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The principal objects of the *Police Integrity Act 1996* include establishing an independent, accountable body whose principal function is to detect, investigate and prevent police corruption and other serious police misconduct.

One of the Commission's strategies to prevent police corruption is to provide informed advice on improvements to NSW Police Force systems and practices.

# **Minimising officer illegal drug use: The impact of Operation Abelia in the five years since publication**

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## **Summary**

Illegal drug use by police officers is a concern in many jurisdictions. The Police Integrity Commission, an independent oversight agency in New South Wales (NSW) Australia, conducted a large scale project on the use of illegal drugs by some NSW police officers. This project, codenamed Operation Abelia, sought to provide a better understanding of the nature of the problem of officer illegal drug use and to identify what can be done to minimise such illegal drug use.

To mark the fifth anniversary of the release of the Operation Abelia report, this paper provides a brief outline of Operation Abelia and then describes the outcomes arising from some of the Operation Abelia recommendations and the related changes in NSW Police Force policies and practices that have occurred following Operation Abelia. Future challenges for the NSW Police Force are also outlined.

## **1. Operation Abelia**

### **1.1 Background**

In September 2005 the Police Integrity Commission ('the Commission') published its report to Parliament on its project examining the use of illegal drugs by some NSW police officers, known as Operation Abelia. In this project the Commission focused on what can be done to prevent illegal drug use by officers, in addition to investigating individual cases of officer misconduct. 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 illegal drug use by some NSW police officers
3. to examine relevant NSW Police Force policies, procedures and training materials, with a view to advising the NSW Police Force how and where it can intervene to most effectively minimise illegal drug use by its officers.



Many of the 64 recommendations that the Commission made in the Operation Abelia report proposed policy, procedural or legislative changes to strengthen the NSW Police Force's capacity to minimise illegal drug use by its officers. The Commission commenced its process of monitoring the implementation of these recommendations in December 2005 and completed its monitoring of these recommendations in July 2010. The Commission considers the monitoring of the implementation of its recommendations to be an important part of its efforts to prevent police misconduct.

## 1.2 Understanding the problem of illegal drug use by officers and strategies to minimise such use

### *Why monitor the implementation of recommendations?*

In addition to providing a catalyst to support the successful implementation of the recommendations, the process of following up whether and how the recommendations are implemented enables dialogue between the NSW Police Force and the Commission to assist in resolving any issues that may impede improvements to systems, procedures and practices to minimise officer illegal drug use and its associated consequences.

Drug use by police officers is not an easy topic to study because of its hidden and illegal nature. The Commission combined misconduct investigations and hearings with detailed national and international research to better understand the nature of the problem of illegal drug use by some NSW police officers and possible strategies to minimise such drug use. In summary, the Commission:

- obtained evidence from current and former NSW police officers in public and private hearings and reviewed existing records to compile and analyse case studies of NSW police officers found or assessed to have used illegal drugs
- interviewed a sample of Commanders and members of the NSW Police Force working in key policy areas, and conducted focus groups with sworn officers and students to obtain their perspectives on the best ways of minimising illegal drug use
- consulted with:
  - police departments in other jurisdictions within Australia and police departments in Canada, USA, United Kingdom and the Netherlands to find out from them the approaches that they took to minimise illegal drug use by their officers
  - experts in drug and alcohol research fields, drug testing field (both those who are forensic toxicology experts as well as those who provided an industrial relations perspective), criminology and crime prevention areas
  - practitioners from other industries that either used drug testing, were considering using drug testing, or for whom drug use issues were relevant but were being managed through alternative strategies
- conducted a comprehensive literature review
- organised and chaired a series of 'round table' discussions to provide a formal opportunity for consultation and discussion with the NSW Police Force, the Police Association of NSW, the NSW Ombudsman and the Ministry of Police on matters likely to be the subject of assessment, and possibly recommendations following from this research.



### 1.3 Summary of findings and observations

Operation Abelia exposed different forms of police misconduct including:

- the use and supply of illegal drugs by officers
- the association of officers with suppliers of illegal drugs, in some cases compromising the confidentiality of NSW Police Force records
- officers faking arrests as a prelude to stealing illegal drugs and money from drug suppliers.

The research provided a better understanding of drug use by some NSW police officers including an understanding of: the range of types of illegal drugs used; age groups and geographical areas in which officers using illegal drugs worked; how long after joining the NSW Police Force officers started to use illegal drugs; the circumstances when officers used drugs; how officers obtained their illegal drugs; as well as the strategies they used to avoid detection. It also provided a better understanding of the policies in place within the NSW Police Force at that time, how officers understood those policies and practices, and the strategies to minimise employee illegal drug use that were used by other organisations. Key results included:

- officers admitted using a wide range of illegal drugs including amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids
- officers gave quite different accounts of their reasons for using illegal drugs - some officers mentioned stress, either at work or in their personal lives, or just simply 'lifestyle' choices, several officers mentioned a combination of these reasons
- most of the officers who gave evidence to the Commission said that they 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
- officers who used illegal drugs were not readily identifiable in terms of their age, gender, rank, duty type or the geographical area in which they worked
- officers who used illegal drugs believed that other officers with whom they worked would not be aware of their illegal drug use
- much of the illegal drug use that came to notice as part of Operation Abelia occurred when officers were socialising with friends and family members while they were off duty
- officers said that they obtained their illegal drugs from friends, relatives and acquaintances.

From the information collected during Operation Abelia it was clear that some officers encounter friends or relatives using drugs, or even supplying drugs, while the officer is off duty. It was also apparent that a central feature of some of the forms of drug-related misconduct identified in Operation Abelia involved officers

Operation Abelia revealed that illegal drug use by officers can take many forms and may not be obvious to the officer's colleagues.

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

From the information collected it became apparent that encounters with friends, relatives or acquaintances who use illegal drugs may present an integrity risk to a wide range of 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 Commission that they would always place their friends above their duty as an officer.

## 1.4 Nature of the Commission's recommendations

From its analysis, the Commission considered that there was no simple one-step solution to minimising officer illegal drug use. While the NSW Police Force already had steps in place to address the issue of illegal drug use by its officers, the Commission made 64 recommendations to strengthen the NSW Police Force's approach to minimising illegal drug use by its officers. The Commission considered that the strength of these recommendations resulted, not from individual recommendations considered in isolation, but from the fact that the recommendations combined to form a nine-part integrated strategy. In summary, this nine-part strategy involved:

1. providing clear messages early and reinforcing them in different ways
2. equipping officers with the knowledge and skills to respond appropriately
3. addressing the welfare of officers
4. deterring illegal drug use before it occurs
5. detecting illegal drug use that has occurred
6. effectively managing officers found to have used illegal drugs
7. demonstrating accountability
8. review and evaluation
9. monitoring the implementation of recommendations.



## 2. What has happened since Operation Abelia?

In summary, the NSW Police Force accepted 54 of the Commission's 64 recommendations, either as drafted or with minor variations.<sup>1</sup> At 30 June 2010, 53 of these 54 recommendations had been implemented.<sup>2</sup>

In the pages that follow NSW Police Force responses to some of the Commission's Operation Abelia recommendations are described under headings pertaining to each of the nine parts of the strategy described on the previous page. A chronology summarising a number of the activities that occurred following the release of the Operation Abelia report is provided at the end of this paper.

### 2.1 Providing clear messages early and reinforcing them in different ways:

#### 2.1.1. The NSW Police Force has separated messages about the use of illegal drugs from messages about the abuse of legally acquired substances.

*Background:* At the time the Commission undertook Operation Abelia, the NSW Police Force provided 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* that formed part of the *Police Regulation*. The Commission found that these messages were not always clear. It was of the opinion that the impairment issues concerning use of alcohol and other legally-obtained drugs such as prescription and over-the-counter medication are quite different from the integrity issues concerning the use of illegally-obtained drugs. For this reason, the Commission recommended that the NSW Police Force amend its practice of conveying its expectations concerning use of legal and illegal drugs in a single message.

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<sup>1</sup> The NSW Police Force did not accept three of the Operation Abelia recommendations. Specifically, it did not accept that:

- it should continue 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
- it should conduct a 12-month trial of the use of drug testing based on the analysis of hair samples
- there is a need to resolve a perceived inconsistency between what was previously clause 54 of the Police Regulation 2000 and police practice.

As a consequence of not accepting these three recommendations, seven others (such as the recommendation that concerns promoting the assistance available for those who come forward for help regarding their illegal drug use and the recommendation that concerns reporting the results of the 12-month trial of hair testing) became irrelevant.

<sup>2</sup> It is currently too early for the remaining recommendation to have been implemented. That recommendation proposed that at the end of the five-year trial of increased random drug testing, the NSW Police Force reassesses the level of random drug testing required, based on the results of surveys conducted and other relevant information obtained. The NSW Police Force has incorporated such a review of the effectiveness of its random drug testing as part of the Strategic Plan of its Safety Command.





To clarify expectations, messages about the use of illegal drugs have been separated from messages about the use and abuse of alcohol, prescription and over-the-counter medication.

NSW Police Force expectations are communicated to:

- potential applicants
- applicants
- students
- officers.

These messages are communicated through:

- written material (e.g. *Admission Eligibility Guide*, *Drug and Alcohol Policy*, articles in the *Police Weekly* and brochures)
- lectures and education packages
- drug testing of students and of officers.

*What has happened?:* In its new *Drug and Alcohol Policy*, the NSW Police Force has separated messages about the use of illegal drugs from messages about the use and abuse of legally acquired substances. This revised policy, which commenced on 1 July 2007, incorporates the effects of legislative changes and provides a clear statement that the use of prohibited drugs is not appropriate at any time, whether the officer is rostered on duty or not. It also incorporates a summary of key messages from the policy on a single page. A 'Pocket Guide' of the key messages of the *Drug and Alcohol Policy* was also produced.

### **2.1.2. New material has been developed to reinforce messages that the NSW Police Force does not tolerate the use of prohibited drugs by its employees.**

*Background:* The Commission was of the opinion that messages about NSW Police Force expectations of its officers should commence from the time a potential applicant first contacts the NSW Police Force and that these messages should be reinforced regularly.

*What has happened?:*

**New material has been developed for those considering applying to join the NSW Police Force.** This has included:

- the incorporation of additional messages in the *Admission Eligibility Guide* and *Course Information for the Associate Degree in Policing Practice* stating that:
  - the NSW Police Force does not tolerate the use of prohibited drugs by any employee, student or applicant for employment
  - applicants are required to consent to undergo urine screening for the presence of prohibited drugs
  - students of the Associate Degree in Policing Practice are likely to be drug and alcohol tested while at the NSW Police College
- the development, production and dissemination of a brochure entitled *NSW Police Force: A Lifestyle Change*<sup>3</sup> for potential applicants that:
  - provides information about how applicants can expect employment with the NSW Police Force to change their off-duty life and about NSW Police Force values and expectations of ethical standards to be met by its officers
  - incorporates the NSW Police Force *Statement of Values, Code of Conduct and Ethics* and provides key messages from the *Student Drug and Alcohol Policy* and from the *Drug and Alcohol Policy*

<sup>3</sup> 25000 copies of the *NSW Police Force: A Lifestyle Change* brochure were printed in 2007 and distributed along with the Charles Sturt University's *Admission Eligibility Guide* package. The brochures have also been distributed at career markets, career stalls and other miscellaneous recruitment drives.



- includes a clear statement that NSW Police Force employees and NSW students of policing are NOT permitted to use any illegal drugs or non-prescribed anabolic steroids at any time
- states that students of policing are required to sign a declaration which discloses previous drug use and acknowledges that a criminal investigation may be conducted as a result of a positive test to prohibited drugs or non-prescribed steroids.

**The application form to join the NSW Police Force now includes questions about the applicant's prior and current prohibited drug use.**

Asking such questions reinforces the message to applicants that illegal drug use is a matter of concern to the NSW Police Force.

**Relevant material has been developed for students of policing.**

The NSW Police Force advised that since February 2007, a session on the *Student Drug and Alcohol Policy* has been delivered during the first week of each Session 1.

**A training package was prepared for both sworn and unsworn employees.**

The NSW Police Force developed a Mandatory Continuing Police Education Package (MCPE) which includes information about how illegal drug use can compromise an officer's position, what officers should do if they suspect illegal drug use by a fellow officer, the effects of different illegal drugs, and what officers should do if they suspect that they have accidentally ingested illegal drugs. This training package, which was designed to promote the new *Drug and Alcohol Policy*, was finalised and delivered during the 2007–08 financial year.

**2.1.3. The NSW Police Force has used a variety of other methods to communicate messages about its expectations to officers** including:

- a video presentation of the Commissioner of Police outlining the NSW Police Force expectations for officer behaviour in relation to drug use and zero tolerance to illegal drug use on or off duty
- launching a new Professional Standards Command Professional Conduct intranet sub-page
- publishing articles in the *Police Weekly*<sup>4</sup> including:
  - case studies of officers engaging in various forms of drug-related misconduct based on material from Operation Abelia (in the issues of 13 March and 20 March 2006)
  - information about the *Drug and Alcohol Policy* (9 July and 13 August 2007)

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<sup>4</sup> Now called the *Police Monthly*.



- expectations concerning off-duty behaviour (16 July, 30 July and 3 December 2007)
- an article in the *Policing Issues & Practice Journal* that explains the expectations that NSW Police Force has of its officers when encountering illegal drug use when off duty and provides a number of practical examples (February 2007)
- promoting its program of random drug testing of officers.

**2.1.4. The NSW Police Force developed a Communications and Change Management Plan** to ensure that key messages and information from Operation Abelia were communicated effectively to targeted audiences across the NSW Police Force.

## 2.2 Equipping officers with the knowledge and skills to respond appropriately

**2.2.1. The NSW Police Force developed material to assist officers understand how to identify and manage integrity risks that they may encounter when they are off duty.**

*Background:* 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 held with officers, the Commission formed the view that officers did not have a clear understanding of how the NSW Police Force expected them to respond, if, while off duty, they encountered friends or relatives using illegal drugs. The Commission recognised 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.

*What has happened?:* In February 2007, the NSW Police Force published an article on *Responding to Illegal Drug Use While Off Duty* in its 'on the job training journal', the *Policing Issues and Practice Journal*. This article sought to explain the expectations the NSW Police Force has of its officers when encountering illegal drug use when off duty and provided a number of examples. This topic was also covered as part of the Mandatory Continuing Police Education Package (MCPE) for staff that was developed to promote and familiarise staff with the new *Drug and Alcohol Policy* and was delivered in 2007-2008.

The NSW Police Force developed a series of case studies to assist officers understand how to identify and manage integrity risks that they may encounter when they are off duty. These case studies were promoted and disseminated in a variety of ways.





### **2.2.2. Information on how officers should respond when they suspect a colleague may be using illegal drugs has been incorporated in the *Police Handbook*.**

*Background:* Some officers who participated in Operation Abelia focus groups said that they felt that they were not adequately prepared to deal with suspected illegal drug use by a fellow officer.

*What has happened?:* The NSW Police Force has advised the Commission that information on how an officer should respond when the officer suspects that a colleague may be using illegal drugs has been included in the Mandatory Continuing Police Education Package (MCPE) for staff that was developed to promote and familiarise staff with the new *Drug and Alcohol Policy*. This information was also included on a 'Conduct' site on the Professional Standards Command intranet page and subsequently was incorporated within the NSW *Police Handbook*.

The NSW Police Force has developed resources to assist:

- decision-makers understand the uses and limitations of drug tests
- supervisors and managers understand the responsibilities assigned to them under a range of policies and guidelines.

### **2.2.3. Resources have been developed to assist those who are responsible for determining whether officers should be the subject of a drug test, to understand the uses and limitations of drug tests.**

*Background:* From its review of Complaint Management Team (CMT) minutes concerning decisions about targeted drug testing of officers, it appeared to the Commission that some CMT members might not have understood the limitations of drug tests or the targeted drug testing procedures that were in use at that time.

*What has happened?:* The *Targeted Drug Testing Procedures*, released in November 2009, outline the limitations of drug tests under the broader heading of 'considering the allegation and documenting the decision'. These procedures were supplemented by a PowerPoint training guideline about 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 procedures and accountability systems in relation to recall-to-duty targeted drug testing. The NSW Police Force advised the Commission that training was provided to the Southern Region, the Forensic Services Group, the North West Region and to the Professional Standards Duty Officer Forum in late 2009 and early 2010.

### **2.2.4. The NSW Police Force developed a brochure to assist supervisors and managers to better understand the responsibilities assigned to them under a range of policies and guidelines.**

*Background:* Some of the officers who participated in Operation Abelia focus groups said that they felt overwhelmed by the amount of information that they were required to assimilate as a result of the number of policies, the volume of general information they receive and their other work priorities. The number of policies and



the amount of general information is likely to place 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.

*What has happened?:* A brochure entitled *Managing Health & Wellbeing of Employees: Supervisors Responsibilities* was developed during 2009-2010. It outlines the overlap and the differences in responsibilities that the *Drug and Alcohol Policy* and a number of related policies and procedures place on commanders and supervisors; what action to take if they have reason to suspect that one of their officers may have used, or is using illegal drugs; and the avenues of support and assistance that are available to them as supervisors when they are unsure of how to respond. During 2009-2010, the NSW Police Force also developed an 'e-learning module' on the Detection and Management of Substance Misuse. Amongst other things this training module outlines commander and supervisor responsibilities in relation to detecting and managing substance misuse within the workplace.

## 2.3 Addressing the welfare of officers

### 2.3.1. While support services are still available to officers experiencing 'dependency problems', the NSW Police Force discontinued the assistance that it had been providing to those officers who voluntarily disclose their illegal drug use.

*Background:* By adopting a focus on health and welfare, rather than considering illegal drug use exclusively as a disciplinary matter, the former *NSW Police Drug and Alcohol Policy*, in effect at the time the Commission undertook Operation Abelia, was consistent with international best practice in the area. The Commission considered that balancing detection and disciplinary strategies with a focus on officer welfare represented good practice. The Commission recommended that the NSW Police Force should continue to provide support in the form of rehabilitation, counselling and relapse prevention to officers who voluntarily disclose their illegal drug use because of the benefits that such support provides to both the officers and to the organisation.

*What has happened?:* On 1 October 2007 the NSW Police Force discontinued the assistance that it had been providing to officers who voluntarily disclosed their illegal drug use, referred to as 'Amnesty', on the basis that its preferred position is to adopt a zero-tolerance approach.

However, the new *Drug and Alcohol Policy* includes a section on 'Support Services' which alerts officers to the existence of a wide range of professional support programs for individuals experiencing 'dependency problems'. Also, the online training module, entitled *Detection and Management of Substance Misuse*, released in May 2010, includes a statement that supervisors should remind all



employees that support services are available to those with personal problems concerning the misuse of alcohol or pharmaceutical medications.

### **2.3.2. Information sheets were developed for officers who are subject to reviewable management action and to their commanders concerning how the process works.**

*Background:* The Commission 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. For this reason, the Commission recommended that the NSW Police Force 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.

*What has happened?:* Information sheets were developed and initially placed on the Professional Standards intranet site in early December 2006. Eight information sheets in total were developed. Information sheets were developed for each of the following processes: s. 181D, s. 173 reviewable action, s. 173 non-reviewable action and s.80(3) dismissal action for probationary constables. Each type of action had a separate information sheet designed for commanders and for subject officers.

In 2009 the NSW Police conducted a telephone survey of officers who were the subject of reviewable management action to obtain some feedback on these information sheets. Twenty-three officers agreed to participate in the survey: 13 of whom were subject to s.173 reviewable action and 10 of whom were subject to s.181D management action. Twenty of these officers said that they received, read and understood the information sheets. A small number of the officers surveyed made suggestions for improvement to the information sheets.

## **2.4 Deterring illegal drug use**

Given the difficulty in detecting illegal drug use by officers, any strategies that can effectively deter illegal drug use before it occurs have a lot to commend them. 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 (to their health, to their reputation or to their livelihood) outweigh its attractions. There are 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. 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 Force internal investigation or an investigation by the Commission.



#### **2.4.1. More random drug tests have been conducted to increase the perceived risk of officers who using illegal drugs being caught.**

*Background:* Just as random breath testing of motorists in the community can be used to deter drink driving, random drug testing can be used to deter illegal drug use by officers. The NSW Police Force introduced random drug testing in September 2001. At the time Operation Abelia was conducted, the NSW Police Force was testing between 500 and 600 (or 3% to 4%) of its then 15 000 officers each year.

The overall impression from the information collected as part of Operation Abelia was that the NSW Police Force random drug testing program was not an effective deterrent. The numbers tested were so small that some officers did not know that the NSW Police Force conducted 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 Commission 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.

From the literature reviewed by the Commission, it was apparent that for random drug testing to be an effective deterrent, any officers contemplating using illegal drugs must believe that the likelihood of their drug use being detected through random drug testing is too great for them to risk using illegal drugs. That is to say, for random drug testing to be an effective deterrent:

- firstly, officers must believe that they may be drug tested during any shift
- secondly, they must believe that such a drug test would detect their drug use
- thirdly, these beliefs (that they may be drug tested and that this would result in their drug use being detected) need to affect their behaviour in such a way that they decide not to use illegal drugs.

*What has happened?:*

#### **Increased random drug testing.**

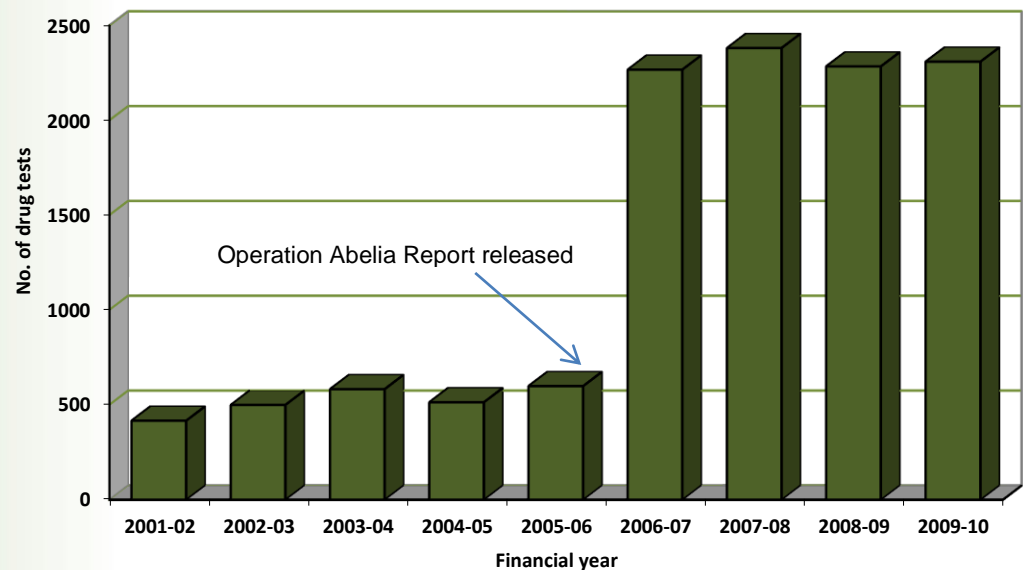
The NSW Government approved the increase in the rate of random drug testing of NSW police officers and allocated \$1 million funding for this in its 2006-2007 budget allocations.

The NSW Police Force recruited additional drug testing staff and commenced increasing the number of officers drug tested each month from July 2006, seeking to increase its number of random drug tests from between 500 to 600 each year to 2250 tests in the financial year 2006-2007. Figure 1 illustrates the increase in the



number of random drug tests conducted following the release of the Operation Abelia report compared to the number of tests conducted previously.

**Figure 1: Number of officers randomly drug tested each financial year<sup>5</sup>**



In March 2011, the NSW Police Force advised the Commission that a goal for the Drug and Alcohol Unit, now located within the Professional Standards Command, 'in 2011 is to increase random testing for drugs from 15% to 1 in 3 officers'.

**The NSW Police Force advised that it is also using a range of strategies to increase the visibility and unpredictability of random drug testing, including:**

- promoting the existence of random drug testing in its new *Drug and Alcohol Policy* and in the mandatory training session that was developed to promote the Policy
- using random alcohol testing sessions to publicise to officers that NSW Police Force also conducts random drug testing
- producing and distributing separate brochures to officers and to supervisors about random drug testing, their responsibilities, the testing process and the consequences of a positive result to a drug test
- continuing to identify and review areas of policing considered to be at a higher risk of officers consuming illegal drugs – on 5 October 2007, Safety Command provided the Commission with a copy of Safety Command's recent review of high risk areas in relation to illegal drug

<sup>5</sup> Random drug testing of NSW police officers commenced in September 2001. Hence figures for 2001-2002 are not for a complete financial year. The numbers used in this graph were obtained from NSW Police Force annual reports.





use and the new *Drug and Alcohol Policy* states that high risk work types will be subjected to more frequent testing for alcohol and/or drugs

- developing its systems to select which officers at a work site will be drug tested in a statistically random manner and its systems to increase transparency and accountability with a copy of the NSW Police Force *Random Drug Testing SOPs* being provided to the Commission in April 2007.

**Surveys of officers suggest that a large proportion of officers are aware that the NSW Police Force conducts random drug testing and that there has been a decrease in the proportion of officers who consider that they are unlikely to be drug tested in the next month.**

The results of officer surveys, conducted in line with Commission recommendations to determine officer awareness of random drug testing and officer perceptions of the likelihood that they would be randomly drug tested, suggest that since these various measures have been put in place to promote random drug testing, a large proportion of officers are aware that the NSW Police Force conducts random drug testing.

Some of the findings from the October-November 2009 survey reported by the NSW Police Force include:

- 97% of officers surveyed said that, before that day, they were aware that the NSW Police Force conducts random drug testing
- 77% said that they thought that if an officer did use illegal drugs that officer should be 'extremely worried' or 'very worried' about being asked to undergo a random drug test, while only 4% said that they thought that they should be 'not very worried' or 'not at all worried'
- when asked how would they rate the chances of an officer who uses illegal drugs being caught through random drug testing within the NSW Police Force, 58% rated it as 'quite likely'; 7% rated it as 'extremely likely' with 9% rating it as either 'extremely unlikely' or 'quite unlikely'.

When comparing the October-November 2009 results with those from a previous survey, the NSW Police Force reported that there had been a decrease in the percentage of officers who believed that it was 'extremely unlikely' or 'quite unlikely' that they would be randomly drug tested in the next month from 69% in 2008 to 16% in 2009.



#### **2.4.2. Additional information has been provided to potential applicants to discourage those who may be prone to using illegal drugs from applying to join the NSW Police Force.**

*Background:* To enable some potentially unsuitable applicants to decide for themselves that policing may not be the appropriate career for them, the Commission recommended that the NSW Police Force should:

- advise applicants how being an officer affects the way they will be able to behave when they are off duty
- provide a description of the nature of the 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 might encounter
- clarify that illegal drug use is not permitted while on duty or when off duty.

*What has happened?:*

#### **NSW Police Force expectations and information about the nature of police work is provided to potential applicants.**

Information is provided to potential applicants that 'NSW Police does not tolerate the use of prohibited drugs by any employee/student or applicant for employment' and that applicants are likely to be drug tested while students of the Associate Degree in Policing Practice at the NSW Police College.

The NSW Police Force has designed, printed and disseminated a brochure entitled *NSW Police Force: A Lifestyle Change* for potential applicants. Among other things this brochure provides information about how applicants can expect employment with the NSW Police Force to change their off-duty life and about NSW Police Force values and expectations of ethical standards to be met by its officers. (The content of this brochure is discussed in more detail earlier in Section 2.1 on *Providing clear messages early and reinforcing them in different ways.*)

#### **The application form to join the NSW Police Force was amended to include questions about the applicant's prior and current prohibited drug use.**

Regardless of whether applicants answer the questions truthfully, asking such questions reinforces the message to potential applicants that illegal drug use is a matter of concern to the NSW Police Force. Applicants are also required to sign an acknowledgement of their willingness to be drug tested in accordance with NSW Police Force policies.



### **The NSW Police Force introduced drug testing for students.**

The NSW Police Force introduced drug testing for students of policing at the NSW Police College in October 2006. The numbers of random drug tests undertaken on students of policing between 2006-2007 and 2008-2009 are shown in Table 1.

**Table 1: Number of drug tests conducted on students of policing<sup>6</sup>**

Year	No. of drug tests of students
2006-2007	180
2007-2008	151
2008-2009	153
2009-2010	140

#### **2.4.3. Officers are informed about the health risks associated with using illegal drugs.**

*Background:* Research by the Australian Government Department of Health and Ageing concerning community drug use had 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.

*What has happened?:* This topic was covered in the Mandatory Continuing Police training package that was developed to promote the new *Drug and Alcohol Policy*. Links to information sheets from other websites have been placed on the NSW Police Force intranet for the information of officers and an article on the harmful effects of prohibited drugs has been published in the *Police Weekly*<sup>7</sup>. Harmful consequences of substance misuse were also covered in the online training module that was released in May 2010: *Detection and Management of Substance Misuse*.

<sup>6</sup> Source: NSW Police Force annual reports.

<sup>7</sup> Now called the *Police Monthly*.



## 2.5 Detecting illegal drug use that has occurred

Illegal drug use by police officers is not easy to detect. Some officers take steps to hide their illegal drug use, particularly from other police. At the time that the Commission was conducting Operation Abelia, the NSW Police Force used two main methods to detect illegal drug use by its officers:

1. through targeted drug tests conducted while officers were on duty in accordance with a roster and other investigative techniques
2. encouraging officers to voluntarily disclose their drug use under a provision known as 'amnesty'<sup>8</sup>.

### Limitations of drug tests

The Commission's review of the literature and discussions with experts in the drug testing field revealed that all forms of workplace drug testing have some limitations. The limitation that most hinders the effectiveness of targeted drug testing as a detection tool is that not everyone who uses prohibited drugs will be detected. Drug tests can only detect exposure to certain types of drug for relatively short periods. The length of time after ingestion that a drug can be detected depends on a number of factors including:

- the type of drug or drugs ingested
- the type of sample (such as urine, oral fluid, sweat, hair) analysed
- the frequency of use
- the individual metabolism of the person who is tested.

While a positive drug test result provides information that the officer has ingested one or more drugs in the past, the interpretation of a negative drug test is less clear-cut. Although a negative targeted drug test indicates that there is no evidence of recent drug use, it does not automatically remove suspicion from an officer who has been subject to allegations of illegal drug use.

#### **2.5.1. The NSW Police Force capacity to detect off-duty illegal drug use has been increased by enabling off-duty officers to be recalled to duty for the purpose of undergoing a targeted drug test since November 2009.**

*Background:* The illegal drug use that came to notice in Operation Abelia was primarily off-duty use rather than use while on duty. At the time Operation Abelia was conducted the legislation allowed that officers could only be drug tested when they were on duty in accordance with a roster. However, under the NSW Police

<sup>8</sup> Amongst other things 'amnesty' provisions previously stated that no adverse action would be initiated against any officer as a result of personal admissions of past abuse made to [NSW Police Force] Drug and Alcohol Counsellors, subject to the disclosure provisions contained in the Counsellors Code of Practice.



The NSW Police Force's capacity to detect illegal drug use has been increased by enabling:

- off-duty officers to be recalled to duty for the purpose of undergoing a targeted drug test
- officers to be tested for non-prescribed use of anabolic androgenic steroids on a targeted basis.

Detection of illegal drug use is not confined to the use of drug tests. Commands are required to consider alternatives to drug testing to detect illegal drug use. Training material has been developed to assist commanders and supervisors detect and manage officers suspected of substance abuse.

However, the NSW Police Force did not accept the desirability of a 12-month trial of drug testing based on hair samples, in addition to urine samples. Hence no such trial was conducted.

Nor did it seek to increase voluntary disclosure of illegal drug use by officers. Instead, on 1 October 2007 it discontinued the assistance that it had previously provided to officers, referred to as 'amnesty'.

Force flexible rostering system it is not uncommon for officers to work three or four 12-hour shifts and then have five or six consecutive days off. The number of consecutive days off duty provided officers who use illegal drugs with opportunities to avoid their drug use being detected.

*What has happened?:* The *Police Amendment (Miscellaneous) Act 2006*, which amended the *Police Act 1990* to authorise the recall-to-duty of officers while they were off duty for the purpose of targeted drug testing, commenced on 1<sup>st</sup> February 2007. Provision for the recall of off-duty officers for targeted drug testing commenced in November 2009 when the revised *Targeted Drug Testing Procedures* were approved by the NSW Police Force's Commissioner's Executive Team for immediate implementation. According to the NSW Police Force Annual Report, one recall to duty targeted drug test was conducted in 2009-2010. The result of that drug test was positive.

#### **2.5.2. The NSW Police Force did not implement the Commission's recommendation to conduct a 12-month trial of drug testing based on the use of hair samples.**

*Background:* Although the legislation at the time Operation Abelia was conducted allowed the NSW Police Force to obtain hair samples as well as urine samples from its officers, the NSW Police Force had relied on urine samples and had not made use of hair samples for drug testing. Hair samples are used by a number of overseas law enforcement agencies to test for prohibited drugs. While there are some disadvantages, hair samples have a longer 'window of detection' for drug use than do urine samples. This means that hair samples taken while an officer is rostered on duty can be used to detect prior drug use, including off-duty illegal drug use.

*What has happened?:* The NSW Police Force did not accept the desirability of a trial of drug testing based on the use of hair samples, in addition to urine samples for all targeted drug tests. The NSW Police Force offered a number of reasons for its position such as 'the collection of hair samples is considered impractical and counterproductive as it would alert the person singled out for a hair sample', 'there is no Australian standard for drug tests based on hair samples' and 'there are risks of environmental contamination'.<sup>9</sup>

<sup>9</sup> The Commission rationale for having a 12-month trial of drug testing based on the use of hair samples is discussed in more detail in its *Operation Abelia: Research and Investigations into Illegal Drug Use by Some NSW Police Officers, Volume 3*, September 2005, pp. 244-246, 257-258.





### **2.5.3. The NSW Police Force no longer seeks to encourage its officers to voluntarily disclose their illegal drug use.**

*Background:* The Commission observed that the number of officers whose illegal drug use had been detected through self-disclosure under a provision known as 'amnesty' was similar to the number of officers whose illegal drug use had been detected through targeted drug testing. Although the number of officers who had come forward to voluntarily disclose their drug use under the amnesty (24 officers) was small at the time Operation Abelia was conducted, the officers who had come forward had 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.

Given the difficulties in detecting illegal drug use by officers, the Commission was of the view that encouraging officers to come forward to admit their prior drug use should be one of the strategies available to the NSW Police Force to detect illegal drug use. To increase voluntary disclosure of illegal drug use, the Commission recommended that the NSW Police Force 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.

*What has happened?:* The NSW Police Force did not accept the Commission's recommendation that it should continue to arrange assistance in the form of rehabilitation, counselling and/or relapse prevention of officers who come forward for help concerning their illegal drug use. Instead, on 1 October 2007, the NSW Police Force discontinued the assistance that it had been providing referred to as 'amnesty', on the basis that its preferred position is to adopt 'a zero-tolerance approach complemented by a widening of the NSW Police Force drug-testing regime and enhanced training and education'.<sup>10</sup>

### **2.5.4. The NSW Police Force has been able to conduct targeted testing of officers for the use of non-prescribed steroids since July 2007.**

*Background:* Information collected as part of Operation Abelia suggested that the abuse of anabolic androgenic steroids (referred to simply as 'steroids' below) was also a concern for the NSW Police Force. During Operation Abelia, evidence was heard about the use of illegally obtained steroids 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 the NSW Police Force came from the literature reviewed which suggested that police are an 'at risk' group for the use of illegally obtained steroids, the comments made by commanders and from the Expert Participants round table discussion. Illegally obtained steroids pose

<sup>10</sup> The Commission rationale for encouraging officers to come forward to admit their prior drug use as a strategy to assist the NSW Police Force detect illegal drug use is discussed in more detail in its *Operation Abelia: Research and Investigations into Illegal Drug Use by Some NSW Police Officers*, Volume 3, September 2005, pp. 222-223.



similar integrity issues to those posed by the other types of illegal drugs discussed in the Commission's Operation Abelia report.

At the time Operation Abelia was conducted, NSW police officers could only be tested for drugs that were 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 Force drug testing program at the time did not include testing for the use of non-prescribed steroids.

*What has happened?:* The *Police Amendment (Miscellaneous) Act 2006*, which enables testing for non-prescribed use of anabolic steroids, commenced on 1st February 2007. The NSW Police Force policy to enable targeted drug testing for non-prescribed steroids came into effect at the beginning of July 2007. According to NSW Police Force annual reports, three targeted drug tests for steroids were conducted in 2007-2008, five were conducted in 2008-2009 and three were conducted in 2009-2010.

#### **2.5.5. NSW Police Force commands are required to consider alternatives to drug testing to detect illegal drug use.**

*Background:* Drug testing is not the only tool for detecting or investigating illegal drug use by police officers. Despite the fact that the Commission recommended increasing the range of drug testing tools available to be used by the NSW Police Force, the Commission considered that the NSW Police Force should not rely solely on drug testing when investigating illegal drug use by officers. The Commission supported the Police Association of NSW's observation that the NSW Police Force should ensure that its internal investigators have the skills and resources necessary to properly investigate allegations of illegal drug use. The Commission considered that the command Complaint Management Team (CMT) should be required to consider the alternative investigative techniques that are available whenever a targeted drug test is proposed and to document its consideration of the alternatives.

*What has happened?:* The NSW Police Force *Drug and Alcohol Policy* and the *Targeted Drug Testing Procedures* require that the CMT, when considering a targeted drug test, should specifically consider and comment on other investigative strategies (e.g. covert investigations) that may be more effective or appropriate than targeted drug testing. Amongst other things the minutes of the CMT meeting are required to 'clarify allegations to which the targeted drug test is considered to be an appropriate response, including the consideration of alternative strategies and the reasons targeted drug testing was preferred over other strategies or the reasons these strategies were not considered feasible'.



#### **2.5.6. Training material has been produced to assist commanders detect and manage officers who are suspected of substance misuse.**

*Background:* The Commission recommended that the NSW Police Force enhances its capacity to detect illegal drug use by training commanders and supervisors on the detection and management of substance abuse problems.

*What has happened?:* In May 2010 the Education and Training Command of the NSW Police Force released a new online module, entitled *Detection and Management of Substance Misuse*, for all NSW Police Force employees. The module, which is said to be primarily directed at managers and supervisors, describes the policies and procedures for dealing with employees who are suspected of substance misuse. Under the heading 'recognising the signs' it also describes a range of potential indicators of impairment in the workplace due to substance misuse.

### **2.6 Effectively managing officers found to have used illegal drugs**

#### **2.6.1. The NSW Police Force reviewed and sought to streamline its management action process.**

*Background:* Practice within NSW Police Force has been 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 did not resign, the research undertaken for Operation Abelia indicated that it had taken almost one year from the date of the drug test to finalise the outcome for officers removed under s.181D. The Commission considered that a prolonged process was inadequate for three reasons. Firstly it does not provide a clear and sharp message to those subject to management action or to their colleagues. Secondly leaving the officers in a state of uncertainty imposes unnecessary stress on the officers and their families. Finally public money is wasted through suspending officers with pay for what appear to be unnecessarily long periods of time.

*What has happened?:* The NSW Police Force undertook a project to review and streamline its management action process. The Commission received a copy of the report of that project in September 2007. The review led to a number of recommendations for short-term and longer-term actions which included engaging consultants to finalise the backlog of s.181D matters and outsourcing aspects of the process.



### **2.6.2. The NSW Police Force developed a procedure to be followed if an officer believes that they have inadvertently been exposed to prohibited drugs or non-prescribed anabolic steroids.**

*Background:* Eight of the 30 officers who had returned a positive drug test result at the time Operation Abelia was undertaken claimed 'accidental ingestion' of a prohibited drug. While a number of these officers claimed that they had suffered ill effects at the time of the incident and suspected that they had in fact ingested an illegal drug of some kind, none reported their concerns to anyone within the NSW Police Force. The Commission recommended that the NSW Police Force develop guidelines concerning action officers should take if they believe that they have unwittingly ingested an illegal drug to make it more difficult for officers to rely on false 'accidental ingestion' claims in the aftermath of returning a positive result to a drug test.

*What has happened?:* Officers are required to report any suspected accidental ingestion of illegal drugs to their supervisor as soon as practicable after the incident and in any such case less than 24 hours after the exposure, so that the incident can be recorded. This was communicated as part of the Mandatory Continuing Police Education package as well as in the new *Drug and Alcohol Policy*.

## **2.7 Demonstrating accountability**

In its Operation Abelia report, the Commission made several recommendations concerning fair and transparent systems and decision making as a safeguard that current or new detection and deterrence tools are applied, and individuals are managed, in a fair and transparent manner.

### **2.7.1. The NSW Police Force has provided guidance to commands regarding improving the documentation and transparency of decisions concerning targeted drug tests.**

*Background:* At the time Operation Abelia was conducted, the decision making process regarding which officers should be subject to targeted drug tests had been recently devolved to the command-level. To ensure that targeted drug testing systems and decisions are fair and transparent, the Commission recommended that the NSW Police Force improve 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.

*What has happened?:* The new *Drug and Alcohol Policy* states that comprehensive records of the decision to request a targeted drug test (including



the allegation itself, and the information and other investigative options considered) must be kept and attached to the appropriate C@ts.i record<sup>11</sup>.

The *Targeted Drug Testing Procedures*, released in November 2009, state that comprehensive records must be:

kept regardless of the CMT decision. This includes the reasoning behind the decision and the information considered. Minutes, including the Consideration of Targeted Drug Test checklist, need to be included on both the hardcopy and electronic (C@ts.i) files. The minutes should clarify allegations to which the targeted drug test is considered an appropriate response, including the consideration of alternative strategies and the reasons targeted drug testing was preferred over other strategies or these reasons these strategies were not considered feasible.

They also ensure that the decision to recall an officer to duty for a targeted drug test is not taken lightly by allocating the responsibility for such a decision to an Assistant Commissioner or above. The procedures also state that the NSW Ombudsman must be notified when a CMT recommendation to conduct a recall to duty targeted test is approved by an Assistant Commissioner (or unsworn equivalent). Notification must take place within three days of approval and 'include provision of completed Consideration of Targeted Drug Test form'.

In February 2007, the NSW Police Force published an article on *Documenting Complaint Management Team Decisions* in its 'on the job training journal', the *Policing Issues and Practice Journal*. Amongst other messages this article clarified that when a decision has been made to conduct a targeted drug test it is important that the following information be recorded in the CMT minutes:

- the allegation(s) to which the targeted drug test is considered to be an appropriate response
- the nature and reliability of the information considered to inform the decision
- any consideration of alternative investigative strategies and the reasons targeted drug testing was preferred over these or the reasons why these alternative strategies were considered unfeasible
- the link between the information considered and the decision taken.

Furthermore, the Professional Standards Command provides to the Commission, on a quarterly basis, a copy of its review of targeted drug testing decisions in addition to a copy of the decisions and the individual CMT minutes that were reviewed.

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<sup>11</sup> Customer Assistance Tracking System (NSW Police Force complaints management system).





### **2.7.2. The new *Drug and Alcohol Policy* established practices to ensure that police officers do not leave the site prior to be randomly drug tested.**

*Background:* While the Commission did not receive information to suggest that evasion of random drug testing was widespread, the Commission accepted the possibility that some officers may attempt to evade random drug testing. For this reason, the Commission recommended that the commander of the unit undergoing random drug 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.

*What has happened?:* The new *Drug and Alcohol Policy* assigns responsibility to the supervisor in charge of the work site at the time of random drug testing to be able to account for and ensure that police officers under their responsibility do not leave the site prior to be randomly tested.

## **2.8 Review and evaluation**

### **2.8.1. The NSW Police Force has conducted a number of surveys and other assessments to review and evaluate some of their strategies.**

*Background:* A number of the individual recommendations proposed in Operation Abelia involved communication, detection or deterrence strategies for the NSW Police Force that were new to the organisation and that needed to be tested, and perhaps further developed, to optimise their utility within the NSW Police Force. Other recommendations required the NSW Police Force to review and evaluate its current procedures to see whether they can be improved. In this way, the outcomes of the recommendations made in Operation Abelia were intended not to be static but rather act as starting points that could be further built upon and improved following review and evaluation by the NSW Police Force.

*What has happened?:* Some examples of the surveys conducted and reported on by the NSW Police Force include:

- officer understanding of the messages in the revised *Code of Conduct and Ethics* and the *Drug and Alcohol Policy* concerning the inappropriateness of on- and off-duty illegal drug use and officer understanding of the difference in NSW Police Force expectations in relation to the use of legally acquired drugs and the use of illegal drugs
- the extent to which officers are aware that the NSW Police Force conducted 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

- the effectiveness of NSW Police Force communication strategies 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 officers
- surveys of commanders, conducted by case officers, in relation to commanders' knowledge of reviewable management action processes and their perceptions of timeframes taken to complete reviewable actions.

To enable both the NSW Police Force and the Commission to audit progress in relation to the time taken to finalise reviewable management actions, the NSW Police Force submits schedules concerning officers who are or have been subject to reviewable management action, to the Commission at the end of each quarter. These schedules 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:

- officer identification details
- information about the incident leading to the notification
- status of the notification
- contact by the case officer with the officer subject to the notification
- officer status.

The NSW Police Force submitted the first of these quarterly schedules to the Commission in September 2006.

The Commission also recommended that the NSW Police Force should review technological developments in drug testing and alternative assessment methodologies on an ongoing basis. By mid-2010, the NSW Police Force had reported to the Commission on the outcomes of one such review.

## 2.9 Monitoring the implementation of recommendations

Between late 2005 and mid-2010, the Commission liaised with the NSW Police Force to monitor the implementation of the recommendations that were made based on this research. This Research and Issues Paper outlines some of the outcomes from Operation Abelia which became apparent through the monitoring process.



### 3. Observations and conclusions

The research conducted as part of Operation Abelia has resulted in a better understanding of the nature of illegal drug use by some NSW police officers and an informed basis on which a nine-part integrated strategy was developed to assist the NSW Police Force to minimise officer illegal drug use. As summarised in this Research and Issues Paper many changes have been made to NSW Police Force policies, practices and procedures following the Commission's Operation Abelia report. This, however, does not mean that no further attention is required to this area of risk to officers' integrity.

#### 3.1 Outcomes of Operation Abelia

The Operation Abelia recommendations have led to a large number of changes in NSW Police Force policies and practices to minimise illegal drug use by police officers. Some examples include:

- the inclusion of questions about applicants' prior and current prohibited drug use on the application form to join the NSW Police Force to reinforce the message to potential applicants that illegal drug use is a matter of concern to the NSW Police Force and to discourage those who may be prone to using illegal drugs from applying to join the NSW Police Force
- more random (or no notice) drug tests being conducted to deter potential illegal drug use by increasing the perceived risk of being caught
- strengthening the NSW Police Force's capacity to detect officer illegal drug use with the commencement of the *Police Amendment (Miscellaneous) Act 2006* which amends the *Police Act 1990* to enable testing for non-prescribed use of anabolic steroids and to authorise recall-to-duty targeted drug testing
- the endorsement of a revised *Drug and Alcohol Policy* which incorporates the effects of the legislative changes and separates messages about the use of illegal substances from messages about the abuse of legally acquired substances.

While considerable change has occurred, it is important also to recognise that the NSW Police Force decided not to implement a number of the Commission's recommendations. One particular disappointment was the NSW Police Force's decision to discontinue the 'amnesty' which had encouraged officers to admit personal illegal drug use. The Commission had observed that, at the time Operation Abelia was conducted, the number of officers whose illegal drug use had been detected through self-disclosure under 'amnesty' was similar to the number of officers whose illegal drug use had been detected through targeted drug testing. Given the difficulties in detecting illegal drug use by officers, the



Commission was and still is of the view that encouraging officers to come forward to admit their prior drug use should be one of the strategies available to the NSW Police Force to detect illegal drug use. The NSW Police Force's decision to stop amnesty on 1 October 2007 removed a significant means by which the NSW Police Force had previously been able to become aware of illegal drug use by some officers.

Similarly the NSW Police Force did not accept the desirability of a 12 month trial of drug testing based on hair samples, in addition to urine samples, which had been proposed by the Commission to increase the NSW Police Force's capacity to detect and deter off-duty illegal drug use.

### 3.2 The challenges of monitoring the implementation of recommendations

Anti-corruption and oversight agencies that are considering monitoring the implementation of recommendations need to balance the benefits of such monitoring with an awareness of challenges associated with such monitoring. Such challenges include:

1. the monitoring can be time-consuming and resource-intensive
2. the amount of movement of officers between positions within the NSW Police Force at times creates a situation where there is little corporate memory, with the result that implementation strategies may change or recommence with staff movement
3. obtaining consistent and accurate information on implementation status from the different affected areas within the organisation. For example, early in the Operation Abelia implementation process, the implementation efforts of the different business units was well coordinated by a central business area of the NSW Police Force, at the time known as the Commissioner's Inspectorate. As the implementation of the recommendations progressed, the NSW Police Force saw that the same level of coordination was no longer required and appointed a position within a particular specialised area that did not have any authority over those in other commands as the corporate contact point for Commission discussions concerning Operation Abelia recommendations.

As mentioned earlier, despite these challenges and as illustrated in this Paper, the Commission considers that in addition to formulating evidence-based recommendations it is important to monitor the implementation of these recommendations and engage with the NSW Police Force about the implementation of these recommendations. The Commission considers that such monitoring can act as a catalyst to ensure that the recommendations are not overlooked. Dialogue between the NSW Police Force and the Commission about



the implementation of these recommendations can assist the NSW Police Force to develop a clear understanding of what the Commission intended in its recommendations and can assist to resolve any issues that may impede the implementation of the recommendations.

### 3.3 Future challenges for the NSW Police Force

Illegal drug use by police is a concern in many jurisdictions, both nationally and internationally. There is no evidence to suggest that this problem is greater for the NSW Police Force than for other policing agencies. However, while drug use remains an accepted but illegal form of socialising and relaxing by some sections of the community, the Commission considers that illegal drug use will remain an integrity risk for some police officers. Hence the Commission considers that the management of this risk will require ongoing attention.

Future challenges for the NSW Police Force in this area include:

- ensuring that it does not lose traction in relation to the strategies that it has already adopted to minimise the use of illegal drugs by some NSW police officers
- keeping up-to-date with changes in the nature of the risk and changes in the tools available to manage the risk of illegal drug use by some officers.

The NSW Police Force is a large and geographically dispersed organisation. The NSW Police Force is also an organisation which frequently reviews its policies and guidelines. The Commission has monitored the implementation of the individual recommendations up until they were either implemented or rejected. While the current position of the NSW Police Force is that these recommendations remain implemented, without going back and auditing the current processes the Commission cannot be sure whether all of the implementation strategies are still in place.

#### *i. Continuing to provide relevant messages to applicants, students and officers*

During the time following the release of the Commission's Operation Abelia report the NSW Police Force used a number of strategies to communicate and reinforce messages to students and staff about its expectations concerning appropriate behaviour. Amongst others, these communication strategies included:

- publishing articles in the *Police Monthly* (previously *Police Weekly*), particularly in 2006 and 2007
- finalising and delivering a Mandatory Continuing Police Education Package designed to promote the new Drug and Alcohol during the 2007-2008 financial year.





While the Commission considers these to be useful communication strategies, the NSW Police Force will need to consider how to continue to reinforce these messages to assist continuing staff to recall the messages and provide new staff with relevant messages.

*ii. Ensuring that key elements are retained when the Drug and Alcohol Policy is reviewed and the intranet is restructured*

The Drug and Alcohol Policy, released in July 2007 in response to Operation Abelia recommendations, is scheduled to be reviewed in July 2012. The challenge when this Policy is reviewed will be for those who are allocated the responsibility for its review to recall the reasons why some of the things – such as the separation of messages about legal drugs from messages about illegal drugs - have been incorporated in their current form.

Another communication strategy was to place information and resources on the NSW Police Force intranet. Similarly, it will be important that those tasked with reviewing the material on the intranet in the future understand and retain the relevant messages associated with strategies to minimise officer illegal drug use.

Consideration should also be given to the accessibility of messages placed on the intranet. For example, some messages are currently located on a page titled the 'Operation Abelia Implementation Project'<sup>12</sup>. Such a label is unlikely to be readily recognisable by NSW Police Force officers as a place to look for information that may be relevant to them.

*iii. Continuing activities commenced in response to the Operation Abelia recommendations*

Following the release of the Operation Abelia report, the NSW Police Force developed random drug testing standard operating procedures (SOPs) which included the methodology to select which officers at a work site are to be drug tested in a statistically random manner. A potential challenge for the NSW Police Force will be to ensure that compliance with these SOPs continues.

*iv. Addressing changes*

Operation Abelia provided a better understanding of the nature of the problem of illegal drug use by officers at the time. However, it is important to remember the environment in which officers work and socialise is open to change. The popularity and availability of illegal drugs may change as may the technology available to

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[http://intranet.police.nsw.gov.au/organisational\\_units/corporate\\_services/safety\\_command/operation\\_abelia\\_implementation\\_project](http://intranet.police.nsw.gov.au/organisational_units/corporate_services/safety_command/operation_abelia_implementation_project)



detect the use of illegal drugs. New drugs or variations on existing drugs may be introduced in the Australian illegal drug market.

One challenge for the NSW Police Force is to make the commitment to continue to review technological developments in drug testing and alternative assessment methodologies on an ongoing basis.

Another challenge is to continue to assess how changes in social attitudes and in the illegal drug market may affect the ways in which the integrity of police officers can be compromised. In October 2007, the NSW Police Force provided the Commission with a copy of Safety Command's review of areas of policing considered to be at a higher risk of officers consuming illegal drugs. A related challenge for the NSW Police Force will be to continue to identify and review areas of policing considered to be at a higher risk of officers consuming illegal drugs periodically.

In response to the Operation Abelia report, information sheets were prepared to inform officers and commanders about the management action (disciplinary) processes that they were likely to face. A further challenge for the NSW Police Force will be to put a system in place to ensure that these information sheets are amended when changes occur to the management action processes.

More broadly, a challenge will be for the NSW Police Force to continue to review and evaluate its strategies in the area of minimising illegal drug use by officers.



### Chronology of changes following release of Operation Abelia report in September 2005

Date	Activity
13 March 2006	Case Study on Improper association – keeping bad company on in <i>Police Weekly</i> , Vol 18, No. 7.
20 March 2006	Case study on Drugs and improper associations in <i>Police Weekly</i> , Vol 18, No. 8.
17 April 2006	Article on Operation Regal – Drugs and improper associations in <i>Police Weekly</i> , Vol 18, No. 12.
28 July 2006	Initial quarterly schedule of information about officers who were the subject of management action processes was provided to the Commission on this date.
19 September 2006	First quarterly schedule of review of decisions concerning officers to be subject to a targeted drug tests during the period April – June 2006 was submitted to the Commission.
October 2006	NSWPF <i>Student Drug and Alcohol Policy</i> introduced.  The NSW Police Force introduced drug testing for students of policing at the NSW Police College
December 2006	Information sheets were drafted and placed on Professional Standards Command intranet site. Eight information sheets in total have been developed for the following processes: Section 181 D, section 173 reviewable, section 173 non-reviewable and section 80 (3) dismissal action. Each type of action has a separate sheet aimed at Commanders and from that which is provided for the subject officer.
1 February 2007	Commencement of the <i>Police Amendment (Miscellaneous) Act 2006</i> which amended the Police Act 1990 to enable testing of non-prescribed use of anabolic steroids and to authorise recall-to-duty targeted drug testing.  Changes to the <i>Guidelines for the Management and Investigation of Critical Incidents</i> in respect of mandatory testing were made to reflect <i>Police Amendment (Miscellaneous) Act 2006</i> .
February 2007	Article on the <i>Responding to Illegal Drug Use While Off Duty</i> in <i>Policing Issues and Practice Journal</i> , February 2007.  Article on the <i>Documenting Complaint Management Team Decisions</i> in <i>Policing Issues and Practice Journal</i> , February 2007.  A session on the <i>Student Drug and Alcohol Policy</i> is delivered during the first week of Session 1 to students of the Associate Degree in Policing Practice at the NSW Police College.
28 May 2007	Article on Random Drug Testing in <i>Police Weekly</i> , Vol 19, No. 18. Subtitled: 'More workplace drug testing – a greater chance of being detected'.



Date	Activity
19 June 2007	Commissioner's Executive Team (CET) endorsed a new NSWPF <i>Drug and Alcohol Policy</i> for release on 1 July 2007. Keep aspects of the new Policy: <ul style="list-style-type: none"> <li>Recall to duty targeted drug testing</li> <li>Removal of Drug Amnesty</li> <li>Provision for testing for non-prescribed use of steroids on a targeted basis</li> <li>Provision for mandatory ('critical incidents') for both drug and alcohol testing</li> <li>Reinforcement of key messages for all NSW Police Force employees.</li> </ul>
1 July 2007	Revised NSW Police Force <i>Drug and Alcohol Policy</i> endorsed. Announcement occurred that the Amnesty would cease on 1 October 2007.
9 July 2007	Article on <i>Drug and Alcohol Policy</i> in <i>Police Weekly</i> , Vol 19, No. 24.
July 2007	Recruitment Lifestyle brochures printed.
16 July 2007	Article on Police Responding to Illegal Drug Use while Off Duty in <i>Police Weekly</i> , Vol 19, No. 25.
30 July 2007	Article on Responding to Illegal Drug Use – Maintaining Integrity in <i>Police Weekly</i> , Vol 19, No. 27.
13 August 2007	Article on Drug and Alcohol Policy – Prescribed medication in <i>Police Weekly</i> , Vol 19, No. 29.
August 2007	Article on the <i>Revised NSW Police Force Drug and Alcohol Policy</i> in <i>Policing Issues and Practice Journal</i> , August 2007.
3 September 2007	Article on Steroid use & the law – including the dangers of misuse in <i>Police Weekly</i> , Vol 19, No. 32.
4 September 2007	Poster promoting random drug testing sent to all Local Area Commands.
24 September 2007	Article on Harmful Effects of Prohibited Drugs in <i>Police Weekly</i> , Vol 19, No. 35.
1 October 2007	Drug amnesty ceased.
5 October 2007	The NSW Police Force provided the Commission with its risk assessment to determine the high risk areas of random drug testing. It advised the Commission that the Drug Testing Unit will sample the high risks units at a greater frequency than the medium and low risk units.
11 October 2007	Six Minute Intensive Training (SMIT) prepared on Random Drug Testing.
11 October 2007	Six Minute Intensive Training (SMIT) prepared on Steroids and the Law.
11 October 2007	Six Minute Intensive Training (SMIT) prepared on Pharmaceuticals and Over the Counter Medication.
19 November 2007	Article on Running the gauntlet: Illegal drug use – Communicating the risks and harmful effects of illegal drug use can be a challenging task in <i>Police Weekly</i> , Vol 19, No. 43.
3 December 2007	Article on Off Duty Behaviour in <i>Police Weekly</i> , Vol 19, No. 45.



Date	Activity
10 December 2007	NSWPF Drug & Alcohol Policy 2007 Mandatory Core Police Education (MCPE) – 052 was released and training commenced. The NSW Police Force advised that the MCPE outlines the guidelines for addressing conflicts of interest, improper associations and misconduct. In relation to Operation Abelia the session focuses on highlighting the importance of ensuring the behaviour of all employees of the NSW Police Force, on and off duty, does not compromise the integrity, reputation and effectiveness of the NSW Police Force or negate their position as an employee. The MCPE to be deemed compulsory for all employees of the NSWPF (sworn and unsworn) has been accepted.  Train-the-trainer sessions run in December 2007.
February 2008	A video address by the Commissioner of Police was created outlining the NSW Police Force expectations on behaviour in relation to drug use and zero tolerance to illegal drug use on or off duty.
September 2009	The NSW Police Force provided the Commission with a report about its telephone survey of officers who were the subject of reviewable management action to obtain some feedback on information sheets that had been prepared concerning the management action process.
Oct – November 2009	A third round of officers surveys were conducted to determine extent to which officers are aware that the NSW Police Force 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.
9 November 2009	Commissioner's Executive Team (CET) approved revised <i>Targeted Drug Testing Procedures</i> for immediate implementation.
November 2009	Commencement of recall-to-duty targeted drug testing.
16 December 2009	Training session run in Southern Region re Recall-to-Duty Targeted Drug Testing.
23 December 2009	Commission received a copy of the report on the results of the survey of officers to determine officers' understanding of the difference between NSW Police Force expectations of its officers in relation to the use of legally acquired drugs and the use of illegal drugs.
27 January 2010	Commission received a copy of the report on the results of the third survey of officers to determine the extent to which officers are aware that the NSW Police Force 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.
10 February 2010	Training session run for Forensic Services group re Recall-to-Duty Targeted Drug Testing.
23 February 2010	Training session run in North West Metropolitan Region re Recall-to-Duty Targeted Drug Testing.
2 March 2010	Six Minute Intensive Training (SMIT) – CP049 Pharmaceuticals and Over the Counter Medication.
2 March 2010	Six Minute Intensive Training (SMIT) – CP050 Random Drug testing.





Date	Activity
2 March 2010	Six Minute Intensive Training (SMIT) – CP061 Accidental Exposure – Drink Spiking.
May 2010	Article published in <i>Police Monthly</i> ; 'Recall to duty targeted drug testing: what you need to know'.
29 April 2010	Training session run at Professional Standards Duty Officer Forum re Recall to Duty Targeted Drug Testing.
11 May 2010	Online training module released: <i>Detection and Management of Substance Misuse</i> . This module describes policies and procedures for dealing with employees who are suspected of substance misuse. While it is directly largely at Managers and Supervisors, it is also provided for all staff as an awareness tool.
June 2010	Warning published in <i>Police Monthly</i> to promote recall-to-duty targeted drug testing: Thinking of using illegal drugs? If you are not concerned about the dangers to your health you might be concerned about the danger to your career. Remember, NSW Police Officers can be recalled to duty at any time for a targeted drug test. TESTING POSITIVE TO PROHIBITED DRUGS OR REFUSING A DRUG TEST COULD COST YOU YOUR CAREER.
2 July 2010	The NSW Police Force provided the Commission with a report on the results of a survey of officers to evaluate the effectiveness of the strategies it introduced 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.
18 March 2011	The NSW Police Force advised the Commission that a goal for the Drug and Alcohol Unit, now located within the Professional Standards Command, 'in 2011 is to increase random testing for drugs from 15% to 1 in 3 officers'.

## Further information

More information about the Commission can be found at its website [www.pic.nsw.gov.au](http://www.pic.nsw.gov.au) and a copy of the Operation Abelia Summary Report (including a complete list of the recommendations) can be downloaded from <[http://www.pic.nsw.gov.au/PDF\\_files/Abelia\\_Volume\\_1\\_%20Summary.pdf](http://www.pic.nsw.gov.au/PDF_files/Abelia_Volume_1_%20Summary.pdf)> If you require additional information you can email the Commission at [contactus@pic.nsw.gov.au](mailto:contactus@pic.nsw.gov.au)



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