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## SI3017

# Substance Misuse

The purpose of this Service Instruction is to deter substance misuse by all police officers, student officers, probationer constables, police staff and non-police personnel working on behalf of the Police Service of Northern Ireland, through the introduction of a compulsory drug-testing regime.



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## 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 the misuse of drugs, whether illegal or prescribed.

Any individual involved in the misuse of drugs exposes themselves to vulnerability in terms of corruption, blackmail and integrity and faces disciplinary and criminal consequences. The supply or use of any illegal drugs by any police officer, student officer, probationer constable, member of police staff or non-police personnel working on behalf of the PSNI may, upon investigation, be classified as a serious criminal offence and accordingly be classed as 'Gross Misconduct'.

Any police officer, student officer, probationer constable or member of police staff found to be involved in such activities should be aware that this may / could result in dismissal.

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.

Collection and screening of samples will be undertaken by suitably qualified and experienced staff using appropriate techniques to ensure that the chain of custody is carefully controlled. All samples will be collected, tested and analysed in line with the current European Workplace Drug Society guidelines. These personnel may be either direct employees of the PSNI or contracted to an external employer who undertakes this function for the PSNI.

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

## 2. Aims

Any instance of substance misuse has the potential to impair judgement, which in turn has the potential to impact upon service delivery, public safety and the reputation of the PSNI.

### 3. Guidance

Given the high-risk activities undertaken by employees of the PSNI and the statutory requirement to provide safe systems of working, it is recognised that the misuse of legal substances such as prescribed medication has the potential to impact upon the delivery of a professional policing service. The persistent and prolonged misuse is also viewed as a serious disciplinary offence and is classed as 'Gross Misconduct'.

However, individuals who voluntarily self-declare a dependency to either legal or illegal substances will receive support from the PSNI to assist in rehabilitation. A self-declaration will not usually result in disciplinary action provided there is no evidence of serious criminal activity. Self-declarations 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 Procedure 8/12 'Service Confidence Procedure (SCP)', Service Instruction SI 0416 Police Misconduct and the Northern Ireland Civil Service (NICS) Handbook for police staff.

## 4. Substance Misuse Testing

### 1. Random Testing

Police officers, probationer constables, student officers, police staff and non-police personnel undertaking security or [safety critical roles](#) will be selected at random, at the discretion of Assistant Chief Constable (ACC) Legacy & Justice Department, as part of the rolling programme of random testing within the PSNI.

Staff 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. To facilitate this, their personnel record on the Human Resources (HR) system will reflect dates and results of all substance misuse tests.

Random testing will be undertaken by collection of a urine sample. Those required to undergo random testing will be required to provide a urine sample to an approved, qualified, external contractor using appropriate sample collections kits and observing industry and evidential standard chain of custody procedures.

All laboratory confirmed positive results will be reviewed by a Medical Review Officer (MRO). Only those results that in the view of the MRO indicate use of illegal substances or misuse of legal substances will be reported to the PSNI as a positive result.

The MRO will report positive results to Anti-Corruption & Vetting (AC&V) who will report the matter to the Superintendent Discipline (for police officers)/ Head of HR (for police staff), to initiate the appropriate disciplinary action.

## **2. Pre-employment Tests**

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

All laboratory confirmed positive results will be reviewed by the MRO. Only those results that in the view of the MRO indicate use of illegal substances or misuse of legal substances will be reported to AC&V as a positive result.

## **3. Pre-appointment Tests**

Pre-appointment substance misuse testing will usually be undertaken by collection of a urine sample. All laboratory confirmed positive results will be reviewed by the MRO. Only those results that in the view of the MRO indicate use of illegal substances or misuse of legal substances will be reported to AC&V as a positive result.

The MRO will report positive results to AC&V who will report the matter to the Superintendent Discipline (for police officers)/ Head of HR (for police staff) who will initiate the appropriate disciplinary action.

## **4. Developed Vetted Personnel**

Testing will be undertaken by collection of a urine sample.

All laboratory confirmed positive results will be reviewed by the MRO. Only those results that in the view of the MRO indicate use of illegal substances or misuse of legal substances will be reported to AC&V as a positive result.

The MRO will report positive results to AC&V who will report the matter to the Superintendent Discipline (for police officers) / Head of HR (for police staff) who will initiate the appropriate disciplinary action.

## 5. 'With Cause' Tests

Tests will be undertaken without prior notice and may be undertaken by either trained police staff or 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 & Vetting or Discipline. In all cases, samples will be collected using appropriate sample collection kits observing industry and evidential standard chain of custody procedures.

'With Cause – intelligence-led' tests must be approved in advance by the Superintendent Anti-Corruption & Vetting or Discipline. Refusal by the 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.

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. 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.

Where Anti-Corruption & Vetting 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.

'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. These may be undertaken by either trained police staff or an approved-qualified external contractor using oral fluid and/or urine sampling methodologies. The decision to use oral fluid and/or urine will be at the discretion of the District Commander/Department Head. In all cases, samples will be collected using appropriate sample collection kits observing industry and evidential standard chain of custody procedures.

Where line managers can demonstrate reasonable grounds for suspecting that an individual is impaired, they will ascertain from the police officer/member of police staff whether there are any medical reasons for their observed behaviour. The line manager may seek information/guidance from OHW before deciding on whether to proceed with drug screening and/or alcohol testing.

Police officers or police staff, who reasonably believe that a colleague is impaired due to drugs, should inform 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, in their absence, they must assume the responsibility of that line manager for the specific purpose of this Service Instruction. The line manager should establish in the first instance whether a criminal offence under the Road Traffic Order or Firearms Order has taken place. If this appears to be the case, arrest and processing as per criminal legislation should take place,

rather than 'with cause – observed impairment' testing.

Should the line manager proceed by requesting a test, they must advise the police officer/member of staff that they require them to undergo a substance misuse test outlining to them why the test is taking place. Line managers should also carry out a risk assessment with regard to the access to firearms. Please refer to PSNI Manual of Policy, Procedure and Guidance on Conflict Management.

Where the line manager has reasonable grounds to suspect that the individual is impaired but is unsure of the cause of the impairment they must advise the police officer/member of staff to undergo a drug screening test and an alcohol breath test. The process for alcohol testing is outlined in Service Procedure 04/14 – 'Alcohol Misuse' and is not therefore replicated here. In these circumstances, the decision to carry out both 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.

Once approval has been granted for a 'With Cause – suspected or observed impairment' test, the line manager should arrange for the attendance of the approved,



qualified, external contractor/trained staff member via the 24hr telephone call out number and advise the individual that they are required to remain on site and undergo the test. The approved, qualified, external contractor/trained member of police staff will advise on an estimated time of arrival which will be at an agreed site no later than 2 hours from the time of request.

Where the individual fails to remain on site until the collection agent arrives or refuses to take the test this will be reported to the Superintendent Discipline/ Head of HR and treated as a positive result. The police officer/member of police staff must be informed of this at the time the line manager requests a test.

Where a 'With Cause – suspected or observed impairment' test has been authorised, local management should monitor the condition of the individual and if necessary seek medical attention/opinion of the Forensic Medical Officer (FMO) until the approved, qualified, external contractor arrives.

All laboratory confirmed positive results will be reviewed by the MRO. Only those results that in the view of the MRO indicate use of illegal substances or misuse of legal

substances will be reported to AC&V as a positive result.

The MRO will report positive findings to AC&V who will then report the matter to the Superintendent Discipline/Head of HR who will instigate disciplinary action as appropriate.

Where a 'With Cause – suspected or observed impairment' test results in a negative result, the referring manager will consider with the individual what, if any, further action may be appropriate, for example, risk assessment, referral to OHW.

## **6. Post Incident Testing**

Where a police officer or member of police staff is involved in a 'serious incident' whilst on duty, a post incident test may be undertaken. If it is suspected that a criminal offence has taken place, for example under the Road Traffic Order or Firearms Order, criminal investigation will be undertaken as opposed to the guidelines in this Service Instruction. 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 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;
- death in custody;
- Health and Safety incidents in which injury occurs, or near misses;
- 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) for the incident/line manager wishes to conduct a post incident test, they will liaise with the Duty Inspector, who will issue the appropriate order to the police officer or member of police staff concerned (refer also to Policy Directive 03/06 – 'Post Incident Procedure Deployment of Post Incident Managers – Discharge of Firearms').

## 7. Confirmed Positive Results

Regardless of the reason or methodology used for tests, positive results will be forwarded by the MRO to AC&V and reported to the Superintendent Discipline/ Head of HR.

Upon receipt of the result the Superintendent Discipline (for police officers)/ Head of HR (for police staff) will inform the relevant District Commander/Head of Department.

The District Commander/Head of Department will inform the individual of a confirmed positive result. Individuals will have 7 calendar days to notify the District Commander/Head of Department that they wish to have their retained second sample analysed by an independent laboratory. In these circumstances the individual must identify the laboratory. The laboratory must be accredited by a recognised external accrediting body. Once the laboratory has been identified the second sample will be forwarded by the Police Services external contractor.

Where an individual requests that the sample is analysed by a different laboratory, this is done at the instruction and expense of the individual. The external contractor will forward the second sample to the laboratory selected by the individual. The individual should liaise with AC&V to ensure that all test results are forwarded to AC&V from the selected laboratory.

Where analysis of the second sample results in a negative result, a further test will be arranged. This test may be undertaken by collection of a urine or hair sample. In the event that this second test returns 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 second sample.

Where analysis of the second sample confirms the original result there will be no further right of additional analysis.

Confirmed positive results will be deemed as Gross Misconduct. The Superintendent Discipline (for police officers)/ Head of HR (for police staff) will progress a disciplinary process.

## **8. Appeals**

Where an individual considers that the process was not correctly applied, they may appeal. The appeal must detail how they believe the process was not applied correctly and must be based on an error of fact or law, or that it is irrational and state how they have been treated less favourably as a result.

All appeals must be in writing to the District Commander, Head of Department or Head of HR and must state the grounds on which the appeal is based. Individuals will have 7 calendar days from the notification of the final analysis to lodge their appeal and a further 14 calendar days to submit all the required information for their appeal before any formal decision is taken.

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.

Where an appeal is upheld the positive result may be expunged.

## **5. Substance Misuse Voluntary Self-Declaration**

### **1. 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 Anti-Corruption & Vetting 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.

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

OHW will identify appropriate support that is available either within the PSNI or from other sources and agree an action plan with the individual to assist in rehabilitation.

This will form the basis of a rehabilitation contract.

Individuals who voluntarily self-declare a substance misuse issue and enter into a rehabilitation contract will not usually be subject to disciplinary proceedings. The exception to this will be where individuals who, during the voluntary self-declaration process, indicate that they are involved in serious criminal activity. In such circumstances the PSNI have an obligation to investigate this activity.

Individuals subject to a rehabilitation contract will be required to undergo regular and ongoing drug screening. 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.

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).

Confidentiality, when requested, will be given the highest priority. There are, however, some circumstances in which the interests of the proper administration of justice may over-ride an absolute confidentiality. In particular, the Criminal Procedure and Investigations Act (CPIA) 1996 and the Code of Practice issued under it, agreed between 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. 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 PPS will not arise in every case; each

should be considered on its own facts and merits.

Police officers and police staff who voluntarily self-declare a substance misuse issue will be required to enter into a rehabilitation contract with OHW. A requirement of this contract will be that these individuals will be subject to regular and 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.

## **2. The Individual**

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.

### **3. Local Management**

Line management will adopt a sympathetic approach.

Line management will discuss with the individuals their concerns regarding substance misuse and 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.

Line management will speak in confidence to HR and request an OHW appointment.

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 public and any other impact or risk to the organisation.

Where OHW have become involved and have drawn up a rehabilitation contract with the individual, line management and HR will meet with OHW on a quarterly basis to discuss the progress of the individual and identify what local management action may be required to assist in recovery.

### **4. OHW**

OHW will meet with individuals to assess the extent of the substance misuse problem and to determine the appropriate medical intervention. This may range from in house counselling to recommending in-hospital treatment.

OHW will liaise with external agencies to assist the individual in securing appropriate treatment.

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.

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.

## Appendix A Safety/Security Critical Roles

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.

### 1. 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.

### 2. Security Critical

- (1) Heads of Departments;
- (2) Discipline Branch – all staff;
- (3) Occupational Health and Wellbeing (OHW) Professionals;
- (4) Association of Chief Police Officers (ACPO) Personal Secretaries and Secretariat;
- (5) All District Forensic Managers (DFMs), Crime Scene Investigators (CSIs) and Higher CSIs;
- (6) All Firearms Enquiry Officers;
- (7) All Firearms Licensing Staff;
- (8) Data Protection staff, Information Assurance Unit;
- (9) All analysts;
- (10) All fingerprint staff and technical staff;
- (11) Scientific Officers, Forensic Advisers and Technical Staff;
- (12) All Anti-Corruption & Vetting staff;
- (13) Exhibit & Disclosure Officers;
- (14) All police staff that hold valid Level 6 Developed Vetting status;
- (15) All non-police personnel who hold valid Level 6 Developed Vetting status;
- (16) All police staff with designated powers.

Any police officer or member of police staff who has self-declared will also be subject to random testing.

## Appendix B 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 Appendix 'A'.</b></p>		✓		Failure to provide a suitable sample will be treated as a refusal and will lead to disciplinary proceedings that may result in dismissal.
<p><b><u>Pre-Employment</u></b></p> <p><b>All applicants for positions within the organisation.</b></p>	✓	✓		<p>A positive result will debar applicants from appointment to the PSNI.</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></p> <p><b>Applicants who have applied for specialist posts and police staff, non-police personnel in safety or security critical posts.</b></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 Discipline Branch (for police officers)/ Head of HR (for police staff) accordingly.



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<p><b><u>Developed Vetted Personnel</u></b></p> <p><b>All police officers, police staff and non-police personnel in Developed Vetting roles.</b></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 tested may result in the removal of an individual's Developed vetting status and subsequent transfer to a non DV role.</p>
<p><b><u>'With Cause'</u></b></p> <ul style="list-style-type: none"> <li>• <b>Intelligence-led;</b></li> <li>• <b>Suspected or observed impairment.</b></li> </ul> <p><b>This applies to all police officers and police staff.</b></p>	✓	✓	✓	<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>Post Incident</b></p>		✓	✓	<p>Failure to provide a suitable sample will be treated as a positive result and will lead to disciplinary proceedings that may result in dismissal.</p>

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.

<b>Test Type</b>	<b>Methodology</b>
<b>Hair</b>	<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. This will primarily be taken from the head, however, on occasion armpit or chest 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>
<b>Urine</b>	<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 dispute or appeal of laboratory findings.</p>
<b>Oral Fluid</b>	<p>Individuals will be asked to remove any articles from their mouth e.g. chewing gum. The collection agent will wait a further 10 minutes to observe that the donor has nothing in their mouth. An oral fluid sample will then be collected. If the volume is less than required, the specimen will be discarded and a second specimen will be collected.</p>

**SERVICE INSTRUCTION**

<b>With Cause</b>	<p>Tests will be undertaken without prior notice and may be undertaken by either trained police staff or 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 Discipline or AC&amp;V or the District Commander/Department Head.</p> <p>'With Cause – intelligence-led' tests must be approved in advance by the Superintendent Discipline or AC&amp;V.</p> <p>'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>
<b>Post Incident</b>	<p>Testing will be undertaken by collection and instant screening of an oral fluid and/or urine sample by an approved collection agent or trained member of police staff. Post incident testing may also include a requirement to provide a sample for alcohol testing.</p>

## Appendix C Contact Us

### Service Instruction Author

Anti-Corruption & Vetting

### Branch Email

[substancemisuse@psni.pnn.police.uk](mailto:substancemisuse@psni.pnn.police.uk)