

# PUBLIC ORDER OFFENCES

## - WHAT ARE THEY?



Some of the **most common offences** that appear before the courts are things called **public order offences**, but what are they and what do they involve?

The **law in this area can be complicated** and as there are **many rules that go against the norm**, understanding the rules is really important.

**IN 2023 THERE WERE 28,822 INCIDENTS OF PUBLIC ORDER OFFENCES IN IRELAND.**



**LET'S HAVE A LOOK AT THE ACTIONS THAT QUALIFY AS PUBLIC ORDER OFFENCES!**



# **PUBLIC ORDER OFFENCES ARE DEFINED IN THE CRIMINAL JUSTICE (PUBLIC ORDER) ACT 1994, AND THEY INCLUDE THINGS LIKE:**

- ▶ **Intoxication** in a public place
- ▶ **Threatening** and **abusive** behaviour
- ▶ Possession of **intoxicating substance** in a public place
- ▶ **Failure to comply** with Garda direction
- ▶ **Wilful Obstruction**
- ▶ **Riot**
- ▶ **Violent** disorder
- ▶ **Assaulting/obstructing a peace officer** (garda, fire brigade, paramedics, prison officers, Defence Forces)



# BEING INTOXICATED IN PUBLIC



Being intoxicated in a public place is a **criminal offence**, whether that is **using alcohol or drugs**. If a person is at risk being a danger to themselves or others, then **they can be arrested**.



**FOR EXAMPLE, IF A PERSON WAS WALKING HOME WHILE DRUNK AND THEY WERE WALKING OR FALLING INTO THE ROAD, THIS MAY GIVE CAUSE FOR THE GARDAI TO ARREST THAT PERSON.**

# THREATENING + ABUSIVE BEHAVIOUR

Threatening and abusive behaviour has a **very open-ended definition**.

Things like swearing loudly in public, shouting at bouncers/venue staff members, threatening someone with violence, aggressive behaviour or gestures, **the list goes on...**



# POSSESSION OF INTOXICATING SUBSTANCES



For anyone **under the age of 18, having alcohol in your possession is a criminal offence** and the garda can seize such alcohol if they have reason to believe that it is an intoxicating substance.

However, **for all citizens, adults and children, carrying open containers of alcohol is a criminal offence** as well, this **includes drinking on the street, in a park or drinking near a river.**

**Garda can seize alcohol as well as arrest people** that are refusing to comply with the Garda request.

## THE STATS:

Between 2022 and 2023, incidents of Disorderly Conduct dropped by **1,755 (7%)**, driving an 8% overall decrease (**2,461 incidents**) in **Public Order & Other Social Code offences (CSO)**.

# NOW LET'S LOOK AT THE PENALTIES...



# THE PENALTIES...



## WHAT HAPPENS IF YOU COMMIT A PUBLIC ORDER OFFENCE?

For most of these types of offences **you must give your name and address to the Garda when they ask for it.**

**Failure to give the correct information is a criminal offence separately.** Normally you don't have to answer questions when a garda asks them, but these **public order offences are an exception to that rule.**

This means that it is crucial that we know why a garda might have stopped us or what they might be arresting us for.

**The types of penalties that can be given for these offences vary from a fine to serious prison sentences.**

Most offences involving alcohol possession, drinking in public or being intoxicated in public carry a maximum sentence of a **€500 fine.**

While the other serious offences such as riot and violent disorder (10 years imprisonment) or assaulting an officer (12 years imprisonment).

