



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00306

Keyword: Complaints/Discipline

Subject: Drug Testing

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested and the answers to your questions are as follows.

Question 1

Regarding the recent disclosure that four Police Officers were detected during intelligence led drug testing, were these cases referred to the PPS?

Question 2

If not why not?

Answer

The four officers were not reported to the PPS.

The only evidence against the officers is their drug test results, which is insufficient to prove possession of a controlled substance. This is a matter in which there is precedent case law. Specifically in the case of *Hambleton v Callinan* (1968) it was held that where traces of amphetamine powder has been found in urine samples, the Divisional Court upheld the decision of the Magistrates Court to acquit the defendants, holding that the defendants were not in possession of the powder as it had been consumed and its character had altered.

Further information on the PSNI policy regarding substance misuse can be found on the PSNI website;

http://www.psni.police.uk/policy_directive_1108_substance_misuse.pdf

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue

of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

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