



An Garda Síochána

Policy Document

PROFESSIONAL BOUNDARIES & ABUSE OF POWER FOR SEXUAL GAIN

Effective Date	<i>24th May 2021</i>
Version No.	1.0
Approved by	<i>Garda Executive</i>
Introduced by	<i>HQ Directive 017 / 2021</i>
Policy Owner	<i>Assistant Commissioner, Governance & Accountability</i>

Purpose

The aim of this Policy is to ensure that professional boundaries are maintained at all times between Garda Personnel and the Public.

Garda Personnel must act ethically, professionally, appropriately and treat all individuals with whom they interact with dignity and respect in line with the [Code of Ethics for the Garda Síochána](#).

Garda Personnel will be aware that through interactions they may have with members of the public, victims, suspected offenders or witnesses, there is on occasion, likely to be an imbalance of power (for example due to ongoing or situational vulnerability or through the application of policing powers).

Professional Boundaries are ethical and professional standards of behaviour which limit physical and emotional relationships between Garda Personnel and/or members of the public.

Abuse of Power for Sexual Gain is any behaviour by Garda Personnel which takes advantage of that person's position as Garda Personnel, to misuse their position, authority or powers, for sexual gain or an improper emotional relationship with any member of the public or with other Garda Personnel.

Any attempt to or abuse of this power for sexual gain, or attempt to or establish a relationship beyond a professional capacity, may constitute an abuse of authority that will not be tolerated.

Scope

This document and all associated documentation applies to members of An Garda Síochána (including Garda Reserves), Garda Staff, and to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with [Section 53, Garda Síochána Act 2005](#).

Policy Statement

Abuse of power can have extremely serious consequences for an individual and for society as a whole. Professional policing behaviour dictates that Garda Personnel must not abuse their policing powers or authority and must at all times treat the public they serve with dignity, respect and in a Human Rights compliant manner.

An Garda Síochána has an obligation to protect people from the risks and effects of corrupt behaviour within the Organisation and to pursue, prosecute and disrupt any form of corruption that impacts upon the delivery of a quality policing service to the community in which we serve.

Garda Personnel who attempt to abuse their power for sexual gain or attempt to establish a relationship beyond a professional capacity, risk breaching the trust and confidence of the Public and negatively impact on the reputation and integrity of An Garda Síochána.

All Garda Personnel are responsible for ensuring the principles contained within this document are followed and its associated [Procedure](#) document adhered to. There is a duty on all Garda Personnel to report any breaches of this Policy or accompanying Procedure document, in line with the principles outlined in the [Code of Ethics for the Garda Síochána](#).

Compliance

Compliance with this Policy and accompanying Procedure document is mandatory for all Garda Personnel.

Related Documents

1. [Anti-Corruption Policy](#)
2. [An Garda Síochána Code, Volume I](#)
3. [An Garda Síochána \(Finance\) Code, Volume II](#)
4. [Civil Service Circular 19/2016 - Civil Service Disciplinary Code](#)
5. [Civil Service Code of Standards and Behaviour](#)
6. [Code of Ethics for the Garda Síochána](#)
7. [Criminal Justice \(Corruption Offences\) Act 2018](#)
8. [Data Protection Act, 2018](#)
9. [Data Protection Code of Practice for An Garda Síochána](#)
10. [\(EU\) General Data Protection Regulation \(GDPR\) \(\(EU\) 2016/679\)](#)
11. [Garda College Academic Regulations and Procedures 2018](#)
12. [Garda Síochána \(Discipline\) Regulations, 2007, as amended](#)
13. [Garda Síochána Act, 2005, as amended](#)
14. [Garda Trainee and Probationer Handbook](#)
15. [HQ Directive No. 159/2008 – Notes on Disciplinary Procedures under the Garda Síochána \(Discipline\) Regulations, 2007](#)
16. [HQ Directive No. 19/2019 – Human Rights Framework](#)
17. [HQ Directive No. 37/2019 – Garda Decision Making Model \(GDMM\)](#)
18. [HQ Directive No. 72/2014 – Protected Disclosures Act 2014](#)
19. [Professional Boundaries and Abuse of Power for Sexual Gain Procedure](#)
20. [Safety, Health & Welfare at Work Act 2005](#)
21. [S.I. 470/2013 Garda Síochána \(Admissions and Appointments\) Regulations 2013](#)
22. [The Ethics Acts \(Ethics in Public Office Act 1995 & 2001\)](#)
23. [The European Code of Police Ethics](#)

Legal & Human Rights Screening

This Policy has been Legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for the Garda Síochána and uphold and promote this Code throughout the Organisation.

Policy & Procedure Review

This Policy and associated documents will be reviewed twelve (12) months from its date of effect and every three (3) years thereafter.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

General Data Protection Regulations/Directive 2016/680/EU and Criminal Justice Authorities Directive.

Personal data shall only be processed for the purposes specified in this policy and within a clearly defined lawful basis under the EU General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept

safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed and will not be retained for longer than is necessary.