

SI3017

# Substance & Alcohol Misuse Testing

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The purpose of this Service Instruction is to deter Substance & Alcohol misuse in the Police Service of Northern Ireland with a view to ensuring safe working practices within the Organisation.

**Table of Contents**

Substance Misuse..... 3

Alcohol Misuse..... 33

## **Substance Misuse**

The purpose of this Service Instruction is to deter substance misuse by all Police Officers, Student Officers, Probationary Constables, Police Staff and Non-Police Personnel working on behalf of the Police Service of Northern Ireland, through the introduction of a drug-testing process.

## Substance Misuse – Table of Contents

1. Introduction.....	5
2. Application.....	5
3. Guidance.....	6
4. Substance Misuse Testing.....	7
5. 'With Cause' Tests.....	9
6. Post Incident Testing.....	13
7. Substances Misuse Voluntary Self Declaration.....	15
PPS.....	18

## Substance Misuse – Appendices

Appendix A – Substances – Further Information.....	20
Appendix B – Safety / Security Critical Role.....	22
Appendix C – Substance Misuse Testing.....	24
Appendix D – Police Friend.....	30

## 1. Introduction

The Police Service of Northern Ireland (PSNI) is committed to the provision of a safe, healthy and productive working environment, and does not in any way condone substance misuse.

The term Substance Misuse includes the:

- Use of illegal drugs; and
- Misuse of prescribed and non - prescribed drugs (including [steroids](#), [cannabidiol](#) and psychoactive substances which have the potential to impair performance and pose a health and safety risk).

Substances that will be tested for are those listed in the [Misuse of Drugs Act 1971 Schedule 2 – Controlled Drugs](#).

The PSNI reserves the right to alter this list in the event that further substances are identified as illegal by introduction of new statute or to test for those substances detailed in [Appendix A](#).

## 2. Application

This Service Instruction applies to the following:

- All Police Officers, Police Staff, Student Officers, Probationary Constables; and
- Non-Police Personnel who are employed in safety and security critical roles ([Appendix B](#) refers).

Any individual involved in the misuse of drugs exposes themselves to vulnerability in terms of corruption, blackmail and integrity and may face disciplinary and / or criminal consequences. The supply or use of any illegal drugs may upon investigation, be classified as a serious criminal offence and accordingly be classed as 'Gross Misconduct'.

Any designated person (Police Officers and Staff), found to be involved in such activities should be aware that this may result in dismissal. PSNI reserves the right to remove any Non-Police Personnel, if for any reason, in the opinion of PSNI, their conduct, performance or behaviour does

not reflect the vision and values of PSNI or could present any risk of disrepute to PSNI.

All samples will be collected, tested and analysed in line with the current [European Workplace Drug Society Guidelines](#).

Collection and screening of samples will be undertaken by an approved, qualified external contractor using appropriate techniques to ensure that the chain of custody is carefully controlled.

An external United Kingdom Accreditation Service (UKAS) accredited or equivalent laboratory will undertake analysis of samples.

### 3. Guidance

The PSNI has a statutory requirement to provide safe systems of working and as its employees engage in high-risk activities, there is a greater risk of the misuse of substances impairing judgement, impacting upon service delivery, public safety and the reputation of the PSNI.

#### Individuals

Every individual has a responsibility under the [Health and Safety at Work Act \(1974\)](#) to take reasonable care for the health and

safety of themselves and others; and co-operate with PSNI's requirements regarding health and safety.

#### Medication

The processing of sensitive personal data falls under articles [Article 9 of UK GDPR](#). In this case 9(2) b, g and h sensitive personal data will be processed in accord with PSNI's obligations under the [Data Protection Act 2018](#) and its 'Appropriate Policy Document on Sensitive Processing under Part 2 of DPA'.

When an individual is taking any medication (whether prescribed or non-prescribed) that has possible adverse side effects they must notify their line manager immediately in order alternative working arrangements can be considered.

The persistent and prolonged misuse whether prescribed or non-prescribed is also viewed as a serious disciplinary offence and is classed as 'Gross Misconduct'.

However, Police Officers and Staff who voluntarily self-declare a dependency to either legal or illegal substances will receive support from the PSNI to assist in

rehabilitation. Non-Police Personnel should seek guidance from their employer.

A self-declaration will not usually result in disciplinary action provided there is no evidence of serious criminal activity.

Self-declarations (see [Appendix B](#)) made following notification to undergo pre-employment, pre-appointment, random, with cause, observed impairment or a post incident screening test will not be regarded as a voluntary self-declaration and in these instances Staff that test positive for illegal substances or misuse of legal substances will be subject to disciplinary action.

The PSNI seeks to maintain the highest professional standards; consequently, all personnel are actively encouraged to report any concerns they have about their colleagues.

The procedure for dealing with and reporting any such concerns will be in accordance with Service Instructions SI0618 Service Confidence, SI0416 Police Misconduct (available on the [Service Instructions Homepage](#)) and the [Northern Ireland Civil Service \(NICS\) Handbook](#) for Police Staff.

Separately agreed arrangements will be in place in respect of any Non-Police Personnel who have concerns.

## 4. Substance Misuse Testing

Substance Misuse testing is conducted under the following categories:

- Random tests;
- Pre-employment tests;
- Pre-appointment tests;
- Developed vetted personnel tests;
- 'With Cause' tests; (see [Chapter 5](#)) and
- Post-incident tests (see [Chapter 6](#)).

See [Appendix C](#) for methodology relating to each test.

The Substance Misuse test will be undertaken by an approved, qualified, external contractor of the PSNI using appropriate sample collection kits and observing industry and evidential standard chain of custody procedures.

Laboratory confirmed positive results will be reported to Service Vetting Unit. Any

disclosures made in relation to prescription medications will be reviewed by a Medical Review Officer (MRO) who will determine if the positive result is 'Consistent' with medications or 'Not Consistent'. Only those positive results that indicate use of illegal substances or misuse of legal substances (following MRO review) will result in a failure and require further action.

To initiate the appropriate disciplinary action, the Service Vetting Unit will report positive results as follows:

For:	To:
Police Officers	Superintendent Discipline
Police Staff	Head of HR
Non-Police Personnel	Contract Manager

### Random Tests

Police Officers, Student Officers, Probationers and individuals undertaking safety or security critical roles (see [Appendix B](#)) will be selected at random, at

the discretion of the Head of Professional Standards Department (PSD), as part of the rolling programme of random testing within the PSNI.

Individuals in the above categories who have undergone random screening twice in any 12-month period will not be subject to a third test in that 12-month period. In order to facilitate this, their personnel record on the Human Resources (HR) system will reflect dates and results of all substance misuse tests.

### Pre-Employment Tests

Testing will usually be undertaken by collection of a hair sample. Details in respect of pre-employment testing can be found on the [PSNI external website](#).

### Pre-Appointment Tests

Testing will usually be undertaken by collection of a urine sample.

### Developed Vetted Personnel

Testing will be undertaken by collection of a urine sample.

## 5. 'With Cause' Tests

'With Cause' Tests fall under two types:

- Intelligence Led; or
- Suspected or Observed Impairment.

### With Cause – Intelligence Led

Refusal by an individual to undergo a 'with cause – intelligence led test' or failure to provide a suitable sample will be treated as a positive result and will lead to disciplinary proceedings that may result in dismissal.

In the case of Non-Police Personnel the appropriate contract manager will be informed if an individual fails to provide a suitable sample and this will be managed in conjunction with the individual's employer.

Where an individual is required to undergo a 'with cause – intelligence led test', they may request that they are accompanied by a discipline 'friend'\* or work colleague. The unavailability of a suitable 'friend' will not prevent the with cause test from proceeding. Prior to testing Non-Police Personnel, the Contract Manager should

be informed and the agreed process followed (\*see [Appendix D](#)).

Police Officers may be recalled to duty whilst on annual leave, sick leave, suspension or career break for the purpose of conducting a 'with cause intelligence led test'. Failure to attend when ordered to do so will be treated as a failure to provide a suitable sample and will lead to disciplinary proceedings that may result in dismissal. Non-Police Personnel may be subject to further action by their employer.

Where Anti-Corruption or Discipline have deemed that a 'with cause – intelligence led test' is appropriate they may also authorise, depending on the circumstances, the simultaneous use of other investigative techniques.

### Suspected or Observed Impairment

These tests will be undertaken as and when required.

Police Officers, Police Staff or Non-Police Personnel who reasonably believe that a colleague is impaired due to drugs should inform line management or the appropriate contractors / company line management.

Any individual who reports a colleague will not be subject to victimisation of any kind. Malicious reporting, however, will be dealt with under disciplinary procedures.

Any line manager who believes that a member of another team is impaired, must inform the individual's line manager or the appropriate contractors / company line management, in their absence they should assume the responsibility of that line manager for the specific purpose of this Service Instruction.

Where line managers can demonstrate reasonable grounds for suspecting that an individual is impaired they will ascertain from them if there are any medical reasons for their observed behaviour.

In the case of suspected observed impairment of Non-Police Personnel in safety or security critical roles, the employer should also be informed via the appropriate contract manager.

Where appropriate / deemed necessary, seek information / guidance from OHW before deciding on whether to proceed with drug screening and / or alcohol testing.

If, as a member of Police Staff or Non-Police Personnel with line managerial responsibilities, you are concerned that a criminal offence has taken place – you should report this to the Police.

As a Police Officer with line managerial responsibilities, establish whether a criminal offence under the Road Traffic Order or Firearms Order has taken place. If this appears to be the case, arrest and process as per criminal legislation (rather than 'with cause – observed impairment' testing).

## If 'with cause' intelligence led or suspected observed impairment testing is proceeding, the Line Managers must:

- Have authorisation for 'with cause' intelligence from Superintendent in Anti-Corruption Unit (AC&V) or Discipline;
- Have authorisation for suspected observed impairment from the District Commander / Department Head / or delegated Officer who must be of at least Inspector or Executive Officer I (EOI) rank; and
- For Non-Police Personnel – notify the appropriate contract manager prior to the testing taking place;

Arrange for attendance of the approved, qualified, external contractor via the 24hr telephone call out number, (available from an Inspector / Staff equivalent or above or the Call Management Centre). The contractor will then advise on an estimated time of arrival at an agreed site, no later than 2 hours from the time of the request;

Advise the Police Officer / Staff Member or Staff / Non-Police Personnel that they are required to undergo a substance misuse test, outlining why the test is taking place;

Inform the individual they are required to remain on site until the collection agent arrives and they have undergone the test – if they fail to do so or refuse to take the test, they will be reported to the Superintendent Discipline / Head of HR / Non-Police Personnel employer (via contract manager) and this will be treated as a positive result;

Carry out a Risk Assessment with regard to their access to firearms. Please refer to PSNI Conflict Management Manual;

If unsure of the cause of the impairment, advise the Police Officer/Member of Staff or Non-Police Personnel they have to simultaneously undergo both a drug screening test and an alcohol breath test.

NB: The decision to carry out both these tests must be made in advance, (It is not appropriate to await the results of the drug test before determining if an alcohol test is required); and

In conjunction with local management or the appropriate contractors / company line management they will monitor the condition of the individual.

If necessary, whilst waiting for the arrival of the Collection Agent seek the medical opinion and / or attention of the Forensic Medical Officer (FMO).

**‘With Cause – Intelligence Lead’ test result(s) is negative:**

The Superintendent in AC&V or Discipline will decide on any further action or sanction dependent on the nature of the original rationale for ‘with cause’ testing to be authorised.

**‘With Cause – Suspected or Observed Impairment’ test result(s) is negative:**

The referring manager will consider with the individual, what if any further action may be appropriate, for example; Risk Assessment, referral to OHW (this does not apply to Non-Police Personnel).

## 6. Post Incident Testing

Where a Police Officer, Member of Police Staff or Non-Police Personnel is involved in a 'serious incident' whilst on duty, a post incident test may be undertaken.

### Suspected Criminal Offence

If it is suspected that a criminal offence has taken place, criminal investigation will be undertaken as opposed to the guidelines in this Service Instruction, (e.g., under the Road Traffic Order or Firearms Order).

It is not considered appropriate to require a post incident test from any Officer or member of Police Staff who is under criminal investigation as, in such circumstances, the provisions of [The Police and Criminal Evidence \(NI\) Order 1989 \(PACE\)](#) regarding intimate and non-intimate samples would apply.

If there is cause to suspect impairment, a 'with-cause – suspected or observed impairment' test should be conducted instead.

Examples of when post incident testing may occur include, but are not restricted to:

- Negligent discharges of firearms;
- Death in custody;
- Health and Safety incidents in which an injury or near miss occurs; or
- Other incidents resulting in the death or serious injury of an individual involving a Police Officer or Member of Police Staff.

If the Senior Investigating Officer (SIO) / line manager for the incident wishes to conduct a post incident test, they will liaise with the Duty Inspector who will issue the appropriate order to the Police Officer, member of Police Staff or Non-Police Personnel concerned (additional information can be found on the [College of Policing](#) website. For Non-Police Personnel, their contract manager will also be informed.

## **Appeals**

Where an individual considers that the process was not correctly applied, they have the right to appeal. The appeal must detail how they believe the process was not applied correctly and state how they have been treated less favourably as a result. All appeals must be in writing to the Substance Misuse Manager. Individuals will have 7 calendar days from the date of their substance misuse test to lodge their appeal. Police Officers and Police Staff have the right to be accompanied at any appeal hearing by a 'misconduct friend', Staff association representative or a work colleague. The appeal for Police Officers will be heard by Superintendent rank or above. In cases of Police Staff or potential employees the appeal will be heard by the Head of HR.

## **Confirmed Positive Results**

Regardless of the reason or methodology used for tests, confirmed positive results for an A sample will be forwarded to the Service Vetting Unit (SVU).

Upon receipt of the result SVU will inform the relevant Head of Department / District Commander. SVU will also inform HR, Discipline and Anti-Corruption Unit (ACU) as

there may be a misconduct process following a positive result. The Service Vetting Unit will manage positive results in respect of any pre-employment testing.

The Service Vetting Unit will write to all individuals who have a positive test with the exception of Non-Police Personnel who will be dealt with by the appropriate contact manager / employer. Individuals will have 7 calendar days to notify them that they wish to have their retained B sample analysed by an independent laboratory. If so, this is done at the instruction and expense of the individual who must also identify the laboratory they wish to be used and arrange same. (NB: A UKAS accredited Lab).

The individual should liaise with the Substance Misuse Contract Manager to ensure that all test results are forwarded to the Service Vetting Unit from the selected laboratory.

## **Results Indicative of Historic and Occasional Use or Environmental Factors**

On occasion, the SVU will receive results that may be indicative of occasional drug use, historical drug use, frequent contact

with or environmental exposure to drugs. Frequent contact with and / or environmental exposure to drugs may indicate that you have been in repeated close proximity to drugs regardless of whether you have personally used them. An example may be you being in the presence of individuals who use illicit substances recreationally and therefore your sample has been contaminated.

If the SVU receive a result that indicates historic, occasional or environmental factors, the findings from your SMT will be referred to the Service Vetting Officer.

You may be invited to attend for interview to explain the findings from your SMT and any information that is deemed relevant to the vetting process will be then be considered.

### **Negative Result of the B Sample**

Where analysis of the B sample results in a negative result (discordant with the A sample result), a further test via urine or hair sample will be arranged. Should this return a negative result, the initial positive result will be regarded as a false positive.

Where a false positive is recorded, the Police Service will reimburse any costs associated with analysis of the B sample.

### **Positive Result of the B Sample**

Where analysis of the B sample confirms the original result (concordant with the A sample result);

- You will not be offered an appointment with the Police Service of Northern Ireland; and
- You will have no further right of appeal and any offer of appointment will be rescinded.

In respect of serving Police Officers and Police Staff, confirmed positive results will be deemed as Gross Misconduct. The Superintendent Discipline (for Police Officers) or Head of HR (for Police Staff) will progress a disciplinary process.

## **7. Substances Misuse Voluntary Self Declaration**

Where individuals are concerned that they may have a dependency on or are using an illicit substance, or misusing a legal

substance, they should in the first instance speak in confidence with line management.

In making a self-declaration individuals are indicating that they recognise the need to address the issue and get the appropriate help and assistance. The individual should be aware that there may be a need to declare this to the Public Prosecution Service (see [PPS](#) below).

### **Voluntary Self-Declaration**

Police Officers and Police Staff are encouraged to voluntarily self-declare any substance misuse issues to their line manager.

Upon such declarations, line managers, in consultation with Human Resources (HR), will be required to assess the suitability of the individual's current duties and determine if remaining in these duties would pose any risk to the public, colleagues, the individual and delivery of a professional Policing Service.

Where it is considered appropriate, the Police Officer / member of Police Staff should be assigned different duties on a temporary basis. Local management will also consult with ACU to determine if there

is any intelligence led information regarding substance misuse by the individual and satisfy themselves that the self-declaration is not being used as a means of frustrating a process that has already commenced.

Individuals who voluntarily self-declare a substance misuse issue will not usually be subject to disciplinary proceedings. The exception is where they, (during the voluntary self-declaration process), indicate that they are involved in serious criminal activity, in which the PSNI have an obligation to investigate this activity.

Where local management are satisfied that this is a voluntary self-declaration the HR and the Line Manager will liaise with Occupational Health and Wellbeing (OHW) to ensure that the individual is offered appropriate advice and support to assist in rehabilitation.

However, they will be required to enter into a rehabilitation contract with OHW and undergo regular ongoing testing.

These tests will require instant screening of urine samples that have been collected by trained PSNI employees using the

appropriate kits and following the chain of custody procedures.

Where laboratory analysis results in confirmed positive results for an individual on a rehabilitation contract, this will be deemed as a breach of that contract and referred to the Superintendent Discipline (for Police Officers) / Head of HR (for Police Staff) for disciplinary action.

## **OHW**

OHW will meet with individuals to assess the extent of the substance misuse problem and to determine the appropriate medical intervention. They will identify the suitable support that is available either within the PSNI or from other sources.

This may range from in-house counselling to recommending in-hospital treatment.

Where necessary they will liaise with external agencies to assist the individual in securing appropriate treatment. OHW will agree an action plan with the individual to assist in rehabilitation. This will form the basis of a rehabilitation contract.

## **Rehabilitation Contract**

OHW will draw up a rehabilitation contract with the individual detailing the action that has been recommended / agreed,

mechanisms that will be used to monitor progress (including regular testing if appropriate) and the timescale in which the pro-active OHW action is required.

Failure to adhere to any requirements in the contract will render the self-declaration void and either the Superintendent Discipline (for Police Officers) or the Head of HR (for Police Staff) will be informed accordingly and they will then commence disciplinary action.

It is recognised that progress will not always be without setbacks but recurrent relapses or deliberate failure to cooperate by individuals will not be acceptable.

## **Promotion / Transfer**

Whilst undergoing treatment or agreed assistance and subject to a rehabilitation contract, individuals may not be eligible to be considered for promotion or transfer (except where the risk assessment identifies that the individual should be moved).

## **Confidentially**

Confidentiality will be given the highest priority. There are, however, some circumstances in which the interests of the

proper administration of justice may override an absolute confidentiality.

In particular, the [Criminal Procedure and Investigations Act \(CPIA\) 1996](#) and the Code of Practice issued under it agreed between the National Police Chiefs Council (NPCC) and the Public Prosecution (PPS), place a personal responsibility on the individual Police Officer or member of Police Staff to declare any matter that may affect their credibility as a witness in a Court case.

## **PPS**

In some circumstances substance misuse on the part of a Police Officer or member of Police Staff acting as a witness may have to be revealed to the Public Prosecution Service (PPS), as the damage to the credibility of the individual as a witness may be a factor to be considered in a decision whether to proceed with a prosecution.

The personal responsibility under the CPIA should be drawn to the attention of a Police Officer / member of Police Staff by line management at the time at which any self-declaration of a substance misuse problem is made. The need to make a declaration

to the PPS will not arise in every case; each should be considered on its own facts and merits.

## Line Management

### When a substance misuse voluntary self-declaration has been made line management will:

- Adopt a sympathetic approach;
- Discuss with the individuals their concerns regarding substance misuse;
- Ascertain from the individual if there are any vulnerabilities in relation to the work that they have been undertaking before making the decision to seek assistance;
- Speak in confidence to HR and request an OHW appointment;
- In conjunction with other relevant local managers assess the suitability of the individual remaining in their current posts examining the risk in terms of the individual's safety and health, the safety and health of colleagues and public and any other impact or risk to the organisation;
- At the time at which any self-declaration of a substance misuse problem is made make the individual aware that they may need to make a declaration to PPS. This will not arise in every case – each should be considered on its own facts and merits; and
- Where OHW have become involved and have drawn up a rehabilitation contract with the individual, meet with OHW and HR on a quarterly basis to discuss the progress of the individual and identify what local management action may be required to assist in recovery.

## Appendix A – Substances – Further Information

### Substances

#### Anabolic Steroids / Pro-Hormones

There is evidence that the use of androgenic-anabolic steroids (AAS) / Prohormones can have a significant impact on mood and behaviour such as; heightened aggression, paranoia, jealousy, delusions, impaired judgement and anger which could lead to violence.

It has been determined that the possession or consumption of anabolic steroids (excluding for medical purposes supported by a General Practitioner) is:

- Not conducive with being employed by or contracted to work for PSNI;
- Considered to be a breach of the Code of Ethics; and
- Is considered under the NICS Code of Ethics.

It is the responsibility of all Staff to check that any supplements they are taking are free of agents which could lead to a positive test.

#### New Psychoactive Substances (NPS)

NPS drugs are designed to replicate the effects of illicit substances, such as cocaine, cannabis or amphetamines. Any substance that leads to the same effects as an illicit substance is likely to be illegal too, under the Psychoactive Substances Act (2016).

Ignorance of the fact a substance is illicit is not a defence. As with illegal substances, detection of NPS drugs in a biological specimen is the responsibility of the specimen donor and may result in the same disciplinary proceedings.

### **CBD Oil, Cannabis Oil and Hemp Oil**

It is acknowledged that a range of products and medications originating from the Cannabis group of plants, including cannabidiol (CBD) and hemp-based remedies, are available as health food supplements and remedies. Any such product, (available over-the-counter and without prescription from a medical professional) should not result in a positive drug test. However this does not mean that using CBD products will not result in a positive test. The psychoactive ingredient tetrahydrocannabinol (THC) may not be listed in the ingredients of a CBD product and tests have shown some CBD products may return a positive test, which would not distinguish between the use of CBD and the illicit use of Cannabis. It is the responsibility of all Staff to ensure that if they choose to use such products, that they do not contain any substance which may result in a positive drug test and disciplinary action.

In July 2018 the prescription of medicinal cannabis oil was approved by the UK government for its therapeutic benefits. However, the use of it on prescription could result in a failed drug test and ANY claim of use of medicinal cannabis must be supported by evidence from a medical professional.

## Appendix B – Safety / Security Critical Role

Police Staff and Non-Police Personnel who fall into any of the categories below are deemed to hold safety or security critical roles. Safety and Security Critical Roles are all subject to random testing. Any member who tests positive for drug use will be subject to disciplinary measures.

### Safety Critical

Police Staff who use or come into contact with firearms;

Police Staff drivers / pilots;

Police Staff working at height;

Police Staff involved in maintenance activities for buildings, equipment or vehicles; and

Civilian Detention Officers.

### Security Critical

Heads of Departments;

Professional Standards Department – all Officers and Staff;

Occupational Health and Wellbeing (OHW) Professionals;

National Police Chiefs Council (NPCC) Personal Secretaries and Secretariat;

All District Forensic Managers (DFMs), Crime Scene Investigators (CSIs) and Higher CSIs;
All Firearms Enquiry Officers;
All Firearms Licensing Staff;
Data Protection Staff, Information Assurance Unit;
All analysts;
All fingerprint Staff and technical Staff;
Scientific Officers, Forensic Advisers and Technical Staff;
Exhibit & Disclosure Officers;
All Call Handlers, Dispatchers;
All Police Staff that hold valid Level 6 Developed Vetting status; and
All Non-Police Personnel who hold valid Level 6 Developed Vetting status.

**Police Officers / members of Police Staff who have self-declared will also be subject to random testing.**

**Appendix C – Substance Misuse Testing**

Test Type	Hair	Urine	Oral Fluid	Result
<p><b><u>Random Test</u></b></p> <p><b>Student Officers, Probationer Constables, Police Officers, Police Staff and Non-Police Personnel in security or safety critical roles as per <a href="#">Appendix B.</a></b></p>		✓		<p>If at testing the individual is unable to provide a sample within two hours of the initial request this will be deemed as a failure to provide and will be treated as a positive result.</p> <p>Individuals who fail to provide may have to remain at their place of work. As the individual has failed to provide a sample the Superintendent AC&amp;V or Discipline will decide if a “with cause” test is appropriate at that time.</p>
<p><b><u>Pre-Employment</u></b></p>	✓	✓		<p>A positive result will debar applicants from appointment to the PSNI.</p>

<p><b>All applicants for positions within the organisation.</b></p>				<p>Refusal to undergo a pre-employment test or attempts to frustrate or tamper with samples will be deemed as having a positive result and debar applicants from the process.</p>
<p><b><u>Pre-Appointment</u></b>   <b>Applicants who have applied for specialist posts and Police Officers and Staff, in safety or security critical posts.</b></p>		<p>✓</p>		<p>Staff who refuse to undergo the substance misuse test as part of the pre-appointment process or attempt to frustrate or tamper with samples will be deemed as having a positive result and be reported to:</p> <ul style="list-style-type: none"> <li>• Discipline Branch for Police Officers; and</li> <li>• Head of HR for Police Staff accordingly.</li> </ul>
<p><b><u>Developed Vetted Personnel</u></b>   <b>All Police Officers, Police Staff and Non-Police Personnel in Developed Vetting roles.</b></p>		<p>✓</p>		<p>Individuals who refuse to undergo the substance misuse test or attempt to frustrate or tamper with samples will be deemed as having a positive result and be reported to reported to Discipline Branch (for Police Officers) / Head of HR (for Police Staff) accordingly. Any refusal to be</p>

				tested may result in the removal of an individual's Developed vetting status and subsequent transfer to a non-DV role.
<p><b><u>'With Cause'</u></b></p> <ul style="list-style-type: none"> <li>• <b>Intelligence led</b> (test must be approved in advance by the Superintendent Anti-Corruption &amp; Vetting or Discipline); and</li> <li>• <b>Suspected or observed impairment</b> (authorised by the District Commander / Department Head or delegated Officer who must be of at least Inspector or Executive Officer I (EOI) rank).</li> </ul>	✓	✓	✓	<p>Refusal by the individual to:</p> <ul style="list-style-type: none"> <li>• Undergo a test;</li> <li>• Attend when ordered to do so;</li> <li>• Remain on site until the collection agent arrives; or</li> <li>• Failure to provide a suitable sample.</li> </ul> <p>Will lead to disciplinary proceedings that may result in dismissal.</p> <p><b>This applies to all Police Officers and Police Staff.</b></p>

# Corporate Policy | Service Instruction

<b>Post Incident</b>		✓	✓	Failure to provide a suitable sample will be treated as a positive result and will lead to disciplinary proceedings that may result in dismissal.
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The substance misuse test will be undertaken by an approved, qualified, external contractor of the PSNI using appropriate sample collection kits and observing industry and evidential standard chain of custody procedures.

Test Type	Methodology
<p><b>Hair</b></p>	<p>This test will be undertaken by the collection of 2 samples of hair of 3cm in length and containing at least 50 – 100 strands of hair per sample. These will form the A and B samples. This will primarily be taken from the head, however, on occasion armpit, chest, leg or back hair may be used.</p> <p>The only exception to this will be where prior information has been provided as to why the applicant cannot provide a sufficient hair sample. In these instances a urine sample will be required to be provided. Applicants who provide a urine sample will be required to provide a further three random samples over a 6-month period.</p> <p>All hair samples will be split into 2 by the collection agent in the presence of the individual being tested. All hair samples will be forwarded to the approved laboratory. One sample will be used for testing purposes and the other retained by the laboratory to facilitate independent testing following dispute or appeal of laboratory findings.</p>

<p><b>Urine</b></p>	<p>Urine samples will be undertaken by the collection of a sample of at least 50ml. If at testing the applicant is unable to provide a sample they will be offered 250ml of water every 15 minutes up to a period of 1 hour and not exceeding a maximum of 1 litre. The applicant will be given up to 2 hours to provide a 50ml sample from time of first request.</p> <p>All urine samples taken will be split into 2 by the collection agent. Both samples will be sealed in accordance with chain of custody procedures and forwarded to the laboratory – one sample will be used for testing purposes and the other retained by the laboratory to facilitate independent testing following a dispute or appeal of laboratory findings.</p>
<p><b>With Cause Intelligence Lead</b></p>	<p>Tests will be undertaken without prior notice and may be undertaken by an approved, qualified, external contractor using oral fluid and / or urine and / or hair sampling methodologies. The decision to use oral fluid and / or urine and / or hair sampling will be at the discretion of the Superintendent Anti-Corruption or Discipline.</p>
<p><b>With Cause Suspected or Observed Impairment</b></p>	<p>Tests will be undertaken without prior notice and may be undertaken by an approved, qualified, external contractor using urine and / or hair sampling methodologies. With Cause – suspected or observed impairment’ tests may be authorised by the District Commander / Department Head or delegated Officer who must be of at least Inspector or Executive Officer I (EOI) rank.</p>
<p><b>Post Incident</b></p>	<p>Testing will be undertaken by collection and instant screening of an oral fluid and / or urine sample by an approved collection agent. Post incident testing may also include a requirement to provide a sample for alcohol testing.</p>

## Appendix D – Police Friend

A brief technical introduction to the role of a ‘Police Friend’ is given below:

### Written Notices

Under The Police (Conduct) Regulations (Northern Ireland) 2016, an Investigating Officer shall cause the member concerned to be given written notice (under Regulation 16 (Internal investigation) or Regulation 17 (Police Ombudsman investigation)) outlining the following point’s common to both regulations:

- describing the conduct that is the subject matter of the allegation;
- that there is to be an investigation into the matter and the identity of the investigator;
- informing him that he has the right to seek advice from his Staff association and of the effect of regulation 6(1)(Police ‘Friend’);
- of the effect of regulations 7(1) to (3) (Legal & other representation) and 18 (Representations to the investigator); and
- informing him that whilst he does not have to say anything it may harm his case if he does not mention when interviewed or when providing any information (to the Investigator or Appropriate Authority) under regulations 18(1) or 24(2) or (3) something which he later relies on in any misconduct proceedings or special case hearing or at an appeal meeting or appeal hearing.

Upon receipt of this notice the member concerned may look for advice or assistance. This is where a ‘Police Friend’ may provide invaluable support, both in terms of the regulatory framework and from a welfare perspective.

It is envisaged that the main role of this supporting member (‘Police Friend’) will be to give advice at this early investigative stage and attend conduct only interviews, not involving criminal allegations. A solicitor should be engaged for criminal interviews.

## Police Friend

Regulation 6 of [The Police \(Conduct\) Regulations \(Northern Ireland\) 2016](#) states:

6.-(1) The member concerned may choose a Police Officer who is not otherwise involved in the matter, to act as his Police Friend.

(2) A Police Friend may –

- (a) Advise the member concerned throughout the proceedings under these Regulations;
  - (b) Unless the member concerned has the right to be legally represented and chooses to be so represented, represent the member concerned at the misconduct proceedings or special case hearing or appeal meeting;
  - (c) Make representations to the appropriate authority concerning any aspect of the proceedings under these Regulations; and
  - (d) Accompany the member concerned to any interview, meeting or hearing which forms part of any proceedings under these Regulations.
- (3) The Chief Constable shall permit a Police Friend who is a member of the Police Service to use a reasonable amount of duty time for the purposes referred to in paragraph (2).

## Confidentiality Issues

As serving Police Officers we are all bound by the Code of Ethics. Article 3.3 of this code states:

“Information or data of a personal or confidential nature in the possession or control of Police Officers shall be kept confidential, unless the performance of duty, compliance with legislation or the needs of justice require otherwise.

Article 7.3 of the Code of Ethics places Officers under a duty to report wrongdoing, as follows:

“Police Officers shall at all times prevent and oppose any violation of this Code. They shall report all violations or potential violations of the Code, as well as any violations which they reasonably believe are about to occur.”

‘Police Friends’ do not have the legal privilege associated with legal representatives.

## **Alcohol Misuse**

The purpose of this Service Instruction is to deter alcohol misuse in the Police Service of Northern Ireland with a view to ensuring safe working practices within the Organisation. This Service Instruction applies to all Police Officers, Student Officers, Probationary Constables, Police Staff and Non-Police Personnel working on behalf of the Police Service of Northern Ireland.

## Alcohol Misuse Table of Contents

1. Introduction .....	35
2. Application .....	35
3. Aim .....	35
4. Legal Basis for Testing .....	36
5. Refusal to Undergo a Test .....	37
6. Testing Procedures.....	37
7. Action upon a Positive Test.....	39
8. OHW / Line Manager Role following Notification.....	41
9. Appeals.....	41
10. Self-Declaration .....	42

## Appendices

Appendix A – Safety Critical Roles .....	43
Derogations .....	43
Appendix B – Alcohol Misuse Self-Declaration Process.....	44
Appendix C – Contact Us.....	46

## 1. Introduction

Alcohol misuse in Police Service of Northern Ireland (PSNI) has the potential to impair judgement, and in turn negatively impact upon service delivery, public safety and the reputation of the service.

The purpose of this Service Instruction is to:

- Provide a safe and healthy work environment;
- Assist in maintaining public confidence;
- Deter alcohol misuse; and
- Ensure that processes are in place to test individuals who are subject to the alcohol tolerance threshold.

## 2. Application

This Service Instruction applies to the following:

- All Police Officers, Student Officers, Probationary Constables; and

- Police Staff and Non-Police Personnel who are employed in Safety Critical Roles ([Appendix B](#)).

All personnel are reminded they still have obligations in relation to ensuring they are fit to attend work.

## 3. Aim

Under the Health and Safety (NI Order 1978) the PSNI has a statutory requirement to provide safe systems of working and as its employees engage in high-risk activities, there is a greater risk of the misuse of alcohol impairing judgement, impacting upon service delivery, public safety and the reputation of the PSNI.

The PSNI applies an alcohol tolerance threshold which all individuals that this SI applies to must remain below whilst they are at work or performing on-call duties. The method for alcohol testing will be breath.

The alcohol threshold is 13 micrograms of alcohol in breath.

## 4. Legal Basis for Testing

The legal basis for this testing Police Officers is The Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008. In the case of Police Staff the basis for testing is covered under the under the Health and Safety at Work (NI) 1978 Order.

Where a criminal offence is suspected, criminal legislation takes precedence, and appropriate action should be taken under the relevant legislation, and NOT this Service Instruction, (e.g. drink driving or drunk in charge of a firearm offences).

### With Cause Testing

When a line manager can show that they have reasonable grounds to consider that a Police Officer, student Officer, probationer constable or Police Staff member detailed in [Appendix A](#) is in excess of the PSNI alcohol tolerance threshold they must follow this service instruction. There is no discretion available for any manager outside the [Derogations](#) listed.

Anyone who has a reasonable belief that a Police Officer, Student Officer, Probationer Constable or Police Staff member (detailed in [Appendix A](#)) is in excess of the tolerance threshold should inform line management.

Any manager who believes that a Police Officer, student Officer, probationer constable or Police Staff member detailed in [Appendix A](#) is impaired / in excess of the tolerance threshold must inform the individual's line manager or, in their absence, they must assume the responsibility of that line manager for the specific purpose of this Service Instruction.

Where someone self-reports that they may be in excess of the PSNI alcohol tolerance threshold they will automatically be tested. Self-declaring will be regarded as acting responsibly and should be actively encouraged by managers (see [Chapter 10 – Self-Declaration](#)).

Any individual who reports a colleague will not be subject to victimisation of any kind. Malicious reporting, however, will be dealt with under PSNI Code of ethics disciplinary procedures or NICS Code of Ethics.

**Post Incident Testing**

Alcohol testing may be conducted as part of investigative protocols for any incident involving Police Officers and Police Staff where it is considered by the Senior Investigating Officer (SIO) that the incident warrants such action. It may also be conducted as part of investigative protocols for incidents where personnel are subject to investigation by the Police Ombudsman for Northern Ireland (PONI).

**5. Refusal to Undergo a Test**

Any individual that refuses to give a sample for testing will be deemed unfit for work. Refusal to undergo a test will be treated as a positive result and will be dealt with under the relevant disciplinary procedures that may result in dismissal. Similarly any person who behaves in an inappropriate manner when asked for a sample may be dealt with under the relevant disciplinary procedure.

Where there is evidence to suggest that individuals have attempted to frustrate the testing process details will be forwarded to the relevant disciplinary authority for investigation.

**6. Testing Procedures**

Where managers can demonstrate reasonable grounds for suspecting an individual is impaired or in excess of the tolerance threshold, they will:

- Ascertain whether there are any medical reasons for their observed behaviour;
  - Seek guidance from Occupational Health and Wellbeing (OHW) if required;
  - Decide whether to proceed with alcohol and / or [substance testing](#);
  - Advise the individual that they require them to undergo testing, outlining why and that they must remain on site; and
  - Arrange for the attendance of the approved, qualified external contractor, at an agreed site, via the 24hr telephone call out number\* no later than 2 hours from the time of request.
- \* The telephone call out number is available from any Inspector / Staff equivalent or above or any Call Management Centre.

In conjunction with local management monitor the condition of the individual. If necessary whilst waiting for the arrival of the Collection Agent, seek the medical opinion and / or attention of the Forensic Medical Officer (FMO).

Where the individual fails to remain on site, this will be reported under the relevant disciplinary procedures and treated as a positive result.

The test will be conducted in a private room free from contamination:

- No sooner than 20 minutes after; and
- No later than 2 hours from, being informed of the requirement to undergo the test.

The results of the test will be printed on site.

## **Zero Test Result**

In the event of a zero test, the individual will be advised that they can return to work.

## **Non-Zero Test Result**

If the results are not a zero test, the test will be repeated between 15 and 20 minutes later. Where two tests are conducted, the lower result is the one that will be used for the purpose of this Service Instruction.

If an individual's test is negative on the breath / substance test and management still has reasonable grounds for suspecting they are otherwise impaired, it may be appropriate to seek the advice of OHW.

### 7. Action upon a Positive Test

Breath result	Below 13 micrograms	Between 13 – 39 micrograms	Over 39 micrograms or 2 <sup>nd</sup> occasion between 14-39 micrograms
<b>Management Action / notification to:</b>	<ul style="list-style-type: none"> <li>No action and No notification required; and</li> <li>Result added to HR system.</li> </ul>	<ul style="list-style-type: none"> <li>The individual will be deemed incapacitated for duty and will be instructed to go home – this will not be paid time off. The individual will, if applicable, be given the option of taking TOIL / Flexi, or go home without pay;</li> <li>Advise via e-mail – Local Discipline lead and or District Commander / Head of Branch for local action which may include a referral to OHW.</li> </ul>	<ul style="list-style-type: none"> <li>The individual will be deemed incapacitated for duty and will be instructed to go home – this will not be paid time off but, if applicable, be given the option of taking TOIL / Flexi, or go home without pay;</li> <li>Advise District Commander / Head of Branch for local action via e-mail;</li> <li>Refer to Disciplinary Branch and or HR strategic lead;</li> </ul>

## Corporate Policy | Service Instruction

		<ul style="list-style-type: none"><li>• Advise SVU for information (<a href="mailto:zSubstanceMisuse@psni.police.uk">zSubstanceMisuse@psni.police.uk</a>);</li><li>• Referral to ACU (Police only);</li><li>• Advise HR (Police Staff via HR Service Portal); and</li><li>• Result added to HR system.</li></ul>	<ul style="list-style-type: none"><li>• OHW referral;</li><li>• Advise HR (Police Staff via HR Service Portal); and</li><li>• Result added to HR system.</li></ul>
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**At each stage SVU will record the result of any positive tests on the individual's HR record.**

## Non-Police Personnel

Where there are reasonable grounds to suspect that a member of Non-Police Personnel is in excess of the PSNI tolerance threshold they will be asked to leave the site immediately. In all cases the individual's employer will be notified. The individual responsible for the contractor will be responsible for asking them to leave the premises.

Non-Police Personnel are subject to disciplinary action by their employer. In addition the PSNI reserves the right to remove any Non-Police Personnel, if for any reason, in the opinion of PSNI, their conduct, performance or behaviour does not reflect the vision and values of PSNI or could present any risk of disrepute to PSNI.

## 8. OHW / Line Manager Role following Notification

Following the first positive test the manager will inform OHW. In some instances OHW may be aware of ongoing issues for the individual concerned and may advise the line manager that a referral is required. If there is no such pre-existing information,

no referral will be made unless requested by the individual via the line manager.

On notification of a B positive test for an individual within a two-year period, OHW will be asked to schedule a referral for them by the line manager as soon as reasonably practicable.

## 9. Appeals

Where an individual considers that the process was not correctly applied, they have the right to appeal. The appeal must detail how they believe the process was not applied correctly and state how they have been treated less favourably as a result. All appeals must be in writing to the Substance Misuse Manager. Individuals will have 7 calendar days from the date of their test to lodge their appeal. Police Officers and Police Staff have the right to be accompanied at any appeal hearing by a 'misconduct Re', Staff association representative or a work colleague. The appeal for Police Officers will be heard by Superintendent rank or above. In cases of Police Staff or potential employees the appeal will be heard by the Head of HR.

## 10. Self-Declaration

Alcohol misuse will be regarded primarily as a medical condition that may require expert advice, guidance and treatment. The PSNI aims to support individuals who are prepared to accept and deal with issues arising from alcohol misuse or dependency.

Where an individual self-declares an alcohol dependency:

- OHW will provide support; and
- They will be subject to a risk assessment to ascertain the suitability of their current role.

Disciplinary proceedings will only be considered when:

- OHW assistance is rejected;
- the problem remains unresolved;
- the individual's behaviour is unacceptable;
- lack of efficiency warrants such proceedings; and / or
- The individual breaches the agreed rehabilitation programme.

Individuals are therefore encouraged to voluntarily self-declare any alcohol misuse issues to their line manager.

Where an individual makes a self-declaration to OHW, the appropriate managers will be made aware of the need to carry out risk assessments in relation to the individual's duties. OHW will ensure appropriate referrals are made to assist the individual in managing their condition and the individual will be required to agree to a rehabilitation contract.

If there is an agreed rehabilitation programme in place individuals may not be eligible for promotion or transfer (except where the risk assessment identifies that the individual should be transferred).

Individuals may not self-declare a dependency, either at the time of an alcohol test or after notification that they are to be subject to an alcohol test, in order to avoid the consequences of the test.

## Appendix A – Safety Critical Roles

The following roles have been designated as safety critical:

- (1) Police Staff who use or come into contact with firearms;
- (2) Police Staff drivers / pilots;
- (3) Police Staff working at height;
- (4) Police Staff involved in maintenance activities for buildings, equipment or vehicles; and
- (5) Civilian Detention Officers.

### Derogations

A senior Officer (Superintendent or above) can authorise an Officer on special operations to work outside the scope of this Service Instruction where the Officer or the operation may otherwise be put in jeopardy. Any decision to do so must be subject to relevant risk assessments and be fully documented.

**Appendix B – Alcohol Misuse Self-Declaration Process**

<b>Self-Declaring</b>	<b>Process</b>
<b>THE INDIVIDUAL</b>	<ul style="list-style-type: none"> <li>a) Where individuals are concerned that they may have a dependency to or be misusing alcohol, they should in the first instance speak with line management; and</li> <li>b) In making a self-declaration individuals are indicating that they recognise the need to address the issue and get the appropriate help and assistance.</li> </ul>
<b>LOCAL MANAGEMENT</b>	<ul style="list-style-type: none"> <li>a) Line management will adopt a sympathetic approach and ensure a non-hostile environment;</li> <li>b) Line management will discuss with the individuals any concerns regarding alcohol misuse and ascertain from the individual if there are any vulnerabilities in relation to the work that they have been undertaking before the decision to seek assistance;</li> <li>c) Line management will request that an OHW appointment is arranged;</li> <li>d) Line management, in conjunction with other relevant local managers, will assess the suitability of the individual remaining in their current posts, examining the risk in terms of the individual’s safety and health, the safety and health of colleagues and the public and the impact on the organisation; and</li> <li>e) Where OHW have become involved and have drawn up a rehabilitation contract with the individual, line management will meet with OHW on a</li> </ul>

	<p>quarterly basis to discuss the progress of the individual and identify what local management action may be required to assist in recovery.</p>
<p><b>OHW</b></p>	<p>a) OHW will meet with individuals to assess the extent of the alcohol problem and to determine the appropriate medical intervention. This may range from in-house counselling to recommending in-hospital treatment;</p> <p>b) OHW will liaise with external agencies to assist the individual in securing appropriate treatment; and</p> <p>c) OHW will draw up a rehabilitation contract with the individual detailing the action that has been recommended/agreed, mechanisms that will be used to monitor progress (including alcohol testing if appropriate) and the timescale in which pro-active OHW action is required.</p> <p><u>It is recognised that progress will not always be without setbacks but recurrent relapses or deliberate failure to cooperate by individuals will not be acceptable indefinitely.</u></p>

## **Appendix C – Contact Us**

### **Service Instruction Author**

Professional Standards

### **Branch e-mail**

[zSubstanceMisuse@psni.police.uk](mailto:zSubstanceMisuse@psni.police.uk)