

CHAPTER 2

LEGAL FRAMEWORK

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2.1 Introduction

This chapter begins with a brief account in Section 2.2 of the legislation that forms the basis for the control of drugs with a potential for misuse. Section 2.3 comments on the recent changes to drug laws and issues that have arisen in relation to these changes, particularly in relation to health and social matters. A detailed description of the organisation and process involved in the enforcement of drug laws in Ireland is presented in Section 2.4. Finally, Section 2.5 outlines developments in the supply and demand reduction activities/operations of law enforcement agencies.

2.2 Statutes Related to the Control of Drugs with the Potential for Misuse¹

The following are the Irish laws and regulations, in chronological order, that provide the statutory framework for the control of drugs with a potential for misuse. The legislation is drawn up by relevant government departments: Health and Children; Justice, Equality and Law Reform; and Environment and Local Government. It is implemented by An Garda Síochána (the Irish Police Force), the Revenue Commissioners and the Customs authorities.

1 Hard copies of legal texts may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2. Electronic versions of the Irish Statute Book (Acts and Statutory Instruments) 1922 – 1998 may be viewed at the website of the Attorney-General's Office www.irlgov.ie/ag/default.htm

Statutes Directly Related to the Control of Drugs

The **Poisons (Ireland) Act, 1870** applies control to the sale of scheduled poisons including opium, morphine, cocaine, heroin and preparations containing these drugs.

The **Pharmacy Act (Ireland), 1875** confines the sale of scheduled substances to authorised persons, i.e. registered pharmaceutical chemists.

The **Probation of Offenders Act, 1907** provides for the majority of non-custodial sanctions available to the courts.

The **Dangerous Drugs Act, 1934**, which was based on international law, controls the import, export, distribution, sale and possession of specified drugs.

The **Medical Preparations (Control of Sale) Regulations, 1966** regulate the retail sale of amphetamines and their analogues, barbiturates and tranquillisers, limiting them to prescription only.

Under the **Medical Preparations (Control of Amphetamines) Regulations, 1969 and 1970** the manufacture, sale and distribution of amphetamines and preparations containing amphetamines or their derivatives are prohibited.

The **Misuse of Drugs Acts, 1977 and 1984**, and the Regulations made thereunder, provide for a wide range of controls over drugs that are liable to misuse. They include controls relating to cultivation, licensing, administration, supply, record keeping, prescription writing, destruction and safe custody. Included in the Acts are provisions designed to deal with the irresponsible prescribing of controlled drugs by medical practitioners (see Table 2.1 for a list of the Acts' associated Regulations).

Possession of any controlled drug, without due authorisation, is an offence under Section 3 of the principal Act (1977). Section 15 of the same Act concerns the possession of a controlled drug for the purpose of unlawful sale or supply. Section 16 details the prohibition of certain activities relating to opium. The use of prepared opium, the frequenting of premises where opium is used and the possession of utensils used for smoking opium are all offences under this section.

The penalties on being found guilty of an offence under Section 15 of the 1977 Act range from a fine or imprisonment for a term not exceeding twelve months, or both, on

TABLE 2.1
Misuse of Drugs Acts, 1977 and 1984: Act and Regulations in Force
(October 1999).

Misuse of Drugs Act, 1977 (No 12 of 1977)
(Commencement) Order, 1979 (S.I. No 28 of 1979)
(Controlled Drugs) (Declaration) Order, 1987 (S.I. No 251 of 1987)
(Controlled Drugs) (Declaration) Order, 1993 (S.I. No 328 of 1993)
Misuse of Drugs (Licences Fees) Regulations, 1979 (S.I. No 164 of 1979)
(Amendment) Regulations, 1988 (S.I. No 11 of 1988)
Misuse of Drugs (Custodial Treatment Centre) Order, 1980 (S.I. No 30 of 1980)
Misuse of Drugs (Safe Custody) Regulations, 1982 (S.I. No 321 of 1982)
Misuse of Drugs Act, 1984 (No 18 of 1984)
(Commencement) Order, 1984 (S.I. No 205 of 1984)
Misuse of Drugs (Committee of Inquiry) Regulations, 1984 (S.I. No 264 of 1984)
Misuse of Drugs (Exemption) Order, 1988 (S.I. No 326 of 1988)
(Amendment) Order, 1993 (S.I. No 339 of 1993)
Misuse of Drugs Regulations, 1988 (S.I. No 328 of 1988)
Misuse of Drugs (Scheduled Substances) Regulations, 1993 (S.I. No 338 of 1993)
(Scheduled Substances) (Exemption) Order, 1993 (S.I. No 341 of 1993)
(Amendment) Regulations, 1993 (S.I. No 342 of 1993)
Misuse of Drugs Regulations (Designation) Order, 1998 (S.I. No 69 of 1998)
Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations, 1998
(S.I. No 225 of 1998)
Misuse of Drugs (Amendment No 1) Regulations, 1999 (S.I. No 273 of 1999)
Customs-Free Airport (Extension of Laws) Regulations, 2000 (S.I. No 169 of 2000)

Source: Department of Health and Children.

summary conviction,² to an unlimited fine or imprisonment for life, or both, on conviction on indictment.³

The maximum penalty for possession of cannabis for personal use is restricted to a fine for first or second offences tried on summary conviction. For third and subsequent offences there is a fine or twelve months in prison, or both. The penalty for a third offence on indictment is an open-ended fine or three years in prison, or both.

The penalties for the possession of other controlled drugs are harsher and depend on the seriousness of the offence. On summary conviction, the penalty is a fine or twelve months in prison, or both. On conviction on indictment, the maximum fine for possession is left to the discretion of the court, which may impose a seven-year prison sentence, or both a fine and a prison sentence.

Provision is made under the Acts for the judicial possibility in 'certain cases to arrange for the medical or other treatment or for the care' of a person dependent on drugs and convicted of an offence under the Acts.

The **Criminal Justice Act, 1984** provides for a widening of the scope of the criminal law and procedures, to deal more effectively with serious crime, including serious offences under the Misuse of Drugs Acts. Under Section 7, it provides for regulations regarding the treatment of persons in custody in Garda stations. These are covered in the Treatment of Persons in Custody in Garda Síochána Stations Regulations, 1987. If a person in custody is under the influence of drugs and cannot be roused, a doctor must be summoned, or the person must be removed to a hospital or other suitable place if his/her condition necessitates such. Under these regulations a person may also ask to be examined by a doctor of his/her own choice at his/her own expense. The Garda in charge must ensure that any instructions given by a doctor are complied with.

Section 74 of the **Child Care Act, 1991** states that, where a shopkeeper sells a substance, in particular glue, likely to be inhaled to cause intoxication, to a minor, he/she can, on conviction, be fined or imprisoned for up to twelve months. There is a provision for the retailer to put forward a defence that reasonable steps were taken to ensure that this was not a deliberate offence.

2 A summary conviction results from a minor offence tried summarily in the District Court before a judge, i.e. without a jury.

3 A conviction on indictment results from a more serious offence tried by a judge and jury at a higher court than the District Court, such as the Circuit Criminal Court.

The **Criminal Justice Act, 1994** provides for the seizure and confiscation of assets derived from the proceeds of drug trafficking and other offences. It contains provisions related to money laundering and allows for international co-operation in respect of certain criminal law enforcement procedures, the forfeiture of property used in the commission of crime, and related matters.

The **Criminal Justice (Drug Trafficking) Act, 1996** provides for the detention of individuals accused of drug trafficking offences for up to seven days. It also allows inferences to be drawn by a court from the failure of an accused person to mention particular facts during questioning.

Under the **Criminal Assets Bureau Act, 1996** the Criminal Assets Bureau (CAB) was established on a statutory footing, with powers to focus on the illegally-acquired assets of criminals involved in serious crime. The aims of the CAB are to identify the criminally-acquired assets of persons and to take appropriate action to deprive such people of these assets. The deprivation is done particularly through the application of the Proceeds of Crime Act, 1996.

The **Licensing (Combating Drug Abuse) Act, 1997** introduces measures allowing for the suspension of intoxicating liquor licences and/or disqualification from ever again obtaining a licence to sell intoxicating liquor, or holding a public dance or a public music and/or singing event, following conviction for drug offences, e.g. knowingly allowing consumption or sale of drugs on premises.

The **Europol Act, 1997** provides for the establishment of a Europol National Unit and enables the ratification, by the State, of the Europol Convention and related protocols. This Convention establishes a European Police Office (Europol) to improve the effectiveness of, and co-operation between, member states in preventing and combating serious international crime involving two or more member states. It provides for a progressive widening of the types of crimes in respect of which Europol will have competence; unlawful drug trafficking offences are included in Europol's initial remit.

Sections 4, 5 and 6 of the **Criminal Justice Act, 1999** make amendments to the Misuse of Drugs Act, 1977, to provide for new drug-related offences. This Act creates a new offence related to the possession of drugs (i.e. an offence under Section 15A of the Misuse of Drugs Act, 1977) with a value of IR£10,000/G12,700 or more, for the purpose of sale or supply. A person found guilty of such an offence may be imprisoned for up to life and be subject to an unlimited fine. The Act also provides for a mandatory

minimum sentence of ten years in prison. However, where it is found that addiction was a substantial factor leading to the commission of the offence, the sentence may be reviewed after half the mandatory sentence has been served; at this time the court may suspend the remainder of the sentence on any condition it sees fit.

The **Criminal Justice (Theft and Fraud Offences) Bill, 2000** substitutes a new section for Section 31 of the Criminal Justice Act, 1994, which deals with money laundering. Section 21 of the new Bill makes it an offence for a person to remove the proceeds of criminal activity from the State with the intention of concealing its true nature, or to assist another person to avoid prosecution for criminal offences. The maximum penalty is an unlimited fine or up to fourteen years in prison, or both.⁴

Statutes Indirectly Related to the Control of Drugs

The **Customs Consolidation Act, 1876** is a consolidation of all Customs legislation up to that time and concerns importation, seizures, detention of goods and persons and arrests.

The **Mental Treatment Act, 1945** provides for the compulsory hospitalisation of 'addicts to drugs'. Addiction remains on the statute books as one of the criteria for non-voluntary committal to a psychiatric hospital, but in practice it is not invoked and one of the recommendations of the White Paper on mental health (Department of Health, 1995) was that it be abolished.

The **Customs Act, 1956** 'shall be construed as one with the Customs Acts', which means all enactments relating to the Customs. It deals with the illegal importation and exportation of goods.

The **Customs and Excise (Miscellaneous Provisions) Act, 1988** amends and extends the law relating to customs and duties of excise, and amends the law relating to certain penalties for illicit distillation of spirits. In conjunction with other Customs and Excise legislation, specifically 1876 and 1956, the Customs and Excise (Miscellaneous Provisions) Act, 1988 provides the legal basis for customs controls.

⁴ This is a Bill as distinct from an Act, meaning it has not yet passed into law.

The **Data Protection Act, 1988** is designed to protect the privacy of individuals with regard to automated 'personal data' (data relating to individuals that can be used to identify the individuals). This covers relevant information kept with regard to drug users. The legislation gives effect in Ireland to the Council of Europe Data Protection Convention.

The **Criminal Law (Sexual Offences) Act, 1993**, which mainly deals with the decriminalisation of homosexuality, also includes a number of clauses covering prostitution. Under this legislation it is an offence to solicit another person for the purpose of prostitution. The penalty on conviction is a fine or three months in prison, or both.

The **Proceeds of Crime Act, 1996** provides for the freezing and forfeiture of the proceeds of crime. This legislation complements the confiscation provisions of the Criminal Justice Act, 1994.

The **Disclosure of Certain Information for Taxation and Other Purposes Act, 1996** provides for more effective exchange of information between An Garda Síochána and the Revenue Commissioners, where there are reasonable grounds for suspecting that profits have been gained from unlawful sources or activities.

The **Children Bill, 1996** is primarily concerned with the introduction of provisions that will allow for the creation and development of a new juvenile justice system. It proposes, for example, that the Garda Juvenile Diversion Programme, which gives the opportunity to divert juvenile offenders from criminal activity and provides an alternative to their being processed through the formal criminal justice system, should operate on a statutory basis. It currently operates on an administrative basis.

The **Freedom of Information Act, 1997** enables members of the public to obtain access to information in the possession of public bodies and to have personal information relating to them corrected.

The **Bail Act, 1997** was enacted to give effect to an amendment to the Constitution, and also to tighten up other areas of the law in relation to the granting of bail. It allows the courts the discretion to refuse bail where they are satisfied that there is a danger that a serious offence will be committed by a person while on bail. The Act also includes a requirement that an accused person and his/her surety lodge in court, in cash or cash equivalent, a proportion of the amount set for bail. It also strengthens the provisions of the Criminal Justice Act, 1984, in relation to the imposition of consecutive sentences for offences committed while on bail.

The **Non-Fatal Offences Against the Person Act, 1997** provides for a range of offences, to combat criminal conduct involving syringes. The Act covers possession of a syringe or container of blood, with intent to threaten or injure; placing or abandoning a syringe in any place in a manner which injures or is likely to injure any person; injuring a person with a syringe or threatening to do so; and throwing or putting blood on another person or threatening to do so. The penalties range from five years to life imprisonment.

The **Housing (Miscellaneous Provisions) Act, 1997** introduces measures designed to assist housing authorities and approved voluntary housing bodies in addressing problems arising on their estates from anti-social behaviour, such as drug dealing. The Act provides for an excluding-order procedure against individual occupants of a local authority house who are involved in anti-social behaviour. This means that the need to evict entire households in certain circumstances can be avoided. It also provides for the Gardaí, on notification by the housing authority, to remove squatters engaged in 'anti-social behaviour' from local authority housing. The Act allows health boards to refuse supplementary welfare allowance, to supplement a person's income in respect of rent or mortgage interest, to individuals who have been prosecuted under the Act.

The **Criminal Justice (Miscellaneous Provisions) Act, 1997** provides for a reduction in the amount of time spent by the Gardaí on court-related duties. This is intended to help ensure a greater uniformed-police presence on the streets. The Act also speeds up aspects of court procedure in criminal matters. It makes general provision, for the first time, for the issue of search warrants in relation to the commission of serious offences, such as murder or rape, and extends the application of certain other Garda powers.

The **Housing (Traveller Accommodation) Act, 1998**, which is the legislative framework within which housing authorities provide for Travellers' accommodation needs, is a key element in the Government's efforts to promote social inclusion and equality and to counter discrimination. This law applies relevant sections of the Housing (Miscellaneous Provisions) Act, 1997 in respect of the control of anti-social behaviour, such as drug dealing, to halting sites provided by local authorities or by voluntary bodies.

2.3 Recent Changes in Legislation and Some Implications

Recent Changes in Legislation

The Misuse of Drugs Acts, 1977 and 1984 provide for a wide range of controls over drugs that have the potential to be misused. They include controls relating to

importation, exportation, cultivation, licensing, administration, supply, record keeping, prescription writing, destruction and safe custody. These laws also include provisions designed to deal with the irresponsible prescribing of controlled drugs by medical practitioners. There are a number of exemptions whereby certain categories of people are entitled to possess controlled drugs, for example, Gardaí, Customs officials, or forensic scientists carrying out their duties (Charleton, 1986). The Misuse of Drugs Acts, 1977 and 1984 are the two central pieces of legislation under which the majority of prosecutions in relation to drug misuse are made.

In recent years a number of changes have been made to the legislative framework surrounding drug issues. The Criminal Justice Act, 1999 amends the Misuse of Drugs Act, 1977, to provide for new drug-related offences. This Act creates an offence related to the possession of drugs, with a value of IR£10,000/G12,700 or more, for the purpose of sale or supply. A person found guilty of such an offence may be imprisoned for up to life and may be subject to an unlimited fine. The Act also provides for a mandatory minimum sentence of ten years in prison. However, where it is found that addiction was a substantial factor leading to the commission of the offence, the sentence may be reviewed after half the mandatory sentence has been served; at this time the court may suspend the remainder of the sentence on any condition it sees fit.

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New legislation in relation to mental health, which is currently being drawn up, proposes that addiction will be excluded from the scope of the legal definition of mental disorder. Although, in practice, it is not invoked, under current legislation (the Mental Treatment Act, 1945), addiction remains on the statute books as a criterion for non-voluntary committal to a psychiatric hospital. It is now considered unacceptable to detain, by law, people whose primary problem is addiction.

New regulations introduced in 1999 (Misuse of Drugs (Amendment No 1) Regulations, 1999) give authority to certain officials in the Department of Agriculture to possess cannabis hemp, lawfully, as part of their duties in monitoring and sampling in the production of hemp fibre.

In 2000 new regulations (Customs-Free Airport (Extension of Laws) Regulations, 2000) were introduced to extend drug controls under the Misuse of Drugs Acts, 1977 and 1984, and the Irish Medicines Board Act, 1995, to include the Customs-free area at Shannon Airport. This instrument covers a loophole in the legislation and allows the Irish Medicines Board to inspect any company within the Customs-free area at Shannon Airport.

An order has been drafted (Misuse of Drugs Act, 1977 (Controlled Drugs) (Declaration) Order, 1999) to extend the list of substances controlled under the Misuse of Drugs Acts. The need to do this arose out of Ireland's obligations under the UN Conventions on Narcotic Drugs, Psychotropic Substances and Precursor Chemicals,⁵ and also because of concerns about the abuse of amphetamine-type substances, and the use of certain drugs in sport. The drugs to be controlled include substances associated with ecstasy misuse (4-MTA, ketamine, ephedrine and pseudoephedrine), and substances on the current International Olympics Committee's list of prohibited substances in an effort to prevent doping in sport. This order will come into force in 2001.

Some Health and Social Implications

Some health and social implications have arisen, particularly in relation to the implementation of two pieces of legislation. The first is a health issue arising from the Criminal Law (Sexual Offences) Act, 1993. A study carried out by the Women's Health Project in Dublin (O'Neill & O'Connor, 1999) found that the legislation dealing with prostitution was having a negative impact on the lives of prostitutes. The researchers commented that an increasing number of complaints from local residents, and a requirement in the legislation that anyone 'loitering for the purposes of prostitution' be directed from the area, had resulted in sex workers' going underground and working in increasingly unsafe environments. Consequently, it was becoming more difficult for health workers, aiming to provide healthcare and prevent the spread of HIV, to reach the women. This was seen to have serious implications for public health policy. The authors of the study recommended that a review of the current legislation be undertaken as soon as possible.

The second implication is both a social and a health issue and relates to housing legislation (Housing (Miscellaneous Provisions) Act, 1997) and its effect on drug users. This law allows public housing authorities to initiate an excluding-order procedure against occupants of local authority housing who are 'involved in anti-social behaviour'.

5 The conventions may be accessed through the website – www.incb.org/e/conv/

A study of the impact of the legislation (Memery & Kerrins, 2000) found that it gave local authorities the legal go-ahead to evict tenants and to use indirect means, such as encouraging other family members to exclude the individual, in order to remove those considered to be involved in anti-social behaviour, much of which was drug related. People excluded from access to public housing can find themselves also discriminated against in seeking hostel accommodation because of their drug use.

The exclusion of the individual involved in anti-social behaviour from the home results in the loss of essential family supports, as well as removal from community-based drug services. The report stated that 'street homelessness resulting from exclusion leads to open drug taking and riskier drug taking practices' (Memery *et al.*, 2000: 33). Such behaviour will increase the risk of contracting infectious diseases. A study of out-of-home drug users (Cox & Lawless, 1999) suggested that the housing legislation had contributed to the rise in homelessness among drug users (see also Section 5.2). It should be noted, however, that this legislation is warmly welcomed by certain community groups and activists and is seen as a means to protect quality of life on housing estates where serious drug problems exist.

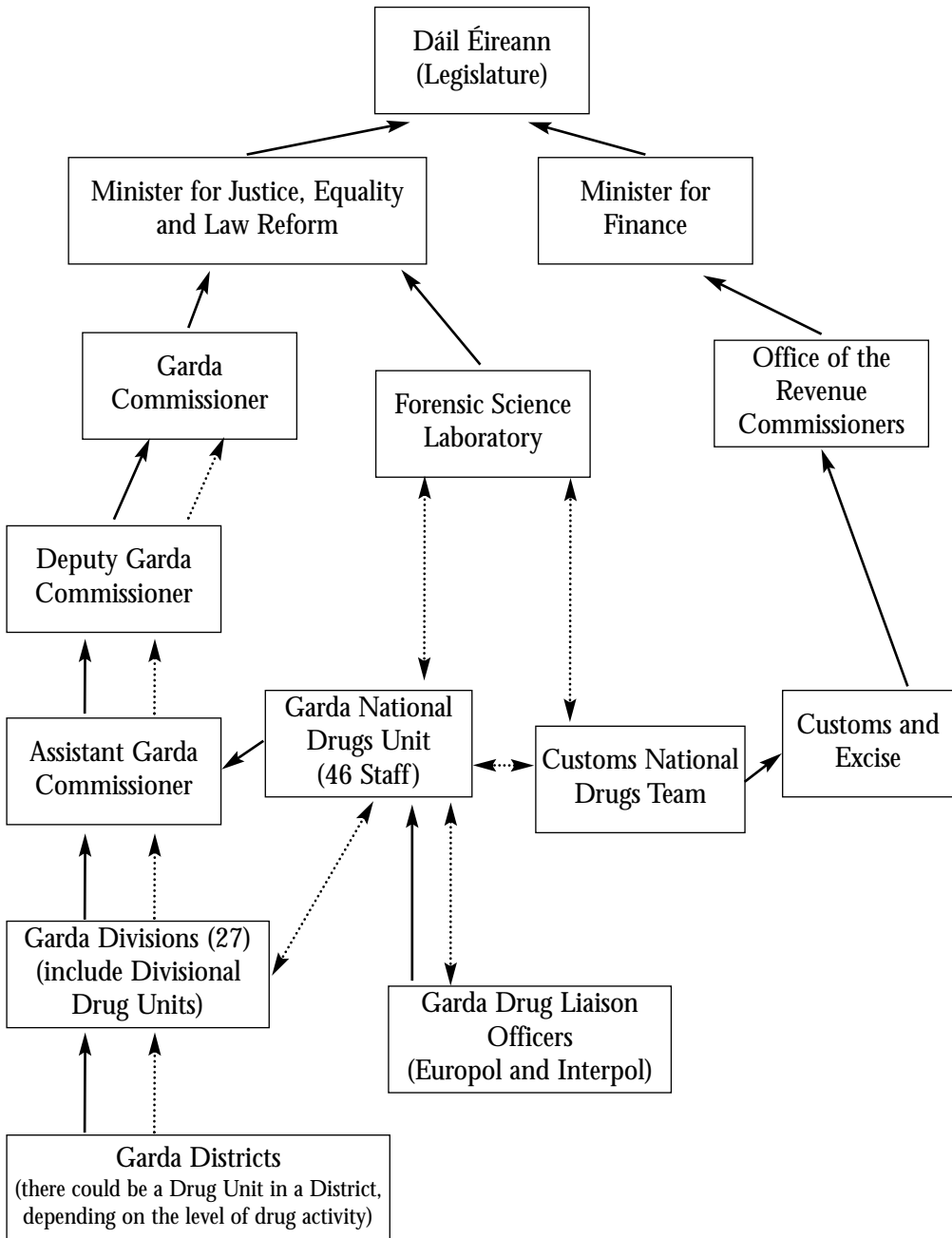
Other aspects of drug legislation were criticised at the public National Crime Forum, held in 1998. One issue was the provision under the Criminal Justice (Drug Trafficking) Act, 1996, that allows the Gardaí to detain a person accused of drug trafficking for a period of seven days. Some contributors to the Forum considered that this provision could prove to be counterproductive, resulting in more convictions of drug users and small-time dealers rather than curbing the activities of large-scale drug traffickers (National Crime Forum, 1998). Another was the proposal (now incorporated in the Criminal Justice Act, 1999) to provide for a new drug offence relating to the possession of drugs, with a value of IR£10,000/G12,700 or more, for the purpose of sale or supply, and for a mandatory minimum sentence of ten years in prison. It was criticised 'both on grounds of principle relating to mandatory sentences generally and because of the difficulty of establishing the actual value of a seizure' (National Crime Forum, 1998: 72).

2.4 Drug Law Enforcement Organisation and Process

This section describes the organisation and process to enforce drug laws in Ireland. Two main areas are covered:

- Drug Law Enforcement Organisation
- Drug Law Enforcement Process

FIGURE 2.1
Drug Law Enforcement Organisation



Key: accountable to —————> reports drug activity ···········>

Drug Law Enforcement Organisation

This section examines how the enforcement agencies are organised and the relationships between the various agencies (see Figure 2.1).

An Garda Síochána is the national police force in Ireland. It has responsibility for the State security services and all traffic and criminal law enforcement functions, including those laws related to drug offences.⁶

The general management and control of An Garda Síochána is the responsibility of the Garda Commissioner, who is appointed by the Government. He or she is responsible to the Minister for Justice, Equality and Law Reform, who in turn is accountable to Dáil Éireann (the Irish legislature) for the activities of the force. The Commissioner carries out his/her duties within the constraints of regulations laid down by the Minister for Justice, Equality and Law Reform. In addition to the Commissioner, there are two Deputy Commissioners and nine Assistant Commissioners.

In descending order, the ranking of officers in An Garda Síochána is as follows:

- Commissioner
- Deputy Commissioner
- Assistant Commissioner
- Chief Superintendent
- Superintendent
- Inspector
- Sergeant
- Garda

Ireland is divided into twenty-seven Divisions for policing purposes, each of which is commanded by a Chief Superintendent. The Dublin Metropolitan Region is made up of six Divisions, which are operated as a unit, commanded by an Assistant Commissioner. Each Division is divided into Districts, which are commanded by a Superintendent, assisted by one or more Inspectors as appropriate. These Districts are further divided into Sub-Districts, each normally the responsibility of a Sergeant. Each Sub-District usually only has one station, the personnel strength of which will vary from 3 to 100. In some areas there are stations known as sub-stations (usually 'one-officer' stations), which, for administrative purposes, are attached to a parent station. In total, there are approximately 700 Garda stations nationally.

6 The following organisational information on An Garda Síochána may be found on their website: www.irlgov.ie/garda/

As part of their training, all Irish Gardaí receive instruction in the area of drug misuse. The programme includes training in:

- the enforcement of drug-related laws;
- the procedures for dealing with drug cases; and
- health and safety issues.

Special units have been integrated into the organisational structure of An Garda Síochána in an effort to address the drugs issue. In each of the country's twenty-seven Garda Divisions, there is a specialised Drug Unit, which has responsibility for the enforcement of drugs legislation. There may also be a Drug Unit in a District where drugs present particular problems. The staff size of each Drug Unit will depend on the level of drug activity in the area, but typically a Drug Unit comprises a Sergeant and between one and eight Gardaí (Garda National Drugs Unit, personal communication).

The **Garda National Drugs Unit (GNDU)** was established in 1995 with specific responsibility for drug law enforcement. There are currently forty-six personnel working in the GNDU (including a Customs liaison officer), and the Unit is headed by a Detective Chief Superintendent, who reports to the Assistant Commissioner for Crime, Security and Traffic. The primary focus of the GNDU is to target major drug traffickers, as well as monitoring, controlling and evaluating all 'drug' intelligence and policies within the force (An Garda Síochána, 1995). As part of its focus on the national and international aspects of drug trafficking, the GNDU maintains close liaison with police forces from other jurisdictions, through various police networks and operational exchange programmes (An Garda Síochána, 1999a). Another function of the GNDU is to provide support, through training, joint operations and advice, for the Divisional Drug Units described above (An Garda Síochána, 1999a).

The **Forensic Science Laboratory** of the Department of Justice, Equality and Law Reform is responsible for the analysis (including the type and purity) of illicit drugs seized by law enforcement agencies and the collection of seizure statistics. The laboratory is also involved in the development of analytical techniques for the identification of illicit substances.

The **Office of the Revenue Commissioners** is an organisation separate from the Department of Finance, but within the area of responsibility of the Minister for Finance, and includes the **Customs and Excise Service**. Customs have primary responsibility for the prevention, detection, interception and seizure of controlled drugs, intended to be smuggled or imported illegally into the State.

The **Customs National Drugs Team** was established in December 1992. The principal role of the Team is to direct the work of Customs on the prevention of drugs smuggling and the enforcement of legislative provisions regarding the import and export of controlled drugs and other substances. The Team has over seventy personnel, who are assigned to Intelligence, Operational, Maritime and Dog Handler Units (Office of the Revenue Commissioners, 1994). These units are strategically located around the coast of Ireland in an effort to prevent drug trafficking (Office of the Revenue Commissioners, 1993).

Under the Customs and Excise (Miscellaneous Provisions) Act, 1988, members of the Customs Service may arrest a suspect at the point of entry into the country. However, the investigation of an offence is the responsibility of An Garda Síochána. Interagency co-operation has increased between the two agencies and a memorandum of understanding and a working protocol have been drawn up. To facilitate interagency co-operation, An Garda Síochána have a liaison officer with the Customs Service and a Customs liaison officer is based at the GNDU (An Garda Síochána, 1999a).

Drug Law Enforcement Process

The following description of the process involved in drug law enforcement starts from the first point of intervention by a member of An Garda Síochána through to sentencing procedures (see Figure 2.2).

Intervention – At the point of intervention a suspect can be detained either by a member of An Garda Síochána or a Customs official. The Customs Service has responsibility for the detection of the illegal importation of illicit substances at the point of entry into the country. Any offence arising therefrom, or within the State (as distinct from the point of entry), is the responsibility of An Garda Síochána.

Arrest/Detention, Investigation and Charge – When a drug trafficking incident is reported, or an offence detected, a person can be detained by the Gardaí without being charged, subject to judicial approval, for up to seven days under the Criminal Justice (Drug Trafficking) Act, 1996. For a less serious offence (including other drug-related offences), a person can be detained for twelve hours under the Criminal Justice Act, 1984. After an initial six-hour period, approval to detain an individual for a further six hours must be sought from the relevant Garda Superintendent. After the total twelve-hour period, a person must either be charged with an offence⁷ or released without charge.

7 This is the point at which proceedings commence and data are routinely collected and published each year.

A study of the impact of the legislation (Memery & Kerrins, 2000) found that it gave local authorities the legal go-ahead to evict tenants and to use indirect means, such as encouraging other family members to exclude the individual, in order to remove those considered to be involved in anti-social behaviour, much of which was drug related. People excluded from access to public housing can find themselves also discriminated against in seeking hostel accommodation because of their drug use.

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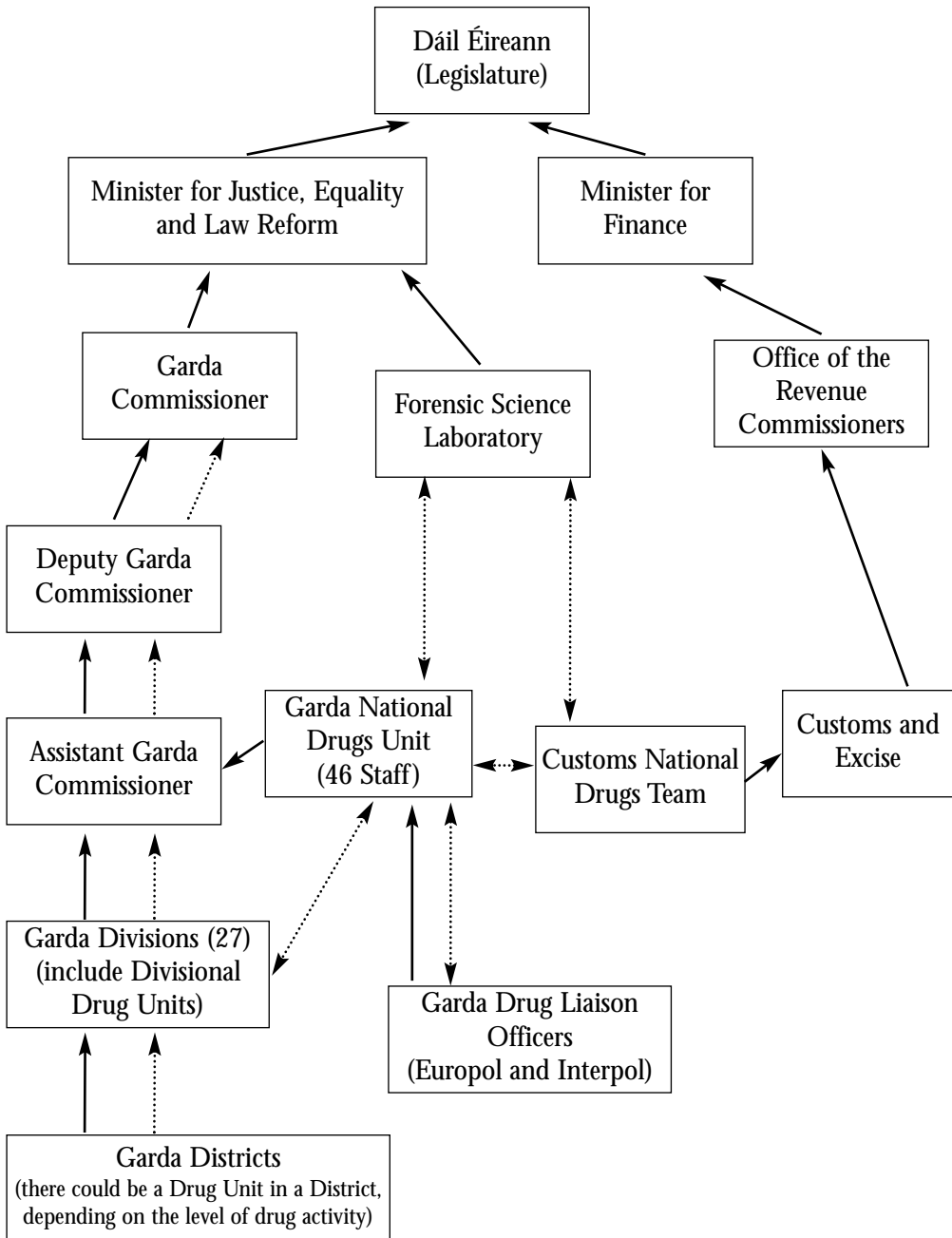
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- Sergeant
- Garda

Ireland is divided into twenty-seven Divisions for policing purposes, each of which is commanded by a Chief Superintendent. The Dublin Metropolitan Region is made up of six Divisions, which are operated as a unit, commanded by an Assistant Commissioner. Each Division is divided into Districts, which are commanded by a Superintendent, assisted by one or more Inspectors as appropriate. These Districts are further divided into Sub-Districts, each normally the responsibility of a Sergeant. Each Sub-District usually only has one station, the personnel strength of which will vary from 3 to 100. In some areas there are stations known as sub-stations (usually 'one-officer' stations), which, for administrative purposes, are attached to a parent station. In total, there are approximately 700 Garda stations nationally.

6 The following organisational information on An Garda Síochána may be found on their website: www.irlgov.ie/garda/

As part of their training, all Irish Gardaí receive instruction in the area of drug misuse. The programme includes training in:

- the enforcement of drug-related laws;
- the procedures for dealing with drug cases; and
- health and safety issues.

Special units have been integrated into the organisational structure of An Garda Síochána in an effort to address the drugs issue. In each of the country's twenty-seven Garda Divisions, there is a specialised Drug Unit, which has responsibility for the enforcement of drugs legislation. There may also be a Drug Unit in a District where drugs present particular problems. The staff size of each Drug Unit will depend on the level of drug activity in the area, but typically a Drug Unit comprises a Sergeant and between one and eight Gardaí (Garda National Drugs Unit, personal communication).

The **Garda National Drugs Unit (GNDU)** was established in 1995 with specific responsibility for drug law enforcement. There are currently forty-six personnel working in the GNDU (including a Customs liaison officer), and the Unit is headed by a Detective Chief Superintendent, who reports to the Assistant Commissioner for Crime, Security and Traffic. The primary focus of the GNDU is to target major drug traffickers, as well as monitoring, controlling and evaluating all 'drug' intelligence and policies within the force (An Garda Síochána, 1995). As part of its focus on the national and international aspects of drug trafficking, the GNDU maintains close liaison with police forces from other jurisdictions, through various police networks and operational exchange programmes (An Garda Síochána, 1999a). Another function of the GNDU is to provide support, through training, joint operations and advice, for the Divisional Drug Units described above (An Garda Síochána, 1999a).

The **Forensic Science Laboratory** of the Department of Justice, Equality and Law Reform is responsible for the analysis (including the type and purity) of illicit drugs seized by law enforcement agencies and the collection of seizure statistics. The laboratory is also involved in the development of analytical techniques for the identification of illicit substances.

The **Office of the Revenue Commissioners** is an organisation separate from the Department of Finance, but within the area of responsibility of the Minister for Finance, and includes the **Customs and Excise Service**. Customs have primary responsibility for the prevention, detection, interception and seizure of controlled drugs, intended to be smuggled or imported illegally into the State.

The **Customs National Drugs Team** was established in December 1992. The principal role of the Team is to direct the work of Customs on the prevention of drugs smuggling and the enforcement of legislative provisions regarding the import and export of controlled drugs and other substances. The Team has over seventy personnel, who are assigned to Intelligence, Operational, Maritime and Dog Handler Units (Office of the Revenue Commissioners, 1994). These units are strategically located around the coast of Ireland in an effort to prevent drug trafficking (Office of the Revenue Commissioners, 1993).

Under the Customs and Excise (Miscellaneous Provisions) Act, 1988, members of the Customs Service may arrest a suspect at the point of entry into the country. However, the investigation of an offence is the responsibility of An Garda Síochána. Interagency co-operation has increased between the two agencies and a memorandum of understanding and a working protocol have been drawn up. To facilitate interagency co-operation, An Garda Síochána have a liaison officer with the Customs Service and a Customs liaison officer is based at the GNDU (An Garda Síochána, 1999a).

Drug Law Enforcement Process

The following description of the process involved in drug law enforcement starts from the first point of intervention by a member of An Garda Síochána through to sentencing procedures (see Figure 2.2).

Intervention – At the point of intervention a suspect can be detained either by a member of An Garda Síochána or a Customs official. The Customs Service has responsibility for the detection of the illegal importation of illicit substances at the point of entry into the country. Any offence arising therefrom, or within the State (as distinct from the point of entry), is the responsibility of An Garda Síochána.

Arrest/Detention, Investigation and Charge – When a drug trafficking incident is reported, or an offence detected, a person can be detained by the Gardaí without being charged, subject to judicial approval, for up to seven days under the Criminal Justice (Drug Trafficking) Act, 1996. For a less serious offence (including other drug-related offences), a person can be detained for twelve hours under the Criminal Justice Act, 1984. After an initial six-hour period, approval to detain an individual for a further six hours must be sought from the relevant Garda Superintendent. After the total twelve-hour period, a person must either be charged with an offence⁷ or released without charge.

7 This is the point at which proceedings commence and data are routinely collected and published each year.

FIGURE 2.2
Drug Law Enforcement Process

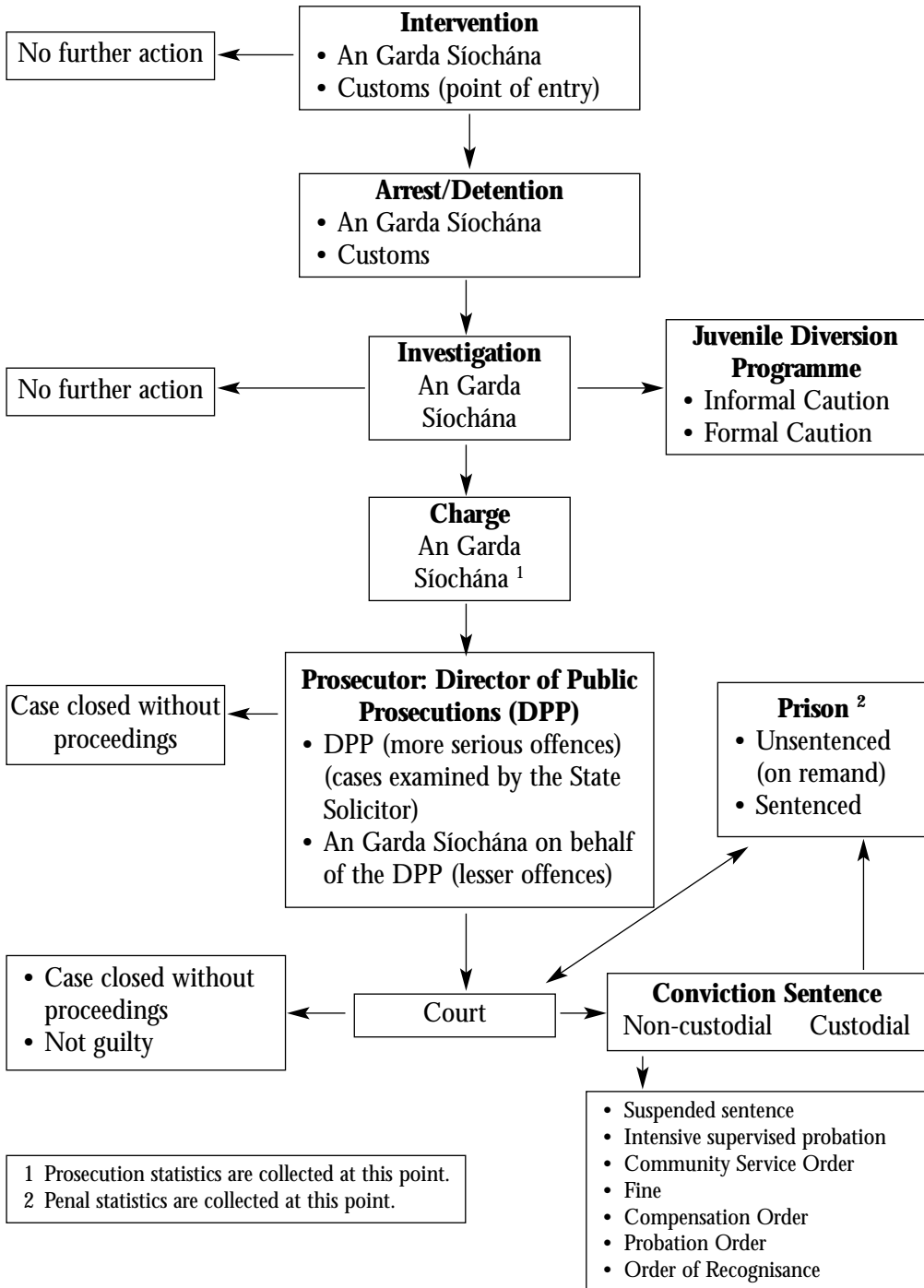
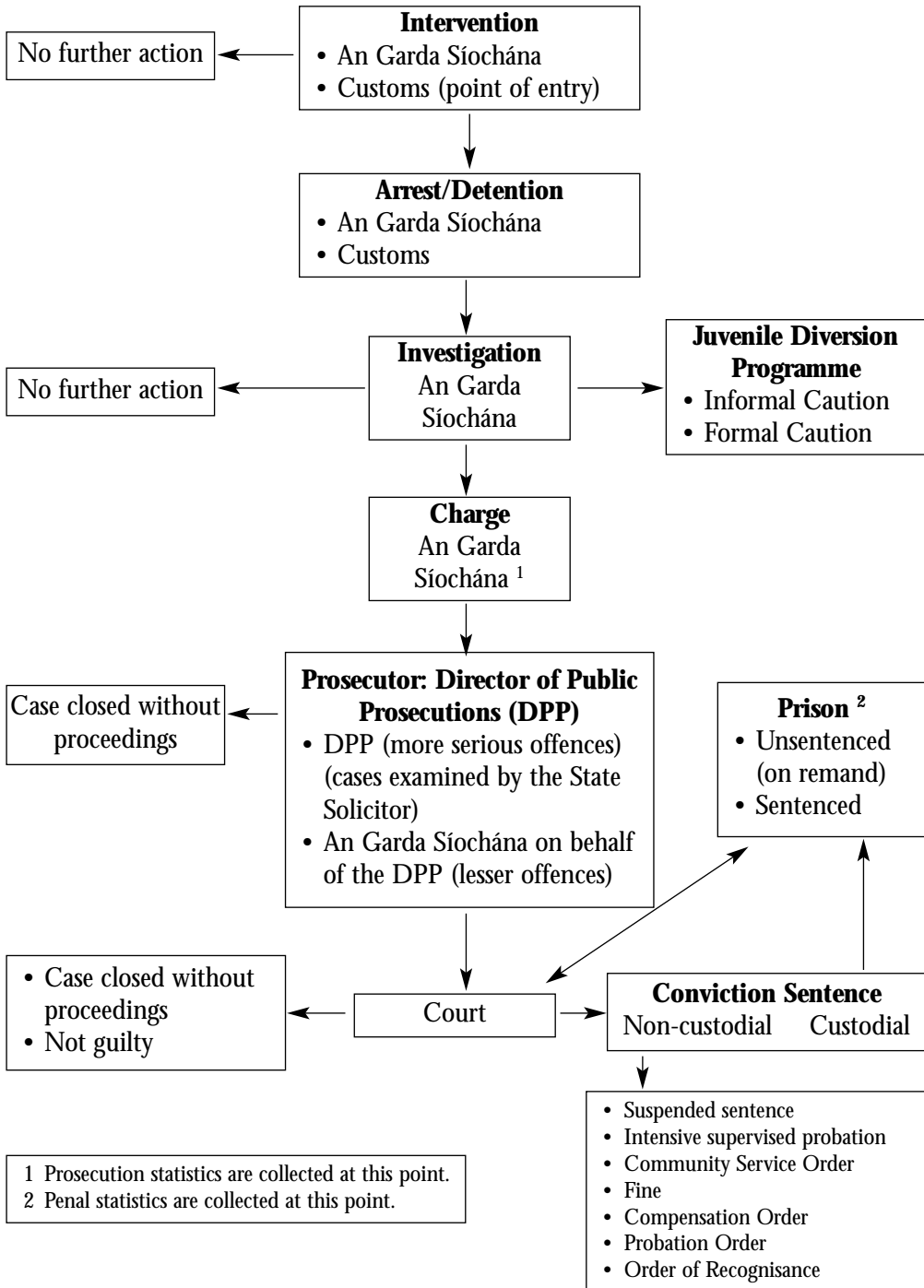


FIGURE 2.2
Drug Law Enforcement Process



No programmes are in place at this point in the process, providing treatment/care for addicted persons entering the judicial system. Furthermore, where drugs are involved, the Gardaí have no discretionary powers to issue a caution (informal or formal) or to impose an on-the-spot fine. An exception is made in the case of a juvenile offender (under 18 years old) found in possession of a small amount of drugs, where drug trafficking is not an issue. In such a case, the Garda Juvenile Diversion Programme is brought to bear. This programme was introduced in 1963 with the aim of diverting juvenile offenders from criminal activity. The programme allows that, if certain criteria are met, a juvenile offender may be cautioned as an alternative to being prosecuted (An Garda Síochána, 1999b). The programme operates on the basis of the common law principle of police discretion.

While the Garda Juvenile Diversion Programme is specifically aimed at juvenile offenders committing first offences, it may be adapted/extended to include juveniles committing subsequent offences. A juvenile offender who is eligible for inclusion in the programme is dealt with by way of a caution, as opposed to being prosecuted for a criminal offence. Cautions may be either formal or informal. A Juvenile Liaison Officer (JLO) becomes involved with the offender and the family. While an informal caution may be given by the JLO, a formal caution must be given by the Garda Superintendent of the District where the offender lives. There is no provision for a similar system of cautioning for adults.

Prosecution – The Irish system of criminal prosecution is an accusatorial and adversarial system, developed from the common law, in which the onus of proving guilt beyond a reasonable doubt rests on the prosecutor. All criminal prosecutions in Ireland are taken under the authority of the Director of Public Prosecutions (DPP).

In practice, the DPP gives blanket authority to An Garda Síochána to prosecute lesser offences.⁸ The seriousness of an offence is determined by a number of factors, e.g. the value of the drugs involved, whether it is a trafficking offence. In these cases it is the function of the Gardaí, not alone to investigate the crime, but also to initiate prosecutions and, in summary cases,⁹ to prosecute offenders to verdict. The vast majority of criminal prosecutions are prosecuted summarily and are initiated and prosecuted by An Garda Síochána in the District Court, without any direct involvement of the DPP in the process. The prosecution is usually made by the member of An Garda Síochána who investigated the matter, under the name of the DPP (Office of the Director of Public Prosecutions, 1999).

8 This practice has been identified as almost unique to the Irish system (Office of the Director of Public Prosecutions, 1999).

9 A summary case deals with a minor offence, triable summarily before a judge, i.e. without a jury.

In more serious cases, a file outlining the case must be sent to the DPP by the Gardaí. All files sent to the DPP go to the State Solicitor. The State Solicitor acts as a conduit by examining the legal aspects of the charge and making a recommendation as to whether the DPP should proceed with a prosecution or not. A decision may be made at this stage to close the case without further proceedings.

The defendant is either served with a summons to appear before the District Court on a certain date, or else he/she may be arrested, following which he/she must be brought to the District Court for formal charging within hours of arrest. Therefore, the two distinct methods by which a defendant is brought before the court are by means of either a summons or a charge sheet. The defendant usually seeks legal aid at his/her first court appearance and, if granted, a solicitor is appointed to represent him/her. The solicitor may then apply for access to statements made by the witnesses and copies of any forensic reports made, access to which is usually granted by the court. The onus of proving guilt always rests on the prosecution.

No programmes are in place to provide treatment/care for addicted persons at this stage of the judicial system.

Court – The Courts in Ireland were established under the provisions of the Constitution of Ireland. The Constitution of Ireland provides that ‘justice shall be administered in public in courts established by law, and by judges appointed by the President on the advice of the Government’ (Courts Service, website www.courts.ie).

In drug cases, the DPP must consent to summary trial. In other words, the DPP picks the forum for trial. This is the practice in relation to most offences under modern statutes. Where offences come under older legislation, including the statute for offences of larceny (1916), the defendant always has the right to elect to be tried summarily in the District Court or on indictment before a judge and jury in the Circuit Court.¹⁰ The right to choose trial before a judge and jury, therefore, is not usually available to a defendant on a drugs charge, as the Misuse of Drugs Acts are modern statutes. In these cases only the DPP can select the forum for trial.

The decision made on the forum for trial will depend on the gravity of the charge – for example, in the case of a drug seizure, on the quantity and value of the drugs involved. A distinction is made between indictable and non-indictable offences (summary offences). Some indictable offences may be disposed of summarily in the District Court.

¹⁰ A trial on indictment deals with a more serious offence, triable by a judge and jury at a higher court than the District Court, such as the Circuit Criminal Court.

In other cases, the DPP may direct that an indictable offence be heard without a jury at the Special Criminal Court, which was set up under Part V of the Offences Against the State Act, 1939, to deal with terrorist offences, and at which three judges preside. The two courts within the Irish system at which drug offenders or offenders who are misusing drugs generally present – the District Court and the Circuit Criminal Court – are described below.

The **District Court** is a court of first instance, that is, all prosecutions for criminal offences begin in the District Court, irrespective of whether they proceed to a higher court such as the Circuit Criminal Court, Central Criminal Court or Special Criminal Court. Indictable offences, which are not dealt with in the District Court, proceed to the Circuit Criminal Court (or the High Court), but only after a preliminary examination in the District Court. As such, the District Court deals with summary offences and indictable offences triable summarily. In practice, the vast majority of indictable offences are disposed of summarily in the District Court. The offences dealt with by the District Court include drug offences and larceny.

Before an offence is triable in the District Court, the District Court judge must accept the offence as being a minor case capable of being tried summarily; in other words, the District Court judge must decide that the likely penalty will not exceed the penalty jurisdiction of the District Court. The District Court can impose a fine, one of a range of non-custodial sanctions or a prison sentence. The maximum permitted prison sentences are twelve months for a single offence, and twenty-four months for consecutive sentences.

The **Circuit Criminal Court** also deals with drug offences. This court may try any indictable offence, with the exception of treason, murder, attempted murder, conspiracy to commit murder, piracy, rape, aggravated sexual assault and attempted aggravated sexual assault. An indictable offence is more serious than a summary offence. The offence is chargeable by way of a bill of indictment, accompanied by the book of evidence, the defendant having been returned for trial by the District Court judge either from custody or on bail. For indictable offences, the defendant is entitled to a trial by jury.

The preliminary examination procedure is provided for in the Criminal Procedure Act, 1967. A book of evidence is served on the defendant, and contains a statement of the charges and a statement of the evidence. Before the defendant can be sent forward for trial on indictment before a judge and jury, the District Court judge must be satisfied, having read the book of evidence and having heard any depositions, that a *prima facie* case is disclosed. In practice, drug-related crimes considered by the DPP to be too

serious, are tried in the Circuit Criminal Court. Similarly, appeal cases from the District Court are heard in the Circuit Criminal Court.

Conviction Sentence – In addition to custodial measures, there is a range of non-custodial options available to sentence those who plead guilty or are found guilty through the Courts. The decision of the court in relation to the imposition of a custodial or non-custodial sentence may be influenced by a Pre-Sanction Report, where available. This report is compiled by the Probation and Welfare Services, and includes information on factors, such as addiction, that may have contributed to the individual's offending. However, Pre-Sanction Reports are often not available, although a judge may request that one be provided.

The non-custodial options available to the courts in relation to drug convictions include a range of options, listed below.¹¹

A **Suspended Sentence**¹² applies when a convicted defendant is sentenced to a period of imprisonment by a court, but part or all of the sentence is suspended, on condition that the defendant enters into a bond to be of good behaviour and not re-offend for the period of time as set by the court. Effectively, the convicted defendant is 'on bail' for the remainder of the sentence.

Supervision during Deferment of Penalty¹³/ **Intensive Supervised Probation** was designed to increase restraints on offenders in the community. Offenders are required to report for frequent urine testing. The type and level of demand placed on offenders differ enormously by jurisdiction.

A **Community Service Order** requires offenders to perform unpaid work for between 40 and 240 hours. It has been suggested by the Probation and Welfare Services that within the Courts system there is a perceived lack of suitable community service for offenders with addiction (Expert Group on the Welfare and Probation Services, 1999).

A **Fine** has statutory limits, fixed for a particular offence. The money is paid to Central Funds (a fund administered by the Department of Justice, Equality and Law Reform), and if unpaid can be enforced by committal to prison.

11 An overview of non-custodial options was given in a report on the Irish Probation and Welfare Services (Expert Group on the Probation and Welfare Services, 1999).

12 This option has no statutory basis but is widely used by the Courts.

13 This option has no statutory basis but is widely used by the Courts.

A **Compensation Order** has a specific statutory format, laid out in the Criminal Justice Act, 1993, and is related to the wrong done. The money goes to the victim as opposed to Central Funds.

A **Fine and Compensation Order** requires the offender to pay both a fine and compensation under the two preceding penalties.

A **Release under the Probation of Offenders Act, 1907** means that a decision is made not to proceed to convict.

The purpose of a **Probation Order under Probation of Offenders Act, 1907**, is to secure the rehabilitation of the offender, to protect the public and to prevent the offender from committing further offences. This is used for drug users by imposing conditions. Conditions may include attendance for treatment and the provision of urine for analysis. This is the preferred procedure in the District Court when dealing with drug users.

An **Order of Recognisance (Misuse of Drugs Act, 1977, Section 28, as amended by the Misuse of Drugs Act, 1984)** requires an offender to undergo treatment for his/her drug condition in a residential centre or in the community. The Order of Recognisance would appear to be an important non-custodial option for drug users who offend in Ireland. However, in practice, the Courts do not generally use this order. The necessary rules and regulations have not been made. Furthermore, the provision of a statutory place of treatment has always been problematic. The Expert Group on the Probation and Welfare Services has recommended that the necessary Courts Rules and Regulations be updated by the various Court Rules Committees to facilitate wider use of the Order of Recognisance (Expert Group on the Probation and Welfare Services, 1999).

While the legislative framework (the Order of Recognisance (Misuse of Drugs Act, 1977, Section 28, as amended by the Misuse of Drugs Act, 1984)) exists for the non-custodial option of requiring an individual to undergo treatment for drug addiction, in practice it is imposed rarely by the Courts. The establishment of a **Drug Courts** system, initially on a pilot basis in Dublin, under the jurisdiction of the District Court, is planned for January 2001. These courts are intended to be treatment oriented, where people with a drug problem, who are charged with non-violent offences, are diverted to treatment programmes rather than to prison. This development is likely to have major implications for treatment services and the success of the initiative will depend on the formulation and implementation of cohesive treatment and rehabilitation programmes.

2.5 Activities Relating to Supply and Demand Reduction

Up to the mid-1990s Garda activity focused mainly on supply reduction and law enforcement. Since 1995, however, the area of demand reduction has become a more important and prominent aspect of policing the drug problem. The fostering of strong community links is seen as an important aspect of effective policing. The following is a summary of developments that have taken place in recent years.

Institutional Developments

A **Garda National Drugs Unit (GNDU)** was established in September 1995, replacing the former Dublin-based Drug Squad. The establishment of the GNDU was a marked departure in that it placed responsibility for drug law enforcement at a national level. It also introduced the concept of demand reduction to Garda activities.

'Policing In Ireland', the new five-year corporate strategy for An Garda Síochána, was put in place on 1 January 2000. The enforcement of laws relating to drugs was one of the major priorities identified. Operationally this will involve each manager in each Garda Division/District and Station drawing up specific plans/targets, reviewing progress and adjusting strategy as needed (Sutton, 2000).

Each of the twenty-seven Garda Divisions in the country has a specialised **Drug Unit** with responsibility for enforcement of drugs legislation. In the cities of Dublin, Limerick and Cork, Districts have Drug Units as well, dealing with the drug problem at local level. For example, since January 2000 there have been eighteen dedicated Drug Units in the Dublin Metropolitan Region. They are in constant liaison with each other and with the GNDU (Sutton, 2000).

The Garda Commissioner is represented on the **National Drugs Strategy Team** by a Detective Superintendent from GNDU.

Each of the **Local Drug Task Forces (LDTFs)** has a Garda representative at Inspector level.

Community Policing Forums have been set up to allow the Gardaí to work with local community groups and individuals in targeting drug pushers, as well as improving overall relations between the Gardaí and local communities. A number of these are being supported by LDTFs. A 'policing forum' is being piloted in south inner-city Dublin.

Legislation is being prepared to establish the **Irish Prisons Service** as an independent statutory service. The first Director-General was appointed on 15 July 1999 and given responsibility for day-to-day management of the prison system. Among the Director-General's priorities is the provision of medical care to prisoners on a par with public health care in the community. To this end, two major initiatives have been taken. Firstly, the Irish Prisons Service in July 2000 published the *First Report of the Steering Group on Prison Based Drug Treatment Services* (Irish Prisons Service, 2000). This report identifies the resources required, at individual prison level, to put in place a systematic approach to treatment of prisoners with drug dependencies. The report indicated that the Eastern Regional Health Authority (ERHA) would have substantial input into the delivery of drug treatment. On foot of this report, the Government (18 October 2000) approved the new approach to drug treatment in prisons. It is estimated by the Director-General that full implementation of the programme will take at least two years, involving recruitment and training of staff and key professionals, *inter alia*. Secondly, a group has been established to conduct a comprehensive review of the structure and organisation of prison healthcare services. This group's report is due for publication in the middle of 2001.

The Department of Justice, Equality and Law Reform's discussion paper '**Tackling Crime**' (Department of Justice, Equality and Law Reform, 1997) stated that the link between crime and disadvantage was real. In order to widen the debate on crime and its causes, a **National Crime Forum** was established; it reported in 1998 (National Crime Forum, 1998). Following publication of the report, the Minister established the **National Crime Council** in 1999. The Council is established on an initial two-year non-statutory basis. The establishment of the Council is intended to facilitate broadly-based and well-informed discussion on crime on an ongoing basis and will serve as an important aid to policy formulation. The key roles envisaged for the council are to (1) focus on crime prevention, with particular emphasis on the underlying causes of crime and the development of partnerships and practical approaches which will be effective at community level; (2) focus directly on raising public knowledge and awareness of crime; (3) examine the 'fear of crime' and address the issues, including those relating to minorities, which arise as a consequence of this fear; and (4) identify research priorities, which could be commissioned by the Department of Justice, Equality and Law Reform.

A **White Paper on Crime** will be prepared in 2001. This paper will focus on linkages between the various agencies within the system, and in the wider sense between the causes of crime and the Government's specific measures to target social inclusion.

Interagency co-operation has increased and is seen as vital in combating the international drug trade. Accordingly, there is growing co-operation between An Garda

Síochána, the Customs Service and the Naval Service. A memorandum of understanding and a working protocol have been drawn up between An Garda Síochána and the Customs Service. Both agencies engage in joint training programmes and exercises with the Naval Service. The interagency co-operation involved in the operation of the Criminal Assets Bureau (CAB), including the Gardaí, the Department of Social, Community and Family Affairs, and the Revenue Commissioners, has been very successful in the freezing and forfeiture of the proceeds of criminal activity, including drug-related crime.

International Developments

EU and international co-operation has also increased greatly since 1995. Drug Liaison Officers have been established in The Hague, Europol and Madrid. In June 1998 a Drug Liaison Officer was posted to Interpol, Lyons, on a permanent basis.

An EU-funded initiative, the **Oisín Programme**, was adopted by the Council of Ministers in 1996. The aim is to improve channels of communication, to identify international drug dealers, to share information and best practice in relation to demand reduction, training and intelligence gathering, and to exchange insights in relation to the working methods of participating police forces. Police forces in Ireland, Finland, Northern Ireland, Portugal, Scotland and Wales are collaborating in an initiative to examine the extent and effects of controlled drugs in rural areas, and to formulate programmes to counteract the threat posed. A new Oisín Programme started in 2000.

Within the EU, An Garda Síochána is represented at senior management level in the following working groups – the Horizontal Drugs Working Group, the Police Co-operation Working Group, the Multi-disciplinary Group, the EU Working Party on Drug Trafficking and the Mixed Committee on Drug Trafficking.

National/Regional Initiatives

Ireland has the strongest legislation in Europe for countering drugs. The **Criminal Justice (Drug Trafficking) Act, 1996** allows for seven days' detention of a suspect without charge. This is subject to the approval of senior Gardaí for the first forty-eight hours (for three periods – six hours, eighteen hours, twenty-four hours), and then judicial approval for subsequent detainment(s) (seventy-two hours and forty-eight hours), when the suspect must be brought to Court before a judge. Under the **Proceeds of Crime Act, 1996** the onus is on the person suspected of a crime to prove that assets were obtained legitimately.

A **Coastal Watch Programme** has been established where local people assist in policing Ireland's 3,000 miles of coastline. Each coastal division is assigned an Inspector with specific responsibility for liaison with the local community so as to channel information and intelligence more effectively.

Complaints by communities regarding open drug dealing on the streets led to the setting up of **Operation Cleanstreet** – an undercover operation to identify small-time drug dealers. Initially, the Operation focused on a few areas in Dublin where open dealing had become a major problem, but it is now a nation-wide initiative and has included operations in Kells, Navan, Trim and Drogheda. Five Operation Cleanstreet programmes have been put in place and over 500 street dealers have been identified / prosecuted.

Garda presence at large music events, for example Homelands in Mosney and Creamfields in Punchestown, has increased, along with arrests of persons found in possession of controlled drugs or in possession for the purpose of supply.

Operation Nightcap, designed to target licensed premises that allow the consumption, sale and supply of controlled drugs from the premises, has been implemented.

Operation Rectify, designed to target individuals involved in the sale and supply of controlled drugs and prescription drugs in the vicinity of treatment centres, is under way.

Operation Tap, designed to target individuals engaged in the sale and supply of controlled drugs to the homeless and prostitutes, particularly in central Dublin, has been introduced.

Operation Dochas, designed to make substantial inroads into the drug problem in Dublin, through the identification of the critical areas requiring action and the deployment of Gardaí solely to this operation in these communities, has been established.

Drug Courts are planned on a pilot basis in Dublin for January 2001. Commentators stress that development of the necessary supportive infrastructure is a prerequisite to the success of the initiative. An independent evaluation of the pilot is planned.

The Department of Justice, Equality and Law Reform is involved in a number of initiatives in the area of '**diversion**'. Intensive probation supervision is provided through a number of projects. These projects divert serious offenders from prison at the court stage, and place them in a community-based programme, with the ultimate aim of reintegrating them into employment. The EU INTEGRA programme funds the **CONNECT** project, which aims to reintegrate certain prisoners (in Mountjoy Prison),

some of whom may have had drug addiction problems, into society and the workforce. A further phase of the project was implemented in November 2000.

The Garda Community Relations Section has established a number of crime prevention and intervention programmes throughout the country, known as **Garda Youth Diversion Projects**. These projects are funded by the Department of Justice, Equality and Law Reform and are generally managed by Foróige and/or the City of Dublin Youth Service Board. At present there are thirty-nine projects throughout the country, ten of which were established as part of the first phase of the expansion of the Garda Juvenile Diversion Programme under the National Development Plan (NDP) in 2000. An additional IR£16 million / G20,316 has been provided over the life of the NDP to facilitate a significant expansion of this particular programme. Provision for further phases of this expansion is well advanced.

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