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**POLICE
SCOTLAND**

Keeping people safe

POILEAS ALBA

Substance Misuse

Standard Operating Procedure

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

Notice:

This document has been made available through the Police Service of Scotland Freedom of Information Publication Scheme. It should not be utilised as guidance or instruction by any police officer or employee as it may have been redacted due to legal exemptions

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1. Purpose/Scope

This Standard Operating Procedure (SOP) supports the following Police Service of Scotland, hereafter referred to as Police Scotland, policies and regulations –

- Professional Standards
- Health, Safety and Wellbeing
- Police Service of Scotland Conduct Regulations 2014
- The Police Service of Scotland (Special Constables) Regulations 2013

This SOP provides a framework for the prevention and management of alcohol and substance misuse problems within Police Scotland.

The Standards of Professional Behaviour and the conduct regulations underpinning the processes described herein apply to police officers only.

2. Definitions

For the purpose of this SOP the following definitions apply:

Substance - Alcohol, drugs or new psychoactive substances.

Drugs – controlled and prescription drugs as defined by the Misuse of Drugs Act 1971 together with any legislative amendments or associated regulations.

New Psychoactive Substances - any substance that is capable of producing a psychoactive effect.

Misuse - Used in such a manner that is illegal, harmful or problematic, either for the individual or others and affects a person's health, conduct or work capability.

Alcohol Misuse - The consumption of alcohol, either intermittent or continual, which affects the person's health, conduct or work capacity.

Drug Misuse - The use of illegal drugs and the inappropriate use of prescribed or non-prescribed drugs and other substances including, but not limited to, steroids or pro-hormones.

Medical Review Officer (MRO) - A medical practitioner engaged by the Contracted Testing Agency.

3. Health and Wellbeing

Police officers and staff who present themselves to the Service with an alcohol or drug misuse problem will be supported however, they must demonstrate an intention to address the problem and take steps to overcome it. The use of illegal drugs will not be condoned and any associated breaches of the Standards of Professional Behaviour, including criminal law, will be assessed and dealt with appropriately.

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In addition to referral to Occupational Health, a key objective from a wellbeing perspective is to signpost officers and staff to agencies or organisations who can support them with substance misuse problems.

Police Scotland have an Employee Assistant Programme (EAP) HELP, which provides confidential, independent, unbiased information and guidance from a team of trained wellbeing and counselling practitioners. This can be by telephone, on-line, or face-to-face appointment. These services are available to officers and staff, and to their family members aged sixteen or over.

EAP – 24/7 365 days of the year
www.besupported.helpeap.com

External Support Organisations

ALCOHOLICS ANONYMOUS 24/7
Tel: 0845 7697 555
W: alcoholics-anonymous.org.uk

GAMCARE 24/7
Tel No: 0808 8020 133
W: gamcare.org.uk

NARCOTICS ANONYMOUS Helpline daily 10am to Midnight
Tel: 0300 9991 212
W: ukna.org

4. Roles and Responsibilities

Chief Superintendent, Professional Standards Department (PSD)	<ul style="list-style-type: none">• Will implement, monitor and conduct a cyclical review of this SOP.
Conduct Unit, PSD	<ul style="list-style-type: none">• Organise and carry out 'with-cause' drug testing of officers, and maintain a record of all tests and results.
All Supervisors, Police Scotland	<ul style="list-style-type: none">• Submit management referrals to the Occupational Health Provider• Determine if an officer is fit for duty due to consumption of alcohol• Submit referrals to PSD
All Officers, Police Scotland	<ul style="list-style-type: none">• Must ensure their work is not impaired as a consequence of substance misuse;• Be aware that medicines prescribed to them, purchased over the counter or obtained legally elsewhere may have the

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	<p>potential to impair them.</p> <ul style="list-style-type: none">• Consult a GP or Pharmacist if they have any concerns about the impact a drug may have on their ability to perform their role.• Report any personal substance misuse problems to their supervisor immediately;• If they believe that a colleague is impaired by substance misuse, bring it to the attention of a supervisor or report it (see below);
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NB: There is no requirement for officers to disclose any details of illness or medication to a supervisor, merely to highlight their belief they are, or may be, impaired. It will be for Occupational Health to discuss confidential medical information with the officer, with their consent, and take any necessary action.

Reporting Substance Misuse

The following methods can be used to report, in confidence, suspected substance misuse or illegal activity by colleagues.

- By Email: **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**
- Integrity Matters
- Telephone the Professional Standards Department: **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**
- Scottish Intelligence Database (SID)

Alternatively, concerns can be raised via a line manager or other supervisor.

External Contractors on Police Premises

Where there is suspicion that an external contractor has been misusing, or is under the influence of alcohol or other substance, whilst on Police premises, their employer must be informed immediately and the required course of action agreed.

If a contractor is found under the influence of alcohol or other substance whilst on police premises, the Force Vetting Unit should be informed of the circumstances and an email forwarded immediately to: PoliceScotlandVetting@scotland.pnn.police.uk.

If there is any evidence that the contractor has driven to their place of work or are driving as part of their duty, police officers should act in accordance with the Road

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Traffic Act 1988.

The responsibility for reporting a contractor to their employer will rest with the individual who has responsibility for overseeing or engaging with the contractors.

5. Fitness for Duty

Impairment Evident or Suspected

When on duty or presenting themselves for duty, officers must ensure they are fit to carry out their duties and responsibilities. An officer who is unexpectedly called to attend for duty and considers that they are not fit to perform such duty must bring this to the immediate attention of a supervisor.

Where substance misuse or addiction presents as an issue, the welfare of the officer will be a primary consideration in all decisions. Matters falling within criminal law or misconduct must not be dealt with as poor performance.

If an officer has concerns about their own drug or alcohol consumption or dependence, and the impact this may have on either their health, or ability to perform their role, they should seek support and assistance from their GP. An officer should also bring any concerns regarding their fitness to the immediate attention of a Supervisor.

Supervisors should use this information to form the basis of a confidential Management Referral which should then be submitted, with the officer's consent, to the Occupational Health provider.

A supervisory officer must determine whether an individual is unfit for general duties due to the consumption of alcohol. This will be based on their own observations and will not be quantifiable through a breath test.

If a supervisor suspects an officer is not fit for duty due to drugs or alcohol, these concerns should be discussed with the officer in the first instance to establish if there are any underlying issues. If impairment is suspected, the supervisor must document their observations and any supporting information, and submit an immediate referral to the PSD for consideration. PSD will thereafter carry out a Preliminary Assessment under Regulation 10 of The Police Service of Scotland (Conduct) Regulations 2014 or, in the case of a Special Constable, Preliminary Procedures under Regulation 12 of The Police Service of Scotland (Special Constables) Regulations 2013.

Supervisors have a duty of care to the individual officer, their colleagues and the public. Where impairment on duty is suspected, under no circumstances should the officer be allowed to continue operational duties or drive a motor vehicle. Consideration should be given to conveying the officer to their home address and into the care of a friend or family member.

It has been known for symptoms of diabetes to be mistaken for alcohol intoxication in the past. This possibility should be considered in such circumstances.

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In the event an officer discloses they have issues with drugs or alcohol after they have been challenged, a Management Referral should also be submitted, with the officer's consent, to the Occupational Health provider. This will not, however, negate any of the aforementioned processes.

Driving or Cycling and Substance Misuse

If there is evidence that an officer has driven or cycled to work, or has driven or cycled in the course of their duties, while under the influence of alcohol, or while impaired through drugs, they must be dealt with under the terms of the Road Traffic Act 1988.

6. Substance Misuse Testing

Substance misuse testing may be carried out in the following circumstances:

- 'With Cause' Testing (where information/intelligence is received regarding potential substance misuse);
- As part of the recruitment process - All candidates will be tested as a condition of potential appointment. Officers/staff from recruitment teams will carry out the testing in these circumstances.

'With Cause' testing procedures apply to all police officers (including probationary officers) and Special Constables up to and including the rank of Chief Superintendent.

If the officer of concern is above the rank of Chief Superintendent, the matter will be referred by the PSD to the Scottish Police Authority (SPA).

There is no procedure by which members of Police staff can be required to provide a 'With Cause' sample. In appropriate circumstances, a request for a sample can be made by a trained officer as part of an investigation into alleged substance misuse by a staff member.

Drugs Tested

The test will assess for the presence of the following drug classifications in every case, irrespective of the substance suspected of having been misused:

- Cannabis;
- Opiates
- Cocaine;
- Amphetamines;
- Benzodiazepines;
- Anabolic Steroids
- Hallucinogens

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- Psychoactive substances
- Any other relevant substance.

The types of substances to be tested will be subject to review and may change. An investigating officer can request a test for a specific substance if it does not form part of the existing panel of tests.

‘With Cause’ Drug Testing

Where there is reason to suppose that an officer is misusing, or has misused a substance(s), then consideration will be given by the PSD as to whether it is necessary to require that individual to provide a ‘With Cause’ sample(s). Reason to suppose may arise from observations or reliable information and must be assessed on a case by case basis.

A serious accident or incident in the workplace, where it is suspected there may have been impairment through substance misuse, may provide reason to suppose. If information comes to light out with normal office hours, the on-call PSD officer must be notified.

Where reason to suppose has been established, a Preliminary Assessment will be carried out under the terms of Regulation 10 of The Police Service of Scotland (Conduct) Regulations 2014 by PSD. This will be followed by the appointment of an Investigating Officer (IO) under the terms of Regulation 10(4). Similarly, in the case of a Special Constable, the Preliminary Procedures outlined in Regulation 12 of The Police Service of Scotland (Special Constables) Regulations 2013 will be followed.

The decision to require an individual to provide a sample or samples will form part of the rationale contained within the Preliminary Assessment or Preliminary Procedures.

At the time of a requirement to provide a ‘With Cause’ sample(s), the officer will be provided with a Notice of Misconduct Investigation (Form 039-007) in accordance with Regulation 11 of The Police Service of Scotland (Conduct) Regulations 2014 or a Notice of Misconduct Investigation (Form (039-028) in accordance with Regulation 15 of The Police Service of Scotland (Special Constables) Regulations 2013.

Depending on the circumstances, there may be occasion to require an officer to provide a second ‘With Cause’ sample or samples for testing at a later date however this will be explained to the officer at the point of requiring the initial sample(s). The officer will not be given any advance notice of the timing of the requirement to provide the additional sample(s).

Sample Collection Process

The decision on what sample(s) will be required rests with the Chief Inspector conducting the Preliminary Assessment or Preliminary Procedure, and will be dependent on the information received. One or a combination of all of the following samples will be obtained:

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- Hair;
- Urine;
- Oral fluid.

The process is thereafter subject to a chain of custody, ensuring samples cannot be tampered with and the integrity of the laboratory analysis and interpretation of the results is secure.

Trained police officers or Collecting Officers from the Testing Agency will carry out the collection of all samples. Training for this purpose is provided and certified by the Testing Agency, and the SCOPE record of such trained officers will contain their qualification and expiry date.

The process will be audio recorded and the officer has the opportunity to have a colleague, supervisor or staff association representative present. If the nominated person is deemed unsuitable or is unavailable, the officer will be informed and an opportunity will be given to nominate an alternative suitable substitute. The process will not be unduly delayed to await the attendance of a nominated person.

The officer will be given the opportunity to complete a Medical Declaration Form, highlighting any medication, treatment or other substance used within certain date parameters.

This document will be provided to the MRO to assist with the interpretation of sample results. The officer can provide this information under audio conditions or elect to complete the medical declaration form independently and provide it in a sealed envelope to the trained police officer or Collecting Officer from the testing Agency conducting the process. The Medical Declaration Form will be treated in the strictest confidence and will be submitted with the sample to the Testing Agency.

On completion of the sample(s) collection process, the officer will be provided with a copy of the relevant Chain of Custody form and Information for Donors leaflet(s), and their Divisional Commander/Head of Department will be updated to ensure welfare support is put in place.

A Briefing Paper outlining the circumstances will be presented by, or on behalf of, the IO to the Assistant Chief Constable (ACC) Professionalism and Assurance, who will consider whether the officer should be subject to workplace restrictions pending receipt of the drugs analysis.

The trained police officer or the Collecting Officer, will submit the sample(s) securely, by registered post, to the Testing Agency for analysis.

The sample(s) taken will be split. The A sample is used at the laboratory for drugs analysis, whilst the B sample is stored at the laboratory under secure conditions, pending any challenge of a positive result.

In the case of a challenge, the officer has the option to send the B sample to an independent accredited laboratory of their choice. The officer is required to meet the cost of the transfer and subsequent analysis.

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Sample Analysis – Laboratory

Analysis of all samples will be carried out, or facilitated by, the Police Scotland contracted Testing Agency.

All positive samples will be retained by the Testing Agency for 12 months or until the matter and any appeal are completed. It is the responsibility of the PSD IO to ensure the laboratory are notified of the requirement to retain the positive sample, if this is beyond the 12 month period. All negative samples will be destroyed within 2 weeks of the result being received by the PSD.

Following a positive laboratory analysis, the Testing Agency will submit a report to the MRO for independent review.

Medical Review Officer (MRO)

The MRO will review positive laboratory results in conjunction with the information provided in the confidential Medical Declaration form. The review may involve a telephone discussion with the officer, providing the MRO with the opportunity to determine whether any other factors should be taken into account when reviewing the results. Only when the MRO is fully satisfied with the review will they declare a verified positive or verified negative result. A formal report will be submitted to the PSD for consideration.

A verified negative result following MRO review is confirmation that the sample did not indicate substance misuse.

A verified positive result following MRO review is confirmation that the sample did indicate substance misuse.

In the event of a verified positive result, the IO will continue the investigation under the terms of the aforementioned legislation.

Refusal to Provide a 'With Cause' Sample

Refusal or failure to provide a 'With Cause' sample(s) when required to do so without a reasonable excuse, or clearly attempting to evade or interfere with the test, will be considered a breach of the Standards of Professional Behaviour, as detailed in Schedule 1 of The Police Service of Scotland (Conduct) Regulations 2014, or the Conduct Constituting Misconduct outlined in Schedule 2 of The Police Service of Scotland (Special Constables) Regulations 2013, and will be assessed for potential misconduct proceedings.

Acting on advice from a colleague or staff association will not be considered a reasonable excuse for refusing to provide any sample.

A Briefing Paper will be presented by, or on behalf of, the PSD IO to the ACC Professionalism and Assurance, who will consider whether the officer requires to be placed on workplace restrictions whilst the misconduct process is ongoing. PSD will advise the officer's Divisional Commander/Head of Department of the circumstances.

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Refusal on Grounds of Religion

Where a Subject Officer objects, on grounds of religion, to providing a sample of hair for analysis, and it is otherwise evident that they are indeed a member of said faith, alternative samples will be considered.

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Compliance Record

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1.01	Minor Amendment Correcting Error to Include Probationary Constables in Testing Regime	27/08/2014
2.00	SOP Given Full Review	21/08/2018
3.00	Content fully revised and rationalised in line with new SOP review principles.	19/11/2020

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