



An Garda Síochána

Policy Document

SUBSTANCE MISUSE (Controlled Drugs) POLICY

Effective Date	24 th May 2021
Version No.	1.0
Approved by	Garda Executive
Introduced by	HQ Directive 016 / 2021
Policy Owner	Assistant Commissioner, Governance & Accountability

Purpose

The purpose of this Policy is to ensure that all Garda Personnel are aware of their responsibilities regarding the misuse of controlled drugs.

Controlled Drugs includes any substance, product or preparation (other than a substance, product or preparation specified in an order under Section 2 (3) of the Misuse of Drugs Act, 1977 as amended, which is for the time being in force) which is either specified in the [Schedule](#) to that Act or is for the time being declared pursuant to Section 2 (2) of the 1977 Act to be a controlled drug for the purposes of the Act. Drugs also include “psychoactive substance” as defined by Section 1 of the Criminal Justice (Psychoactive Substances) Act 2010.

The misuse of controlled drugs by Garda personnel is not tolerated by An Garda Síochána.

Testing of Garda personnel for controlled drugs within the workplace will be introduced to prevent and deter their use and identify individuals using such controlled drugs.

Testing for controlled drugs will be conducted in respect of all prospective employees of An Garda Síochána. This will be incorporated into all recruitment and inter-departmental processes from the date of publication of this policy.

The aim of this policy is to ensure that An Garda Síochána provides a safe, healthy and productive working environment and that the Garda Organisation and its Personnel comply with all statutory obligations, Civil Service and Garda Policy and Regulations and the [Code of Ethics for the Garda Síochána](#).

An Garda Síochána supports the health and wellbeing of its employees and recognises its obligations to create a safe working environment as specified in [The Safety, Health & Welfare at Work Act 2005](#). Adhering to the highest professional policing standards will ensure that the safety and confidence of all Garda Personnel and the public served is maintained and increased.

Nothing in this Policy will prevent the exercise of statutory duties in relation to the [Road Traffic Acts](#), the [Misuse of Drugs Acts](#), or any other statutory provision relating to substance misuse. Where offences are suspected and the evidence justifies criminal and / or disciplinary proceedings, these will follow the normal processes.

Scope

This document and all associated documentation applies to members of An Garda Síochána (including Garda Trainees and 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

The misuse of controlled drugs has the potential to impair judgement and any Garda Personnel involved in the misuse of controlled drugs exposes themselves to vulnerability in terms of corruption and blackmail.

An Garda Síochána is duty bound to ensure all Garda personnel are fit to carry out their duties safely and effectively, therefore, the misuse of controlled drugs by Garda Personnel will not be tolerated.

Public confidence in An Garda Síochána depends on all Garda Personnel demonstrating the highest level of personal and professional standards of behaviour. The standards of professional policing behavior

clearly identify that Garda Personnel must not abuse their policing powers or authority and must at all times treat the public they serve with dignity and respect.

Garda Personnel must work closely with the public and do everything possible to develop and maintain trust and confidence. An Garda Síochána has an obligation to protect people from the risks and effects of corrupt behaviour and to prevent and prosecute any form of corruption that impacts upon the delivery of a quality policing service to the community served.

The [Safety, Health & Welfare at Work Act, 2005](#), the [Garda Síochána Act, 2005](#), and the [Code of Ethics for the Garda Síochána](#) makes it clear that all Garda Personnel should present themselves as 'fit for work' and breaches of the statute and these policies and procedures may result in criminal and / or disciplinary proceedings.

It is intended that drug testing will commence no sooner than six (6) months after the publication of this Policy, and the Procedure document in that regard will issue in advance of that commencement.

Compliance

Compliance with this Policy and accompanying associated document(s) is mandatory for all Garda Personnel.

Related Documents

An Garda Síochána's Substance Misuse (Controlled Drugs) Policy operates in conjunction with a series of related policies, including:

1. [Anti-Corruption Policy](#)
2. [Code of Ethics](#)
3. [Protected Disclosures Policy - HQ Directive 72/2014](#)
4. [Acceptance of Gifts, Hospitality and Sponsorship Policy - HQ Directive 32/2018](#)
5. [Civil Service Disciplinary Code](#)
6. [Garda Code \(Volumes 1\)](#)
7. [Garda Code \(Volume 2 - Finance\)](#)
8. [S.I. No. 214/2007 Garda Síochána \(Discipline\) Regulations 2007](#)
9. [HQ Dir 95/08 Garda Síochána \(Discipline\) Regulations 2007 as amended](#)
10. [HQ Dir 77/2013 GSOC Protocols](#)
11. [HQ Dir 159/2008 Notes on Disciplinary Procedures Under the Garda Síochána Regulations 2007](#)
12. [An Garda Síochána Act 2005 as amended](#)
13. [Memorandum of Understanding between GSOC and An Garda Síochána](#)
14. [Suspension from Duty of Members of An Garda Síochána Under the Garda Síochána \(Discipline\) Regulations 2007 as amended, Policy](#)
15. [Garda Trainee and Probationer Handbook](#)
16. [Garda College Academic regulations and Procedures 2018](#)
17. [Safety, Health & Welfare at Work Act, 2005](#)
18. [Misuse of Drugs Acts, 1977 as amended](#)
19. [An Garda Síochána's Data Protection Code of practice](#)
20. [S.I. No. 470/2013 - Garda Síochána \(Admissions and Appointments\) Regulations 2013.](#)

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

All Garda Personnel 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 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.

Policy & Procedure Document Feedback

The Policy and Governance Co-ordination Unit maintains a Policy Issues Log. Where there are potential issues regarding the implementation of the Policy set out in this document, please forward an outline of same through the relevant Divisional Office to the Section mailbox policy.governance@garda.ie. Divisional submissions will be recorded in the Policy Issues Log and forwarded to the Policy Owner for whatever action deemed necessary.

(Please note that where there is an urgent issue arising regarding the implementation of this Policy document, it should be clearly flagged as urgent/important and also reported directly to First Line Supervisors/Managers to ensure it is addressed).

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.