



# University Hospital Galway

## EMERGENCY DEPARTMENT

GalwayEM.ie

### **Gardai and the Emergency Department** **(<https://galwayem.ie/guidelines/appendices/gardai-and-emergency-department>)**

Category

[Appendices \(<https://galwayem.ie/guidelines/appendices>\)](https://galwayem.ie/guidelines/appendices)

As a general principle patients seeking medical attention for whatever reason are entitled to confidentiality and details about their attendance or medical condition should not be communicated to the Gardai (or to anyone else) without the patient's consent. However, there are exceptions and common sense must prevail.

#### **RTAs**

The Gardai have a role in sorting out RTAs, accounting for car occupants etc. Please cooperate and assist the Gardai in giving details of numbers of patients, their names and any other demographic details. You also may inform the Gardai whether the patients have minor, major or potentially life threatening injuries and whether or not they are going to be admitted. If you consider that a car driver has been drinking or taking drugs etc do not volunteer this information to the Gardai. However, if the Gardai wish to interview a patient or ask him or her to provide specimens of breath, blood or urine you should always allow this unless the patient's clinical state is such that it would be detrimental to, or prejudice their care. Discuss all such refusals with senior ED doctor. If the patients can not give consent (e.g. comatose) samples cannot be taken.

NB If the Gardai want a specimen of blood to be taken this must be done by a **Designated Doctor (usually a GP called by the Gardai)** and not a member of ED staff.

#### **Victims of Assault**

Victims of assault usually (but not invariably) co-operate with the Gardai in order that their assailant can be prosecuted. If the patient is co-operating then assume consent to give any information necessary. Ask the patient whether they give consent to you talking to the Gardai. If the patient refuses consent you cannot give the Gardai any information.

If the patient is unconscious, assume consent (unless you have reason to suspect that consent would be refused) and give the Gardai any information they require.

If the patient is a child the parents will usually give consent. However, if this is refused you must act in the child's best interests, giving whatever information is necessary.

If you are asked to provide a statement of a patient's injuries you must see the patient's written consent. Do not supply the Gardai with a copy of the ED records.

## **Rape**

If a patient alleges rape treat the patient along 'ABC' lines (such as dealing with uncontrolled haemorrhage). Do not do a genital examination yourself, except to control haemorrhage, but ask the Gardai to arrange for a Forensic Examiner to examine them. See separate guidelines.

## **Gardai Requests for information about patients who have attended the Emergency Department**

Sometimes the Gardai request information to assist them in solving a crime. In general no information should be given. However, exceptions can be made for serious crimes against the person (e.g. murder, attempted murder or rape).

If the Gardai ask, "Did Mr.... attend the department last night?" the nurse in charge can give them a yes/no answer and the time of attendance but no other information.

If the Gardai ask for details of e.g. all patients seen in the past 24 hours with cut hands no information should be given without speaking to the duty Consultant.

## **Sudden deaths**

In the event of a sudden death (especially a small child) the Gardai have a duty to ensure that no foul play has occurred. If they request to see the body this should be allowed at a time convenient to the Nursing Staff and Mortuary Staff. In general all deaths that occur within the Emergency Department (including all pre-hospital arrests brought into the department) are reported to the Coroner. The Gardai should also be informed.

**Death certificates** are not normally issued by ED medical staff. However, in individual cases certificates may be issued following discussion with the Coroner's office. If in any doubt whatsoever – ask.

If the Gardai request information they should, in general terms, attend the Emergency Department in uniform. If they request information by phone, you should say that you will phone them back. Always be courteous, even if you are unable to give the information they request. Be especially careful about getting consent if the patient alleges assault by the Gardai.

## **THE GARDAI ARE NOT ALLOWED TO GO THROUGH THE EMERGENCY DEPARTMENT REGISTER**

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