

An Garda Síochána

Oifig Saorála Fáisnéise,
An Garda Síochána, Teach áth Luimnigh,
Lárionad Gnó Udáras Forbartha Tionscail,
Baile Sheáin, An Uaimh,
Contae na Mí.
C15 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath.
C15 ND62

Teileafón/Tel: (046) 9036350



Láithreán Gréasain/Website:
www.garda.ie

Ríomh-phoist:/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000264-2021 Request Part-Grant

Dear,

I refer to your request, dated 2nd August, 2021 and received on 3rd August, 2021 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

Under the FOI Act 2014, I am seeking the following:

- *a copy of the business case/cost benefit analysis/sanction or other such record of approval for the following project: <https://www.irishtimes.com/news/crime-and-law/garda-drug-tests-5-of-force-to-be-randomly-selected-each-year-1.4618469>*
- *a copy of all tender records related to the successful award in the competition referenced in that article.*

I would prefer to receive this information electronically, ideally in its original electronic format.

I wish to inform you that I have decided to part-grant your request on 25th August 2021.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

On receipt, your request was forwarded to relevant sections where a search was conducted in respect of the records you sought. In response to part 1 of your request a number of records have been identified and these are attached herewith. A number of redactions to these records have been made in accordance with the provisions of Part 1(n) of Schedule 1 of the FOI Act.

Part 1(n) of Schedule 1:

Section 6(2)(a) of the FOI Act provides that an entity specified in Schedule 1, Part 1 of the Act shall, subject to the provisions of that Part, be a public body for the purposes of the FOI Act. Schedule 1, Part 1 contains details of bodies that are partially included for the purposes of the FOI Act and also details of the certain specified records that are excluded. If the records sought come within the description of the exclusions of Part 1, then the FOI Act does not apply and no right of access exists.

Part 1(n) of Schedule 1 of the FOI Act provides that An Garda Síochána is not a public body for the purposes of the FOI Act other than in relation to administrative records relating to human resources, or finance or procurement matters.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. As a result, records which do not relate to human resources, finance or procurement matters are excluded from release and have accordingly been redacted.

In respect of part 2 of your request, I have been advised that a request for tender for the provision of workplace drug testing services to An Garda Síochána was published on 9th July 2021. Details of the request for tender are available from the eTenders website at <https://irl.eu-supply.com/ctm/Supplier/PublicPurchase/192887/1/0>. The closing date for this tender competition was 6th August 2021. Evaluation of tender responses is currently ongoing and no contract has yet been awarded in respect of the request for tender.

As a result, I am refusing part 2 of your request seeking “a copy of all tender records related to the successful award in the competition referenced in that article”. I am refusing this part of your request pursuant to Section 29(1) of the FOI Act wherein:

Deliberations of FOI bodies

29. (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

and, without prejudice to the generality of paragraph (b), the head shall, in determining whether to grant or refuse to grant the request, consider whether the grant thereof would be contrary to the public interest by reason of the fact that the requester concerned would thereby become aware of a significant decision that the body proposes to make.

Public Interest Test

As per section 29 of the FOI Act I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent,
- The public interest in members of the public exercising their rights under the FOI Act,
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied,

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to make its decisions without undue intrusion into the process,
- The public interest is not best served by releasing these records,
- Premature release could negatively affect future decision making processes.
- Premature release could contaminate the decision making process.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release, I have, on balance, decided that the public interest in preserving the integrity of the decision making process would be better served by withholding the records in respect of part 2 of your request.

2. Right of Appeal

In the event that you are not happy with this decision, you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000264-2021**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Navan, Co. Meath, C15 DR90.

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: An Garda Síochána Imprest Account

Account Number: 30000302

Sort Code: 951599

IBAN: IE28DABA95159930000302

BIC: DABAIE2D

You must ensure that your FOI reference number FOI-000264-2021 is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior


member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie

Personal details in respect of your request have where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact the FOI Office by telephone at (046) 9036350.

Yours sincerely,


ASSISTANT PRINCIPAL
PAUL BASSETT
FREEDOM OF INFORMATION OFFICER

25th AUGUST, 2021.

Requester Name: - Workplace Drug Testing Business Case File FOI- 000264-2021

Page No	Description of Document	Deletions	Relevant Section of FOI Acts	Reason for Redaction	Decision Maker's Decision
1	Corr from C/Supt Garda Anti-Corruption Unit 27th July 2021	1	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
2	Corr from Asst Commissioner Governance & Accountability 23rd July 2021	1	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
3	Corr from Tendering Office 22nd July 2021	1	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
4	Corr from Ex Director Finance & Services 22nd July 2021	1	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
5 - 8	E-Mail thread from Commissioner_GA 21st June 2021	8	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
9 - 10	E-Mail thread from Kathrynna Clifford 2nd June 2021	3	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant
11 - 16	Application for Financial Sanction	1	Part 1(n) of Schedule 1	Outside the Scope of the FOI Act	Part Grant

An Garda Síochána

Ard Ceannfort
Aonad Frith-Éillithe An Gharda
Síochána,
Ceanncheathrú an Gharda Síochána,
Páirc an Fhionnuisce,
Baile Átha Cliath 8.
D08 HN3X



Chief Superintendent,
Garda Anti-Corruption Unit,
Garda Headquarters,
Phoenix Park,
Dublin 8.
D08 HN3X

Teileafón/Tel: 00-353-1-6669469

Láithreán Gréasain/Web Site: www.garda.ie

Bí linn/Join us



Riomh-phoist:/Email:

ACU.BusinessServices@garda.ie

Detective Superintendent Mulleady
Substance Misuse Management Section

Re: Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

I refer to the above and the attached correspondence from Assistant Commissioner, Governance & Accountability.

Please find appended copy of financial sanction for the provision of Workplace Drug Testing Services to An Garda Síochána. Sanction for €150,000 per annum has been granted on a four (4) year rolling contract totalling €600,000.

Forwarded for your information and necessary attention, please.

A. McCARTHY
D/SUPERINTENDENT for,
CHIEF SUPERINTENDENT

27 JULY 2021



2 (PLS)

An Garda Síochána

Coimisinéir Cúnta
Rialachas agus Cúntasacht
Ceanncheathrú An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8
D08HN3X



Assistant Commissioner
Governance & Accountability
Garda Headquarters
Phoenix Park
Dublin 8
D08HN3X

Teilifón/Tel: 01-6662548

Láithreán Gréasain/Web Site:
www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email:
Commissioner_GA@garda.ie



**Chief Superintendent
GACU**

Re: Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

With reference to the above please find attached copy of signed financial sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Forwarded for your information and that of Detective Superintendent Mulleady, please.


Patrick Clavin
Assistant Commissioner

23rd July 2021



An Garda Síochána

Roinn Airgeadais agus Loighistic
 Offig Tairisceanna
 Ceanncheathrú an Gharda Síochána,
 Páirc an Fhionnuisce,
 Baile Átha Cliath 8

Teilifón/Tel: (01) 6662144 / 6662145
 Facs/Fax: (01) 6661760

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Finance & Procurement Section
 Tendering Office,
 Garda Headquarters,
 Phoenix Park,
 Dublin 8
 D08HN3X

Láithreán Gréasain/Web Site: www.garda.ie
 Ríomh-phoist/Email - tenderoffice@garda.ie

Dáta/Date: 22nd July 2021

An Garda Síochána,
 Assistant Commissioner Clavin,
 Governance & Accountability,
 Technical Bureau,
 Garda Headquarters,
 Dublin 8.



Re: Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána

With reference to your email dated 21st June 2021 in relation to the Financial Sanction for the Provision of Workplace Drug Testing Services to An Garda Síochána.

Please find attached hard copy of file as requested.

Kind regards

Enda Curran

Enda Curran

Tendering Office
 01-6662145



An Garda Síochána

Stiúrthóir Feidhmiúcháin Airgeadais
agus Seirbhísi,
Ceanncheathrú an Gharda Síochána,
Páirc an Fhionnuisce,
Baile Átha Cliath 8.

Teilcáfón/Tel: (01) 6662175/6661904
Facs/Fax: (01) 6661966

Bi linn/Join us  



Executive Director Finances & Services
Garda Headquarters,
Phoenix Park,
Dublin 8,
DO8HN3X

Láithreán Gréasáin/Web Site:
www.garda.ie
Ríomh-phoist/Email: finance@garda.ie

Dáta/Date 22 June 2021



Assistant Commissioner
Governance & Accountability



Re: Application for Financial Sanction for the Provision of Workplace Drug Testing Services in An Garda Síochána

Your correspondence in the above matter refers.

Financial sanction for €150,000 per annum for a four-year contract totalling €600,000 is granted.

Ms. Kathryn Clifford
Executive Director of Finances & Services

Kier, Sheelagh

From: Commissioner_GA
Sent: Monday 21 June 2021 14:13
To: Finance
Cc: ACU.DrugTesting; Clavin, Patrick J
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.
Attachments: FW: Substance Misuse Working Group
Follow Up Flag: Follow up
Flag Status: Flagged

Executive Director
Finance

Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

With reference to the above and further to the attached email, received on today's date, I am directed by Assistant Commissioner, Governance & Accountability to forward the below email from Detective Superintendent Mulleady, GACU. A signed, hard copy of this approval is requested, please.

For your consideration, please

I **Jennifer Molony** | Inspector | Office of Assistant Commissioner, Governance and Accountability |
 | Tel: +353 1 6662548 | Mob: +353 87 2369247 | Email: jennifer.c.molony@garda.ie | commissioner_ga@garda.ie |
Le do thuille, cuirbhíonn ar an imshuíl roimh prionáil an ríomhphost seo. Please consider the environment before printing this e-mail

From: Mulleady, Nigel A
Sent: Monday 21 June 2021 09:21
To: Commissioner_GA <Commissioner_GA@garda.ie>
Cc: ACU.DrugTesting <ACU.DrugTesting@garda.ie>
Subject: RE: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Assistant Commissioner,
 G&A

Can we confirm with Finance if a signed hard copy of this approval will be forwarded.

While the attached correspondence and approval is welcome there is no name or signatory attached to the approval.

Forwarded for your attention, please.

Nigel Mulleady, Detective Superintendent | Garda Anti-Corruption Unit
 | +353 1 666 2545 | +353 86 828 9254 | nigel.a.mulleady@garda.ie



From: Commissioner_GA
Sent: Tuesday 15 June 2021 16:37
To: Clavin, Patrick J <Pat.Clavin@Garda.ie>
Cc: Mulleady, Nigel A <Nigel.A.Mulleady@garda.ie>
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Commissioner,

The below email is forwarded for your information.

Regards,

I Jennifer Molony | Inspector I

From: Finance
Sent: Tuesday 15 June 2021 16:34
To: Molony, Jennifer C <jennifer.c.molony@garda.ie>
Cc: ACU.DrugTesting <ACU.DrugTesting@garda.ie>; Staunton, Ann Marie <AnnMarie.Staunton@garda.ie>; McEvoy, Breda <Breda.McEvoy@garda.ie>; Malone, Gail A. <gail.a.malone@garda.ie>
Subject: RE: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Good afternoon,

Sanction for funds has been approved for 2021. Please ensure to apply through the 2022 Estimate process for the costs related to future years.

Kind regards,

Sent on behalf of the Executive Director Finances & Services

From: Molony, Jennifer C
Sent: Tuesday 15 June 2021 15:33
To: Finance <Finance@garda.ie>
Cc: Clavin, Patrick J <Pat.Clavin@Garda.ie>; ACU.DrugTesting <ACU.DrugTesting@garda.ie>
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Executive Director

Finance

Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

With reference to the above I am directed by Assistant Commissioner, Governance & Accountability to enquire as to the status of this revised application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

This financial sanction is required in advance of publishing a Request for Tender for drug testing in An Garda Síochána, therefore it is requested that this application be prioritised, please.

I Jennifer Molony | Inspector | Office of Assistant Commissioner, Governance and Accountability |
 | Tel: +353 1 6662548 | Mob: +353 87 2369247 | Email: jennifer.c.molony@garda.ie | commissioner_ga@garda.ie |

Le do thoil, cunntaigh ar an imshaoil roimh priontáil an rianúcháist seo. Please consider the environment before printing this e-mail

From: Commissioner_GA

Sent: Wednesday 2 June 2021 16:07

To: Finance <Finance@garda.ie>

Cc: Clavin, Patrick J <Pat.Clavin@Garda.ie>

Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Executive Director

Finance

Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

With reference to the above and further to previous correspondence from this office, dated 21st May 2021, I am directed by Assistant Commissioner, Governance & Accountability to forward the attached revised application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

The estimated required Financial Sanction to implement the workplace Drug Testing is approximately €150,000 per annum. As it is proposed to engage in an initial two (2) year contract, with an option to extend the terms of this contract for a period of two (2) years, the total estimated financial sanction required is €600,000 over the life of the four year contract.

Forwarded for favourable consideration, please

I Jennifer Molony | Inspector | Office of Assistant Commissioner, Governance and Accountability |
 | Tel: +353 1 6662548 | Mob: +353 87 2369247 | Email: jennifer.c.molony@garda.ie | commissioner_ga@garda.ie |

Le do thoil, cunntaigh ar an imshaoil roimh priontáil an rianúcháist seo. Please consider the environment before printing this e-mail.

From: ACU.BusinessServices

Sent: Wednesday 2 June 2021 13:48

To: Commissioner_GA <Commissioner_GA@garda.ie>

Subject: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

CONFIDENTIAL

Assistant Commissioner
Governance & Accountability

Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

I am directed by Chief Superintendent, Garda Anti-Corruption Unit to refer to the above. This correspondence has reference, dated 29th May 2021.

Following a meeting with procurement of even date, please see attached revised request for from Detective Superintendent Mulleady, Investigations Section, Garda Anti-Corruption in respect of Financial Sanction in advance of publishing a *Request for Tender Document*, prior to commencement of this testing.

The estimated required Financial Sanction to implement the workplace Drug Testing is approximately €150,000 per annum or €600,000 over the life of the four year contract.

This application is recommended and forwarded for your favourable consideration and approval of Executive Director Finance, please.

Sent on behalf of Chief Superintendent O'Leary, Garda Anti-Corruption Unit, by;

Siobhán McCarthy, Detective Sergeant | Garda Anti-Corruption Unit
| +353 1 666 2397 | +353 85 880 4797 | siobhan.a.mccarthy@garda.ie |



Clifford, Clare M

From: Clifford, Kathryn
Sent: Wednesday 2 June 2021 17:18
To: Staunton, Ann Marie; McEvoy, Breda
Cc: Finance
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.
Attachments: DS8.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Ann Marie, Breda

Can you confirm if there area available funds in 2021 for this sanction and you might note for 2022 Estimates.

Thanks

Kathryna

From: Finance
Sent: Wednesday 2 June 2021 16:10
To: Clifford, Kathryn <Kathryna.Clifford@garda.ie>
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Good afternoon Kathryn,

Please see below an attached forwarded for your attention.

Kind regards,

Sheelagh

From: Commissioner_GA
Sent: Wednesday 2 June 2021 16:07
To: Finance <Finance@garda.ie>
Cc: Clavin, Patrick J <Pat.Clavin@Garda.ie>
Subject: FW: Re: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

Executive Director
 Finance

Re: [Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.](#)

With reference to the above and further to previous correspondence from this office, dated 21st May 2021, I am directed by Assistant Commissioner, Governance & Accountability to forward the attached revised application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

An Garda Síochána

Bleachtaire Ceannfort
Aonad Frith-Éilíthe An Gharda Síochána,
Ceanncheathrú an Gharda Síochána,
Páirc an Fhionnuisce,
Baile Átha Cliath 8,
D08 HN3X



Detective Superintendent,
Anti-Corruption Unit,
Garda Headquarters,
Phoenix Park,
Dublin 8,
D08 HN3X

Teileafón/Tel: 00-353-1-6660530

Bi linn/Join us  

Láithreán Gréasain/Web Site: www.garda.ie

Ríomh-phoist/Email: AntiCorruptionUnit@garda.ie

Date: 2 June 2021

PRIVATE & CONFIDENTIAL

**Chief Superintendent,
Garda Anti-Corruption Unit.**

RE: Application for Financial Sanction for the provision of Workplace Drug Testing Services to An Garda Síochána.

1. Introduction / Background

Public confidence in An Garda Síochána is dependent on personnel demonstrating the highest level of personal and professional standards of conduct. Corrupt, improper or unethical behaviour can have a disproportionately damaging and negative impact on individuals, the Organisation, the wider community and the entire Criminal Justice System.

In late 2018 the Commissioner of An Garda Síochána expressed his strategic intent that an Anti-Corruption Unit be established in the Organisation. This was proposed in a Strategic Initiative outlined in An Garda Síochána Policing Plan 2019 of "Establishing an Anti-Corruption Unit" to address underperformance and unethical behaviour following external stakeholder review. The 2015 Garda Síochána Inspectorate Report 'Changing Policing in Ireland' recommended that An Garda Síochána develop an Anti-Corruption Strategy.

In 2019 the Commission on the Future of Policing in Ireland (CoFPI) published a report outlining a clear vision and roadmap for strengthening An Garda Síochána titled "A Police Service for the Future" (APSF), which included a plan to "Develop Anti-Corruption Unit".

2. Garda Anti – Corruption Unit

The Garda Anti-Corruption Unit was established in November 2020 to promote integrity and professionalism in An Garda Síochána through the prevention, identification and, when necessary, the investigation of corruption. The Unit is headed up by a Chief Superintendent and two Detective Superintendents supported by 23 Gardaí across the other ranks.

3. Strategic Threat & Risk Assessment

The Strategic Threat & Risk Assessment highlighted *Controlled Drug Use and Supply* as a key risk for An Garda Síochána and the Substance Misuse (Controlled Drugs) Policy has been finalised and approved for publication within An Garda Síochána. The purpose of this Policy is to ensure that all Garda Personnel are aware of their responsibilities regarding the misuse of controlled drugs. Testing of Garda personnel for controlled drugs within the workplace will be introduced to prevent and deter the misuse of controlled drugs and identify individuals who use controlled drugs. It also advises that pre-employment testing for controlled drugs will be conducted in respect of all Garda Personnel.

4. National Trends – Societal trends

From public attitudes perspective the use of recreational drugs has become more socially acceptable and prevalent in society. The 2018 European Monitoring Centre for Drug Addiction reported that drug use in young adults (15-34 years) showed a preference for Cannabis at 13.8% followed by MDMA at 4.4%, Cocaine at 2.9% and Amphetamines at 0.6%. These societal attitude changes could impact on Garda personnel who would be susceptible to corruption in addition to being exposed to the drug market due to the nature of their role. The 2019 EU Drug Markets Report From The EMCDDA And EUROPOL noted that "corruption of public officials in law enforcement and the judiciary as well as those operating at the political level, facilitates the operation of the illicit drug market and exerts a corrosive effect, undermining the authority of governments and the rule of law".

5. Inspectorate Report

Garda Síochána Inspectorate Report "Countering the Threat of Internal Corruption" was published in the 26th March 2021. The Inspectorate said it "consulted widely at all levels of the Garda Síochána about the issue of substance misuse and the use of illicit drugs among the Garda workforce was acknowledged as a serious concern".

The following was recommendation was made in respect of Substance Misuse:

The Garda Síochána should develop, publish and implement a substance abuse and testing policy and procedure. As a first step, all new entrants should undergo mandatory pre-employment testing as a condition of their employment.

In response to the report Commissioner Harris stated that *"There is no room in An Garda Síochána for anyone who engages in corruption and whose standards fall below what the public and I expect from Garda personnel. Our integrity as an organisation is not negotiable"*. The Garda Commissioner highlighted the requirement for legislation for the introduction of compulsory drug testing as the prevalence of drugs is a risk for the An Garda Síochána at the Policing Authority meeting on 29th April 2021. He also noted that *"regrettably individuals within the organisation were falling foul of being in possession of or using illicit drugs"*.

At present An Garda Síochána is unable to directly monitor the level of drug use in the absence of testing and is reliant on intelligence to identify evidence of controlled drug use and supply. International best practice in other police jurisdictions have workplace drug testing in place and associated Substance Misuse Policy and Procedures. Workplace Drug Testing is in place in Irish Government Departments on legislative basis in areas such as Transport, Prison Service and Defence Forces.

A commitment was made by the Minister for Justice in the public forum following the publication of the Inspectorate Report during an interview on the Claire Byrne Show on RTE Radio on the 27th March 2021. An Garda Síochána is working closely with the Department of Justice to expedite the publication of legislation to support compulsory workplace drug testing.

6. Workplace Drug Testing

An independent external contractor with an accredited laboratory will collect and analyse samples for the presence of a controlled drug. Any test result that is relied upon in criminal or disciplinary proceedings shall be conducted through laboratory analysis. The drug testing process is in line with the European Workplace Drug Testing Society Guidelines. The identification of a controlled drug in a sample is an indication of substance misuse unless there is a legitimate reason for the presence of a controlled drug outlined in the declaration medication used by the donor.

The initial types of testing that it is anticipated will be introduced are as follows;

6.1. Pre-employment Testing

The Pre-employment Testing for Substance Misuse (Controlled Drugs) as part of the recruitment process for Garda Personnel will be carried out by way of hair sample.

6.2. Garda Trainee Testing

Garda Trainees who enter the organisation following the publication of the Substance Misuse Policy shall be required to undergo a workplace drug test during the course of their training.

6.3. Random Testing

The Random Testing process will be carried out by way of urine sample without prior notice. The testing operations will take place at Garda Stations and locations in Divisions that are selected at random. The random selection is determined by the use of a numbering system in respect of location and personnel.

6.4. Targeted Drug Testing

Targeted Drug Test may be prescribed for Garda personnel who test positive under this drug testing program and remain in their roles or another role within An Garda Síochána. It may also be prescribed for applicants as part of the pre-employment testing where applicants are unable to provide a hair sample or personnel who have been unintentionally exposed to controlled drugs.

7. Potential Future Testing

At a later stage consideration shall be given to the introduction of additional drug testing as follows:

7.1. 'With Cause' Testing

The Detective Superintendent, Garda Anti-Corruption Unit will authorise a drugs test when satisfied that there is a reasonable suspicion that Garda Personnel have or are currently misusing a controlled substance. A decision to require Garda Personnel to undergo a 'with cause' test will be based on reliable evidence and each case will be assessed on a case by case basis.

7.2. Post Incident Testing

Where Garda Personnel are involved in a serious incident whilst on duty a post incident drug test may be undertaken. Post incident testing is utilised to establish if an intoxicated contributed to a serious incident, including death or serious injury, in the workplace.

7.3. Critical Role Testing

The testing of Garda personnel engaged in Safety and Security Critical roles as defined by the Garda Commissioner

7.4. Pre-appointment Testing

The testing of successful applicants prior to appointment to a new position within An Garda Síochána.

8. Budget Requirements

Workplace drug testing will be a permanent and long term fixture on the annual budget of An Garda Síochána and it is envisaged that no testing will commence before the end of 2021. However, in order to procure the services of an appropriate contractor to conduct the testing financial approval must first be obtained before a 'Request for Tender Document' can be published inviting potential contractors to apply.

There will be an estimated 110 workplace drug testing operations per year testing approximately 1900 personnel and an additional 40 Targeted Drug Testing occasions. These figures are an approximation and a more accurate number of testing operations will only be determined upon engagement with the successful tenderer.

The estimated costs involved in conducting workplace drug testing tests per annum are as follows:

Pre-employment Testing	
600 tests @ €40 per hair sample kit.	24,000
40 occasions @ €700* per day	28,000
Trainee Testing	
400 tests @ €10 per testing cup	4,000
20 occasions @ €700* per day	14,000
Random Testing	
900 tests @ €10 per testing cup	9,000
50 occasions @ €700* per day	35,000
Targeted Drug Test (TDT)	
100 tests @ €10 per testing cup	1,000
100 occasions @ €250** per tester per day	25,000
Travel & Subsistence***	
	<u>10,000</u>
	<u>150,000</u>

Notes

*Testers are charged at €350 per day for large group testing and at least 2 testers required, male & female.

**Testers are charged at €250 per day for individual testing and only one tester is required as the gender of the donor will be known in advance.

***Travel & Subsistence costs are an estimated figure

The costs used are estimates based on costs charged to other agencies who have workplace drug testing.

The number of tests required for Targeted Drug Testing is estimated as there is no precedent upon which to base an estimate. There will be at least 3 tests per individual.

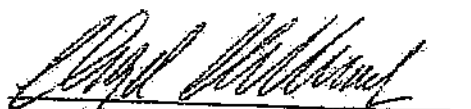
Conclusion

Controlled Drug Use and Supply has been identified as a key risk for An Garda Síochána and workplace drug testing is now urgently required to deter and identify substance misuse in the organisation. Prior to the commencement of testing, Financial Sanction is required in advance of the publication of a Request for Tender document, drafted to obtain an external contractor with an accredited laboratory to collect and analyse samples for An Garda Síochána.

The estimated required financial sanction to implement the workplace drug testing is €150,000 approximately per annum or €600,000 over the life of the 4 year contract.

The initial length of contract is for two (2) years with an option to extend the term of the contract for a period or periods of up to 12 months with a maximum of two (2) such extension or extensions on the same terms and conditions.

Forwarded for your attention, please.


Nigel Mullaedy
Detective Superintendent

2 June 2021