



## An Garda Síochána

Ireland's National Police and Security Service

# Your Notice of Rights while held (detained) in this Garda station

This document lists and explains your rights as an adult while you are held in this Garda station while suspected of committing a crime. Keep it safe, as you will need to know and understand your rights.

Your rights listed here are guaranteed under Irish and European law.

Tell the Garda (police officer) responsible for your treatment in the Garda station if you are not receiving these rights. This Garda is called 'the member in charge'.

Name of the Member in Charge	
Garda number	

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# 1. Summary of your rights

1. **Right to remain silent.** If you are asked questions about an offence that the Gardaí believe you have committed, you do not have to say anything. You have the right to remain silent, but anything you say will be written down, and may be used as evidence in court.
2. **Right to a lawyer.** Tell the Gardaí if you want a lawyer to help you while you are at the Garda station. A lawyer can speak with you by phone or in person. This is free if you have a low income.
3. **Right to an interpreter.** If you need an interpreter, the Gardaí must get you one. This includes a sign language interpreter. You can also have certain documents like this Notice of Rights translated. This is free.
4. **Right to contact your embassy or consulate.** Tell the Gardaí if you are not Irish and you want to contact your embassy or consulate **or** you want the Gardaí to tell them you are being held.
5. **Right to tell someone where you are.** Tell the Gardaí if you want someone to be told where you are. They will allow someone to contact you **or** for you to have a supervised visit **if** it does not interfere with or delay the investigation.
6. **Right to know why you have been arrested.** You have the right to know why you have been arrested and what you are suspected or accused of doing.
7. **Right to know about how long you can be held.** The Gardaí must tell you how long they can hold you for. This can be for an initial period of six hours, and we will tell you if your period of detention is extended. Your lawyer can explain more.
8. **Right to know about evidence.** If you are interviewed, the Gardaí must explain the evidence that has given them a reason to hold you.
9. **Right to medical help.** Tell the Gardaí if you need medical help or medicine, or if you feel sick or have been injured. Medical help is free.
10. **Right to apply for bail.** If you are charged, you have the right to apply for bail. The court or the member in charge will decide to allow **or** refuse you bail. (Bail means you or another person has to give money or promise to pay, so that you are not put in prison before your case goes to court.)

## 2. What may happen while you are held in a Garda station

The Gardaí may do several things to investigate the suspected crime. For example, you may be searched and your fingerprints may be taken. Speak to your lawyer if you have any questions.

### You may be searched

The Gardaí must explain in plain English:

- the reason why you are being searched,
- how and to what extent they will search you, and
- the law that allows this type and extent of search.

### Your fingerprints and photo may be taken, and tests done

The Gardaí can take your fingerprints, DNA and photographs when authorised by the relevant rank of Garda (see table below).

If you refuse:

- the Gardaí can take them using reasonable force, and
- you may be committing a criminal offence.

Type	Rank of appropriate Garda to authorise
Photographs	Sergeant or above
Fingerprints	Inspector or above
Palm prints	Inspector or above
Tests to see if you used or have been around firearms or explosives	Inspector or above
DNA (For example hair, urine or blood)	Superintendent or above

In cases of drink or drug driving	
Type	Rank of appropriate Garda to authorise
Samples of your blood, breath or urine	Superintendent or above

## You may be interviewed

You may be interviewed. If this happens, the Gardaí must interview you 'under caution'. This means the Gardaí **must** tell you that you have the right to remain silent, but anything you say will be written down, and may be used as evidence. You have the right to have a lawyer at the interview.

The interview will also be recorded on video with sound.

When the Gardaí question you, it should not be in an aggressive way. The Gardaí should tell you their name and their rank. The room should be clean, warm and have light in it. You should not have to stand up.

Interviews can take different lengths. If the interview lasts for four hours, it must be ended **or** you must be allowed take a break for a reasonable time. You should have a break at normal meal times and a **break** for a drink after two hours.

You cannot be interviewed between midnight and 8am in the morning unless the member in charge allows this. This may happen if:

- you were brought to the station during that time, or
- there are exceptional circumstances.

At the end of the interview, the interviewer must read the notes of the interview to you, and they must ask you if you want to:

- change or add anything to the notes,
- sign the interview notes to show they are accurate,
- choose one of three tapes of the recording of the interview to be sealed in an envelope to show that it will not be changed in **any** way, and
- sign the sealed envelope.

It is your choice whether you want to sign the interview and if you want to sign the sealed envelope. By signing, you are stating you believe them to be an accurate account of the interview.

## **Identification parade**

An identification parade – ID parade – is when you are asked to stand in a line of people who look similar, and a witness is asked to identify the person they suspect of the crime. For certain offences, you may be asked to take part in an identification parade. You can agree **or** refuse to take part in an ID parade.

You also have a right to have a lawyer present to advise you during a formal parade.

If you refuse, the Gardaí may conduct an informal identification parade. This means that the Gardaí can ask a witness to point you out. Ask your lawyer for more details.

### 3. Detailed information about each right

This section describes your rights in more detail.  
Speak with your lawyer if you have any questions.

#### 1. Right to remain silent

You have the right to remain silent, but anything you do say will be written down and may be used as evidence. This means if you are asked questions about the suspected offence, you do **not** have to say anything.

#### 2. Right to a lawyer

A lawyer knows the law and can help and advise you. Many people ask to speak to a lawyer. It does not make it look like you have done anything wrong.

The Garda member in charge **must** ask you if you want to speak to a lawyer for legal advice. Your lawyer can give you legal advice over the phone **or** in the Garda station. If you do not have a lawyer, you should ask the Gardaí to provide you with a list of available lawyers. You can choose the one you wish from that list.

If you have asked for legal advice, the Gardaí are not usually allowed to ask you questions until you have had the chance to talk to a lawyer. When the Gardaí ask you questions (an interview), **you can ask for a lawyer to be in the room with you.**

The Gardaí must let you talk to a lawyer at any time, day or night, when you are at a Garda station.

If you tell the Gardaí that you do not want legal advice, and you later change your mind, tell the Garda member in charge. They will help you to contact a lawyer.

### **What if a lawyer does not show up?**

If the lawyer cannot be contacted or does not appear, you can ask the Gardaí to:

- leave a message for the lawyer,
- contact the lawyer again, or
- contact another lawyer.

### **What are the legal costs of hiring a lawyer?**

If you have a low income, then it is free to talk to a lawyer.

If you earn more than certain amount a year, you must come to a private arrangement with the lawyer about their fees.

## **3. Right to an interpreter and translations of certain documents**

If you don't speak or understand English, you have the right to an interpreter/translation service any time you are talking to, or interviewed by the Gardaí. This is free.

You are also entitled to a copy of this Notice of Rights in a language you speak. If a translation is not available, you must be given the information through an interpreter and provided with a translation as soon as possible.

The Gardaí will arrange for an Irish Sign Language interpreter to help you if requested. This is free.

## **4. Right to contact your embassy or consulate**

If you are not Irish, you can tell the Gardaí that you want to contact your High Commission, Embassy or Consulate to tell them where you are and why you are in the Garda station.

A representative of your embassy or consulate can also phone or visit you in private or arrange for a lawyer to see you.

## **5. Right to tell someone that you are at the Garda station and receive a visit.**

In addition to your right to contact a lawyer and your right to inform someone about your arrest, you have the right to tell the Gardaí if you want someone to be told where you are. If this person is not available, you can ask the Gardaí to contact someone else. The Gardaí will not be able to listen to your phone call.

Sometimes the Gardaí may not let you make a phone call. This is likely when they think your call may interfere with the investigation

### **Visits**

You may be able to have supervised visits, but the member in charge can refuse to allow these if they can't be properly supervised.

## **6. Right to know why you have been arrested**

The Gardaí must tell you:

- about the type of the offence they believe you have committed,
- when and where they think you committed it,
- why they think you have committed the offence and arrest you, and
- why they believe you need to be held at the Garda Station.

Before you are asked any questions about any offence, the Gardaí must give you **and** your lawyer enough information about what they think you have done. This helps you to defend yourself, but the Garda may not tell you immediately if it would harm the Garda investigation.

This applies to any other offences the Gardaí suspect you of doing.

## 7. Right to know for how long you can be detained

The Gardaí can keep you from between six hours to seven days. How long you are held depends on the law the Garda is holding you under **and** if a senior Garda or the district or circuit court allow the time you are held at the station to be extended. Ask your lawyer for more information. If your detention is not necessary, you must be released.

When the period of your detention ends, **one** of the following things will happen:

- You may be charged and released on station bail to appear in court on a date within 28 days. Station bail is when the Garda member in charge sets your bail without going to the district court.
- You may be charged with the crime, held in the station and brought before the next sitting of the district court.
- You may be released without charge with the Gardaí to later send a file of the investigation to the Director of Public Prosecutions.
- You may be held for longer if ordered by a court or a senior Garda.

When a Garda asks a court to extend your detention (hold you in the station for longer):

- You must be brought to court for the hearing (unless a senior Garda can extend the time you can be kept).
- You must be given a copy of the information that tells the court about the evidence against you and why Gardaí want to keep you in the Garda station for longer.
- The Gardaí will only be allowed to keep you in the station if the court believes it is necessary and that the Gardaí are investigating your case carefully and without wasting time.

## **8. Right to know about evidence**

The Gardaí must explain the evidence that has given them a reason to keep you in the station during an interview.

If your case goes to a court trial, you or your lawyer can see all the evidence, such as copies of witness statements and details of other evidence such as CCTV or other video footage.

## **9. Right to get medical help**

If you are injured and need a doctor, the Gardaí will call a doctor to come to the station. This is free.

If you need hospital treatment, you will be brought to a hospital. This is free.

If you are taking medicine, you should tell the Gardaí. You may be allowed to take your own medicine, but the Gardaí will have to check first.

If you are on medicine, but do not have it with you, ask the Gardaí to call a doctor. The doctor will have to give you medicine you need. This is free.

## **10. Right to bail**

If you are charged with a crime, you may be able to be released on bail. The court or member in charge will decide whether to allow or refuse bail.

Bail is when you are released because you or someone else has promised that you will appear in court for your trial. Bail is based on the principle that the accused is presumed (accepted as) innocent until proved guilty.

## 4. Practical things to know about your treatment in the Garda station

These are short notes about how you should be treated while held in the Garda station.

### Your cell

You should be kept in a cell on your own. Your cell should be clean, warm and have light in it. Your bedding should be clean and in good order. You must be allowed to use a toilet and to wash.

### Clothes

If your own clothes are taken from you, the Gardaí must provide you with clothes. You may be allowed to ask a family member to bring clothes to you.

### Food and drink

You must be offered food and drink regularly while in the station. This is free.

### Exercise

If possible, you should be allowed outside each day for fresh air.

### Rest

You should be allowed at least 8 hours rest in any 24 hours you are in custody.

### Getting details of your time at the Garda station

Everything that happens to you when you are at the Garda station is recorded in writing. This is called the **Custody Record**.

When you leave the Garda station, you **or** your lawyer can ask for a copy of the Custody Record.

### **How to make a complaint while in the Garda Station**

If you have any complaints about the way a Garda is treating you, tell the member in charge. The member in charge is the Garda responsible for your treatment in the Garda station. If you have been physically assaulted, you should ask the doctor to note your injuries.

### **How to make a complaint when released**

You can also make a complaint to the Garda Síochána Ombudsman Commission (GSOC) when you are released.

You can make a complaint on their website.

<https://www.gardaombudsman.ie/make-a-complaint/>

You can call GSOC on 1890 600 800