



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2015-00797

**Keyword:** Organisational Information/Governance

**Subject:** PSNI Applicants - Substance Misuse Testing

### Request and Answer:

Before the information sought is addressed, I would like to provide the following guidance:

The Freedom of Information Act 2000 provides public access to recorded information held by public authorities. This includes for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. The Information Commissioner advises that a Public Authority is only obliged to provide information already held in recorded form.

New information does not have to be created, nor is it necessary to find the answer to an FOI question from staff who may happen to know it. Information sought through the FOI Act asking for yes/no answers, or seeking comment and opinion, is not valid under Section 8 of the Act as it would not meet the criteria of 'recorded information'.

In light of the above guidance, questions one to six of your FOI request are seeking yes/no answers and are therefore not valid questions under FOI legislation. However, the decision has been taken to respond to your request in full.

### Question 1

Do civilians (member of the public) applying to join the police as a police officer undergo a drugs test (medical) for prohibited drugs as part of the recruitment process?

### Answer

Yes. PSNI undertake pre-employment substance misuse testing on all applicants for positions within the Police Service.

### Question 2

Following on from above question; if a drugs test is conducted on a police applicant; are they informed of the result of the drugs test?

### Answer

Yes, if an applicant returns a positive result they are informed in writing of the result.

### Question 3

Following on from above question; if a drugs test is conducted on a police applicant and the test is positive for a prohibited drug; are any other external agencies informed of the result?

**Answer**

No. PSNI do not share the results of drug tests in relation to the recruitment process to any other external agencies.

**Question 4**

Following on from above question; if a drugs test is conducted on a police applicant and the test is positive for a prohibited drug; would the Prosecution Service be informed which could lead to a criminal prosecution?

**Answer**

No. Testing positive for a prohibited drug 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.

**Question 5**

Following on from above question; if a drugs test is conducted on a police applicant and the test is positive for a prohibited drug; are any other internal police agencies informed, e.g. Criminal/Drugs Intelligence or is the matter covered by medical confidentiality?

**Answer**

No. The PSNI Substance misuse testing process is handled and recorded by PSNI Vetting Branch, Service Improvement Department.

**Question 6**

Following on from above question; if a drugs test is conducted on a police applicant and the test is positive for a prohibited drug and the police applicant is rejected for employment with the police; should the police applicant go 'clean' or go through a period of drugs rehabilitation - can the police applicant re-apply to join the police?

**Answer**

Yes. Applicants who return a positive result will not be offered an appointment with the Police Service of Northern Ireland. This will not prevent persons from applying for future PSNI recruitment programmes. However, a positive substance misuse test from a previous campaign may also be considered

**Question 7**

Can you please forward the standard operating procedures which cover this issue?

**Answer**

Please refer to the PSNI application process guidance that is available at:

<https://www.joinpsni.co.uk/application-process/policies#misuse>

**Question 8**

Can you please forward the policy which covers this issue?

**Answer**

As above, please refer to the PSNI application process guidance that is available at:

<https://www.joinpsni.co.uk/application-process/policies#misuse>

The information supplied has been compiled by Vetting Branch, Service Improvement Department, which has responsibility for Service vetting and ownership of the PSNI Service Procedure in relation to substance misuse.

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](mailto: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](http://www.psni.police.uk)

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