



Drug and Alcohol Policy 2007

On 1 January 2011 a realignment of the NSW Police Force saw the Drug and Alcohol Testing Unit move to the Professional Standards Command.

A scheduled review of the Drug and Alcohol Policy is underway.

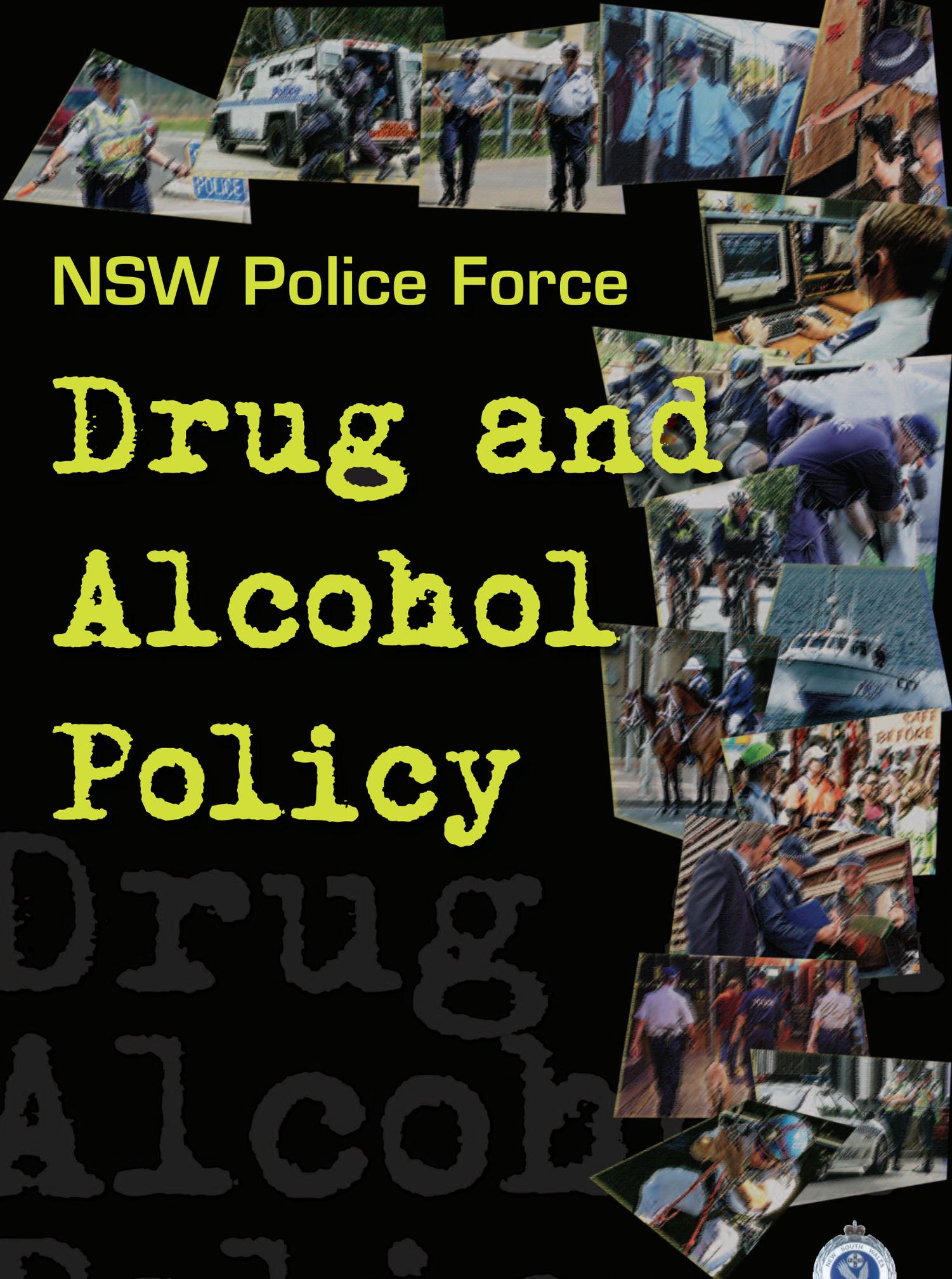
Please be advised that all of the contact details in this document are **NOT CORRECT**.

ANY reference in this document to the Safety Command should be ignored and refer to the Professional Standards Command.

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NSW Police Force

Drug and Alcohol Policy

Drug
Alcohol
Policy



NSW Police Force Drug and Alcohol Policy

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Authorisation Commissioner of Police

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foreword

Commissioner's foreword

The NSW Police Force Drug and Alcohol Policy was first introduced in March 1997 and was supported by a regime of testing on duty, police officers for alcohol and illegal drugs.

Between 2003 - 2005, the NSW Police Integrity Commission (PIC) conducted Operation Abelia. This operation had three broad objectives:

- to investigate allegations that some police officers of the NSW Police Force used illegal drugs, supplied illegal drugs and / or associated with suppliers of illegal drugs
- to provide an informed understanding of the nature of the problem of illegal drug use by some police officers of the NSW Police Force, and
- to examine relevant NSW Police Force policies, procedures and training materials, with a view to advising NSW Police Force how and where it can intervene to most effectively minimise illegal drug use by its officers.

Whilst the PIC did not find wide spread drug use within the NSW Police Force, it did identify a number of options for strengthening the current Drug and Alcohol Policy.

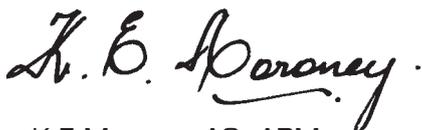
This new policy incorporates many of the Abelia findings as well as addressing corporate enhancement to the existing NSW Police Force Drug and Alcohol Policy. These changes are supported by recent legislative amendments to the Police Act 1990 and Police Regulations 2000.

These policy enhancements relate directly to the integrity of all NSW Police Force employees and are intrinsically linked to the safety of both employees and the public.

All staff are reminded that they are encouraged to present fit for the commencement of any rostered duty and remain so, free of impairment by alcohol or any other form of drug.

All employees of the NSW Police Force are required to comply with the policy's general principles of total abstinence from using illicit drugs. The use of anabolic steroids is also prohibited unless lawfully prescribed and monitored by appropriate medical practitioners.

My message to all staff is very simple. If you take illicit drugs, if you sell illicit drugs, if you abuse prescription drugs, there is no place for you in the NSW Police Force.



K E Moroney AO, APM
Commissioner of Police
June 2007

Statement of professional conduct

Failure to adhere to this policy can represent a breach of one or more of the following standards of professional conduct. Breaches of the Code of Conduct and Ethics may result in disciplinary action.

Statement of Values

NSW Police Force has identified its core values to be:

- E**xcellence having the highest professional standards and integrity
- T**rust promoting community faith and confidence in their police
- H**onour acting with pride and admiration for the policing profession
- I**mpartiality fair and objective decision making, without prejudice
- C**ommitment dedication and devotion in the performance of your duties
- A**ccountability acknowledging ownership and being answerable for your actions
- L**eadership acting as a role model for the community and your colleagues

Code of Conduct and Ethics

An employee of NSW Police Force must:

1. behave honestly and in a way that upholds the values and the good reputation of NSW Police Force, whether on or off duty
2. act with care and diligence when on duty
3. know and comply with all policies, procedures and guidelines that relate to their duties
4. treat everyone with respect, courtesy and fairness
5. comply with any lawful and reasonable direction given by someone in NSW Police who has authority to give the direction
6. comply with the law whether on or off duty
7. take reasonable steps to avoid conflicts of interest, report those that can not be avoided, and co-operate in their management
8. only access, use and/or disclose confidential information if required by their duties and allowed by NSW Police Force policy
9. not make improper use of their position or NSW Police Force information or resources
10. report misconduct of other NSW Police Force employees.

Failure to comply with the Code of Conduct and Ethics may result in management action.

Policy position and scope

Policy position

The NSW Police Force Drug and Alcohol Policy has been developed to protect the welfare of all NSW Police Force employees and contractors, as well as the integrity, reputation and effectiveness of the NSW Police Force.

It aims to articulate the procedures and implications of drug and alcohol testing of sworn NSW Police Force employees while rostered on and off duty.

This policy has been designed to strengthen the NSW Police Force approach to the use of illegal drugs by employees and draws upon many of the recommendations from the Police Integrity Commission's Operation Abelia.

This policy seeks to facilitate the health, safety and welfare of all NSW Police Force employees and contractors by:

- promoting personal responsibility in relation to the consumption of alcohol,
- prohibiting the use of illicit drugs by all employees, and
- prohibiting the use of anabolic steroids by police unless prescribed by a suitably qualified medical practitioner.
- promoting responsible and lawful use of prescribed and over the counter medication.

Random, Targeted and Mandatory drug and alcohol testing of NSW Police officers is aimed at deterring and detecting prohibited drug use by police officers at any time or impairment by alcohol whilst undertaking police duties. The testing program serves to identify those police who are impaired by alcohol at work or use prohibited drugs and/or non prescribed steroids on or off duty.

This policy reiterates the condition of employment by all NSW Police Force Officers that drug and alcohol testing is a standard procedure and abstinence from using prohibited drugs is mandatory.

Scope

All NSW Police Force employees and contractors are expected to comply with the NSW Police Force Drug and Alcohol Policy.

Random, Targeted and Mandatory drug and alcohol testing only applies to sworn employees.

This policy should also be read in conjunction with the NSW Police Force *Code of Conduct and Ethics*, *Police Act 1990*, *Police Regulation 2000* and the NSW Police Student Drug & Alcohol Policy.

All NSW Police Force employees and contractors should ensure they are familiar with these documents.

Policy statement/Code of Behaviour

Code of behaviour

All NSW Police Force employees and contractors are expected to present operationally fit for the commencement of any rostered duty and remain so, free of impairment by alcohol or any other form of drug.

Police Regulation 2000, Part 5, Division 2, sets out a standard of conduct expected to be observed by police officers in relation to the use of alcohol and other drugs and all police are expected to familiarise themselves with the provisions of this legislation.

Employees and contractors must not perform their job, remain at work or undertake any police related activity if impaired by alcohol, general medications or drugs prescribed by a suitably qualified medical practitioner. This includes attending any training functions or seminars. The use of prohibited drugs and or non prescribed anabolic steroids is not permitted at any time on or off duty.

Employees and contractors are not permitted to visit the workplace if they are off duty and impaired to any degree by any of these substances.

Civilian Officers and Special Constables

Civilian or non-sworn officers and special constables are expected to understand and comply with the requirements of this policy. Whilst these officers are not subject to drug and alcohol testing, it is expected that they will comply with the same requirements as sworn officers, namely:

- Civilian Officers and Special Constables are expected to present to work, fit for duty and free from the impairment by alcohol or any other form of drug.
- an employee of the NSW Police Force must not use any prohibited drug at any time.
- all employees of NSW Police Force are expected to use prescription and other medication in accordance with the law and the instructions of qualified health professionals

Where a supervisor considers that a civilian officer is impaired by alcohol or other substances, they will request a qualified police BAS operator to make an assessment of that employee and may direct the officer to leave the workplace for a period. Disciplinary action may result in these circumstances.

Alcohol consumption

All NSW Police Force employees and contractors must not:

- be impaired by alcohol while rostered on duty irrespective of the type of duty performed;
- consume alcohol while on any police premises, regardless of whether they are on or off duty, unless prior written approval by their Commander or Manager is given.

Policy statement/Code of Behaviour

A NSW Police Officer must not consume alcohol while they are wearing a police uniform or any identifiable part of a uniform easily recognisable as being from the NSW Police Force.

All NSW Police Force employees and contractors who consume alcohol off duty are encouraged to do so in a responsible manner and are to avoid its misuse.

All Random, Targeted and Mandatory alcohol tests of police officers, will test for a blood alcohol limit (prescribed concentration amount) of 0.02 grams of alcohol per 100 millilitres of blood and above.

Prohibited Drugs

NSW Police Force employees and contractors must not use any prohibited drug at any time. There is no place for any person within NSW Police Force who uses, sells or supplies prohibited drugs.

Consistent with the *Code of Conduct and Ethics*, an employee of the NSW Police Force must comply with the law whether on or off duty. Irrespective that an illicit drug has been decriminalised in another state or country, this does not absolve an officer of the NSW Police Force from being subject to drug testing on or off duty when in NSW and the consequences of any positive test results as outlined in this policy.

Random, Target and Mandatory drug testing of police officers, will analyse samples for prohibited drugs that are listed under the *Drug Misuse and Trafficking Act 1985*.

Pharmaceutical Medication

All NSW Police Force employees and contractors must not work or undertake any NSW Police Force related activity if impaired by general medications or prescription drugs.

If a NSW Police Force employee or contractor has any doubt about their ability to perform any or all of their duties they must consult a suitably qualified medical practitioner and notify their supervisor. If the medication carries a warning that it has the potential to impair normal functioning a supervisor must be informed.

Ceasing to take medication that is required on medical grounds could impair performance. In these circumstances, individuals must consult a suitably qualified medical practitioner and notify their supervisor who will discuss alternative work options.

Steroids

NSW Police Force employees and contractors are not permitted to use anabolic steroids unless prescribed by a suitably qualified medical practitioner. If an employee or contractor has been prescribed anabolic steroids, they are required to produce written documentation certified by a suitably qualified medical practitioner if requested by their Commander, Branch Manager or an Authorised Officer.

Policy statement/Code of Behaviour

There is no place for any person within the NSW Police Force who unlawfully uses, sells or supplies anabolic steroids.

Only targeted drug testing may examine for anabolic steroids.

Support Services

Availability of Help and Financial Assistance

There is a wide range of professional support programs available for individuals experiencing dependency problems and NSW Police Force is committed to providing all reasonable rehabilitation support through these channels for its employees. The procedure for managing officers who disclose personal substance related dependency will be equitable and just.

All NSW Police Force employees are reminded that professional short term counselling for any matter can be obtained by utilising the services of the Employee Assistance Program (EAP) 24 hours a day by telephoning **1300 361 008**. This service is available for up to six months after concluding employment. NSW Police Force chaplains may also provide general assistance.

Any employee wishing to obtain professional support regarding alcohol issues at the NSW Police Force expense should contact the NSW Police Force Safety Command for advice and referral to an approved counsellor. Consultation with these counsellors can be undertaken during a rostered shift. Initial contacts can also be anonymous, if the employee so chooses.

Subject to the concurrence of the authorised counsellor, the NSW Police Force may pay for the full cost of reasonable inpatient treatment at private rehabilitation centres and the cost of other professional medical and community support, if needed, irrespective of whether an alcohol problem is claimed to be related to an officer's duty. This assistance applies to all employees and includes reasonable support which might be needed by an employee's family as a direct result of their condition.

The type of rehabilitation offered by counsellors may include:

- assessment of current personal situation and future needs;
- counselling to facilitate harm minimisation or moderate drinking;
- referral to inpatient or outpatient centres;
- after care and relapse prevention counselling; and
- introduction to Alcoholics Anonymous meetings.

All employees are expected to encourage colleagues who appear to have an alcohol problem to seek help from the NSW Police Force Safety Command.

Drug and alcohol testing program

Provision for random, targeted and mandatory drug and alcohol testing for all police officers of the NSW Police Force lies within the Police Act 1990.

Random testing

All police officers of the NSW Police Force are subject to random alcohol and drug testing procedures as stated in this policy.

Only non sworn testing officers authorised by the Safety Command, are permitted to conduct random testing of NSW Police officers in accordance with this policy.

Random testing may be conducted at any work location on a 24 hour, 7 day week basis.

Random testing of police officers is determined with the assistance of a random number generating computer program. This enables the Authorised Officers to select the time, date, location and / or the police at that location on a random basis. Only high risk work types and officers who are subject to repeat testing, having previously recorded a positive test, are subject to a degree of pre arrangement for the purpose of random testing.

Random alcohol testing procedures

Random alcohol testing legislation only applies to police officers of the NSW Police Force.

The legislation requires that any police officer who is on duty in accordance with a roster to undergo a breath test or submit to a breath analysis or both if directed by a non sworn testing officer from the Safety Command, for the purpose of testing for the presence of the prescribed concentration of alcohol in their blood.

When a testing officer arrives at a site, all police officers rostered for current duty and available to be tested, irrespective of rank, can be tested. This can include visiting NSW Police officers from other locations on duty at that time.

Any police officer requested to submit to a random alcohol test in accordance with this policy must comply with all reasonable directions given to them by the Authorised Officer, until that officer is satisfied that a valid breath test and / or analysis reading has been obtained. Failure to do so could be a breach of the *Code of Conduct and Ethics*.

The prescribed concentration of alcohol is **0.02** grams of alcohol in 100 millilitres of blood and above.

In all cases where a breath test indicates the prescribed amount or more, the police officer indicating the positive result must then submit to a breath analysis by an Authorised Officer.

Where a police officer has recorded a positive breath analysis, they may elect to provide a sample of their blood as obtained by a suitably qualified medical practitioner at their own expense in addition to the breath analysis for the purpose of indicating the

Drug and alcohol testing program

concentration of alcohol in their blood. Any request for a blood sample to be taken does not absolve the police officer from the obligation to submit to a breath analysis.

Supervisor responsibilities

When an Authorised Officer attends a work location for the purpose of random alcohol testing, it is the responsibility of the supervisor in charge of the work site or their delegate to assist in facilitating the testing process.

The supervisor should provide where possible, a room or suitable area for conducting testing at that location, giving high regard to an individual's right to privacy during the actual testing process.

The supervisor is required to provide a current copy of the work roster to the Authorised Officer from Safety Command.

It is the responsibility of the supervisor in charge of the work site at the time of random testing, to be able to account for and ensure that those officers under their responsibility do not leave the site prior to being randomly tested.

If a police officer is required to leave the site for operational or personal reasons, the supervisor in charge at the site or their delegate, will inform the Authorised Officers who will make a suitable notation on the roster.

Random drug testing procedures

Random drug testing legislation only applies to police officers of the NSW Police Force.

The legislation requires that any police officer who is on duty in accordance with a roster to provide a sample of their urine for the purpose of testing for the presence of any prohibited drug as directed by an Authorised Officer.

Only non sworn testing officers authorised by the Safety Command, are permitted to conduct random drug testing of NSW Police officers in accordance with this policy.

When a testing officer authorised from the Safety Command, arrives at a site, any sworn police officer rostered on duty and available to be tested, irrespective of rank and / or duty type, can be chosen from a roster to be tested. This can include visiting NSW Police officers from other locations on duty at that time.

Any police officer of the NSW Police Force selected for random drug testing will be required to provide a sample of their urine for the purpose of testing for the presence of prohibited drugs. The officer will be able to do so in the privacy of a toilet cubicle.

A police officer selected for random drug testing, must comply with all reasonable directions given to them by an Authorised Officer until the testing officer is satisfied that a valid drug sample has been obtained and all relevant procedures completed.

Drug and alcohol testing program

Collection procedures are in line with the *Australian / New Zealand Drug Testing Standard AS/NZS 4308*.

Analysis of a police officers urine sample will examine for the presence of prohibited drugs that are listed under the *Drug Misuse and Trafficking Act 1985*.

Results of any drug test will be forwarded, normally within 2 – 3 weeks to the subject officer.

Supervisor responsibilities

When an Authorised Officer attends a work site for the purpose of random drug testing it is the responsibility of the supervisor in charge or their delegate, to assist in facilitating the testing of police personnel in a discreet manner by providing a suitable toilet facility for the conducting of drug testing, giving consideration to an individuals privacy during testing.

The supervisor in charge of a work site or their delegate, is responsible for providing a copy of the work roster to the Authorised Officers from Safety Command.

It is the responsibility of the supervisor in charge of the work site at the time of random testing, to be able to account for and ensure that police officers under their responsibility do not leave the site prior to being randomly tested.

If a police officer does need to leave the site for operational or personal reasons, then the officer in charge or their delegate, at the site will make a note on the work roster, initial this notation and provide this copy to the Authorised Officers from the Safety Command.

Target testing

A Local Area Commander or Branch Manager may arrange in consultation with the Safety Command and compliance with the Targeted Testing Protocols and Procedures, for a police officer or group of police to be target drug and / or alcohol tested at any time while police are on duty.

Targeted alcohol testing procedures

A Local Area Commander or Branch Manager can direct that a police officer be breath tested and / or submit to a breath analysis if the Commander or Manager has reasonable cause to believe that the officer may be under the influence of alcohol while on duty.

The Commander or Manager will arrange for the test to be conducted by an Authorised Officer from the Safety Command or an Authorised Officer at / or near to the location of the police officer subject to the targeted alcohol test. Where possible, a Commander or

Drug and alcohol testing program

Manager should endeavour to select an Authorised Officer who is independent of that work location to reduce the risk of any conflicts of interest between the authorised testing officer and the test subject.

Any officer required to submit to a targeted alcohol test in accordance with this policy must comply with all reasonable directions given by the Authorised Officer as stated in the random alcohol procedures part of this policy.

The results of any alcohol test conducted by an Authorised Officer, who is not attached to Safety Command, either positive or negative, must be forwarded to the Drug and Alcohol Testing Unit at the Safety Command.

Targeted drug testing procedures

Targeted drug testing protocols for police officers of the NSW Police Force are available in a separate document, through the NSW Police Intranet – Safety Command site.

These protocols should serve as a guide to Commanders and Branch Managers when considering a targeted drug test and the recording procedures which are also incorporated in its complaint practice note.

Generally:

- when Superintendents or their equivalent receive information concerning the possible use of prohibited drugs or non prescribed anabolic steroids by police in their commands, arrangements should be made for the **Complaints Management Team (CMT)** to conduct an assessment in conjunction with the Region Professional Standards Manager (PSM). Any subsequent request to conduct a target test must be made through the Drug and Alcohol Testing Unit of the Safety Command. The targeted test will then be conducted at the first available opportunity.
- **comprehensive records of the decision to request a targeted test (including the allegation itself, and the information and other investigative options considered) must be kept and attached to the appropriate c@ts.i record.**
- the CMT is required to consider any alternatives available when deciding whether or not to conduct a targeted drug test.
- any police officer selected for target drug testing will be required to provide a sample of their urine for the purpose of testing for the **presence of prohibited drugs and / or anabolic steroids.**
- collection procedures for target testing are the same as with the random drug testing procedures in this policy and are in line with the Australian Drug Testing Standard **AS/NZS 4308.**

Drug and alcohol testing program

- the provision for targeted drug testing for non prescribed anabolic steroids lies within the *Police Act 1990*, Part 12, Section 211AA.
- an officer selected for a target drug test will normally be informed that they have been the subject of a target test unless a discreet test has been conducted and then that part of this policy applies.

Where there is a need for steroid analysis, urine samples only will be permissible.

Recall to duty - targeted drug testing

Section 211A (4E) *Police Act 1990*, provides the legislative basis for police officers of the NSW Police Force to be recalled to duty for the purpose of submitting to a drug test.

An Assistant Commissioner or above may direct that a police officer of the NSW Police Force be recalled to duty for the purpose of being conveyed to a police premises for the purpose of a targeted drug test.

Any police officer who is recalled to duty for this purpose will receive the standard award rate remuneration and industrial entitlement. The officer will only be considered on duty for the period of time that it takes for an Authorised Officer to obtain a valid test sample for the purpose of testing for prohibited drugs and must not perform any other operational duties at that time. For the purpose of testing, a recall to duty commences from the time a supervisor makes contact with the police officer subject to the recall and is completed when the officer has been conveyed back to a location deemed appropriate by the supervisor and in agreement with the officer subject to the test.

NSW Police Force will arrange transport to and from the testing premises for the officer recalled to duty for the purposes of a targeted drug test.

Supervisor responsibilities

The supervisor tasked with escorting the officer subject to the recall to duty, must ensure that any inconvenience to the officer is kept to a minimum and that the taking of the sample by an Authorised Officer is conducted at a suitable location giving consideration to:

- the distance of the police premise from the place where the officer was recalled.
- the need to maintain confidentiality and the recalled officers privacy.
- general safety and security concerns for all personnel and equipment.
- any other circumstances relevant at the time of the recall.

All other testing procedures as previously described in this policy for obtaining a drug test sample, will be followed during recall to duty target testing.

Drug and alcohol testing program

The officer is to be conveyed back to a location deemed appropriate by the supervisor.

The supervisor will also relieve the officer from duty at that time.

Commander responsibilities

The basis on which off-duty drug testing may be authorised and conducted by the NSW Police Force must be reasonable to do so in all the circumstances.

Any Commander wishing to consider a recall to duty targeted drug test is required to refer to the *Targeted Testing Protocols and Procedures* document located within the Safety Command intranet site and arrange any test by contacting the Drug and Alcohol Testing Unit of Safety Command.

Commanders are responsible for recommending a recall to duty targeted drug test to an Assistant Commissioner and ensuring that any such test is conducted in a manner which is reasonable in all the circumstances.

Having considered the circumstances of alleged drug use, a Commander must seek the approval of an Assistant Commissioner to conduct a recall to duty drug test. The Assistant Commissioner must be advised of the recommendation and the reasons for the recommendation including all circumstances that make recall to duty targeted testing the appropriate approach.

Recall to duty targeted drug testing should not be seen as a substitute to the normal targeted drug testing provisions, where those procedures may be appropriate. This decision making process and consultation with an Assistant Commissioner must be recorded on the c@ts.i system and should include information such as; circumstances as the type of prohibited drug suspected of being used, the next rostered shift of the officer any other exigent conditions.

A Commander or Branch Manager must ensure that the police officer's duties are restricted until such time as the test results have been obtained from the Safety Command. Any officer who is recalled to duty for this purpose will receive the standard award rate remuneration and industrial entitlement while on restricted duties.

Assistant Commissioner responsibilities

An Assistant Commissioner or above, is required to consider and endorse, or reject, any recommendation to carry out a recall to duty targeted drug test. Before endorsing a Commander's recommendation to conduct a recall to duty targeted drug test, an Assistant Commissioner must be convinced that the information provided to them establishes exigent circumstances that warrant recall to duty targeted testing over other available investigative methods.

Importantly, the basis on which off-duty drug testing may be authorised and conducted by the NSW Police Force must be reasonable in all the circumstances.

Drug and alcohol testing program

Discreet targeted drug and alcohol testing

A Local Area Commander or Branch Manager can request through the Safety Command, that a discreet targeted drug or alcohol test be conducted on a police officer.

Any police officer discreetly targeted can be included in the broader testing programs previously stated in this policy but recorded as a targeted test by the Authorised Officer.

The manner in which targeted drug or alcohol tests are conducted can vary from time to time and will have regard to operational contingencies, including the need to protect the informant's identity and the integrity of current investigations. All other testing procedures will follow those already stated in this policy to obtain the breath or urine sample.

The Commander or Branch Manager has the discretion to inform the police officer subject to the test, that they were target tested after that officer has been subjected to discreet testing and also having regard to the initial circumstances surrounding the need to conduct the test in a discreet manner.

Mandatory testing incidents

The provisions of mandatory testing apply to both police officers of the NSW Police Force and any **student police** officers who are undertaking any Constable Education Program related activities.

Mandatory testing requires both testing for alcohol and prohibited drugs.

This section of the policy should also be read in conjunction with the Guidelines for the Management and Investigation of Critical Incidents which are available on the NSW Police Force intranet site.

Drug and alcohol testing - Mandatory incidents

Section 211A (2A) of the *Police Act 1990*, states that an authorised person **must** require any police officer directly involved in a mandatory* testing incident to:

- (a) undergo a breath test, or submit to a breath analysis, for the purpose of testing for the presence of alcohol, and
- (b) provide a sample of their urine or hair (or both) for the purpose of testing for the presence of prohibited drugs,

in accordance with the directions of the authorised person and the regulations.

Where a mandatory testing incident occurs, the **Senior Critical Incident Investigator** will decide which police and/or student police, are considered to be directly involved in the incident. These police and/or student police will be required by an authorised BAS operator, to submit to a breath test and/or analysis for the testing of alcohol and to

Drug and alcohol testing program

provide a sample of their urine as directed by an authorised drug testing officer, to test for the presence of prohibited drugs.

In the event that the Senior Critical Incident Investigator is significantly delayed from attending the incident then, any Duty Officer at the scene can deem who is directly involved in the incident and is required to undergo mandatory testing.

Mandatory alcohol testing should be undertaken as soon as reasonably practical after the incident has occurred. It is desirable that an authorised BAS operator conduct this testing preferably within **2 hours** of any mandatory testing incident occurring.

Mandatory drug testing will only be carried out by authorised drug testing officers, as soon as reasonably practical after the incident and preferably within **24 hours**.

Where a police officer has been hospitalised as a result of the incident and a blood sample has been taken in compliance with any legislation, then written consent may be obtained from the officer to use any such blood sample to comply with the testing requirements of this policy.

* **Mandatory testing incidents are defined in the definitions part of this policy.**

Positive test results

Positive alcohol tests

Where a breath analysis indicates the prescribed concentration of alcohol in a police officer's blood while the officer is rostered on duty, the officer will be immediately relieved of duty and is not to carry out any further duty for the duration of that rostered shift.

The officer will not be entitled to be paid (whether in wages or salary, paid sick leave or any other type of payment) for that period of the relevant shift that the officer did not work.

A positive alcohol test on the first occasion will not normally result in a police officer receiving disciplinary action providing that the alcohol was consumed by the officer while off duty, not on police premises and that officer is not in their probationary period.

The Commander (or their representative) of a police officer who tests positive to alcohol will contact the Safety Command and arrange for the officer to see an approved counsellor for assessment.

The officer's Commander can take managerial action against that officer if, after having been referred to a counsellor, a police officer:

- chooses not to undergo counselling; or
- without reasonable excuse fails to attend an interview or counselling session after choosing to do so; or

Drug and alcohol testing program

- without reasonable excuse fails to participate in a rehabilitation program after choosing to do so.

A police officer who tests positive to alcohol will be subject to unscheduled testing during the course of the following **three years**.

The Safety Command will record the details of any positive alcohol tests on the SAP system. Access to this information is limited to the Safety Command and that officer's Commander, Branch Manager or above.

The Regulations do not require the Commissioner to offer rehabilitation if, having regard to all the circumstances, the Commissioner considers that it would be more appropriate to take other action against the officer.

If a police officer has breached the code of behaviour by having the prescribed concentration of alcohol in their blood while rostered on duty on a subsequent occasion to a positive result within the past three years, the Commissioner can make a s.173 or s.181D order with respect to that officer.

Probationary Constables

Where any breath analysis indicates the prescribed concentration of alcohol in a probationary constable's blood while the probationer is rostered on duty, the probationer will be immediately relieved of duty and is not to carry out any further duty for the duration of that rostered shift.

The probationary constable will not be entitled to be paid for the portion of their shift that they did not work.

The *Regulations* require the Commissioner to:

- direct the probationer to attend an interview with a NSW Police Force drug and alcohol counsellor for assessment and to participate in any rehabilitation program recommended by that counsellor, or
- direct the probationers appointment be terminated.

If a probationary constable fails, without reasonable excuse, to attend an interview or counselling session after being directed to do so, the Commissioner must direct that their appointment be terminated.

Positive drug tests

Prohibited drugs

Any police officer who tests positive to the presence of a prohibited drug is liable to dismissal. The Commissioner can apply the provisions of a s.181D order with respect to that officer unless that officer has had that positive drug test declared as **accidental**

Drug and alcohol testing program

exposure by a Commander or Branch Manager as set out in the provisions of that part in this policy.

If a police officer is permitted to remain in police employment following a positive drug test, that officer will be subject to unscheduled testing for the following **five years**. The officer will also be monitored by an approved counsellor and will be expected to comply with any rehabilitation program developed for them.

Anabolic steroids

When a targeted drug test of a police officer indicates a presence of anabolic steroids the officer will be required to provide documentary evidence to their Commander or Branch Manager that the anabolic steroid was lawfully prescribed by a suitably qualified medical practitioner.

Should the presence of steroids be considered lawfully prescribed, the police officer still has a responsibility to comply with the “code of behaviour” of this policy.

Any police officer who tests positive to a presence of anabolic steroids in their urine from a targeted drug test, and cannot provide documentary evidence of that steroid being lawfully prescribed by a suitably qualified medical practitioner, will be subject to the same disciplinary provisions as set out in the positive prohibited drug section of this policy.

Refusal to submit to testing

Alcohol testing

Any police officer of the NSW Police Force who refuses to submit to a breath test or breath analysis when requested to do so by an Authorised Officer will be subject to managerial action as determined by their Commander or Branch Manager.

Prohibited drug / Non prescribed steroid testing

Any police officer of the NSW Police Force who refuses to submit to a test for prohibited drugs and / or non prescribed steroids in accordance with the requirements of this policy can be subject to the making of a S.181D order against that officer, unless otherwise exempt.

Exemptions to testing

All police officers of NSW Police Force must always, irrespective of duty performed, remain under the prescribed concentration level at all times whilst on duty.

Police Regulation 2000, Part 5, Division 2, Provision 50, states the exemptions from compliance with the: Code of Behaviour, *Police Regulation 2000*, Part 5, Division 2. Provision 49.

Drug and alcohol testing program

Provision 50 states:

(1) The code of behaviour does not apply so as to prevent a member of the NSW Police from consuming alcohol:

- (a) in the performance of a police task, or
- (b) in an official capacity, or
- (c) in any other circumstances,

if the member is authorised by the Commissioner to do so.

A police officer may be exempted by their Commander or Branch Manager, from submitting to a breath test or breath analysis, or to provide a urine sample for the purpose of drug testing, if the police officer is unable to do so on **serious medical grounds**.

The circumstances supporting any such exemption will be recorded by the exempting Commander or Branch Manager, and this information provided to the Drug and Alcohol Testing Unit of the Safety Command.

The onus is on the police officer seeking the exemption to provide appropriate evidence of the "serious medical grounds," and should include a medical certificate certified by a suitably qualified medical practitioner before being considered.

operations

Special/Controlled Operations

Where a special or controlled operation is to take place and there may be a requirement for a police officer to consume alcohol during this duty, due to the covert nature of the operation, any such officer should be listed in the formal operational orders and these orders should be formally approved by the relevant Commander.

This approval is **limited** to allowing an officer to consume alcohol while on duty.

This approval does not absolve an officer from being subject to any of the testing procedures set out in this policy and any consequences of any positive test result.

It is the responsibility of each individual police officer for maintaining a level of sobriety which would remain under the prescribed concentration of alcohol level should they be subjected to alcohol testing in accordance with this policy.

Accidental exposure to drugs

Any police officer of the NSW Police Force who believes they may have inadvertently been exposed to prohibited drugs or non prescribed anabolic steroids, must voluntarily disclose this information their supervisor as soon as reasonably practicable, and in any such case less than **24 hours** after the exposure.

Any disclosure of accidental exposure will require a police officer to submit to a drug test as soon as practical in line with the testing collection procedures previously stated in the drug testing sections of this policy. The purpose of this testing will be to ensure the health and welfare of the individual concerned and to provide appropriate medical assistance.

A police officer who may be potentially under the influence of illegal drugs from an accidental exposure, **must not** perform operational duties until a drug test has been conducted and the results have been obtained by the Safety Command.

Any positive results will require the officer to be referred for further medical treatment as directed by the Police Medical Officer and may include further drug testing to show an elimination of the substance from the police officer.

If a police officer of the NSW Police Force fails to disclose accidental exposure or claims accidental exposure at the time of or shortly before drug testing, these circumstances will not absolve the police officer from submitting to random, target or mandatory drug testing at that time or the consequences of any subsequent positive test result. However, the discretion to accept this disclosure at this time will rest with the police officers Commander who must consider each individuals circumstances.

A police officer who wishes to claim accidental exposure on any subsequent occasion may be subject to a formal investigation by their Commander, in order to determine the validity of any such claim and / or any adverse conduct issues of the police officer who appears to be at greater risk of accidental exposure than other police.

This instruction applies to police officers whilst on or off duty.

Supervisor responsibilities

It is the responsibility of all supervisors to ensure that any officer who claims accidental exposure to a prohibited drug undertakes a drug test by an Authorised Officer at the earliest opportunity. The supervisor should record any relevant information regarding the circumstances of the exposure and provide this to their Commander or Branch Manager.

Commander responsibilities

A Commander or Branch Manager must ensure that any officer claiming to have had accidental exposure to a prohibited drug or non prescribed anabolic steroid undertakes a drug test at the earliest opportunity and that the officer's duties are restricted until such time as the results have been obtained from the Safety Command.

Accidental exposure to drugs

A Commander or Branch Manager is responsible for consulting with the Safety Command as to the results of any drug test resulting from accidental exposure and any medical intervention required of an employee under their command.

A Commander or Branch Manager is responsible for determining whether or not a claim of accidental exposure is to be accepted and if they are satisfied that the claim is false then the employee should be considered for further targeted drug testing and managerial action by the Commander. The Commander should ensure that detailed records are maintained by them regarding any decision made to accept or decline a claim of accidental exposure.

high risk

High risk work types

High risk work types will be subjected to **more frequent** testing for alcohol and /or drugs.

It is the responsibility of the NSW Police Force Safety Command to determine which units within the NSW Police Force are to be considered as high risk.

A high risk work type may include:

- any work type and or location that would be at greater risk of illegal drug use.
- any work type where the consequences of illegal drug use would be more serious, than for other officers.

Commander responsibilities

A Commander or Branch Manager may contact the Safety Command and request that their work unit / site or a specific section within their Command is considered as high risk.

It is the responsibility of the Commander or Branch Manager to inform all police working in areas considered as high risk that they will be subjected to a higher rate of random testing as part of their duty in that area. Any new sworn staff transferring into a high risk area should receive this information prior to and / or during induction into that area.

recall

Recall to duty

Recall to duty by supervisor

In all recall to duty situations by a supervisor, an off duty police officer has the responsibility to inform the supervisor that they have been consuming alcohol.

The supervisor should not recall any officer making this claim and should make alternative arrangements, unless the recall to duty is for the purposes of a targeted drug test.

Emergency self recall to duty

It is acknowledged that police who are off duty and engaging in the social consumption of alcohol may from time to time witness an emergency situation where another police officer or member of the public is involved in an incident. This may require immediate police assistance and as such the off duty police officer recalls themselves to duty in order to provide that emergency assistance.

In these circumstances mandatory testing may be required. However, an officer who has recalled themselves and subsequently submits to a mandatory alcohol test that records the prescribed concentration or above, will not normally be subject to disciplinary action by their Commander provided:

- it is determined by their Commander or Branch Manager that the self recall to duty by an officer was reasonable in all the circumstances despite the officer having consumed alcohol prior to the emergency self-recall,

AND

- the officer's conduct during the self recall to duty was deemed appropriate given all the circumstances of the incident.

Importantly, any off duty police officer who has been consuming alcohol and finds themselves in a position where they need to consider an emergency recall to duty, that officer needs to assess their capacity to be able to provide appropriate assistance and not place themselves and others at greater risk of harm due to their alcohol consumption.

records

Records

Records of all drug and alcohol tests, will be maintained by the Safety Command with all positive test results being notified to an individual's Local Area Commander or Branch Manager and the Professional Standards Command.

Alcohol results

All positive alcohol tests will be recorded on the SAP system with limited access to a Local Area Commander, Branch Manager or above and the Safety Command.

All positive alcohol tests where an officer receives disciplinary action rather than rehabilitation will have the test result recorded on SAP by the Safety Command. It is the responsibility for the officers Commander to also record any such disciplinary action taken against that officer, on the c@ts.i system.

Drug results

Commanders are responsible for recording all positive drug tests on the c@ts.i system.

Commanders must record any targeted drug tests and their related decision making processes on the c@ts.i system irrespective of the test results.

Review

The Safety Command, NSW Police Force, developed the *NSW Police Force Drug and Alcohol Policy 2007*. This policy was drafted in consultation with representatives from Education Services, Safety Command, Ministry, Professional Standards Command, Employee Management and Commissioner's Inspectorate.

The Police and Public Service Associations of NSW and the Police Integrity Commission also provided input to this policy.

As new, more efficient and effective methods of addressing alcohol and drug use become available, the NSW Police Force may seek to introduce appropriate changes to the current structure including testing methodologies.

Conclusion

The NSW Police Force Drug and Alcohol Policy, is intended to provide an environment of safety for all employees of the NSW Police Force and the general community.

Importantly it sets a foundation of ethical and professional behaviour both on and off duty required by all NSW Police Force employees regarding substance use.

annexure A

Urine screening collection protocols

To maintain the chain-of-custody procedures, urine for drugs of abuse screening should be collected in the following manner. It is also essential that the accompanying chain-of-custody form be correctly completed. Any departure from the outlined procedure may invalidate reported results.

Specimen collection

- 1** To deter the dilution of specimens at the collection site, toilet colouring agents will be used, so the water in the toilet bowl remains coloured. There will be no other accessible source of water in the enclosure when the urine is voided.
- 2** The collector should have donor's identification verified by an Authorised Officer.
- 3** The Authorised Officer will ask the donor to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the donor's urine sample. All personal belongings including arms and appointments will be required to be left outside the collection facility.
- 4** After washing hands, the donor will be required to remain in the vicinity of the collector and not have access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that might be used to adulterate the specimen
- 5** After voiding, the donor is required to hand the specimen container directly to the collector. The specimen should remain within sight of both parties at all times until properly sealed for dispatch to the laboratory
- 6** Collector will immediately read and record urine temperature. Reading should be taken within 4 minutes of urination. Acceptable range is 33 degrees Celsius – 38 degrees Celsius. Should temperature fall outside of this range, a repeat, witnessed collection is required.
- 7** The sample will then be split between two containers, both of which should be sealed, in the presence of the donor, with security sealing tape. The serial number of the sealing tape should be recorded on chain-of-custody form.
- 8** The sample may also be split into a third container and this container can be provided to the donor should the donor request a portion of the sample given.
- 9** Each specimen will be labelled. The donor will be asked to sign and date the sealing tape. The specimens will not leave the donor's sight until such time as they have been so initialled.
- 10** Specimens and accompanying laboratory section of the chain-of-custody form will be placed together in the biohazard bag and kept in a secure place until transported to the laboratory by laboratory courier or other authorised carrier
- 11** The remaining copy of the chain-of-custody form will be kept by the collector and retained for the appropriate time.

annexure B

Glossary of terms

Anabolic steroids	Means anabolic or androgenic steroidal agents included in Schedule 4 of the Poisons List under the <i>Poisons and Therapeutic Goods Act 1966</i> .
AS/NZS 4308:2001	Means the document entitled Australian/New Zealand Standard AS 4308:2001 Procedures for the collection, detection, and quantification of drugs of abuse in urine, published by Standards Australia.
Authorised Officer	A person who is appointed as an authorised person under Part 5, Division 4, Clause 60, Police Regulation 2000, and is acting on behalf of the NSW Police Force Drug and Alcohol testing unit.
Breath analysis	Means a test carried out by a breath analysis instrument for the purpose of ascertaining, by analysis of a persons breath, the concentration of alcohol present in that person's blood.
Breath analysis instrument	Means any instrument of a type approved by the Governor by order under the Road Transport (Safety and Traffic Management) Act 1999 as such an instrument, that is, as an instrument designed to ascertain, by analysis of a person's breath, the concentration of alcohol present in that persons blood.
Breath test	Means a test: a) that is designed to indicate the concentration of alcohol present in a person's blood, and b) that is carried out on the person's breath by means of a device (not being a breath analysis instrument) of a type approved by the Governor for the conduct of breath tests under the <i>Road Transport (Safety and Traffic Management) Act 1999</i> .
Drink spiking	The unlawful administration of a mind altering substance into another persons drink.
Impairment	Any loss or abnormality of psychological, physiological, or anatomical structure or function. It represents a deviation from the person's usual biomedical state. Impairment is thus any loss of function directly resulting from the consumption or use of any drug.

Glossary of terms

Mandatory testing incident	<p>Means an incident where a person is killed or seriously injured:</p> <ul style="list-style-type: none">• as a result of a discharge of a firearm by a police officer, or• as a result of the application of physical force by a police officer, or• as a result of being detained, or while in police custody, or• involving a police aircraft, motor vehicle or vessel.
Prescribed concentration of alcohol	<p>A concentration of 0.02 grams or more of alcohol in 100 millilitres of blood.</p>
Prescription drug	<p>Is a licensed medication that is regulated by legislation to require a prescription issued normally by a suitably qualified medical practitioner before it can be obtained.</p>
Prohibited drug	<p>Any drug that is listed in Schedule one of the <i>Drug Misuse and Trafficking Act 1985</i>.</p>
Sell	<p>Includes sell whether by wholesale or retail and barter and exchange, and also includes dealing in, agreeing to sell, or offering or exposing for sale, or keeping or having in possession for sale, or sending, forwarding, delivering or receiving for sale or on sale, or authorising, directing, causing, suffering, permitting or attempting any of such acts or things.</p>
Serious injury	<p>A Region Commander, as the determining officer, must consider all the circumstances of the incident. It is generally not sufficient that the injury merely interferes with the health or comfort of the person suffering the injury. As a guide, types of injuries which of their nature are likely to be serious include:</p> <ul style="list-style-type: none">• life threatening injuries.• an injury that would require emergency admission to a hospital resulting in significant medical treatment.• an injury likely to result in permanent impairment or long term rehabilitation.• an injury that would constitute grievous bodily harm.
Supply	<p>Includes sell and distribute, and also includes agreeing to supply, or offering to supply, or keeping or having in possession for supply, or sending, forwarding, delivering or receiving for supply, or authorising, directing, causing, suffering, permitting or attempting any of those acts or things.</p>

annexure C

Key messages

NSW Police Force Drug & Alcohol Policy

All NSW Police Force employees and contractors are expected to be free of impairment by alcohol or any other form of drug including prescription medication in the workplace.

All NSW Police Force employees or contractors are not permitted to use illegal drugs at any time, whether on duty or off duty. This includes so called 'recreational or party' drugs.

There is no place for any NSW Police Force employee or contractor who uses illegal drugs, sells illegal drugs or abuses prescription drugs.

Illegal drug use by a NSW Police Force employee or contractor is in contravention of the Code of Conduct and Ethics and the Statement of Values and a Police Officer's Oath of Office.

Any NSW Police Force employee or contractor who consumes alcohol off duty is encouraged to do so in a responsible manner and avoid its misuse.

All police officers must remain under the prescribed concentration of 0.02 of alcohol while rostered on duty.

All police officers may be subject to random, targeted, mandatory and recall to duty targeted drug testing. This includes targeted drug testing for non prescribed anabolic steroids.

If an employee accidentally ingests any illegal drug they are required to report this to their supervisor immediately.

All employees and contractors must report conflicts of interest, improper associations or misconduct in relation to illegal drug use to a supervisor.

Contravention of the NSW Police Force Drug and Alcohol Policy places the safety of employees and the community at risk and compromises the integrity, reputation and effectiveness of the NSW Police Force.

Annexures

- A: Urine screening collection protocols – NSW Police Force
- B: Glossary of terms.
- C: Principal messages.

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