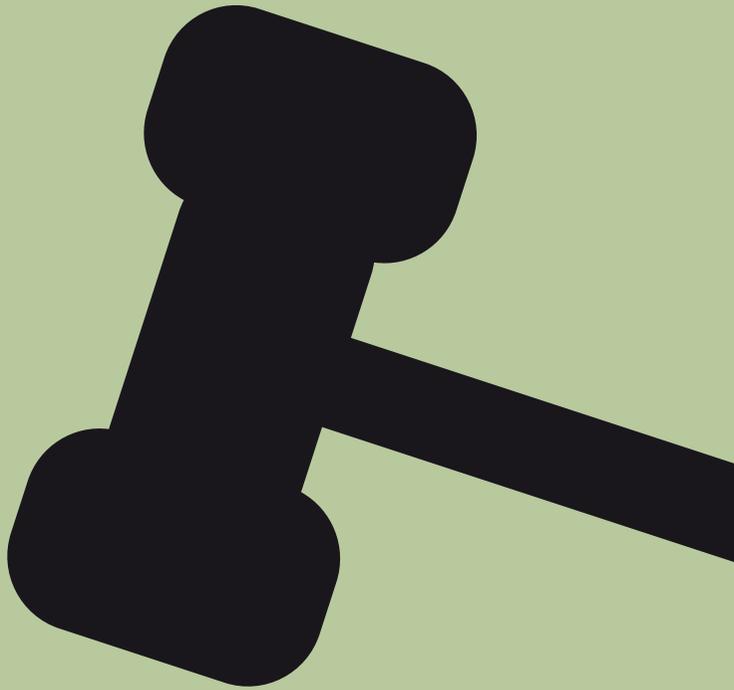


# KNOW YOUR RIGHTS

## Criminal Justice & Garda Powers



Irish Council for  
**Civil Liberties**

Garrett Sheehan & Partners  
CRIMINAL DEFENCE SOLICITORS

# KEY WORDS

## **ADVOCACY**

Pleading or arguing in favour of something.

## **ARRESTABLE OFFENCE**

An offence with a penalty of at least five years' imprisonment if you haven't been convicted of an offence before.

## **BARRISTER**

Specialist in litigation and advocacy. Usually barristers are instructed by a solicitor rather than the person taking the case.

## **CHIEF SUPERINTENDENT**

High-ranking Garda, of a higher rank than a Superintendent.

## **CORROBORATE**

To back up or support something with evidence.

## **CUSTODY**

Being held by the Gardaí.

## **DATA PROTECTION**

The way in which the privacy of your personal information is protected under the law, namely under the Data Protection Acts 1988-2003.

## **DNA**

DNA is an acronym for deoxyribonucleic acid and it is a chemical found in every cell in the human body. DNA is unique to each individual, except for twins, and holds complex information about a person's family relationships and body.

## **EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)**

Also known as the Convention for the Protection of Human Rights and Fundamental Freedoms, an agreement adopted by the Council of Europe in 1950 that contains various rights such as the right to a fair trial, the right to privacy and the right to freedom of expression and association. Ireland gave further effect to the ECHR in Irish law through the European Convention on Human Rights Act 2003.

## **IN POSSESSION OF**

Owning, carrying, storing or otherwise being responsible for, or having control over, something. The term is used often in connection with stolen goods, firearms and controlled drugs.

## **LEGISLATION**

Law which is made by the TDs and Senators of the Oireachtas.

## **LITIGATION**

Taking legal action to resolve a dispute before a court.

## **MEMBER IN CHARGE**

Usually the Sergeant working in the custody area of a Garda station.

## **OFFENCES AGAINST THE STATE ACTS**

This legislation set up the Special Criminal Court and deals with unlawful organisations, terrorist activities and firearms offences.

## **PEACE COMMISSIONER**

These commissioners are appointed by the Minister for Justice, Equality and Law Reform and have various legal functions.

## **PERSONAL DATA**

Any information that can identify you on its own or with other information, including, for example, written information and images.

## **SEARCH WARRANT**

This allows Gardaí to search a person or place to get evidence that will be used in prosecuting someone for a criminal offence.

## **SOLICITOR**

Lawyer who deals with the person taking the case. A solicitor advises people before they are arrested and charged. Often, a solicitor is the only lawyer that you need.

## **STATEMENT UNDER OATH**

A statement carrying the same legal weight as one which is made in court under oath.

## **SUMMONS**

A notice ordering someone to appear in court.

## **SUPERINTENDENT**

Senior Garda, of a lower rank than a Chief Superintendent.

## **WARRANT**

Court order allowing the Gardaí to perform certain acts such as search or arrest.

# GENERAL INFORMATION

The State gets its power from the People of Ireland through the Constitution of Ireland (Bunreacht na hÉireann). The Constitution sets out some of the rights of people who live in Ireland. We also have rights under the European Convention on Human Rights (ECHR). All agents of the State, including An Garda Síochána, must act in line with the Constitution and the ECHR. The Constitution is interpreted by the courts and is supplemented by more detailed laws, which must also be in line with the Constitution. The law must also follow the ECHR and the decisions of the European Court of Human Rights.

Gardaí must act according to court rulings and legislation, otherwise they may be acting unlawfully.

If you have any doubts about the way you have been treated by the Gardaí, or whether a Garda acted lawfully in carrying out his or her duties or interfered with any of your rights, you should contact a solicitor. At the end of this pack you will find a list of organisations that may be able to help you.

Statement of the law as of January 2010

# BEING STOPPED BY A GARDA

## When can a Garda stop me?

A Garda can ask you to stop at any time. In some circumstances, the Gardaí can **require** you to stop if, for example:

- he or she suspects that you are committing an offence under the Offences Against the State Acts; **or**
- you are driving a vehicle and, for example, he or she wishes to check its tax and insurance details.

A Garda could also have the power to stop you in other situations.

## Should Gardaí identify themselves?

Sometimes, for example if a Garda is not in uniform and is stopping or searching you under the Offences Against the State Act, he or she has to show you an identification card if you ask him or her.

## Should I provide my name and address?

If you do not give your name and address, a Garda may **require** you to provide a name and address. For example, if a Garda suspects that you have committed a road traffic offence or a public order offence, the Garda can **demand** your name and address. If you refuse to give your name and address, you could be arrested. (If this happens, you could be convicted of a criminal offence.)

## Do I have to go to the Garda station if a Garda asks me to?

You do not have to go to a Garda station just because a Garda asks you. But, in many circumstances, a Garda may have the power to **arrest** you and bring you to the Garda station.



# PERSONAL SEARCH

## When can a Garda search me?

If a Garda has a reasonable suspicion that you have committed an offence, he or she has various powers that allow him or her to search you **without your consent** and before you have actually been arrested.

### *For example if:*

- a Garda reasonably suspects that you are in possession of a controlled drug;
- a Garda reasonably suspects that you have committed an offence under the Offences Against the State Acts;
- a Garda reasonably suspects that you are in possession of stolen property;
- you are in a place where other people have gathered and a Garda suspects that a breach of the peace could occur **and** suspects that some of the people gathered could be in possession of a knife;
- you are in a place that has been designated a restricted area by a Superintendent under the Public Order Act and a Garda suspects that you have alcohol, a disposable container (such as a crate or a bottle) or an article that could be used to injure someone.

These are common examples of the powers of search of the Gardaí. A Garda can also lawfully search you in other situations.

## Can a Garda search me if I am under the age of 18?

Yes. Gardaí are entitled to search people under the age of 18 if they have any of the reasonable suspicions described above.

## Can I be strip-searched?

A strip search involves the removal of all clothing, including underwear. You can be strip searched, but this depends on the particular power of search that the Garda is using. Where possible, a doctor should carry out a strip search in a Garda station.

A strip search should only be carried out if it is necessary. It should not be carried out in a way that would be harassment.

## Should a Garda tell me why I am being searched?

The Garda should tell you why you are being searched and under what law.



## How should the Gardaí conduct the search?

The Gardaí should carry out all searches in a fair and respectful way. Under the Constitution and the European Convention on Human Rights, you have a right to bodily integrity and privacy. However, these rights can be limited in some situations. You also have the right not to be treated in a degrading way. This right can never be limited.

If the search is done in a fair and respectful way, it probably will not violate your right to privacy and bodily integrity or your right not to be treated in a degrading way.

## Should I be searched by a person of the same sex?

If the search is more than a 'pat down' search, then it should be carried out by a person of the same sex.

## Where can I be searched?

It depends on the power of search that the Garda is using. Generally, a Garda can search you in your home, at work or on the street. Sometimes, a Garda can ask you to go with him or her to a Garda station to carry out a search. An example of this would be where a Garda wants to search you for drugs.

## Is it only a Garda who can search me?

No. You can be searched by a number of other people. For example, customs officers have wide powers of search. You could also be searched by any person who asks, provided you give permission. For example, your employer may search you if this is written in your contract of employment. If you are searched by your employer and have questions or concerns about the search, you should contact your union or the National Employment Rights Authority (NERA). You will find their contact details at the end of this pack.

In general, a security guard does not have any power to search you without your permission. He or she should hand you over to a Garda to carry out a search. This should be done as soon as possible.

## Can a Garda search my car?

Various powers in legislation allow a Garda to search your car. For example, a Garda can search your car if he or she reasonably suspects that:

- you have committed or are about to commit an offence under the Offences Against the State Acts, a homicide or other specific offences; **or**
- you are in possession of a controlled drug.

These are common examples of powers that a Garda may use to search your car, but there are other powers that a Garda could also use.

# ENTRY & SEARCH OF PREMISES

## When can a Garda enter my home?

Generally, a Garda cannot enter your home without your consent. However, there are some exceptions. The most common of these would be if the Garda has a valid search warrant or is in 'hot pursuit' of a suspect.

## Does a Garda need a warrant to search my home?

A Garda needs a warrant for most entries and searches of property but not for all. For example, a Garda can enter your home to arrest someone.

## How does a Garda get a search warrant?

Various pieces of legislation allow a Garda to get a search warrant if he or she has a suspicion about what might be found on the property.

In most cases, the Garda must swear a statement under oath (known as sworn information) before a District Court judge or peace commissioner, setting out why he or she needs the warrant. The judge or the peace commissioner may only give the Garda the warrant if they are satisfied that there are reasonable grounds for suspecting that something is to be found on the property.

There are also some urgent situations where a search warrant can be issued by a senior Garda (a Superintendent or more senior officer).

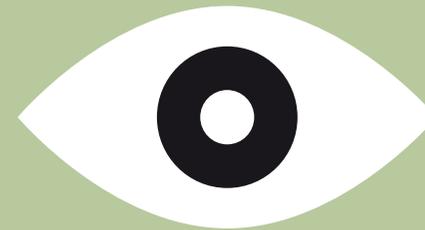


# ENTRY & SEARCH OF PREMISES

**Table 1** Here are some examples where search warrants can be given.

Basis	Length of warrant	Legislation
If a District Court judge is satisfied that there are reasonable grounds to suspect that there is evidence of a theft or fraud offence on the premises.	Valid for seven days	Section 48 of the Criminal Justice (Theft and Fraud Offences) Act 2001
If a District Court judge, peace commissioner or Garda Superintendent is satisfied that a controlled drug is on the premises.	Valid for one month	Section 26 of the Misuse of Drugs Act 1977, as amended
If a District Court judge is satisfied that there are reasonable grounds to suspect that evidence connected with any arrestable offence is to be found on the premises. An arrestable offence is an offence with a penalty of at least five years in prison if you have not been convicted of an offence before.	Valid for seven days	Section 10 of the Criminal Justice (Miscellaneous Provisions) Act 1997
If a District Court judge is satisfied that there are reasonable grounds for suspecting that evidence connected with an offence under the Child Trafficking and Pornography Act 1998 is to be found on the premises.	Valid for seven days	Section 7 of the Child Trafficking and Pornography Act 1998
If a Superintendent is satisfied that there are reasonable grounds for suspecting that evidence connected with an offence against the State is to be found on the premises. (The warrant may only issue to a Sergeant or member of higher rank.)	Valid for seven days	Section 29 of the Offences Against the State Act 1939

*Please note:* Search warrants may also be given in other circumstances.



## Does the Garda have to tell me why my property is being searched?

You are entitled to ask why the search is being done and under what power. The Gardaí must give you this information if you ask for it. Otherwise, they do not have to tell you.

## How should the Gardaí conduct the search?

The Gardaí must carry out all searches in a fair and respectful way.

## Can the Gardaí take anything away with them?

Yes. Generally, the search warrant will allow the Gardaí to take any items that they reasonably believe may be used as evidence. They are also able to take other items (that they weren't originally looking for) if they believe that those items could be evidence of any criminal offence.

## Can I remain in my home while the Gardaí are searching it?

Yes. You can observe the way in which the search is being carried out, but you should not get in the way of the search. It may be a criminal offence to obstruct a search.

## Can the Gardaí keep me in one area of the house while it is being searched?

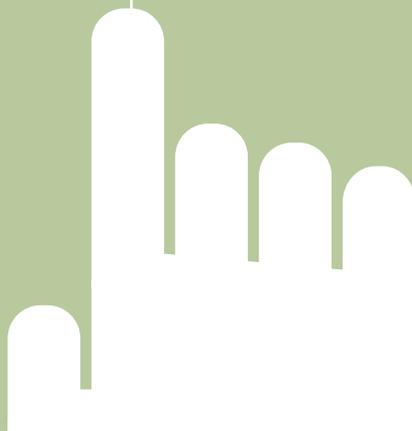
The Gardaí cannot detain you anywhere unless you are under arrest. They can ask you to stay somewhere to make sure that the search is carried out smoothly. They can also search you if you are in the house. But if you want to leave the house or move from one area to another, they cannot stop you unless you are under arrest.

## Can the Gardaí look at my computer?

Yes. The Gardaí can take anything that they believe may be evidence of an offence, including a computer. Sometimes, for example if they suspect that a fraud has happened, they may also access your computer and require you to provide the password or show them any information stored on it.

## Can I stop Gardaí from entering my property if I think they are acting unlawfully?

You should not get in the way of a search being carried out by Gardaí. If you do, you could be committing an offence.



# ARREST

## What is an arrest?

An arrest is when you are taken into the custody of the Gardaí and are not allowed to leave.

## Why would the Gardaí arrest me?

A Garda may arrest you for a variety of reasons, for example:

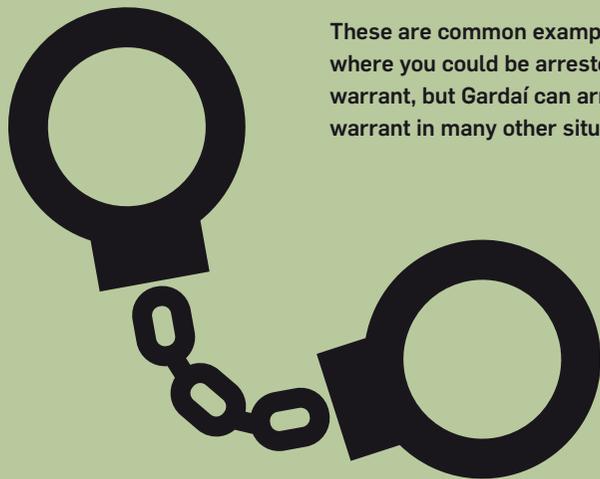
- to charge you with an offence;
- to bring you to a Garda station where you may be detained and questioned;
- to execute a warrant against you. This may be:
  - a **bench warrant** (if you have previously failed to appear in court);
  - a **penal warrant** (if you have previously failed to pay court-ordered fines);
  - a **committal warrant** (if you were sentenced to prison in your absence).

## Do the Gardaí need a warrant to arrest me?

The Gardaí have a wide variety of powers of arrest. A Garda does not always need an arrest warrant if, **for example**:

- he or she reasonably suspects that you have committed a serious offence;
- he or she believes that you are committing an offence under the Road Traffic Acts;
- he or she finds you committing an offence under the Public Order Act;
- you are a foreign national and you do not produce an identity document when a Garda asks you to do so; **or**
- you are a foreign national and a Garda suspects that a deportation order has been made against you but you haven't complied with it.

These are common examples of situations where you could be arrested without a warrant, but Gardaí can arrest you without a warrant in many other situations.



## Can I be arrested in my home?

Sometimes, the Gardaí can enter your home to arrest you. For example, the Gardaí can enter your home to arrest you for an arrestable offence – an offence with a penalty of at least five years in prison where you have not been convicted of an offence before.

## Must I have committed an offence?

You can be arrested without having committed an offence. But, in general, a Garda can only arrest you if he or she has a **reasonable suspicion** that you have committed an offence.

Generally, a Garda *cannot* arrest you because he or she believes that you might assist with an investigation into someone else. There is one exception, however: you may be arrested to assist where the Gardaí are investigating someone under the Offences Against the State Act.

## How do I know if I am under arrest?

A Garda must tell you that you are under arrest and it should be clear to you that you are not free to leave. You may be physically restrained.

## Am I entitled to know the reason for my arrest?

You are entitled to be told in simple language that you are under arrest and the reason for your arrest. See the section on 'Interpretation' for more details on this.

## What if I resist arrest?

It is very unwise to resist arrest even if you think that you shouldn't be arrested.

If you resist, you may be injured and charges could be brought against you later for obstruction of justice, resisting arrest or assault on a Garda, even if it later turns out that you should not have been arrested. If you think that you should not have been arrested, or you are concerned about the way in which you were arrested, tell your solicitor as soon as you see him or her.

## Can a Garda use force in arresting me?

A Garda can use 'reasonable force' to arrest you. If too much force is used or the force is not reasonable in the circumstances, the Garda can be prosecuted or sued for assault. You can also complain to the Garda Síochána Ombudsman Commission. You will find the contact details for this at the end of this pack.

# ARREST

## Can the Gardaí re-arrest me for the same offence after they have let me go?

The Gardaí can re-arrest you to charge you with an offence or to question you about an offence. They can also re-arrest you if they have received more information about your suspected involvement in the offence.

## Where will I be brought after I have been arrested?

This will depend on why you have been arrested, as shown by the examples below.

- If you have been arrested for non-payment of fines or because a prison sentence was imposed without your being in court, you will be brought straight to prison to serve your sentence.
- If you have been arrested to be charged, you will probably be brought to a Garda station where you will be charged and brought to the District Court (or released on bail).
- If you have been arrested for questioning, you will be brought to a Garda station where you could be detained. See Table 2 for details about the length of detention.

In all these cases, you should ask either the Governor of the prison or the 'member in charge' of the Garda station to contact your solicitor immediately. The 'member in charge' is usually the sergeant working in the custody area in which you are being held.

## What can I do if a friend or family member is arrested?

You should contact their solicitor immediately. He or she will be able to find out where they are and why they have been arrested. If your friend or family member does not have a solicitor, there is information at the back of this pack about organisations that can help you find one. The solicitor will then be able to advise them.

## How long can I be held in a Garda station before I am either charged or released?

See **Table 2** for details about the length of detention.



# CHARGES

## What does a charge mean?

A charge is when the Gardaí officially begin a prosecution against you for a specific offence.

## What is a charge sheet?

A charge sheet records the details of the offence that you have been charged with.

## How am I charged?

The Garda will read the charge sheet to you and give you a copy. He or she will ask you whether you want to say anything about the charge. Anything you say will be written down and will be used as evidence when you go to court.

## What happens after I have been charged?

After you have been charged, you will either:

- be released on bail and required to go to the District Court within a certain period of time, usually 30 days (you will be granted bail in the Garda station); **or**
- be brought by the Gardaí to the District Court as soon as possible.

## Do I have to be charged before I can be prosecuted for an offence?

No. You could also be summonsed to appear in court. In these cases, the summons will either be delivered to your home or handed to you.

The summons will give details of what you should do and where and when you must attend court. If you do not attend the court (as the summons instructs), a bench warrant could be issued for your arrest.

## How quickly must the Gardaí charge or summons me?

For very minor offences, the Gardaí must start the prosecution within six months of the date of the offence. For all other offences (including minor thefts such as shop-lifting), there is no definite time limit.

# DETENTION FOR QUESTIONING

## When can the Gardaí detain me for questioning?

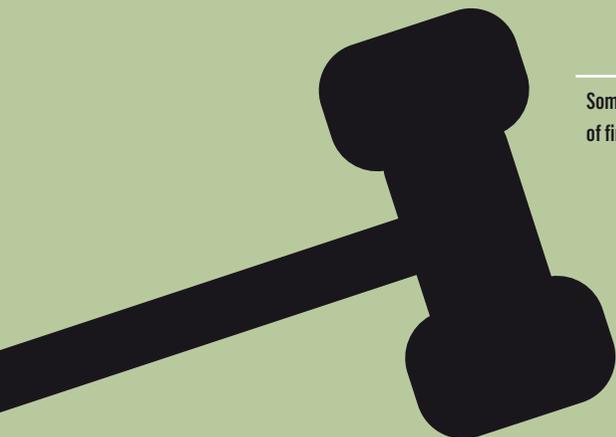
A number of pieces of legislation allow the Gardaí to detain you in a Garda station when they are investigating a criminal offence. The length of time they can keep you at the station will depend on the offence they are investigating (see Table 2). In some circumstances, a Superintendent or a Chief Superintendent can extend your detention period up to a maximum of two days. However, if you are suspected of certain offences, a District Court judge can further extend your detention up to a maximum of seven days.

## Do I have to be physically brought in front of a judge after the time limit for detention on Garda authority has run out?

Yes, when Garda authority for detention has run out, you must be either released or brought physically before a court.

**Table 2**

Suspected offence	Law	Grounds for initial detention	Length of detention in Garda station
<p>All offences for which you could go to prison for five years or more.</p> <p>For example, offences such as assault causing harm or serious harm, or theft.</p>	Section 4 of the Criminal Justice Act 1984	The member in charge of the Garda station has reasonable grounds for believing that the detention is needed for the proper investigation of the offence	<p><b>INITIAL PERIOD = 6 HOURS</b></p> <p>+ 6 hours extension (authorised by Superintendent)</p> <p>+ 12 hours extension (authorised by Chief Superintendent)</p> <p><b>TOTAL = 24 HOURS</b></p> <p>(This can be extended by 8 hours to a total of 32 hours if you take a rest period between midnight and 8am)</p>
Drug trafficking offences.	Section 2 of the Criminal Justice (Drug Trafficking) Act 1996	The member in charge of the Garda station has reasonable grounds for believing that the detention is needed for the proper investigation of the offence	<p><b>INITIAL PERIOD = 6 HOURS</b></p> <p>+ 18 hours extension (authorised by Superintendent)</p> <p>+ 24 hours extension (authorised by Chief Superintendent)</p> <p>(2 days detention on Garda authority)</p> <p>+ 72 hours extension (authorised by District or Circuit Court judge)</p> <p>+ 48 hours extension (authorised by District or Circuit Court judge)</p> <p><b>TOTAL = 7 DAYS</b></p>
Offences Against the State.	Section 30 of the Offences Against the State Act 1939	If you are arrested under Section 30 of the Offences Against the State Act 1939	<p><b>INITIAL PERIOD = 24 HOURS</b></p> <p>+ 24 hours extension (authorised by Chief Superintendent)</p> <p>(2 days detention on Garda authority)</p> <p>+ 24 hours extension (authorised by District Court judge)</p> <p><b>TOTAL = 3 DAYS (72 HOURS)</b></p>
Some offences involving the use of firearms.	Section 50 of the Criminal Justice Act 2007	The member in charge of the Garda station has reasonable grounds for believing that the detention is needed for the proper investigation of the offence	<p><b>INITIAL PERIOD = 6 HOURS</b></p> <p>+ 18 hours extension (authorised by Superintendent)</p> <p>+ 24 hours extension (authorised by Chief Superintendent)</p> <p>(2 days detention on Garda authority)</p> <p>+ 72 hours extension (authorised by District or Circuit Court judge)</p> <p>+ 48 hours extension (authorised by District or Circuit Court judge)</p> <p><b>TOTAL = 7 DAYS</b></p>



# AT THE GARDA STATION

## Can I be held in a Garda station for any other reason?

There are other situations in which you could be held in a Garda station, as listed in the examples below.

- If you are arrested under the Road Traffic Acts, you could be held in a Garda station to give a sample of breath, blood or urine.
- If you are arrested under the Road Traffic Acts and the member in charge of the Garda station believes that you are under the influence of drugs or alcohol and that you could be a threat to the safety of yourself or someone else, he or she can detain you in custody for up to six hours.
- If you are asked to accompany a Garda to a Garda station for a search under the Misuse of Drugs Acts.
- If a Garda believes you are suffering from a mental disorder and there is a likelihood that you could harm yourself or others, he or she can take you into custody. As soon as possible, the Garda must ask a doctor for a recommendation that you should be detained due to mental health illness. If the doctor does not give a recommendation to detain you, the Gardaí must release you immediately.

If you are in custody in a Garda station, the Gardaí must respect your personal rights and your dignity as a human being. There are rules about how the Gardaí must treat people in custody.

## Who is the 'member in charge'?

Every Garda station must have a 'member in charge'. The member in charge is the Garda who is in charge of making sure that the rules about your detention are fully complied with. Often, the member in charge will be the sergeant working in the custody area where you are being held. The member in charge need not be the most senior Garda in the station. If you are in custody in a Garda station and you have any difficulties or requests, you should talk to the member in charge. If you are not happy with the answers you receive, you can ask to speak to a more senior Garda.

## Will there be a record of my time in custody in a Garda station?

The member in charge has to keep a custody record, which should include your personal details, why you have been arrested or detained, and the time of your arrival. The custody record should also include details of anything important that happens to you during your time in the Garda station, for example being given food or visited by a doctor or solicitor.

## Can I speak to a solicitor?

You are entitled to contact a solicitor and the member in charge must tell you of this right. You should contact a solicitor immediately. If you do not know a solicitor, you should ask the member in charge to nominate or call one for you.

## Can I contact my family?

You are entitled to have a member of your family (or another person of your choice) told that you are being detained, and in which Garda station. This is not necessarily a right to talk to the person. However, you are entitled to a visit from a relative, friend or other person, **but only if** the member in charge is satisfied that the visit can be supervised and it will not delay the investigation of the crime.

## Can I be searched at the Garda station?

You can be searched in the Garda station, but you must be told the reason for the search and the search must be carried out in a respectful way. You should not be searched by a person of the opposite sex (other than a doctor). If the search involves the removal of underclothing, it should be carried out, where possible, by a doctor. A Garda must record details of the search in the custody record.

## What if I don't feel well or I need medication?

If you are ill or injured in any way, you should ask to see a doctor at once. Also, if you have to take medication or if you have a medical or nervous condition or complaint, you should tell the member in charge immediately.

## What if I feel hungry or thirsty?

If you are hungry or thirsty, you should ask for something to eat or drink. You are entitled to be provided with meals. You should get at least two light meals and one main meal in any 24-hour period.

## What about sleep?

You are entitled to reasonable time for rest. But if you take time to rest between midnight and 8am, this can 'stop the clock' on the total time for which you may be detained and your period of detention may be extended by up to eight hours.



# INTERVIEWS

## Do I have the right to see a solicitor?

You have the right to consult with a solicitor. You should be told of this right when you arrive at the Garda station. The member in charge should let your solicitor know as soon as possible that you are in the Garda station.

## Can my solicitor sit in with me while I am being questioned?

No. You do not have the right to have your solicitor with you while you are being questioned. You have the right to speak to your solicitor privately when your solicitor arrives in the Garda station. If something happens during questioning and you think you need legal advice, you should ask that the interview be stopped so that you can take advice from your solicitor.

## What if I can't afford a solicitor?

If you can't afford a solicitor, there is a scheme that will pay for a solicitor's visit to the Garda station. If you earn less than a certain amount, you can get this legal advice for free.

## How will the interview be conducted?

All interviews must be fair. Only two Gardaí may interview you at any time and there should be no more than four Gardaí in the room at any time. During the interview, the Gardaí may take different approaches to try to get you to answer questions.

## How long can I be interviewed for at any one time?

You can only be interviewed for a maximum of four hours at any one time.

## Do I have to answer questions?

Generally, you can choose to remain silent. **But** if you choose to remain silent, this may sometimes be used as evidence against you later in court. The answer to the next question explains this in more detail.

## What if I refuse to answer a question?

If you refuse to answer certain questions (see examples below), a judge or jury may draw an inference from this. They may then use this inference to corroborate other relevant evidence against you. In other words, the judge or jury may consider that your failure or refusal to answer a question supports other evidence of your guilt that has been given to the court.

A refusal to answer may arise in the following examples:

- **If you are silent when a Garda asks you to explain:**
  - why an object, substance or mark was on your person, clothing, footwear, in your possession or in a place in which you were present; or
  - why you were at a particular place.
- **If you don't mention something that you use as your defence later in court.**

- **If you are being investigated for membership of an unlawful organisation or for an offence of organised crime and you refuse to answer certain questions.**

**In all of these situations, the Gardaí must tell you what could happen if you don't answer the questions.**

**The law in relation to this area is complicated and it is advisable to speak to your solicitor before deciding whether or not to answer questions.**

## Will the Gardaí record my interview?

The Gardaí will record your interview in writing and should read it back to you at the end of the interview so that you can correct any mistakes. The Gardaí should also record your interview on videotape, although they do not have to do this if it's not practical. You do not have a right to a copy of the videotape unless you are prosecuted. Even then, you will only be entitled to a copy if a court makes an order.

## If I give a statement and a Garda writes it out for me, should I sign it?

**Once you have signed a statement, it can be used as evidence against you. It is advisable to talk with a solicitor before signing any statement.**

## What happens if I refuse to sign a statement prepared by a Garda?

You do not have to sign anything that you are not comfortable with. You can ask to talk to your solicitor before signing any statement.

## What if I am asked to take part in an identification parade?

You do not have to take part in an identification parade. But if you refuse, it is possible that the Gardaí will hold an informal identification which does not have as many safeguards. If you are charged with an offence, your refusal might be used against you at trial. It is advisable to speak to your solicitor before taking part in an identification parade.

## What happens if I am part of an identification parade?

Before an identification parade, the Gardaí should tell you that you have the right to refuse to take part and that you have the right to have a solicitor present. There should be at least eight other people of similar age, height, appearance and dress as yourself in the parade. You or your solicitor can object to the participation of any of the people in the parade and the Gardaí should note your objection. Sometimes, there will be no glass window separating you and the person making the identification. The Gardaí should keep a record of all the other people in the parade and their appearance.

# PROVIDING SAMPLES

## Do I have to agree to have my fingerprints and/or photograph taken?

If you are detained in a Garda station, a Garda can take your fingerprints and/or your photograph without your consent. The Garda can use reasonable force to take the fingerprints and/or photograph with the authorisation of a Superintendent.

## How long can the Gardaí keep my fingerprints and/or photograph?

Under the current law in Ireland, the Gardaí can keep these samples for as long as they wish. But you can ask the Garda Commissioner to have the records destroyed or their use limited if:

- you have not been charged;
- you have been charged but not found guilty; **or**
- the case has been discontinued.

## Do I have to give other kinds of bodily samples?

If you are being detained in a Garda station, a Garda may take the following samples from you **without** your consent:

- saliva,
- hair (other than pubic hair),
- nail clippings,
- material found under a nail,
- a swab from any part of your body including your mouth (but not including your genital region or other body openings), **or**
- a footprint or impression of any part of your body.

If you obstruct the Gardaí in taking any of the above samples, you may be guilty of an offence. A Garda **must** have your consent to take:

- samples of blood, public hair or urine;
- a swab from your genital region or any body opening (other than your mouth), **or**
- a dental impression.

A Superintendent must authorise the taking of any of these bodily samples. He or she must have reasonable grounds to suspect you of being involved in an offence (and this offence must be the reason why you are being detained).

## What if I refuse to consent to give a sample?

If you refuse to give a sample without good cause, a judge or jury may draw an inference from this. They may then use this inference to corroborate other relevant evidence against you. In other words, the judge or jury may consider that your failure or refusal to provide the sample supports other evidence of your guilt that has been given to the court.

If a Garda asks for a sample of your blood, breath or urine because he or she suspects you of drink driving, it is a criminal offence to refuse. This means you could be arrested and charged.

## How long can the Gardaí keep my bodily samples?

The Gardaí must destroy any bodily samples after 12 months if you are acquitted (found innocent) or if the case is not continued. However, the Director of Public Prosecutions can apply to the District Court to keep the samples for longer.

## How can my bodily samples be used?

The law is not clear about how your bodily samples could be used. However, your sample could be used to generate a DNA profile. This profile contains an analysis of DNA material such as your blood or saliva so that you can be identified at a future date. Your DNA profile could then be compared against samples taken from crime scenes.

## What if I have been arrested on suspicion of drink driving?

If you are arrested on suspicion of drink driving, a Garda can require you to give a sample of your breath, blood or urine. If you refuse to give a sample, you may be committing a more serious offence.

A Garda can also require you to accompany him or her to a Garda station to give a sample even if you are not under arrest. A Garda can also require you to give a sample of blood or urine if you are in a hospital after a road traffic accident.



# CHILDREN & YOUNG PEOPLE

## Can the Gardaí arrest me if I am under 18?

The Gardaí have the same powers whether they are dealing with a child, a young person or an adult. But, if you are under 18, the Gardaí must act with additional respect for your personal rights and must take into account both the fact that you are younger and your level of maturity.

## Who will be told if I am arrested and brought to a Garda station?

The member in charge of the Garda station must tell your parents or guardian that you are in custody, why you are there and that you have the right to a solicitor. The member in charge must ask your parent or guardian to come to the station as soon as possible.

## Can the Gardaí question me on my own?

If you are under the age of 18, the Gardaí must not question you or ask you to make a written statement without your parent or guardian present, except if:

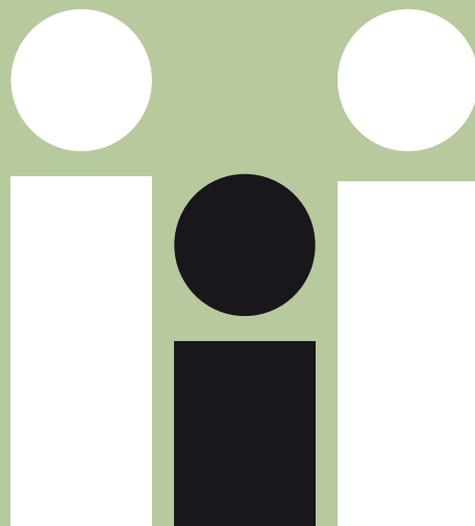
- they cannot get in touch with your parent or guardian;
- your parent or guardian has been told but they have not come to the Garda station in a reasonable time; **or**
- the Gardaí believe that people or property might be at risk if questioning is delayed.

The Gardaí can also refuse to allow your parent or guardian to sit in on the interview if they believe that your parent or guardian could have been involved in the suspected offence or that their presence might cause an obstruction of justice.

However, if the Gardaí propose to question you in the absence of a parent or guardian, they must try and arrange for your other parent, another relative or some other responsible adult (such as the local peace commissioner) to be present at the interview.

## Where will I be held in the Garda station?

The member in charge of the Garda station must try and make sure that you are not detained with adults unless there is no other secure accommodation available.



# PEOPLE WITH INTELLECTUAL OR LEARNING DISABILITIES

If a Garda suspects or knows that you are suffering from an intellectual disability, he or she must treat you similarly to someone aged under 18 years and you should have a parent or guardian with you at the interview. If your parent or guardian is not available, a responsible adult who has experience in dealing with someone with an intellectual disability should be present with you.

# PEOPLE WITH A HEARING DISABILITY

If you have a hearing disability, the Gardaí cannot question you without an interpreter unless you agree to this in writing. If there is no interpreter available, the Gardaí must question you in writing.

# FOREIGN NATIONALS

If you are a foreign national, you have the same right as anyone else to contact a solicitor. You also have the right to contact your embassy or consul if you wish. For information on how to contact your embassy or consul, see the 'Embassies' section at the end of this pack.

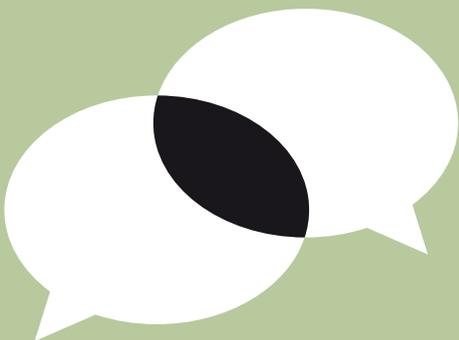
In addition to the powers of detention under the general criminal laws, there are also immigration control laws that allow foreign nationals to be detained. Under the Immigration Act 1999, for example, you can be arrested and detained without a warrant. You can also be detained if a deportation order has been made against you.

If you are a foreign national or a Garda suspects that you are a foreign national, he or she can ask you to produce your passport or certificate of registration on demand. If you cannot give a satisfactory explanation as to why you cannot supply these documents, you could be detained and found guilty of an offence.

If you are an immigrant, refugee or asylum seeker and you are arrested because of something to do with your status, you can contact one of the support organisations listed at the end of this pack.

# INTERPRETATION

If you do not understand English or are concerned that you won't understand what the Gardaí are telling or asking you, for example in an interview, you should ask for an interpreter. If you are an asylum seeker and are in detention, you are entitled to receive the assistance of an interpreter and to talk to a solicitor.



# PUBLIC ORDER

## Protest & Assembly

### What should I do if I want to protest?

You have the constitutional right to freedom of speech (the right to speak freely). You also have the right to freedom of assembly (the right to gather together peacefully and without weapons). These rights are also protected under the European Convention on Human Rights. Sometimes, your right to free speech or to gather peacefully can be restricted if it would affect public order or morality (see below).

### Can I gather with a group of people at any time or in any place?

You have the right to gather peacefully unless it affects public order (see below). A gathering of people on private land that they do not own could be considered a trespass or obstruction. If the protest is not peaceful and there is violence, you could be charged with a criminal offence (see below).

### What can the Gardaí do?

The Gardaí should facilitate people who choose to assemble and protest. However, under the Public Order Act, the Gardaí can restrict access to an event. They can monitor an event and if they see someone committing an offence under the Public Order Act (or other offence), they may be able to arrest that person. However, the Gardaí should never use unreasonable force in policing events.

### Can the Gardaí take my photograph or video my movements at a protest event or demonstration?

There is nothing to stop Gardaí watching protest events or taking photographs or video footage. However, if they do, they must not breach your right to privacy and must comply with data protection rules. These are rules controlling how your personal information, including photographs or video, is kept, who has access to it and how it is destroyed. If the Gardaí want to use the photographs or video as evidence to prosecute you for an offence, they must get permission from a judge or senior Garda beforehand.

### How should the Gardaí treat me?

The Gardaí should at all times treat you with respect. They should not have any physical contact with you unless they are defending themselves, protecting other people or property or placing you under arrest. If using force, they should use no more force than is reasonably needed in the circumstances.

## Criminal Justice (Public Order) Act 1994

This Act covers a wide range of public order offences and gives the Gardaí many powers to deal with offences and crowd control at public events and demonstrations.

'Public place' includes all places to which a member of the public has access.

Situations that the Act covers include being on the streets after a night out, going to a concert or football match, or taking part in a demonstration. Possible offences covered include:

- **Intoxication in a public place** (if you are in a public place and are so intoxicated that a Garda would reasonably suspect that you might endanger yourself or someone else)
- **Disorderly conduct in a public place** (if you behave unreasonably and offensively so that you could cause serious offence or annoyance)
- **Threatening, abusive or insulting behaviour in a public place**
- **Handing out or displaying threatening, abusive, insulting or obscene material**
- **Failing to comply with a direction from a Garda** (If a Garda suspects that you are loitering or behaving in a way that could be an offence under the Public Order Act, the Garda can ask you to stop or to leave the area. If you do not do as the Garda asks, it could be an offence.)

# PUBLIC ORDER

- **Failing to comply with a request or direction made when a Garda believes that you are in possession of an intoxicant and may interfere with the public peace** (If a Garda believes that you have alcohol or drugs and that you may interfere with the public peace, the Garda can demand an explanation, seize the container or ask you to leave the area, among other things. If you do not do as the Garda asks, it could be an offence.)
- **Riot** (If 12 or more people who are together in any place use or threaten to use violence in a way that would cause someone to fear for their or someone else's safety, each of the people in the group could be charged with riot. There has to be a common reason for the behaviour.)
- **Violent disorder** (If 3 or more people who are together in any place use or threaten to use violence in a way that would cause someone to fear for their or someone else's safety, each of the people in the group could be charged with violent disorder.)
- **Affray** (If 2 or more people who are together in any place use or threaten to use violence in a way that would cause someone to fear for their or someone else's safety, each of them could be charged with affray.)
- **Trespass** (It is an offence to trespass on a building or the grounds of a building where someone might think that you are there to commit an offence or to trespass in such a way that causes or is likely to cause fear in another person.)
- **Wilful obstruction of vehicles or people** (It is an offence to intentionally prevent or obstruct the movement of anyone or any vehicle in a public place.)
- **Entering and occupying land without consent** (It is an offence to enter and stay on land where it is likely to damage the land or services to the land.)
- **Failure to give your name and address to a Garda**
- **Assault or obstruction of someone providing medical services or a peace officer** (Peace officers include Gardaí, prison officers, members of the fire brigade, ambulance personnel or members of the defence forces).

## Garda Powers under the Public Order Act

### 1. Arrest

Gardaí do not need a warrant to arrest anyone found committing one of the following offences:

- intoxication in a public place;
- threatening, abusive or insulting behaviour in a public place;
- distribution or display of threatening, abusive, insulting or obscene material;
- failure to comply with a direction of a Garda;
- trespass;
- riot, violent disorder, affray;
- assault or obstruction of a peace officer.

### 2. Request for name & address

If a Garda believes that you have committed an offence under the Public Order Act, he or she can ask for your name and address. If you refuse to give your name and address or give one that the Garda thinks is false or misleading, the Garda can arrest you without a warrant.

The failure to give your name and address or to give a false or misleading one is an offence in itself.

### 3. Garda directions

Gardaí have certain powers to ask members of the public to stop behaving in a way that would be an offence under the Act. Gardaí can ask you to leave the area in a peaceful and orderly way. A Garda can also take a bottle or container from you if he or she suspects that it contains alcohol.

In addition, a Garda can ask you to leave land that you are occupying if you are likely to substantially damage the land. If you do not leave the land as the Garda asks, that could be an offence in itself.

### 4. Crowd control

A Superintendent can authorise Gardaí to set up a barrier to stop people getting access to an area where an event, which is likely to attract a large number of people, is taking place or is about to take place. A Garda can direct you to another entrance but cannot stop you entering unless a ticket is required. It could be an offence if you don't follow the direction of a Garda.

### 5. Alcohol

If you are in a public place and have a bottle or container containing alcohol and are acting in a way that could cause worry for safety or public peace, a Garda may:

- ask you to hand over the bottle or container;
- ask you to leave the area;
- ask you for your name and address.

If you don't do as the Garda asks, that could be an offence in itself.

### Checklist for public order incidents

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It is a good idea to liaise with local Gardaí before you organise a protest event.

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Always give your correct name and address if asked by a Garda.

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Always co-operate as fully as possible and remain calm.

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Always try to do as a Garda asks you, for example to move along.

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If you are arrested, remain calm and be as co-operative as possible.

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If you are arrested, tell a friend what has happened and which Garda station you are being taken to.

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Contact a solicitor as soon as possible (see the section on your rights at the Garda station).

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If you have any issues with the way in which you are treated by Gardaí, you should contact the Garda Síochána Ombudsman Commission. The Commission's details are at the end of the pack.

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# CONTACTS

## ASYLUM SEEKERS & REFUGEES

### Irish Refugee Council

This non-governmental organisation (NGO) advocates on behalf of refugees and asylum seekers.

Second Floor  
Ballast House  
Aston Quay  
Dublin 2  
Tel: 01 764 5854

Email: [info@irishrefugeecouncil.ie](mailto:info@irishrefugeecouncil.ie)  
[www.irishrefugeecouncil.ie](http://www.irishrefugeecouncil.ie)

### Integrating Ireland

This non-governmental organisation is a network of community and voluntary groups working to achieve full integration in Irish society of asylum seekers, refugees and immigrants.

18 Dame Street  
Dublin 2  
Tel: 01 645 3070

[info@integratingireland.ie](mailto:info@integratingireland.ie)  
[www.integratingireland.ie](http://www.integratingireland.ie)

### UNHCR Office

This UN agency coordinates efforts to protect refugees and resolve challenges facing refugees.

Merrion House  
Suite 4  
1-3 Lower Fitzwilliam Street  
Dublin 2  
Tel: 01 631 4613

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

### Refugee Legal Services

This is a specialised office of the Legal Aid Board. It provides confidential and independent legal services to people applying for asylum and on immigration and deportation matters.

Dublin:  
48/49 North Brunswick Street  
Georges Lane  
Dublin 7  
Tel: 01 646 9600  
Email: [dublinrls@legalaidboard.ie](mailto:dublinrls@legalaidboard.ie)

Timberlay House  
79/83 Lower Mount Street  
Dublin 2  
Tel: 01 631 0800  
Email: [dublinrls@legalaidboard.ie](mailto:dublinrls@legalaidboard.ie)

Cork:  
North Quay House  
Popes Quay  
Cork  
Tel: 021 4554634  
Email: [corkrls@legalaidboard.ie](mailto:corkrls@legalaidboard.ie)

Galway:  
Seville House  
New Dock Road  
Galway  
Tel: 091 562480  
Email: [rlsgalway@legalaidboard.ie](mailto:rlsgalway@legalaidboard.ie)

## CHILDREN & YOUNG PEOPLE

### Children's Rights Alliance

The Children's Rights Alliance is a coalition of non-governmental organisations working to secure the rights of children in Ireland by campaigning for the implementation of the United Nations Convention on the Rights of the Child. You could contact the Alliance if you had any questions about your rights as a child or young person.

4 Upper Mount Street  
Dublin 2  
Tel: 01 662 9400  
Email: [info@childrensrighs.ie](mailto:info@childrensrighs.ie)  
[www.chidrensrights.ie](http://www.chidrensrights.ie)

### Office of the Ombudsman for Children

This office gives advice to the government on children and young people. It conducts research and also handles complaints.

Millennium House  
52-56 Great Strand Street  
Dublin 1  
Tel: 01 865 6800  
Free-phone 1800 20 20 40  
Email: [oco@oco.ie](mailto:oco@oco.ie) [www.oco.ie](http://www.oco.ie)

## CRIMINAL JUSTICE

### An Garda Síochána

The Irish police service

Garda Headquarters  
Phoenix Park, Dublin  
Tel: 01 666 0000  
Garda Confidential Line: 1 800 666 111  
Emergencies: 999  
[www.garda.ie](http://www.garda.ie)

### Courts Service of Ireland

The Courts Service manages the courts, including court facilities, maintains the court building, provides support services for judges and gives information on the court system to the public.

15 - 24 Phoenix Street North  
Smithfield, Dublin 7  
Tel: 01 888 6000

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

### Garda Síochána Ombudsman Commission

The Commission deals with complaints made by the public about the conduct of Gardaí. If you have a complaint to make against a Garda, you should contact the Commission.

150 Abbey Street Upper, Dublin 1  
Tel: 01 871 67 27  
LoCall: 1890 600 800  
Email: [info@gsoc.ie](mailto:info@gsoc.ie)  
[www.gsoc.ie](http://www.gsoc.ie)

### Office of the Director of Public Prosecutions (DPP)

The DPP is in charge of prosecutions on behalf of the state and the people of Ireland.

14-16 Merrion Street, Dublin 2  
Tel: 01 678 9222  
[www.dpp.ie](http://www.dpp.ie)

## EMBASSIES

If you need to contact your embassy or consular office in Ireland, the best thing to do is to contact the Department of Foreign Affairs where you will get information about your embassy or consular office.

### Department of Foreign Affairs

Consular Section  
69-71 St. Stephen's Green, Dublin 2

### For the Munster area:

Consular Services  
Department of Foreign Affairs  
1A South Mall, Cork  
Tel: 01 408 2308/ 408 2585/ 408 2302  
[www.dfa.ie](http://www.dfa.ie)

## EMPLOYMENT

### National Employment Rights Authority

This organisation provides information to employees and employers on employment rights and to ensure compliance with employment law.

O'Brien Road, Carlow  
Tel: 059 917 8800  
NERA Information Service  
Lo-Call 1890 80 80 90  
[www.employmentrights.ie](http://www.employmentrights.ie)

## GOVERNMENT

### Department of Justice, Equality and Law Reform

This government department deals with a broad range of issues such as criminal and civil law reform, equality, property issues and, asylum and immigration.

Pinebrook House, 71-74 Harcourt Street,  
Dublin 2

Montague Court, Montague Street, Dublin 2  
Tel: 01 602 8202  
Locall: 1890 221 227, Email: [info@justice.ie](mailto:info@justice.ie)  
[www.justice.ie](http://www.justice.ie)

### Department of Foreign Affairs

This government department deals with diplomatic issues and Ireland's interests abroad.

69-71 St. Stephen's Green, Dublin 2  
Tel: 01 4780822 / LoCall: 1890 426 700  
[www.dfa.ie](http://www.dfa.ie)

### Citizens Information Board

This is a national agency which is responsible for giving information and advice on social services and money matters. It also provides advocacy services. Information is available through the citizens information services in person, by phone or on the website.

LoCall: 1890 777 121  
[www.citizensinformation.ie](http://www.citizensinformation.ie)

There are 268 offices which provide information to people. You should call the telephone helpline or visit the website to find the one closest to you

### Other government departments

To get information about other government departments, you should contact the citizens information services. You can find a list of all government departments, agencies and bodies on [www.gov.ie](http://www.gov.ie).

# CONTACTS

## LEGAL MATTERS

### Bar Council

This is the representative and regulatory body for barristers. If you are looking for a barrister or have a complaint about your barrister, you can contact the Bar Council.

Bar Council Administration Office  
Four Courts, Dublin 7  
Tel: 01 817 5000  
email: [barcouncil@lawlibrary.ie](mailto:barcouncil@lawlibrary.ie)  
[www.barcouncil.ie](http://www.barcouncil.ie)

### The Law Society of Ireland

This is the representative and regulatory body for solicitors. If you are looking for a solicitor or have a complaint about your solicitor, you can contact the Law Society.

Blackhall Place, Dublin 7  
Tel: 01 672 4800  
Email: [general@lawsociety.ie](mailto:general@lawsociety.ie)  
[www.lawsociety.ie](http://www.lawsociety.ie)

### Legal Aid Board

The board is responsible for legal aid where people are not able to afford legal assistance. It provides legal aid in relation to civil issues – such as suing for personal injury or applications for asylum. It does not deal with criminal issues.

Head Office  
Quay Street, Cahirciveen  
Co. Kerry  
Tel: 066 947 1000  
LoCall: 1890 615 200  
Email: [info@legalaidboard.ie](mailto:info@legalaidboard.ie)

Legal Aid Board  
Dublin Office, 47 Upper Mount Street  
Dublin 2  
Tel: 01 644 1900  
[www.legalaidboard.ie](http://www.legalaidboard.ie)

### Free Legal Advice Centres

This non-governmental organisation works towards achieving social justice. The organisation works across a range of issues and provides some basic, free legal services to the public.

13 Lower Dorset Street, Dublin 1  
Information & Referral Line: 1890 350 250  
Tel: 01 8745690  
[www.flac.ie](http://www.flac.ie)

## IMMIGRATION

### Immigrant Council of Ireland

The Immigrant Council is a non-governmental organisation that promotes the rights of migrants through information, legal advice, advocacy, lobbying, research and training work. The Council is also an Independent Law Centre.

2 St Andrew Street  
Dublin 2  
Telephone (admin): 01 674 0202  
Email: [admin@immigrantcouncil.ie](mailto:admin@immigrantcouncil.ie)  
[www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)

### Department of Justice, Equality and Law Reform

Immigration matters on behalf of the Government are dealt with by the Asylum, Immigration and Citizenship Division.

Asylum, Immigration and Citizenship Division  
13–14 Burgh Quay, Dublin 2  
Tel: 01 616 7700  
Lo-Call: 1890 551 500  
[www.justice.ie](http://www.justice.ie)

### Integrating Ireland

This non-governmental organisation is a network of community and voluntary groups working on achieving equality and full integration in Irish society of asylum seekers, refugees and immigrants.

18 Dame Street, Dublin 2  
Tel: 01 645 3070  
[info@integratingireland.ie](mailto:info@integratingireland.ie)  
[www.integratingireland.ie](http://www.integratingireland.ie)

## PEOPLE WITH A DISABILITY

### Inclusion Ireland

Inclusion Ireland is a national voluntary organisation working to promote the rights of people with an intellectual disability in Ireland.

Unit C2, The Steelworks, Foley St., Dublin 1  
Tel: 01 855 9891  
Email: [info@inclusionireland.ie](mailto:info@inclusionireland.ie)  
[www.inclusionireland.ie](http://www.inclusionireland.ie)

### National Disability Authority

This is the state agency on disability issues. They provide advice to the government on disability issues.

25 Clyde Road  
Dublin 4  
Tel: 01 608 0400  
Email: [nda@nda.ie](mailto:nda@nda.ie)  
[www.nda.ie](http://www.nda.ie)

### Irish Deaf Society

This organisation provides support to people who have a hearing disability.

30 Blessington Street  
Dublin 7  
Tel: 01 860 18 78  
Minicom: 01 - 860 1910  
SMS: 086 3807033  
E-mail: [info@irishdeafsociety.ie](mailto:info@irishdeafsociety.ie)  
[www.irishdeafsociety.ie](http://www.irishdeafsociety.ie)

### National Council for the Blind

This organisation offers support and services nationwide to people experiencing difficulties with their eyesight.

Whitworth Road  
Drumcondra  
Dublin 9  
Tel: 01 830 7033  
LoCall: 1850 33 43 53  
Email: [info@ncbi.ie](mailto:info@ncbi.ie)  
[www.ncbi.ie](http://www.ncbi.ie)

## PRISONS

### Irish Penal Reform Trust

This organisation campaigns for the rights of people in prison and for prison reform.

4th Floor, Equity House  
16-17 Upper Ormond Quay  
Dublin 7  
Tel: 01 874 1400  
Email: [info@iprt.ie](mailto:info@iprt.ie)  
[www.iprt.ie](http://www.iprt.ie)

## TRANSLATION & INTERPRETATION

### Irish Translators & Interpreters Organisation

This body represents translators and interpreters. If you are looking for a translator or interpreter, you could contact them for advice.

c/o Irish Writers' Centre  
19 Parnell Square  
Dublin 1  
Tel: 0 87 673 8386 / 01 872 6282  
[www.translatorsassociation.ie](http://www.translatorsassociation.ie)

## OTHER

### Data Protection Commissioner

The Data Protection Commissioner is responsible for upholding the data protection rights of individuals and holding to account organisations that breach those rights.

Canal House, Station Road  
Portarlington  
Co. Laois  
Tel: 057 868 4800  
LoCall: 1890 252 231  
[www.dataprotection.ie](http://www.dataprotection.ie)

### Equality Authority

This body works to prevent discrimination in employment and access to a wide range of goods and services.

Birchgrove House, Roscrea,  
Co. Tipperary

Dublin Office  
2 Clonmel Street  
Dublin 2  
Information Line: LoCall: 1890 245 545  
[info@equality.ie](mailto:info@equality.ie)  
[www.equality.ie](http://www.equality.ie)

### Irish Human Rights Commission

The Commission works to ensure that the human rights of all people in Ireland are respected.

Fourth Floor, Jervis House  
Jervis Street  
Dublin 1  
Tel: 01 858 9601  
Email: [info@ihrc.ie](mailto:info@ihrc.ie)  
[www.ihrc.ie](http://www.ihrc.ie)

DESIGNED AT [WWW.DETAIL.IE](http://WWW.DETAIL.IE)

# KNOW YOUR RIGHTS:

## Criminal Justice & Garda Powers

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This is the first of a series of packs designed to inform people about their rights. The pack is written in everyday language and we hope that you will find it informative and easy to use.

The packs are also available on our dedicated webpage, **[www.knowyourrights.ie](http://www.knowyourrights.ie)**, which will be updated regularly as the law changes. Details of the upcoming packs in the series will also be available on the webpage.

**The Irish Council for Civil Liberties wishes to thank Fionnuala O'Sullivan BL who carried out the legal research for this pack.**

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Published by the  
Irish Council for Civil Liberties (ICCL)  
9-13 Blackhall Place  
Dublin 7  
T: +353-1-7994504  
E: [info@iccl.ie](mailto:info@iccl.ie)  
**[www.iccl.ie](http://www.iccl.ie)**

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Statement of the law as of January 2010

ISBN: 978-0-9544557-4-3

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