

# Annual Report | 2022

This Report is also available in the Irish Language

Office of the Director of Public Prosecutions  
Infirmary Road, Dublin 7, D07 FHN8

 +353 1 858 8500

 +353 1 642 7406

 [www.dppireland.ie](http://www.dppireland.ie)

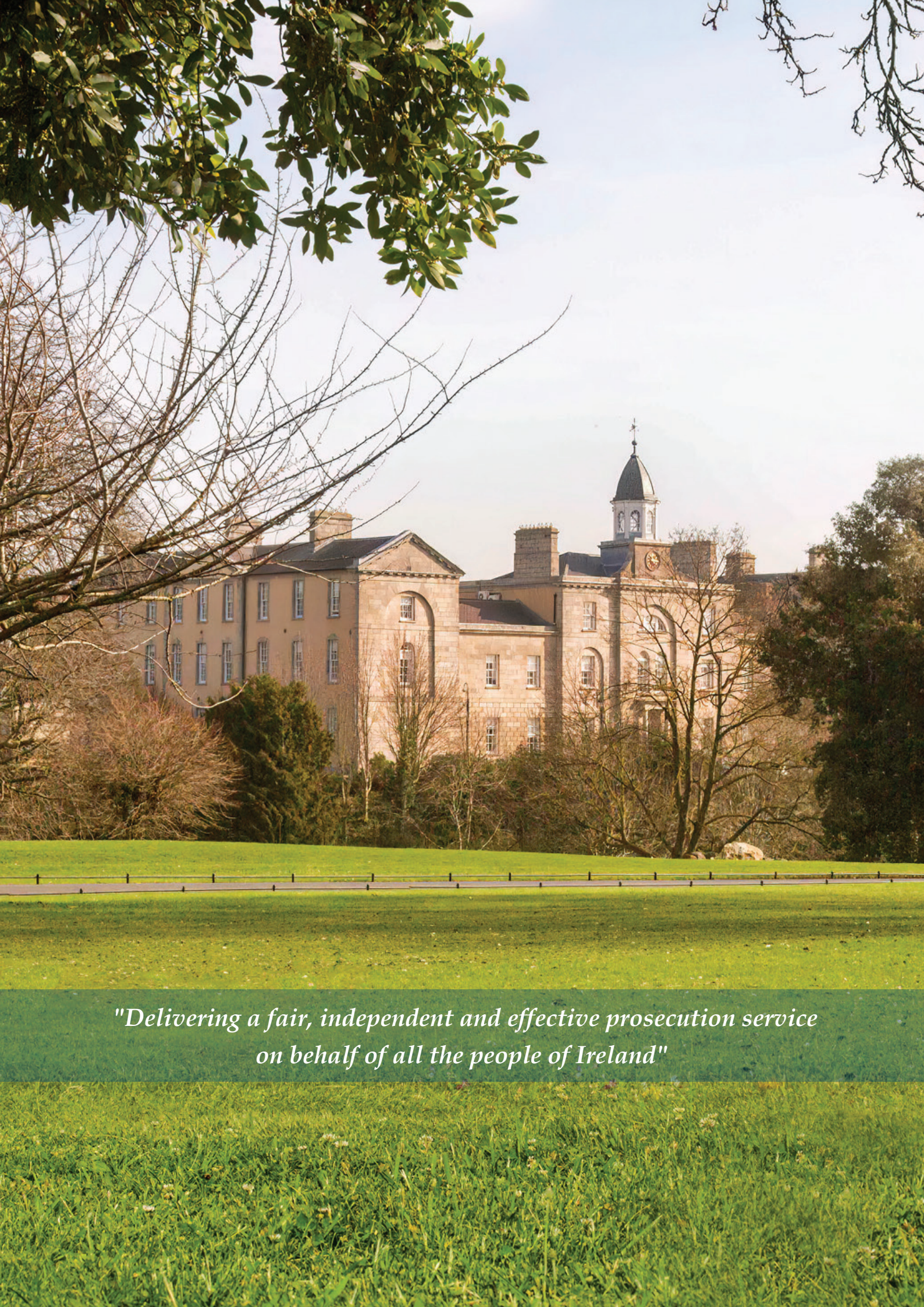
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## Contents

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Foreword .....	5
2022 at a glance .....	7
Overview of the Office .....	8
Our Mission and Core Values .....	9
Our Strategic Goals 2022-2024 .....	10
PART 1: Progress on Strategic Goals .....	11
PART 2: Summary of Files Received and Outcomes .....	24
PART 3: Legal Developments 2022 .....	55
 APPENDICES .....	 60
Appendix 1: Organisation Structure .....	61
Appendix 2: Criminal Prosecution Process in Ireland .....	62
Appendix 3: Office Expenditure .....	63
Appendix 4: Public Sector Equality and Human Rights Duty .....	68
Appendix 5: Annual Energy Efficiency Report 2022 .....	70





*"Delivering a fair, independent and effective prosecution service  
on behalf of all the people of Ireland"*



# Foreword

I am delighted to introduce the 2022 Annual Report of the Office of the DPP. The Report demonstrates the extent of activity across the prosecution service in 2022. This has been primarily led by an enormous level of court activity across all court levels as the criminal justice system addresses the backlogs caused by Covid-19 and increased case numbers more generally.

The increased activity is most evident in the Central Criminal Court, the court that deals predominantly with the offences of rape and murder. Over the past three years, the number of judges in the Central Criminal Court has increased from four to nine, resulting in a significant increase in the level of activity in this Court. The Central Criminal Court has also increasingly sat outside of Dublin and although this presents challenges, my Office has consistently facilitated the efforts to address backlogs by utilising court venues outside of the capital.

All those who work in the prosecution service appreciate that this level of activity is very challenging, but it is of critical importance that the criminal justice system as a whole collaborates to address the delays in the system. Delays can undermine public trust and confidence and impact in particular the parties to a case: victims, accused persons and witnesses. In the prosecution service we see first-hand the deep distress of victims when a case is listed to go ahead and then is adjourned at the last minute. A key objective for everyone in the criminal justice system must be to ensure that cases proceed as quickly as possible, and that all involved have as much certainty as possible about when a case will be dealt with.

I would like to acknowledge and welcome the Government decision to appoint an additional 44 judges to serve across all court levels at locations around the country. This will undoubtedly assist in addressing the problem of delays in the criminal justice system. My Office looks forward to working with our colleagues in the criminal justice sector to ensure the implementation of the recommendations of the Judicial Planning Working Group. What has become very clear in the past number of years, however, is that any investment in one part of the criminal justice system needs to be accompanied by an equal commitment to fund the other parts. It is clear that the increase in the judicial resourcing will



have an impact across the system and it is crucial that all parts of it – including this Office, State Solicitors, barristers and also solicitors in the defence community – are supported to ensure that there is capacity to fully realise the benefits of these new judicial appointments. This Office will continue to assess our resourcing needs to meet the level of activity in the criminal justice system so that we can continue to provide the highest possible standard of service to the people of Ireland.

While the data captured in this Report provides an insight into the numbers of cases received and the outcomes, it does not capture information about the complexity and scale of some of these cases. For example, some fraud cases have in the region of five million documents of potential relevance.

The statistical information in this Report also does not capture the engagement with victims, witnesses and other stakeholders that has taken place in many cases. In cases before the Circuit, Special and Central Criminal Courts, victims are facilitated with a pre-trial meeting to ensure that they have information about the process. Sometimes the most difficult news for a victim to hear is that a case is not going to be prosecuted at all. The Office proactively sought training and feedback during 2022 from non-governmental organisations who work with victims in order to inform our engagement, including our



reasons letters helping to explain why we decided not to prosecute. The Office received 592 such requests in 2022. Furthermore, in every case where there is a decision not to prosecute, a victim is also informed that they are entitled to a review of this decision. In 2022 we received 248 requests for review. This communication with victims and the conduct of reviews of decisions by an independent senior lawyer is a key element of the checks and balances in our prosecution service.

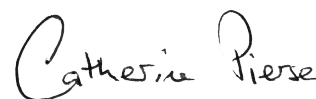
The work of my Office increasingly involves an international dimension. In a world with a growing number of globalised criminal networks, it is critically important that we can liaise effectively with international jurisdictions so that we can obtain evidence from abroad, and enable the extradition of accused persons back to this country where necessary. In 2022, my Office dealt with 933 requests seeking mutual legal assistance from other countries, in addition to 109 European Arrest Warrant requests.

In 2022, we published our three-year Strategy Statement 2022-2024. In this Strategy we detailed goals across four key areas – Service, Digital, Collaboration and People. These goals were identified following a series of staff consultation workshops, and are aimed at contributing to improvements, not only in the prosecution service but across the criminal justice system. This year, for the first time, our Annual Report has sought to capture information about the actions this Office has taken to fulfil our Strategy. I hope that the information contained in [Part 1 of this Report](#) provides fresh insight into the level of support work that goes into ensuring a prosecution service that is adequately resourced to provide the highest possible level of expertise in the work that we do. I am committed to investing in our people and supporting their development as highlighted by a range of initiatives in [section 1.4](#), including continuous professional development, the ongoing development of our knowledge sharing systems, as well as investment in leadership and mentoring programmes. We also reviewed our induction programmes in 2022 and strengthened our succession planning.

The Report also provides further insight into the extent of collaboration that this Office is involved in across the criminal justice system. It details the many research projects, working groups, and training projects that my Office led or participated in during 2022. For example, staff from our Sexual Offences Unit and Superior Courts Section facilitated a nationwide programme of training for the Garda Divisional Protective Services Units.

The objective of this programme was to collaborate with An Garda Síochána to improve the standard of investigation files submitted to our Office and to streamline the processes necessary to ensure that prosecutions can proceed efficiently. I look forward to building on this collaborative way of working with our stakeholders across the criminal justice system to support improvements for service users across the system.

Finally, I would like to take the opportunity to acknowledge the enormous work and commitment that is borne out in the content of this Report. The Irish prosecution service includes staff in the Dublin Office, State Solicitors in 30 locations around the country, and barristers who prosecute on my behalf. I want to thank all of those involved for their contribution during 2022 and since, in providing a fair, independent and effective prosecution service on behalf of all the people of Ireland.



**Catherine Pierse**  
**Director of Public Prosecutions**

**October 2023**



# 2022 at a glance



**234**

Total staff headcount  
at end of 2022

**17,359**

Total number of  
prosecution files  
received in 2022



**592**

Number of requests for  
reasons for decisions  
not to prosecute

**77%**

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



**€7.3m**

Amount recovered  
from proceeds of crime  
and returned to public  
funds

**3,431**

Total number of  
Continuing Professional  
Development (CPD)  
hours completed by staff



**60+**

Number of national /  
international networks  
and working groups on  
which staff participate

**81%**

Percentage of successful  
applications for review  
of sentence on grounds  
of undue leniency



**€50m**

Total cost of providing  
the Prosecution  
Service in 2022





# Overview of the Office

## What We Do

The office of the Director of Public Prosecutions (DPP) was established by law under the Prosecution of Offences Act, 1974. The Director, Catherine Pierse, is independent in the performance of her functions.

The duties of the Director are to:

- enforce the criminal law in the courts on behalf of the people of Ireland;
- direct and supervise public prosecutions on indictment in the courts;
- give general direction and advice to An Garda Síochána in relation to summary cases; *and*
- give specific direction to An Garda Síochána in cases where requested.

The majority of cases dealt with by the Office of the DPP are received from An Garda Síochána. 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 Corporate Enforcement Authority, the Garda Síochána Ombudsman Commission, the Environmental Protection Agency and local authorities.

## Structure of the Office

The Office of the DPP had 234 staff at the end of 2022 – approximately 65% legal and 35% corporate / administrative support – working across four divisions of the Office:

- 1. Directing Division** – examines criminal investigation files and decides, based on evidence, whether or not to take a prosecution, or whether a prosecution commenced by An Garda Síochána should be maintained. There are also two specialist units – the Sexual Offences Unit and the Special Financial Crime Unit – that report to the Directing Division.
- 2. Solicitors Division** – prepares and conducts cases on behalf of the Director in all courts sitting

in Dublin including: the Dublin District and Circuit Criminal Courts; the Central and Special Criminal Courts; the Court of Appeal; the High and Supreme Courts.

- 3. Prosecution Support Services Division** – incorporates the Victims Liaison Unit which ensures that the Office meets its obligations in relation to the support and protection of victims of crime; the International Unit which deals with areas of international co-operation, including extradition, European Arrest Warrants and requests for mutual legal assistance; and the Prosecution Policy and Research Unit which conducts legal research, supports the development of legal policy, engages with external stakeholders on policy matters, and co-ordinates knowledge management for our staff.

- 4. Corporate Services 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, strategy implementation, governance, audit, and other support services to the three legal divisions.

You can read more information on the work of the four divisions in the 'Our Organisation' section of our website, [www.dppireland.ie](http://www.dppireland.ie). Our organisation structure can be found at [Appendix 1](#).

You can also read a more detailed description of the Prosecution System in Ireland in a publication by the same name on our website, [www.dppireland.ie](http://www.dppireland.ie). A graphic description of the criminal prosecution process in Ireland can be found at [Appendix 2](#).

# Our Mission and Core Values

## MISSION:



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

## CORE VALUES:



### Integrity

- Acting honestly, fairly, consistently and objectively, in accordance with the Code of Ethics
- Making fair and right decisions based on evidence
- Providing accurate information



### Independence

- Upholding the independence of the Office of the DPP
- Acting impartially without fear, favour, bias or prejudice, in line with the Guidelines for Prosecutors and Code of Ethics
- Remaining unaffected by individual or sectional interests and public or media pressure, having regard only to the public interest



### Excellence

- Delivering fair, independent, professional services to the highest standards
- Continuously improving our service, responding proactively to changing needs, challenges, opportunities
- Influencing and shaping improvements in the criminal justice system



### Respect

- Treating everyone with fairness, respect and dignity
- Listening to the perspective of stakeholders



### Collegiality

- Valuing the contributions of everyone in the delivery of the prosecution service.
- Building strong relationships and working collaboratively with stakeholders, national and international
- Sharing our knowledge and expertise with others



# Our Strategic Goals 2022-2024

2022 was the first year of our Strategy Statement 2022-2024. The strategy was informed and shaped through a process of engagement with staff and a range of stakeholders, and it provides a clear and shared framework that sets out our four high level goals (as outlined below) for the three-year period, and how they will be achieved.

It draws on our experience and knowledge of emerging issues in the prosecution service and focuses on how the Office of the DPP can achieve our mission to deliver a fair, independent and effective prosecution service on behalf of all the people of Ireland.

Throughout the year we continued with our collaborative business planning process - underpinned by this Strategy - to connect each staff member's work to our strategic goals and values.

The following part of this Report provides an outline of progress made during 2022 in achieving our strategic goals.

The full Strategy Statement 2022-2024 is available to read or download on our website, [www.dppireland.ie](http://www.dppireland.ie).



## SERVICE

***We will deliver an excellent and trusted criminal prosecution service, leading to:***

- Appropriate resources to meet demands
- Effective and efficient casework management and prosecution of cases
- Strong public awareness of our Office and service
- Good understanding of the experiences of users

## DIGITAL



***We will invest in our digital and ICT capability to drive efficiency, innovation and integration, leading to:***

- Integration of systems and data exchange processes
- Less reliance on paper
- New and better ways of working and business decision making



## PEOPLE

***We will invest in our people and support them to thrive, leading to:***

- Motivated, valued and professional staff
- Strengthened leadership capacity across the organisation
- Best practice in people and performance management
- Supportive and collegiate organisation

## COLLABORATION



***We will strengthen collaboration and influence change to improve the criminal justice system, leading to:***

- Effective and proactive stakeholder engagement
- Greater visibility and understanding of the role of the ODPP
- Better exchange of learning and information



## **PART 1:** Progress on Strategic Goals





## 1.1 Service

### Appropriate resources to meet demands

- 1.1.1** In September 2022 – following a substantive pre-budget submission to the Department of Public Expenditure and Reform – the Office was provided with a €6.5m (13.4%) increase in our gross budget allocation for 2023. This additional funding included a €3.5m increase in our pay budget, providing for 41 additional staff to be recruited in 2023 bringing our authorised headcount above 300 for the first time, and a €2.5m increase in our fees to counsel budget to respond to demand led pressures arising from a general increase in the level of court activity.
- 1.1.2** This additional investment allowed us to begin to significantly bolster our staff numbers, not only to deal with the increasing volume and complexity of legal work, but also in a number of other key areas including corporate services, policy, governance and oversight. Recruitment competitions began in earnest in late 2022 and will continue during 2023 until our full complement of staff is reached (see more on this at section 1.4 People).
- 1.1.3** The extra investment also enabled us to begin implementation of our Strategy Statement 2022-2024 through investing in our people and our digital and ICT capability, strengthening collaboration, and contributing to improvements across the criminal justice system.
- 1.1.4** Full details of the Office's expenditure for 2022 can be found at [Appendix 3](#).

### Effective and efficient casework management and prosecution of cases

- 1.1.5** During 2022, the Office of the DPP received a total of 17,359 files. Of these, 11,330 (involving 14,126 suspects) related to serious offences requiring a decision from lawyers in our Directing Division as to whether to initiate or continue with a prosecution.
- 1.1.6** Of the number of suspects that were the subject of files received, a prosecution was directed in 65% of cases - 32% prosecution on indictment and 33% summary disposal.

- 1.1.7** The time it takes for a prosecution decision to be taken can vary depending on the size and complexity of the files involved. Also, in some cases, further information or investigation may be required before a decision can be made. However, consistent with previous years, approximately 75% of cases requiring a decision whether to prosecute in 2022 were dealt with within a four week period.
- 1.1.8** Victims of crime have the right to request a summary of the reason for a decision not to prosecute, and a review of that decision, subject to the Criminal Justice (Victims of Crime) Act 2017. In 2022, we received 592 requests for reasons and 248 requests for reviews of decisions not to prosecute. Of the 248 requests for review, the decision was overturned in nine instances.
- 1.1.9** The increase in the number of judges in the Central Criminal Court from four to nine in the past three years has led to a significant increase in the level of activity in this Court. This situation continued in 2022, during which time our Office supported a total of 1,525 trial days listed in the Central Criminal Court. A total of 190 trials were resolved during this time. There was also an increase in the number of cases being moved to venues outside of Dublin during 2022, with the Central Criminal Court sitting for 362 days outside of the capital during that period.
- 1.1.10** There were 37 applications to the Court for review of sentence on grounds of undue leniency heard in 2022. Of these, the Director was successful in 30 cases (81%).
- 1.1.11** 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. During 2022, 138 Confiscation and Forfeiture Orders were granted by the Courts, to a total value of €7,289,056.
- 1.1.12** At [Part 2](#), you will find detailed statistics relating to:
- All files received by the Office in 2022;

- Results of cases prosecuted on indictment;
- Applications to the Court (appeals and confiscation and forfeiture of criminal assets);
- European Arrest Warrants and Extradition;
- Mutual Legal Assistance;
- Requests from victims of crime.

**1.1.13** [Part 3](#) provides a brief outline of some of the court decisions during 2022 which are important or interesting or have precedent value for prosecution work.

### Understanding the experiences of our service users

**1.1.14** In 2022, staff from our Victims Liaison Unit (VLU) engaged in a feedback process with four civil society groups in relation to letters sent to victims of crime providing reasons for decisions not to prosecute and the outcome of reviews of decisions. The VLU staff also underwent 'Plain English' training in relation to our correspondence with victims. Learnings on foot of this process have been incorporated into the unit's approach to corresponding with victims. Feedback from NGO groups about changes to our letters has been positive.

**1.1.15** The VLU also led a pilot cross office learning and development (L&D) project in relation to vulnerable victims and witnesses, which will contribute to addressing one of the recommendations under the O'Malley Implementation Plan. A group was established to collaborate with victims' organisations in the non-profit sector that have direct dealings with victims, for the purpose of co-designing a training course in relation to vulnerable victims – specifically child victims, adult victims of child sexual abuse, and victims of domestic violence. This group consisted of staff from the VLU, Sexual Offences Unit, Prosecution Policy and Research Unit, and HR-OD Unit. The workshops were facilitated by the non-profit sector organisations in April and May 2022. Following evaluation of the pilot, the workshops will be rolled out across the Office as part of our suite of L&D programmes. We will also explore similar opportunities with other organisations in the non-profit sector.

**1.1.16** This project provided the opportunity to build relationships with these external stakeholders and has led to further mutually beneficial engagement. It has also enhanced awareness of the role and work of the DPP within these organisations for the benefit of victims.

### Public Awareness of our Office

**1.1.17** The VLU collaborated with the Dublin Rape Crisis Centre in the development of an online information guide, '[Finding Your Way After Sexual Violence](#)', subsequently launched in April 2023. In consultation with other units in the Office – the Communications Unit, Prosecution Policy and Research Unit, and the Sexual Offences Unit – the VLU helped to develop content about the role of the DPP, and assisted in the creation of an audio 'testimonial' explaining how the DPP makes decisions in sexual offence cases. This resource, primarily for victims of sexual crime, provides online information about the journey of a victim through the criminal justice system, from reporting right through to a trial and beyond, through a mixture of mediums, including video.

**1.1.18** Sharing our knowledge in this way, particularly in audio format, allows greater accessibility to information to victims. The resource, since launched, also enhances the visibility and understanding of the role of the DPP among the general public, but in particular among very vulnerable victims.

**1.1.19** During 2022, staff members from the VLU and Superior Courts Section collaborated with Support After Homicide – a group that provides, among other things, advocacy and court support for families of victims of homicide – to provide training related to the role of the DPP, our decision making processes and criminal trial procedures.

### Proactive Engagement with State Solicitors, Counsel and An Garda Síochána

**1.1.20** The Office of the DPP recognises that the provision of training to State Solicitors, Counsel and An Garda Síochána ensures best practice in the prosecution of criminal offences.

**1.1.21** During 2022, staff from our Sexual Offences Unit and Superior Courts Section facilitated a nationwide programme of training for the Garda



Divisional Protective Services Units (DPSUs). The objective of the training was to collaborate with An Garda Síochána to improve the standard of investigation files submitted to our Office and to streamline the processes necessary to ensure that prosecutions can proceed efficiently, with a particular emphasis on early preparation of disclosure and special measures documentation.

**1.1.22** These sessions proved to be invaluable in terms of relationship building with both the investigating Gardaí in the DPSUs and their senior officers who attended the training in each region. These working relationships and contact points will support the work of both the Sexual Offences Unit and the DPSUs in the future.

**1.1.23** Other training sessions facilitated by this Office in 2022 encompassed a range of topics including the following:

- 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;
- High Court bails;
- Advocacy;
- Drink driving prosecutions;
- The prosecution of Misuse of Drugs Act offences.

**1.1.24** Our Annual State Solicitors' Seminar took place on 26 March 2022, once again focusing on a range of topics of particular relevance to the State Solicitors around the country who act on behalf of the Director in courts outside of Dublin.

**1.1.25** On 19 November 2022, we hosted our 23<sup>rd</sup> Annual National Prosecutors' Conference in the Convention Centre Dublin. This conference, the first to be hosted by the current Director, Catherine Pierse, was a welcome opportunity for stakeholders from across the Irish Criminal Justice system to meet again and exchange perspectives and expertise. Over 300 delegates attended this event which featured the following presentations:

- *Hard Data: Disclosure in the 21<sup>st</sup> Century* presented by James B. Dwyer SC, Law Library;

- *Virtual Currencies: An Introduction for Criminal Practitioners*, presented by Detective Garda Alan Carbery, Bureau Officer, Criminal Asset Bureau;
- *Cross-Examination in Criminal Trials: Towards a Revolution in Best Practice?* presented by Professor John Jackson, University of Nottingham;
- *Stress, Resilience and Optimism: What the Science Tells Us* presented by Professor Ciarán O'Boyle, RCSI Centre of Positive Psychology and Health.

**1.1.26** The Knowledge Management Team in our Prosecution Policy and Research Unit continued to publish and distribute its monthly legal update bulletin and judgment summary round-ups to staff, State Solicitors and Counsel.

**1.1.27** The Sea Fishery Prosecution Unit in the Directing Division provided training and guidance in December 2022 to the coastal State Solicitors regarding procedures to be applied to 48-Hour Detention Orders.

#### Providing support and training to investigative agencies who submit files to the Office of the DPP

**1.1.28** Written guidance and framework documents were provided to the Food Safety Authority and the Environmental Protection Agency (EPA) on several legal issues.

**1.1.29** Support and assistance was provided on a regular basis to the EPA, by the DPP liaison officer to the National Waste Enforcement Steering Committee.

**1.1.30** Support continued to be provided on request to the Revenue Commissioners throughout the year, including consultation on relevant legislative amendments.

#### Continuously reviewing our governance, accountability and risk management framework

##### Corporate Governance Framework

**1.1.31** In May 2022, we reviewed and published a second edition of our Corporate Governance Framework. This document provides an overview of the structure of our Office; management roles and assignment of responsibility; Management Board and other governance structures; and the audit and

compliance arrangements to which we are subject. The Framework - which is available on our website, [www.dppireland.ie](http://www.dppireland.ie) - will be kept under review and updated accordingly from time to time.

### **Risk Management**

- 1.1.32** A comprehensive review of the Office's Risk Management and Risk Register was completed by a sub-group of our Management Board in early 2022. The revised Risk Register and recommendations of the sub-group were agreed and adopted by the Management Board in May 2022.

### **Audit Committee and Internal Audit**

- 1.1.33** The Office of the DPP has in place an Audit Committee whose programme of work is guided by the obligations laid down in the Code of Practice for the Governance of State Bodies 2016. The Audit Committee provides independent advice and assurance to the Accounting Office (Deputy Director) regarding the suitability and robustness of the Office's internal control systems and procedures. The Audit Committee met on four occasions during 2022.
- 1.1.34** The Office also has an internal audit function which reports to the Audit Committee. Three internal audit reports were submitted to the Audit Committee during 2022:
- i) Internal Financial Controls;
  - ii) Corrective Action follow Up;
  - iii) Procurement of Barrister Services.

### **ICT Governance Board**

- 1.1.35** The Office has in place an ICT Governance Board. The primary role of the ICT Governance Board is to operate as a high level oversight board to monitor key current and future ICT needs of the Office and to ensure that they are met.
- 1.1.36** In discharging its role, the Board agreed an annual and multi annual work programme for the ICT Unit in 2022, having regard to priorities agreed with the Director and Deputy Director. The ICT Governance Board met on three occasions during 2022.

### **Freedom of Information**

- 1.1.37** The Office of the DPP continues to meet its obligations under the Freedom of Information (FOI) Act 2014. Although the Act asserts the right of the public to access information held by public bodies, including this Office, it also provides for certain restrictions, and these are included under section 42. Section 42(f) of the FOI Act 2014 provides that the Act does not apply in relation to any record held or created by the Director of Public Prosecutions or her Office, other than a record concerning the general administration of the Office. This means that records concerning criminal case files are not accessible under the FOI Act.

- 1.1.38** In 2022, we received 35 FOI requests. Of these, six were granted, 10 were part-granted, 18 were refused and one was withdrawn/handled outside the Freedom of Information legislation. The main reason for the refusals was that the records sought did not relate to the general administration of the Office.

- 1.1.39** There were no requests for an internal review of an original decision and no appeals to the Information Commissioner for review.

### **Ethics, Standards and Behaviour**

- 1.1.40** The Office of the DPP implements the provisions of the Ethics in Public Office Acts 1995-2001. In 2022, all staff who held positions of employment that are subject to the requirements of the Act were formally notified of their obligations with regard to same. In addition, our Code of Ethics sets out the standards of conduct and practice expected of prosecutors working for, or on behalf of, the Director of Public Prosecutions.

### **Protected Disclosures**

- 1.1.41** As a public body, the Office of the DPP is required under section 22 of the Protected Disclosures Act 2014 to publish a report each year relating to the number of protected disclosures made in the preceding year, including information with regard to any actions taken in response to protected disclosures made. No protected disclosures were received by the Office of the DPP in the year 1 January 2022 to 31 December 2022.



## Official Languages Act

- 1.1.42** The Office of the DPP ensured that commitments made in relation to the provision of services in the Irish language were delivered, while implementing the new provisions introduced under section 10A of the 2021 Official Languages (Amendment) Act.
- 1.1.43** During 2022, two members of staff from our panel of Irish speakers dealt with two separate court cases in Irish.
- 1.1.44** All publications produced by the Office are made available in the Irish language. The Office website, [www.dppireland.ie](http://www.dppireland.ie), is also 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.
- 1.1.45** Our Learning and Development Unit continues to promote Irish Language training courses to ensure that the Office can fulfil its obligations under the Official Languages Act. During 2022, two staff undertook separate Irish language courses.

## Carbon Offsets

- 1.1.46** The Office of the DPP follows the mandatory procedures and methodology outlined in Circular 01/2020 from the Department of Public Expenditure and Reform. This Circular set out, with effect from 1 January 2020, that all government departments, offices and agencies are required to record, monitor and value greenhouse gas emissions associated with official air travel made within a calendar year, and to make a corresponding payment to the Climate Action Fund, based on the prevailing rate of carbon tax (€41.00 per tonne in 2022). The number of flights, carbon total and resulting carbon offset for our Office for 2022 is shown in the table below.

Number of Flights	36 Round Trips
Tonnes of CO2	11.67
Remittance to Climate Action Fund	€478.48



## 1.2 Digital

### Availing of new technologies and technology-supported ways of working

- 1.2.1** The Office continues to engage with stakeholders across the criminal justice sector to improve the efficiency and security of information by increasingly digitising criminal processes and procedures.
- 1.2.2** All Books of Evidence (BOEs) are now produced electronically in the form of e-BOEs.
- 1.2.3** We liaised extensively during 2022 with external stakeholders, including defence solicitors, to increase the use of our secure file transfer system for the purposes of disclosure. Following the provision of training and guidance, all disclosure is now delivered via secure file transfer.
- 1.2.4** A new system and protocol was developed for the electronic submission to this Office of Garda objections relating to High Court bail cases,

and disclosure of same to the Defence. This has enabled a more efficient running of the High Court Bail list.

- 1.2.5** While most of our communication with victims of crime is by post, our Victims Liaison Unit began providing letters electronically via our secure file transfer system in appropriate cases and on request. Electronic communication via this method is more secure from a data protection perspective, and is also more convenient for victims.
- 1.2.6** Many sections in the Office - including International Unit, Appeals Section, Communications Unit and HR and OD Unit - continued the move towards paperless or 'paper light' ways of working. This was enabled by the proactive promotion of using various electronic platforms for saving and sharing documents.

- 1.2.7** A new e-Discovery software tool was deployed in the Special Financial Crime Unit. This has assisted case solicitors to better search for and manage large volumes of electronic evidence originating from servers and personal computers. Significant savings on case review time have been achieved.

#### Ensuring our data and data infrastructure is fully secure

- 1.2.8** The Office advanced our response to and compliance with the Public Sector Cyber Security Baseline Standards during 2022.
- 1.2.9** Our ICT Usage Policy was updated in September 2022. The main objective of this policy is, among other things, to ensure that our computer hardware, software, communication systems, network components and electronic data are adequately protected from a range of threats, and to protect the confidentiality, integrity and availability of information. All staff were advised of their obligations under the policy.

#### Enhance ICT and digital awareness, knowledge and learning across the prosecution service

- 1.2.10** An ICT Portal was rolled out to staff, offering a 'one stop shop' for access to ICT documentation and resources. This was an in-house ICT development.

#### Extending data sharing and electronic file exchange with key stakeholders

- 1.2.11** During 2022, State Solicitors were connected with our Case Management System (CMS) and other ICT network resources. All State Solicitors now use the Office of the DPP CMS for the electronic storage and management of criminal cases. This was a significant undertaking by in-house ICT staff which involved the deployment of secure remote access and development of customisations to the CMS to cater for the state solicitor role. It has been a positive development for this Office with regard to the promotion of data protection and management of the State Solicitor Service..
- 1.2.12** A system was put in place in 2022 for the secure exchange of emails between our Office and Eurojust networks in The Hague. Eurojust is the European Union Agency for Criminal Justice Co-Operation.



## 1.3 Collaboration

#### Engaging with our key stakeholders and other key participants in the delivery of the prosecution service

- 1.3.1** As set out in our [Strategy Statement 2022-2024](#), collaboration with other stakeholders in the Irish criminal justice system and with relevant international bodies is a key objective of the work of our Office. We are committed to sharing our knowledge and expertise, and to learning from the perspective of others to improve the criminal justice system.
- 1.3.2** As the Office of the DPP works both in the direction and prosecution of offences, we have the practical knowledge and expertise that enables us to collaborate nationally and internationally to bring the best advice and understanding to policy and system operations.

This collaboration can assist with early identification of issues, including operational challenges, resources, and time constraints.

- 1.3.3** The external engagement and outreach conducted by the Office of the DPP in 2022 included:
- a) Participation in international bodies and networks;
  - b) Response to evaluation requests from international bodies, often co-ordinated by the Irish government departments;
  - c) Engagement with national bodies and inter-agency committees;
  - d) Provision of training to external agencies;
  - e) Other outreach activities.

## Training to External Agencies

**1.3.4** In addition to the training facilitated for State Solicitors, counsel and An Garda Síochána as outlined in section 1.1 of this Report, the Office of the DPP recognises that the provision of training to other external organisations and agencies is another valuable opportunity to promote best practice in the prosecution of criminal offences.

**1.3.5** DPP Staff continued to contribute to the Law Society of Ireland, in particular providing training during 2022 and facilitating lectures and tutorials, as well as contributing to the marking and examination process of exams as part of the Criminal Litigation module of the Professional Practice Course 1.

**1.3.6** Other outreach activities in 2022 included:

- Requests to feed into research and submissions including requests from University College Dublin, the National Economic Crime Council (via the Department of Justice) and the Law Reform Commission;
- The University of Galway Internship Programme took place on an entirely remote basis providing a clinical placement programme for two undergraduate students from the University of Galway;
- The Director of Public Prosecutions addressed the Law Society of Ireland parchment ceremony for newly qualified Solicitors.

### Agreeing mechanisms with key stakeholders for developing and implementing improvements in the delivery of the criminal justice service

**1.3.7** In May 2022, a new protocol was developed with the National Treasury Management Agency (NTMA) for processing all files where an order of costs is made in favour of, and also against, the Director in the course of legal proceedings. This protocol has commenced and strong professional networks have been established.

**1.3.8** The District Court section continues to manage and co-ordinate legal content and updates for a dedicated knowledge management resource for Court Presenters operating nationally, and accessed through the Garda Portal. Regular liaison meetings were held with members of An Garda Síochána responsible for this project.

**1.3.9** Collaboration continued with various stakeholders – including An Garda Síochána at the Digital Evidence Group – to identify both process and system solutions to manage increasing levels of data being processed for the purposes of criminal investigation and prosecutions.

**1.3.10** Following much collaboration between our Office and the Courts Service highlighting the urgency of establishing a dedicated room for victims in bail cases heard in Cloverhill Courthouse, this was achieved in December 2022.

### Participating in the delivery of key cross-sectoral projects

**1.3.11** There was considerable engagement by the Office of the DPP during 2022 in initiatives to address specific issues in the Irish criminal justice system, including submissions to the Economic Crime Council and to the Law Reform Commission.

**1.3.12** Extensive DPP staff participation in national inter-agency committees and working groups in 2022 included the following:

- **Criminal Justice Strategic Committee** – which brings together the heads of the criminal justice agencies. Our Office has three representatives on this committee including the Director and Deputy Director.
- In the addition to the Criminal Justice Strategic Committee, five implementation sub-groups were established following the publication of the first ever **Criminal Justice Sectoral Strategy** in April 2022, namely:
  - i) Strengthening Strategic Collaboration;
  - ii) Improving User Experience;
  - iii) Data as a Driver;
  - iv) Building Workforce Capability;
  - v) Increasing Public Understanding.

The Office is represented on each of the above sub-groups by senior members of staff working in areas relevant to each strategic pillar.

- **Criminal Justice Operational Hub** – a group tasked with the development of the Hub as a central data hosting framework to enable the secure exchange of data and information



with certain bodies within the criminal justice sector. Several senior members of DPP staff participate on this group.

- **An Garda Síochána Strategic Human Rights Advisory Committee** – this committee advises on the general strategy for embedding and ensuring compliance with the human rights standards described in the Human Rights Framework in all aspects of the work of An Garda Síochána. Our Office is represented on this Committee.
- **Economic Crime and Corruption Forum** – a Forum of senior representatives from relevant agencies established following a Review of Anti-Corruption and Anti-Fraud Structures, and tasked with implementing the recommendations as set out in the Hamilton Review Report and implementation plan. A senior prosecutor from our Special Financial Crime Unit chairs this Forum.
- **Criminal Justice Sector Communications Working Group** – this is a collaboration and knowledge sharing forum for sectoral communications practitioners, and its remit includes to strategically plan public awareness initiatives across the criminal justice sector. Our Office is represented on this Working Group by the Head of Governance and Public Affairs.

**1.3.13** Other groups and committees on which our staff participate include:

- Inter-agency implementation groups arising from the Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences (O'Malley Report);
- The Law Society of Ireland Criminal Law and In-House and 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;
- High Level Group on Human Trafficking;
- Expert Group on Bill to Codify Garda Powers of Search, Arrest and Detention;

- Working Group on statistics relating to asset recovery;
- Anti-Money-Laundering Steering Committee and Terrorist Financing Sub-Group;
- High Level Bail Review Group;
- Article 40 Committee;
- Cross-Border Project Advisory Group on Victims Issues;
- Video-Conferencing Cross Agency Working Group;
- Project Group for the Competition (Amendment) Bill 2021;
- A number of Legal Knowledge Management and Law Librarian Networks.

**1.3.14** The Department of Justice and other departments routinely seek the observations of the Office of the Director of Public Prosecutions on draft legislation and proposals for legislative change. Across the Office, staff collaborated with government departments in reviewing draft legislation. Expert and practical feedback is provided by staff in the Office with a view to identifying and assisting with the development of the application and operation of proposed legislation. An advantage of the provision of this feedback is the implementation of new criminal legislation which has had the benefit of the practical and operational insight of expert colleagues.

**1.3.15** National conferences participated in during 2022 included:

- The Legal Aid Board – Working with Victims of Sexual Crime;
- Association of Criminal Justice and Research Development – "Gender Encounters in the Criminal Justice System: How does Gender Impact Diverse Experiences?";
- Dublin City University – Policy Powers in Custody;
- Dublin Rape Crisis Centre – Launch of Annual Report;
- Sexual Assault Treatment Unit – Annual Conference.

### Ensuring adequate structures and resources are in place to support Ireland's judicial co-operation with EU and international partners

**1.3.16** Staff members from the Office of the DPP participate in many international bodies in the area of criminal justice. A Senior Principal Prosecutor from the Office is based in Eurojust, the European Union Agency for Criminal Justice Co-operation, in The Hague. In 2022, 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;
- Inter-jurisdictional meeting between the DPPs of Ireland, Northern Ireland, Scotland and England;
- European Judicial Network in Criminal Matters;
- European Commission Expert Group on Criminal Policy.

**1.3.17** The Director also participated in the NADAL (Network of Public Prosecutors of EU Member States) annual conference and the HoPAC (Heads of Prosecution Agencies Conference) biennial conference.

### Building our understanding of developments and initiatives at EU level and informing Ireland's contribution to EU criminal justice policy

**1.3.18** 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 2022, 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;
- participating in the bi-annual Council of Europe Commission for the Efficiency of Justice evaluation;
- participating in the United States State Department Trafficking in Persons (TIP) Report;
- participating in the GREVIO evaluation by submitting material on how the Office complies with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). GreVio is the independent expert body responsible for monitoring the implementation of this Convention;
- providing information to assist with the implementation of the 'PIF directive' which assists the EU in combatting fraud against the Union's financial interests.



## 1.4 People

### Implementing and extending cross-divisional knowledge management systems and practices

**1.4.1** Development of the Legal Portal of our intranet continued during 2022, in collaboration with staff from our Knowledge Management (KM) team and ICT Unit.

**1.4.2** Our Special Financial Crime Unit developed a knowledge management programme in relation to asset seizing over the course of 2022.

Preliminary figures indicate that this knowledge sharing has been successful, with €7.3 million being recovered following 138 confiscation orders (for the entire Office, including State Solicitors) to end of year.

**Developing and strengthening our professional and leadership capacity by providing opportunities for continuous professional development and learning**

**Learning and Development**

- 1.4.3** Learning and Development (L&D) for 2022 was identified through the L&D section of ePMDS (Performance Management and Development System), probation conversations, management engagement and the Legal Training Steering Group meetings, and based on the business needs of the Office. In total, our staff attended 196 external and 45 internal events and initiatives, all co-ordinated by our Human Resources and Organisational Development (HR-OD) Unit. This led to over 3,431 continuing professional development hours for the Office in 2022.
- 1.4.4** We continued to support further formal learning under our Refund of Fees Scheme, sponsoring approximately 10% of our people in areas of leadership and management, law, cybersecurity, white collar crime, project management and governance. Our commitment to peer-to-peer and on-the-job learning continued with initiatives such as cross-divisional projects and the continuous development of our knowledge portal.
- 1.4.5** Using evaluation tools including surveys, focus groups and cross-organisational collaboration, we designed and delivered further bespoke L&D initiatives in 2022 to support our people in the performance of their roles, and to enhance their knowledge, skills and competence. In addition to regulatory training, project management, communications, writing skills and governance, we also ran our Advocacy Programme.
- 1.4.6** We continued the evaluation of our programmes and have detailed analysis to bring forward into 2023 to improve how we help our people grow and learn.

**Leadership, Coaching and Mentoring**

- 1.4.7** As part of our Induction Review, we developed a leadership 'meet and greet' session where our new employees were given an opportunity to meet with the senior team in an informal setting. This allowed new entrants to hear from senior managers directly their journey in the Office and what they hope to achieve as part of the senior management team.

- 1.4.8** Leadership development continued for our newly promoted heads of section through the extension of their external mentoring programme. Our HR-OD Unit provided support with people management by business partnering with managers to ensure that they were supported and provided with best practice on performance and probation management.

- 1.4.9** 2022 saw the successful conclusion of our second internal mentoring programme, which involved 13 mentor pairings.

**Securing the necessary legal, corporate and digital resourcing, skills and expertise to meet service demands**

- 1.4.10** Following our budget submission to the Department of Public Expenditure and Reform in the summer of 2022 seeking additional resources, we received an increase of 13.4% to our budget for 2023. This increase in resources included the provision for 41 additional staff for 2023. Planning commenced immediately on recruitment strategies to fill these roles.
- 1.4.11** We continued our recruitment drive to build our workforce in 2022, running 20 competitions, five of which were internal. We also increased our use of civil service mobility panels. Through recruitment, internal promotions and civil service mobility, we filled 34 positions across the organisation in multiple disciplines including legal, HR, policy, organisational development, analytics and accommodation/services. At the end of 2022, the Office had 234 staff.
- 1.4.12** We raised our profile as an employer through a revamp of the 'About Us' and 'Working with Us' pages of our website, [www.dppireland.ie](http://www.dppireland.ie), as well as through attendance at three separate career events, collaborating with the Courts Service and the Legal Aid Board to focus on careers in the criminal justice sector.

**Embedding strategic workforce planning principles and practices, and strengthening induction and succession planning**

- 1.4.13** 2022 saw us increase and develop our strategic workforce planning (SWFP) capabilities through a PESTLE (Political, Economic, Sociological, Technological, Legal, Environmental) analysis, and the development of SWFP principles to aid resourcing decisions. We are using these to



continue to prepare for the impact of increased resources in An Garda Síochána and the Judiciary, as well as a range of new offences and legislation. 2023 will see us maintain robust recruitment and SWFP strategies to ensure that our Office has the capacity to provide the highest standards of service in public prosecutions.

#### **Supporting specialism and cross-functional teams to meet legal, policy and corporate service needs**

**1.4.14** There are many cross-functional working groups within our Office concentrating on discrete areas of work including:

- Domestic Violence;
- Electronic Evidence;
- Human Trafficking ;
- Disclosure Guidelines;
- Wellbeing.

#### **Embedding staff engagement processes to encourage staff inputs, ideas and participation at all levels across the Office**

##### **Employee Engagement**

**1.4.15** During the development of our Strategy Statement 2022-2024 in early 2022, all staff were invited to participate in consultative workshops. This was a staff-led project from which new values and key objectives were developed, reflecting the significant input from staff at the engagement workshops.

**1.4.16** Arising from this project, the Office harnessed valuable employee engagement intelligence and we have been using that to shape our employee initiatives.

**1.4.17** The Office continued to facilitate a number of staff engagement forums during 2022, at which staff at various levels and disciplines collaborated with their peers for the purposes of sharing knowledge and ideas, and enhancing workplace communications and efficiency. These forums include: the Partnership Committee; Legal Administration Managers' forum; Corporate Services Division Higher Executive Officer/ Executive Officer forum; and Vulnerable Victims Co-ordination Forum.

##### **Innovation**

**1.4.18** The Office facilitated its 4<sup>th</sup> annual in-house Excellence and Innovation Awards Programme in 2022. This programme aims to encourage

innovation by recognising and celebrating the dedication and commitment of staff involved in various organisational projects. A cross-divisional judging panel was convened to assess nominations received and select winners/ commendations. In December 2022, ten projects were formally recognised in a ceremony hosted by Director.

#### **Progressing the equality and diversity agenda through the employment and development of a diverse and inclusive workforce**

##### **Diversity and inclusion**

**1.4.19** The Office of the DPP strives to be a diverse and inclusive workplace and continuously seeks ways to promote and evolve this identity, support the employment of people with disabilities and to promote inclusion.

**1.4.20** To continue our commitment to our obligations under the Disability Act 2005, we provided support and access to services and facilities for persons with disabilities. Our Disability Liaison Officer provided assistance to colleagues and their managers as needed.

**1.4.21** In 2022, we conducted an Office wide campaign to encourage staff at all levels and in all roles to complete a three-part workshop on the Public Sector duty under the Irish Human Rights and Equality Act.

**1.4.22** Work commenced in 2022 to collaborate with our justice sector colleagues and participate in a Legal Research Access Intern Programme in 2023. The aim of this programme is to provide persons with disabilities and people from socio-economically disadvantaged communities greater access to legal work experience. Further work was also completed in relation to recruitment to ensure that our commitment to diversity and inclusion was highlighted in our job specifications.

##### **Gender balance**

**1.4.23** The Office of the DPP is committed to gender equality. At the end of 2022, our organisational gender balance ratio was 64% female to 36% male. The Office of the DPP is also among the 14% of Irish organisations that have a female Head of Office (Central Statistics Office 2021). The Office also ensures gender balanced interview boards during recruitment.

## Promoting staff wellbeing including implementation of the Civil Service Health and Wellbeing Framework

### Employee wellbeing

- 1.4.24** Increasingly, organisations across the public and private sector recognise the importance of employee wellbeing and good mental health. Our people are fundamental to the delivery of the Office's mission and when they are healthy and motivated, their experience and outcomes in the workplace improve. We have a cross-organisational Wellbeing Committee that leads on organising events, campaigns and initiatives as well as participating in the Public Service Wellbeing Network.
- 1.4.25** The Wellbeing Committee was active during 2022 and organised a suite of supports ranging from e-resources, events and awareness sessions in areas of mental health, financial education, positive health and stress reduction. Social events were also organised and we made the most of our beautiful location with lunchtime events including a guided biodiversity walk in the Phoenix Park, as well as an Office bike ride for National Bike Week.

### Building our Resilience

- 1.4.26** As with many employers, we have an Employee Assistance Service which is available to all staff. Also, in recognition of the additional inherent risks associated with our work, for example, vicarious trauma, we piloted our first Staff Care Programme in 2022. The programme's aim was to provide a reflective, safe and confidential space to discuss the impact of the work we do, and to consider ways to manage this impact through self-care activities, peer support, coping and resiliency strategies. The programme concluded in late 2022 and a review of its effectiveness was commenced. Results of this will inform our next steps in 2023.

### Working with charities

- 1.4.27** Each year, our Wellbeing Committee organises a number of charity based initiatives. In 2022, these included a charity morning in aid of St Francis Hospice (in memory of a dear colleague who we lost earlier in 2022), an Easter Egg collection for Ukrainian Children, and our annual Capuchin Centre Food Hamper Appeal.

## Developing and implementing our Office's sustainability and green plan

- 1.4.28** Our Organisational and General Services Unit continues to promote and raise staff awareness of environmental and sustainability initiatives across the Office. The unit also oversees the implementation of our energy efficiency actions and you can read more about this in [Appendix 5: Annual Energy Efficiency Report 2022](#).
- 1.4.29** Our ICT Unit began the procurement of 'thin clients' for test purposes in 2022. These clients will use less energy and replace bulky PCs, freeing up desk space. This project will be completed during 2023.



## **PART 2:** Summary of Files Received and Outcomes



## Explanatory note in relation to statistics

**2.1.1** The statistics in this part are broken down into six distinct sections:

- i)** Charts 2.1.1 to 2.1.5 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 provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2019 and 2021;
- iii)** 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;
- iv)** Charts 2.4.1 to 2.4.3 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 provides details of requests for mutual legal assistance processed by the Office of the DPP.
- vi)** Charts 2.6.1 to 2.6.2a outline the number of requests received from victims of crime for reasons and reviews in cases where a decision was made not to prosecute in the years 2020, 2021 and 2022 and the main categories of offences which were the subject of those requests.

**2.1.2** 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 2022 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.

**2.1.3** 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 at the end of June 2023.

**2.1.4** 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 2003 to 2022.

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 An 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	YEAR	FILES
2003	14696	2013	13761
2004	14613	2014	14012
2005	14427	2015	14306
2006	15279	2016	13169
2007	15446	2017	13667
2008	16144	2018	14849
2009	16074	2019	15580
2010	15948	2020	17102
2011	16127	2021	18251
2012	15285	2022	17359

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**

	2022	2021	2020
District Court Prosecution Files	1929	1703	1068
Appeals from District Court to Circuit Court	2203	2011	1271
High Court Bail Applications	1746	1887	2133
Judicial Review Applications	151	166	140
<b>TOTAL</b>	<b>6029</b>	<b>5767</b>	<b>4612</b>

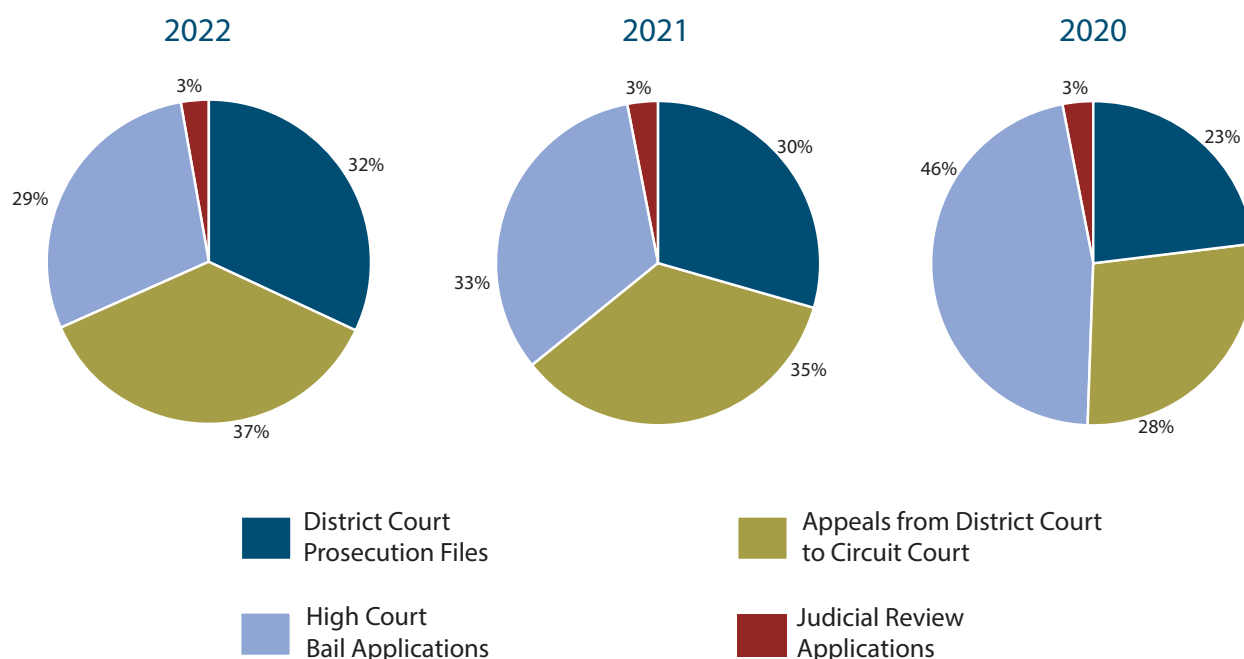
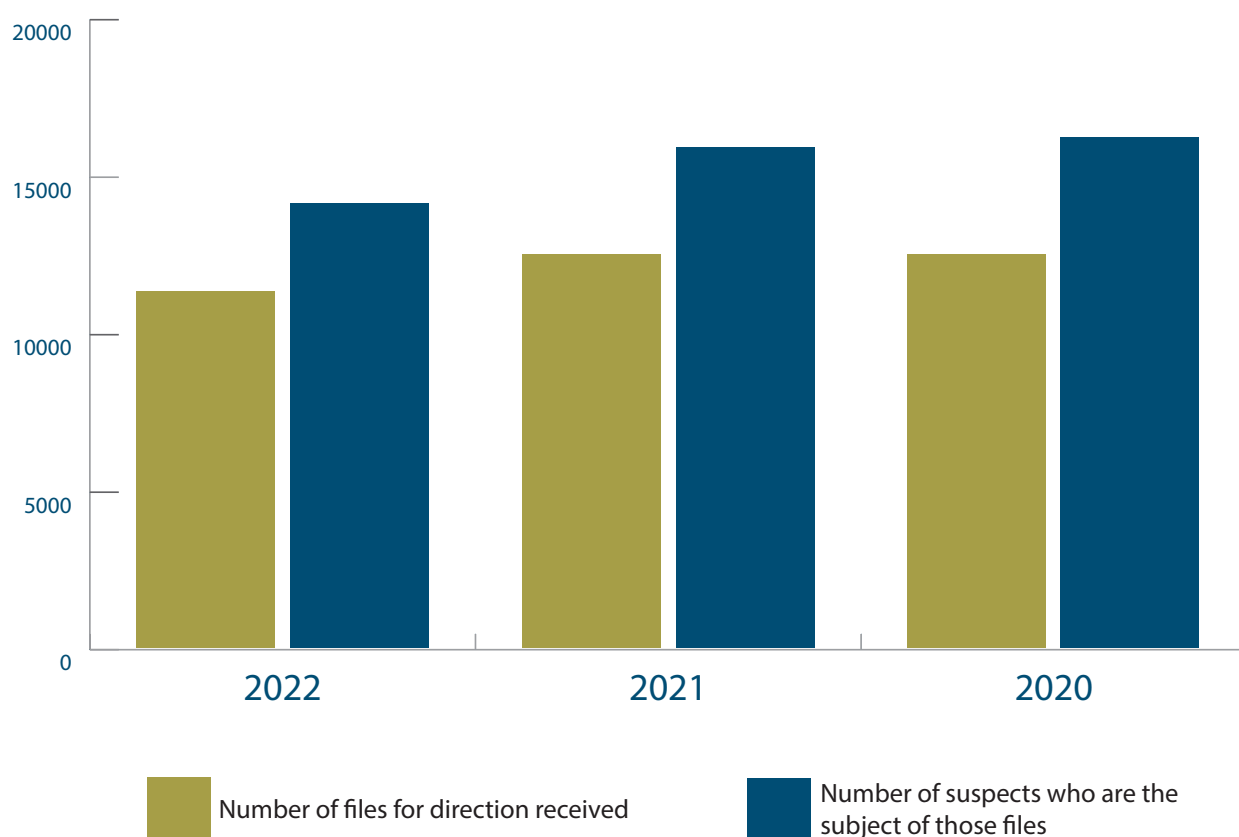




Chart 2.1.3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. This is because many files relate to more than one suspect. It is important,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

	2022	2021	2020
Files received for decision whether to prosecute	11330	12484	12490
Number of suspects who are the subject of those files	14126	15885	16213



The following chart shows a breakdown of the disposal of files received in the Directing Division in 2020, 2021 and 2022 (as of July 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.

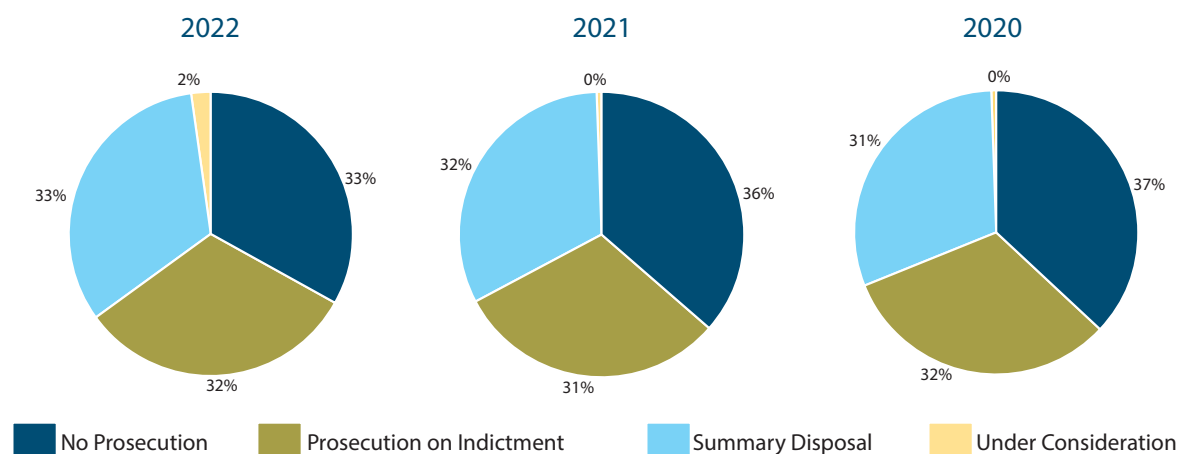
**Prosecute on Indictment:** It is decided to prosecute in the Circuit, Central or Special Criminal Courts.

**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.

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

Direction Made	2022	%	2021	%	2020	%
No Prosecution Directed	4702	33%	5784	36%	5993	37%
Prosecution on Indictment Directed	4496	32%	4921	31%	5191	32%
Summary Disposal Directed	4631	33%	5119	32%	4975	31%
<b>TOTAL OF FILES DISPOSED</b>	<b>13829</b>	<b>98%</b>	<b>15824</b>	<b>100%</b>	<b>16159</b>	<b>100%</b>
Under Consideration	297	2%	61	0%	54	0%
<b>TOTAL</b>	<b>14126</b>	<b>100%</b>	<b>15885</b>	<b>100%</b>	<b>16213</b>	<b>100%</b>



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	2022	%	2021	%	2020	%
Insufficient Evidence	3599	77%	4485	78%	4633	77%
Injured Party Withdraws Complaint	548	12%	596	10%	535	9%
Adult Caution	149	3%	84	1%	83	1%
Juvenile Diversion Programme	55	1%	75	2%	99	2%
Undue Delay	36	1%	46	1%	51	1%
Public Interest	35	1%	86	1%	107	2%
Time Limit Expired	34	1%	48	1%	50	1%
Suspect Deceased	28	1%	45	1%	49	1%
Sympathetic Grounds	3	0%	1	0%	4	0%
Other	215	5%	318	5%	382	7%
<b>TOTAL</b>	<b>4702</b>		<b>5784</b>		<b>5993</b>	

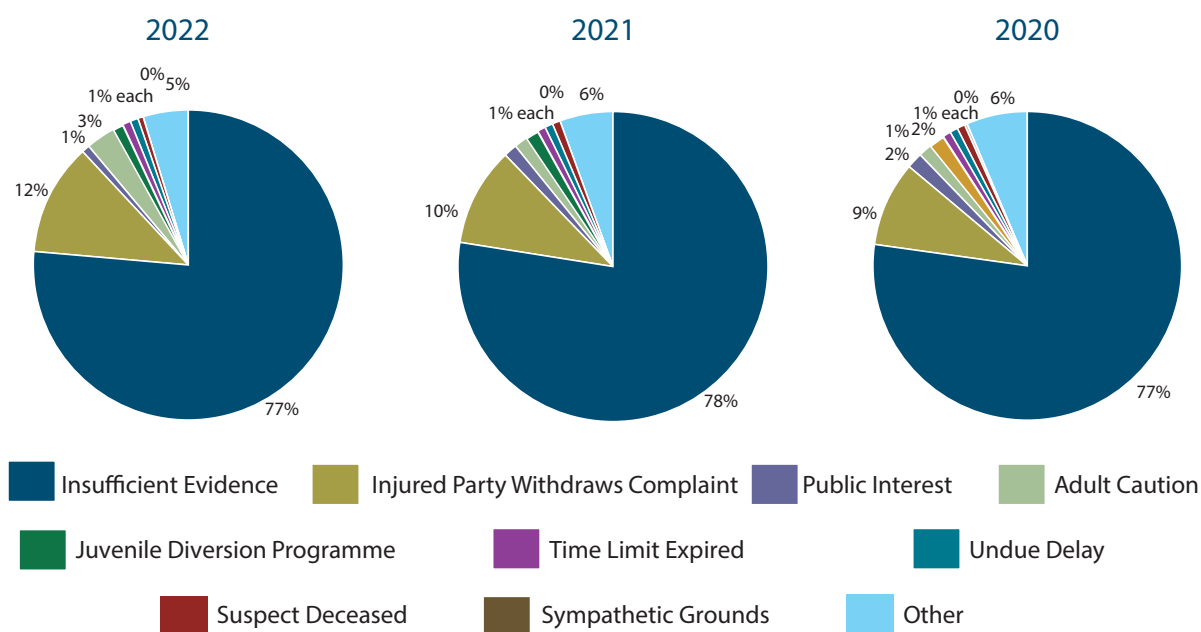




Chart 2.1.4b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'under consideration' (see 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				Population				Population				Number of Prosecutions on Indictment Directed per County					Cases per 1,000 Persons					3 Year Rolling Average		
	2022*	2021*	2020*	2019*	2022*	2021*	2020*	2019*	2022*	2021*	2020*	2019*	2022	2021	2020	2019	2018	2022	2021	2020	2019	2018	2020-2022	2019-2021	2018-2020
<b>Carlow</b>	61,931	59,810	59,298	58,799	58,057	58,057	58,057	58,057	69	59	38	36	38	69	59	38	36	1.11	0.99	0.64	0.61	0.65	0.91	0.75	0.64
<b>Cavan</b>	81,201	79,705	78,797	78,565	77,812	77,812	78,565	77,812	48	63	74	61	72	48	63	74	61	0.59	0.79	0.94	0.78	0.93	0.77	0.84	0.88
<b>Clare</b>	127,419	123,294	122,591	121,762	121,109	121,109	121,762	121,109	82	84	81	84	89	82	84	81	84	0.64	0.68	0.66	0.69	0.73	0.66	0.68	0.70
<b>Cork</b>	581,231	566,157	563,405	555,151	549,963	549,963	555,151	549,963	368	350	353	348	311	368	350	353	348	0.63	0.62	0.63	0.63	0.57	0.63	0.62	0.61
<b>Donegal</b>	166,321	166,566	164,669	164,185	162,610	162,610	164,185	162,610	126	115	96	94	68	126	115	96	94	0.76	0.69	0.58	0.57	0.42	0.68	0.62	0.52
<b>Dublin</b>	1,450,701	1,426,000	1,417,600	1,395,600	1,370,500	1,370,500	1,395,600	1,370,500	1,734	2,041	2,174	1,671	1,483	1,734	2,041	2,174	1,671	1.20	1.43	1.53	1.20	1.08	1.39	1.39	1.27
<b>Galway</b>	276,451	268,988	267,564	264,090	260,673	260,673	264,090	260,673	182	143	208	162	148	182	143	208	162	0.66	0.53	0.78	0.61	0.57	0.66	0.64	0.65
<b>Kerry</b>	155,258	154,043	153,295	151,049	149,637	149,637	151,049	149,637	89	122	109	100	83	89	122	109	100	0.57	0.79	0.71	0.66	0.55	0.69	0.72	0.64
<b>Kildare</b>	246,977	238,605	236,925	233,695	230,045	230,045	233,695	230,045	191	215	233	193	117	191	215	233	193	0.77	0.90	0.98	0.83	0.51	0.89	0.90	0.77
<b>Kilkenny</b>	103,685	104,249	103,355	102,485	101,192	101,192	102,485	101,192	59	76	68	68	52	59	76	68	68	0.57	0.73	0.66	0.66	0.51	0.65	0.68	0.61
<b>Laois</b>	91,657	89,014	88,087	88,348	87,334	87,334	88,348	87,334	68	95	85	63	80	68	95	85	63	0.74	1.07	0.96	0.71	0.92	0.92	0.92	0.86
<b>Leitrim</b>	35,087	33,528	33,146	33,049	32,732	32,732	33,049	32,732	16	29	18	14	22	16	29	18	14	0.46	0.86	0.54	0.42	0.67	0.62	0.61	0.55
<b>Limerick</b>	205,444	202,242	201,089	199,730	198,659	198,659	199,730	198,659	238	271	257	290	188	238	271	257	290	1.16	1.34	1.28	1.45	0.95	1.26	1.36	1.23
<b>Longford</b>	46,634	42,956	42,509	42,635	42,145	42,145	42,635	42,145	71	61	88	63	41	71	61	88	63	1.52	1.42	2.07	1.48	0.97	1.67	1.66	1.51
<b>Louth</b>	139,100	138,210	137,237	135,366	133,251	133,251	135,366	133,251	129	121	145	160	126	129	121	145	160	0.93	0.88	1.06	1.18	0.95	0.95	1.04	1.06
<b>Mayo</b>	137,231	136,034	135,314	133,557	131,829	131,829	133,557	131,829	103	98	94	78	66	103	98	94	78	0.75	0.72	0.69	0.58	0.50	0.72	0.67	0.59
<b>Meath</b>	220,296	209,157	207,684	204,853	201,653	201,653	204,853	201,653	125	114	126	85	74	125	114	126	85	0.57	0.55	0.61	0.41	0.37	0.57	0.52	0.46
<b>Monaghan</b>	64,832	64,230	63,498	63,311	62,704	62,704	63,311	62,704	62	73	60	52	43	62	73	60	52	0.96	1.14	0.94	0.82	0.69	1.01	0.97	0.82
<b>Offaly</b>	82,668	81,935	81,081	81,321	80,388	80,388	81,321	80,388	84	45	77	34	51	84	45	77	34	1.02	0.55	0.95	0.42	0.63	0.84	0.64	0.67
<b>Roscommon</b>	69,995	67,278	66,922	66,053	65,198	65,198	66,053	65,198	37	40	58	41	34	37	40	58	41	0.53	0.59	0.87	0.62	0.52	0.66	0.69	0.67
<b>Sligo</b>	69,819	68,571	67,790	67,590	66,942	66,942	67,590	66,942	51	57	53	39	38	51	57	53	39	0.73	0.83	0.78	0.58	0.57	0.78	0.73	0.64
<b>Tipperary</b>	167,661	165,565	164,621	163,509	162,632	162,632	163,509	162,632	139	141	126	134	152	139	141	126	134	0.83	0.85	0.77	0.82	0.93	0.82	0.81	0.84
<b>Waterford</b>	127,085	122,049	121,003	119,985	118,471	118,471	119,985	118,471	156	125	168	100	96	156	125	168	100	1.23	1.02	1.39	0.83	0.81	1.21	1.08	1.01
<b>Westmeath</b>	95,840	93,295	92,323	92,596	91,533	91,533	92,596	91,533	77	54	119	84	59	77	54	119	84	0.80	0.58	1.29	0.91	0.64	0.89	0.92	0.95
<b>Wexford</b>	163,527	157,291	155,943	154,631	152,680	152,680	154,631	152,680	95	167	193	152	90	95	167	193	152	0.58	1.06	1.24	0.98	0.59	0.96	1.09	0.94
<b>Wicklow</b>	155,485	152,730	151,655	149,588	147,251	147,251	149,588	147,251	95	157	89	95	70	95	157	89	95	0.61	1.03	0.59	0.64	0.48	0.74	0.75	0.57
<b>TOTAL</b>	<b>5,123,536</b>	<b>5,011,502</b>	<b>4,977,401</b>	<b>4,921,503</b>	<b>4,857,000</b>	<b>4,857,000</b>	<b>4,921,503</b>	<b>4,857,000</b>	<b>4,494</b>	<b>4,916</b>	<b>5,190</b>	<b>4,305</b>	<b>3,691</b>	<b>4,494</b>	<b>4,916</b>	<b>5,190</b>	<b>4,305</b>	<b>3,691</b>	<b>4,494</b>	<b>4,916</b>	<b>5,190</b>	<b>4,305</b>	<b>3,691</b>	<b>4,494</b>	<b>4,916</b>

\* Population figures for 2022 are taken from the provisional census figures for that year. The 2018, 2019, 2020 & 2021 figures are based on a proration (based on the 2016 census) of the estimated regional population figures as published in the Central Statistics Office's Population and Migration Estimates issued in 2018, 2019, 2020 & 2021

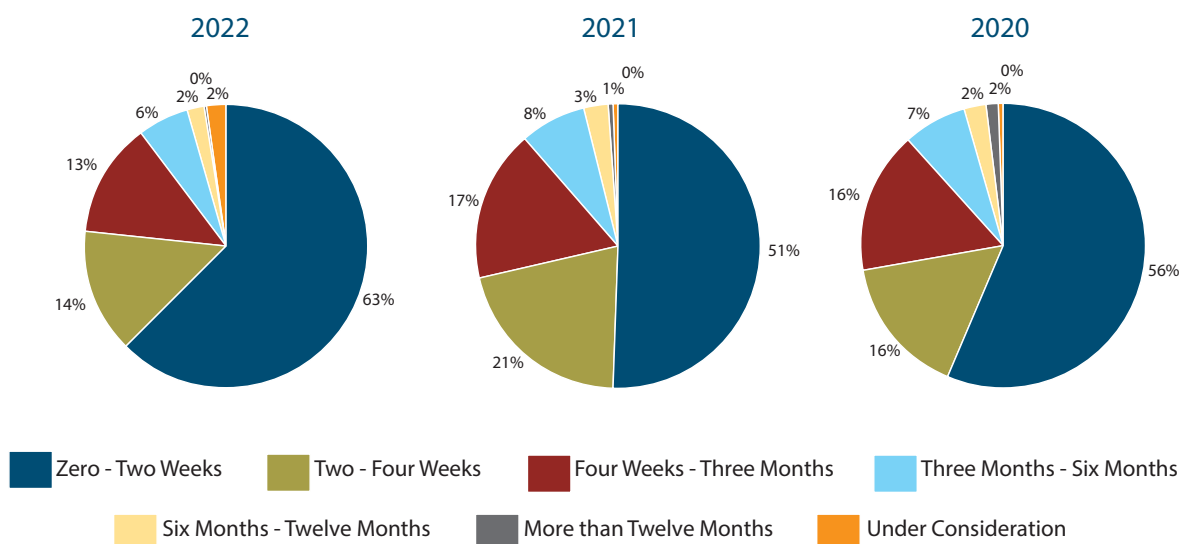
Chart 2.1.5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing 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	2022	%	2021	%	2020	%
Zero - Two Weeks	8841	63%	8061	51%	9152	56%
Two - Four Weeks	1998	14%	3318	21%	2578	16%
Four Weeks - Three Months	1842	13%	2710	17%	2608	16%
Three Months - Six Months	833	6%	1196	8%	1160	7%
Six Months - Twelve Months	275	2%	430	3%	404	2%
More than Twelve Months	40	0%	109	1%	257	2%
<b>TOTAL FILES DISPOSED</b>	<b>13829</b>	<b>98%</b>	<b>15824</b>	<b>100%</b>	<b>16159</b>	<b>100%</b>
Under Consideration	297	2%	61	0%	54	0%
<b>TOTAL</b>	<b>14126</b>	<b>100%</b>	<b>15885</b>	<b>100%</b>	<b>16213</b>	<b>100%</b>



## 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 2019 and 2021. 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 s 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 2019 to 2021 (as of June 2023). The figures relate to:

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

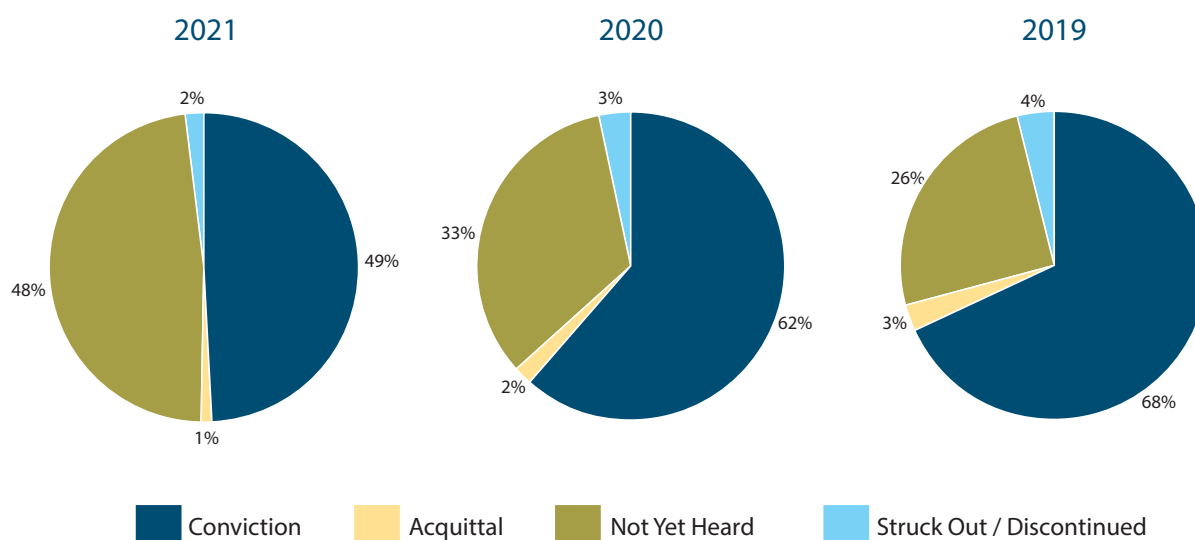
**Acquittal:** The defendant was acquitted on all charges.

**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 2022 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	2021	%	2020	%	2019	%
Conviction	2431	49%	3197	62%	2934	68%
Acquittal	46	1%	102	2%	116	3%
Not Yet Heard	2358	48%	1729	33%	1099	25%
Struck Out/Discontinued	86	2%	163	3%	156	4%
<b>TOTAL</b>	<b>4921</b>		<b>5191</b>		<b>4305</b>	



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

	2021	%	2020	%	2019	%
Conviction by Jury	57	2%	127	4%	158	5%
Conviction Following Plea of Guilty	2374	96%	3070	93%	2776	91%
<b>TOTAL CONVICTIONS</b>	<b>2431</b>	<b>98%</b>	<b>3197</b>	<b>97%</b>	<b>2934</b>	<b>96%</b>
Acquittal by Jury	39	2%	85	3%	86	3%
Acquittal on Direction of Judge	7	0%	17	0%	30	1%
<b>TOTAL ACQUITTALS</b>	<b>46</b>	<b>2%</b>	<b>102</b>	<b>3%</b>	<b>116</b>	<b>4%</b>
<b>TOTAL</b>	<b>2477</b>		<b>3299</b>		<b>3050</b>	

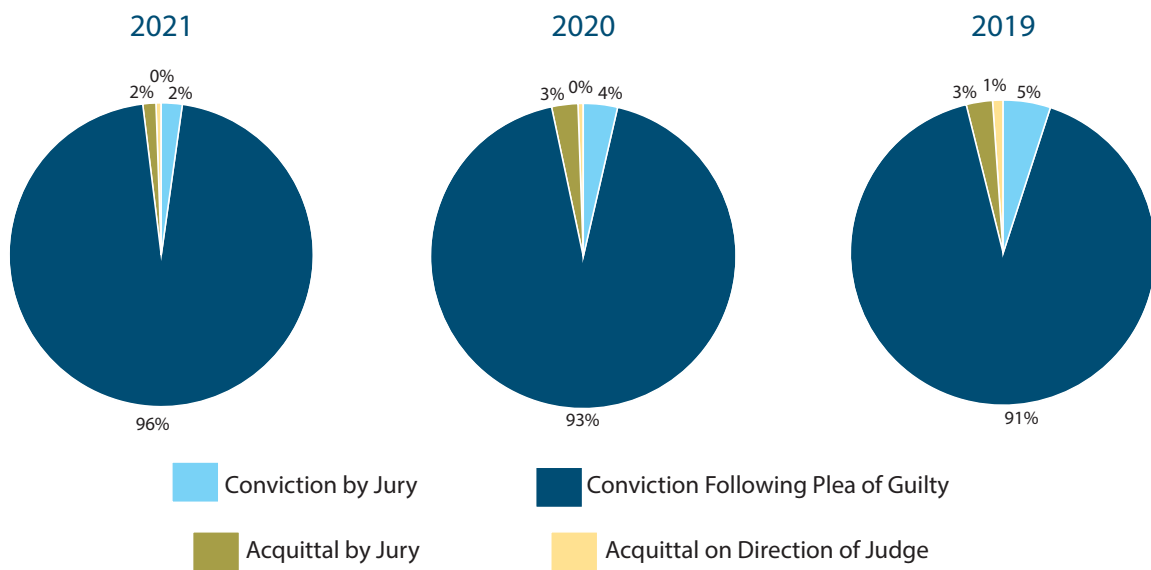


Chart 2.2.2 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. 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		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Fatal Accident at Work	12	4	7	0	0	0	2	1	5	0	0	1	0	0	0	0	0	0	10	3	1	0	0	0
Manslaughter	1	2	4	0	0	1	1	1	1	0	0	0	0	1	0	0	0	0	0	0	2	0	0	0
<b>TOTAL - FATAL OFFENCES</b>	<b>13</b>	<b>6</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
Burglary	383	489	387	3	5	2	189	283	259	25	44	31	2	5	5	0	3	4	159	123	71	5	26	15
Fraud	82	102	50	0	0	1	35	37	21	5	7	7	0	0	1	0	1	0	42	53	19	0	4	1
Robbery	292	393	348	4	6	5	170	262	236	11	17	22	1	1	3	0	2	2	101	94	71	5	11	9
Theft	255	254	229	1	0	1	135	150	147	18	13	12	1	1	1	1	1	1	96	87	60	3	2	7
Other Offences Against Property	629	514	440	1	3	5	281	266	273	43	41	27	5	4	2	0	1	2	290	179	116	9	20	15
<b>TOTAL - OFFENCES AGAINST PROPERTY</b>	<b>1641</b>	<b>1752</b>	<b>1454</b>	<b>9</b>	<b>14</b>	<b>14</b>	<b>810</b>	<b>998</b>	<b>936</b>	<b>102</b>	<b>122</b>	<b>99</b>	<b>9</b>	<b>11</b>	<b>12</b>	<b>1</b>	<b>8</b>	<b>9</b>	<b>688</b>	<b>536</b>	<b>337</b>	<b>22</b>	<b>63</b>	<b>47</b>
Dangerous Driving Causing Death	20	24	20	0	0	0	11	17	14	1	4	0	0	0	1	0	0	1	8	3	4	0	0	0
Unauthorised Taking of Motor Vehicles	48	31	17	0	0	1	23	19	12	3	5	2	0	0	0	0	0	0	21	5	1	1	2	1
Other Road Traffic Offences	97	86	84	1	1	3	36	41	41	9	12	18	1	0	3	0	0	0	49	31	17	1	1	2
<b>TOTAL - ROAD TRAFFIC OFFENCES</b>	<b>165</b>	<b>141</b>	<b>121</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>70</b>	<b>77</b>	<b>67</b>	<b>13</b>	<b>21</b>	<b>20</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>78</b>	<b>39</b>	<b>22</b>	<b>2</b>	<b>3</b>	<b>3</b>
Sexual Assault	160	151	156	3	10	14	28	47	59	7	2	4	4	15	13	0	3	0	113	66	56	5	8	10
Child Pornography	68	79	72	0	1	2	42	55	48	1	4	5	0	0	0	0	0	0	24	18	14	1	1	3
Indecent Assault	45	51	54	0	8	9	11	17	16	1	0	1	3	0	4	0	0	2	30	23	20	0	3	2
Offences Against Children and Protected Persons	38	37	30	0	0	1	13	15	19	1	1	1	0	0	0	0	0	0	23	21	8	1	0	1
Other Sexual Offences	21	28	27	0	1	1	5	16	15	0	2	3	0	0	1	0	1	0	12	7	4	4	1	3
<b>TOTAL - SEXUAL OFFENCES</b>	<b>332</b>	<b>346</b>	<b>339</b>	<b>3</b>	<b>20</b>	<b>27</b>	<b>99</b>	<b>150</b>	<b>157</b>	<b>10</b>	<b>9</b>	<b>14</b>	<b>7</b>	<b>15</b>	<b>18</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>202</b>	<b>135</b>	<b>102</b>	<b>11</b>	<b>13</b>	<b>19</b>
Drug Offences	839	815	720	1	2	4	246	262	373	285	344	189	1	0	3	0	0	1	298	196	143	8	11	7
Firearms and Explosives Offences	187	158	151	3	3	5	71	83	82	15	21	20	1	1	0	0	0	1	91	45	36	6	5	7
Non Fatal Offences Against the Person	1004	1165	911	12	22	20	390	579	455	46	68	93	11	33	25	4	4	12	521	419	262	20	40	44
Public Order Offences	320	402	252	1	1	1	84	187	118	30	22	24	3	3	3	0	0	0	198	181	90	4	8	16
Revenue Offences	14	25	22	0	0	0	5	15	12	0	1	0	0	0	0	0	0	0	9	8	9	0	1	1
Sea Fisheries	23	10	21	0	0	0	4	4	7	0	1	0	0	0	0	0	0	0	19	5	13	0	0	1
Other Offences	130	134	90	0	1	4	41	55	44	4	5	5	0	2	2	0	0	1	84	70	32	1	1	2
<b>GRAND TOTAL</b>	<b>4668</b>	<b>4954</b>	<b>4092</b>	<b>30</b>	<b>64</b>	<b>80</b>	<b>1823</b>	<b>2412</b>	<b>2257</b>	<b>505</b>	<b>614</b>	<b>465</b>	<b>33</b>	<b>66</b>	<b>67</b>	<b>5</b>	<b>16</b>	<b>27</b>	<b>2198</b>	<b>1637</b>	<b>1049</b>	<b>74</b>	<b>145</b>	<b>147</b>

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

	2021	2020	2019
<i>Nolle Prosequi</i> Entered	62	131	137
Struck Out	1	4	1
Taken Into Consideration	2	1	0
Successful Application to Dismiss Charges	8	5	2
Charges Dismissed by Judge on Account of Delay	0	0	1
Suspect Deceased	1	1	4
Not Guilty by Reason of Insanity	0	3	2
<b>TOTAL</b>	<b>74</b>	<b>145</b>	<b>147</b>

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

	TOTAL			Percentage of Convictions		
	2021	2020	2019	2020	2019	2018
Fatal Accident at Work	2	1	6	100%	100%	100%
Manslaughter	1	2	2	100%	50%	100%
<b>TOTAL - FATAL OFFENCES</b>	<b>3</b>	<b>3</b>	<b>8</b>	<b>100%</b>	<b>67%</b>	<b>100%</b>
Burglary	219	340	301	99%	98%	97%
Fraud	40	45	30	100%	98%	97%
Robbery	186	288	268	99%	99%	98%
Theft	156	165	162	99%	99%	99%
Other Offences Against Property	330	315	309	98%	98%	99%
<b>TOTAL - OFFENCES AGAINST PROPERTY</b>	<b>931</b>	<b>1153</b>	<b>1070</b>	<b>99%</b>	<b>98%</b>	<b>98%</b>
Dangerous Driving Causing Death	12	21	16	100%	100%	88%
Unauthorised Taking of Motor Vehicles	26	24	15	100%	100%	100%
Other Road Traffic Offences	47	54	65	98%	100%	95%
<b>TOTAL - ROAD TRAFFIC OFFENCES</b>	<b>85</b>	<b>99</b>	<b>96</b>	<b>99%</b>	<b>100%</b>	<b>95%</b>
Sexual Assault	42	77	90	90%	77%	86%
Child Pornography	43	60	55	100%	100%	100%
Indecent Assault	15	25	32	80%	100%	81%
Offences against Children and Protected Persons	14	16	21	100%	100%	100%
Other Sexual Offences	5	20	20	100%	95%	95%
<b>TOTAL - SEXUAL OFFENCES</b>	<b>119</b>	<b>198</b>	<b>218</b>	<b>94%</b>	<b>90%</b>	<b>91%</b>
Drug Offences	533	608	570	100%	100%	99%
Firearms and Explosives Offences	90	108	108	99%	99%	99%
Non Fatal Offences Against the Person	463	706	605	97%	95%	94%
Public Order Offences	118	213	146	97%	99%	98%
Sea Fisheries	5	16	12	100%	100%	100%
Revenue Offences	4	5	7	100%	100%	100%
Other Offences	45	63	56	100%	97%	95%
<b>GRAND TOTAL</b>	<b>2396</b>	<b>3172</b>	<b>2896</b>	<b>98%</b>	<b>97%</b>	<b>97%</b>

\* 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		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Assisting an Offender	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Murder	1	0	2	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
Commission of a Serious Offence for a Criminal Organisation	1	3	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0
Conspiracy to Commit a Serious Offence	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Directing a Criminal Organisation	1	0	2	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1
Enhancing the Activities of a Criminal Organisation	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Facilitating Murder	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
False Imprisonment	0	0	5	0	0	3	0	0	0	0	0	1	0	0	1	0	0	0
Firearms and Explosives Offences	3	2	6	0	0	0	0	1	3	0	0	2	0	0	1	3	1	0
Membership of Unlawful Organisation	0	0	2	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
Money Laundering	9	4	5	0	0	0	1	4	5	0	0	0	0	0	0	8	0	0
Murder	1	3	0	0	2	0	0	0	0	1	0	0	0	0	0	0	1	0
Offences Against the State	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Participating In / Facilitating Organised Crime	3	2	4	0	1	0	1	1	3	0	0	0	0	0	0	2	0	1
Perverting the Course of Justice	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
<b>TOTAL</b>	<b>25</b>	<b>14</b>	<b>28</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>9</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>17</b>	<b>2</b>	<b>3</b>

**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		
		2021	2020	2019	2021	2020	2019	2021	2020	2019
Murder	Facilitating Murder	1	0	0	0	0	0	1	0	0
False Imprisonment	Assault Causing Serious Harm	0	0	1	0	0	0	0	0	1
Firearms and Explosives Offences (Possession with Intent to Endanger Life)	Firearms and Explosives Offences (Possession in Suspicious Circumstances)	0	0	2	0	0	0	0	0	2
<b>TOTAL</b>		<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>

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

	TOTAL			Percentage of Convictions		
	2021	2020	2019	2021	2020	2019
Assisting an Offender	0	0	1	N/A	N/A	100%
Attempted Murder	1	0	1	100%	N/A	100%
Commission of a Serious Offence for a Criminal Organisation	1	3	0	100%	100%	N/A
Conspiracy to Commit a Sserious Offence	1	0	0	100%	N/A	N/A
Directing a Criminal Organisation	1	0	1	100%	N/A	100%
Enhancing the Activities of a Criminal Organisation	0	0	1	N/A	N/A	100%
Facilitating Murder	1	0	0	100%	N/A	N/A
False Imprisonment	0	0	5	N/A	N/A	80%
Firearms and Explosives Offences	0	1	6	N/A	100%	83%
Membership of Unlawful Organisation	0	0	2	N/A	N/A	100%
Money Laundering	1	4	5	100%	100%	100%
Murder	1	2	0	100%	100%	N/A
Offences Against the State	0	0	0	N/A	N/A	N/A
Participating In / Facilitating Organised Crime	1	2	3	100%	100%	100%
Perverting the Course of Justice	0	0	0	N/A	N/A	N/A
<b>TOTAL</b>	<b>8</b>	<b>12</b>	<b>25</b>	<b>100%</b>	<b>100%</b>	<b>92%</b>

*\* 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		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Capital Murder	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder	20	27	33	1	5	16	6	4	5	5	3	9	2	1	0	0	0	0	1	4	0	5	10	3
Attempted Murder	17	8	9	1	0	0	4	1	0	5	5	9	0	0	0	2	0	0	1	0	0	4	2	0
Soliciting to Murder	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Threat to Kill	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	1	0	0
Assault Causing Harm	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Firearms Offences	1	2	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
False Imprisonment	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	170	175	118	8	29	26	23	27	26	4	13	9	4	17	18	0	1	1	8	14	9	123	74	29
Attempted Rape	5	6	2	1	0	0	0	2	1	0	1	1	0	1	0	0	0	0	0	0	0	4	2	0
Aggravated Sexual Assault	3	0	7	0	0	1	2	0	2	0	0	0	0	0	1	0	0	0	0	0	0	1	0	3
Bestiality	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Child Neglect / Cruelty	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Indecent Assault	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0
Sexual Assault	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Sexual Act with a Child Under 17 Years of Age	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assisting an Offender	1	2	1	1	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Competition Law Offences	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12
<b>TOTAL CASES</b>	<b>228</b>	<b>223</b>	<b>185</b>	<b>12</b>	<b>37</b>	<b>43</b>	<b>38</b>	<b>36</b>	<b>38</b>	<b>15</b>	<b>22</b>	<b>28</b>	<b>6</b>	<b>19</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>18</b>	<b>9</b>	<b>143</b>	<b>90</b>	<b>47</b>

**Chart 2.2.4a: Breakdown of 'Convictions on Lesser Charge'**

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2021	2020	2019	2021	2020	2019	2021	2020	2019
Murder	Manslaughter	2	3	6	1	1	4	1	2	2
Murder	Assault Causing Serious Harm	0	0	1	0	0	1	0	0	0
Murder	Conspiracy to Murder	1	0	0	0	0	0	1	0	0
Murder	Participation In / Facilitating Organised Crime	2	0	0	0	0	0	2	0	0
Murder	Assisting an Offender	0	0	2	0	0	0	0	0	2
Attempted Murder	Conspiracy to Murder	0	0	4	0	0	0	0	0	4
Attempted Murder	Assault Causing Serious Harm	3	3	2	0	0	0	3	3	2
Attempted Murder	Attempting to Cause Serious Harm	0	1	0	0	0	0	0	1	0
Attempted Murder	Participating In / Facilitating Organised Crime	0	0	1	0	0	0	0	0	1
Attempted Murder	Firearms Offences	2	0	1	0	0	0	2	0	1
Attempted Murder	Threat to Kill	0	0	1	0	0	1	0	0	0
Attempted Murder	Assaulting a Peace Officer in the Course of Their Duty	0	1	0	0	0	0	0	1	0
Rape	Defilement of a Child Under 15	0	1	0	0	0	0	0	1	0
Rape	Sexual Act with a Child Under 17	0	0	1	0	0	1	0	0	0
Rape	Indecent Assault	0	2	1	0	1	1	0	1	0
Rape	Sexual Assault	3	6	3	2	2	1	1	4	2
Rape	Aiding and Abetting in the Sexual Assault of a Child	0	0	1	0	0	0	0	0	1
Rape	False Imprisonment	0	1	0	0	0	0	0	1	0
Rape	Assault Causing Harm	1	2	2	1	0	2	0	2	0
Rape	Possession of Child Pornography	0	0	1	0	0	0	0	0	1
Rape	Theft	0	1	0	0	0	0	0	1	0
Attempted Rape	Aggravated Sexual Assault	0	1	0	0	0	0	0	1	0
Attempted Rape	Sexual Assault	0	0	1	0	0	0	0	0	1
Sexual Exploitation of a Child Under 17	Sexual Assault	1	0	0	1	0	0	0	0	0
<b>TOTAL</b>		<b>15</b>	<b>22</b>	<b>28</b>	<b>5</b>	<b>4</b>	<b>11</b>	<b>10</b>	<b>18</b>	<b>17</b>



**Chart 2.2.4b: Breakdown of 'Other Disposals'**

	2021	2020	2019
<i>Nolle prosequi</i> entered	10	12	9
Suspect Deceased	0	2	0
Struck Out	1	1	0
Not Guilty by Reason of Insanity	1	3	0
<b>TOTAL</b>	<b>12</b>	<b>18</b>	<b>9</b>

**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		
	2021	2020	2019	2021	2020	2019
Capital Murder	0	2	0	N/A	100%	N/A
Murder	14	0	2	0%	N/A	100%
Attempted Murder	12	87	80	92%	79%	76%
Soliciting to Murder	1	4	2	100%	75%	100%
Threat to Kill	0	0	4	N/A	N/A	75%
Assault Causing Harm	0	0	0	N/A	N/A	N/A
Firearms Offences	1	0	0	0%	N/A	N/A
False Imprisonment	0	0	0	N/A	N/A	N/A
Rape	39	0	0	0%	N/A	N/A
Attempted Rape	1	0	0	100%	N/A	N/A
Aggravated Sexual Assault	2	2	1	50%	100%	100%
Bestiality	1	0	0	0%	N/A	N/A
Child Neglect / Cruelty	0	115	129	N/A	83%	84%
Indecent Assault	0	0	0	N/A	N/A	N/A
Sexual Assault	0	0	0	N/A	N/A	N/A
Sexual Act With a Child Under 17 Years of Age	1	0	0	0%	N/A	N/A
Assisting an Offender	1	0	0	0%	N/A	N/A
<b>TOTAL</b>	<b>73</b>	<b>210</b>	<b>218</b>	<b>89%</b>	<b>45%</b>	<b>50%</b>

\* 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		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Carlow	43	29	21	0	0	2	35	24	18	7	5	0	1	0	1	0	0	0
Cavan	27	51	37	0	0	0	23	48	29	4	3	3	0	0	3	0	0	2
Clare	59	61	69	0	5	3	44	44	47	11	8	17	3	4	1	1	0	1
Cork	221	232	260	1	6	6	182	185	206	28	28	28	7	4	6	3	9	14
Donegal	31	50	52	0	1	0	27	44	42	4	3	7	0	2	3	0	0	0
Dublin	1069	1395	1230	7	7	19	756	1019	930	300	352	254	5	14	24	1	3	3
Galway	34	77	69	0	4	0	29	61	59	5	12	8	0	0	2	0	0	0
Kerry	50	56	56	2	3	3	42	45	47	6	6	5	0	2	0	0	0	1
Kildare	115	150	128	1	6	2	85	110	99	27	24	22	2	9	4	0	1	1
Kilkenny	43	44	57	2	3	0	31	33	48	8	5	9	2	3	0	0	0	0
Laois	44	48	41	1	0	2	35	33	35	7	13	3	1	1	1	0	1	0
Leitrim	6	7	9	0	0	0	5	6	8	1	1	0	0	0	0	0	0	1
Limerick	49	110	164	0	3	2	42	91	144	6	12	17	1	4	1	0	0	0
Longford	29	62	45	0	1	3	23	54	39	6	6	3	0	1	0	0	0	0
Louth	37	58	89	0	0	2	31	46	71	6	11	13	0	1	3	0	0	0
Mayo	48	58	52	1	4	3	37	45	43	7	7	4	3	2	2	0	0	0
Meath	65	80	60	3	1	0	56	63	48	6	13	11	0	3	1	0	0	0
Monaghan	15	24	15	0	0	0	12	19	15	3	4	0	0	0	0	0	1	0
Offaly	28	66	23	0	4	1	18	51	19	9	11	2	1	0	1	0	0	0
Roscommon	28	48	31	1	0	1	24	34	26	3	11	2	0	2	2	0	1	0
Sligo	35	42	33	0	0	0	27	25	26	6	12	6	1	3	0	1	2	1
Tipperary	82	95	91	1	2	4	71	81	68	8	10	14	1	2	2	1	0	3
Waterford	65	113	69	1	4	2	55	90	58	8	16	7	1	3	2	0	0	0
Westmeath	22	55	40	0	1	4	21	41	21	1	12	12	0	1	2	0	0	1
Wexford	79	115	101	0	3	11	65	93	79	12	16	8	2	3	2	0	0	1
Wicklow	71	46	53	0	1	2	55	32	39	16	13	10	0	0	1	0	0	1
<b>TOTAL</b>	<b>2395</b>	<b>3172</b>	<b>2895</b>	<b>21</b>	<b>59</b>	<b>72</b>	<b>1831</b>	<b>2417</b>	<b>2264</b>	<b>505</b>	<b>614</b>	<b>465</b>	<b>31</b>	<b>64</b>	<b>64</b>	<b>7</b>	<b>18</b>	<b>30</b>

**Chart 2.2.5a: Total Cases Finalised\* and Percentage of Convictions**

	TOTAL			Percentage of Convictions		
	2021	2020	2019	2021	2020	2019
Carlow	43	29	21	98%	100%	95%
Cavan	27	51	37	100%	100%	86%
Clare	59	61	69	93%	93%	97%
Cork	221	232	260	95%	94%	92%
Donegal	31	50	52	100%	96%	94%
Dublin	1069	1395	1230	99%	99%	98%
Galway	34	77	69	100%	100%	97%
Kerry	50	56	56	100%	96%	98%
Kildare	115	150	128	98%	93%	96%
Kilkenny	43	44	57	95%	93%	100%
Laois	44	48	41	98%	96%	98%
Leitrim	6	7	9	100%	100%	89%
Limerick	49	110	164	98%	96%	99%
Longford	29	62	45	100%	98%	100%
Louth	37	58	89	100%	98%	97%
Mayo	48	58	52	94%	97%	96%
Meath	65	80	60	100%	96%	98%
Monaghan	15	24	15	100%	96%	100%
Offaly	28	66	23	96%	100%	96%
Roscommon	28	48	31	100%	94%	94%
Sligo	35	42	33	94%	88%	97%
Tipperary	82	95	91	98%	98%	95%
Waterford	65	113	69	98%	97%	97%
Westmeath	22	55	40	100%	98%	93%
Wexford	79	115	101	97%	97%	97%
Wicklow	71	46	53	100%	100%	96%
<b>TOTAL</b>	<b>2395</b>	<b>3172</b>	<b>2895</b>	<b>98%</b>	<b>97%</b>	<b>97%</b>

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

## 2.3 Applications to the Court

Charts 2.3.1 to 2.3.3a 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 33<sup>rd</sup> 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 2020 to 2022. 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	2022	2021	2020
Appeal by DPP	39	37	30
Severity of Sentence	147	132	166
Conviction	35	33	30
Conviction and Severity	63	46	38
Refusal of Bail	6	9	18
Miscarriage of Justice Application	4	5	3
<b>TOTAL</b>	<b>294</b>	<b>263</b>	<b>285</b>

### 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 five 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
2018	53
2019	48
2020	26
2021	35
2022	39



**Chart 2.3.2a: Results of Applications for Review of Sentence on Grounds of Undue Leniency by Year Heard**

Year Applications Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2018	47	14	2	63
2019	31	15	0	46
2020	34	13	3	50
2021	27	5	3	35
2022	31	5	2	38

## 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 2022 is set out in Chart 2.3.3 below.

**Chart 2.3.3: Asset Seizing Files Opened in 2022**

Asset Seizing Files Opened 2022	
Section 39 Forfeiture Order Applications (Revenue and Gardai)	26
Section 24 Freezing Order Applications	5
Section 61 Forfeiture Order Applications	1
Foreign Confiscation Order (see Chapter 3 of Criminal Justice (Mutual Assistance) Act 2008)	1
<b>TOTAL</b>	<b>33</b>

**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 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.

**Chapter 3 of the Criminal Justice (Mutual Assistance) Act 2008:** This chapter sets out the provisions relating to the enforcement in Ireland of Foreign Orders obtained by authorities in both European Union member states and non-members states.

Details of Confiscation and Forfeiture Orders granted by the courts in 2022, to a total value of €7,289,056.13, are outlined in Chart 2.3.3a below.

**Chart 2.3.3a: Confiscation of Criminal Assets in 2022**

Orders Made Under the Criminal Justice Act 1994	Number	Amount
Prosecution Based Orders	114	€4,503,075.13
Section 39 Confiscation Orders (Garda)	4	€340,320.00
Section 39 Confiscation Orders (Revenue)	20	€2,445,661.00
<b>Total</b>	<b>138</b>	<b>€7,289,056.13</b>
Freezing Orders	4	€657,886.00

## 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 2022, 2021 and 2020. 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**

	2022	2021	2020
EAW Files Received from Gardai	109	45	179
EAWs Issued	53	47	163
Persons Surrendered	72	69	27

#### 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 2022.

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

	2022
TCA Arrest Warrant Files Received from Gardaí	82
TCA Arrest Warrants Issued	56
Persons Surrendered	22

### 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 2022, the Office of the Director of Public Prosecutions received 12 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 2022 and the countries to which those requests were transmitted.

#### Chart 2.4.3: Number of Extradition Requests Issued

Country Request Transmitted to:	2022
Channel Islands	1
Isle of Man	1
United Arab Emirates	1
<b>TOTAL</b>	<b>3</b>

## 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 2022, 2021 and 2020.

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

	2022	2021	2020
Number of Requests	933	1102	873

**Chart 2.5.1a: Breakdown of countries to which mutual legal assistance requests were issued by this Office in 2022**

Country	2022
EU Member States	264
United Kingdom	233
United States of America	338
Other	98
<b>TOTAL</b>	<b>933</b>

## 2.6 Victims of Crime

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.

Since the coming into effect of the Victims Directive and subsequent Criminal Justice (Victims of Crime) Act 2017, victims now have specific rights to information. They also have procedural rights during court proceedings. Victims now 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.

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](http://www.dppireland.ie).

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 facilitating 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.

### Requests for Reasons and Reviews

Charts 2.6.1 and 2.6.1a below set out the number of requests for a summary of reasons received in 2022, 2021 and 2020 and the categories of offences which were the subject of those requests.

**Chart 2.6.1: Requests for summary of reasons**

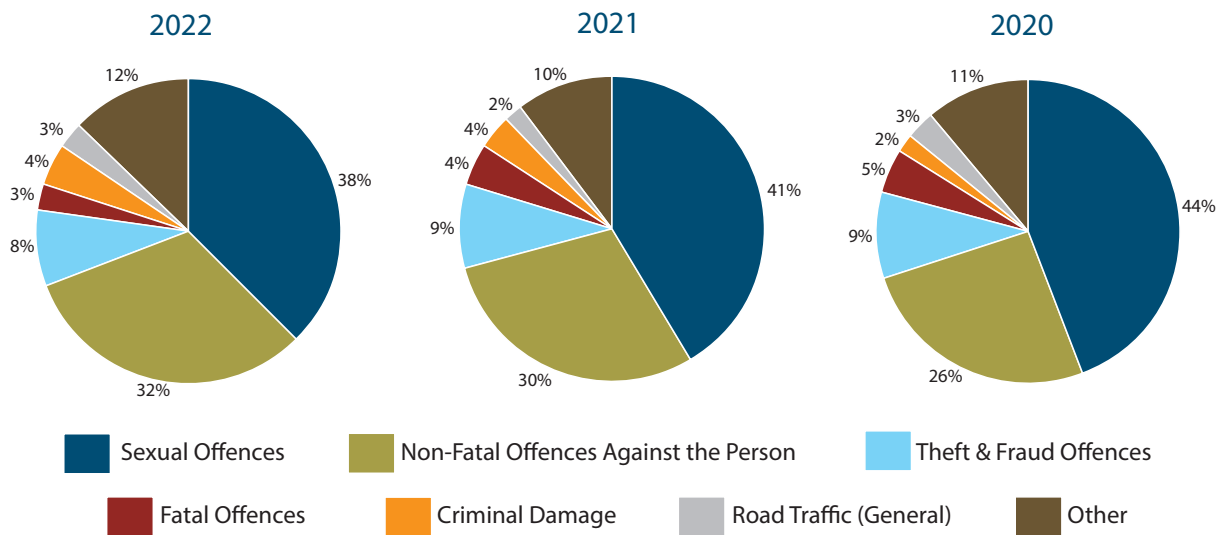
	2022	2021	2020
Reasons given	548	613	670
Reasons refused	20	25	28
Reasons deferred	20	14	0
Pending	4	0	0
<b>TOTAL requests for reasons received</b>	<b>592</b>	<b>652</b>	<b>698</b>

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 2.6.1a: Categories of offences which were the subject of requests for reasons**

Categories of Offences	2022	2021	2020
Sexual Offences	223	270	310
Non-Fatal Offences Against the Person	188	192	179
Theft and Fraud Offences	47	58	65
Fatal Offences	16	29	32
Criminal Damage	27	25	15
Road Traffic (General)	16	11	21
Other	75	67	76
<b>TOTAL</b>	<b>592</b>	<b>652</b>	<b>698</b>

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



Charts 2.6.2 and 2.6.2a below set out the number of requests for review received in 2022, 2021 and 2020 and the categories of offences which were the subject of those requests.

**Chart 2.6.2: Requests for review of a decision not to prosecute**

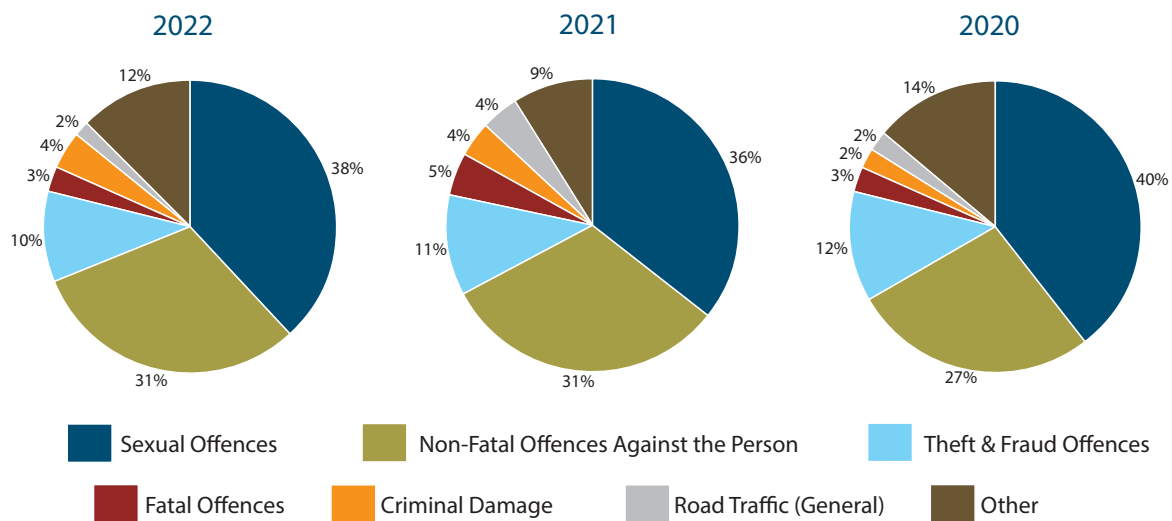
	2022	2021	2020
Decision Upheld	235	206	208
Decision Overturned	9	6	10
Invalid Request	2	1	2
Pending	2	2	0
<b>TOTAL requests received for review of a decision</b>	<b>248</b>	<b>215</b>	<b>220</b>

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 2.6.2a: Categories of offences which were the subject of requests for reviews**

Categories of Offences	2022	2021	2020
Sexual Offences	95	77	87
Non-Fatal Offences Against the Person	76	68	60
Theft and Fraud Offences	25	24	27
Fatal Offences	7	10	6
Criminal Damage	10	8	5
Road Traffic (General)	4	9	5
Other	31	19	30
<b>TOTAL</b>	<b>248</b>	<b>215</b>	<b>220</b>

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







## **PART 3:** Legal Developments 2022

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## Legal Developments 2022

### Introduction

- 3.1** 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 of the case law from 2022, but the cases outlined below should give the reader an idea of the issues which arise from time to time in the prosecution of offences.

### Constitutional Law

***Dowdall v. Director of Public Prosecutions and Ors; Hutch v. Director of Public Prosecutions and Ors* [2022] IESC 36, (Supreme Court O'Donnell C.J. (nem. diss.), Hogan J. (concurring), 29 July 2022)**

- 3.2** The applicants were charged before the Special Criminal Court with murder. The applicants challenged the Government Proclamation made on 26 May 1972 establishing the Special Criminal Court, pursuant to section 35(2) of the Offences Against the State Act 1939. In upholding the constitutionality of section 35(2), the Supreme Court held that the 1939 Act does not contain a test of 'permanence' to gauge the lawfulness of the Court and found that the test of lawfulness is contained within the statute itself, that is whether or not the Government is of the opinion that the ordinary courts are inadequate to secure the administration of justice.

***Piotr Perucki v. Ireland, The Attorney General and DPP* [2022] IEHC 222, (High Court, Barr J., 8 April 2022)**

- 3.3** The applicant was charged with offences contrary to the Misuse of Drugs Act 1977 and applied unsuccessfully to dismiss the charges pursuant to section 4E of the Criminal Procedure Act 1967. The applicant challenged the constitutionality of section 4E arguing that the provision breached his right to a fair trial and right to equality of arms as the provision does not provide a right of appeal against an unfavourable determination. The High Court held that section 4E of the Criminal Procedure Act 1967 is not unconstitutional and that there is no inherent unfairness in the disparity of treatment of the accused and the prosecution.

***CW v. The Minister for Justice and Equality, Ireland, The Attorney General and DPP* [2022] IEHC 336, (High Court, Stack J., 1 June 2022)**

- 3.4** The applicant challenged section 3(5) of the Criminal Law (Sexual Offences) Act 2006 which provided that the standard of proof required to prove that the defendant was reasonably mistaken as to the child's age, in a prosecution for an offence contrary to section 3, was the civil standard. The Court held that it is constitutionally impermissible to impose a legal burden on an accused in a criminal trial, as opposed to an evidential burden, and declared that section 3(5) of the 2006 Act is invalid. This judgment was appealed. The Supreme Court dismissed the appeal.

### Evidence Law

***DPP v. McDonald* [2022] IESC 29, (Supreme Court, Charleton J. (nem. Diss.), Hogan J. (concurring), 30 June 2022)**

- 3.5** The accused appealed to the Supreme Court on a question of general public importance. The questions asked were whether an arrested person may validly give consent to the taking of forensic samples from his person notwithstanding that the Criminal Justice (Forensic Evidence) Act 1990 provides a procedure for taking such samples and, secondly, whether the presence of a solicitor is necessary for such consent to be given validly. The Supreme Court held that forensic evidence, where obtained with consent in circumstances where the suspect received a notice of rights and had availed of a telephone conversation with a solicitor, could be lawfully taken and should not be excluded as evidence from trial.

***DPP v. FN* [2022] IESC 22, (Supreme Court, Charleton J., Hogan J., Woulfe J. (dissenting), 23 May 2022)**

- 3.6** The Supreme Court held that what the prosecution must prove is that the accused purposely assaulted the victim in an indecent manner or in indecent circumstances. The Supreme Court held that there is no requirement on the prosecution in sexual assault cases to prove a sexual motive on the part of the accused.

The judgment sets out three elements to the offence of sexual assault: that the accused intentionally assaulted the victim; that the assault or the circumstances accompanying the assault are proven to be indecent on an objective standard; and that the accused's purpose was to assault in these indecent circumstances. While the motivation of the assault may be relevant to the sentence, it cannot be relevant in determining the type of assault that took place.

***DPP v. Bradley and Bradley (2022) IECA 63, (Court of Appeal, 10 March 2022)***

- 3.7 The appellants were convicted of murder and on appeal argued that the trial judge was wrong to admit evidence of an eyewitness as the statement had been elicited using the enhanced cognitive interviewing (ECI) technique. The Court of Appeal dismissed the appeal stating that the conclusions reached by the trial judge that "ECI is witness led in order to avoid leading and misleading questions, but above all else it is transparent" were conclusions that the judge was entitled to reach.

**Law on Juvenile Issues**

***DPP v. Sean Furlong [2022] IECA 85, (Court of Appeal (Civil), Birmingham P., Edwards J., Binchy J., 4 April 2022)***

- 3.8 The Director appealed a decision of the High Court prohibiting the prosecution of the respondent. The respondent was just over 17 years old at the time of the alleged offences and had reached 18, and no longer a child, when charged 15 months later. The Court of Appeal held that whilst there was culpable prosecutorial delay, and the prejudice to the respondent did amount to a significant disadvantage, this had to be weighed against the actions of the accused and the gravity of the offending. The Court of Appeal found that it was in the public interest to prosecute offences of such seriousness.

***DPP v. O'F [2022] IEHC 462, (High Court, O'Regan J., 11 July 2022)***

- 3.9 The High Court held that previous convictions cannot be taken into account by the District Court when determining the question of jurisdiction during a hearing pursuant to section 75 of the Children Act 2001.

**Practice and Procedure**

***DPP v. Yusif Ali Abdi [2022] IESC 24, (Supreme Court, Charleton J., 30 May 2022)***

- 3.10 This case concerned the interpretation of a "newly discovered fact" in the context of an application under section 9 of the Criminal Procedure Act 1993 for a certificate of miscarriage of justice. The accused had appealed a conviction for murder following a new diagnosis of paranoid schizophrenia some years after his trial. Following a re-trial, the accused was found not guilty by reason of insanity in light of the new medical evidence. The accused was granted a certificate for miscarriage of justice. The DPP appealed the grant of the certificate. The Supreme Court dismissed the appeal and upheld the rulings of the High Court and the Court of Appeal that the changed diagnosis of Mr. Abdi, and the subsequent verdict of not guilty by reason of insanity, rendered the original finding a miscarriage of justice. A certificate under section 9 of the 1993 Act was therefore issued.

***PM v. DPP [2022] IEHC 209, (High Court, Hyland J., 30 March 2022)***

- 3.11 The applicant sought to appeal a decision of the Circuit Court judge to refuse his application to sever the indictment. The applicant argued he had a right to appeal this refusal and should not have to wait until he was convicted and sentenced to commence an appeal. The High Court held that the only specific legislative provisions for an appeal are those under section 3 of the Criminal Procedure Act 1993, which provides for the Court of Appeal to hear appeals against conviction and/or sentence. Therefore, no appeal is provided for in respect of a pre-trial decision.

***Stephen Tallon v. DPP, Ireland and The Attorney General [2022] IEHC 322, (High Court, Phelan J., 31 May 2022)***

- 3.12 This applicant was convicted of breaching a civil order made under section 115 of the Criminal Justice Act 2006 restraining him from engaging in public speaking within a particular geographic area. The applicant sought to quash the convictions. The High Court held that an absolute prohibition on public speaking was too broad, and *ultra vires* the powers



conferred by the Act, and quashed both the order and the convictions contrary to section 117 of the 2006 Act.

***WC v. DPP [2022] IEHC 229, (High Court, Meenan J., 7 April 2022)***

- 3.13** The applicant was charged with sexual offences. The complainant disclosed that she had also been subjected to other sexual assaults by persons other than the accused. The applicant sought full disclosure in respect of these complaints. The applicant commenced judicial review proceedings seeking the prohibition of his trial as disclosure of these complaints was not forthcoming. The High Court put a stay on the prosecution unless and until full disclosure of these other complaints is made to the applicant. The DPP has appealed this decision to the Court of Appeal.

***DPP v. Ciaran Davitt [2022] IEHC 320, (High Court, Bolger J., 31 May 2022)***

- 3.14** This High Court interpreted section 8(2) of the Garda Síochána Act 2005, and Order 6 of the District Court Rules, to provide a right of audience only to the Garda member who both initiates and conducts the prosecution. The Court held that as the Court Presenter did not initiate and conduct the prosecution, he did not have a right of audience. The DPP appealed the decision. The Supreme Court allowed the appeal on 14 July 2023.

**Prohibition of Trial**

***BM v. DPP [2022] IECA (Unreported), (Court of Appeal, Edwards J., 21 July 2022)***

- 3.15** The Court of Appeal held that the Director is entitled to reverse her decision to discontinue a prosecution on review, and that this entitlement is not dependent upon a victim having a statutory right to seek such a review. The Court further held that no general or specific prejudice was demonstrated and that fair procedures were not breached.

***Petru Pauletti v. Garda Dunne and DPP [2022] IEHC 714, (High Court, Stack J. 15 December 2022)***

- 3.16** The applicant was charged with offences before the District Court and sought an order of prohibition from the High Court on the grounds

of prosecutorial delay and court delay due to the pandemic. The application was refused by the High Court. The High Court held that the delay was due to a global public health emergency which necessitated extraordinary responses by the State and the Courts, and that the Court arrangements in place for priority hearings were not unreasonable.

**Road Traffic Law**

***DPP v. Sophie Smith [2022] IEHC 601, (High Court, Meenan J., 2 November 2022)***

- 3.17** The accused was charged with an offence of drink driving contrary to section 4 of the Road Traffic Act 2010. Evidence was heard before the District Court that the accused was at the roadside following arrest for approximately nine minutes, awaiting the arrival of a Garda van. The District Court judge found the detention was objectively justified. The District Court judge sought the opinion of the High Court on whether there was an obligation on the Gardaí to advise the accused of the reason for the delay post-arrest and pre-arrival at a Garda Station. The High Court was satisfied that the delay was an intrinsic part of detention and there was no obligation on the Gardaí to inform the arrested person of the reasons for the delay. The arrest was not unlawful.

***DPP v. Colleen McCann [2022] IECA 302, (Court of Appeal, McCarthy J., 21 December 2022)***

- 3.18** The Circuit Court asked the Court to Appeal by way of consultative case stated to determine two questions in relation to sentencing for the offence of careless driving causing death contrary to section 52 of the Road Traffic Act 1961. The Court of Appeal held that mandatory disqualification from holding a driving licence only applied where there are two previous convictions contrary to section 52 in the previous three years. The Court also held that there are special circumstances where the accused could be excused from having to produce a certificate of competency/fitness.

### ***DPP v. Jason Davis* [2022] IECA 57, (Court of Appeal, Birmingham J., 10 March 2022)**

- 3.19** The Court of Appeal, following *Attorney General v. Poyning* 1972 IR 402, held that the starting point in sentencing co-offenders should always be that they serve similar sentences unless there are appreciable differences in levels of culpability or personal circumstances. The Court considered that the extent of the divergence in this case was such that an intervention was required.

### ***DPP v. Cribbin* [2022] IECA 52, (Court of Appeal, Birmingham J., 8 March 2022)**

- 3.20** The respondent pleaded guilty to having made a false allegation of sexual assault following a road traffic accident. The respondent was initially sentenced to a fully suspended two-year term of imprisonment. The DPP appealed the sentence on the grounds of undue leniency. The DPP argued that the headline sentence of two years was too low having regard to the aggravating circumstances. The Court of Appeal quashed the original sentence and the respondent was sentenced to a term of three and a half years' imprisonment with the final two and a half years suspended.

### ***DPP v. Duffy* [2022] IECA 53, (Court of Appeal, McCarthy J., 8 March 2022)**

- 3.21** The respondent pleaded guilty to assault causing serious harm and offered to pay €10,000 in compensation to the victim. The accused was sentenced to a fully suspended prison sentence of four years. The DPP appealed the sentence on grounds of undue leniency. The Court held that the judge was in error in assessing the remorse and payment of compensation as a special reason of a substantial nature, which warranted the entire suspension of the prison sentence. The Court of Appeal imposed a sentence of four years with three years suspended.

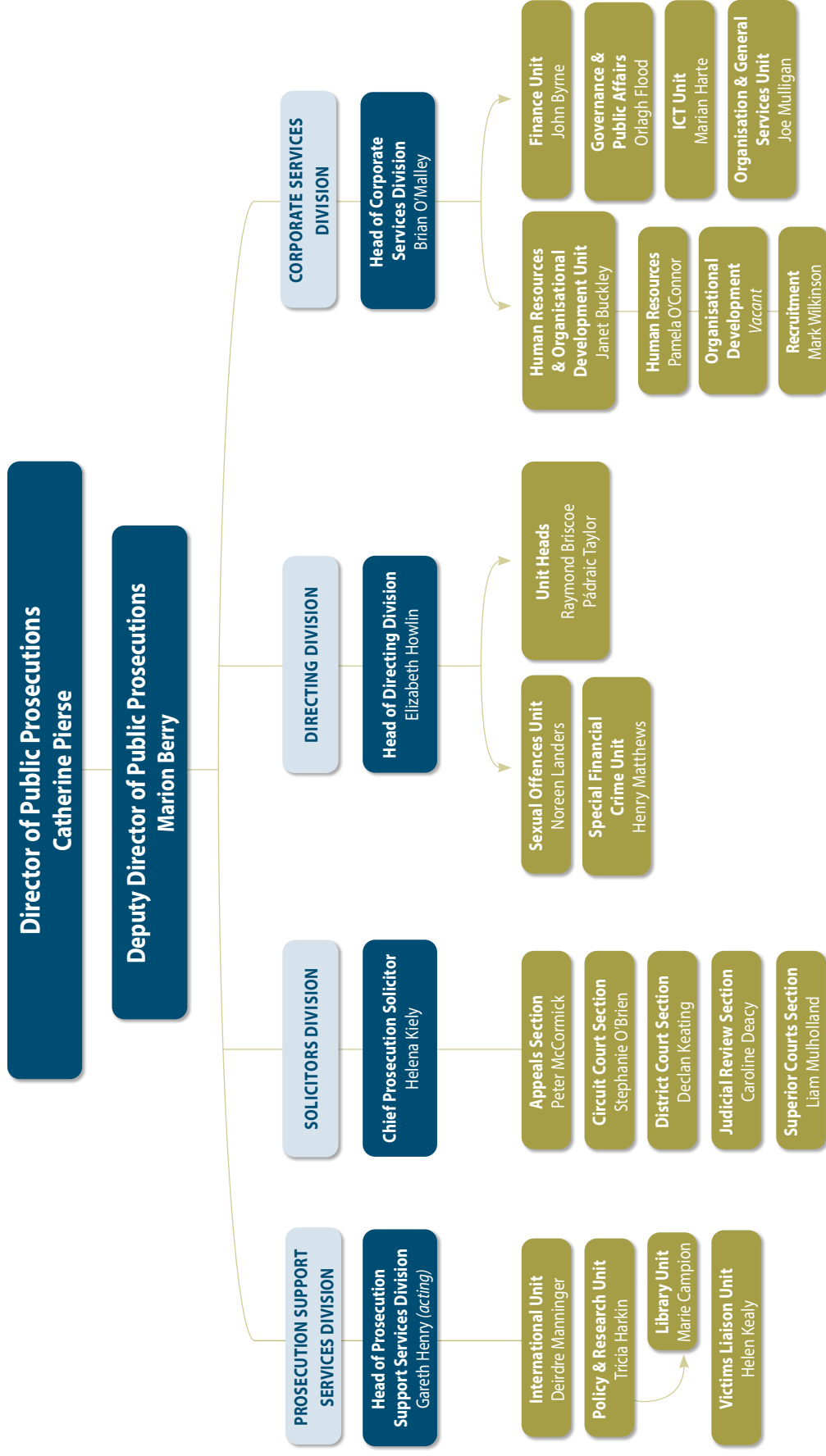
### ***DPP v. James Howlin* [2022] IECA 150, (Court of Appeal, Edwards J., 22 June 2022)**

- 3.22** The respondent was convicted of an offence contrary to section 15A of the Misuse of Drugs Act 1977 and appealed the sentence. The Court of Appeal held that a sentencing judge, when considering the presumptive mandatory minimum ten-year sentence, must first consider what a proportionate sentence for the appellant's offending conduct would be, and if this sentence was below the presumptive mandatory minimum, only then, should the sentencing judge consider whether there were exceptional circumstances which would make a sentence of not less than ten years' imprisonment unjust in all the circumstances.

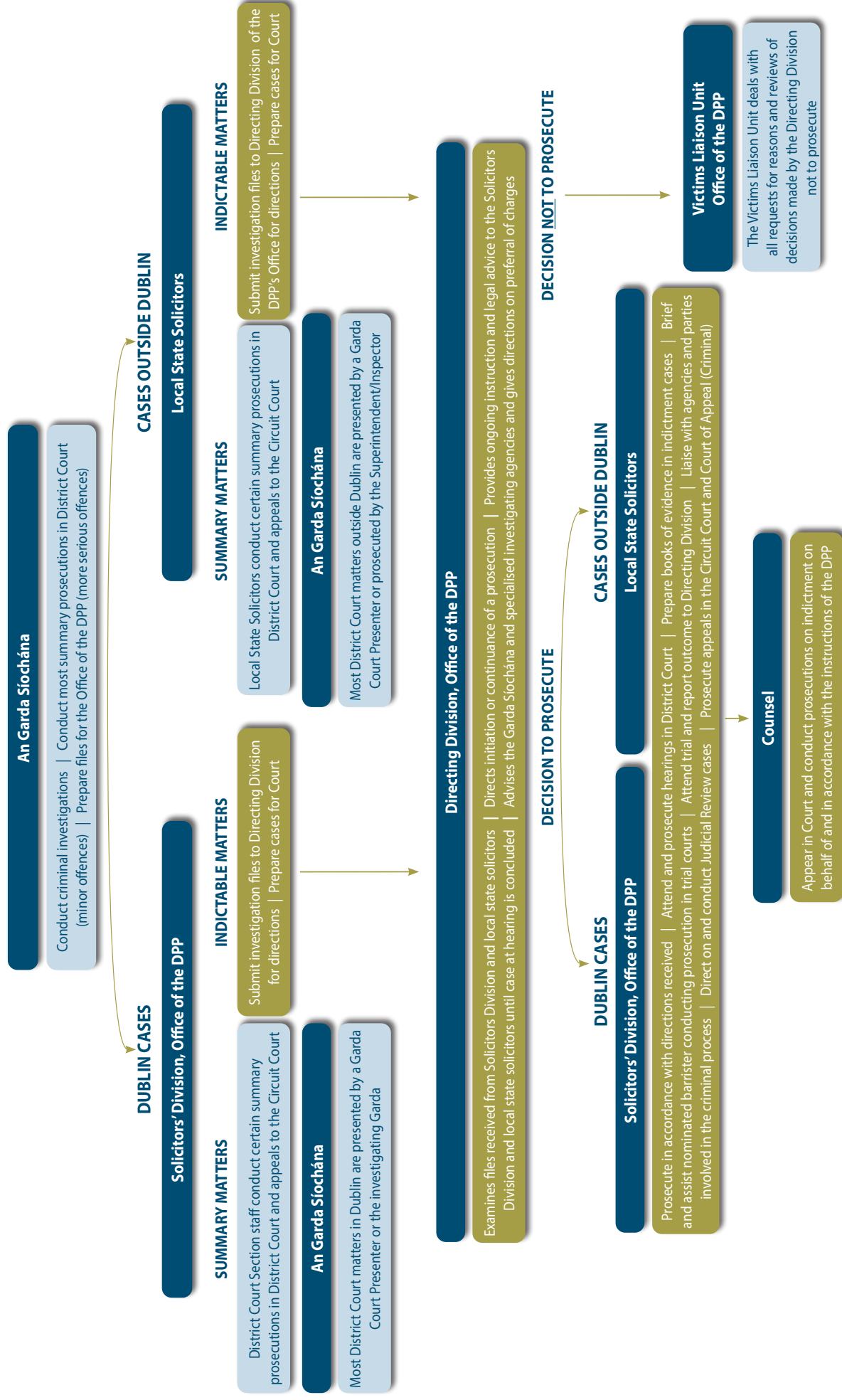


# Appendices

# Appendix 1: Organisation Structure (July 2023)



# Appendix 2: Criminal Prosecution Process in Ireland



# Appendix 3: Office Expenditure

Chart A3.1 shows the breakdown of office expenditure for 2022, 2021 and 2020.

**Salaries and Wages:** This represents the cost of salaries of staff employed in the Office. The total staff complement at 31 December 2022 was 234 (228.4 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.

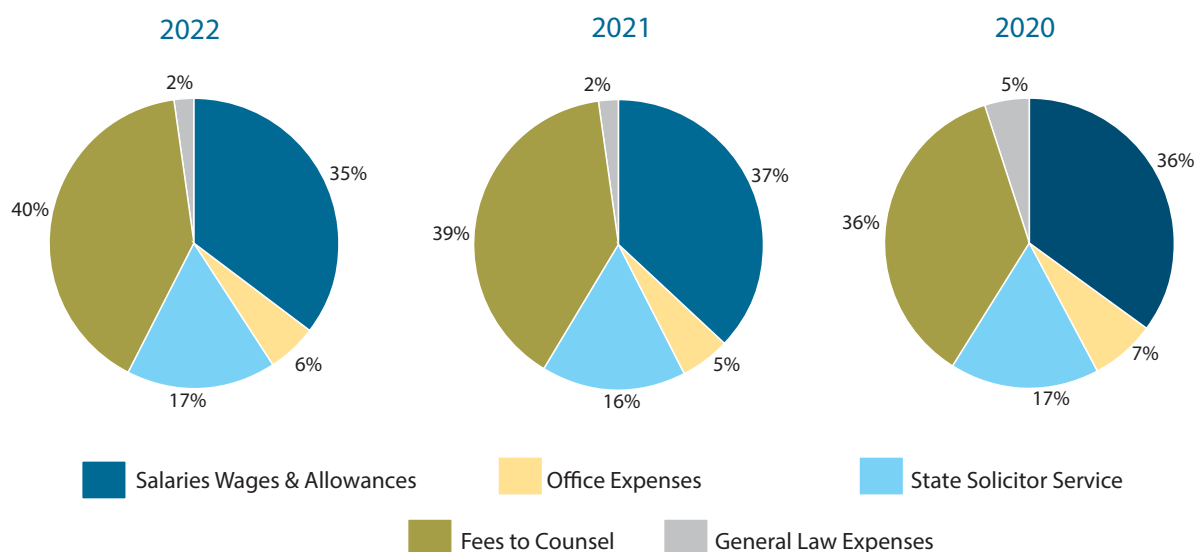
**Fees to Counsel:** These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

**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 A3.1 for Salaries, Wages and Allowances and Office Expenses are net of pension-related deductions and Appropriations-in-Aid respectively.

**Chart A3.1: Office Expenditure**

	2022 €	%	2021 €	%	2020 €	%
Salaries Wages and Allowances	17,704,360	35%	16,294,740	37%	15,363,236	36%
Office Expenses	2,842,772	6%	2,367,390	5%	3,085,423	7%
State Solicitor Service	8,333,219	17%	7,183,237	16%	7,235,623	17%
Fees to Counsel	20,071,958	40%	17,143,233	39%	15,785,139	36%
General Law Expenses	1,094,932	2%	917,865	2%	2,129,895	5%
<b>TOTAL</b>	<b>50,047,241</b>		<b>43,861,465</b>		<b>43,599,316</b>	



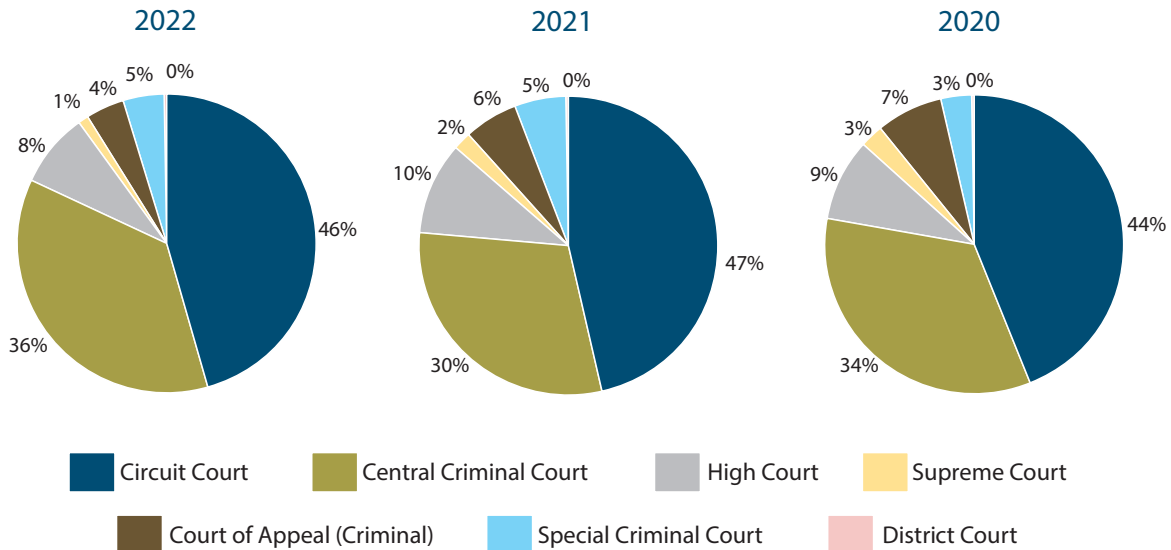
Charts A3.2 and A3.3 show a breakdown of expenditure on fees to counsel in the various criminal courts and by region in respect of the Circuit Criminal Court.

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.

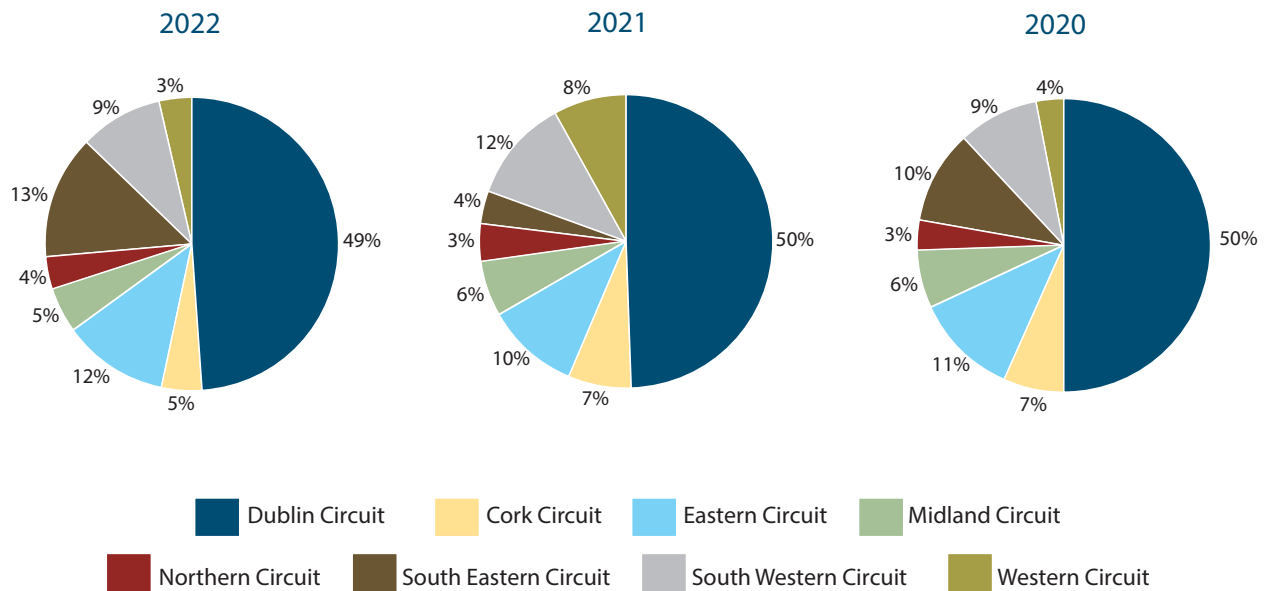
**Chart A3.2: Fees to Counsel Paid by Court**

	2022 €	%	2021 €	%	2020 €	%
Circuit Court	9,179,868	46.0%	7,975,532	47%	6,965,910	44%
Central Criminal Court	7,274,706	36.0%	5,138,133	30%	5,342,675	34%
High Court	1,655,887	8.0%	1,720,376	10%	1,395,123	9%
Supreme Court	188,245	1.0%	314,153	2%	385,486	3%
Court of Appeal	830,969	4.0%	1,031,091	6%	1,128,720	7%
Special Criminal Court	891,798	5.0%	941,449	5%	538,282	3%
District Court	50,485	0.0%	22,499	0%	28,942	0%
<b>TOTAL</b>	<b>20,071,958</b>		<b>17,143,233</b>		<b>15,785,138</b>	



**Chart A3.3: Fees to Counsel Paid by Circuit**

	2022 €	%	2021 €	%	2020 €	%
Dublin Circuit	4,506,464	49%	3,961,483	50%	3,484,297	50%
Cork Circuit	414,511	5%	537,262	7%	481,390	7%
Eastern Circuit	1,064,775	12%	818,568	10%	794,341	11%
Midland Circuit	456,502	5%	496,404	6%	435,859	6%
Northern Circuit	335,631	4%	330,478	3%	238,415	3%
South Eastern Circuit	1,242,909	13%	280,688	4%	714,463	10%
South Western Circuit	849,310	9%	926,432	12%	605,338	9%
Western Circuit	309,766	3%	624,217	8%	211,807	4%
<b>TOTAL</b>	<b>9,179,868</b>		<b>7,975,532</b>		<b>6,965,910</b>	





## Extract from Appropriation Account 2022

Account of the sum expended in the year ended 31 December 2022, 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	2022 Outturn €000	2021 Outturn €000
<b>PROGRAMME EXPENDITURE</b>					
<b>A.</b>	<b>Provision of Prosecution Service</b>				
		<i>Original</i>	48,652		
		<i>Supplementary</i>	3,445		
				52,097	45,244
	<b>Gross Expenditure</b>			<b>52,097</b>	<b>45,244</b>
		<i>Deduct</i>			
<b>B.</b>	<b>Appropriations-in-Aid</b>			<b>820</b>	<b>772</b>
	<b>Net Expenditure</b>				
		<i>Original</i>	47,832		
		<i>Supplementary</i>	3,445		
				<b>€51,277</b>	<b>€44,472</b>
<b>Surplus for Surrender</b>					
The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer					
				<b>2022</b>	<b>2021</b>
	<b>Surplus to be Surrendered</b>			<b>€1,229,759</b>	<b>€231,875</b>

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## Prompt Payment of Accounts Act 1997

### Late Payments in Commercial Transactions Regulations 2002

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#### Operation of the Act in the period 1 January 2022 to 31 December 2022

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.

In the period in question, the Office made eight late payments in excess of €317.50. The value of these payments was €13,974. The total value of late payments in the year amounted to €14,149 out of total payments of €3.1 million, and interest and penalties thereon came to €903.84.

#### Statement of the Accounting Officer

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.

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.

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

**Marion Berry**  
Accounting Officer  
July 2023

# Appendix 4: Public Sector Equality and Human Rights Duty

## Implementing the Public Sector Equality and Human Rights Duty in the Office of the DPP

- A4.1** Section 42 of the Irish Human Rights and Equality Commission (IHREC) 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.
- A4.2** The Office of the DPP's Strategy Statement details 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. We have promoted the equality and human rights training provided by the civil service wide initiative, OneLearning, in conjunction with IHREC within the Office and this is considered required training for all staff.
- A4.3** 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 **Human Resources and Organisational Development (HR & OD) 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 when filling roles, the requirements for each 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 plays a critical role 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 exceeding the minimum 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. All new interview board members are required to undergo this training. The Office continued modules on equality and diversity training for our legal staff, introduced training for vulnerable witnesses, and are progressing training in the area of special measures.

# Appendix 5: Annual Energy Efficiency Report 2022

## Overview of Energy Usage in 2022

**A5.1** In 2022 the Office of the Director of Public Prosecutions consumed 996.84MWh 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 on Infirmary Road.

This figure is compiled as follows:

- 404.32MWh of Electricity
- 592.52MWh of Natural Gas

While energy management measures were maintained, this represented a decrease in energy consumption over 2021 amounting to 11.4%. This can for the most part be attributed to the following:

- the full year effect of the reversion to standard office heating hours compared with 2021 when the range of hours had been extended to facilitate safer working arrangements associated with COVID-19 prevention measures in the workplace, whilst the office continued to provide an essential service; and
- improved knowledge and understanding of Building Management Systems which resulted in more efficient use of heating controls.

## Actions Undertaken in 2022

**A5.2** During 2022, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. No new additional project based savings were realised. Actions taken otherwise during 2022 include the following:

- Continued monitoring of existing energy management systems, and the switching off of gas boilers for extended periods over the summer;
- Boiler systems were maintained and added heating system controls were used to monitor and refine energy consumption levels;
- The OPW Building Management System (BMS) continued to be 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; *and*
- Adoption of energy saving measures in line with the 'Reduce your Use' energy saving initiative in the public sector.

## Actions Planned for 2023

**A5.3** Actions planned for 2023 include the following:

- Continue to maximise the use of the Building Management System
- to identify and achieve incremental savings in energy consumption;
- Review potential for use of additional 'timer controls' across water heating systems;
- Progress proposals for targeted insulation measures;
- Develop business case for radiator equipment upgrade and extension of sensor controlled lighting systems;
- Continuation of awareness campaign using signage and posters;
- Explore and incorporate specific energy saving measures in all build projects in the future; *and*
- develop proposals for further reduction in energy consumption arising from a new energy audit report on buildings due in 2023.





Office of the Director of Public Prosecutions  
Infirmary Road  
Dublin 7  
D07 FHN8  
☎ +353 1 858 8500  
📠 +353 1 642 7406  
🌐 [www.dppireland.ie](http://www.dppireland.ie)