



POLICE INTEGRITY COMMISSION

OPERATION ABELIA

RESEARCH AND INVESTIGATIONS INTO
ILLEGAL DRUG USE BY SOME NSW POLICE OFFICERS

VOLUME 1: SUMMARY REPORT
SEPTEMBER 2005

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The Hon Meredith Burgmann MLC
President
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SYDNEY NSW 2000

The Hon John Aquilina MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Madam President and Mr Speaker

In accordance with section 96(1) of the *Police Integrity Commission Act 1996*, the Commission hereby furnishes to you a Report regarding Operation Abelia, being a Report in relation to a matter in which the Commission has conducted an investigation.

I draw your attention to section 103(2) of the *Police Integrity Commission Act 1996*, pursuant to which I recommend that this Report be made public forthwith.

Yours faithfully

T P Griffin
Commissioner

September 2005

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OVERVIEW

In 2005, the Police Integrity Commission (PIC) completed a major project on the use of illegal drugs by some NSW Police officers. In this project, codenamed Operation Abelia, the PIC focused on what can be done to minimise illegal drug use by officers, in addition to investigating individual cases of officer misconduct.

Operation Abelia differed from previous PIC projects in a number of significant ways. The Operation Abelia methodology combined misconduct investigations and hearings with detailed national and international research. One aspect of this research involved the PIC actively seeking input from policing agencies, experts and practitioners from within and beyond Australia. The project also benefited from the professional, cooperative approach adopted by both NSW Police and the Police Association of NSW. The support of these agencies has provided a strong foundation both for the development of a comprehensive framework for minimising drug use by police and for a receptive environment in which positive change can be effected.

Operation Abelia focused on a serious problem. Illegal drug use by officers has the capacity to adversely impact on the professionalism and effectiveness of individual officers as well as the organisation as a whole, the integrity and health of the individuals concerned, and the safety of colleagues and the community. For officers to use illegal drugs, they must have obtained them through some illegal means. This compromises their position, making them vulnerable to approaches from criminals and at risk of engaging in more serious acts of corruption. Personal drug use may also reduce their willingness to carry out their duties in relation to drug law enforcement.

The Operation Abelia Report is composed of four volumes. This first volume, which is referred to as the Summary Report, provides an outline of how Operation Abelia was undertaken and describes a selection of the findings and observations made. It also provides an overview of the nine-part strategy developed from the PIC's recommendations for strengthening NSW Police's approach to minimising illegal drug use by its officers. A consolidated list of recommendations is provided at the end of this volume.

The main body of the report is provided in Volumes 2 and 3, while the supporting appendices can be found in Volume 4. More specifically:

- Volume 2 includes a brief Executive Summary in addition to providing a context in which to consider the problem of illegal drug use by some NSW Police officers (Chapters 1, 2 and 3), an examination of allegations of misconduct by individual NSW Police officers (Chapter 4), and a summary of what the PIC has learnt about the nature of the problem of illegal drug use by NSW Police officers (Chapter 5).
- Volume 3 includes a detailed examination of relevant NSW Police policies and the PIC's recommendations for improvement (Chapter 6), a description of how the individual recommendations combine to form a nine-part integrated strategy (Chapter 7) and a bibliography of material reviewed.

An electronic copy of all four volumes is provided on the **compact disc attached to Volume 1** of the report and is also available on the PIC's website at <www.pic.nsw.gov.au>.

THE PURPOSE OF OPERATION ABELIA

Operation Abelia had three broad objectives:

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

The term 'illegal drugs' is used within this report to refer both to prohibited drugs as described in the *Drug Misuse and Trafficking Act 1985* as well as other restricted drugs such as anabolic steroids when they are obtained without a prescription. Alcohol use and abuse were outside the scope of Operation Abelia.

From the outset the PIC acknowledged that it would not be possible to obtain accurate estimates of the extent of an illegal and hidden activity such as prohibited drug use by police. Operation Abelia focused on developing a better understanding of the nature of the problem. The better the PIC's understanding about the nature and circumstances of illegal drug use by some officers, the better placed it is to advise NSW Police how and where to intervene to minimise future misconduct.

In line with its principal function that includes preventing police misconduct, the PIC has sought to develop a broad-based, integrated approach to minimising officer illegal drug use. The PIC sought to determine what further preventative actions NSW Police could take, in addition to its current efforts, to minimise future illegal drug use by its officers.

HOW THE PIC UNDERTOOK OPERATION ABELIA

The PIC chose to use a diverse and complementary range of information collection strategies to inform itself about issues relevant to Operation Abelia. These information collection strategies are summarised below.

As part of its investigation of the conduct of individual officers, the PIC held public hearings to expose different examples of illegal drug use and drug supply by some NSW Police officers and associated misconduct. A number of private hearings were also conducted.

In order to develop a better understanding of why some officers use illegal drugs, the circumstances of such use and the effectiveness of current NSW Police policies and procedures, the PIC considered the perspectives of different groups. The PIC obtained these perspectives by:

- interviewing a sample of 21 NSW Police commanders
- conducting private hearings with current and former sworn officers who had admitted illegal drug use
- in conjunction with the Police Association of NSW (PANSW), conducting six focus groups involving sworn officers and one focus group with student police
- advertising to invite information and submissions from interested members of the public about the use of illegal drugs by police officers in NSW.

The PIC also obtained the perspectives of the delegates to the PANSW biennial conference in May 2004 as a result of the PANSW dedicating part of the conference to a discussion of strategies to minimise the problem of illegal drug use.

The research also examined what could be learnt about police illegal drug use from existing records. The PIC did this by compiling and then analysing case studies of 81 NSW Police officers found or assessed to have used illegal drugs. Criteria for inclusion of a case study were very strict: wherever any doubt existed over the suitability of a case study it was excluded. This meant that a number of officers were excluded, even where the PIC held the opinion that it was very likely that the officer had engaged in illegal drug use. The purpose of the case study analysis was to identify patterns in the characteristics of officers detected using illegal drugs and the circumstances under which they had used them.

To ensure that any policy recommendations from Operation Abelia were well-informed, the PIC adopted a consultative approach that included:

- interviewing members of NSW Police in key policy areas to better understand the interpretation and implementation of relevant policies
- interviewing experts in the drug and alcohol research fields, drug testing field (both those who are technical experts as well as those who provided an industrial relations perspective), criminology and crime prevention areas

- liaising with seven police departments in other jurisdictions within Australia and 16 police departments in Canada, USA, UK and the Netherlands to find out from them the approaches that they took to minimise drug use by their officers
- contacting nine Australian non-policing agencies or other industry groups that either use drug testing, were considering using drug testing, or for whom drug use issues were relevant but were being managed through alternative strategies
- contacting Australian and overseas researchers in the policing, criminology and drugs fields to identify relevant research and associated materials to ensure that the material reviewed to inform Operation Abelia was comprehensive, and
- organising and chairing a series of 'round table' discussions to provide a formal opportunity for consultation on matters likely to be the subject of assessment, and possibly recommendations, by the PIC.

In addition, the PIC conducted a comprehensive review of the relevant, available literature.

PLACING OFFICER ILLEGAL DRUG USE IN CONTEXT

NSW Police is a large and geographically dispersed organisation. At the end of June 2004, NSW Police had 18 921 employees including 15 009 police officers. Approximately 5000 of these officers were aged 30 years or younger. NSW Police officers are part of a community where illegal drug use is not uncommon. It has been estimated that one in every five Australians aged 20 to 29 years has used ecstasy (MDMA) at least once in their life. Recent reports have suggested that the use of amphetamines and ecstasy is increasing within the broader Australian community.

Illegal drug use by some NSW Police officers has been exposed in previous investigations, including investigations by the Royal Commission into the NSW Police Service, the PIC and NSW Police.

Illegal drug use by police is a concern in many jurisdictions, both nationally and internationally. When the PIC contacted policing agencies in other jurisdictions to find out about the approaches they use to minimise illegal drug use by officers, it became clear that the issue was a topical one. The PIC found that within a number of Australian policing agencies as well as those in Canada and the UK, the issue of illegal drug use by officers had recently received attention or was the subject of current debate.

Despite this interest in the issue of illegal drug use by officers, prior to Operation Abelia little work had been done, either in Australia or elsewhere, to try to develop a better understanding of why some officers use illegal drugs, the circumstances surrounding their drug use and what could be done to minimise this drug use.

EXAMINING THE CONDUCT OF INDIVIDUAL OFFICERS

The investigations and hearing program examining the conduct of individual officers was divided into three segments that were codenamed Operation Icemint, Operation Norandra and Operation Alpine. A brief outline of each of these segments is provided together with a summary of the assessments and opinions reached. Further details of the evidence concerning individual officer misconduct and the PIC's considerations can be found in Chapter 4 in Volume 2.

1. OPERATION ICEMINT

Operation Icemint investigated allegations of illegal drug use, drug supply and association with a drug dealer by three (now former) senior constables, Melanie Wilson, Shelley Hill and Tracey Tyler. In a PIC hearing in November 2003, Wilson, Hill and Tyler each admitted using ecstasy, speed, cocaine and ketamine. Hill and Tyler admitted using illegal drugs over a period of seven or more years, while Wilson admitted using illegal drugs for four or five years while she was an officer.

The evidence given by the Operation Icemint witnesses illustrated that some officers:

- do not commence their illegal drug use until several years after joining NSW Police
- continue using illegal drugs for several years while working as a NSW Police officer, despite recognising that there is a conflict between being a police officer and using illegal drugs
- admit using a variety of illegal drugs
- use illegal drugs socially at nightclubs or at the homes of friends when they are off duty and describe their illegal drug use as 'a lifestyle choice'
- obtain illegal drugs for friends and sometimes charge their friends for these drugs
- admit knowing drug suppliers but not acting on this information
- do not see their illegal drug use as a problem.

One of these former senior constables said that when a friend of hers whom she knew to be a drug dealer was arrested, she visited this friend in gaol. She explained that this person had been a friend of hers since she was 18 years old. She admitted that she kept the visit a secret because she did not want others to know that she was a close friend of someone who had been charged with serious drug charges.

From the evidence obtained, the PIC formed the opinion that these three former officers had each engaged in misconduct during their service as NSW Police officers. This misconduct involved the use and supply of prohibited drugs by Wilson and Hill, and the use of prohibited drugs by Tyler. In addition, all three failed to act on their knowledge of a civilian's status as a supplier of prohibited drugs. All three tendered their resignations from NSW Police prior to giving evidence in November 2003. It is not considered that the evidence against the former officers forms a sufficient basis for prosecution and accordingly the PIC has recommended no further action be taken against them.

2. OPERATION NORANDRA

Operation Norandra examined evidence which had been supplied to the PIC by NSW Police. It focused on the relationship between three NSW Police officers (Darren Wardle, Jo Potter and another female officer codenamed AB1) and Daniel Cantarakis, a civilian who had been charged with drug supply and related offences. Of particular interest was Wardle's involvement in illegal drug use and supply, and that the relationships between these three officers and Cantarakis led to the confidentiality of NSW Police records being compromised.

In his evidence in a public hearing in February 2004, Wardle admitted that:

- he used ecstasy and cocaine
- although he knew that his friend, Cantarakis, was doing a lot of 'drug business', he continued to see him socially about twice a week
- many of the friends he used drugs with knew that he was a NSW Police officer
- these friends also knew that he was someone who could be approached to help get drugs for other people
- he found it very difficult to go out at all for a drink without there being drugs used
- he placed his friends above his duty as an officer.

From the evidence obtained, the PIC formed the opinion that Wardle had engaged in various forms of police misconduct. This included the use and supply of prohibited drugs, the use and offer to supply steroids, and assisting Cantarakis in circumstances where he believed that Cantarakis was a supplier of illegal drugs.

The PIC also formed the opinion that Potter and AB1 had each engaged in several forms of police misconduct. For Potter this included the fact that she maintained a personal relationship and remained in contact with a person who she knew to be a user of prohibited drugs; that she participated in a visit to Cantarakis while on duty, knowing that he had been charged with drug offences; and that she had suggested to Wardle ways in which he could protect himself from investigation after the arrest of another friend. The PIC formed the opinion that amongst other forms of misconduct, AB1 inappropriately provided confidential NSW Police information to Cantarakis.

Wardle resigned from NSW Police in February 2004. He has already been prosecuted in respect of the supply of prohibited drugs. AB1 and Potter were dismissed from NSW Police in April and September 2004 respectively. The PIC has recommended no further action against them. Cantarakis was convicted of drug possession and drug supply and sentenced on 3 June 2005 to a term of imprisonment.

3. OPERATION ALPINE

Operation Alpine, which commenced in September 2003, focused on the conduct of NSW Police Detective Sergeant Samuel Foster, a NSW Police senior constable who was given the codename AL12, a Victoria Police Detective Senior Constable James McCabe and a number of civilians.

The evidence given during this segment illustrated that illegal drug use is not confined to officers in junior ranks. The evidence also showed that these officers faked arrests as a way of stealing illegal drugs and money from drug dealers. They then organised for the stolen drugs to be sold and shared the profits from the sale of these drugs. In Foster's case he would sometimes keep drugs for his personal use.

From the evidence obtained, the PIC formed the opinion that both NSW Police officers and the Victorian officer engaged in misconduct while serving officers including: theft of prohibited drugs; use of prohibited drugs and supply of prohibited drugs.

Foster and AL12 were dismissed from NSW Police in May 2004. The PIC has recommended that consideration be given to the prosecution of Foster for the following criminal offences: robbery being armed and in company; conspiracy to rob and robbery; multiple counts of supply prohibited drug; and knowingly give false or misleading evidence to the PIC. The PIC has also recommended that consideration be given to the prosecution of AL12 for the following criminal offences: conspiracy to rob and robbery; and supply prohibited drug.

Furthermore the PIC has recommended that consideration be given to the prosecution of McCabe for the following criminal offences: robbery being armed and in company; and knowingly take part in the supply of a prohibited drug. In addition, the PIC has recommended that consideration be given to the prosecution of a civilian codenamed AL6 (a convicted drug dealer and former police informant) for the criminal offence of supply prohibited drug.

WHAT THE PIC HAS FOUND OUT ABOUT ILLEGAL DRUG USE BY NSW POLICE OFFICERS

The key observations that the PIC has made about illegal drug use by some NSW Police officers and the implications of these observations are summarised below. These observations are based on information provided by current and former officers about the nature and circumstances of their illegal drug use and an analysis of case studies of eighty-one officers (including those who gave evidence during Operation Abelia hearings) found or assessed to have used illegal drugs.

1. Officers have admitted using a wide range of illegal drugs

Officers have admitted using amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids. The specific combination of types of drugs used has varied from officer to officer.

The use of multiple types of illegal drugs in different combinations makes it difficult to predict the nature and extent of any effects of ingesting these drugs.

2. Officers have given quite different accounts of their reasons for using illegal drugs

While many of the officers and former officers who gave evidence to the PIC said that their work brought them into contact with prohibited drugs, most did not believe that their policing duties put them at any higher risk of illegal drug use than if they had been doing other work.

Some officers mentioned stress, either at work or in their personal lives, or just simply 'lifestyle' choices as reasons why they used illegal drugs. Several officers mentioned a combination of reasons for their illegal drug use. For example, a number of officers who spoke about family or personal stress also admitted that they enjoyed using drugs socially. One officer said that he used cannabis to help him cope with personal stress rather than turning to alcohol because his father had been an alcoholic. Some examples are provided below to illustrate the diversity in officers' accounts of how their drug use commenced.

When former Officer M2's fiancée left him, his brother (a 'chronic drug user') offered former Officer M2 cannabis to console him

Former Officer M2, who joined NSW Police when he was 19 years old and resigned 17 months later, admitted in evidence before the PIC that he had used marijuana and LSD before joining NSW Police. He also admitted to smoking cannabis during the period of his training at the Academy. However, he told the PIC that he stopped using drugs for about 15 months as he thought it was 'wrong to keep using and being a police officer at the same time'. This former probationary constable said that the reason he started using drugs again was because his fiancée, with whom he had a child, had left him. Former Officer M2 said that his brother, whom he described as a 'chronic drug user', offered him some drugs 'to console' him. He also admitted that he later bought cannabis from others.

Former Officer G3 used steroids, cannabis and ecstasy after having his hand badly broken during an arrest

Former Officer G3 joined NSW Police at the age of 23 and served for seven years before resigning. He admitted to the PIC that he had used steroids, cannabis and ecstasy on numerous occasions. This former constable told the PIC that whilst carrying out an arrest, his hand had been badly broken and he had been bitten on the leg. He said that after this he was on sick leave for 'a fair while'. At the time of giving evidence to the PIC (two and a half years after the arrest) he said he had two plates in his hand and his fingers could not straighten properly. He told the PIC that he developed anxiety and depression, lost a lot of weight, became weak and did not have the use of his hand for a long time. He said he could not remember how long it was before he began to use steroids to build himself back up. He told the PIC that he also started using cannabis to help him sleep. He said that prior to that he had never smoked a cigarette in his life and that he had never used cannabis socially. He said he was always at home when he used cannabis and that he could not even speak once he took it. He said he started using ecstasy later on when he got more anxious and depressed, just to make himself 'feel better'.

Former Officer C4 used ecstasy and speed 'to go out and just be normal' following day-to-day stresses or conflicts with members of her work team

Former Officer C4 joined NSW Police at the age of 20 and resigned after five years service. This former constable told the PIC that she had been using ecstasy and speed. When asked why she used illegal drugs she replied:

I guess I just got a little bit stressed at work. It was a bit of [an escape] in the fact that on the weekend I could go out and just - and just do what - basically do what I wanted to do and just go back to work at a later time, so I guess it was more of a stress relief and just a relax sort of thing to do.

She added:

I guess - I mean, I was 25 at the time. Everyone knows being a cop is a bit of a stressful thing. I was in - just workwise, there was - there was 20 people in my office, there was two girls. Girls got absolutely loaded up with the crappiest jobs. It just - sometimes it just brought you down and you were a bit stressed around things like that.

She told the PIC that she used drugs to cope with personal and work stresses:

I guess, as I said, it was just a bit of a stress relief. I could go out and just be normal.

Former Officer A2 said he used ecstasy and amphetamines with his friends because they were having a bit of fun and he wanted to join in

Former Officer A2 joined NSW Police when he was 24 years old and served for almost four years before resigning. He admitted in his evidence before the PIC that he had used ecstasy and speed before joining NSW Police. When asked why he resumed using prohibited drugs after he became a police officer, he answered that he recommenced using drugs about a year after he joined the police: 'Just with friends at parties, kind of thing. They were having a bit of fun, so I wanted to join in'. When asked more about this he said that although he had not used drugs in the first year after he joined NSW Police, he had gone to parties where he had been offered drugs. He explained that he had declined the offers because he 'valued (my) job at the time'. When asked what had changed he said: 'Just temptation, I suppose'.

Former Officer R3 used cannabis because he was with friends, the drug was available and he was bored with his work

Former Officer R3 was 19 years old when he joined NSW Police. He served 12 years before being dismissed. In his evidence before the PIC, this former senior constable admitted that he had used cannabis prior to joining NSW Police. He also admitted to trying speed once or twice but said that he had not used drugs for a couple of years before joining NSW Police. When asked why he recommenced using drugs after joining NSW Police he replied:

I think just friends, off-duty friends, non-police friends just associating with them at parties and trying it – cannabis use, that is.

He added that in addition to mixing with a new group of friends, the availability of the drug as well as boredom were reasons he used cannabis:

It was there, so it was available, also maybe boredom with reality and mundane life, I think about six years into the Police Service I started getting well and truly sick of it, bored with it, so this was just something different, I guess.

When asked whether there was anything happening in his personal life at the time that might have contributed to his cannabis use, he said:

I don't think so, no. I think it was more just boredom and I knew what it would do for me and I sort of craved that feeling.

One of the officers included in the case study analysis said that she had used drugs to improve her work performance. A summary of this officer's account of the reasons for her drug use is provided below.

Former Officer L2 said she used amphetamines to stay awake and alert 'to make sure I get my job done properly'

Former Officer L2, who was 19 years old when she joined NSW Police, was discharged as medically unfit more than six years later. When questioned by NSW Police, former Officer L2 claimed that she used amphetamines to keep her awake and alert whilst carrying out her policing duties. She said that she used amphetamines because they 'help me to cope with thinking, to wake me up so that I can ... concentrate ... so I could be awake and alert enough so they wouldn't have anything to pick on me about ... to make sure I get my job done properly'. This former constable claimed that her use of amphetamines was prompted by other officers 'picking on' her and her subsequent inability to concentrate on her police work.

Most people, whether they are civilians or police officers, would face similar situations to those cited by these former and current officers. However, it is likely that most officers and civilians find legal ways of managing difficult circumstances.

The accounts given by these officers provide a useful insight into situations that may trigger this type of misconduct. The PIC has suggested that NSW Police uses these accounts to stimulate discussion amongst officers and students regarding more appropriate ways for officers to deal with situations similar to these.

3. Officers who use illegal drugs are not readily identifiable based on their demographic characteristics

Illegal drug use is not confined to any one demographic subgroup of officers. During Operation Abelia, the illegal drug use of both male and female officers came to notice. Officer's age at the time of detection or admission of illegal drug use ranged from 20 years to 48 years. The ranks held by officers who were detected as having used drugs ranged from probationary constable to sergeant. It is also clear that illegal drug use by police is not confined to officers working in metropolitan areas.

In order to effectively minimise illegal drug use, it is important that education, detection and other strategies are not solely targeted at younger officers working in metropolitan areas. If NSW Police were to do this, such an approach would miss a variety of officers from other demographic backgrounds who may be using illegal drugs. Strategies to minimise illegal drug use need to reach all officers in order to be effective.

4. While some officers used illegal drugs prior to joining NSW Police, others had worked as officers for a substantial number of years before trying illegal drugs

From the information collected during Operation Abelia, it is clear that the majority of officers who admitted using illegal drugs had not been using illegal drugs throughout their entire policing careers.

The evidence that some officers had served in NSW Police for a substantial number of years prior to commencing their use of illegal drugs suggests that the problem of illegal drug use is not simply the result of recruiting individuals who have a propensity for

illegal drug use. The catalyst for illegal drug use appears to be more complex than simply a result of personal characteristics of the individuals recruited. Given that some officers start using illegal drugs after joining NSW Police, changes to the recruitment process can only provide part of the answer to minimising illegal drug use amongst NSW Police officers.

5. Much of the illegal drug use that came to notice as part of Operation Abelia occurred when officers were off duty

NSW Police officers are rostered according to what is referred to as 'flexible rostering'. In this flexible rostering system, it is not uncommon for officers to work three or four 12-hour shifts and then to have five or six consecutive days off.

Most, but not all, of the officers who were included in the case study analysis or who gave evidence during Operation Abelia, said that they limited their illegal drug use to when they were off duty. Some officers said that they did this to conceal their illegal drug use from NSW Police, while others said that they did this because they thought it would be inappropriate to be at work whilst under the influence of drugs. Some officers said that they limited their illegal drug use to when they were off duty for both of these reasons.

Because of variations in the nature of the drug(s) used and the metabolisms of individual officers, the current regime of drug testing (based on urine samples taken when an officer is on duty) may not detect the illegal drug use of all officers who use drugs while they are off duty. For this reason, the PIC has recommended improving the capacity of NSW Police to detect off-duty illegal drug use by trialling the use of drug tests based on hair samples and amending the *Police Act 1990* to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all the circumstances.

6. Much of the illegal drug use that came to notice as part of Operation Abelia occurred when officers were socialising with friends and relatives

Despite the diverse accounts that officers and former officers provided of the reasons for their drug use, it is clear that much of the illegal drug use that came to notice as part of Operation Abelia occurred when officers were socialising with friends and relatives.

As part of its analysis, the PIC examined whether there was any relationship between the type of drugs used, the reason for their use, and the circumstances in which these drugs were used. When the responses of those who gave evidence in public or private hearings were examined, it could be seen that those who used ecstasy and other drugs such as amphetamine, cocaine or ketamine tended to use with friends in social settings for a variety of reasons such as relieving work stress and/or relieving personal or family stress, or simply socialising. Some of those who used cannabis (and no other illegal drug) used it in the company of friends but others used cannabis when they were alone.

Of the officers who came to notice in Operation Abelia, officers who used ecstasy and other drugs when socialising with friends were the most prominent. Two examples of officers who used ecstasy and other drugs with friends in social settings are provided below.

Officer D3 used ecstasy at parties and nightclubs

Officer D3 joined NSW Police when he was 19 years old. This officer had attained the rank of detective sergeant and was working in a specialist unit at the time he gave evidence to the PIC. He said that he commenced using ecstasy about seven years after joining NSW Police for a period of about six years. He said he first used ecstasy at a party. His girlfriend said 'Do you want this?' and that is how it started. He said that he never took ecstasy at home but only at parties. 'I mean ecstasy's a type of drug you wouldn't take at home. Um, parties or nightclubs and that was it'. He told the PIC that when he used illegal drugs at parties he was with different people including friends, relatives and strangers. Officer D3 claimed that his prior drug use (which has now ceased) was very irregular. He said that sometimes he wouldn't take ecstasy for 12 months, but other times he might use it twice in one month and then not do it again for 18 months. This officer said he did not consider himself to be a drug user.

Officer F2 said that he enjoys going out and most of the people he goes out with use drugs socially

Officer F2 told the PIC that he had been using ecstasy, cocaine, cannabis and steroids. He said that one of the reasons he used recreational drugs from time to time was that he had just separated from his fiancée. In relation to taking recreational drugs, he told the PIC that most of the people he goes out with or has known his whole life take drugs socially. He admitted to socially taking recreational drugs in the past. When asked by the PIC if he ever intended to do something about his illegal drug use he replied:

I knew I had to get off using recreational drugs, yes, but in terms of associating with people, if I were to sit at home on a Saturday night and stare at walls I could do it, but I enjoy going out I enjoy drinking and it's just everywhere, so the conflict of interest would be represented on all occasions I go out and speak to people.

In contrast, the following former officer used cannabis when he was alone and hid his cannabis use from others.

Former Officer N2 smoked cannabis in the privacy of his back shed following his father-in-law's death and another stressful incident

Former Officer N2 joined NSW Police at the age of 19 and spent 25 years in the service before being dismissed. This former senior constable was 45 years old when his drug use was detected. He said he first started using drugs in the mid-1980s when he was undergoing chemotherapy treatment for cancer. He said that a doctor told him to smoke cannabis to help him relax and to increase his appetite. He stated that he was on sick leave during that period. Former Officer N2 said he recommenced using cannabis following two events: one being the death of his father-in-law and the second being that he had to shoot a kangaroo. These two events happened within 10 minutes of each other and he said the subsequent increase in stress led him to resume his use of cannabis. He said that after he started using cannabis again he was more relaxed. He usually smoked at the end of the day and said that he would 'sneak down to the back shed' without his wife knowing and 'have a smoke'.

It is clear that some officers encounter friends or relatives using illegal drugs while they are off duty. Such encounters present an integrity risk. The PIC believes that NSW Police can assist officers to identify and manage such risks by communicating to all officers its expectations as well as practical guidance on how to respond to such situations.

7. Some officers who used illegal drugs believed that other officers with whom they worked would not be aware of their drug use

Some officers said they took steps to hide their illegal drug use, particularly from other police officers. Strategies officers and former officers said they used to avoid detection include:

- limiting their illegal drug use to when they were alone or with trusted friends
- not discussing their drug use with other officers
- timing their drug use, that is, limiting their drug use to the beginning of a period of days off (to avoid returning a positive drug test if tested immediately after returning to work)
- taking sick leave.

When considering these strategies, it is important to remember that all of those who were summonsed to PIC hearings had come to notice for their illegal drug use. That is to say, the strategies described by these officers were ultimately unsuccessful in concealing their illegal drug use.

Most of the officers who had admitted using illegal drugs and who gave evidence to the PIC expressed their belief that other officers did not know of their illegal drug use. To the extent that these officers' beliefs are accurate, the hidden nature of illegal drug use makes it difficult for officers to know whether any of their colleagues use illegal drugs. The hidden nature of illegal drug use may also result in some officers incorrectly assuming that such drug use does not occur within NSW Police simply because they have not seen examples of it.

8. Officers said that they obtained their illegal drugs from friends, relatives and acquaintances

Officers reported that they obtained their illegal drugs from similar sources to other community members who use illegal drugs. The majority of officers who gave evidence during Operation Abelia said that they obtained their drugs from a broad range of low-level suppliers: friends, relatives and acquaintances. The types of sources used seemed similar for both cannabis and for stimulants such as amphetamine, cocaine and ecstasy.

It is likely that such officers would be aware of friends, relatives and acquaintances either using drugs or supplying drugs to others, prior to the officers obtaining drugs from these friends or acquaintances. That friends, relatives and acquaintances supply officers with illegal drugs reinforces the importance of NSW Police providing a clear statement of its expectations of how an officer should respond if he or she encounters friends or relatives using illegal drugs, as well as supplying them.

9. Some officers who use illegal drugs engage in additional forms of associated misconduct

Engaging in any illegal behaviour such as the use of illegal drugs, by and of itself, represents a conflict for all police officers. The act of obtaining illegal drugs also places officers in a position where they are open to being compromised.

In addition to the use and acquisition of illegal drugs, evidence obtained during Operation Abelia revealed examples of how some officers who used illegal drugs were engaged in other forms of misconduct, which at times emanated from or was related to their illegal drug use. The nature of the misconduct varied among officers and included:

- turning a 'blind eye' to illegal drug use by others
- supplying illegal drugs to friends
- turning a 'blind eye' to drug suppliers
- more actively attempting to assist a drug supplier
- supplying drugs for monetary gain, and
- stealing drugs or money for profit.

A central feature of a number of these forms of misconduct involves officers inappropriately resolving the conflicts they may face between maintaining their friendships or associations and their role and duties as an officer. Some officers told the PIC that they would always place their friends above their duty as an officer. It is clear that encounters with friends, relatives or acquaintances who use illegal drugs may present an integrity risk to a wide range of officers. This further reinforces the need for NSW Police to provide clear guidance on the best ways for officers to manage these situations.

While students and officers may currently be given messages about the dangers of 'improper associations', they may not consider their friends and relatives to be 'improper associates'.

10. Most officers who use illegal drugs say that they know it is not appropriate for police officers to use prohibited drugs

While its illegality should make it obvious that the use of prohibited drugs is unacceptable for all officers, this is not necessarily the case. The majority of those officers and former officers who had admitted using illegal drugs told the PIC that they knew it was not appropriate for officers to use prohibited drugs. However, not all of those who used illegal drugs considered that such personal drug use presented a conflict with their role as an officer. A minority made comments such as: 'what I do in private is what I do in private'. Some of the officers who admitted using illegal drugs whilst serving with NSW Police said that they did not believe that this drug use interfered with their work or their ability to perform their duties.

Even where officers did acknowledge a conflict between their personal drug use and their job, neither this conflict nor the knowledge that they should keep their drug use hidden from other officers was sufficient to stop such behaviour.

11. Officers were divided in their opinions about whether it is possible for an officer to use illegal drugs occasionally or regularly and still be 'a good cop'

An encouraging finding is that overall, officers and students who participated in the focus groups expressed their disapproval of the use of illegal drugs by officers. However, it would be wrong to assume that all officers share an understanding that any illegal drug use is unacceptable for all officers at all times. While some officers who participated in focus groups expressed strong disapproval of any illegal drug use, others considered that the extent of disapproval of the drug use depended on a range of factors such as the types of drugs used, the frequency with which they are used, the reason for use and whether or not the officer is affected by the use of these drugs while on the job.

Similarly, officers who participated in the focus groups were divided in their opinions when they were asked whether it was possible for an officer to use drugs occasionally or regularly and to still be 'a good cop who does the job well'. It appears that some officers view drug use by officers as a 'grey' rather than a 'black and white' issue.

NSW POLICE POLICIES AND PROCEDURES CONSIDERED AS PART OF OPERATION ABELIA

At the time the PIC commenced Operation Abelia, NSW Police already had a number of policies and procedures in place to address the issue of illegal drug use by its officers. For example, NSW Police has a comprehensive Drug and Alcohol Policy which provides:

- an 'amnesty' for officers who voluntarily disclose and seek help for dependency problems
- professional support, at the organisation's expense, for officers experiencing dependency problems
- information on the support services available to officers and their families
- alcohol and other drug testing under three different circumstances:
 - following a shooting or a high speed pursuit resulting in a death or serious injury, or a death in custody (referred to as 'mandatory drug testing')
 - when there is reason to suspect that an officer may be using illegal drugs (referred to as 'targeted drug testing'), and
 - a broader-based form of drug testing (referred to as 'random drug testing').

As part of Operation Abelia, the PIC examined a range of NSW Police policies, procedures and practices to assess how useful they are in minimising illegal drug use by officers. In its review, the PIC considered each of the following:

- self-reporting illegal drug use under the amnesty provision
- targeted drug testing
- random drug testing
- mandatory (or critical incident) drug testing
- the Code of Conduct and Ethics
- the Code of behaviour (which was established as part of the *Police Regulation 2000* specifically in regard to the consumption of alcohol and the use of prohibited drugs)
- recruitment procedures
- education, training and communication
- supervision and support for officers, and
- procedures that apply to managing officers who have been found to use prohibited drugs.

The PIC chose to examine these policies, procedures and practices based on their relevance to illegal drug use and/or their potential to minimise illegal drug use by NSW Police officers. Some of these, like the components of the Drug and Alcohol Policy, are initiatives that specifically focus on minimising alcohol abuse and illegal drug use. Others, such as recruitment and training, are practices that have the potential to assist in minimising illegal drug use.

The PIC observed that the NSW Police Drug and Alcohol Policy has been, and continues to be, used as a model by other law enforcement agencies. Notwithstanding this, the information collected in Operation Abelia suggests that there is scope for strengthening the NSW Police approach to minimising illegal drug use by its officers.

RECOMMENDATIONS TO STRENGTHEN NSW POLICE CAPACITY TO MINIMISE ILLEGAL DRUG USE BY OFFICERS

The PIC considers that there is no simple one-step solution to minimising illegal drug use by NSW Police. The PIC has made 64 recommendations, many of which propose policy, procedural or legislative change to strengthen NSW Police's capacity to minimise illegal drug use by its officers. The PIC's recommendations combine to form a nine-part integrated strategy. Each of these nine parts is discussed in Chapter 7 (in Volume 3) and in summary below. A consolidated list of the recommendations for policy, procedural or legislative change can be found at the end of this volume.

1. Providing clear messages early and reinforcing them in different ways

NSW Police currently provides messages about its expectations concerning illegal drug use in its Drug and Alcohol Policy, Code of Conduct and Ethics, and also in a separate Code of behaviour. In relation to illegal drug use, the Drug and Alcohol Policy states:

No officer of the Police Service is permitted to use any prohibited drug.

To provide further guidance on appropriate behaviour the 'Drugs and Alcohol' section of the Code of Conduct and Ethics is incorporated within the Drug and Alcohol Policy. It states:

You must not perform your job, remain at work or undertake any Police Service related activity if you are impaired by alcohol or other drugs, including drugs prescribed by your doctor. This includes training functions and seminars. If you are off duty and impaired, you are not permitted to visit the workplace. If you are responsible for driving a car, working machinery or carrying a gun, you must tell your supervisor if you are taking any drugs which carry a warning.

NSW Police has attempted to ensure that all officers have received training about its Drug and Alcohol Policy and about its Code of Conduct and Ethics. It has done this by making training on this policy and this code mandatory for all officers employed by NSW Police at the time the policy and code were introduced. It has also required that training on these topics be included as part of the training for recruits who have joined NSW Police since these policies were introduced. As well, it has included training on the Drug and Alcohol Policy within other courses that some officers may elect to undertake, such as Peer Support Officers training.

The PIC notes the efforts that NSW Police has made to ensure that its officers receive the messages contained in its Drug and Alcohol Policy and its Code of Conduct and Ethics. However, the PIC has found that officers do not always retain these messages. Some officers who participated in the Operation Abelia focus groups were unable to recall major components of the Drug and Alcohol Policy. Some of these officers appeared to be unaware that NSW Police conducts random drug testing. Some officers were also unaware that officers are encouraged to voluntarily disclose their drug use under an amnesty provision.

The PIC has made specific recommendations concerning steps that NSW Police can take to clarify and reinforce the messages that it provides to its officers. Some examples of the nature of these recommendations are outlined below.

Separating the messages about legal and illegal drugs

The PIC is of the opinion that the impairment issues concerning the use of alcohol and other legal drugs such as prescription and over-the-counter medication are quite different from the integrity issues concerning the use of illegal drugs. For this reason the PIC has recommended that NSW Police amends its current practice of conveying its expectations concerning the use of legal and illegal drugs in a single message within its Code of Conduct and Ethics, and other documentation that specifically refers to the Code of Conduct and Ethics (such as the Drug and Alcohol Policy). Instead, separate messages about the use of illegal drugs should be given.

Communicating how illegal drug use can compromise an officer's position and how it can compromise NSW Police

The PIC agrees with NSW Police that, in principle, officers should not need to be told that it is inappropriate for them to engage in illegal behaviour such as the use of illegal drugs. However, some officers who gave evidence in Operation Abelia did not consider their illegal drug use to be a problem for them. These officers said that they did not consider that they had an addiction. Some referred to their illegal drug use as a social activity they engaged in when off duty. Some officers said that they did not believe that their illegal drug use interfered with their work or affected their ability to perform their duties. Hence the PIC has recommended that NSW Police develops and implements strategies to communicate to officers how such drug use can compromise their position and compromise NSW Police, even if the illegal drug use is confined to when they are off duty.

Communicating messages from the time a potential applicant first contacts NSW Police

The PIC is of the opinion that messages about NSW Police expectations of its officers should commence from the time a potential applicant first contacts NSW Police and that these messages should be reinforced regularly. Accordingly, the PIC has recommended that NSW Police provides additional information to potential applicants regarding its values and expectations for the integrity standards to be met by officers, as well as clearly communicating that drug testing is one of the conditions of working as a NSW Police officer. The PIC has also recommended that potential applicants should be alerted to the fact that they may be drug tested as part of the recruitment process.

Reinforcing messages in different ways throughout an officer's career

The PIC also considers that for messages to be retained, they need to be reinforced to students at the NSW Police College and to officers throughout their career using a range of different strategies. Amongst other ways, the PIC has suggested that the messages from the Drug and Alcohol Policy should be reinforced by introducing drug testing of students at the NSW Police College. The PIC has also recommended increasing the number of random drug tests conducted on sworn officers to increase the visibility of random drug testing to all officers.

Developing an integrated communication strategy

Many of the messages NSW Police currently seeks to communicate, as well as additional messages proposed by the PIC, are interrelated. For this reason, the PIC has recommended that NSW Police develops an integrated communication strategy to communicate and reinforce messages about: its expectations, knowledge and skills to assist officers and supervisors perform their roles, policies and procedures, and resources available to assist officers.

Furthermore, the PIC has stated its support for the Police Association of NSW having a role in reinforcing appropriate messages to NSW Police officers.

2. Equipping officers with the knowledge and skills to respond appropriately

NSW Police already provides a broad range of training to equip its officers with the knowledge and skills they require to perform their roles. The PIC has identified four areas in which additional information and training would assist officers to perform their role. These areas are:

- how to identify and manage integrity risks that officers may encounter when they are off duty
- how officers should respond if they suspect that a colleague may be using illegal drugs
- the uses and limitations of drug testing for those who are responsible for determining whether officers should be the subject of a targeted drug test, and
- the responsibilities of supervisors under the Drug and Alcohol Policy and other related policies.

Identifying and managing off-duty integrity risks

The PIC has heard evidence that officers do, from time to time, find themselves in situations where friends or relatives may use illegal drugs. This is not to be unexpected in a society where a significant minority use illegal substances when they socialise with friends or as a means of relaxing. From the information obtained from its interviews with commanders, private hearings with officers and former officers who admitted prior illegal drug use, and the focus groups with officers, the PIC formed the view that officers do not have a clear understanding of how NSW Police expects them to respond if, while off duty, they encounter friends or relatives using illegal drugs.

For this reason, the PIC has recommended that NSW Police should develop a clearly stated position on how it expects off-duty officers to respond if they encounter people using illegal drugs, and also that NSW Police should communicate its expectations and guidance on how to meet these expectations to all officers. The PIC recognises the importance of equipping officers with the skills to identify and respond to situations that may compromise their integrity and their role as an officer, in advance of such a situation occurring.

Responding when an officer suspects a colleague may be using illegal drugs

Some officers who participated in the Operation Abelia focus groups said that they felt they were not adequately prepared to deal with suspected illegal drug use by a fellow officer. Hence the PIC has recommended that NSW Police develops guidelines for officers on what they should do if they suspect illegal drug use by a fellow officer and that NSW Police communicates these guidelines to officers of all ranks.

Understanding the uses and limitations of targeted drug tests

The decision as to whether or not an officer should be the subject of a targeted drug test is made at the command level by the local Complaints Management Team (CMT). It is important that CMT members who need to make decisions about using targeted drug testing as a detection tool understand the circumstances under which the tool is useful and when it is not.

From its review, the PIC noticed that the minutes of CMT decisions about targeted drug tests recorded in 2004 indicated that some CMT members may not understand the current targeted drug testing procedures. It is possible that not all of the CMTs are aware of all of the sources of information available to them. Even those that are aware may not consistently refer to these resources.

For these reasons, the PIC has recommended that NSW Police trains those who may need to make decisions about whether or not a targeted drug test should be conducted (that is, members of CMTs) about the uses and limitations of targeted drug tests and the issues that they should consider when making such a decision. The PIC has also recommended that NSW Police should provide guidelines and associated training to the CMT members on the nature of the information to be recorded when they consider whether to conduct a targeted drug test.

Responsibilities of supervisors

Some of the officers who participated in Operation Abelia focus groups said that they felt overwhelmed by the amount of information that they are required to assimilate as a result of the number of policies, the volume of general information they receive and their other work priorities. It is likely that the number of policies and the amount of general information disseminated places a greater burden on supervisors who need to understand how the individual policies and procedures impact on their role as supervisors as well as on their work as officers.

There are a number of NSW Police policies and procedures that are relevant either to early intervention (that is, minimising the likelihood of some circumstances that may trigger illegal drug use) or to possible responses when illegal drug use is suspected. A few examples of these policies and procedures include: the NSW Police Drug and Alcohol Policy, the Psychological Wellbeing of Staff Policy, the Occupational Health and Safety Policy, and the Rehabilitation Policy. The PIC considers that it is important that all supervisors have a clear understanding of the overlap and the differences in the responsibilities that these policies place on them, including when a supervisor has the responsibility to act and the appropriate action for the supervisor to take. For this reason the PIC has recommended that NSW Police equips supervisors of all ranks with the relevant knowledge and skills so that they can confidently undertake the responsibilities assigned to them under these many policies and regulations.

3. Addressing the welfare of officers

By adopting a focus on health and welfare, rather than considering illegal drug use exclusively as a disciplinary matter, and by incorporating drug testing as only one component of a much broader policy which also incorporates education and counselling, the NSW Police Drug and Alcohol Policy is consistent with international best practice in the area.

Provision of support to those who voluntarily disclose their illegal drug use

The PIC has recommended that NSW Police continues to arrange assistance in the form of rehabilitation, counselling and/or relapse prevention for officers who come forward and voluntarily disclose their illegal drug use. The PIC has also recommended that NSW Police continues to promote awareness of the nature and availability of the amnesty provision as well as other forms of assistance or rehabilitative options available to officers who have used illegal drugs. In addition, the PIC has recommended that NSW Police seeks an amendment to the current legislation and/or regulations so that, in cases where an officer's illegal drug use has come to notice only through the officer's own admissions, commanders, supervisors and fellow officers are able to refer officers to the amnesty without otherwise having to report this drug use.

Addressing welfare issues associated with off-duty targeted drug testing

As is discussed later in this report, the PIC has recommended improving the capacity of NSW Police to detect off-duty illegal drug use by amending the *Police Act 1990* to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all the circumstances. In doing this, the PIC has recommended that NSW Police develops guidelines and procedures to incorporate relevant industrial, health and welfare considerations in relation to off-duty targeted drug testing.

Provision of information to officers subject to reviewable management action

The PIC was told by officers who had been detected using prohibited drugs that these officers had not been given information about how long the process was likely to take before a decision would be reached or about the likely outcome of that decision. As a result of this, the PIC has recommended that NSW Police develops a system to inform both officers who are the subject of reviewable management action and their commanders as to how the process works and to provide regular updates regarding the status of the matter.

4. Deterring illegal drug use

An individual officer, who may be considering using illegal drugs, is likely to be deterred from such drug use when he or she believes its risks outweigh its attractions. Officers may be deterred from using illegal drugs because of risks to their health, to their reputation or to their livelihood. There are, in turn, many factors that may affect an officer's perception of the likelihood of having his/her drug use detected, with consequent possible loss to reputation and/or livelihood. For example, some officers who live and work in small communities may consider that their off-duty behaviour is under greater scrutiny than those who live and work in larger communities, where they feel more anonymous. Officers who are considering using illegal drugs may also weigh

up the risks of such drug use coming to notice through a positive result to a drug test, a NSW Police internal investigation or an investigation by the PIC.

In addition to using education to deter illegal drug use by setting clear expectations and equipping officers with the knowledge and skills to meet these expectations, the PIC has advocated three further deterrence strategies. The first is to increase the perceived risk of being caught and being punished by increasing the visibility, publicity, unpredictability and inability to influence the chances of being detected through drug testing. The second is to discourage those who may be prone to using illegal drugs from applying to join NSW Police. The third is to provide more information to officers about the health risks associated with using illegal drugs.

Increasing the perceived risk of being caught by increasing the number of random drug tests conducted

NSW Police introduced random drug testing in September 2001. It currently tests between 500 and 600 (or 3% to 4%) of its 15 000 officers each year.

The overall impression from the information collected as part of Operation Abelia was that, in its current form, the NSW Police random drug testing program was not a highly visible deterrent. Nine of the 80 local area commands were not visited at all by a drug testing team during the first three years of random drug testing. On average, each local area command was visited only 1.5 times during this initial three-year period. A fundamental limitation of the current testing program was that some officers did not know that NSW Police conducts random drug testing. Officers disposed to using illegal drugs are not going to be deterred by a program of which they are unaware.

In addition, some officers and former officers told the PIC that although they knew about random drug testing, they became less concerned about their illegal drug use being detected as time elapsed because they did not see any random drug testing happening.

In order to increase the perceived risk of being caught, the PIC has recommended that NSW Police increases the number of officers tested as part of the random drug testing process to the equivalent rate of not less than 15 out of every 100 officers (or approximately 2250 random drug tests conducted annually) for a trial period of five years.

Furthermore, the PIC has recommended that NSW Police uses the additional drug testing capacity to enable a trial of different strategies to increase the visibility and unpredictability of random drug testing. Examples of such strategies might include testing larger numbers of officers within some individual work areas, and testing and then retesting officers from a work area in quick succession.

Discouraging those who may be prone to using illegal drugs from applying to join NSW Police

To date the NSW Police recruitment process has largely focused on seeking information from applicants rather than providing information to them. To enable some potentially unsuitable applicants to decide for themselves that policing is not the appropriate career for them, the PIC has recommended that NSW Police should increase the information provided to potential applicants. In particular, the PIC has

recommended that NSW Police advise potential applicants how being an officer affects the way that they will be able to behave when they are off duty, as well as providing a description of the nature of police work that balances information about the value of the work to the community against information about the types of stressful situations and boredom that officers may encounter.

The PIC has also recommended that NSW Police introduces drug testing for students at the NSW Police College and requires applicants to sign an acknowledgement of their willingness to be drug tested in accordance with NSW Police policy.

Informing officers about the health risks associated with using illegal drugs

Research by the Australian Government Department of Health and Ageing concerning community drug use has found that drug users are often unaware of the risks associated with using psychostimulants, with many believing that these drugs are relatively safe and benign. For this reason the Department of Health and Ageing recommended that users should be made aware of the potential health and other risks. It identified that one of the primary risks to users was a lack of knowledge of the contents of the drug.

The PIC is aware that NSW Police already provides education on the effects of drugs as one aspect of existing courses such as the Highway Patrol Education Course, the Police Youth Liaison Officer Development Program and the Safe Custody Course. The PIC has recommended that NSW Police should consider making this information (and the associated information about the dangers and harms of illegal drug use including non-prescribed steroid use) available to a wider range of NSW Police officers.

5. Detecting illegal drug use that has occurred

Illegal drug use by officers is not easy to detect. Some officers take steps to hide their illegal drug use, particularly from other police. Officers and former officers who admitted their illegal drug use to the PIC did not believe that other officers with whom they worked were aware that they had been using illegal drugs.

NSW Police detects illegal drug use by its officers through targeted drug tests and other investigative techniques as well as by encouraging officers to voluntarily disclose their drug use under a provision known as 'amnesty'.

Improving the capacity of NSW Police to detect off-duty illegal drug use

The illegal drug use that came to notice in Operation Abelia was primarily off-duty use rather than use while on duty. However, under the current legislation, officers can only be drug tested if they are on duty in accordance with a roster. Some officers said that they used drugs early in their days off to avoid being detected by a drug test when they were at work. For this reason, the PIC has recommended improving the capacity of NSW Police to detect off-duty illegal drug use by trialling the use of drug tests based on hair samples that can detect drug use over a longer period than the current procedure that is based on urine samples. The PIC has also recommended that the *Police Act 1990* be amended to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all circumstances.

Considering alternatives to drug testing to detect illegal drug use

Drug testing is not the only tool for detecting or investigating illegal drug use by officers. Despite the fact that the PIC has recommended increasing the range of drug testing tools available to be used by NSW Police, the PIC believes NSW Police should not rely solely on drug testing when investigating illegal drug use by officers. The PIC considers that the CMT should be required to consider the alternative investigative techniques that are available whenever a targeted drug test is proposed. In addition the PIC has recommended that the CMT should document its consideration of the alternatives.

Furthermore the PIC has recommended that NSW Police enhances its capacity to detect illegal drug use by training commanders and supervisors on the detection and management of substance abuse problems.

Encouraging officers to voluntarily disclose their illegal drug use

Although the number who have come forward to voluntarily disclose their drug use under the amnesty (24 officers) is small, the officers who have come forward have come from a cross-section of ages, duty types and ranks within NSW Police. Without the amnesty provision, the illegal drug use of these officers may not have come to notice and may have continued.

The PIC considers that further encouraging officers to disclose their personal drug use is another way of assisting NSW Police to detect illegal drug use amongst its officers. In order to increase voluntary disclosure of illegal drug use, the PIC has recommended that NSW Police promotes officer and commander awareness of the nature and availability of the amnesty provision including using anonymous case studies of how the amnesty has assisted officers in the past.

Incorporating the capacity to test for non-prescribed use of anabolic androgenic steroids

Under the current legislation, NSW Police officers can only be tested for drugs that are prohibited substances under Schedule 1 of the *Drug Misuse and Trafficking Act 1985*. Steroids are not classified as prohibited substances under this Act. As a result, the NSW Police drug testing program does not include steroids.

The PIC has formed the view that since the non-prescribed use of anabolic androgenic steroids might lead to an increase in aggressive or violent behaviour, such drug use poses a safety risk to the officer, to those with whom the officer works and to the broader community. During Operation Abelia, evidence was heard about the use of steroids obtained illegally by some NSW Police officers and the effects these steroids had on the officers' behaviour. Further support for the belief that steroid use is a potential concern for NSW Police came from the literature reviewed, the comments made by commanders and from the Expert Participants round table discussion.

For these reasons the PIC has recommended that the *Police Act 1990* be amended to enable testing for non-prescribed use of anabolic androgenic steroids on a targeted basis.

6. Effectively managing officers found to have used illegal drugs

Taking a risk management approach

The PIC advocates taking a risk management approach to determining the best way of managing officers who are identified as having used illegal drugs, no matter how they come to notice, whether by self-disclosure, through positive drug tests or other investigative techniques.

Reducing the time to finalise the outcome of management action

Practice within NSW Police is that officers who test positive to illegal drugs have been subject to an automatic notification under s.181D of the *Police Act 1990*. This initiates a process in which management action against an officer, including possible dismissal, is considered. On average, for the cases where the officer has not resigned, it has taken almost one year from the date of the drug test to finalise the outcome for officers removed under s.181D who have tested positive for the use of a prohibited drug.

Accordingly, the PIC has recommended that NSW Police reviews its management action processes to reduce the time between when an officer is detected using illegal drugs (through a drug test) and when the outcome of the management action is finalised.

7. Demonstrating accountability

Some officers expressed their concerns about the fairness of the operation of current and possible future systems to detect illegal drug use. The PIC has made several recommendations concerning systems and decision-making processes as a safeguard that current or new detection and deterrence tools are applied, and individuals are managed, in a fair and transparent manner. Some examples of the nature of the PIC's recommendations in this area are outlined below.

Improving documentation and transparency of decisions concerning targeted drug tests

NSW Police has already incorporated a checking process in its targeted drug testing procedures. This process requires that CMTs must document the minutes of their considerations to enable a centralised review of decisions to undertake a targeted drug test across the state on a monthly basis. In order to ensure that targeted drug testing systems and decision-making are fair and transparent, the PIC has recommended that NSW Police:

- improves the documentation and transparency of the targeted drug testing decision making process by providing guidelines and associated training on the nature of the information to be recorded
- ensures that any decisions to conduct off-duty targeted drug tests are registered and documented in such a way as to enable the matter to be oversighted by the NSW Ombudsman or, in some cases, the PIC

- continues to conduct a centralised review of the records of CMT minutes regarding decisions to conduct targeted drug tests, and also provides to the PIC, on a quarterly basis, a copy of these reviews and the associated documentation.

Selection of officers to be randomly drug tested

The current NSW Police processes for selecting both the locations where random drug testing will be conducted and the officers to be tested in those locations is open to individual discretion. While the PIC accepts that there needs to be the capacity for some flexibility in the selection process, the PIC has expressed the view that the procedures for selecting officers must be transparent and accountable. For this reason the PIC has recommended that NSW Police selects which officers at a work site will be drug tested in a statistically random manner.

Allocating responsibility for officers being available for random drug testing

While the PIC did not receive information to suggest that evasion of random testing is widespread, the PIC accepts that there is a need to recognise the possibility that some officers may attempt to evade random testing. For this reason, the PIC has recommended that the commander of the unit undergoing random testing should be held responsible for ensuring that officers do not leave the site prior to being randomly tested or, if an officer does need to leave the site for unavoidable operational or personal reasons, then the commander or officer-in-charge at the site should record the reasons for this on the list of officers to be tested.

8. Review and evaluation

Many of the individual recommendations proposed in Operation Abelia involve communication, detection or deterrence strategies for NSW Police which are new to the organisation and need to be tested, and perhaps further developed, to optimise their utility. Other recommendations require NSW Police to review and evaluate its current procedures to see whether they can be improved.

Associated with this, the PIC has recommended that NSW Police collects relevant information to enable it to evaluate the effectiveness of its strategies and to make informed decisions about whether or not its strategies can be improved. For example, the PIC has recommended that NSW Police:

- collects information from officers who come forward under the amnesty so that the organisation can better understand the dynamics of what leads some officers to use illegal drugs, and also information regarding their suggestions of what NSW Police could do to help other officers facing similar situations
- seeks information from those who have recent experience of the amnesty about what could be done to improve the assistance available and whether there was anything that could have encouraged these officers to come forward earlier than they did
- uses the information from its centralised review of the records of CMT minutes concerning decisions to undertake targeted drug tests, in order to improve current practices

- trials the use of drug testing based on hair samples in addition to its current drug testing based on urine samples for all targeted drug tests where off-duty use is suspected
- trials, for the next five years, increasing the number of officers required to provide a urine sample as part of the random drug testing program and also trials different strategies to increase the visibility and unpredictability of random drug testing
- reviews the technological developments in drug testing and alternative assessment methodologies on an ongoing basis to determine what, if any, developments might be usefully incorporated into NSW Police practices.

In this way, the outcomes of the recommendations made in Operation Abelia need not be static but rather act as starting points that can be further built upon and improved following review and evaluation by NSW Police.

9. Monitoring the implementation of recommendations

The PIC considers monitoring the implementation of the recommendations that it makes to be an important part of its efforts to prevent police misconduct. Following the release of this report, the PIC will seek a written response from NSW Police to each of the recommendations made in this report. The PIC will provide an evaluation of the final NSW Police response to these recommendations in its Annual Report, as it is required to do under s.99(2)(c) of the *Police Integrity Commission Act 1996*, and will report progress in the implementation of the recommendations.

In addition to providing a catalyst to support the successful implementation of the PIC recommendations, this monitoring process also enables dialogue between NSW Police and the PIC to assist in resolving any issues that may act as impediments to minimising illegal drug use by police and its associated consequences.

LIST OF RECOMMENDATIONS

Code	Recommendation
Self-reporting illegal drug use	
SR 1	<p>The PIC recommends that NSW Police continues to arrange assistance in the form of rehabilitation, counselling and/or relapse prevention for officers who come forward for help concerning their illegal drug use.</p> <p>As is currently the case, no adverse action should be initiated as a result of personal admissions of past illegal drug use made to NSW Police drug and alcohol counsellors, providing that the officer accessing amnesty complies with the counselling, drug testing and/or any other conditions of the amnesty.</p>
SR 2	<p>The PIC recommends that NSW Police develops and implements strategies to ensure that all officers recognise why any illegal drug use by an officer is a problem for the officer and for NSW Police, even if that officer considers that he/she does not have a physical or psychological addiction, or that officer considers it to be 'social' or 'recreational' drug use. The strategies that NSW Police develops and implements in this area should also ensure that officers understand how such drug use can compromise their position.</p>
SR 3	<p>The PIC recommends that NSW Police promotes officer and commander awareness of the nature and availability of the amnesty provision by publicising the assistance broadly, regularly and using a variety of strategies. The information provided should include:</p> <ol style="list-style-type: none"> a. the existence of this assistance b. how it works, including in what ways the assistance is kept confidential, the circumstances under which any information would be disseminated and to whom it could be disseminated c. the benefits of this assistance d. other rehabilitation options, and e. anonymous case studies of how those who have come forward and admitted their prior drug use under the amnesty have been assisted in the past.
SR 4	<p>The PIC recommends that NSW Police enlists the help of the officers who come forward under the amnesty for their illegal drug use, by collecting information from these officers about:</p> <ol style="list-style-type: none"> a. their accounts of the circumstances that led to their drug use, so the organisation can better understand the dynamics of what leads some officers to use illegal drugs, and b. their suggestions of what, if anything, NSW Police could do to help other officers facing similar situations.
SR 5	<p>The PIC recommends that, in order to establish the nature of what information, if any, is required to be given to the commander or manager of the officer who is seeking assistance, the NSW Police Commissioner establishes a mechanism to enable a risk assessment be conducted on a case-by-case basis of the potential effects of the officer's drug use on the performance of his or her duties. For each case this risk assessment should involve a consideration of:</p> <ol style="list-style-type: none"> a. the type of drug(s) being used and the frequency, recency and circumstances of the drug use b. the integrity risks and potential compromise of the officer

LIST OF RECOMMENDATIONS

Code	Recommendation
	<p>c. the nature of the officer's current duties and scope for change in duties, and</p> <p>d. the options available to minimise any potential safety or integrity risks.</p> <p>This risk assessment should be made by a person (or persons) of a high level and with appropriate skills in managing risk, as determined by the Commissioner of Police.</p> <p>A record should be made of the decision reached as a result of the risk assessment, and of what information should be provided to whom.</p>
SR 6	<p>The PIC recommends that NSW Police extends the period of unannounced drug testing, so that all officers who come forward under the amnesty for their illegal drug use are intermittently drug tested for a minimum of 12 months following completion of counselling or any other assistance provided.</p>
SR 7	<p>The PIC recommends that NSW Police seeks the necessary amendments to the current legislation and/or regulations (in particular, clause 20 of the Police Regulation) so that, in cases where an officer's illegal drug use has come to notice only through the officer's own admissions, commanders, supervisors and fellow officers are able to refer officers to the amnesty without otherwise having to report their past drug use.</p>
SR 8	<p>The PIC recommends that NSW Police improves the treatment and other assistance available to officers who come forward by asking these officers, three to six months after they have completed the program:</p> <ol style="list-style-type: none"> a. what could have been done to improve the program b. what aspects they found most helpful c. why they chose to come forward at that time d. whether there was anything that could have encouraged them to come forward earlier than they did e. whether they were satisfied with the level of confidentiality with which their matter was managed.
Targeted drug testing	
TDT 1	<p>The PIC recommends that to improve the consistency and informed nature of CMTs' decisions in relation to targeted drug testing, NSW Police provides training to all officers who may participate as members of CMTs. This training should cover the uses and limitations of targeted drug tests, alternatives to targeted drug tests, the role of the CMT in relation to a targeted drug test, the resources a CMT should consult when considering a targeted drug test, and the monthly review of decisions by the Professional Standards Command.</p>
TDT 2	<p>The PIC recommends that NSW Police considers facilitating access to relevant information by incorporating the information from the Complaint Practice Note on 'Guidelines for dealing with drug use allegations made against police' into the 'Targeted Drug Testing Protocols and Procedures' document.</p>
TDT 3	<p>The PIC recommends CMTs be required to consider the alternatives available when deciding whether or not a targeted drug test should be conducted.</p>

Code	Recommendation
TDT 4	<p>The PIC recommends that NSW Police continues to conduct a centralised review of the records of CMT minutes of decision-making concerning targeted drug tests, in such a way that those conducting the review provide prompt feedback:</p> <ol style="list-style-type: none"> a. concerning the targeted drug testing protocols and the need to record the minutes to those commanders where meeting minutes have not been recorded on C@ts.i in accordance with NSW Police procedures b. to individual commanders where either there is a need for improvement (such as there being insufficient detail in the recorded minutes to understand the decision making process or where the reason for the decision is unclear) or, on the other hand, where the quality of the minutes should be commended.
TDT 5	<p>The PIC recommends that the broader lessons on recording decisions and/or decision-making processes, learned from the centralised reviews, be communicated to all CMTs.</p>
TDT 6	<p>The PIC recommends that to improve the documentation and the transparency of the decision making process, NSW Police provides guidelines and associated training to the CMTs on the content and form of the information to be recorded when they consider whether or not to conduct a targeted drug test. Amongst other things, the following information should be documented as part of the CMT minutes:</p> <ol style="list-style-type: none"> a. the allegation(s) to which the targeted drug test is considered to be an appropriate response b. the nature of the information considered, including the consideration of alternative investigative strategies and the reasons targeted drug testing was preferred over these strategies or the reasons these strategies were considered not feasible c. a clear link between the information considered and the decision taken.
TDT 7	<p>The PIC recommends that the <i>Police Act 1990</i> be amended to enable testing for non-prescribed use of anabolic androgenic steroids on a targeted basis, with the amendment reflected in the Police Regulation as necessary.</p>
TDT 8	<p>The PIC recommends that NSW Police trials the use of drug testing based on hair samples in addition to urine samples for all targeted drug tests where off-duty use is suspected. The Police Regulation should be amended as necessary to enable this trial. NSW Police should widely publicise its intention to use hair samples to deter off-duty illegal drug use by some officers.</p>
TDT 9	<p>The PIC recommends that the <i>Police Act 1990</i> be amended to authorise off-duty targeted drug testing by NSW Police. The PIC recommends that:</p> <ol style="list-style-type: none"> a. the basis on which off-duty drug testing may be authorised and conducted by NSW Police is that it is reasonable to do so in all the circumstances b. failure by an officer to provide samples as requested in relation to at least two separate off-duty targeted drug tests should be specified as capable of being grounds for dismissal or other disciplinary action c. refusal to provide a sample for an off-duty targeted drug test on any occasion should be specified as capable of being grounds for dismissal or other disciplinary action, and d. the collection of samples may be conducted at a location directed by or agreed to by NSW Police including any private residence.

Code	Recommendation
TDT 9 (cont'd)	<p>In respect of decisions to authorise off-duty targeted drug testing, it is recommended that:</p> <ul style="list-style-type: none"> e. NSW Police should determine the circumstances when the decision to undertake an off-duty targeted drug test should be made by the CMT and when a decision to undertake an off-duty targeted drug test would need to be ratified by a more senior officer f. matters that give rise to a CMT recommendation/decision to conduct an off-duty targeted drug test be registered on the computerised complaint management system and notified to the NSW Ombudsman within three working days of making that decision g. information to be recorded on the computerised complaint management system, and notified within three working days, is to include the information required for all targeted drug tests (outlined in Recommendation TDT 6), and detailed reasons for conducting the test off duty (rather than testing the officer when he or she is on duty in accordance with a roster). <p>The PIC also recommends that:</p> <ul style="list-style-type: none"> h. officers who are required to be drug tested while off duty are paid for their time i. guidelines and procedures are developed which incorporate relevant industrial, health and welfare considerations in relation to off-duty testing.
TDT 10	<p>The PIC recommends that NSW Police provides the PIC, on a quarterly basis, a copy of:</p> <ul style="list-style-type: none"> a. its monthly reviews of targeted drug testing decisions b. the minutes of the individual CMT meetings that were reviewed, and c. a statement of how the information from these reviews has been used or is intended to be used.
TDT 11	<p>The PIC recommends that NSW Police reports the results of the trial of drug testing based on hair samples to the PIC after the initial 12 months of incorporating hair samples as part of targeted drug testing.</p>
Random drug testing	
RDT 1	<p>The PIC recommends that NSW Police raises the profile of random drug testing amongst all ranks of officers by publicising the existence of this form of drug testing broadly, regularly and using a variety of strategies. Recommended strategies include:</p> <ul style="list-style-type: none"> a. regularly publishing in the Police Weekly and/or other appropriate publications a list of those commands and specialist units that have been subject to random drug testing or mandatory drug testing in a given period of time b. incorporating a discussion of random drug testing in workplace meetings and workshops c. trialling the use of random alcohol testing sessions to publicise to officers that NSW Police also conducts random drug testing.
RDT 2	<p>The PIC recommends that NSW Police trials, for the next five years, increasing the number of officers who are required to provide a urine sample as part of the random drug testing program to the equivalent rate of at least 15 out of every 100 officers (or approximately 2250 random drug tests conducted annually).</p>
RDT 3	<p>The PIC recommends that NSW Police uses the additional testing capacity to enable a trial of different strategies to increase the visibility and unpredictability of random drug testing. Examples of such strategies might include testing larger numbers of officers within some individual work areas, and testing and then retesting officers from a work area in quick succession.</p>

Code	Recommendation
RDT 4	<p>Notwithstanding that illegal drug use by officers working in any area of policing is a serious matter, the PIC recommends that NSW Police</p> <ol style="list-style-type: none"> a. continues to identify and review high risk areas on the basis of work type rather than demographic characteristics of officers. 'High risk' work types would be those that are subject to greater risk of illegal drug use (such as covert work) or work types where the consequences of illegal drug use would be more serious than for other officers b. continues to drug test officers in high risk work types more frequently than other officers c. notifies officers who undertake such high risk work that they may be subject to a higher rate of random drug testing.
RDT 5	<p>The PIC recommends that NSW Police extends the use of hair samples to some random drug tests, if the trial of the use of hair samples for targeted drug tests (see Recommendation TDT 8 in previous section on Targeted Drug Testing) proves that hair testing is a viable drug testing strategy for NSW Police.</p>
RDT 6	<p>The PIC recommends that NSW Police selects which officers at a work site will be drug tested in a statistically random manner.</p>
RDT 7	<p>The PIC recommends that NSW Police reviews its current process for selecting where random drug testing is to occur, to identify ways of increasing the transparency and accountability of the process while maintaining confidentiality and appropriate flexibility for targeting purposes.</p>
RDT 8	<p>The PIC recommends that the commander of the unit undergoing testing has the responsibility for ensuring that officers do not leave the site prior to being randomly alcohol or drug tested. If an officer does need to leave the site for operational or personal reasons, then the commander or officer-in-charge at the site should make a note of the reason for this on the list of officers to be tested and initial this note. This list will then be retained by the Testing Team and, if necessary, referred to appropriate Professional Standards officers in the event that further inquiries are indicated.</p>
RDT 9	<p>The PIC recommends that NSW Police regularly surveys a sample of officers to determine the extent to which officers are aware that NSW Police conducts random drug testing, whether they believe that they are likely to be drug tested and whether they believe that any officers using illegal drugs would be detected through this testing. NSW Police should use the information from these surveys to gauge the need to further publicise drug testing or for other strategies to increase the visibility and unpredictability of the testing.</p>
RDT 10	<p>The PIC recommends that NSW Police reports the results of these surveys to the PIC as part of the process of monitoring the implementation of the recommendations made in this report.</p>
RDT 11	<p>The PIC recommends that NSW Police, at the end of the five-year trial outlined in Recommendation RDT 2 (above), reassesses the level of random drug testing required, based on the results of surveys conducted and other relevant information obtained.</p>

Code	Recommendation
Mandatory drug testing	
MDT 1	The PIC recommends that NSW Police continues to use urine samples as the basis of mandatory drug testing following an incident as specified in s.211A (2A) of the <i>Police Act 1990</i> , on the understanding that this does not provide a measure of impairment and that for those who test positive the drug test will not, of itself, assist to determine to what extent this drug use may have contributed to the critical incident.
MDT 2	<p>The PIC recommends that NSW Police reviews the circumstances that require a directly involved officer to be drug tested with a view to broadening this set of circumstances in such a way that:</p> <ol style="list-style-type: none"> a. the circumstances include situations where a person is seriously injured while in police custody b. NSW Police considers incorporating circumstances where a person is killed or seriously injured as a result of the application of physical force by a police officer, or in an incident involving a police vessel or a police aircraft c. NSW Police seeks to achieve consistency with circumstances defined as critical incidents in the NSW Police guidelines d. NSW Police considers simplifying the wording used to describe these circumstances. <p>Furthermore the PIC recommends that, following this review, NSW Police seeks a legislative amendment, reflected in the Police Regulation as necessary, to modify s.211A (2A) of the <i>Police Act</i> to include this broader definition of circumstances that should result in drug testing any officers directly involved.</p>
MDT 3	The PIC recommends that NSW Police develops criteria, in consultation with the Police Association of NSW, that clarify the types of injuries to be classified as 'serious' for the purpose of defining the circumstances that require directly involved officers to be drug tested.
MDT 4	The PIC recommends that the wording of s.211A (2A) of the <i>Police Act 1990</i> be redrafted to clarify that both alcohol and drug testing are required and this testing is mandatory in the specified circumstances.
MDT 5	The PIC recommends that NSW Police considers options to reduce the delays in conducting mandatory drug testing of officers following critical incidents in remote areas.
MDT 6	The PIC recommends that NSW Police reviews technological developments in drug testing and alternative assessment methodologies on an ongoing basis, and reports to the PIC no less than every two years on what, if any, developments there have been that might be usefully incorporated in NSW Police practices.

Code	Recommendation
Code of Conduct & Ethics	
CCE 1	<p>The PIC recommends that NSW Police amends its Code of Conduct and Ethics and other documentation that specifically refers to it:</p> <ol style="list-style-type: none"> a. to separate messages about the use of illegal drugs from messages about the use and abuse of legally acquired substances b. to clarify that use of prohibited drugs is not appropriate at any time – whether the officer is rostered on duty or not.
CCE 2	<p>The PIC recommends that NSW Police reviews the adequacy of the mechanisms - including staff involvement, senior management backing, and training - which are currently in place to support officers' awareness, understanding and use of the Code of Conduct and Ethics. This review of support mechanisms should be consistent with the ICAC 'Code of Conduct' guideline, particularly as it relates to implementing a code of conduct.</p> <p>On the basis of the findings of this review, NSW Police should take appropriate action as necessary, to implement new and/or revised measures to ensure that all officers:</p> <ol style="list-style-type: none"> a. are aware of existence of the Code of Conduct and Ethics b. know its contents, and importantly, c. are aware of how the Code of Conduct and Ethics applies to their behaviour when they are on duty and when they are off duty.
CCE 3	<p>The PIC recommends that, after NSW Police has revised the content of its Code of Conduct and Ethics, NSW Police should assess officer understanding of the revised wording to determine whether:</p> <ol style="list-style-type: none"> a. the revised text clearly expresses the message that illegal drugs are not appropriate at any time, whether the officer is rostered on duty or is off duty b. officers understand the difference between NSW Police expectations in relation to the use of legal acquired drugs and the use of illegal drugs.
CCE 4	<p>The PIC recommends that NSW Police evaluates the effectiveness of new or revised measures to support officers' awareness and understanding of the contents of the Code of Conduct and Ethics and their knowledge of how it applies to their on-duty and off-duty behaviour.</p>
CCE 5	<p>The PIC recommends that NSW Police reports the results of the assessment conducted in accordance with Recommendation CCE 3 and the evaluation conducted in accordance with Recommendation CCE 4 to the PIC, as part of the process of monitoring the implementation of the recommendations made in this report.</p>
Code of behaviour	
CoB 1	<p>The PIC recommends that NSW Police incorporates in its Drug and Alcohol Policy a reference to the policy's statutory basis, including the Code of behaviour.</p>
CoB 2	<p>The PIC recommends that NSW Police promotes the Code of behaviour in the information sessions it conducts to promote the Drug and Alcohol Policy.</p>

Code	Recommendation
Recruitment	
R 1	<p>The PIC recommends that NSW Police provides additional information to potential applicants to discourage those who are unsuitable from applying. This additional information should:</p> <ol style="list-style-type: none"> alert potential applicants about how they can expect their employment as a NSW Police officer to affect their off-duty life provide more detail about the nature of police work, balancing the value of the work with a description of the types of stressful situations and boredom that officers may encounter publicise NSW Police's values and expectations for the integrity standards to be met by its officers alert potential applicants to the fact that they may be drug tested as part of the recruitment process, while they are students at the NSW Police College and/or as officers once they leave the NSW Police College be available to potential applicants from a variety of sources - such as the NSW Police website, Career Days conducted by NSW Police, as well as in the written package of materials that accompany the Professional Suitability application forms.
R 2	<p>The PIC recommends that NSW Police conducts an orientation session for those selected as students to commence the Associate Degree in Policing Practice (or other entry-level training). This orientation session should be used to provide a forum where the topics listed in Recommendation R 1 can be discussed in more detail with these students.</p>
R 3	<p>The PIC recommends that NSW Police includes questions in its application form on prior and current prohibited drug use.</p>
R 4	<p>The PIC recommends that NSW Police requires applicants to sign an acknowledgement of their willingness to be drug tested in accordance with NSW Police policies.</p>
R 5	<p>The PIC recommends that NSW Police introduces random, targeted and mandatory (critical incident) drug testing for students at the NSW Police College.</p>
R 6	<p>The PIC recommends that NSW Police reports separately the number of random, targeted and mandatory drug tests conducted on students and the results of these tests both in its monthly statistical report to the Commissioner of Police and Police Minister, as well as in its Annual Report.</p>

Code	Recommendation
Education, training and communication	
ETC 1	<p>The PIC recommends that NSW Police develops a clear position on how it expects off-duty officers to respond if they encounter people using illegal drugs and communicates its expectations as well as practical guidance on how to meet these expectations to all officers. The PIC also recommends that NSW Police develops a clear position on how it expects students to respond in such situations and communicates these expectations to all students.</p> <p>In developing and communicating its position on this topic, the PIC recommends that NSW Police consults relevant stakeholders and external experts. In addition the PIC recommends that NSW Police considers what are the main factors that should influence how an off-duty officer or a student should respond in such a situation, for example, whether the appropriate response varies in terms of:</p> <ol style="list-style-type: none"> a. whether those using illegal drugs are strangers, acquaintances, colleagues, friends or relatives b. whether the off-duty officer is alone or with others c. the type of drug used d. the circumstances of the drug use.
ETC 2	<p>The PIC recommends that NSW Police ensures that entry-level and ongoing education for NSW Police officers incorporates structured training about the 'integrity risks' that officers are most likely to encounter; that is, those situations that might put an officer's integrity at risk and compromise them in their role as an officer. This training should include, amongst other topics, integrity risks related to illegal drug use by officers or their colleagues, friends and associates. This training should be designed to achieve the following outcomes:</p> <ol style="list-style-type: none"> a. to assist officers and students to recognise what makes such situations an integrity risk, how such situations can compromise their integrity in their future role as a police officer and the consequences of such compromise b. to provide officers and students with the opportunity to consider and practise how to manage such integrity risks so that they will be equipped to respond appropriately if they find themselves in such situations in the future c. to let officers and students know of avenues for further guidance if they find themselves in a situation where they are able to seek assistance prior to responding d. to provide officers and students with guidance about what they should do if they find that they make a mistake when faced with such situations.
ETC 3	<p>The PIC recommends that NSW Police develops guidelines for officers on what they should do if they suspect illegal drug use by a fellow officer, and communicates these guidelines to officers of all ranks.</p>
ETC 4	<p>The PIC recommends that NSW Police considers making information on the effects of drugs (and associated information about the dangers and harms of drug use, including non-prescribed steroid use) available to a wider range of NSW Police officers than is currently the case.</p>
ETC 5	<p>The PIC recommends that NSW Police develops and implements an integrated communication strategy to communicate each of the messages outlined in Table 6.5. In developing this communication strategy, NSW Police should give consideration to each of the points identified in the preceding discussion.</p>

Code	Recommendation
ETC 6	<p>The PIC recommends that NSW Police should evaluate the effectiveness of:</p> <ol style="list-style-type: none"> a. the strategies it introduces in response to Recommendations ETC 1 and ETC 2 to equip officers with the skills to recognise and manage situations that may put their integrity at risk and compromise them in their role as a police officer b. the communication strategy developed and implemented in response to Recommendation ETC 5.
Supervision and support of sworn officers	
SS 1	<p>The PIC recommends that NSW Police reviews the training it currently provides for supervisors in the areas listed below, and where appropriate, develops and implements strategies to equip supervisors of all ranks so that they are aware of:</p> <ol style="list-style-type: none"> a. the overlap and the difference in the responsibilities that the NSW Police Drug and Alcohol Policy, the NSW Police Psychological Wellbeing of Staff Policy, the NSW Police Occupational Health and Safety Management Policy, the NSW Police Rehabilitation Policy and associated policies and regulations place on the supervisor, including when a supervisor has a responsibility to act b. what action to take if they have reason to suspect that one of their officers may have used or is using illegal drugs, including: <ul style="list-style-type: none"> • how to balance their welfare and staff management responsibilities • how to approach an officer and how to provide feedback on work performance or conduct, when illegal drug use is suspected • how to respond to acute alcohol or other drug-related situations • how to manage an officer who has come forward to disclose his or her illegal drug use under the amnesty, including how to manage the confidentiality issues • the NSW Police amnesty provision, the EAP and the organisational procedures for referral of officers to these and other sources of assistance c. what avenues of support and assistance are available to them as supervisors when they are unsure of how to respond.
SS 2	<p>The PIC recommends that NSW Police more broadly promotes, particularly to commanders, the availability of training on the detection and management of substance abuse problems.</p>
Managing officers found to use prohibited drugs	
M 1	<p>The PIC recommends that, as soon as possible after a positive confirmatory test result is received from the analytical laboratory, NSW Police Health Services notifies the Employee Management Branch in addition to the officer's commander that an officer has tested positive to prohibited drugs, the identity of that officer and the drug or drugs to which the officer tested positive.</p>

Code	Recommendation
M 2	<p>The PIC recommends that NSW Police reviews its management action processes, particularly in relation to officers who test positive to prohibited drugs, in order to reduce the processing times and to clarify responsibility for the different parts of the process. Amongst other strategies identified by NSW Police to achieve these objectives, this review should include:</p> <ol style="list-style-type: none"> a. an examination of the steps involved in the process, with a view to streamlining these steps and establishing guidelines, including realistic timeframes, to be followed for such reviewable management action matters b. consideration of the use of case officers to monitor each step and to act to minimise possible delays in the process c. the use, and adaptation as necessary, of the Notifications Database as a tool to assist in overseeing the progress of reviewable management action matters d. a method of assessing the effectiveness of the strategies to be implemented as a result of this review in reducing the processing times and clarifying the responsibility for the process.
M 3	<p>The PIC recommends that the NSW Police review of its management action processes (described in Recommendation M 2) should also seek to improve the information available to those who are notified for reviewable management action. Amongst other strategies identified by NSW Police to achieve this objective, this review should include:</p> <ol style="list-style-type: none"> a. the development of a system for the reliable provision of information both to officers who are the subject of reviewable management action and to their commanders concerning how the process works and regular updates on the status of the matter b. a method of assessing the effectiveness of the strategies to be implemented as a result of this review.
M 4	<p>The PIC recommends that NSW Police develops guidelines whereby officers are required to report any suspected accidental ingestion of illegal drugs to their supervisor, as soon as practicable after the incident, so that the incident can be recorded. Following the development of these guidelines, NSW Police should clearly communicate this requirement to all officers.</p>
M 5	<p>The PIC recommends that NSW Police resolves the inconsistency between NSW Police practice and the procedures outlined in clause 54 of the Police Regulation, such that:</p> <ol style="list-style-type: none"> a. the resulting practice and procedures allow for consideration of each case on its merits (weighing up factors such as the type(s) of drugs used, the frequency and circumstances of that drug use, the officer's length of service and past work performance) and should take account of what should follow if rehabilitation, despite being offered and accepted, fails b. NSW Police informs the PIC concerning the steps taken to resolve this inconsistency.
M 6	<p>The PIC recommends that NSW Police:</p> <ol style="list-style-type: none"> a. reports how it intends to conduct the review proposed in Recommendations M 2 and M 3, and the results of that review to the PIC, and b. continues to monitor its processing times for reviewable action matters and the provision of information to officers subject to notifications and to their commanders.

LIST OF RECOMMENDATIONS

Code	Recommendation
M 7	<p>To enable the PIC to audit progress in this area, the PIC recommends that NSW Police submits a schedule, concerning officers who are or have been subject to reviewable management action, to the PIC at the end of each quarter. This schedule should provide the following types of information for each of the officers currently subject to reviewable management action and for any officer for whom such action was finalised during the quarter:</p> <ol style="list-style-type: none"> a. officer identification details (such as name, registered number, location) b. information about the incident leading to the notification (such as date of the incident, date of the notification, reason for the notification) c. status of the notification (including what has been achieved and any changes in status in the past quarter) d. contact by the case officer with the officer subject to the notification e. officer status (normal duties, restricted duties, suspended with pay, suspended without pay, sick leave, etc).

Each of these recommendations is discussed in more detail in the relevant section of Chapter 6 (see Volume 3).