

What happens in Court?

A senior member of the Garda Síochána will apply for a civil behaviour order that will prohibit the adult or child from doing anything written in the order.

In the case of a behaviour order for a child, the Judge in the Children Court can also do a number of things to protect people from further anti-social behaviour by a child:

1. Prohibit the child from behaving a certain way or being in a certain place.
2. Require the child to attend school and report to a member of the Garda Síochána, a teacher or someone else in authority in the school.
3. Make a plan for the child to be supervised by their parent(s) or guardian.

Behaviour orders for both adults and children can last for a maximum of 2 years.

Can a Behaviour Order be appealed?

Yes - A person can appeal both against the order and to have the order changed. The appeal must be made to the Court within 21 days of the person receiving the order.

What will happen if the order isn't obeyed?

It is an offence not to obey a behaviour order.

In the case of an adult who fails to obey an order the penalty is a fine up to €3000 or a maximum of six months in prison or both.

If a young person doesn't comply with an order, there will be a fine up to €800 or detention in a children detention school for a maximum of 3 months or both.

This Information Leaflet is also available in Irish

Disclaimer

This is not a legal document and does not purport to be a legal interpretation of the Criminal Justice Act 2006. Should you require legal advice, you should contact your own legal advisers.

A New Response to Anti-Social Behaviour

(ASBOs)



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

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Introduction

New laws and measures have been introduced in Ireland to tackle anti-social behaviour, including Behaviour Orders* (more commonly known as ASBOs) on the 1st January 2007 for adults and on the 1st March 2007 for children (i.e between the ages of 12 and 18 years).

This means that the Garda Síochána may now take a number of actions to stop a person behaving in an anti-social way. This is a civil process and it only becomes a criminal matter if a Behaviour Order issued by the courts isn't obeyed.

These measures can apply to both adult and young people and separate rules apply in each case.

What is anti-social behaviour?

Anti-Social behaviour is when a person acts in a way that causes or, in the circumstances, is likely to cause someone harassment, significant or persistent alarm, distress, fear or intimidation, or impairs their use or enjoyment of their property in a significant or persistent way.

It does not apply if the person acting anti-socially is from the same household as the person affected by the behaviour.

Examples of anti-social behaviour are intimidation, abusive or threatening behaviour and vandalism.

What should you do if you are affected by anti-social behaviour?

You should contact your local Garda station. You should supply as much information as possible about the anti-social behaviour.

What happens if someone behaves anti-socially?

The new law provides the Gardaí with new ways of dealing with anti-social behaviour. Gardaí will continue to deal with some forms of anti-social behaviour under other laws.

When a Garda becomes aware of anti-social behaviour which s/he thinks warrants this response, the Garda may issue a **behaviour warning** to the person involved. This warning must include a statement from the Garda saying that the person has behaved in an anti-social manner. It must also say what the behaviour was and when and where it took place.

This warning must tell the person to stop the behaviour and, in the case of an adult, it may set out a way for them to change their behaviour.

It will explain that failing to obey the warning may result in the person getting a behaviour order from the courts.

A behaviour warning lasts for 3 months.

In the case of a child who does not obey the warning the next step may be a good behaviour contract.

In the case of a person over 18 years of age, failure to obey a warning can result in an application by the Gardaí to the District Court for a behaviour order.

What is a good behaviour contract?

A good behaviour contract is a plan that is made at a meeting involving the child, their parent(s) or guardian and the Gardaí regarding the behaviour of the child. These meetings must be called by a Superintendent in charge of a district.

When the contract is drawn up it is signed by the child and the parent(s) or guardian and lasts for up to 6 months. This can be renewed for another 3 months by either the child and their parent(s) or guardian or after another meeting called by the Garda Superintendent.

If a contract is broken, or if the Garda Superintendent doesn't think the contract is working, s/he may reconvene the meeting and renew the contract, s/he can refer the young person to the Garda Juvenile Diversion Programme or s/he can apply to the Children Court for a behaviour order.

* Parts 11 and 13 of the Criminal Justice Act 2006