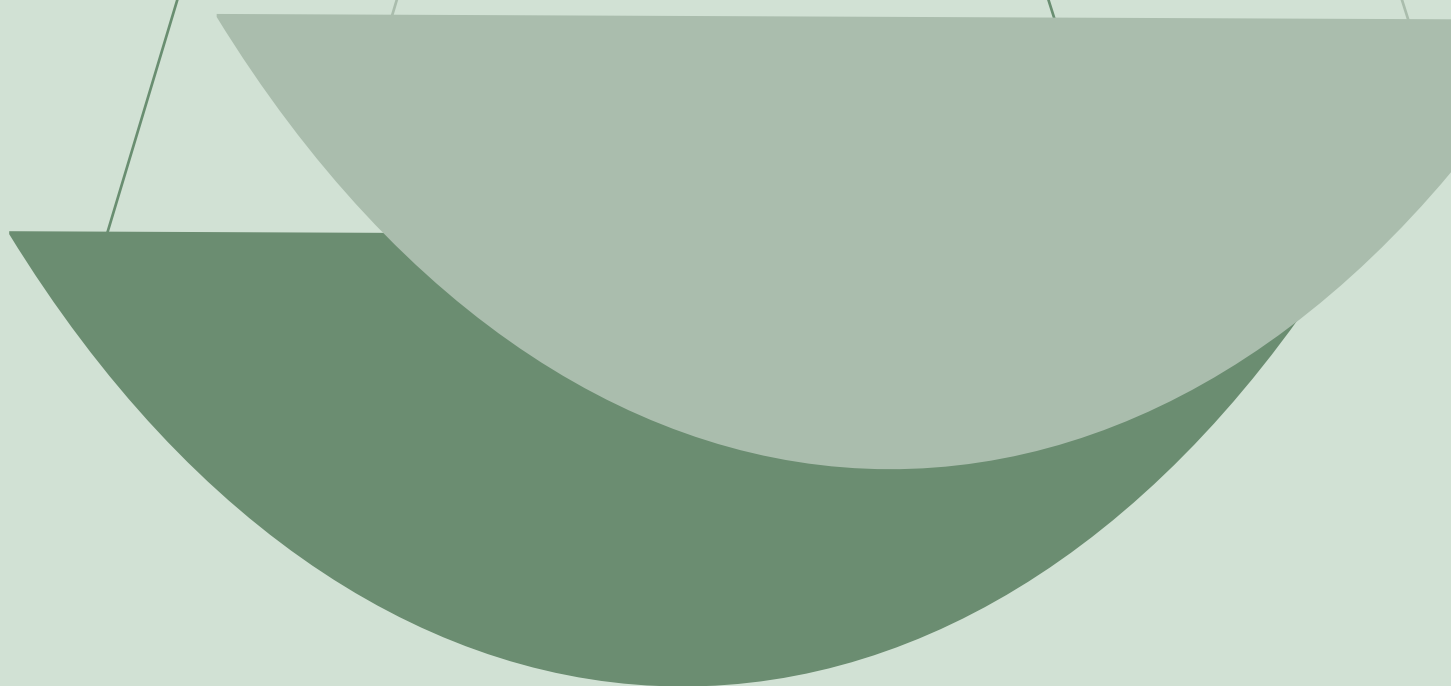


Oifig an
Office of the



Stiúrthóra Ionchúiseamh Poiblí
Director of Public Prosecutions

Annual Report 2015



This Report is also available in the Irish Language

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FOREWORD

I am pleased to present the Annual Report for 2015.

As outlined in Chapter 4 the number of prosecution files submitted to my Office continued to increase during 2015. Despite the overall increase in file numbers and other demands on resources the office continued to exceed its targets for time taken to issue directions with 68% of all files being directed on within one month and nearly 90% within three months.

Expenditure on counsels' fees rose from €13.4 million to €14 million, due partly to lengthy trials but also due to the significant increase in cases processed during the first full year of operation of the Court of Appeal. Full details of the numbers of cases dealt with by the criminal division of the Court of Appeal are set out in Chapter 4.3 of this report. During 2015, the Court impressively disposed of 325 cases, and by the end of June 2016 had disposed of another 166 cases.

On the 16 November 2015 the EU directive on victims' rights had direct effect in Ireland and all other member states. Legislation to give effect to the terms of the directive is awaited but the Office has been operating in compliance with the directive. The Communications and Victims Liaison Unit was established in July 2015 and has led the Office's response to our obligations under the directive. Details of the work undertaken in this area are set out at Chapter 3.2. The EU directive is a very important measure establishing rights to assist victims who have suffered physically, emotionally and financially as a result of crime.

Since 16 November 2015 my Office has, when asked by the victim, given a summary of the reasons for decisions not to prosecute in all our decisions made on or after that date, subject to some limited exceptions. The number of requests for reasons received by the Office is very



significant, with 333 received as of the end of June this year. 135 requests for review of decisions not to prosecute were received in the same period.

Another significant development in the criminal courts in 2015 was the appointment by the Government of members of the judiciary to a second Special Criminal Court. This was in response to the large number of cases awaiting trial in the existing Special Criminal Court. The process has begun of transferring cases for trial to this second court. This is a welcome development and it is to be hoped that over time the backlog of cases awaiting hearing will be reduced.

A major development affecting the legal environment within which we operate was the Supreme Court decision in April 2015 in the case of *DPP v. JC*.

In that case the Supreme Court by a majority of four to three overruled its decision in *The People v. Kenny* (1990). *Kenny* had prescribed a near absolute exclusionary rule for unconstitutionally obtained

evidence. In *JC* the Supreme Court formulated a new test to be applied to the inclusion or exclusion of illegally obtained evidence, including evidence obtained in violation of constitutional rights.

Prior to that judgement it is fair to say that we had the strictest exclusionary rule on the admissibility of evidence in the common law world. In the very detailed test formulated by the Supreme Court in *JC*, evidence which is taken in deliberate and conscious violation of constitutional rights should still be excluded saving those exceptional circumstances considered in the existing jurisprudence. The Court explained what the words "conscious and deliberate" meant in the context of the new test.

The bar to be set for the test is still significantly higher than that to be found elsewhere in the common law world. As McMenamin J. observed in his judgment in the *JC* case "it is in no way inconsistent with the ECHR ... it redresses the balance so as to encompass community interests while ensuring that egregious breaches of a suspect's rights and police misconduct are checked."

This is a very important decision for the prosecution of crime because over the preceding 25 years there were many cases which were submitted to this Office which were the subject of a decision not to prosecute because of the inadmissibility of crucial evidence due to the very strict exclusionary rule.

Finally, I want to thank the staff in my Office, the State Solicitors around the country and the many prosecution counsel who were involved in the operation of the prosecution service for their continued commitment and hard work.



Claire Loftus
Director of Public Prosecutions
July 2016

MISSION STATEMENT

To provide on behalf of the People of
Ireland a prosecution service that is
independent, fair and effective

PART 1:

GENERAL WORK OF THE OFFICE

1.1 GENERAL WORK 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 three divisions:

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.

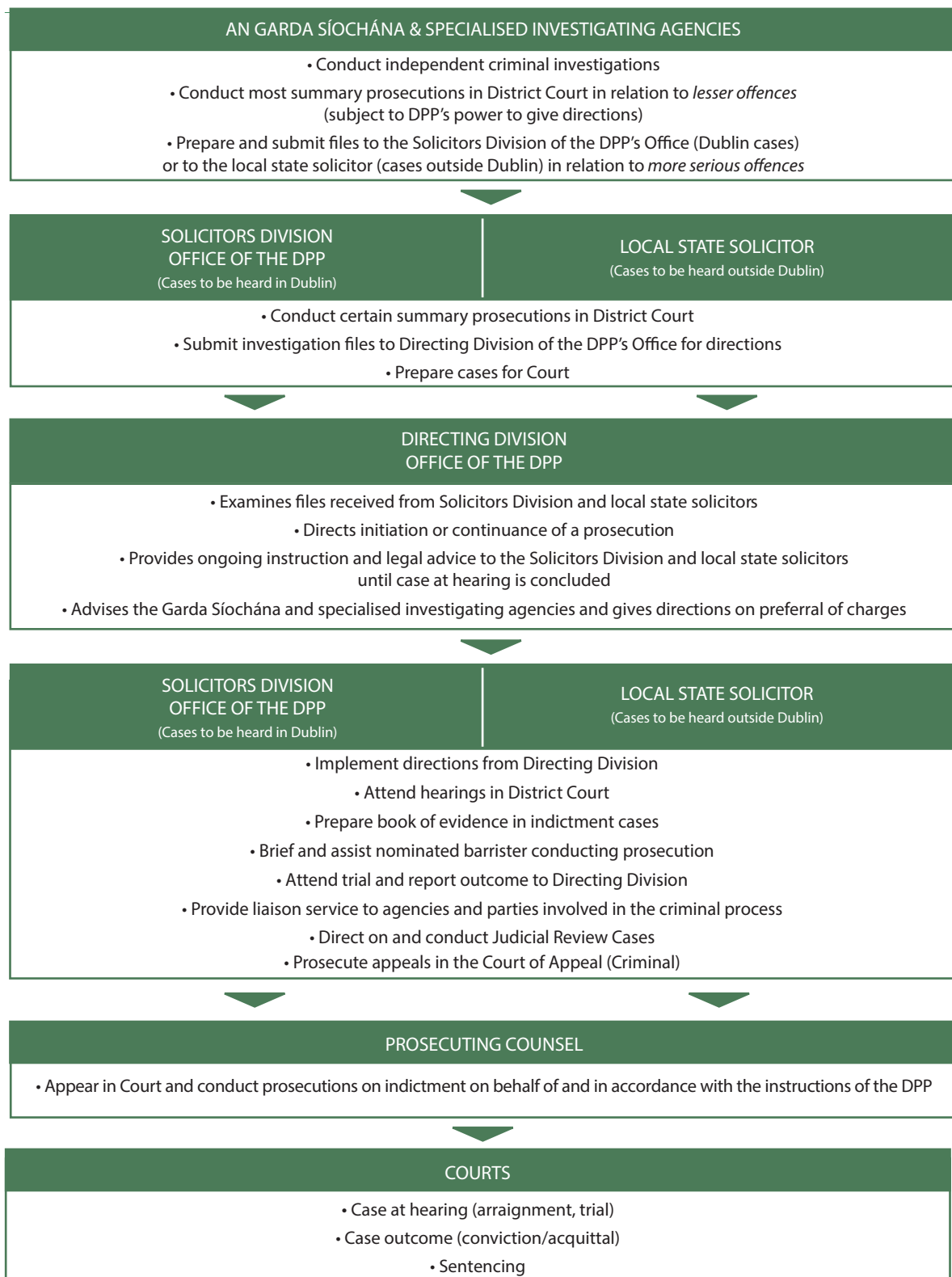
The Solicitors Division, headed by the Chief Prosecution Solicitor, provides a solicitor service to the Director in the preparation and presentation of cases in the Dublin District and Circuit Courts, the Central Criminal Court and Special Criminal Court, the Court of Appeal and the High and Supreme 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.

The Administration Division provides the organisational, infrastructural, administrative and information services required by the Office and also provides support to both the Directing and Solicitors Divisions.

The three divisions are supported in their work by:

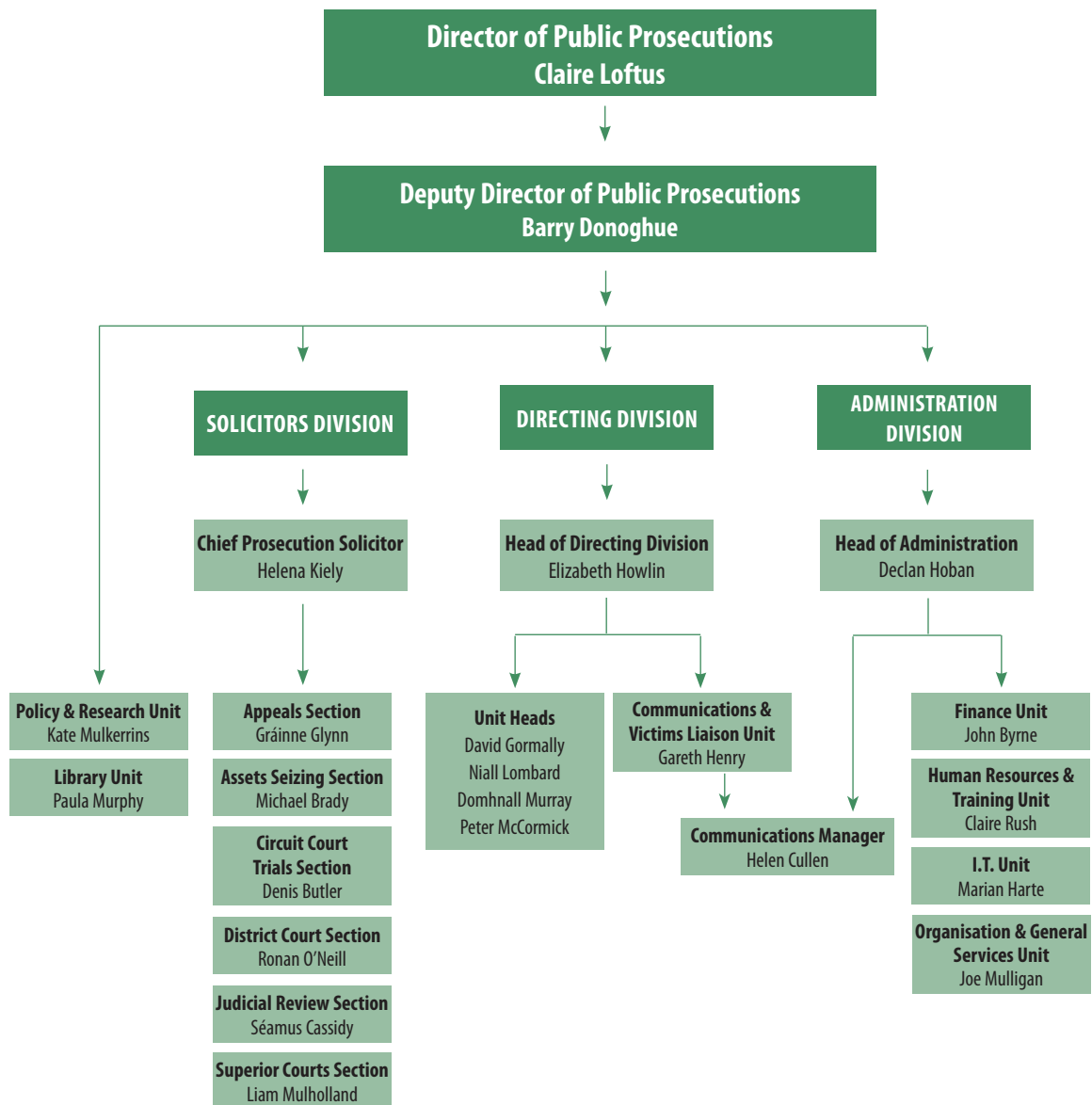
- the Policy and Research Unit which provides legal and policy research, develops prosecution policies and advises on legal policy documents referred to the Office for consideration.
- the Library Unit which provides information and know-how services for both legal and administration staff.
- The Communications and Victims Liaison Unit which is responsible for ensuring that the Office meets its obligations as set out in EU Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime.

1.2 OUTLINE OF THE CRIMINAL PROSECUTION PROCESS



1.3 ORGANISATION STRUCTURE

(AS OF JUNE 2016)



PART 2:

OFFICE ADMINISTRATION

2.1 OFFICE EXPENDITURE

Chart 2.1.1 shows the breakdown of office expenditure for 2015, 2014 and 2013

Salaries & Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2015 was 186.

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 salaries and expenses to the 32 State Solicitors in private practice who are contracted to this Office to represent the Director in courts outside Dublin.

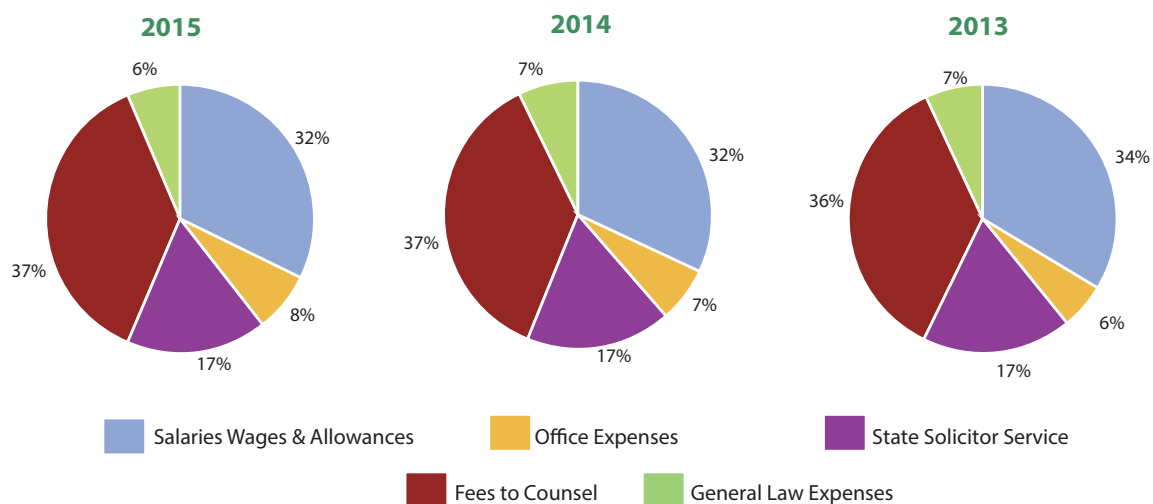
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

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 2.1.1. for Salaries, Wages & Allowances and Office Expenses are net of pension-related deductions and Appropriations-in-Aid respectively.

CHART 2.1.1: OFFICE EXPENDITURE

	2015 €	%	2014 €	%	2013 €	%
Salaries Wages & Allowances	12,150,357	32%	11,825,780	32%	12,154,661	34%
Office Expenses	2,744,842	8%	2,427,721	7%	2,065,636	6%
State Solicitor Service	6,433,605	17%	6,401,954	17%	6,499,799	17%
Fees to Counsel	14,022,032	37%	13,399,223	37%	13,016,063	36%
General Law Expenses	2,318,369	6%	2,647,470	7%	2,412,643	7%
TOTAL	37,669,205		36,702,148		36,148,802	



Charts 2.1.2 & 2.1.3 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 & 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 2.1.2: FEES TO COUNSEL PAID BY COURT

	2015 €	%	2014 €	%	2013 €	%
Circuit Court	7,133,793	51%	7,615,411	57%	7,501,518	58%
Central Criminal Court	3,911,612	28%	3,252,484	24%	3,490,017	27%
High Court	1,246,587	9%	1,043,487	8%	1,182,939	9%
Supreme Court	150,056	1%	311,567	2%	157,760	1%
Court of Appeal	1,204,331	9%	583,240	5%	433,760	3%
Special Criminal Court	354,910	2%	578,904	4%	230,029	2%
District Court	20,743	0%	14,130	0%	20,040	0%
TOTAL	14,022,032		13,399,223		13,016,063	

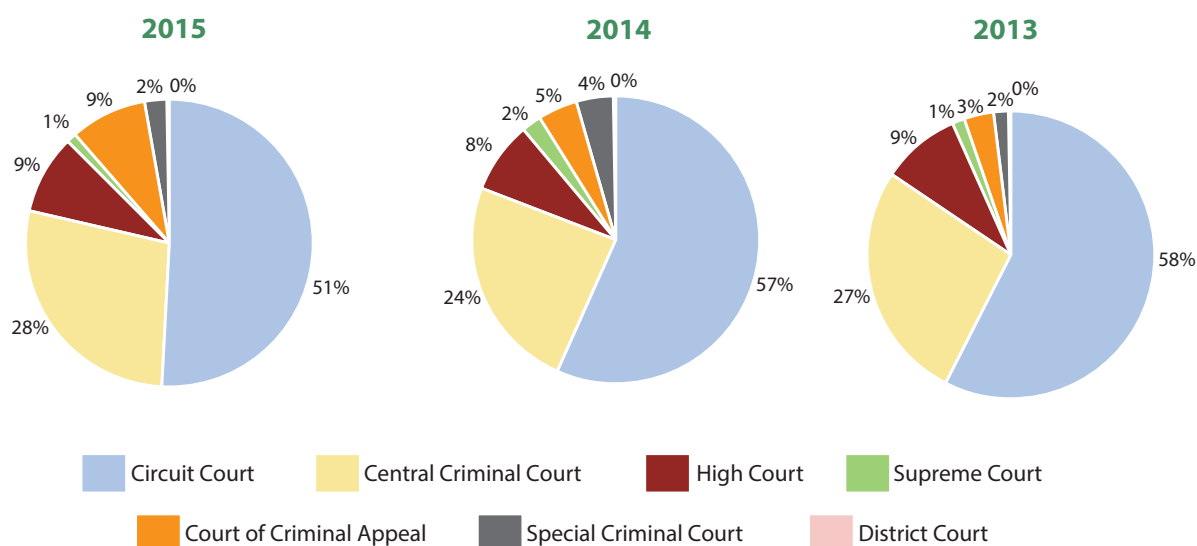
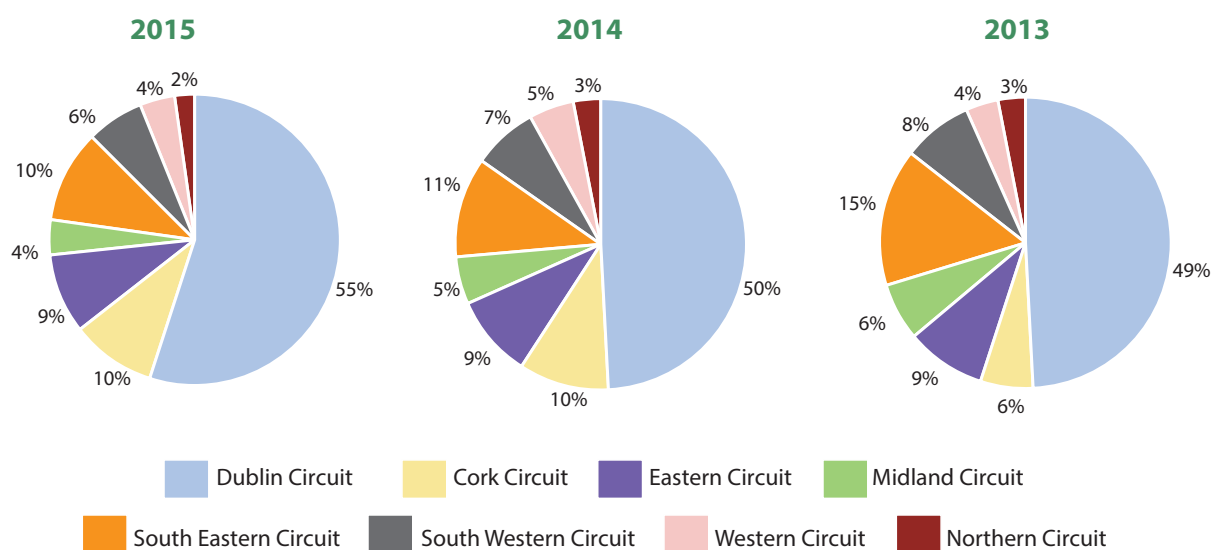


CHART 2.1.3: FEES TO COUNSEL PAID BY CIRCUIT

	2015 €	%	2014 €	%	2013 €	%
Dublin Circuit	3,935,526	55%	3,752,005	50%	3,703,814	49%
Cork Circuit	680,537	10%	754,179	10%	437,232	6%
Eastern Circuit	632,113	9%	707,131	9%	659,969	9%
Midland Circuit	268,629	4%	402,754	5%	483,444	6%
South Eastern Circuit	736,032	10%	844,631	11%	1,140,316	15%
South Western Circuit	459,927	6%	557,258	7%	591,107	8%
Western Circuit	263,531	4%	380,445	5%	259,606	4%
Northern Circuit	157,498	2%	217,007	3%	226,030	3%
TOTAL	7,133,793		7,615,410		7,501,518	



2.2 EXTRACT FROM APPROPRIATION ACCOUNT 2014

Account of the sum expended in the year ended 31 December 2014, 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	2014 Outturn €'000	2013 Outturn €'000
PROGRAMME EXPENDITURE			
A. Provision of Prosecution Service	38,389	37,145	39,890
Gross Expenditure	38,389	37,145	39,890
<i>Deduct</i>			
B. Appropriations-in-Aid	975	996	1,043
Net Expenditure	37,414	36,149	38,847
Surplus for Surrender			
The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer			
		2014	2013
Surplus to be Surrendered		€135,853	€1,265,198
Analysis of Administration Expenditure			
	Estimate Provision €'000	2014 Outturn €'000	2013 Outturn €'000
I. Salaries, Wages and Allowances	13,007	12,648	13,025
II. Travel and Subsistence	109	103	95
III. Training and Development and Incidental Expenses	991	1,188	868
IV. Postal and Telecommunications Services	270	201	182
V. Office Equipment and External IT Services	831	469	470
VI. Office Premises Expenses	1,292	597	543
VII. Consultancy Services and Value for Money & Policy Reviews	37	20	33
	16,537	15,226	15,216

2.3 PROMPT PAYMENT OF ACCOUNTS ACT, 1997

Late Payments in Commercial Transactions Regulations 2002

OPERATION OF THE ACT IN THE PERIOD 1 JANUARY 2015 TO 31 DECEMBER 2015

2.3.1 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 counsel's fees within 30 days of receipt of a case report form in each case.

2.3.2 In the period in question, the Office made five late payments in excess of €317.50. The value of these payments was €12,879. The total value of late payments in the year amounted to €13,237 out of total payments of €3.02 million and interest thereon came to €58.20.

Statement of the Accounting Officer

2.3.3 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.

2.3.4 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.

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

Barry Donoghue
Accounting Officer
May 2016

2.4 FREEDOM OF INFORMATION

2.4.1 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.

2.4.2 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.

2.4.3 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.

2.4.4 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.

2.4.5 During 2015 a total of 25 requests were submitted to the Office. Six requests were granted/part granted and 16 of the requests were refused under the Act. The reason for the refusals was that the records sought did not relate to the general administration of the Office.

2.4.6 Six of the requests were submitted by journalists, two were submitted by business/ interest groups, while the other 17 requests were made by the general public.

2.4.7 In the 16 cases where requests were refused, only one of the requesters sought an internal review of the original decision. In this case, the original decision was upheld.

Requests Received 2015

Requests Granted / Part Granted	6
Requests Refused	16
Withdrawn / Dealt with outside of FOI	3

TOTAL REQUESTS	25
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Requesters 2015

Journalists	6
General Public	17
Business / Interest Groups	2

Reviews 2015

Requests for Internal Review	1
Requests to the Information Commissioner for Review	0

2.5 ANNUAL ENERGY EFFICIENCY REPORT 2015

Overview of Energy Usage in 2015

2.5.1 In 2015, the Office of the Director of Public Prosecutions consumed 2,094.80MWh 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 and North King Street.

This figure is compiled as follows:

- 888.75 MWh of Electricity
- 1,206.08 MWh of Natural Gas

Actions Undertaken in 2015

2.5.2 During 2015, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. Actions taken during 2015 include the following:

- Monitoring of the computerised Building Management System (BMS) continued and gas boilers were switched off for extended periods over the summer.
- Energy metering equipment was upgraded at Infirmary Road to assist with monitoring.
- An energy awareness campaign, including signage, continued to be implemented to encourage staff to switch off equipment and to use the stairs rather than lifts, whenever possible.

Actions Planned for 2016

2.5.3 Actions planned for 2016 include the following:

- Analysis of further potential for extended use of the BMS system in managing energy consumption.
- Continuation of awareness campaign using signage and posters.
- Review of water heating controls at Infirmary Road.
- Preparation of business case for upgrade of boiler systems and controls at Infirmary Road.

2.6 IRISH LANGUAGE SCHEME

2.6.1 The 3rd Irish Language Scheme for the Office of the Director of Public Prosecutions was approved by the Minister for Arts, Heritage and the Gaeltacht in January 2014. A copy of the Scheme is available on our website at www.dppireland.ie. The Scheme is effective for a three year period from 2014 to 2016.

2.6.2 During 2015 the Office dealt with one preliminary application in the District Court in Irish. Our Irish Language Officer dealt with seven Irish language translation requests and the Office received one telephone call in the Irish language.

2.6.3 The Office produced four publications during 2015: the Annual Report 2014; a revised information booklet on The Role of the DPP; information leaflets on 'How to Request Reasons and Reviews' and 'How We Make Prosecution Decisions'. All publications were produced bilingually. An application form for requesting reasons for decisions not to prosecute was also published bilingually.

2.6.4 The Office website 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.

2.6.5 During 2015 the total number of page views on the Irish version of our website was 467. This represents 0.3% of all page views. Apart from the Irish homepage, the most visited Irish pages were: Compliance, About Us and Contact Us.

2.6.6 Our Training Unit continues to promote Irish Language training courses to ensure that the Office can fulfil its obligations under

the Official Languages Act. In particular a number of our legal staff undertook a course in Legal Irish in March 2015. The course comprised of four modules and included: legal terminology; making short applications in the District and High Courts; making brief submissions; examining / cross examining witnesses through Irish; dealing with Judicial Review papers; and basic letter writing and telephone conversations.

PART 3:

LEGAL DEVELOPMENTS

3.1 LEGAL DEVELOPMENTS 2015

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 2015 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.

BAIL

Adhamh Grant v. Governor of Cloverhill Prison [2015] IEHC 768, High Court, Humphrey's J, November 27 2015

- 3.1.2** The High Court declined to release the applicant pursuant to a *habeas corpus* enquiry and held that the District Court judge had acted within jurisdiction when refusing bail on the basis of the *O'Callaghan* test. The High Court held that in the circumstances of this case the appropriate remedy for the applicant, who wished to challenge the refusal to grant bail, was an application for bail to the High Court or judicial review, but not *habeas corpus*.

CONSTITUTIONAL CHALLENGES

PP v. DPP and Others [2015] IEHC, High Court, Moriarty J, July 31, 2015

- 3.1.3** This case arose from a challenge to the constitutionality of the offence of gross indecency between males as set out in section 11 of the Criminal Law (Amendment) Act 1885. The High Court dismissed the plaintiff's challenge and ruled that the offence was not impermissibly vague and did not discriminate on gender grounds or infringe privacy rights.

John Cox v. DPP [2015] IEHC 642 High Court, McDermott J, October 20, 2015

- 3.1.4** In this case the High Court dismissed the plaintiff's constitutional challenge to section 4 of the Vagrancy Act 1824, which creates the offence of indecent exposure and ruled that the section created an offence which has a definite and precise meaning enabling the plaintiff to be adequately and professionally advised.

Thomas Redmond v. Ireland, Attorney General and the DPP [2015] IESC 98, Supreme Court, Charleton J, December 17, 2015

- 3.1.5** The plaintiff challenged the constitutionality of section 3(2) of the Offences Against the State (Amendment) Act 1972. Section 3(2) deals with the evidential status of the belief of a Chief Superintendent in cases alleging persons are members of unlawful organisations. The Supreme Court dismissed the challenge noting that a constitutional construction of the section requires that the evidence of the Chief Superintendent should also be supported by other evidence which is independent of evidence of the Chief Superintendent.

JF v. DPP and Other [2015] IEHC 468 (High Court, Binchy J, 14 July 2015)

- 3.1.6** The High Court dismissed the plaintiff's constitutional challenge to the notification requirements contained in the Sex Offenders Act 2001 ruling that the requirements placed on the plaintiff were not disproportionate given that the purpose of the scheme is to protect the general public and that the requirements are not penal in nature.

CHILDREN ACT 2001

***R.R. v. DPP* [2015] IEHC 116, High Court, Kearns P, March 3, 2015**

- 3.1.7** The High Court held that the Circuit Court was not precluded from imposing a sentence on a juvenile despite the fact that he had been remanded in custody for a period in excess of that provided for in section 100 of the Children Act 2001. The Court noted that the State had a special onus to deal with cases involving children as expeditiously as possible but that rare cases, such as this case, could arise allowing the Court to go beyond the time limit set out in section 100.

CRIMINAL DAMAGES OFFENCES

***DPP v. Cooper* [2015] IEHC 240, High Court, Noonan J, April 16, 2015**

- 3.1.8** In this consultative case stated the High Court held that in the prosecution of the accused for criminal damage of a headstone it was not necessary to tender evidence of ownership of the property or the value of the damaged property to sustain a conviction. The Criminal Damage Act 1991 contains a rebuttable legal presumption that the damaged property belonged to someone other than the accused and it also criminalises any damage to the property of another, irrespective of the value of the damage.

EVIDENCE

***DPP v. Crowe* [2015] IECCA 9, Court of Appeal, Edwards J, February 3, 2015**

- 3.1.9** The respondent had been convicted of an offence of sending a menacing message to a member of An Garda Síochána. The evidence in the case was that the Garda later identified the respondent as the caller when he viewed a videotape in the Garda station of the respondent being interviewed for the offence. The Garda was aware that the respondent had been arrested near the phone which had been used to make the call. The Court of Appeal allowed an appeal against the conviction ruling that

in the circumstances of the case the voice identification evidence lacked the necessary degree of cogency to be admitted in trial.

***DPP v. JC* [2015] IESC 31, Supreme Court, Clarke J, April 28, 2015**

- 3.1.10** In this appeal taken by the Director, the Supreme Court overturned the absolute exclusionary rule which was set out in its own decision in the *People (DPP) v. Kenny* [1990] 2 I.R. 110. The new rule can be very briefly summarised as permitting evidence obtained in breach of a defendant's constitutional rights to be admitted if the breach was due to inadvertence, or derives from subsequent legal rights, or the breach was not conscious or deliberate, or there are extraordinary excusing circumstances. A very detailed test is set out in the judgement of Clarke J.

***DPP v. Scanlon* [2015] IECA 232 (Court of Appeal, Sheehan J, 29 Oct 2015)**

- 3.1.11** In dismissing the accused's conviction appeal for drug offences the Court of Appeal confirmed that section 23 of the Misuse of Drugs Act 1977 can involve a two stage continuous process (i.e. an initial search and a more comprehensive Garda station search) and that the two searches can be carried out by different Gardai.

***DPP v Choung Vu* [2015] IECA 257 (Court of Appeal, Edwards J, 16 Nov 2015)**

- 3.1.12** The Court of Appeal held that to be guilty of cultivation it is not necessary to have control over the cannabis plants. A person who is a secondary participant in cultivation, by aiding and abetting others, is liable to be convicted of the principal offence notwithstanding that the plants are under the control of others.

***Sirbu v. DPP* [2015] IECA 23, Court of Appeal, Hogan J, November 9, 2015**

- 3.1.13** The appellant was charged with assault and had secured an order of prohibition from the High Court due to lost CCTV footage. The prosecution intended to rely on the

evidence of witnesses who had viewed the CCTV footage but which the appellant had not seen. The Court of Appeal overturned the order of prohibition and said that the missing evidence did not mean that the trial would be unfair. The trial judge could deal with the issue by appropriate judicial rulings during the course of the trial.

PUBLIC ORDER OFFENCES

DPP v. Fitzsimons [2015] IEHC 403, High Court, Kearns P, June 26 2015

- 3.1.14** In an appeal by way of case stated the High Court held that self-evidently unlawful behaviour, in this instance the applicant publicly exposing himself to female members of An Garda Síochána, and then running away, in breach of section 5 of the Criminal Justice (Public Order) Act 1994, did not require a warning by the Gardaí to desist from such behaviour prior to an arrest being made.

ROAD TRAFFIC LAW

O’Keeffe v. DPP [2015] IECA 31, Court of Appeal, Ryan P, May 21, 2015

- 3.1.15** The appellant had been convicted of an offence of drink driving in circumstances where the District Judge had allowed a prosecution witness to be recalled to give evidence after the prosecution case had closed. The Court of Appeal affirmed the decision of the High Court which had held that a District Court judge had a discretion to allow further evidence on technical or procedural matters following the closure of the prosecution case.

DPP v. O’Sullivan [2015] IEHC 693, High Court, Keane J, November 6, 2015

- 3.1.16** The respondent was acquitted of drink driving in the District Court. The Director appealed the case to the High Court by way of case stated. The High Court held that the District Judge had erred in ruling that the detention of the respondent for 20 minutes observation at the station was unlawful because the Garda had previously “observed” the accused in the patrol car on

the way to the station. The District Judge was required to follow the case of *DPP v. McNeice* [2003] 2 I.R. 614 which had held that the observation should be conducted in a controlled environment, such as in a Garda station.

DPP v. Dardis [2015] IEHC 53, High Court, Hedigan J, February 2, 2015

- 3.1.17** The respondent in this case had been acquitted by the District Court of a charge of drink driving. An appeal was taken by the Director by way of case-stated. The Court of Appeal ruled that as a matter of law (*DPP v. Fox* 2008 4 I.R. 811), the second 20-minute observation period was reasonable in the circumstances of the case because during the first observation period the Garda had not fully observed the respondent for the full 20 minutes.

DPP v. Gregory [2015] IEHC 706, High Court, Barrett J, November 13, 2015

- 3.1.18** In an appeal by way of case stated, the High Court held that a Garda Inspector’s authorisation issued pursuant to section 10 of the Road Traffic Act 2010, which had established 14 different mandatory alcohol testing (MAT) checkpoints over a seven-day period at multiple locations, each for a specific 45-minute interval, constituted a valid checkpoint authorisation. The High Court also found that the listing as one of the checkpoints of a stretch of road which was more than 1km in length was permitted and was not non-specific.

3.2 VICTIMS OF CRIME

- 3.2.1** On 16 November 2015 EU Directive 2012/29 came into effect. The directive establishes minimum standards on the rights, support and protection of victims of crime.
- 3.2.2** Under the directive victims now have rights to information about the process and the case. They also have procedural rights during court proceedings. A victim is defined in the directive 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** Prior to the coming into effect of the Victims' Directive this Office had, since October 2008, given reasons for decisions not to prosecute, on request, to the families of victims in fatal cases only. The number of requests received in fatal cases between October 2008 and November 2015 is set out in Chart 3 below.
- 3.2.4** Since the coming into effect of the Victims' Directive, victims now have a right to a summary of reasons for a decision not to prosecute in all cases, subject to some limited exceptions, where the decision was made on or after 16 November 2015. The directive also entitles a victim to ask for a review of a decision not to prosecute. The review is carried out by a lawyer who was not involved in making the original decision. Charts 3A and 3B below outline the number of requests for reasons and reviews received since 16 November 2015. The main categories of offences which were the subject of both requests for reasons and requests for review were: sexual offences; assaults and theft and fraud offences.
- 3.2.5** A Communications and Victims Liaison Unit was set up by this Office in July 2015. The Unit is primarily responsible for ensuring that the Office meets its obligations in respect of the rights, support and protection of victims as set out in the directive.
- 3.2.6** The Unit deals with all requests for reasons and reviews received from victims of crime. Staff in the Unit also provide an information service for victims who contact the Office by telephone. The Unit has produced two information booklets for victims on 'How we make decisions' and 'How to request reasons and reviews'. Both booklets are available on the 'Victims & Witnesses' section of the Office website at www.dppireland.ie.
- 3.2.7** At the time of writing, the directive has not as yet been transposed into national law. When legislation is in place, this Office will review current 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.

BEFORE IMPLEMENTATION OF EU DIRECTIVE

CHART 3: Breakdown of requests for reasons in fatal cases received from October 2008 to November 2015

Granted	Declined	Withdrawn	Pending	TOTAL
92	4	1	0	97

Since the Office of the DPP introduced the policy on giving reasons for decisions not to prosecute in fatal cases we received a total of 97 requests, 64% of which related to fatal road traffic incidents.

AFTER IMPLEMENTATION OF EU DIRECTIVE

CHART 3A: Number of requests for reasons received under the EU Victims' Directive from November 2015 to June 2016

Number received	Reason given	Reason refused	Pending
333	216	68	49

Examples of instances in which requests are refused would include requests relating to decisions made prior to 16 November 2015, or where giving a reason may prejudice a future court case.

CHART 3B: Number of requests received for review of decisions not to prosecute under the EU Victims' Directive from November 2015 to June 2016

Number received	Original decision upheld	Original decision overturned	Invalid request	Pending
135	106	0	11	18

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.

PART 4:

STATISTICS

STATISTICS

Explanatory Note in Relation to Statistics

4.1 Part 4 is broken down into five distinct sections:

- Charts 1 to 5 (Part 4.1) relate to the receipt of files in the Office and include details on the types of directions made;
- Charts 6 to 10 (Part 4.2) provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2012 and 2014.
- Charts 11 to 14 (Part 4.3) provide details of applications made to the Courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, confiscation and forfeiture of criminal assets, and European Arrest Warrants.
- Chart 15 (Part 4.4) provides details of the preparation/issue of Extradition Requests, seeking the extradition of individuals who are not present in European Arrest Warrant member states.
- Chart 16 (Part 4.5) provides details of requests for mutual legal assistance processed by the Office of the DPP.

4.2 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 6 to 10 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 2014 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.

4.3 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 May 2016.

4.4 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.

4.1 PROSECUTION FILES RECEIVED

Chart 1 shows the total number of prosecution files received by the Office of the Director of Public Prosecutions from 2002 to 2015.

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 1: TOTAL PROSECUTION FILES RECEIVED

YEAR	FILES
2002	14,586
2003	14,696
2004	14,613
2005	14,427
2006	15,279
2007	15,446
2008	16,144
2009	16,074
2010	15,948
2011	16,127
2012	15,285
2013	13,761
2014	14,014
2015	14,307

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 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: FILES DEALT WITH SOLELY BY THE SOLICITORS DIVISION

	2015	%	2014	%	2013	%
District Court Prosecution Files	1019	19%	1136	22%	1153	22%
Appeals from District Court to Circuit Court	2030	38%	1712	33%	1790	33%
High Court Bail Applications	2060	38%	1999	39%	2101	39%
Judicial Review Applications	246	5%	316	6%	337	6%
TOTAL	5355		5163		5381	

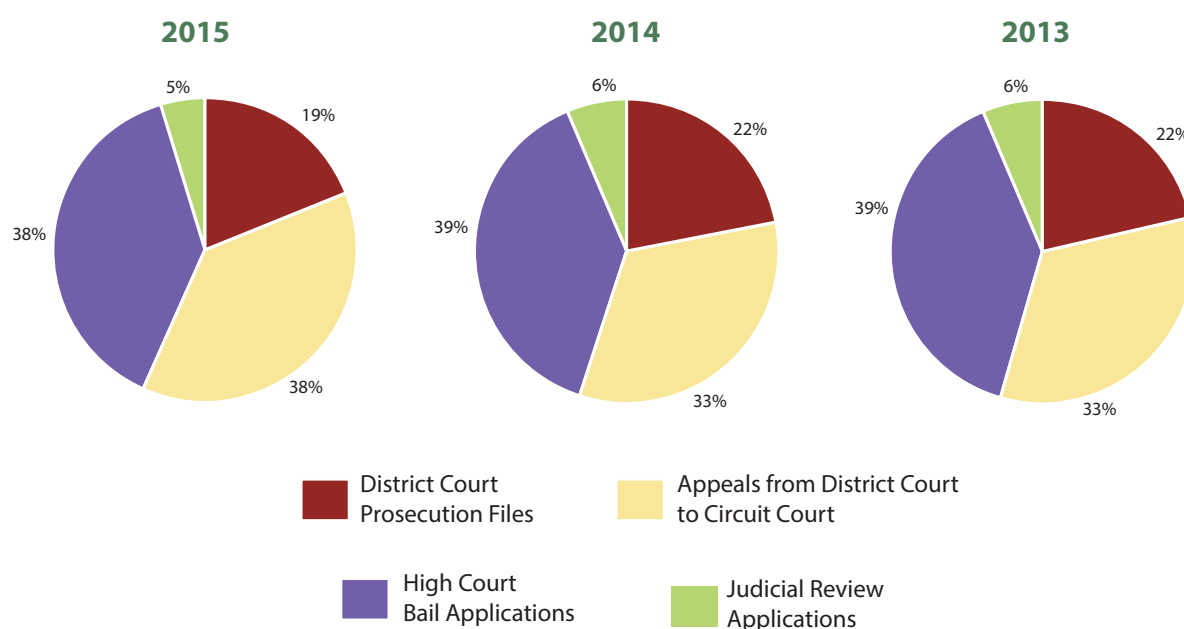
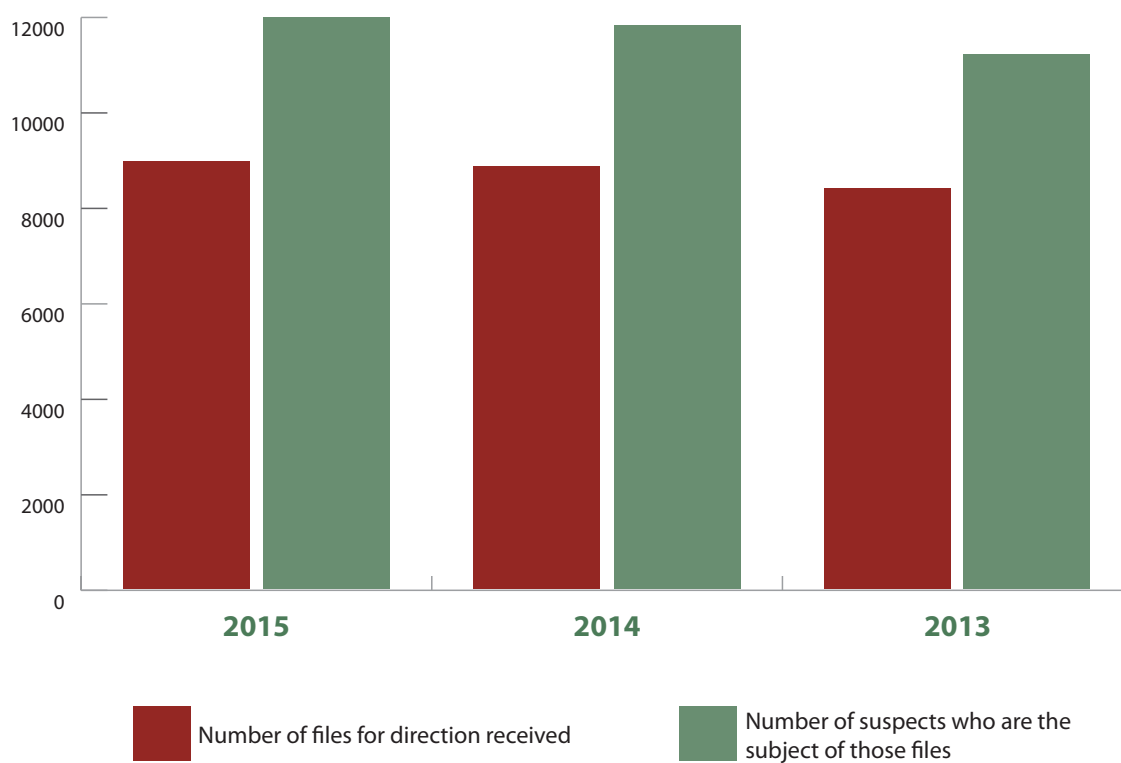


Chart 3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. Many files relate to more than one suspect and to treat such a file as a single case can give a misleading impression of the workload of the Office. It is important, therefore, to look at the total number of suspects as well as the total number of files.

CHART 3: BREAKDOWN OF FILES RECEIVED FOR DECISION WHETHER TO PROSECUTE

	2015	2014	2013
Files received for decision whether to prosecute	8952	8851	8380
Number of suspects who are the subject of those files	11975	11795	11197



The following chart shows a breakdown of the disposal of files received in the Directing Division in 2013, 2014 and 2015 (as of May 2016). The Garda Síochána and specialised investigating agencies submit files either directly to our Solicitors Division 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.

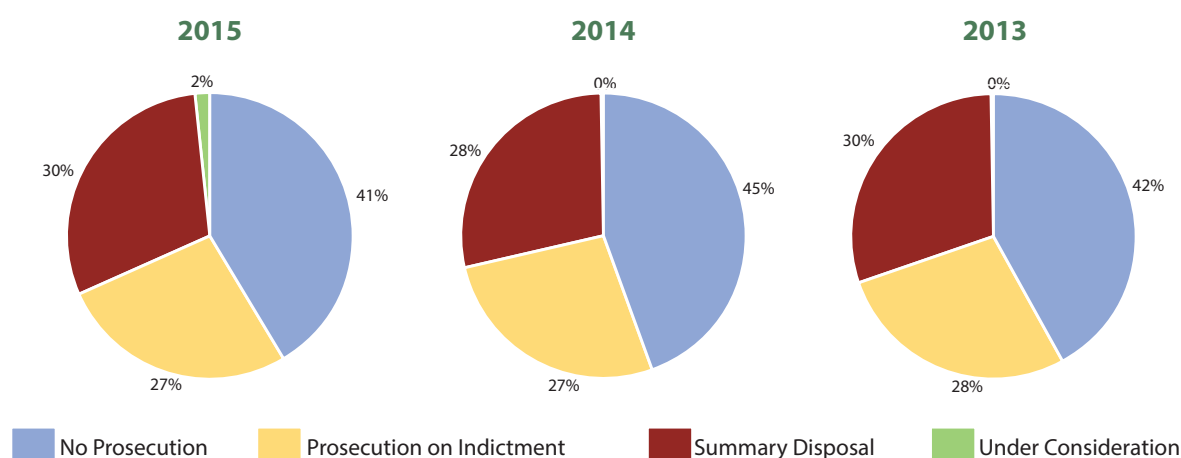
Summary Disposal: The offence is to be prosecuted in the District Court.

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. Further information is sought more often than not to strengthen the case rather than because of any deficiency in the investigation.

NOTE: The figures for 2013 and 2014 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 4: DISPOSAL OF DIRECTING DIVISION FILES BY NUMBER OF SUSPECTS SUBJECT OF FILES RECEIVED

Direction Made	2015	%	2014	%	2013	%
No Prosecution Directed	4963	41%	5251	45%	4706	42%
Prosecution on Indictment Directed	3250	27%	3173	27%	3109	28%
Summary Disposal Directed	3572	30%	3358	28%	3358	30%
TOTAL OF FILES DISPOSED	11785	98%	11782	100%	11173	100%
Under Consideration	190	2%	13	0%	18	0%
TOTAL	11975		11795		11191	



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 4A: BREAKDOWN OF MAIN REASONS FOR A DIRECTION NOT TO PROSECUTE

Main Reasons for No Prosecution	2015	%	2014	%	2013	%
Insufficient Evidence	3877	78%	4183	80%	3736	79%
Juvenile Diversion Programme	64	1%	58	1%	54	1%
Public Interest	81	2%	93	2%	106	2%
Sympathetic Grounds	6	0%	4	0%	5	0%
Time Limit Expired	42	1%	31	1%	33	1%
Undue Delay	74	2%	64	1%	47	1%
Injured Party Withdraws Complaint	268	5%	264	5%	203	5%
Adult Caution	112	2%	121	2%	107	2%
Other	439	9%	433	8%	415	9%
TOTAL	4963		5251		4706	

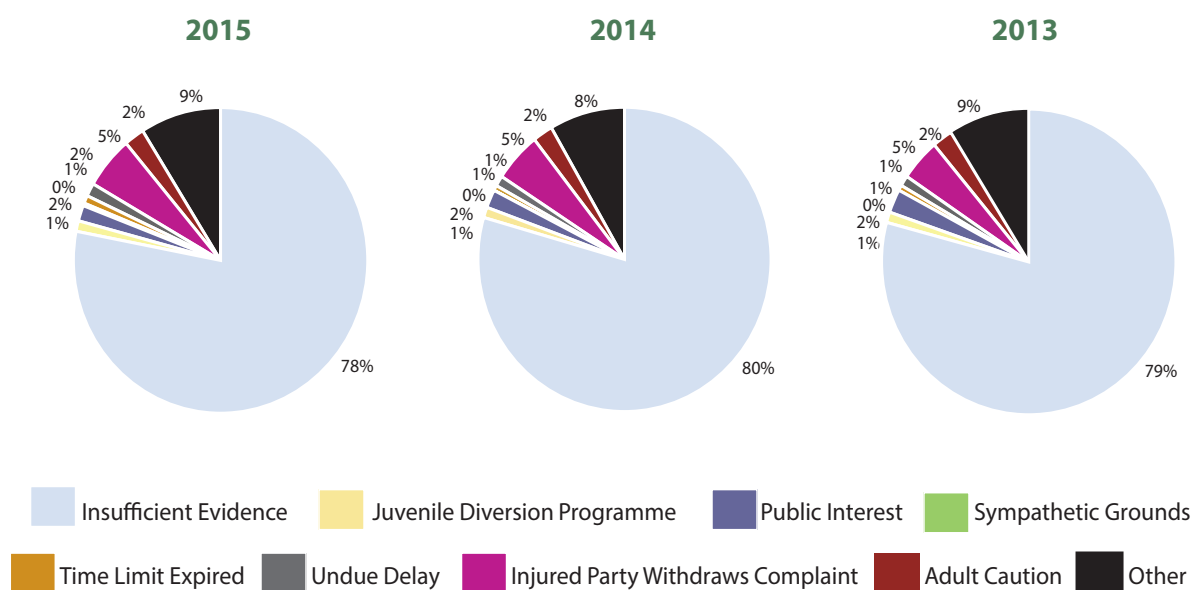


Chart 4B is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'Under Consideration' (see Chart 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 4B: BREAKDOWN OF NUMBER OF PROSECUTIONS ON INDICTMENT DIRECTED PER COUNTY OF OFFENCE

	Population					Number of Prosecutions on Indictment/Directed per County					Cases per 1,000 Persons					3 Year Rolling Average		
	2015*	2014*	2013*	2012*	2011*	2015	2014	2013	2012	2011	2015	2014	2013	2012	2011	2013	2012	2011
Carlow	55,613	55,405	55,438	54,966	54,612	26	47	27	37	44	0.47	0.85	0.49	0.67	0.81	0.60	0.67	0.66
Cavan	70,498	71,621	72,431	72,616	73,183	40	33	53	29	40	0.57	0.46	0.73	0.40	0.55	0.59	0.53	0.56
Clare	116,755	116,848	116,786	117,435	117,196	82	85	59	85	100	0.70	0.73	0.51	0.72	0.85	0.64	0.65	0.69
Cork	522,833	525,957	523,770	520,333	519,032	367	419	383	334	402	0.70	0.80	0.73	0.64	0.77	0.74	0.72	0.73
Donegal	155,225	157,697	159,482	159,888	161,137	47	46	60	60	59	0.30	0.29	0.38	0.38	0.37	0.32	0.35	0.37
Dublin	1,305,300	1,274,600	1,262,400	1,262,900	1,273,069	1374	1229	1259	1381	1572	1.05	0.96	1.00	1.09	1.23	1.00	1.02	1.11
Galway	245,106	246,006	246,457	246,175	250,653	97	140	94	124	101	0.40	0.57	0.38	0.50	0.40	0.45	0.48	0.43
Kerry	146,567	147,443	146,830	145,867	145,502	88	82	84	116	130	0.60	0.56	0.57	0.80	0.89	0.58	0.64	0.75
Kildare	218,356	216,574	214,158	213,881	210,312	82	93	93	134	125	0.38	0.43	0.43	0.63	0.59	0.41	0.50	0.55
Kilkenny	97,168	96,804	96,861	96,037	95,419	41	37	41	48	68	0.42	0.38	0.42	0.50	0.71	0.41	0.44	0.55
Laois	83,637	82,895	82,353	81,868	80,559	47	34	46	74	59	0.56	0.41	0.56	0.90	0.73	0.51	0.62	0.73
Leitrim	30,631	31,119	31,471	31,552	31,798	14	17	11	8	13	0.46	0.55	0.35	0.25	0.41	0.45	0.38	0.34
Limerick	191,088	191,239	191,138	192,200	191,809	186	132	156	119	168	0.97	0.69	0.82	0.62	0.88	0.83	0.71	0.77
Longford	40,490	40,131	39,869	39,634	39,000	22	23	29	41	43	0.54	0.57	0.73	1.03	1.10	0.61	0.78	0.95
Louth	118,388	120,274	121,634	121,944	122,897	79	98	69	119	103	0.67	0.81	0.57	0.98	0.84	0.68	0.79	0.79
Mayo	127,747	128,216	128,451	128,304	130,304	81	55	75	91	74	0.63	0.43	0.58	0.71	0.57	0.55	0.57	0.62
Meath	191,178	189,618	187,503	187,260	184,135	80	78	70	63	82	0.42	0.41	0.37	0.34	0.45	0.40	0.37	0.39
Monaghan	58,264	59,192	59,861	60,014	60,483	32	31	33	34	35	0.55	0.52	0.55	0.57	0.58	0.54	0.55	0.57
Offaly	79,617	78,911	78,395	77,933	76,687	31	43	25	65	44	0.39	0.54	0.32	0.83	0.57	0.42	0.57	0.58
Roscommon	62,647	62,877	62,992	62,921	64,065	26	23	23	21	17	0.42	0.37	0.37	0.33	0.27	0.38	0.35	0.32
Sligo	62,994	63,997	64,721	64,886	65,393	43	26	45	47	40	0.68	0.41	0.70	0.72	0.61	0.59	0.61	0.68
Tipperary	160,110	159,829	159,845	159,470	158,754	105	86	125	121	110	0.66	0.54	0.78	0.76	0.69	0.66	0.69	0.74
Waterford	115,881	115,447	115,515	114,532	113,795	79	99	72	88	97	0.68	0.86	0.62	0.77	0.85	0.72	0.75	0.75
Westmeath	89,456	88,663	88,083	87,564	86,164	69	62	48	82	71	0.77	0.70	0.54	0.94	0.82	0.67	0.73	0.77
Wexford	147,985	147,429	147,517	146,261	145,320	64	62	52	77	61	0.43	0.42	0.35	0.53	0.42	0.40	0.43	0.43
Wicklow	141,866	140,708	139,139	138,959	136,640	48	93	76	62	84	0.34	0.66	0.55	0.45	0.61	0.52	0.55	0.54
TOTAL	4,635,400	4,609,500	4,593,100	4,585,400	4,588,252	3250	3173	3109	3461	3743								

* The 2012, 2013, 2014 & 2015 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 2012, 2013, 2014 & 2015.

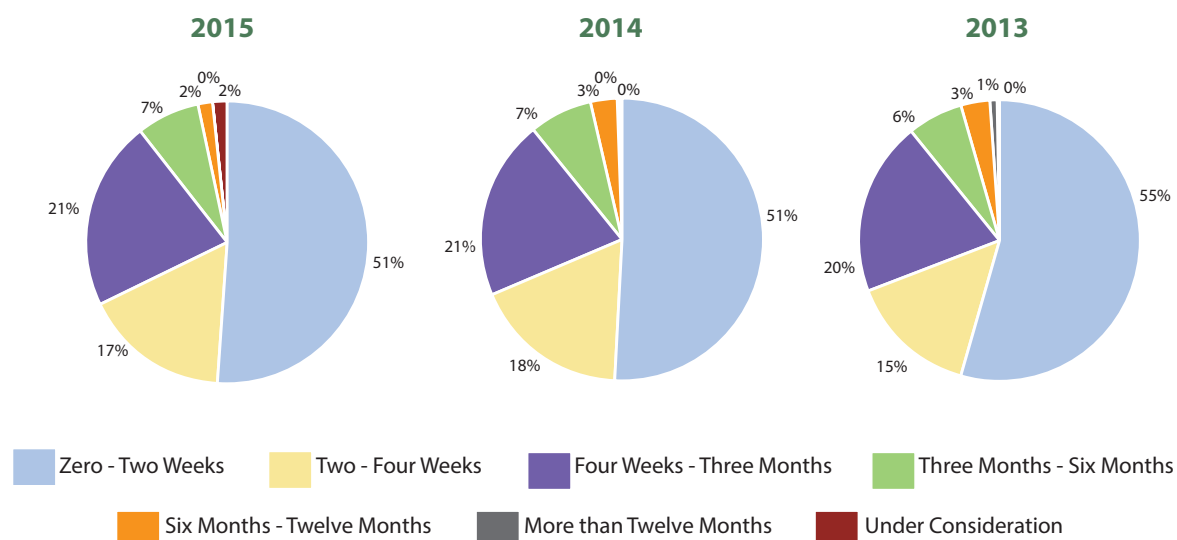
Chart 5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing multiple 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. Further information may be sought to enhance the proofs in a case and does not necessarily imply any deficiency in the investigation.

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 5: TIME TAKEN TO ISSUE DIRECTIONS

Time Taken	2015	%	2014	%	2013	%
Zero - Two Weeks	6125	51%	6016	51%	6120	55%
Two - Four Weeks	2024	17%	2097	18%	1646	15%
Four Weeks - Three Months	2568	21%	2415	21%	2223	20%
Three Months - Six Months	859	7%	873	7%	709	6%
Six Months - Twelve Months	205	2%	330	3%	373	3%
More than Twelve Months	4	0%	51	0%	102	1%
TOTAL FILES DISPOSED	11785	98%	11672	100%	11173	100%
Under Consideration	190	2%	13	0%	18	0%
TOTAL	11975		11795		11191	



4.2 RESULTS OF CASES PROSECUTED ON INDICTMENT

4.2.1 Charts 6 to 10 provide information for prosecutions on indictment taken by the Director in respect of files received in the Office between 2012 and 2014. 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.

4.2.2 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.

4.2.3 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 8A and 9A. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges.

4.2.4 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.

4.2.5 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 6 shows the results of prosecutions on indictment taken in relation to defendants in respect of whom prosecutions were commenced in the years 2012 to 2014 (as of May 2016). The figures relate to:

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

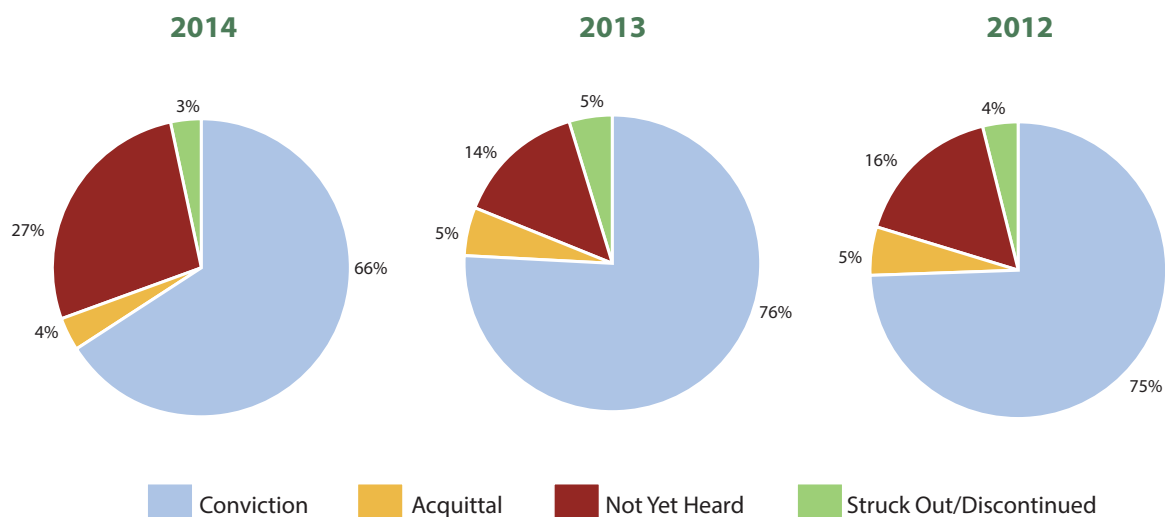
Acquittal: The defendant was acquitted on all charges.

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 2015 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.

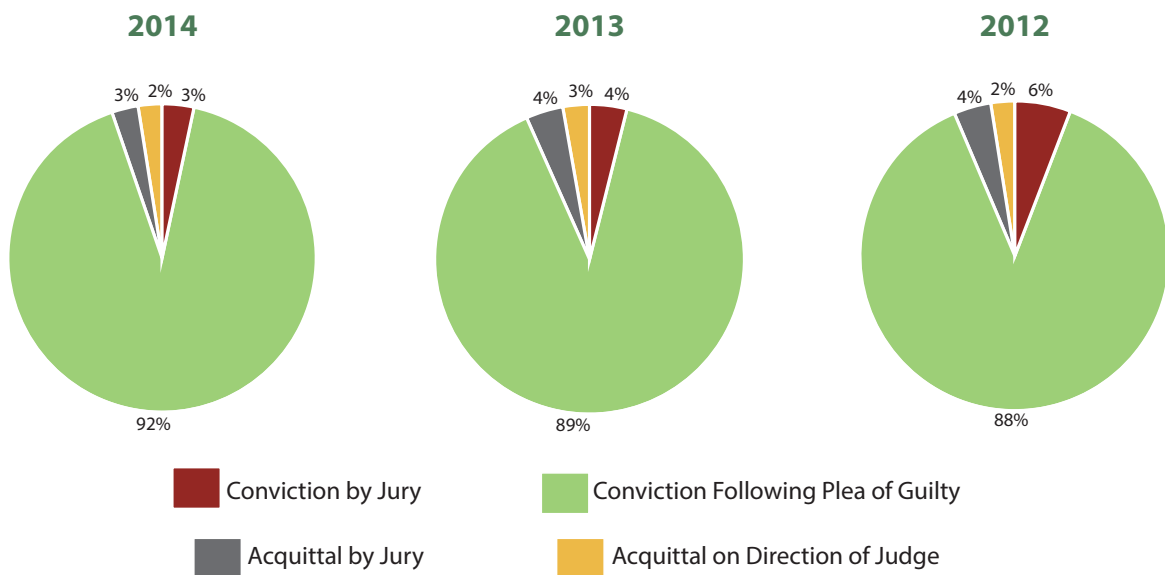
CHART 6: CASE RESULTS - PROSECUTIONS ON INDICTMENT

Outcome	2014	%	2013	%	2012	%
Conviction	2095	66%	2359	76%	2586	75%
Acquittal	111	4%	163	5%	175	5%
Not Yet Heard	862	27%	446	14%	570	16%
Struck Out/Discontinued	105	3%	141	5%	130	4%
TOTAL	3173	100%	3109	100%	3461	100%



**CHART 6A: BREAKDOWN OF CONVICTIONS AND ACQUITTALS
(EXCLUDING CASES STILL TO BE HEARD)**

	2014	%	2013	%	2012	%
Conviction by Jury	75	3%	103	4%	163	6%
Conviction Following Plea of Guilty	2020	92%	2256	89%	2423	88%
TOTAL CONVICTIONS	2095	95%	2359	93%	2586	94%
Acquittal by Jury	57	3%	94	4%	109	4%
Acquittal on Direction of Judge	54	2%	69	3%	66	2%
TOTAL ACQUITTALS	111	5%	163	7%	175	6%
TOTAL	2206	100%	2522	100%	2761	100%



the case is treated as still being 'For Hearing' unless a *nolle prosequi* is entered.

CHART 7: OUTCOMES OF CASES PROSECUTED IN THE CIRCUIT CRIMINAL COURT

	2014			2013			2012				2014			2013			2012				2014			2013			2012			Other Disposals
	2014	2013	2012	2014	2013	2012	2014	2013	2012		2014	2013	2012	2014	2013	2012	2014	2013	2012											
Fatal Accident at Work	4	6	6	0	0	0	2	2	4	0	1	0	0	0	0	1	2	2	1	2	2	1	0	1	0	0	0			
Manslaughter	6	4	12	1	0	1	2	2	7	0	0	0	0	1	2	0	1	0	3	0	2	0	0	0	0	0	0			
Other Fatal Offences	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
TOTAL - FATAL OFFENCES	10	10	18	1	0	1	4	4	11	0	1	0	0	1	2	0	1	1	5	2	3	0	1	0	0	1	0			
Burglary	296	303	309	1	3	8	190	242	222	21	14	19	0	2	4	1	7	5	73	28	46	10	7	5	0	7	5			
Fraud	65	35	30	1	1	0	39	21	18	0	2	0	0	0	1	0	0	0	24	10	10	1	1	1	1	1	1			
Robbery	422	383	472	1	2	3	323	304	367	11	17	16	3	1	3	5	7	4	74	42	61	5	10	18	5	10	18			
Theft	186	148	193	4	1	3	120	105	125	11	10	14	3	1	2	4	3	5	41	23	41	3	5	3	3	5	3			
Other Offences Against Property	292	293	319	3	6	7	174	190	215	19	18	23	1	3	6	3	6	6	80	57	55	12	13	7	12	13	7			
TOTAL - OFFENCES AGAINST PROPERTY	1261	1162	1323	10	13	21	846	862	947	62	61	72	7	7	16	13	23	20	292	160	213	31	36	34	0	0	0			
Burglary	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0			
Child Pornography	16	13	17	0	0	0	7	10	12	0	1	1	0	0	0	0	1	0	9	1	4	0	0	0	0	0	0			
Sexual Assault	87	79	83	7	4	10	27	36	44	4	2	2	3	8	6	4	4	2	38	13	17	4	12	2	4	12	2			
Defilement of a Child	11	14	28	0	0	0	6	11	21	0	0	1	0	0	0	0	0	2	5	2	3	0	1	1	0	1	1			
Other Sexual Offences	54	41	50	1	2	5	20	25	30	1	0	1	0	3	2	2	1	1	28	8	9	2	2	2	2	2	2			
TOTAL - SEXUAL OFFENCES	168	147	179	8	6	15	60	82	107	5	3	5	3	11	8	6	6	5	80	24	34	6	15	5	0	0	0			
Dangerous Driving Causing Death	36	22	18	0	1	2	19	15	14	5	1	2	3	1	0	1	0	0	8	4	0	0	0	0	0	0	0			
Unauthorised Taking of Motor Vehicles	31	23	34	0	0	0	20	16	20	4	4	5	0	0	0	0	0	1	6	3	7	1	0	1	0	1	1			
Other Road Traffic Offences	61	56	49	1	2	2	28	35	27	7	8	9	2	2	1	0	0	2	23	8	7	0	1	1	0	1	1			
TOTAL - ROAD TRAFFIC OFFENCES	128	101	101	1	3	4	67	66	61	16	13	16	5	3	1	1	0	3	37	15	14	1	1	2	0	1	2			
Drug Offences	477	535	569	6	6	4	177	220	212	192	232	236	0	3	1	4	7	5	78	46	93	20	21	18	20	21	18			
Firearms and Explosives Offences	89	89	130	1	3	1	46	50	90	14	19	17	2	2	0	0	0	3	24	13	12	2	2	7	2	2	7			
Non Fatal Offences Against the Person	605	656	668	14	23	25	338	398	380	40	44	55	33	50	46	19	18	14	136	82	113	25	41	35	25	41	35			
Public Order Offences	179	170	193	0	5	4	74	103	93	23	16	28	3	3	8	9	0	12	62	39	40	8	4	8	8	4	8			
Revenue Offences	35	34	36	0	0	0	14	15	21	0	1	2	0	0	2	0	0	0	21	16	11	0	2	0	0	2	0			
Sea Fisheries	5	12	18	0	1	0	1	8	4	0	0	0	0	1	0	0	0	0	4	0	13	0	2	1	0	2	1			
Other Offences	70	57	63	5	2	6	20	28	32	6	7	6	0	1	4	3	0	3	35	16	11	1	3	1	1	3	1			
GRAND TOTAL	3027	2973	3298	46	62	81	1647	1836	1958	358	397	437	52	82	88	55	55	66	774	413	557	94	128	111	94	128	111			

CHART 7A: BREAKDOWN OF 'OTHER DISPOSALS' FROM CHART 7

	2014	2013	2012
<i>Nolle Prosequi</i> Entered	80	103	101
Struck Out	3	5	4
Taken Into Consideration	2	4	1
Successful application to dismiss charges	2	1	1
Suspect absconded and not expected to return	2	10	1
Suspect unfit to Plead	2	0	0
Not Guilty by Reason of Insanity	3	5	3
TOTAL	94	128	111

CHART 7B: TOTAL FINALISED CASES IN THE CIRCUIT CRIMINAL COURT AND PERCENTAGE OF CONVICTIONS

	TOTAL			Percentage of Convictions		
	2014	2013	2012	2014	2013	2012
Fatal Accident at Work	2	3	5	100%	100%	80%
Manslaughter	3	4	10	100%	50%	80%
Other Fatal Offences	0	0	0	N/A	N/A	N/A
TOTAL - FATAL OFFENCES	5	7	15	100%	71%	80%
Burglary	213	268	258	100%	97%	97%
Fraud	40	24	19	100%	100%	95%
Robbery	343	331	393	98%	98%	98%
Theft	142	120	149	95%	97%	95%
Other Offences Against Property	200	223	257	98%	96%	95%
TOTAL - OFFENCES AGAINST PROPERTY	938	966	1076	98%	97%	97%
Buggery	0	0	0	N/A	N/A	N/A
Child Pornography	7	12	13	100%	92%	100%
Sexual Assault	45	54	64	84%	78%	88%
Sex with an Underage Person	6	11	24	100%	100%	92%
Other Sexual Offences	24	31	39	92%	87%	92%
TOTAL - SEXUAL OFFENCES	82	108	140	89%	84%	91%
Dangerous Driving Causing Death	28	18	18	86%	94%	100%
Unauthorised Taking of Motor Vehicles	24	20	26	100%	100%	96%
Other Road Traffic Offences	38	47	41	95%	96%	93%
TOTAL - ROAD TRAFFIC OFFENCES	90	85	85	93%	96%	95%
Drug Offences	379	468	458	99%	98%	99%
Firearms and Explosives Offences	63	74	111	97%	97%	97%
Non Fatal Offences Against the Person	444	533	520	88%	87%	88%
Public Order Offences	109	127	145	89%	98%	86%
Sea Fisheries	14	16	25	100%	100%	92%
Revenue Offences	1	10	4	100%	90%	100%
Other Offences	34	38	51	91%	97%	86%
GRAND TOTAL	2159	2432	2630	95%	94%	94%

Chart 8 outlines the result of cases directed for prosecution in the Special Criminal Court.

[illegible]

CHART 8A: BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE' FOR PERSONS CHARGED WITH MEMBERSHIP OF UNLAWFUL ORGANISATION AND RELATED OFFENCES

[illegible]

CHART 8B: BREAKDOWN OF 'OTHER DISPOSALS' FROM CHART 8

	2014	2013	2012
<i>Nolle Prosequi</i> Entered	0	2	3
TOTAL	0	2	3

CHART 8C: TOTAL CASES FINALISED IN THE SPECIAL CRIMINAL COURT AND PERCENTAGE OF CONVICTIONS

	TOTAL			Percentage of Convictions		
	2014	2013	2012	2014	2013	2012
Firearms and Explosives Offences	0	1	6	N/A	100%	67%
Membership of Unlawful Organisation & Related Offences	8	22	11	100%	32%	82%
Other Offences	0	1	5	N/A	100%	100%
TOTAL	8	24	22			

Chart 9 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 9: OUTCOMES OF CASES PROSECUTED ON INDICTMENT IN THE CENTRAL CRIMINAL COURT

	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012
		0		0	0	0	0	0	0	1	3													
					3																			
			3	2	0	0	0	0	0	0	1													
Aggravated Sexual Assault				0																				
Assisting an Offender			1	0	0	0	0	0	0	0	0												0	
			0	0	0	0	0	0	0	0	0												0	
		0																						
TOTAL	129	103	136	14	18	41	14	17	31	8	20	20	3	10	15	0	1	2	10	8	15	80	29	12

CHART 9A: BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE'

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2014	2013	2012	2014	2013	2012	2014	2013	2012
Murder	Manslaughter	3	5	6	2	2	1	1	3	5
Murder	Attempted Murder	0	0	1	0	0	0	0	0	1
Murder	Assault Causing Serious Harm	0	1	0	0	1	0	0	0	0
Murder	Other Fatal Offences	0	0	1	0	0	1	0	0	0
Rape	Aggravated Sexual Assault	1	0	2	0	0	0	1	0	2
Rape	Assault Causing Harm	0	2	4	0	2	3	0	0	1
Rape	Attempted Rape	0	1	1	0	1	0	0	0	1
Rape	Other Sexual Offences	2	1	0	1	1	0	1	0	0
Rape	Sex with an underage girl	0	4	2	0	1	0	0	3	2
Rape	Sexual Assault	0	4	2	0	2	2	0	2	0
Rape	Theft	0	1	0	0	0	0	0	1	0
Rape	Threat to Kill	0	0	0	0	0	0	0	0	0
Attempted Rape	Other Sexual Offences	0	0	1	0	0	0	0	0	1
Attempted Rape	Sexual Assault	2	1	0	0	0	0	2	1	0
TOTAL		8	20	20	3	10	7	5	10	13

CHART 9B: Breakdown of 'Other Disposals'

		2013	2012
TOTAL	10	8	15

CHART 9C: Total Cases Finalised in the Central Criminal Court and Percentage of Convictions
(Including Convictions on a Lesser Charge)

	TOTAL			Percentage of Convictions		
	2014	2013	2012	2014	2013	2012
Murder	13	21	31	100%	90%	90%
Attempted Murder	0	2	2	N/A%	100%	100%
Rape	20	39	67	85%	79%	81%
Attempted Rape	5	2	5	100%	100%	100%
Aggravated Sexual Assault	0	2	2	N/A	50%	50%
Assisting an Offender	1	0	2	100%	N/A	100%
TOTAL	39	66	109	92%	83%	84%

Chart 10 breaks down the case verdicts for each Circuit Criminal Court. Unlike Chart 7, 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 10: 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		
	2014	2013	2012	2014	2013	2012	2014	2013	2012	2014	2013	2012	2014	2013	2012	2014	2013	2012
Carlow	29	21	23	1	1	3	21	12	17	4	6	2	2	1	1	1	1	0
Cavan	25	35	27	1	0	0	17	26	23	6	7	2	0	2	2	1	0	0
Clare	62	38	62	0	1	4	41	27	39	19	8	17	1	1	2	1	1	0
Cork	350	339	249	9	9	7	279	263	199	50	46	34	6	10	5	6	11	4
Donegal	30	45	44	1	2	1	19	40	38	10	2	2	0	1	3	0	0	0
Dublin	825	975	1112	10	15	18	630	719	827	166	196	224	8	25	21	11	20	22
Galway	89	73	87	3	7	2	73	48	59	13	6	22	0	7	2	0	5	2
Kerry	52	67	76	0	3	1	43	52	61	7	11	11	2	1	1	0	0	2
Kildare	65	68	106	2	4	9	49	50	75	6	9	14	4	2	5	4	3	3
Kilkenny	29	31	33	3	1	1	19	23	19	6	5	5	1	0	3	0	2	5
Laois	24	30	65	0	0	4	18	23	44	4	4	6	2	2	9	0	1	2
Leitrim	4	8	7	0	1	0	3	5	6	1	2	0	0	0	1	0	0	0
Limerick	69	124	92	1	2	3	57	111	76	9	10	13	2	1	0	0	0	0
Longford	17	28	32	0	0	1	11	20	30	5	8	1	0	0	0	1	0	0
Louth	50	45	83	1	1	3	43	36	62	4	7	7	0	1	10	2	0	1
Mayo	35	64	54	1	2	5	27	44	43	4	13	5	3	5	1	0	0	0
Meath	37	48	41	3	0	2	27	40	29	3	7	6	2	0	0	2	1	4
Monaghan	10	11	18	0	0	0	8	10	12	2	1	2	0	0	1	0	0	3
Offaly	24	18	52	0	1	0	17	13	36	4	1	8	1	3	5	2	0	3
Roscommon	16	21	18	0	0	2	8	14	12	3	5	3	3	2	1	2	0	0
Sligo	21	38	38	1	0	0	13	33	24	3	3	4	0	1	6	4	1	4
Tipperary	59	104	93	2	4	7	43	74	63	9	15	22	3	6	0	2	5	1
Waterford	81	63	57	1	4	0	58	47	41	8	6	6	8	5	6	6	1	4
Westmeath	41	43	59	0	1	0	34	33	47	3	4	7	0	3	3	4	2	2
Wexford	52	40	60	1	0	6	41	28	43	7	10	9	1	1	0	2	1	2
Wicklow	63	55	41	5	3	2	48	45	33	2	5	4	4	2	0	4	0	2
TOTAL	2159	2432	2629	46	62	81	1647	1836	1958	358	397	436	53	82	88	55	55	66

CHART 10A: Total Cases Finalised and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2014	2013	2012	2014	2013	2012
Carlow	29	21	23	90%	90%	96%
Cavan	25	35	27	96%	94%	93%
Clare	62	38	62	97%	95%	97%
Cork	350	339	249	97%	94%	96%
Donegal	30	45	44	100%	98%	93%
Dublin	825	975	1112	98%	95%	96%
Galway	89	73	87	100%	84%	95%
Kerry	52	67	76	96%	99%	96%
Kildare	65	68	106	88%	93%	92%
Kilkenny	29	31	33	97%	94%	76%
Laois	24	30	65	92%	90%	83%
Leitrim	4	8	7	100%	100%	86%
Limerick	69	124	92	97%	99%	100%
Longford	17	28	32	94%	100%	100%
Louth	50	45	83	96%	98%	87%
Mayo	35	64	54	91%	92%	98%
Meath	37	48	41	89%	98%	90%
Monaghan	10	11	18	100%	100%	78%
Offaly	24	18	52	88%	83%	85%
Roscommon	16	21	18	69%	90%	94%
Sligo	21	38	38	81%	95%	74%
Tipperary	59	104	93	92%	89%	99%
Waterford	81	63	57	83%	90%	82%
Westmeath	41	43	59	90%	88%	92%
Wexford	52	40	60	94%	95%	97%
Wicklow	63	55	41	87%	96%	95%
TOTAL	2159	2432	2629	95%	94%	94%

4.3 APPLICATIONS TO THE COURTS

Charts 11 to 14 provide details of applications made to the Courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, confiscation and forfeiture of criminal assets, and European Arrest Warrants.

APPLICATIONS TO THE COURT OF APPEAL (CRIMINAL)

The new Court of Appeal was established in October 2014 under 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. The first criminal appeal case was heard on 10 November 2014.

Chart 11 below details the number of appeals dealt with since the establishment of the new court. The statistics include cases in which the Director of Public Prosecutions was the applicant, in addition to cases in which the Director was the respondent.

CHART 11: Appeals to the Court of Appeal (Criminal) since November 2014

Year	Appeal by DPP	Severity of Sentence	Conviction	Conviction and Severity	TOTAL CASES
Nov - Dec 2014	10	37	9	13	69
Jan - Dec 2015	44 *	195	40	54	333
Jan - June 2016	27	84	17	38	166
TOTAL	81	316	66	105	568

* See note on page 48 overleaf.

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 Criminal Appeal to have a sentence imposed by the trial court reviewed, if it appears that the sentence imposed was in law unduly lenient.

Chart 12 below details the number of applications made since the introduction of the Act.

Chart 12A outlines the results of applications, in the last 10 years, by the year in which the application was heard.

CHART 12: APPLICATIONS FOR REVIEW OF SENTENCE ON GROUNDS OF UNDUE LENIENCY

Year of Application	Number of Applications Lodged	Year of Application	Number of Applications Lodged
1994	2	2005	37
1995	2	2006	41
1996	3	2007	42
1997	4	2008	58
1998	12	2009	57
1999	34	2010	54
2000	31	2011	55
2001	23	2012	21
2002	23	2013	32
2003	26	2014	31
2004	21	2015	38 *

* The number of applications lodged in 2015 was amended from 51 to 38 subsequent to publication of this report due to an error in the original figure.

CHART 12A: RESULTS OF APPLICATIONS BY YEAR HEARD

Year of Application Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2006	33	15	2	50
2007	30	6	3	39
2008	30	14	3	47
2009	15	13	3	31
2010	27	27	3	57
2011	22	18	3	43
2012	15	10	3	28
2013	16	6	4	26
2014	23	11	2	36
2015	36	10	5	51

CONFISCATION AND FORFEITURE OF CRIMINAL ASSETS

Taking away the assets of convicted criminals, as provided for under the provisions of the Criminal Justice Act 1994 (as amended), has proved to be an effective tool available to the Prosecution in diminishing the proceeds that are obtained from criminal activity. The Office of the Director of Public Prosecutions established a dedicated Assets Seizing Section in 2007 which co-ordinates and monitors all applications brought under the Act. The section liaises on an ongoing basis with An Garda Síochána, State Solicitors, the Criminal Assets Bureau and the Revenue Commissioners, to ensure best practice in the area of confiscation and forfeiture of criminal assets.

Asset seizing files received in the Office under the Criminal Justice Act 1994 ranged from forfeiture order cases, to confiscation order cases, to freezing order applications. The total number of cases opened in 2015 is set out in Chart 13 below.

CHART 13: ASSET SEIZING FILES OPENED IN 2015

Asset Seizing Files Opened 2015	
Section 39 Applications (Revenue and Gardaí)	25
Sections 4 and 9 Applications	5
Section 61 Applications	1
Section 24 Applications	4
TOTAL	35

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 4 Confiscation Orders: Under the provisions of section 4 of the Criminal Justice Act 1994 (as amended), 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 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 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 61 Forfeiture Orders: Section 61 of the Act allows for forfeiture of any property used to commit, or to facilitate any offence, in either the District Court or Circuit Court. This Office brings applications under the section in relation to a wide variety of assets, such as cars used to transport criminals to and from crime scenes, as well as money and instruments of crime such as drug preparation equipment found at the crime scene, or near to it.

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.

Details of Confiscation and Forfeiture Orders granted by the courts in 2015, to a total value of €3,399,681.44 are outlined in chart 13A below.

CHART 13A: CONFISCATION OF CRIMINAL ASSETS

Orders	Number	Amount
Forfeiture Orders	3	€120,373.00
Section 4 Confiscation Orders	8	€267,313.00
Section 9 Confiscation Orders	2	€1,804,276.00
Section 39 Forfeiture Orders (Gardaí)	6	€62,285.00
Section 39 Forfeiture Orders (Revenue Solicitor Applications)	30	€1,145,434.44
TOTAL	49	€3,399,681.44

EUROPEAN ARREST WARRANTS

The European Arrest Warrant Act, 2003 came into operation on 1 January 2004. Section 2 of the Act defines the European Arrest Warrant (EAW) as a Court decision in one member state of the EU addressed to a Court in 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. When issued by the High Court, the EAW is dispatched to the Department of Justice & Equality for transmission to the country where it is believed the requested person is residing. Section 33 of the European Arrest Warrant Act 2003 provides that a European Arrest Warrant can be issued by a court if the person requested would, if convicted of the offence (the subject matter of the EAW), be potentially liable to serve a term of imprisonment of 12 months or more. Alternatively, if the person requested has been convicted of an offence, a European 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 4 months. The offences for which EAWs have been sought covered a wide range of serious offences including murder, sexual offences, drugs offences, thefts and serious assaults.

Chart 14 below outlines the number of European Arrest Warrants dealt with in the years 2013, 2014 and 2015. 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. The total files received include files where an application is pending or where either no application for an EAW was made, or the issued EAW was withdrawn because the DPP had so directed, the requested person was arrested in Ireland, or the requested person or complainant had died.

CHART 14: EUROPEAN ARREST WARRANTS

Year	EAW Files Received from Gardaí	EAWs Issued	Persons Surrendered
2013	74	50	39
2014	74	48	31
2015	106	92	17

4.4 EXTRADITION REQUESTS

Requests for the preparation/issue of Extradition Requests (seeking the extradition of individuals who are not present in European Arrest Warrant member states) 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, namely the Department of Justice & Equality. 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 2015, the Office of the Director of Public Prosecutions received 12 files from An Garda Síochána seeking the completion and issue of Extradition Requests.

10 Extradition Requests were issued in 2015, of which 1 was transmitted to South Africa, 5 were transmitted to Australia, 1 to Jersey (Channel Islands), 1 to Brazil and 2 were transmitted to the United States of America.

CHART 15: EXTRADITION REQUESTS 2015

Country Request Transmitted to:	Number of Extradition Requests Issued
South Africa	1
TOTAL	10

4.5 MUTUAL LEGAL ASSISTANCE

Under the provisions of the Criminal Justice (Mutual Assistance) Act 2008, Ireland can provide mutual legal assistance to, and ask for mutual assistance from, other countries in criminal investigations or criminal proceedings. All such requests are dealt with by the Central Authority for Mutual Assistance in the Department of Justice and Equality.

Requests for mutual assistance to other countries are forwarded to the Office of the Director of Public Prosecutions by the Central Authority for assessment and legal advice, before transmission to other countries.

Chart 16 outlines the total number of requests for mutual legal assistance dealt with by this Office.

CHART 16: REQUESTS FOR MUTUAL LEGAL ASSISTANCE

	2015	2014	2013
Number of Requests	268	201	281

