to determine how many of these cases may eventually result in a direction to prosecute on indictment.

CHART 2.1.4b: Breakdown of Number of Prosecutions on Indictment Directed per County of Offence

	Population 2021*	Population 2020*	Population 2019*	Population 2018*	Population 2017*	Number of Prosecutions on Indictment Directed per County					Cases per 1,000 Persons					3 Year Rolling Average		
						2021	2020	2019	2018	2017	2021	2020	2019	2018	2017	2019-2021	2018-2020	2017-2019
Carlow	59,810	59,298	58,799	58,057	57,489	57	37	36	38	50	0.95	0.62	0.61	0.65	0.87	0.73	0.63	0.71
Cavan	79,705	78,797	78,565	77,812	76,887	56	73	61	72	61	0.70	0.93	0.78	0.93	0.79	0.80	0.88	0.83
Clare	123,294	122,591	121,762	121,109	119,550	76	74	86	89	116	0.62	0.60	0.71	0.73	0.97	0.64	0.68	0.80
Cork	566,157	563,405	555,151	549,963	543,517	335	349	348	311	309	0.59	0.62	0.63	0.57	0.57	0.61	0.60	0.59
Donegal	166,566	164,669	164,185	162,610	160,677	106	95	93	67	59	0.64	0.58	0.57	0.41	0.37	0.59	0.52	0.45
Dublin	1,426,000	1,417,600	1,395,600	1,370,500	1,350,000	1,982	2,182	1,682	1,486	1,487	1.39	1.54	1.21	1.08	1.10	1.38	1.28	1.13
Galway	268,988	267,564	264,090	260,673	257,484	131	205	159	148	155	0.49	0.77	0.60	0.57	0.60	0.62	0.65	0.59
Kerry	154,043	153,295	151,049	149,637	147,883	108	110	97	83	74	0.70	0.72	0.64	0.55	0.50	0.69	0.64	0.57
Kildare	238,605	236,925	233,695	230,045	226,925	196	231	189	115	88	0.82	0.97	0.81	0.50	0.39	0.87	0.76	0.57
Kilkenny	104,249	103,355	102,485	101,192	100,203	68	67	68	52	71	0.65	0.65	0.66	0.51	0.71	0.65	0.61	0.63
Laois	89,014	88,087	88,348	87,334	86,088	91	87	63	79	71	1.02	0.99	0.71	0.90	0.82	0.91	0.87	0.81
Leitrim	33,528	33,146	33,049	32,732	32,343	26	17	14	22	14	0.78	0.51	0.42	0.67	0.43	0.57	0.54	0.51
Limerick	202,242	201,089	199,730	198,659	196,102	262	256	289	188	196	1.30	1.27	1.45	0.95	1.00	1.34	1.22	1.13
Longford	42,956	42,509	42,635	42,145	41,544	58	87	63	39	37	1.35	2.05	1.48	0.93	0.89	1.62	1.48	1.10
Louth	138,210	137,237	135,366	133,251	130,087	114	142	160	126	137	0.82	1.03	1.18	0.95	1.05	1.01	1.05	1.06
Mayo	136,034	135,314	133,557	131,829	130,216	91	93	78	66	86	0.67	0.69	0.58	0.50	0.66	0.65	0.59	0.58
Meath	209,157	207,684	204,853	201,653	198,920	109	122	83	74	105	0.52	0.59	0.41	0.37	0.53	0.50	0.45	0.43
Monaghan	64,230	63,498	63,311	62,704	61,959	68	57	55	42	30	1.06	0.90	0.87	0.67	0.48	0.94	0.81	0.67
Offaly	81,935	81,081	81,321	80,388	79,241	45	77	34	53	45	0.55	0.95	0.42	0.66	0.57	0.64	0.68	0.55
Roscommon	67,278	66,922	66,053	65,198	64,400	37	56	41	34	25	0.55	0.84	0.62	0.52	0.39	0.67	0.66	0.51
Sligo	68,571	67,790	67,590	66,942	66,147	54	52	38	38	31	0.79	0.77	0.56	0.57	0.47	0.71	0.63	0.53
Tipperary	165,565	164,621	163,509	162,632	160,857	135	123	124	150	128	0.82	0.75	0.76	0.92	0.80	0.77	0.81	0.83
Waterford	122,049	121,003	119,985	118,471	117,313	111	167	97	96	81	0.91	1.38	0.81	0.81	0.69	1.03	1.00	0.77
Westmeath	93,295	92,323	92,596	91,533	90,227	49	113	84	59	98	0.53	1.22	0.91	0.64	1.09	0.89	0.93	0.88
Wexford	157,291	155,943	154,631	152,680	151,186	132	193	151	90	76	0.84	1.24	0.98	0.59	0.50	1.02	0.93	0.69
Wicklow	152,730	151,655	149,588	147,251	145,255	150	87	94	70	64	0.98	0.57	0.63	0.48	0.44	0.73	0.56	0.51
TOTAL	**5,011,502**	**4,977,401**	**4,921,503**	**4,857,000**	**4,792,500**	**4,647**	**5152**	**4,287**	**3,687**	**3694**								

The 2017, 2018, 2019, 2020 & 2021 figures are based on a proration of the estimated regional population figures as published in the Central Statistics Office's Population and Migration Estimates issued in 2017, 2018, 2019, 2020 & 2021

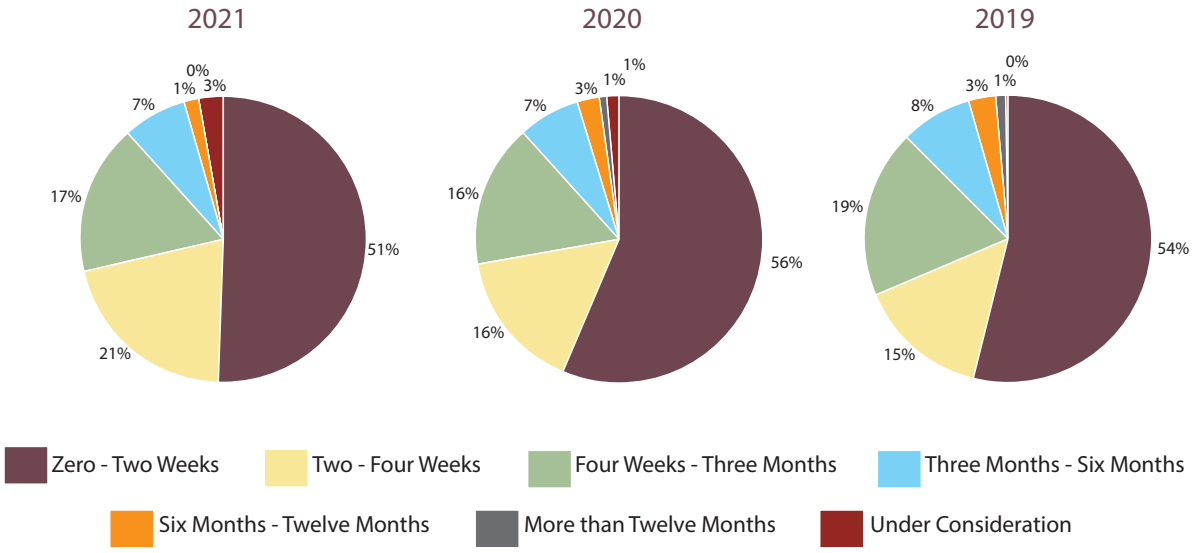
Chart 2.1.5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing multiple suspects, decisions in respect of all suspects may not be made at the same time.

Files vary in size and complexity. Also, in some cases, further information or investigation was required before a decision could be made.

The time taken to issue directions is calculated on the basis of only those files which have been disposed of. Files still under consideration are therefore shown as a separate category in the table below.

CHART 2.1.5: Time Taken to Issue Directions

Time Taken	2021	%	2020	%	2019	%
Zero - Two Weeks	8009	51%	9143	56%	6682	54%
Two - Four Weeks	3307	21%	2577	16%	1826	15%
Four Weeks - Three Months	2699	17%	2605	16%	2318	19%
Three Months - Six Months	1120	7%	1159	7%	999	8%
Six Months - Twelve Months	244	1%	405	3%	379	3%
More than Twelve Months	4	0%	109	1%	146	1%
TOTAL FILES DISPOSED	**15383**	**97%**	**15998**	**99%**	**12350**	**100%**
Under Consideration	435	3%	211	1%	19	0%
TOTAL	**15818**	**100%**	**16209**	**100%**	**12369**	**100%**



2.2 Results of Cases Prosecuted on Indictment

2.2.1 Charts 2.2.1 to 2.2.5 provide information about prosecutions on indictment taken by the Director in respect of files received in the Office between 2018 and 2020. As referred to in the initial explanatory note, care should be taken before a comparison is made with figures provided by any other organisation, as they may be compiled on a different basis.

2.2.2 The figures in these charts relate to individual suspects against whom a direction has been made to prosecute on indictment. Statistics are provided on a suspect-by-suspect basis rather than on the basis of files received. This is because directions are made in respect of each suspect included within a file rather than against the complete file as an entity in itself. Depending on the evidence provided, different directions are often made in respect of the individual suspects received as part of the same file. References in these charts to 'cases' refer to such prosecutions taken against individual suspects. Although individual suspects on a file may be tried together where a direction is made to prosecute them in courts of equal jurisdiction, each suspect's verdict will be collated separately for the purpose of these statistics.

2.2.3 Statistics are provided on the basis of one outcome per suspect; this is irrespective of the number of charges and offences listed on the indictment. Convictions are broken down into: conviction by jury, conviction on plea, and conviction on a lesser charge. A conviction on a lesser charge indicates that the suspect was not convicted for the primary or most serious offence on the indictment. The offence categorisation used in the main charts is by the primary or most serious offence on the indictment. Therefore, if a defendant is convicted of a lesser offence, the offence or offences they are convicted for may be different from that under which they are categorised in the charts. For example, a suspect may be charged with murder but ultimately convicted for the lesser offence of manslaughter or charged with aggravated burglary but convicted of the lesser offence of burglary. A breakdown of convictions on a lesser charge is given in respect of cases heard in the Special and Central Criminal Courts in charts 2.2.3a and 2.2.4a. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges.

2.2.4 It should also be noted that statistics set out in these charts relate to what happened in the trial court only and not in a subsequent appeal court. In other words where a person is convicted and the conviction is subsequently overturned on appeal, the outcome of the trial is still shown in these statistics as a conviction.

2.2.5 Care should be taken in relation to interpreting the rates of conviction and acquittal in respect of recent years, as a higher number of cases will not have reached a conclusion. The picture furnished by these statistics will be less complete and therefore less representative than those in respect of earlier years. Cases heard relatively early may not necessarily be a representative sample of the whole.

Chart 2.2.1 shows the results of prosecutions on indictment taken in relation to defendants in respect of whom prosecutions were commenced in the years 2018 to 2020 (as of April 2022). The figures relate to:

Conviction: A conviction was obtained in respect of at least one of the charges brought in the case.

Acquittal: The defendant was acquitted on all charges.

Not Yet Heard: These are cases in which a decision to prosecute has been taken and the matter is before the courts.

NOTE: *Figures have not been included for 2021 as the great majority of these cases have yet to be dealt with by the courts and the outcomes for the few cases where results are available may not be representative of the final picture covering all the cases.*

CHART 2.2.1: Case Results - Prosecutions on Indictment

Outcome	2020	%	2019	%	2018	%
Conviction	2429	47%	2555	60%	2679	73%
Acquittal	45	1%	75	2%	123	3%
Not Yet Heard	2604	51%	1567	36%	761	21%
Struck Out/Discontinued	75	1%	94	2%	127	3%
TOTAL	**5153**		**4291**		**3690**	

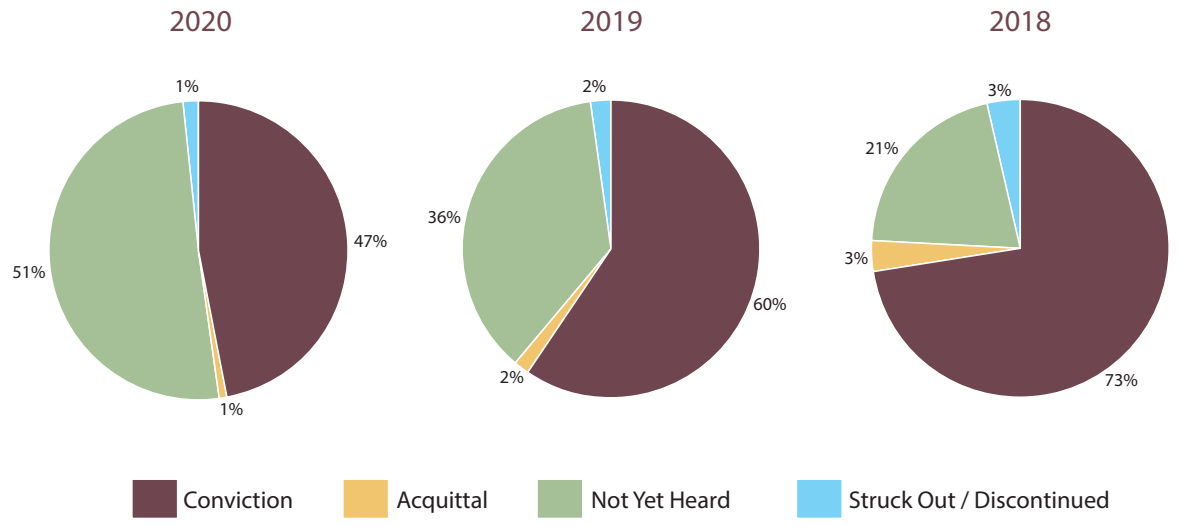


CHART 2.2.1a: Breakdown of Convictions and Acquittals (excluding cases still to be heard)

	2020	%	2019	%	2018	%
Conviction by Jury	46	2%	92	3%	120	4%
Conviction Following Plea of Guilty	2383	96%	2463	94%	2559	92%
TOTAL CONVICTIONS	**2429**	**98%**	**2555**	**97%**	**2679**	**96%**
Acquittal by Jury	33	1%	50	2%	87	3%
Acquittal on Direction of Judge	12	1%	25	1%	36	1%
TOTAL ACQUITTALS	**45**	**2%**	**75**	**3%**	**123**	**4%**
TOTAL	**2474**		**2630**		**2802**	

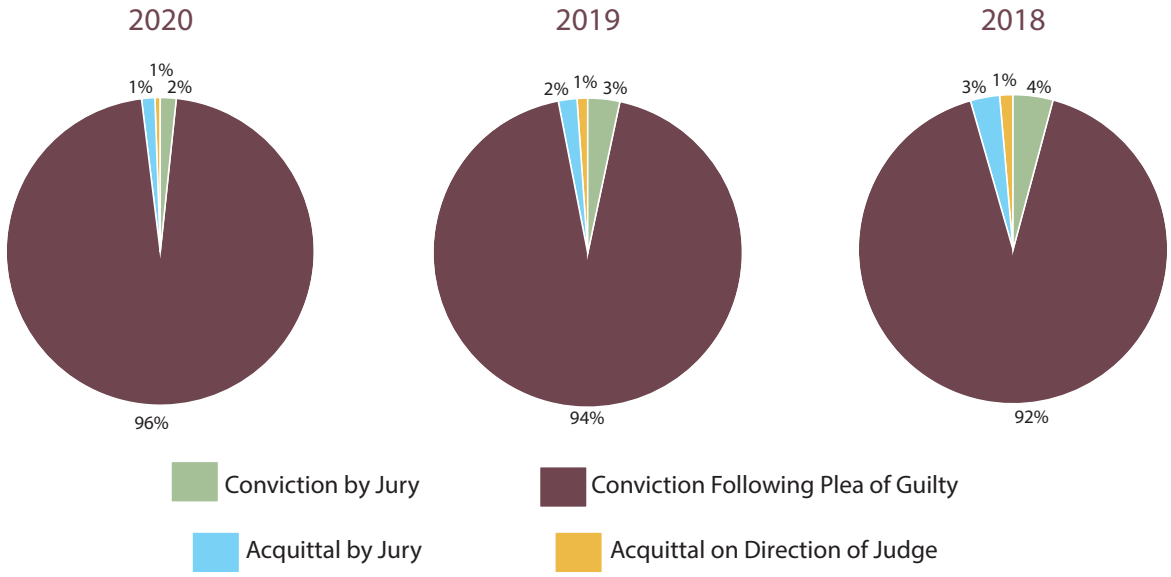


Chart 2.2.2 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. In other cases the defendant may have absconded before the trial and a bench warrant and/or extradition proceedings may be in process. Other cases, especially those of a complex nature, may not yet have come to trial. The greater proportion of cases 'For Hearing' makes the figures in more recent years less representative. This provision is also applicable to Charts 2.2.3 and 2.2.4. Where a trial results in a jury disagreement the case is treated as still being 'For Hearing' unless a *nolle prosequi* is entered.

CHART 2.2.2: Outcomes of Cases Prosecuted in the Circuit Criminal Court

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge			For Hearing			Other Disposals		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Fatal Accident at Work	4	7	12	0	0	0	0	5	6	0	1	0	0	0	0	0	0	0	4	1	6	0	0	0
Manslaughter	2	4	5	0	0	1	0	1	2	0	0	0	1	0	0	0	0	0	1	3	2	0	0	0
TOTAL - FATAL OFFENCES	**6**	**11**	**17**	**0**	**0**	**1**	**0**	**6**	**8**	**0**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**5**	**4**	**8**	**0**	**0**	**0**
Burglary	493	386	322	3	2	1	239	245	235	27	29	25	2	4	2	3	4	3	202	92	51	17	10	5
Fraud	102	49	50	0	1	0	31	17	39	6	7	1	0	1	1	1	0	0	62	22	9	2	1	0
Robbery	392	347	333	4	3	4	204	223	243	14	21	12	0	2	1	2	2	2	162	89	61	6	7	10
Theft	250	231	212	0	1	5	122	137	146	8	8	9	1	1	0	1	1	1	117	78	43	1	5	8
Other Offences Against Property	510	438	355	1	2	4	206	232	225	33	18	23	2	1	4	1	2	3	257	171	79	10	12	17
TOTAL - OFFENCES AGAINST PROPERTY	**1747**	**1451**	**1272**	**8**	**9**	**14**	**802**	**854**	**888**	**88**	**83**	**70**	**5**	**9**	**8**	**8**	**9**	**9**	**800**	**452**	**243**	**36**	**35**	**40**
Dangerous Driving Causing Death	25	20	23	0	0	2	12	13	16	1	0	0	0	0	0	0	1	0	12	6	4	0	0	1
Unauthorised Taking of Motor Vehicles	31	17	22	0	1	0	19	12	16	4	2	1	0	0	0	0	0	0	7	1	5	1	1	0
Other Road Traffic Offences	82	83	69	1	1	0	27	38	35	11	15	8	0	2	5	0	0	2	43	26	19	0	1	0
TOTAL - ROAD TRAFFIC OFFENCES	**138**	**120**	**114**	**1**	**2**	**2**	**58**	**63**	**67**	**16**	**17**	**9**	**0**	**2**	**5**	**0**	**1**	**2**	**62**	**33**	**28**	**1**	**2**	**1**
Sexual Assault	153	155	144	1	8	9	33	46	51	1	4	6	7	7	12	0	0	4	110	85	53	1	5	9
Child Pornography	78	71	68	0	1	0	47	43	54	5	4	4	0	0	0	0	0	0	25	20	7	1	3	3
Indecent Assault	51	54	44	2	4	4	10	16	11	0	0	1	0	3	0	0	2	1	39	29	22	0	0	5
Offences Against Children & Protected Persons	35	30	20	0	1	1	13	14	10	1	0	0	0	0	0	0	0	0	21	14	9	0	1	0
Other Sexual Offences	27	27	23	0	1	0	12	11	14	1	3	0	0	0	0	0	0	0	14	10	9	0	2	0
TOTAL - SEXUAL OFFENCES	**344**	**337**	**299**	**3**	**15**	**14**	**115**	**130**	**140**	**8**	**11**	**11**	**7**	**10**	**12**	**0**	**2**	**5**	**209**	**158**	**100**	**2**	**11**	**17**
Drug Offences	808	717	540	1	2	3	212	347	421	288	175	49	0	2	2	0	0	0	300	186	62	7	5	3
Firearms and Explosives Offences	159	150	104	3	3	2	75	73	62	18	17	15	0	0	4	0	1	1	59	52	16	4	4	4
Non Fatal Offences Against the Person	1162	918	853	9	16	15	442	404	492	39	73	92	17	17	40	4	9	14	635	373	161	16	26	39
Public Order Offences	391	252	215	0	1	5	127	89	110	14	15	27	0	0	0	0	0	1	248	144	68	2	3	4
Revenue Offences	25	22	24	0	0	0	12	7	17	1	0	0	0	0	0	0	0	0	12	15	7	0	0	0
Sea Fisheries	11	21	4	0	0	1	3	5	2	1	0	0	0	0	0	0	0	0	7	15	1	0	1	0
Other Offences	130	89	66	0	3	3	43	38	35	1	6	5	1	1	4	0	1	0	85	39	17	0	1	2
GRAND TOTAL	**4921**	**4088**	**3508**	**25**	**51**	**60**	**1889**	**2016**	**2242**	**474**	**398**	**278**	**31**	**41**	**75**	**12**	**23**	**32**	**2422**	**1471**	**711**	**68**	**68**	**110**

CHART 2.2.2a: Breakdown of 'Other Disposals' from Chart 2.2.2

	2020	2019	2018
Nolle Prosequi Entered	63	80	99
Struck Out	1	0	1
Taken Into Consideration	1	0	0
Successful Application to Dismiss Charges	2	2	2
Case Terminated and No Re-trial	0	0	1
Suspect Deceased	0	4	2
Not Guilty by Reason of Insanity	1	2	5
TOTAL	**68**	**88**	**110**

CHART 2.2.2b: Total Cases Finalised* in the Circuit Criminal Court and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2020	2019	2017	2020	2019	2018
Fatal Accident at Work	0	6	6	N/A	100%	100%
Manslaughter	1	1	3	0%	100%	100%
TOTAL - FATAL OFFENCES	**1**	**7**	**9**	0%	100%	100%
Burglary	274	284	266	98%	97%	98%
Fraud	38	26	41	97%	96%	98%
Robbery	224	251	262	99%	98%	99%
Theft	132	148	161	98%	99%	99%
Other Offences Against Property	243	255	259	99%	99%	97%
TOTAL - OFFENCES AGAINST PROPERTY	**911**	**964**	**989**	**99%**	**98%**	**98%**
Dangerous Driving Causing Death	13	14	18	100%	93%	100%
Unauthorised Taking of Motor Vehicles	23	15	17	100%	100%	100%
Other Road Traffic Offences	39	56	50	100%	96%	86%
TOTAL - ROAD TRAFFIC OFFENCES	**75**	**85**	**85**	**100%**	**96%**	**92%**
Sexual Assault	42	65	82	83%	89%	80%
Child Pornography	52	48	58	100%	100%	100%
Indecent Assault	12	25	17	100%	80%`	94%
Offences against Children & Protected Persons	14	15	11	100%	100%	100%
Other Sexual Offences	13	15	14	100%	100%	100%
TOTAL - SEXUAL OFFENCES	**133**	**168**	**182**	**95%**	**93%**	**91%**
Drug Offences	501	526	475	100%	100%	100%
Firearms and Explosives Offences	96	94	84	100%	99%	94%
Non Fatal Offences Against the Person	511	519	653	96%	95%	92%
Public Order Offences	141	105	143	100%	100%	99%
Sea Fisheries	13	7	17	100%	100%	100%
Revenue Offences	4	5	3	100%	100%	100%
Other Offences	45	49	47	98%	96%	91%
GRAND TOTAL	**2431**	**2529**	**2687**	**98%**	**97%**	**96%**

** Excludes cases not yet heard, struck out or discontinued*

Chart 2.2.3 outlines the result of cases directed for prosecution in the Special Criminal Court.

CHART 2.2.3: Outcomes of Cases Prosecuted on Indictment in the Special Criminal Court

	TOTAL			Conviction by Judges			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Judges			For Hearing		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Assisting an Offender	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Murder	0	1	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0
Commission of a Serious Offence for a Criminal Organisation	3	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0
Conspiracy to Murder	0	0	11	0	0	1	0	0	4	0	0	6	0	0	0	0	0	0
Directing a Criminal Organisation	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Enhancing the Activities of a Criminal Organisation	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
False Imprisonment	0	5	2	0	2	0	0	0	0	0	1	2	0	1	0	0	1	0
Firearms and Explosives Offences	2	6	8	0	0	2	1	5	6	0	0	0	0	1	0	1	0	0
Membership of Unlawful Organisation	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Moneylaundering	4	5	3	0	0	0	3	5	3	0	0	0	0	0	0	1	0	0
Murder	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
Participating in/Facilitating Organised Crime	2	4	0	0	0	0	1	1	0	0	0	0	0	0	0	1	3	0
TOTAL	**14**	**27**	**25**	**0**	**4**	**3**	**8**	**13**	**13**	**0**	**1**	**9**	**0**	**2**	**0**	**6**	**7**	**0**

CHART 2.2.3a: Breakdown of 'Convictions on Lesser Charge' for Persons Charged with Membership of Unlawful Organisation and Related Offences

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction After Trial			Conviction on Plea		
		2020	2019	2018	2020	2019	20218	2020	2019	2018
Attempted Murder	Conspiracy to Murder	0	0	1	0	0	0	0	0	1
Conspiracy to Murder	Directing a Criminal Organisation	0	0	1	0	0	0	0	0	1
	Participating in Organised Crime	0	0	5	0	0	0	0	0	5
False Imprisonment	Assault Causing Serious Harm	0	1	0	0	1	0	0	0	0
	Assault Causing Harm	0	0	1	0	0	1	0	0	0
	Demanding Money with Menaces	0	0	1	0	0	0	0	0	1
TOTAL		**0**	**1**	**9**	**0**	**1**	**1**	**0**	**0**	**8**

CHART 2.2.3b: Total Cases Finalised* in the Special Criminal Court and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2020	2019	2018	2020	2019	2018
Assisting an Offender	0	1	0	N/A	100%	N/A
Attempted Murder	0	1	1	N/A	100%	100%
Commission of a Serious Offence for a Criminal Organisation	3	0	0	100%	N/A	N/A
Conspiracy to Murder	0	0	11	N/A	N/A	100%
Directing a Criminal Organisation	0	1	0	N/A	100%	N/A
False Imprisonment	0	4	2	N/A	75%	100%
Firearms and Explosives Offences	1	6	8	100%	83%	100%
Membership of Unlawful Organisation	0	1	0	N/A	100%	N/A
Moneylaundering	3	5	3	100%	100%	100%
Participating in Organised Crime	1	1	0	100%	100%	N/A
TOTAL	**8**	**20**	**25**	**100%**	**90%**	**100%**

** Excludes cases not yet heard, struck out or discontinued*

Chart 2.2.4 outlines the result of cases directed for prosecution in the Central Criminal Court and breaks down all cases by the most serious charge directed against the defendant. Supplementary charts break down the 'convictions on a lesser charge' and the 'other disposals' outcomes.

CHART 2.2.4: Outcomes of Cases Prosecuted on Indictment in the Central Criminal Court

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge			Other Disposals			For Hearing		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder	28	33	33	2	11	9	2	4	2	2	8	7	0	0	2	0	0	0	0	0	6	22	10	7
Attempted Murder	8	10	3	0	0	0	1	0	0	3	9	1	0	0	1	0	0	0	0	0	0	4	1	1
Rape	171	117	109	3	8	25	11	19	19	4	5	6	2	7	9	0	1	2	7	6	10	144	71	38
Attempted Rape	6	2	2	0	0	1	2	1	0	0	1	0	0	0	0	0	0	0	0	0	1	4	0	0
Aggravated Sexual Assault	0	7	1	0	1	0	0	2	1	0	0	0	0	1	0	0	0	0	0	0	0	0	3	0
Assisting an Offender	2	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
False Imprisonment	0	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault	0	0	8	0	0	3	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	3
Trafficking a Child for the Purposes of Sexual Exploitation	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Indecent Assault	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Competition Law	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0
Production of Article in Course of a Dispute	2	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL CASES	**218**	**176**	**157**	**6**	**20**	**38**	**18**	**29**	**22**	**9**	**23**	**14**	**2**	**8**	**12**	**0**	**1**	**4**	**7**	**6**	**17**	**176**	**89**	**50**

CHART 2.2.4a: Breakdown of 'Convictions on Lesser Charge'

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder	Manslaughter	2	4	7	2	2	5	0	2	2
Murder	Assault Causing Serious Harm	0	1	0	0	1	0	0	0	0
Murder	Participation In / Facilitating Organised Crime	0	1	0	0	0	0	0	1	0
Murder	Assiting an Offender	0	2	0	0	0	0	0	2	0
Attempted Murder	Conspiracy to Murder	0	4	0	0	0	0	0	4	0
Attempted Murder	Assault Causing Serious Harm	2	2	1	0	0	0	2	2	1
Attempted Murder	Participation in Organised Crime	0	1	0	0	0	0	0	1	0
Attempted Murder	Production of Article in Course of a Dispute	0	1	0	0	0	0	0	1	0
Attempted Murder	Assaulting a Peace Officer in the Course of Their Duty	1	0	0	0	0	0	1	0	0
Attempted Murder	Threat to Kill	0	1	0	0	1	0	0	0	0
Rape	Defilement	1	0	3	0	0	1	1	0	2
Rape	Possession of Child Pornography	0	1	0	0	0	0	0	1	0
Rape	Sexual Assault	3	1	3	1	0	1	2	1	2
Rape	Assault Causing Harm	0	1	0	0	1	0	0	0	0
Rape	Indecent Assault	0	2	0	0	1	0	0	1	0
Attempted Rape	Sexual Assault	0	1	0	0	0	0	0	1	0
TOTAL		**9**	**23**	**14**	**3**	**6**	**7**	**6**	**17**	**7**

CHART 2.2.4b: Breakdown of 'Other Disposals'

	2020	2019	2018
Nolle prosequi entered	5	6	10
Suspect Unfit to Plead	0	0	1
Suspect Deceased	2	0	1
Struck Out	0	0	1
Not Guilty by Reason of Insanity	0	0	4
TOTAL	**7**	**6**	**17**

CHART 2.2.4c: Total Cases Finalised* in the Central Criminal Court and Percentage of Convictions
(Including Convictions on a Lesser Charge)

	TOTAL			Percentage of Convictions		
	2020	2019	2018	2020	2019	2018
Murder	6	23	20	100%	100%	90%
Attempted Murder	4	9	2	100%	100%	50%
Rape	20	40	61	90%	80%	82%
Attempted Rape	2	2	1	100%	100%	100%
Aggravated Sexual Assault	0	4	1	N/A	75%	100%
Assisting an Offender	1	1	0	100%	100%	N/A
False Imprisonment	0	2	0	N/A	100%	N/A
Sexual Assault	0	0	5	N/A	N/A	60%
Production of Article in Course of a Dispute	2	0	0	100%	N/A	N/A
TOTAL	**35**	**81**	**90**	**94%**	**89%**	**82%**

**** Excludes cases not yet heard, struck out or discontinued***

Chart 2.2.5 breaks down the case verdicts for each Circuit Criminal Court. Unlike Chart 2.2.2, it does not include cases 'for hearing' or cases where the outcome is other than conviction or acquittal. Please note that in some cases, a trial may be held in a circuit court for a county other than that in which the offence was committed.

CHART 2.2.5: Outcomes of Cases Prosecuted on Indictment in the Circuit Criminal Court by County

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
Carlow	16	16	28	0	0	0	13	15	25	3	0	2	0	1	1	0	0	0
Cavan	42	29	54	0	0	0	39	25	40	3	3	13	0	1	1	0	0	0
Clare	39	63	71	0	2	2	34	46	61	3	13	7	2	1	1	0	1	0
Cork	222	250	268	5	5	11	177	200	226	27	25	10	4	6	13	9	14	8
Donegal	44	43	42	1	0	1	38	34	36	3	7	3	2	2	2	0	0	0
Dublin	1099	1111	1116	2	13	10	816	860	953	277	222	131	3	13	14	1	3	8
Galway	49	52	82	3	0	2	41	46	67	5	6	11	0	0	2	0	0	0
Kerry	36	47	47	2	2	3	29	42	43	4	2	1	1	0	0	0	1	0
Kildare	116	107	93	1	1	0	89	82	70	19	20	12	6	3	8	1	1	3
Kilkenny	35	50	41	1	0	0	29	43	35	3	7	4	2	0	1	0	0	1
Laois	23	35	45	0	0	1	19	32	31	3	2	6	0	1	2	1	0	5
Leitrim	4	4	10	0	0	0	4	3	8	0	0	1	0	0	0	0	1	1
Limerick	73	127	111	0	1	4	66	113	95	6	13	12	1	0	0	0	0	0
Longford	47	34	24	1	3	0	41	28	21	4	3	2	1	0	0	0	0	1
Louth	51	79	92	0	2	2	41	65	77	10	12	6	0	0	6	0	0	1
Mayo	40	43	47	2	0	3	34	37	36	4	4	5	0	2	2	0	0	1
Meath	62	54	57	1	0	0	46	43	52	13	10	5	2	1	0	0	0	0
Monaghan	16	8	20	0	0	0	13	8	19	3	0	1	0	0	0	0	0	0
Offaly	55	19	44	0	1	0	44	16	35	11	2	7	0	0	0	0	0	2
Roscommon	43	30	29	0	1	3	30	26	25	11	2	1	1	1	0	1	0	0
Sligo	32	31	29	0	0	1	19	25	25	11	6	2	2	0	1	0	0	0
Tipperary	57	78	115	1	3	2	50	64	78	5	9	26	1	0	6	0	2	3
Waterford	91	63	80	2	3	6	73	51	66	14	7	4	2	2	4	0	0	0
Westmeath	39	36	39	0	4	1	29	18	34	10	11	1	0	2	2	0	1	1
Wexford	61	74	57	2	4	5	48	63	46	11	4	2	0	2	4	0	1	0
Wicklow	39	45	46	0	2	0	28	34	41	11	8	3	0	1	2	0	0	0
TOTAL	**2431**	**2528**	**2687**	**24**	**47**	**57**	**1890**	**2019**	**2245**	**474**	**398**	**278**	**30**	**39**	**72**	**13**	**25**	**35**

CHART 2.2.5a: Total Cases Finalised* and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2020	2019	2018	2020	2019	2018
Carlow	16	16	28	100%	94%	96%
Cavan	42	29	54	100%	97%	98%
Clare	39	63	71	95%	97%	99%
Cork	222	250	268	94%	92%	92%
Donegal	44	43	42	95%	95%	95%
Dublin	1099	1111	1116	100%	99%	98%
Galway	49	52	82	100%	100%	98%
Kerry	36	47	47	97%	98%	100%
Kildare	116	107	93	94%	96%	88%
Kilkenny	35	50	41	94%	100%	95%
Laois	23	35	45	96%	97%	84%
Leitrim	4	4	10	100%	75%	90%
Limerick	73	127	111	99%	100%	100%
Longford	47	34	24	98%	100%	96%
Louth	51	79	92	100%	100%	92%
Mayo	40	43	47	100%	95%	94%
Meath	62	54	57	97%	98%	100%
Monaghan	16	8	20	100%	100%	100%
Offaly	55	19	44	100%	100%	95%
Roscommon	43	30	29	95%	97%	100%
Sligo	32	31	29	94%	100%	97%
Tipperary	57	78	115	98%	97%	92%
Waterford	91	63	80	98%	97%	95%
Westmeath	39	36	39	100%	92%	92%
Wexford	61	74	57	100%	96%	93%
Wicklow	39	45	46	100%	98%	96%
TOTAL	**2431**	**2528**	**2687**	**98%**	**97%**	**96%**

** Excludes cases not yet heard, struck out or discontinued*

2.3 Applications to the Courts

Charts 2.3.1 to 2.3.3 provide details of applications made to the Courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, and confiscation and forfeiture of criminal assets.

APPLICATIONS TO THE COURT OF APPEAL (CRIMINAL)

The Court of Appeal was established in October 2014 following the 33rd Amendment to the Constitution and the enactment of the Court of Appeal Act 2014. The Court sits between the High and Supreme Courts and took over the existing appellate jurisdiction of the Supreme Court in civil matters and the Court of Criminal Appeal in criminal matters.

Chart 2.3.1 below details the number of appeals lodged each year from 2019 to 2021. The 'Appeal by DPP' row outlines the number of cases in which the Director was an applicant, including, for example, undue leniency, acquittal, and fitness to plead appeals. The remaining rows set out the number of cases in which the Director was a respondent and relate to severity of sentence, conviction, refusal of bail and miscarriage of justice application appeals.

CHART 2.3.1: Appeals to the Court of Appeal (Criminal)

Type of Appeal	2021	2020	2019
Appeal by DPP	38	30	50
Severity of Sentence	132	165	164
Conviction	34	30	34
Conviction and Severity	46	39	48
Refusal of Bail	9	18	2
Miscarriage of Justice Application	5	3	2
TOTAL	**264**	**285**	**300**

APPLICATIONS FOR REVIEW OF SENTENCE ON GROUNDS OF UNDUE LENIENCY

Section 2 of the Criminal Justice Act, 1993 provides that the Director of Public Prosecutions may apply to the Court of Appeal (Criminal) to have a sentence imposed by the trial court reviewed, if it appears that the sentence imposed was in law unduly lenient.

Chart 2.3.2 below details the number of applications lodged in the last ten years.

Chart 2.3.2a outlines the results of applications by the year in which the application was heard.

CHART 2.3.2: Applications for Review of Sentence on Grounds of Undue Leniency

Year of Application	Number of Applications Lodged
2012	22
2013	32
2014	33
2015	38
2016	62
2017	51
2018	53
2019	48
2020	26
2021	36

CHART 2.3.2a: Results of Applications by Year Heard

Year of Application Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2012	11	12	3	**26**
2013	16	6	4	**26**
2014	16	16	2	**34**
2015	37	11	5	**53**
2016	18	19	10	**47**
2017	34	20	1	**55**
2018	47	14	2	**63**
2019	32	15	0	**47**
2020	34	13	3	**50**
2021	27	5	1	**33**

CONFISCATION AND FORFEITURE OF CRIMINAL ASSETS

The Criminal Justice Act 1994 includes important provisions to freeze or seize the proceeds of crime. The Office of the DPP initiates such applications and provides advice and support to prosecution practitioners in relation to confiscation and forfeiture applications. The Office also participates with other departments and agencies in reviewing the procedures and structures for criminal asset seizure in the State.

Asset seizing files received in the Office under the Criminal Justice Act 1994 ranged from forfeiture order cases to confiscation order cases. The total number of cases opened in 2021 is set out in Chart 2.3.3 below.

CHART 2.3.3: Asset Seizing Files Opened in 2021

Asset Seizing Files Opened 2021	
Section 39 Forfeiture Order Applications (Revenue and Gardaí)	46
Section 9 Confiscation Order Applications	2
Section 4 Confiscation Order Applications	4
Section 24 Freezing Order Applications	12
Section 61 Forfeiture Order Applications	8
TOTAL	**72**

Section 39 Forfeiture Orders: Under section 39 of the Act a Judge of the Circuit Court may order the forfeiture of any cash which has been seized under section 38* of the Act if satisfied that the cash directly or indirectly represents the proceeds of crime.

* Section 38 of the Act authorises the seizure of cash where a member of An Garda Síochána or an officer of Customs and Excise has reasonable grounds for suspecting that the cash (including cash found during a search) represents any person's proceeds from criminal conduct. The cash seized by a Garda or an officer of Customs and Excise may not be detained for more than 48 hours unless the further detention of the cash is authorised by a Judge of the District Court. Applications can be made to Court to continue to detain the cash for periods of up to two years.

Section 9 Confiscation Orders: Section 9 of the Act allows the confiscation, on conviction, of the benefit an accused person has gained from any indictable offence other than drug trafficking offences. An inquiry may be held by the Circuit Court into the benefit gained after the person is sentenced. The Prosecution must prove that benefit generated is directly related to the offence with which the accused is charged.

Section 4 Confiscation Orders: Under the provisions of section 4 of the Act, once a person has been convicted on indictment of a drug trafficking offence and sentenced, the court of trial must determine whether the convicted person has benefited from drug trafficking, the extent to which he or she has benefited, and the amount that is realisable to discharge a Confiscation Order. The Court can then make a Confiscation Order for that figure.

Section 24 Freezing Orders: Section 24 of the Act provides for applications to the High Court by the DPP for freezing orders where a person is charged, or a decision has been taken to charge that person, with an indictable offence. The freezing order can cover all property identified both in Ireland or abroad belonging to the accused person. Freezing orders are designed to prevent the dissipation of assets prior to a confiscation inquiry being conducted by the trial court if the accused is convicted on indictment of the offence charged.

Section 61 Forfeiture Order Application: Forfeiture applications permit the forfeiture of property used to facilitate the commission of any offence once a person has been convicted in any court. Property can include any instrument used to facilitate the commission of an offence such as a vehicle for carrying drugs or money, cash, or drug preparation equipment.

Details of Confiscation and Forfeiture Orders granted by the courts in 2021, to a total value of €6,517,820.26 are outlined in chart 2.3.3a below.

CHART 2.3.3a: Confiscation of Criminal Assets in 2021

Orders	Number	Amount
Section 39 Forfeiture Orders (Revenue and Gardaí)	39	€478,182.52
Section 61 Forfeiture Orders	11	€4,971,743.50
Section 4 Confiscation Orders	4	€91,145.24
Section 9 Confiscation Orders	1	€890,000.00
Other Confiscation Orders Made	6	€86,749.00
TOTAL	**61**	**€6,517,820.26**
Section 24 Freezing Orders	4	€441,497.00

2.4 European Arrest Warrants and Extradition

Incorporating Trade and Co-operation Agreement Arrest Warrants

EUROPEAN ARREST WARRANTS

The European Arrest Warrant Act 2003 came into operation on 1 January 2004. A European Arrest Warrant (EAW) is a warrant, order or decision of a judicial authority in one member state of the EU addressed to another member state of the EU for the purpose of conducting a criminal prosecution or the execution of a custodial sentence in the issuing member state.

Requests for the preparation of EAWs are submitted to the Office of the Director of Public Prosecutions by the Extradition Unit of the Garda Síochána. Applications for EAWs are normally made to a judge of the High Court. An EAW can be issued by a Court if the person requested would, if convicted of the offence, be potentially liable to serve a term of imprisonment of twelve months or more. Alternatively, if the person requested has already been convicted of an offence, an EAW can be issued in respect to that offence, if the requested person is required to serve as a sentence a term of imprisonment of at least four months.

When issued by the High Court, the EAW is sent to the Department of Justice for transmission to the country where it is believed the requested person is residing. The offences for which EAWs have been sought cover a wide range of serious offences including murder, sexual offences, drugs offences, thefts and serious assaults.

Chart 2.4.1 below outlines the number of European Arrest Warrants dealt with in the years 2019, 2020 and 2021. It should be noted that the issue of the EAW and the surrender of the person will not necessarily correspond to the year the file is received. Of the total files received, some were not issued by the end of the year. This happens for various reasons, for example, because the application is still pending, or the requested person died or was arrested in Ireland, or because a decision was taken not to proceed with the EAW. During 2020, European Arrest Warrants issued as normal to the United Kingdom under the Brexit transitional arrangements. On 31 December 2020, the surrender procedures in the Trade and Co-operation Agreement came into effect.

CHART 2.4.1: European Arrest Warrants

	2021	2020	2019
EAW Files Received from Gardaí	45	179	91
EAWs Issued	47	163	87
Persons Surrendered	69	27	35

TRADE AND CO-OPERATION AGREEMENT ARREST WARRANTS

Title VII of Part Three of the Trade & Co-operation Agreement provides for new surrender arrangements between the European Union and the United Kingdom. These new arrangements came into effect on 31 December 2020.

The new procedures are similar to the procedures for European Arrest Warrants. However, instead of a European Arrest Warrant, a judge of the High Court issues a Trade and Co-operation Agreement (TCA) Arrest Warrant following an application by the Office of the Director of Public Prosecutions.

As in the case of an EAW, a TCA Arrest Warrant can be issued by a Court if the person requested would, if convicted of the offence, be potentially liable to serve a term of imprisonment of twelve months or more. Alternatively, if the person requested has already been convicted of an offence, a TCA Arrest Warrant can be issued in respect to that offence, if the requested person is required to serve as a sentence a term of imprisonment of at least four months.

Chart 2.4.2 below outlines the number of TCA Arrest Warrants dealt with in 2021. The low number of persons surrendered is largely due to the fact that the majority of TCA Arrest Warrants issued in 2021 were issued in the second half of that year. There were also some delays in extradition hearings in the United Kingdom due to the Covid-19 pandemic.

CHART 2.4.2: Trade and Co-operation Agreement (TCA) Arrest Warrants

	2021
TCA Arrest Warrant Files Received from Gardaí	41
TCA Arrest Warrants Issued	29
Persons Surrendered	2

EXTRADITION REQUESTS

Requests for the preparation/issue of Extradition Requests (seeking the extradition of individuals who are not present in EU member states, the United Kingdom, Iceland or Norway) are submitted to the Office of the Director of Public Prosecutions by the Extradition Unit of An Garda Síochána.

Once completed, these Extradition Requests are issued by forwarding the requests to the Central Authority in Ireland in the Department of Justice. The Extradition Requests are then transmitted via diplomatic channels by the Department of Foreign Affairs and Trade.

At present, Ireland has bi-lateral extradition treaties with the United States of America and Australia. Additionally, Ireland has ratified the European Convention on Extradition (Paris 1957).

In 2021, the Office of the Director of Public Prosecutions received two files from An Garda Síochána seeking the completion and issue of Extradition Requests.

Chart 2.4.3 below details the number of Extradition Requests issued in 2021, 2020 and 2019 and the countries to which those requests were transmitted.

CHART 2.4.3: Number of Extradition Requests Issued

Country Request Transmitted to:	2021	2020	2019
Australia	1	0	0
Iceland	0	0	1
Jersey	0	0	1
Turkey	0	0	1
United States	4	1	0
Moldova	1	0	0
TOTAL	**6**	**1**	**3**

2.5 Mutual Legal Assistance

Under the Criminal Justice (Mutual Assistance) Act 2008, Ireland can provide mutual legal assistance to, and ask for mutual legal assistance from, other countries in criminal investigations or criminal proceedings. For example, the Gardaí might want to ask the relevant authorities in another country to interview witnesses, or to provide details about an individual involved in a criminal investigation. These details might include:

- witness interviews
- bank records
- police records
- emails
- social media posts of an individual involved in a criminal investigation

The Gardaí or Revenue Commissioners send requests for mutual legal assistance to the International Unit in the Office of the DPP for approval. Once finalised and signed, these requests are then sent to the Central Authority in the Department of Justice, which then sends them to the relevant country.

Chart 2.5.1 outlines the total number of requests dealt with by this Office seeking mutual legal assistance from other countries (outgoing requests) in 2021, 2020 and 2019.

CHART 2.5.1: Requests Dealt with by this Office Seeking Mutual Legal Assistance from Other Countries

	2021	2020	2019
Number of Requests	1102	873	602

CHART 2.5.2: Breakdown of countries to which mutual legal assistance requests were issued by this Office in 2021

Country	2021
EU Member States	287
United Kingdom	273
United States of America	378
Canada	6
Other	156
TOTAL	**1102**

PART 3:
Legal Developments

3.1 Legal Developments 2021

INTRODUCTION

3.1.1 This chapter gives a brief outline of some of the court decisions during the past year which are important or interesting or have precedent value for prosecution work. Space does not permit a comprehensive review of all the case law from 2021, but the cases mentioned should give the reader an idea of some of the issues which arise from time to time in the prosecution of offences.

CONSTITUTIONAL LAW

***Braney v. Ireland and Ors*, [2021] IESC 007, (Supreme Court), Charleton J, 12 February 2021**

3.1.2 The Supreme Court re-affirmed that section 30 of the Offences Against the State Act 1939 was constitutional. The section allows a person's detention to be extended on the authority of a Chief Superintendent who is independent of the investigation. The Supreme Court rejected the applicant's argument that a second opinion from the Garda who was the member in charge of the Garda station should also be sought.

COSTS

***DPP v. Judge McGrath*, [2021] IESC 66, (Supreme Court), O'Donnell J, 21 September 2021**

3.1.3 Order 36, Rule 1 of the District Court Rules 1997 prohibited a District Court Judge from awarding costs against the DPP. The Supreme Court held that Order 36 Rule 1 is *ultra vires* the District Court Rules making Committee. Any restriction on the powers of the District Court to award costs should be determined by the legislature, not by the District Court Rules Committee.

EVIDENCE LAW

***DPP v. Glynn* [2021] IECA 86, (Court of Appeal), Donnelly J, 25 March 2021**

3.1.4 The Court of Appeal followed an earlier decision of the Court of Criminal Appeal and confirmed that in a prosecution for possession of controlled drugs exceeding a market value of €13,000, contrary to section 15A of the Misuse of Drugs Act 1977 as amended, the term "market value" means the retail or street value of the controlled drug.

***DPP v. Conroy* [2021] IESC 48, (Supreme Court), Charleton J, 26 July 2021**

3.1.5 The Supreme Court overturned the appellant's conviction and ordered a retrial in circumstances where the jury were not advised by the trial court of the mandatory provisions of section 10 of the Criminal Procedure Act 1993 which requires a trial court to instruct a jury to have due regard to confessions made which are not corroborated.

***DPP v. Maher* [2021] IECA 225, (Court of Appeal), McCarthy J, 3 August 2021**

3.1.6 The Court of Appeal held that a DNA profile from a blood sample taken in 2013 and stored on an informal "intermediate database" in anticipation of the establishment of a statutory DNA database by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 was admissible as evidence and a match between that DNA profile and a DNA profile after 2014 from the same sample was also admissible.

***DPP v. O'Brien* [2021] IECA 290, (Court of Appeal), Kennedy J, 28 October 2021**

3.1.7 In this case stated the Court of Appeal held that Gardaí do not have a common law power to enter a dwelling house to effect an arrest for breach of the peace. The Gardaí may

enter a dwelling at common law where the exigencies of the situation demand it, such as "a risk to life and limb". The Gardaí may also enter with the express or implied consent of the occupier.

***DPP v. AC* [2021] IESC 74, (Supreme Court), Charleton J, 3 November 2021**

3.1.8 The Supreme Court held that a trial court was correct to exclude a certificate issued pursuant to section 25 of the Non-Fatal Offences Against the Person Act 1997 from a medical practitioner in a trial for an offence of assault because the medical practitioner had not personally examined the complainant. The certificate was therefore hearsay evidence.

***DPP v. RK & LM* [2021] IECA 342, (Court of Appeal), Birmingham P, 21 December 2021**

3.1.9 The Director was successful in a section 23 Criminal Procedure Act 2010 appeal against the acquittal by the Special Criminal Court of the accused charged with being members of an unlawful organisation. The Court of Appeal held that the Court erred in excluding the evidence of a Chief Superintendent that the accused were members of an unlawful organisation. While his evidence was compelling in principle, the Court concluded that on the facts of the case it would not be in the interests of justice to order a retrial.

EUROPEAN LAW

***Gilligan v. Ireland*, Application No, 55276/17 [ECHR, 18 March 2021]**

3.1.10 In a unanimous judgment, the applicant lost his challenge in the European Court of Human Rights where he had argued that his Article 6 right to a fair trial within a reasonable period of time had been violated. He had argued that the length of time the proceeds of crime proceedings had taken was a breach of his human rights. His case was rejected by the court which noted that the applicant himself had been responsible for various delays in progressing the matter.

HABEAS CORPUS

***SM v. Governor of Cloverhill Prison* [2021] IECA 102, (Court of Appeal), Birmingham P, 1 April 2021**

3.1.11 The applicant had argued that his detention in Cloverhill Prison was unlawful because he should have been transferred to the Central Mental Hospital instead. The Court held that while the Central Mental Hospital was the best place for him, pending the availability of a bed, his immediate medical needs were being met in Cloverhill Prison where he had access to mental health professionals and medication.

***Mongan v. Governor of Castlerea Prison* [2021] IECA 103, (Court of Appeal), Birmingham P, 22 October 2021**

3.1.12 The appellant had been sentenced to a term of imprisonment. The committal warrant contained the words "credit for time spent on remand for this offence", to reflect what the sentencing court had said. The appellant argued that he was in unlawful detention as the prison had miscalculated his release date. The Court of Appeal agreed, but advised that if there was any ambiguity regarding the sentencing court's intention, it should have been clarified at the time of the sentence hearing.

***Furlong v. Governor of Midlands Prison* [2021] IECA 346, (Court of Appeal), Birmingham P, 21 December 2021**

3.1.13 The appellant alleged that a typographical error regarding the bill number between the indictment and the committal warrant rendered his imprisonment unlawful. The High Court had held that there was no evidence to support this assertion, but even if there was such evidence, the defect complained of was merely a typographical error which was readily amenable to rectification under the slip rule. The Court of Appeal agreed with the High Court and dismissed the appeal.

PRACTICE AND PROCEDURE

***Rostas v. DPP* [2021] IEHC 60, Humphrey's J, 9 February 2021**

3.1.14 The applicant had been charged with a begging offence. The charge sheet contained words which the District Court regarded as superfluous and amended the charge sheet so that the offence charged would be clearer. The applicant sought to quash her conviction alleging objective bias on the part of the District Court Judge, and the fact that the prosecution had not sought the amendment. The High Court held that there was no prejudice or bias displayed by the District Court Judge who was within jurisdiction to make the amendments.

***DPP v. Brogan* [2021] IECA 164, (Court of Appeal), Kennedy J, 3 June 2021**

3.1.15 In this consultative case stated, the Court of Appeal held that where an accused is being sent forward for trial from the District Court by way of video link, service of the book of evidence on the accused's solicitor is adequate in order to comply with sub-sections 4A and 4B of the Criminal Procedure Act 1967. Service of the book of evidence must be effected in accordance with Order 41 of the District Court Rules 1997.

***DPP v. Lingurar (Junior)* [2021] IECA 185, (Court of Appeal), Birmingham P, 1 July 2021**

3.1.16 The Court of Appeal set out the tests to be applied when considering applications to extend the time for appealing against conviction, and appeals against severity of sentence. In respect of conviction appeals, an assessment of the strength of grounds and the prospect of success is required to be made by the Court. In respect of severity of sentence appeals, a different test is applied, noting that such an appeal does not give rise to the same impact on a victim, such as the possibility of a re-trial. A different assessment of where the interests of justice lay should be made in the case of extending the time for an appeal against severity of sentence.

***Creedon v. DPP* [2021] IEHC 481, (High Court), Barrett J, 12 July 2021**

3.1.17 The applicant brought judicial review proceedings seeking to quash his conviction on jurisdictional grounds. The High Court refused his application as it was satisfied that the District Court judge had the jurisdiction to adjourn the case from one District Court area to another.

***DPP v. Grimes* [2021] IEHC 484, (High Court), Barrett J, 12 July 2021**

3.1.18 In this consultative case stated, the High Court held that the District Court was incorrect in declining to exercise its discretion to accede to a prosecution application to amend the date contained in the statutory citation on three charge sheets relating to the misuse of drugs regulations. The High Court held there was no prejudice to the accused, and there was no case law which stated that the application to amend must be made within a certain time of the complaint being made to court.

***Murphy v. DPP* [2021] IESC 75, (Supreme Court), O'Malley J, 9 November 2021**

3.1.19 The appellant sought the recusal of the trial judge from the re-hearing of the case. The trial judge had ruled against the appellant in a previous *voir dire*. The appellant was unsuccessful in the Court of Appeal and the Supreme Court which held that there was no binding legal principle requiring recusal of a trial judge after an inconclusive trial in which the trial judge has ruled against the appellant on contested evidence in a *voir dire*. In addition, there was no evidence of objective bias on behalf of the trial judge.

***DPP v. The Dublin Metropolitan District Court* [2021] IEHC 705 (High Court), Ferriter J, 12 November 2021**

3.1.20 The DPP was successful in quashing the decision by the District Court to retain jurisdiction in a charge of sexual assault, in circumstances where the accused was facing trial for a rape offence in the Central Criminal Court arising out of the same set of facts. The High Court found that the District Court had failed to advise the accused of his right

to a jury trial and to give reasons why it had accepted jurisdiction in the sexual assault charge, the consequences of which would have led to two separate trials arising from the same facts.

PROHIBITION OF TRIAL

***Furlong v. DPP* [2021] IEHC 326, (High Court), Barr J, 12 May 2021**

3.1.21 The High Court granted the applicant an order of prohibition in respect of two assault charges because it was of the view that there had been culpable prosecutorial delay in processing his case by the Gardaí. The High Court found that the applicant was prejudiced as a result of the delay, as he had lost certain statutory protections under the Children Act 2001 which he would have had if he had been charged earlier as a juvenile rather than an adult.

***MN v. DPP* [2021] IEHC 550, (High Court), Simons J, 13 August 2021**

3.1.22 The High Court refused the applicant an order for prohibition of his trial. He had alleged delay and prejudice. The alleged offences occurred in the mid-1980s. The applicant was a juvenile at the time. The High Court held that this was not one of those exceptional cases where there was cogent evidence demonstrating the real risk of an unfair trial such as to justify an order of prohibition being made. The trial court was best placed to ensure that the applicant received a fair trial.

***TL v. A Judge of the District Court and the DPP* [2021] IECA 765, (High Court), O'Regan J, 1 December 2021**

3.1.23 In this case, a summons had issued against the applicant for an offence. He had also been charged with the same offence. Both cases were returnable to the same court date. The summons was later withdrawn. He then sought leave for judicial review to prohibit his prosecution on the basis that there had been a summons and a charge sheet in existence for the same offence. The High Court refused his application, noting that in the case of K*elly v. DPP and Anor.* [1996] 2 IR 596, the Supreme Court held that a charge sheet and a summons can exist in tandem, but not beyond acquittal or conviction of the applicant.

ROAD TRAFFIC LAW

***DPP v. Cullen* [2021] IEHC 135, (High Court), Simons J, 18 March 2021**

3.1.24 The High Court held by way of case stated that the phrase "a doctor treating the person", contained in section 14(4) of the Road Traffic Act 2010, refers to a doctor who has some actual involvement in the care and treatment of a patient. The section requires that a Garda must consult with a doctor who is actually treating the person who has been injured as a consequence of a road traffic accident before the Garda can invoke the legislation requiring the person to provide a sample of blood or urine for analysis.

***Brassil v. DPP* [2021] IECA 142, (Court of Appeal), Donnelly J, 23 March 2021**

3.1.25 The applicant was arrested for a drink driving offence and subsequently convicted of refusing to provide a sample of blood/urine to a doctor. He was unsuccessful in the High Court and Court of Appeal cases in arguing that the delay of nearly an hour of the doctor arriving to the Garda station had rendered his detention unlawful. The delay was not regarded as excessive by both Courts.

***DPP v. Tuohey* [2021] IEHC 357, (High Court), Barrett J, 4 May 2021**

3.1.26 The High Court held by way of case stated that post-dating a fixed charge notice by one day to nominally allow the accused the full 28 days to pay after it has been sent by post complied with the statutory provisions. The fact of post-dating the notice to the day after it was posted did not render it inadmissible in evidence.

SENTENCING LAW

***DPP v. Tran* [2021] IECA 227, (Court of Appeal), Kennedy J, 1 February 2021**

3.1.27 The appellant was convicted of possession of drugs contrary to section 15A Misue of Drugs Act 1977. The sentencing court applied a nominal headline sentence of 16 years and

applying mitigation and aggravating factors sentenced him to 12 years' imprisonment with the final two years suspended. The Court of Appeal allowed his appeal against his sentence, holding that 16 years as a headline sentence was too high in the circumstances of this case. The appellant's role was at the lower end of the scale. The Court re-assessed the headline sentence to be eight years, and applying the mitigating factors reduced it to just over five years and four months' imprisonment.

***DPP v. Sinnott, Long and Joyce* [2021] IECA 42, (Court of Appeal), Ní Raifeartaigh J, 4 February 2021**

3.1.28 The respondents were each convicted of a money laundering offence contrary to section 7 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. In dealing with an undue leniency appeal, the Court of Appeal provided guidance in relation to the factors which a trial judge ought to consider when arriving at a headline sentence as follows: the amount of money involved, the role played by the accused in relation to the money, and whether the conduct of the accused was intended to assist a criminal organisation and if so the nature and scale of that organisation.

***DPP v. Lennon* [2021] IECA 30, (Court of Appeal), Donnelly J, 8 February 2021**

3.1.29 In an undue leniency appeal by the DPP, the Court of Appeal provided guidance in relation to sentencing in witness intimidation prosecutions. Cases in the low range of offending can attract a sentence of up to five years. More serious cases falling into the mid-range can attract a sentence of between five and 10 years. More serious cases can attract a sentence of 10 to 15 years.

3.2 VICTIMS OF CRIME

3.2.1 In November 2015, an EU Directive establishing minimum standards on the rights, support and protection of victims of crime came into effect. The EU Directive was transposed into Irish law with the enactment of the Criminal Justice (Victims of Crime) Act 2017 in November 2017.

3.2.2 Under the Act, victims now have specific rights to information. They also have procedural rights during court proceedings. A victim is defined in the Act as a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, or a family member of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death.

3.2.3 Since the coming into effect of the Victims Directive and subsequent Criminal Justice (Victims of Crime) Act 2017, victims have the right to a summary of the reason for the decision not to prosecute in all cases where the decision was made on or after 16 November 2015 (the date on which the Victims Directive came into effect), subject to some limited exceptions. A victim can also ask for a review of a decision not to prosecute. In most cases, the review is carried out by a lawyer who was not involved in making the original decision.

Charts 3.2.1 to 3.2.4 outline the number of requests for reasons and reviews received in the years 2019, 2020 and 2021 and the main categories of offences which were the subject of those requests.

3.2.4 The Victims Liaison Unit deals with all requests for reasons and reviews received from victims of crime. The Office has produced information booklets for victims on 'How we make prosecution decisions' and 'How to request reasons and reviews'. Both booklets - along with others that may be of assistance to victims of crime - are available on the 'Victims and Witnesses' section of our website, www.dppireland.ie.

3.2.5 In addition to the work of the Victims Liaison Unit, all legal staff in the Office, state solicitors and counsel representing the Office have responsibilities for ensuring that the Office meets its obligations in respect of the rights, support and protection of victims as set out in the Criminal Justice (Victims of Crime) Act 2017. This includes arranging for pre-trial meetings with victims in certain types of cases, and applying for special measures to assist victims in giving evidence where this is necessary.

3.2.6 This Office will continue to review its structures and procedures to ensure that they comply with the legislation, and that we are in a position to provide victims of crime with the standards and quality of service to which they are entitled.

3.2.7 During 2019, the Office obtained government support to establish a Sexual Offences Unit (SOU). It is planned that all sexual offences prosecuted in the Central Criminal Court and almost all categories of sexual offence in the Dublin Circuit Court will be managed from beginning to end within this new unit. Furthermore, the Sexual Offences Unit will make prosecutorial decisions on sexual offences cases originating outside of Dublin.

The SOU commenced operations on a phased basis in April 2021 taking on an existing case load from ongoing trials before the Central Criminal Court and Dublin Circuit Court, as well as taking in new files for consideration for prosecution.

The operational experience of the SOU will significantly inform further development of policy for all aspects of the handling of these cases nationwide and the new Unit will work closely with the Office's Policy Unit in that regard.

REQUESTS FOR REASONS AND REVIEWS

Under EU Directive 2012/29 the Directive victims have the right to a summary of reasons for a decision not to prosecute in cases where the decision was made on or after 16 November 2015. Victims also have a right to ask for a review of a decision not to prosecute. These rights are also contained in the Criminal Justice (Victims of Crime) Act 2017.

Charts 3.2.1 and 3.2.2 below set out the number of requests for a summary of reasons received in 2021, 2020 and 2019 and the categories of offences which were the subject of those requests.

CHART 3.2.1 Requests for summary of reasons

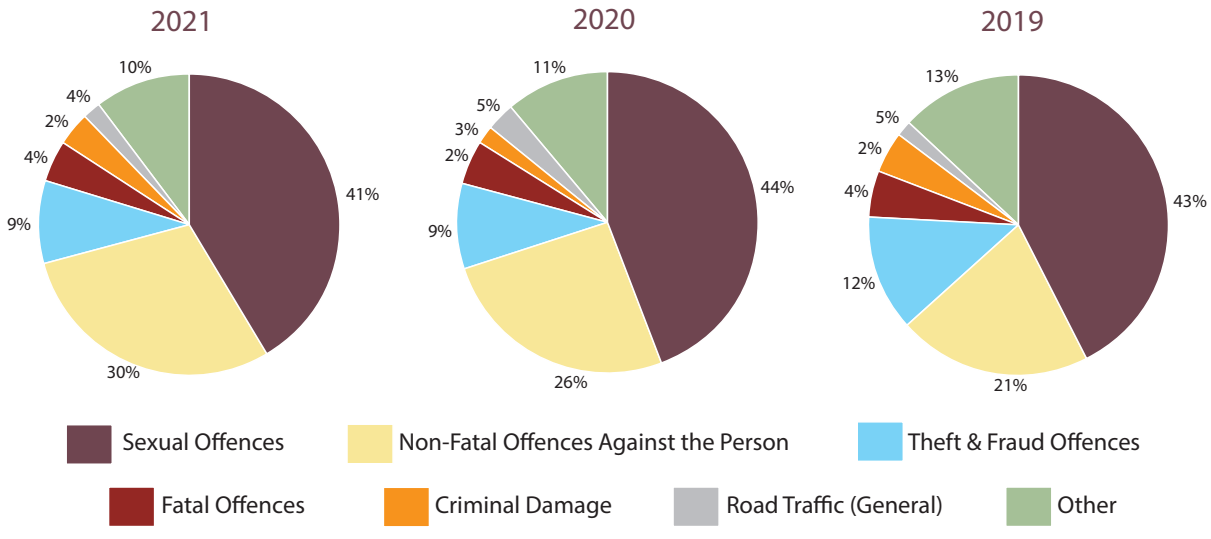
	2021	2020	2019
Reasons given	611	670	614
Reasons refused	25	28	30
Reasons deferred	14	0	0
Pending	2	0	0
TOTAL requests for reasons received	**652**	**698**	**644**

An example of instances in which requests are refused would include requests relating to decisions made prior to 16 November 2015. Deferred cases include cases where giving a reason has been deferred due to the risk of prejudicing an existing prosecution.

CHART 3.2.2 Categories of offences which were the subject of requests for reasons

Categories of Offences	2021	2020	2019
Sexual Offences	270	310	274
Non Fatal Offences Against the Person	192	179	135
Theft and Fraud Offences	58	65	80
Fatal Offences	29	32	33
Criminal Damage	25	15	28
Road Traffic (General)	11	21	11
Other	67	76	83
TOTAL	**652**	**698**	**644**

NOTE: Figures may vary from our previous Annual Report due to a re-categorisation of offences



Charts 3.2.3 and 3.2.4 below set out the number of requests for review received in 2021, 2020 and 2019 and the categories of offences which were the subject of those requests.

CHART 3.2.3 Requests for review of a decision not to prosecute

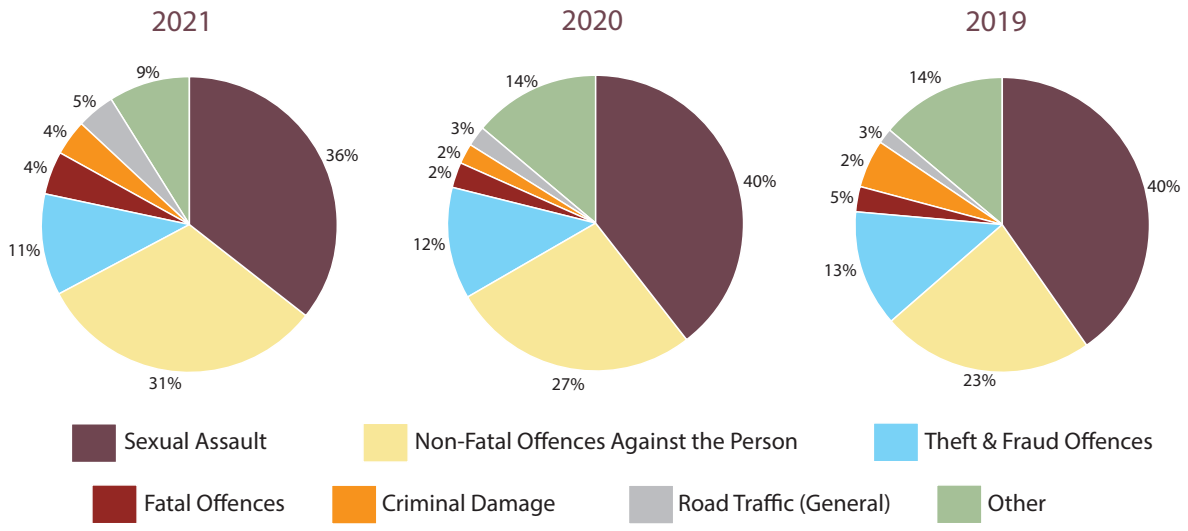
	2021	2020	2019
Decision Upheld	199	208	200
Decision Overturned	5	8	10
Invalid Request	1	2	1
Pending	10	2	2
TOTAL requests received for review of a decision	**215**	**220**	**213**

An invalid request would include, for example, a request to review a decision not to prosecute made by An Garda Síochána and not by the Office of the DPP.

CHART 3.2.4 Categories of offences which were the subject of requests for reviews

Categories of Offences	2021	2020	2019
Sexual Offences	77	87	86
Non Fatal Offences Against the Person	68	60	50
Theft and Fraud Offences	24	27	27
Fatal Offences	10	6	6
Criminal Damage	8	5	11
Road Traffic (General)	9	5	4
Other	19	30	29
TOTAL	**215**	**220**	**213**

NOTE: Figures for 2019 and 2020 may vary from other Annual Reports due to a re-categorisation of offences



3.3 External Engagement and Outreach

3.3.1 As set out in the Strategy Statement 2019-2021 for the Office of the Director of Public Prosecutions, co-operation with other stakeholders in the Irish criminal justice system and relevant international bodies is a key objective of the work of the Office. In addition to the very close co-operation with other agencies that arises in individual cases, external engagement and outreach has been an important part of the work of the Office during 2021.

3.3.2 As was the case in 2020, the ongoing Covid-19 pandemic restrictions created both challenges and opportunities in 2021 for external engagement. Many of the outreach activities usually hosted by the Office, including intern and transition year programmes, and the Irish Rule of Law International Exchange Programme, were not possible. However, the wide availability of virtual communication has made the logistical aspects of external engagement, in Ireland and abroad, more feasible and there was both in-person and virtual external engagement in 2021. The Office hosted the Annual State Solicitors' Seminar remotely in July 2021. It was possible - applying all the public health measures in force - to hold the 22nd Annual National Prosecutors' Conference in-person in October 2021. This conference, the last to be hosted by the then outgoing DPP Claire Loftus, was a welcome opportunity for stakeholders from across the Irish Criminal Justice system to meet again and exchange perspectives and expertise.

Another opportunity for exchanges at EU level was the Annual Criminal Law Conference of the Academy of European Law, which was held in Dublin in 2021 with the participation of the Director and DPP staff. In addition, the keynote speech at the 2021 International Fraud Prevention Conference was delivered by the Director.

INTERNATIONAL BODIES AND NETWORKS

3.3.3 Staff members from the Office of the DPP participate in many international bodies in the area of criminal justice. A prosecutor from the Office is based in Eurojust, the European Union Agency for Criminal Justice Co-operation, in The Hague. In 2021, the Director and DPP staff participated in a number of international bodies and networks, including the following:

- International Association of Prosecutors (IAP)
- Council of Europe Consultative Council of European Prosecutors
- European Judicial Network in Criminal Matters
- European Commission Expert Group on Criminal Policy
- European Judicial Cybercrime Network, hosted by Eurojust
- Global Prosecutors E-Crime Network, hosted by the IAP
- European Network of Prosecutors for the Environment
- OECD Working Group on Bribery

3.3.4 Ireland, as an EU, Council of Europe and UN Member State, participates in many legislative and non-legislative initiatives in the areas of criminal justice and human rights, which have reporting and evaluation obligations. During 2021, the Office of the DPP responded to requests from international bodies, often co-ordinated by Irish government departments, in the context of evaluations of aspects of the Irish criminal justice system. This included contributing information for the annual EU Rule of Law Report and Justice Scoreboard processes; the bi-annual Council

of Europe Commission for the Efficiency of Justice evaluation; EU mutual evaluation of EU judicial co-operation instruments; Council of Europe and US State Department evaluations in the area of human trafficking; UN evaluations in the area of torture and other cruel, inhuman or degrading treatment and of racial discrimination.

NATIONAL BODIES AND INTER-AGENCY COMMITTEES

3.3.5 There was also considerable engagement by the Office of the DPP during 2021 in initiatives to address specific issues in the Irish criminal justice system. The Office made submissions to the Independent Review of the Offences Against the State Acts and to the Judicial Planning Working Group, and participated in inter-agency work to develop Letters of Rights for suspects and accused persons. Pilot projects in the area of assets recovery were initiated by the Office in two Garda regional units in 2021. There is extensive DPP staff participation in inter-agency committees and working groups, which in 2021 included the following:

- Criminal Justice Strategic Committee, which brings together the Heads of the Criminal Justice Agencies, and its sub-groups;
- Law Society Criminal Law and In House & Public Sector Committees;
- Association for Criminal Justice Research and Development;
- User groups and efficiency committees for all court jurisdictions;
- High-level and topic-based liaison groups with An Garda Síochána;
- Strategic Human Rights Advisory Committee;
- High Level Review Group on the role of An Garda Síochána in the public prosecution system;
- High level Group on Criminal Legislation;
- High Level Group on Human Trafficking;
- Inter-agency implementation groups arising from the Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences (O'Malley Report);
- Expert Group on Bill to Codify Garda Powers of Search, Arrest and Detention;
- UK-Irish Criminal Justice Co-operation Network;
- Financial Action Task Force Steering Committee;
- Working Group on Statistics relating to Asset Recovery;
- Anti-Money-Laundering Steering Committee and Terrorist Financing Sub-Group;
- Economic Crime and Corruption Forum arising from the Review of Anti-Corruption and Anti-Fraud Structures;
- Criminal Justice Operational Hub;
- High Level Bail Review Group;
- Article 40 Committee;
- Health and Safety Authority / DPP Working Group;
- Cross-Border Project Advisory Group on Victims Issues;
- Video-Conferencing Cross Agency Working Group;
- Criminal Justice (Fixed Charge Penalty System) Working Group;
- Project Group for the Competition (Amendment) Bill 2021;
- A number of Legal Knowledge Management and Law Librarian Networks.

TRAINING TO EXTERNAL AGENCIES

3.3.6 The Office of the DPP recognises that the provision of training to external organisations and agencies is a valuable opportunity to promote best practice in the prosecution of criminal offences. During 2021, training was provided by legal staff in the Office to An Garda Síochána specialist units, and as part of Garda initial training and on promotion in

the Garda College. An innovation in 2021 was the provision of video and audio recorded training for An Garda Síochána.

DPP Staff also contributed in particular to Law Society training in 2021, facilitating lectures and tutorials, and contributing to the marking and examination process of exams as part of the Criminal Litigation module of the Professional Practice Course 1. Training was also provided to a number of other stakeholder bodies including civil society organisations and the Legal Aid Board.

The training sessions facilitated for external stakeholders in 2021 encompassed a range of topics including the following:

- Role of the DPP;
- Effective file preparation;
- Criminal procedure and court presentation;
- Bails, Judicial Review and Appeals;
- Rights of Victims of Crime and Special Measures for Victims and Witnesses;
- Domestic Violence Prosecutions;
- Assets Applications;
- EU and International Criminal Law and Procedure

3.3.7 Where resources permit, the Office also recognises the valuable input DPP staff can provide to research projects on aspects of criminal justice undertaken by academics and civil society groups. In 2021, DPP staff provided input into projects on procedural safeguards for vulnerable adults as suspects or accused persons, better accommodating victims within criminal trials, and Legal Services Regulatory Authority research into early career barriers for solicitors and barristers and diversity.

OUTREACH ACTIVITIES

3.3.8 Other outreach activities in 2021 included:

- Group and individual consultation with civil society groups that provide services and support to victims of crime in the context of training provision and review of DPP communications with victims in relation to requests for reasons and reviews
- Spring clinical placement programme for two undergraduate students from NUIG;
- Outreach activities to second and third level students and professional bodies including:
  - remotely hosting participants in the Chief Justice's Summer Internship Programme for Law Students
  - Addressing the Law Society parchment ceremony for newly qualified Solicitors.

PART 4:
Office Administration

4.1 Office Expenditure

Chart 4.1.1 shows the breakdown of office expenditure for 2021, 2020 and 2019.

Salaries and Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 31 December 2021 was 218.89 (full-time equivalent).

Office Expenses: This relates to general office administration costs including purchase and maintenance of office equipment, office supplies, library costs, office premises maintenance, travel and other incidental expenses.

State Solicitor Service: This refers to payment of amounts agreed by contract with 32 State Solicitors in private practice who are contracted to this Office to represent the Director in courts outside Dublin.

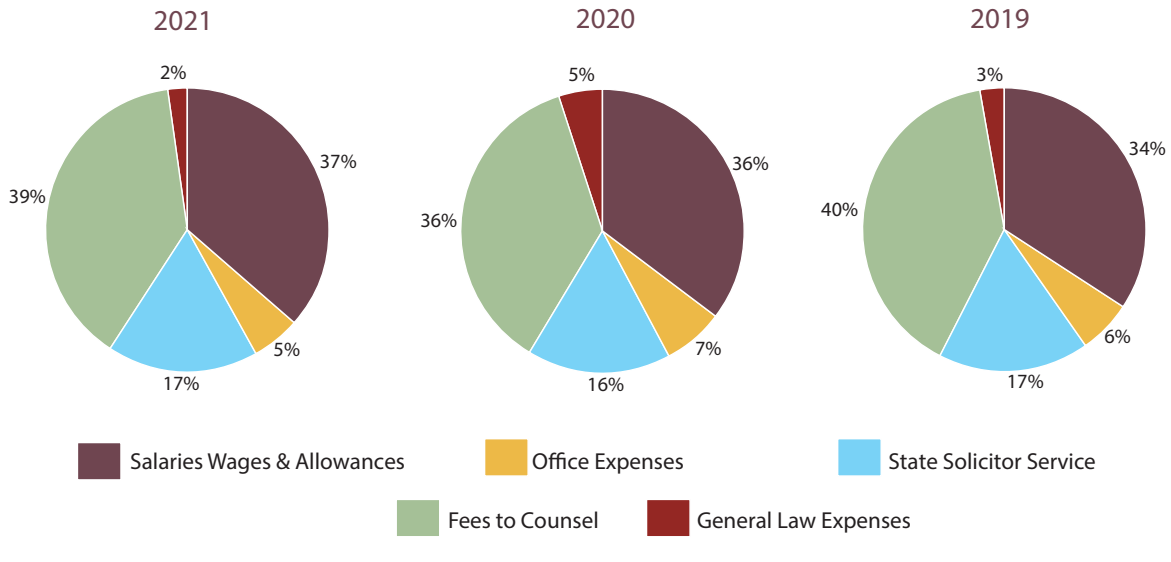
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

General Law Expenses: This refers to the payment of legal costs awarded by the courts in legal proceedings against the Director.

NOTE: *The amounts outlined in Chart 4.1.1. for Salaries, Wages and Allowances and Office Expenses are net of pension-related deductions and Appropriations-in-Aid respectively.*

CHART 4.1.1: Office Expenditure

	2021	%	2020	%	2019	%
	€		€		€	
Salaries Wages and Allowances	16,294,740	37%	15,363,236	36%	14,502,533	34%
Office Expenses	2,367,390	5%	3,085,423	7%	2,541,688	6%
State Solicitor Service	7,748,897	17%	7,183,237	16%	7,235,623	17%
Fees to Counsel	17,143,233	39%	15,785,139	36%	16,813,805	40%
General Law Expenses	917,865	2%	2,129,895	5%	1,101,542	3%
TOTAL	**44,472,125**		**43,546,930**		**42,195,191**	



Charts 4.1.2 & 4.1.3 show a breakdown of expenditure on fees to counsel in the various criminal courts and by region in respect of the Circuit Criminal Court.

Fees paid to counsel in the Circuit, Central and Special Criminal Courts cover advising on proofs, drafting indictments, holding consultations, arraignments, presentation of the case and other necessary appearances e.g. for sentence.

Expenditure on fees in the High Court covers mainly bail applications and the preparatory work and hearings associated with judicial reviews.

CHART 4.1.2: Fees to Counsel Paid by Court

	2021 €	%	2020 €	%	2019 €	%
Circuit Court	7,975,532	47%	6,965,910	44%	7,856,391	47%
Central Criminal Court	5,138,133	30%	5,342,675	34%	5,450,788	32%
High Court	1,720,376	10%	1,395,123	9%	1,107,779	7%
Supreme Court	314,153	2%	385,486	3%	347,348	2%
Court of Appeal	1,031,091	6%	1,128,720	7%	1,067,999	6%
Special Criminal Court	941,449	5%	538,282	3%	907,921	5%
District Court	22,499	0%	28,942	0%	75,579	1%
TOTAL	**17,143,233**		**15,785,138**		**16,813,805**	

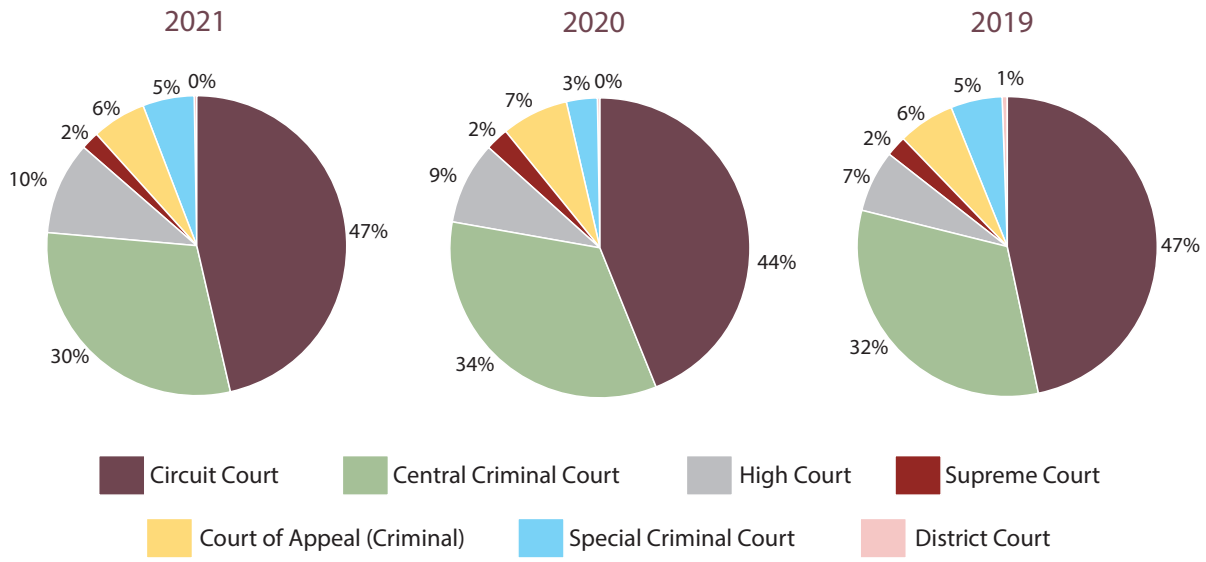
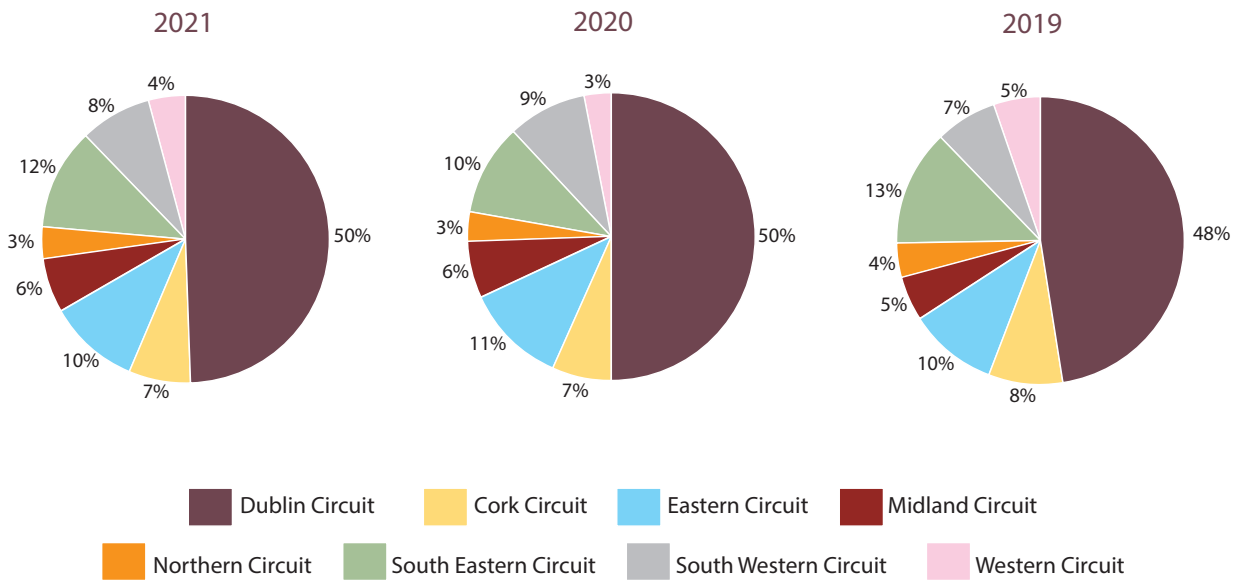


CHART 4.1.3: Fees to Counsel Paid by Circuit

	2021	%	2020	%	2019	%
	€		€		€	
Dublin Circuit	3,961,483	50%	3,484,297	50%	3,735,269	48%
Cork Circuit	537,262	7%	481,390	7%	666,619	8%
Eastern Circuit	818,568	10%	794,341	11%	787,540	10%
Midland Circuit	496,404	6%	435,859	6%	388,627	5%
Northern Circuit	280,688	3%	238,415	3%	311,009	4%
South Eastern Circuit	926,432	12%	714,463	10%	1,008,665	13%
South Western Circuit	624,217	8%	605,338	9%	555,688	7%
Western Circuit	330,478	4%	211,807	4%	402,974	5%
TOTAL	**7,975,532**		**6,965,910**		**7,856,391**	



4.2 Extract from Appropriation Account 2020

Account of the sum expended in the year ended 31 December 2020, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Office of the Director of Public Prosecutions.

		Estimate Provision €'000	2020 Outturn €'000	2019 Outturn €'000
PROGRAMME EXPENDITURE				
A.	**Provision of Prosecution Service**	44,813	44,248	43,090
	Gross Expenditure	**44,813**	**44,248**	**43,090**
	Deduct			
B.	**Appropriations-in-Aid**	**845**	**701**	**895**
	Net Expenditure	**€43,968**	**€43,547**	**€42,195**

Surplus for Surrender

The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer

	2020	2019
Surplus to be Surrendered	**€421,070**	**€613,809**

4.3 Prompt Payment of Accounts Act, 1997

Late Payments in Commercial Transactions Regulations 2002

OPERATION OF THE ACT IN THE PERIOD 1 JANUARY 2021 TO 31 DECEMBER 2021

4.3.1 The Office of the Director of Public Prosecutions makes payments to suppliers after the goods or services in question have been provided satisfactorily and within 30 days of the supplier submitting an invoice. In the case of fees to counsel, while invoices are not generated, the practice of the Office is to pay counsels fees within 30 days of receipt of a case report form in each case.

4.3.2 In the period in question, the Office made four late payments in excess of €317.50. The value of these payments was €2,461. The total value of late payments in the year amounted to €2,461 out of total payments of €2.67 million, and interest and penalties thereon came to €177.24.

Statement of the Accounting Officer

4.3.3 The Office of the Director of Public Prosecutions is one of the organisations which is subject to the terms of the Prompt Payment of Accounts Act, 1997 and the Late Payments in Commercial Transactions Regulations 2002. The Act came into force on 2 January 1998, and since that time the Office has complied with the terms of the Act.

4.3.4 All invoices from suppliers are date stamped on receipt. Invoices are approved and submitted for payment in a timely manner to ensure that payment is made within the relevant period. When the invoices are being paid the date of receipt and the date of payment are compared, and if the relevant time limit has been exceeded, an interest payment is automatically generated. In cases where an interest payment is required, the matter is brought to the attention of management so that any necessary remedial action can be taken.

4.3.5 The procedures which have been put in place can only provide reasonable and not absolute assurance against material non-compliance with the Act.

Elizabeth Howlin
Accounting Officer
April 2022

4.4 Freedom of Information

4.4.1 The Freedom of Information (FOI) Act 2014 asserts the right of members of the public to obtain access to official information, including personal information, to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

4.4.2 Section 42(f) of the Act 2014 provides a right of access only with regard to records which relate to the general administration of the Office of the DPP. This in effect means that records concerning criminal prosecution files are not accessible under the FOI Act.

4.4.3 The Office continues to make FOI information available as readily as possible. Our Freedom of Information Publication Scheme is available on our website, www.dppireland.ie. This publication outlines the business of the Office including the types of records kept.

4.4.4 The FOI unit can be contacted by telephone on (01) 858 8500 or by e-mail at foi@dppireland.ie. This e-mail address can be used to submit a Freedom of Information request, but cannot be used when requesting an internal review where an application fee is required.

4.4.5 During 2021 a total of 42 requests were submitted to the Office. 16 requests were granted/part granted, 25 requests were refused and one was dealt with outside of FOI. The main reason for the refusals was that the records sought did not relate to the general administration of the Office.

4.4.6 14 of the requests were submitted by journalists, one was submitted by business/ interest groups, while the other 27 requests were made by the general public.

4.4.7 In the 25 cases where requests were refused, three of the requesters sought an internal review of the original decision and none sought to appeal to the Information Commissioner for review. The original decisions were upheld in each case.

Requests Received 2021	
Requests Granted / Part Granted	16
Requests Refused	25
Withdrawn / Dealt with outside of FOI	1
TOTAL REQUESTS	**42**

Requesters 2021	
Journalists	14
General Public	27
Business / Interest Groups	1

Reviews 2021	
Requests for Internal Review	3
Requests to the Information Commissioner for Review	0

4.5 Public Sector Equality and Human Rights Duty

Implementing the Public Sector Equality and Human Rights Duty in the Office of the Director of Public Prosecutions

4.5.1 Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of both staff and the people to whom services are provided. The Act requires public bodies to assess, address and report on progress in relation to equality and human rights, in a manner that is accessible to the public.

4.5.2 The Office of the DPP's strategy statements detail how we will continue to emphasise and promote equality and human rights through our day-to-day work, delivering the prosecution service in an effective and fair way, with integrity and respect for human dignity. We also ensure that these duties are emphasised for our staff.

4.5.3 The following key channels are used by the Office of the DPP to address our Public Sector Duty obligations:

- The **Guidelines for Prosecutors**, incorporating a Code of Ethics, set out the human rights and equality standards which the Director expects all prosecutors to comply with in discharging their functions in relation to victims and those suspected or accused of criminal offences. The Guidelines and Code of Ethics are kept under continuous review.

- Our **HR policies** give effect to the human rights and equality issues relevant to staff in the Office. We keep these policies under review to ensure that they meet appropriate human rights and equality standards. As part of their equality work, the HR & OD Unit ensures that the requirements for each role are inclusive, and the supports for persons with disabilities who wish to apply for such roles are clearly set out.

- Our **Disability Liaison Officer (DLO)** within the Office is regarded as important in advancing issues for staff with disabilities. The DLO will ensure that the working environment where colleagues with disabilities are employed is supportive of and recognises their particular needs. The DLO will also assist in the assignment of new staff, and identify specific needs (e.g. assistive technology) of staff prior to their assignment, transfer or promotion. The DLO will monitor Office statistics in relation to the 3% target for the employment of people with a disability in the public sector.

- The Civil Service Policy '**Dignity at Work: An Anti-Bullying, Harassment and Sexual Harassment Policy for the Irish Civil Service**', developed in partnership between Civil Service management and staff unions, is in place in the Office. As part of this Policy, the role of the Contact Person is generally provided by the Civil Service Employee Assistance Service. A Contact Person is an individual who can provide general information regarding the Dignity at Work Policy, and other matters related to bullying, harassment and sexual harassment.

- Our **Access Officer** is responsible for ensuring equality of access to information and services provided by the Office of the DPP. This includes ensuring that our website is accessible to the widest possible audience, including older people and people with disabilities who may be

using assistive technology. To this end, our website is kept under continuous review for accessibility in line with the Web Content Accessibility Guidelines. The Office also maintains a suite of information booklets written in plain language approved by the National Adult Literacy Agency, which are available for victims of crime and the public generally. These booklets are kept under review and updated as required. Further plain language publications are in development.

- Our **HR & OD Unit** is proactive in providing a broad range of Learning and Development opportunities for all staff. As part of our interviewer training to interview board members, a module on unconscious bias is covered. Sixteen employees availed of this training in 2021. The DLO also attended a one-day Disability Awareness Session as part of their annual continuing professional development.

4.6 Annual Energy Efficiency Report 2021

Overview of Energy Usage in 2021

4.6.1 In 2021, the Office of the Director of Public Prosecutions consumed 1,125.62MWh of energy.

The total energy consumption is in respect of space heating, air conditioning, hot water, lighting, computer systems and other office equipment at our office buildings in Infirmary Road.

This figure is compiled as follows:

- 408.14MWh of Electricity
- 717.48MWh of Natural Gas

While energy management measures were maintained, there was an increase in energy consumption over 2020, amounting to 10.9%. This can for the most part be attributed to a number of factors including:

- an increase in staff numbers in the Office;
- additional ICT equipment required to maintain Office ICT systems;
- the full year effect of increased energy use associated with remote access by staff to office IT systems as required;
- the full year effect of an increase in the range of office opening hours to facilitate safer working arrangements associated with COVID-19 prevention measures in the workplace, whilst the office continued to provide an essential service; *and*
- an increase in building services (e.g. cleaning, sanitisation) relating to the prevention of COVID-19 in the workplace.

Actions Undertaken in 2021

4.6.2 During 2021, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. As build projects were halted or postponed due to COVID-19 restrictions no new additional project based savings were realised. Actions taken during 2021 included the following:

- Monitoring of existing energy management systems continued and gas boilers were switched off for extended periods over the summer;
- New boiler systems were maintained and new heating system controls were used to monitor and refine energy consumption levels; *and*
- The OPW Building Management System (BMS) was used to facilitate the isolation of buildings on the site with the purpose of increasing efficiency in the management of energy on a per building basis as required.

Actions Planned for 2022

4.6.3 Actions planned for 2022 include the following:

- Continue to maximise the use of the Building Management System to identify and achieve incremental savings in energy consumption;
- Explore and incorporate specific energy saving measures in all build projects in the future;
- Progress insulation measures carried over from 2021 and develop new proposals for targeted insulation of the main office building;
- Continuation of awareness campaign using signage and posters; *and*
- Develop proposals for further reduction in energy consumption arising from a review of the OPW sponsored Energy Audit report on the buildings on site.

4.7 Irish Language Scheme

4.7.1 The 4th Irish Language Scheme for the Office was confirmed by the Minister for Culture, Heritage and the Gaeltacht in May 2018 and was to remain in effect for three years from that date. The Official Languages (Amendment) Act 2021 was enacted on 22 December 2021. One of the main provisions of this Act is the introduction of language standards for public bodies, to replace the current system of language schemes. It is envisaged that such language standards will enable public bodies which interact more with the public to achieve higher standards. Until these language standards are introduced, the 4th Irish Language Scheme for the Office of the DPP will remain in effect.

4.7.2 During 2021 the Office had no requirement to deal with any court cases in Irish. A member of our panel of Irish speakers dealt with seven requests to translate a document into in Irish.

4.7.3 The Office produced four publications during 2021:

- **i)** Annual Report 2020
- **ii)** Prosecution System in Ireland
- **iii)** Quality Service Charter 2021-2023
- **iv)** Quality Service Action Plan 2021-2023

All publications were produced bilingually.

4.7.4 The Office website, www.dppireland.ie, is maintained and updated in bilingual format. Updates to the Irish version of the website are translated by external translators. Changes are then published simultaneously on the Irish and English versions of the website. During 2021, the total number of page views on the Irish version of our website was 1,865. This represents 0.99% of all page views (188,808). Apart from the Irish homepage, the most visited Irish pages were:

- Working for Us - Latest Vacancies
- Offical Languages Act
- Compliance

4.7.5 Our Training Unit continues to promote Irish Language training courses to ensure that the Office can fulfil its obligations under the Official Languages Act. During 2021, staff undertook six Irish language courses.

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