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Title:	Substance Misuse Testing Policy Toolkit - Questions and Answers (Q&As)				
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## **SUBSTANCE MISUSE TESTING TOOLKIT - Q & As**

### **What is Substance Misuse Testing?**

Substance misuse testing incorporates two strands; drug testing and alcohol testing.

The purpose of drug testing is to ensure that members of the Metropolitan Police Service (MPS) are deterred from engaging in the misuse of controlled drugs and other substances including androgenic-anabolic steroids – AAS. This is to prevent individuals placing themselves, others and the organisation at risk from such misuse.

The purpose of alcohol testing is to ensure that members of the MPS arrive at work fit for duty. All on-duty Police Officers and any member of Police Staff in a Designated role must not have 13 micrograms (µg) of alcohol in 100 millilitres (ml) of breath, or more, in order to be fit for duty.

### **What happens if I admit to a substance or alcohol misuse problem before I am tested?**

Anyone who self-declares they have a substance or alcohol misuse problem before the Directorate of Professional Standards (DPS) arrive on a borough or OCU or before a “with cause” alcohol test is required by a supervisor, will be referred to Occupational Health and offered the full support of the MPS. However, this declaration must be made before the Substance Misuse Testing Unit (SMTU) arrive or before a requirement to provide a sample of breath is made if “with cause” alcohol tested locally.

See the [Substance Misuse Support Toolkit](#) page for further information.

The following sections deal with questions in relation to:

**[Drug Testing](#)**

**[Alcohol Testing](#)**

## Drug Testing

### Who can be tested and when?

- Testing “with cause” of any Police Officer or member of Police Staff where there is cause to suspect that an officer or member of Police Staff is misusing controlled drugs.
- Pre-employment - candidates applying for any role within the MPS whether as a Police Officer or Police Staff may be tested.

### Who can be randomly tested?

- Any on-duty Police Officer
- Police Staff who work in a Safety Critical Role. See below for the list of Safety Critical Roles.
- Police Officers and Police Staff in a Vulnerable Post (See below for the list of Vulnerable Posts and definition of Vulnerable Post)

### What are the Safety Critical Roles for drug testing (Police Staff)?

The Safety Critical Roles are:

- Police Community Support Officers (PCSOs)
- Dedicated Detention Officers (DDOs)
- Forensic Practitioners, their managers and forensic staff authorised to handle firearms/drugs
- All Police Staff authorised to drive MPS motor vehicles
- Control room staff and supervisors (receipt and despatch staff)
- Armourers and armoury store personnel
- Firearms instructors/supervisors
- Explosives officers and all staff on Explosive Ordnance Disposal (EOD/EXPO) unit.
- Pilots, co-pilots and air support crew
- Security Officers

## What are Vulnerable Posts (Police Officers and Police Staff)?

A Vulnerable Post is where officers or staff are in roles which bring them into regular contact with drug dealers or drugs.

The posts deemed to be “Vulnerable Posts” denote that **officers and staff in these roles may ALL be tested for drugs when the SMTU arrive for testing. Random selection is not required.** The list of Vulnerable Posts applies to both Police Officers and Police Staff.

### Vulnerable Posts - Police Officers and Police Staff

- All exhibit store/property store staff
- Exhibit/property store drivers
- CHIS handlers and Source Unit officers and staff
- Undercover officers - includes DPS Anti-Corruption Command
- Clubs and vice officers
- Witness protection officers
- POLSA teams and any specialist search team officers/staff
- Drugs dog handlers
- Flying Squad, Special Intelligence Section, Central Task Force, Middle Market Drugs Partnership, Projects Team, London Prison Anti-Corruption Team
- All TRIDENT officers
- All Drugs Squads/Borough Crime Squad officers
- Forensic Practitioners
- All officers/staff who are trained in Evidential Drug Identification Testing (EDIT)
- Officers and staff on SMTU

### Who administers the tests?

The Directorate of Professional Standards (DPS) Substance Misuse Testing Unit (SMTU) will carry out **random substance misuse testing**.

DPS Specialist Investigations (SI) will carry out **“with cause” testing**.

Human Resources (HR) will be responsible for all **pre-employment testing**.

## What types of samples will be taken?

Hair and urine samples may be taken from any candidate who is applying for a role within the MPS.

Serving officers and police staff will be tested by a urine test.

## What is “Random” testing and “With Cause” testing?

“**Random**” drug testing is conducted by the SMTU. Upon arrival at a Borough/Specialist Unit, the names of all eligible officers and staff on duty will be inputted onto an Excel spreadsheet. A program within Excel then randomly generates a number for each officer and the results are sorted into numerical order to select who will be tested. The proportion of officers to be tested may differ depending on the risk of the role. Certain officers and staff in a defined Vulnerable Post may all be eligible for testing. (See above for a list of Vulnerable Posts).

“**With cause**” drug testing will be carried out by DPS SI. A test will be authorised by a member of DPS Senior Leadership Team where there is cause to suspect that an officer or member of police staff is misusing controlled drugs. Extended testing can take place where corroborative intelligence exists which gives reasonable cause to suspect that the officer has used a controlled drug over an extended period. This allows up to three tests to be carried out within a 90 day period on authority of a Commander or above. The officer or member of police staff will be informed that they may be subject to further testing at the first time a sample is required but will not be given advance notification of the requirement to provide further samples.

## Can I go outside of the UK and use a drug which is legal or tolerated in that country but illegal in the UK?

Officers and Police Staff are expected to uphold the [Code of Ethics](#) and Standards of Professional Behaviour whether on or off duty and not to behave in a manner likely to bring the MPS into disrepute. Taking cannabis or other drugs, which are legal or tolerated outside of the UK but illegal in the UK, is likely to bring the MPS into disrepute. It is not conduct that the public expects from serving police officers.

There are lots of activities which are legal in one country or another but which might still be unacceptable from a conduct perspective.

The MPS has a zero tolerance policy in relation to providing a positive drug test and Police Officers or Police Staff will be subject to disciplinary procedures regardless of where or when the substance was taken.

## What is the process for taking samples for a drug test?

There are 4 main stages:

**Collection of the sample.** An appropriately trained person will conduct the process. A urine test will be carried out in toilet facilities isolated for drug testing. The sample will be split into two samples. Although the test is non-intrusive, where possible a tester of the same sex will carry out the test. Donors should speak to SI/SMTU if they require a tester of the same sex. If it is not practicable, a chaperone will be requested if required by the donor.

For urine testing, prior to testing, the donor will complete a record of any medication taken. This will be sealed in an envelope and placed in the laboratory despatch envelope containing the samples. The medical declaration form will be completed by the donor to ensure medical confidentiality and compliance with Home Office Guidelines. The MRO is a qualified doctor who is able to distinguish between levels of drugs consistent with legally prescribed medication and levels that indicate substance misuse.

During a hair test, taken from recruits only, a small quantity of hair will be taken from the head, where possible. Only one sample is taken as the sample is split into A and B samples at the laboratory. If the recruit does not have enough head hair, hair can be taken from the chest, armpit, arm or leg area if there is sufficient hair to do so. In both tests the process will be explained to the person being tested. The laboratory test a standard measure of hair, measured from the root end, regardless of the length of sample submitted. This ensures fairness to all regardless of religion, gender or ethnicity as some groups may have longer hair. To ensure the integrity of the sample, the chain of evidential continuity will be maintained and the samples sealed in an evidential bag.

### Screening Process

All urine and hair samples collected are submitted to the laboratory for a screening test.

Those samples that are screened as negative are discarded, and the medication notes destroyed.

### Full analysis of the sample

Any urine or hair sample that shows positive on screening is further analysed in the laboratory. Any positive results at the laboratory are subject to a review by a Medical Review Officer (MRO).

### Medical Review

The MRO reviews positive laboratory results using all information present. The MRO will usually contact the donor if the results indicate a presence of legally prescribed medication. The MRO will determine whether the test should be treated as a confirmed positive or whether it is a negative result.

## Which drugs are tested for?

Testing will measure levels of opiates, cocaine, amphetamines (including ecstasy), cannabis and benzodiazepines (level of abuse only). For “with cause” testing only, a further substance may also be tested for. The subject will be informed of the extra substance to be tested at the time the sample is taken. The substance tested for may include any commonly abused substance including anabolic steroids.

## What about steroids?

The MPS directs that police officers and police staff must not use or possess androgenic-anabolic steroids (AAS) including designer steroids, prohormones and designer prohormones. Failure to adhere to this directive is likely to be considered as gross misconduct.

This directive does not include any prescribed steroidal treatment or any corticosteroid treatment purchased over the counter.

As with any other substance, if a member of staff or police officer self declare that they are using AAS before they are subject to a “with cause” substance misuse test, they will be referred to OH. Subject to strict compliance with the drug referral programme offered by OH this will exclude the officer or staff member from the disciplinary process.

## Why can't we use steroids?

Whilst it is not a criminal offence to possess steroids for personal use, there are a number of other factors to take into consideration.

Regularly taking AAS may result in a potentially dangerous medical condition, including high blood pressure or a heart attack, risk of stroke, liver or kidney tumours and an increased risk of developing prostate cancer. It is imperative that the MPS takes positive action to educate officers and staff as to the potential dangers of using steroids in order to prevent against such conditions and to promote health and well being.

There is a notable association between steroid use and organisational threat. It is illegal to supply and/or manufacture AAS. The supply often occurs in private gyms and similar locations, leading to association with criminals, potential disclosure of information and offences leading to the illegal supply of steroids and other controlled drugs. Recent legislation means that the only way a person may legally obtain steroids is under medical prescription or by physically bringing them into the UK themselves for their own use. It is most likely, therefore that an officer or member of staff using steroids has been illegally supplied them. The officer or member of staff has therefore been implicated in criminal offences around the supply.

In order for the MPS to operate effectively, it needs a workforce which is fit for full duties. The Mayor's Office for Policing and Crime (MOPAC) and the Commissioner of the MPS are

committed to ensuring the health and safety of employees and the public who are affected by the activities of the MPS. To assist the MPS in achieving this objective, all members of the MPS, irrespective of rank, grade or position have a duty to take reasonable care of the health and safety of themselves and any other person who maybe affected by their acts or omissions.

Tests have determined that the use of anabolic steroids can have a significant impact on mood and behaviour, such as heightened aggression, paranoid jealousy, extreme irritability, delusions, impaired judgment and anger, which could lead to episodes of violence. Behavioural changes brought about by the use of steroids also have the potential to adversely affect levels of public complaints, in relation to categories of incivility, oppressive behaviour and assaults. Such changes in behaviour may lead to even greater consequences if the steroid user is employed within a firearms command or armed with taser.

It has been determined therefore that the taking of steroids is not conducive with being employed by the Metropolitan Police Service as a police officer or member of police staff.

AAS have limited medical uses and are not to be confused with corticosteroids, a different type of steroid drug commonly prescribed to relieve inflammation for conditions, such as eczema and asthma. Testing protocols for AAS are extremely accurate and will return the identity of the steroid within the sample. Those officers and staff taking prescribed steroids or over the counter corticosteroids should be reassured that the test can easily determine the exact steroid within the sample.

### **I want to take sports supplements, how do I check if they are safe to take and do not contain a banned substance?**

It is the responsibility of all staff to check what they are taking is appropriate and will not lead them to testing positive for a banned substance.

The MPS does not hold a list of banned substances, as the groups on such a list are continually evolving.

We suggest that you get advice from suitable internet websites that advise athletes on safe products, such as; Informed Sport.com. You can also look on the World Anti-Doping Agency (WADA) website. Although not all items on this website would lead to a positive test, it gives you some information that may assist.

### **I have looked on relevant websites and I'm still not sure if a product is okay to take.**

It is up to each individual to ensure that what they are taking does not leave them open to commit misconduct offences. The nature of evolving new products and their many derivatives does not allow us to maintain a set list of banned substances.

Therefore you have to make the decision that you trust a product's content.



## **I researched a product and according to the internet it was safe, but I have provided a positive test?**

It is known that many companies use production lines which are not necessarily sterile. This means that contamination can occur. As previously stated, by taking a product you take the risk that this may be the case. If you do decide to use supplements try to make sure they are from reputable sources where the product integrity is assured.

## **Can lawfully prescribed or over the counter medication cause a positive test?**

The laboratory analysis will show the presence and level of controlled drugs. However, some lawfully used medication may give a positive screening result. This will be submitted for further analysis. Any confirmed, positive results are submitted to the MRO who will interpret the laboratory analysis in light of the declared medication and make a final decision regarding the result.

## **What happens if a substance misuse test is positive?**

The SMTU, SI or HR will be informed of any positive drug test, which indicates unlawful use of drugs, by the MRO. If the positive test is from a serving member of the MPS, the matter will be referred to the appropriate section of DPS for investigation. The individual concerned will be subject to Gross Misconduct investigation/proceedings which could lead to dismissal. If the test taken is from a recruit, their application will be terminated. If that recruit is a serving member of police staff or a Special Constable, they will be subject to a Gross Misconduct investigation which could lead to dismissal.

## **Can I get the sample independently tested?**

The urine sample that is provided is split into two parts and separately sealed in the presence of the donor. The second unopened sample is held at the laboratory and may be independently tested at an accredited laboratory at the donor's expense.

Only one sample of hair will be taken. The laboratory will split the hair test sample and re-seal part of the sample to allow for independent testing if required. If the test is disputed, analysis of this sample can be carried out by a laboratory of the donor's choice at the donor's expense.

The laboratory which carries out testing for the MPS uses the latest and most advanced technology in the drug testing world. If the donor decides to have the B sample analysed, it is imperative that they choose a laboratory which uses equivalent technology to that of the laboratory used by the MPS. If an inferior method of testing is used, the results will not stand up to scrutiny and the original result will override that of an inferior test.



The donor must notify the SMTU/SI/HR that they require the second sample to be tested within 28 days of being notified of the result of their positive test.

### **What happens if I refuse to provide a sample?**

Refusal to supply a sample will be dealt with as if a positive test had been provided. The officer or member of police staff will be subject to a Gross Misconduct investigation by DPS which could lead to dismissal. Any recruit who refuses to provide a sample will have their application terminated.

### **What happens if I am unable to provide a sample (e.g. due to fasting or a medical condition)?**

If an officer or member of police staff is unable to provide a urine sample due to fasting, consideration will be made to re-attend and take a sample at a more suitable time on the same day or the following day.

If a sample cannot be provided for medical reasons, advice will be sought from the MRO and the officer or member of police staff may be requested to provide a doctor's certificate to show there is a genuine medical reason.

### **Is there a process for appeal?**

If a positive test is provided, the matter will be subject of a DPS investigation. An officer or member of police staff has a right to appeal any sanction given as a result of that investigation. The donor can request the B sample be independently tested at the donor's own expense.

See "*Can I get the sample independently tested?*" question above.

### **What do I do if I suspect a colleague is taking drugs?**

If you suspect a colleague is misusing controlled drugs, you should either inform a line manager, submit a 5020 to DPS Intelligence Bureau or report via Right Line/Right Line on-line.

## Alcohol Testing

### Who can be tested and when?

Police Officers and Police Staff in a Safety Critical Role are eligible for **random alcohol testing**.

**Any on duty Police Officer** can be **“with cause” tested** if a supervisor suspects they are under the influence of alcohol. Suspicion may arise if there is a smell of alcohol or signs of alcohol misuse are displayed.

Any on duty member of **Police Staff in a designated role** - see below - can be **“with cause” tested** if a supervising officer suspects they are under the influence of alcohol.

### What are the Designated Police Staff roles - for “with cause” alcohol testing?

The Designated Police Staff roles are:

- Police Community Support Officers (PCSOs)
- Dedicated Detention Officers (DDOs)
- Forensic practitioners
- CCC IR dispatch and receipt
- Authorised firearms instructors, firearms tactical advisors, strategic firearms commanders and those directly supervising such officers
- Any police staff drivers and police driving instructors
- Members or supervisors of Police Search Advisor teams
- Pilots, co-pilots and air support crew
- Explosives Officers and staff on EOD unit
- Security officers
- Any Police Staff in public facing roles

### What are the Safety Critical Roles for random alcohol testing (Police Officers and Police Staff)?

- Authorised firearms officers, firearms tactical advisors, strategic firearms commanders and those directly supervising such officers
- Any police drivers including police staff drivers and police driving instructors
- Members or supervisors of Police Search Advisor teams

- Underwater search team divers including personnel involved in handling diving equipment
- Pilots, co-pilots and air support crew
- Explosives Officers and staff on EOD unit
- Officers authorised to use TASER

### **What is the permitted limit for alcohol consumption?**

The presumption is that any on duty Police Officer or member of Police Staff is unfit for duty if they have more than 13 micrograms ( $\mu\text{g}$ ) of alcohol in 100 millilitres (ml) of breath. This compares with a legal limit of  $35\mu\text{g}$  of alcohol in 100ml of breath for driving under the Road Traffic Act, although no prosecution is brought until a person provides a sample over  $40\mu\text{g}$ . It is impossible to define how many alcohol units these measures equate to as it is dependant on an individual's metabolic rate, height, weight etc.

### **How will I be tested for alcohol?**

Alcohol testing will be conducted taking a breath sample using a device that is capable of giving a digital read-out. Each OCU has been provided with a suitable alcometer by the SMTU. Please check with your Professional Standards Champion to find the exact location of the alcometer on your individual OCU (any member of your SLT will know who your Professional Standards Champion is). The Evidential Breath Machine (EBM) in the custody suite should not be used unless an alcometer is not available and the suite is cleared of all other users. Each 'breath test' should consist of two consecutive breath samples from the officer/police staff member, with the final result being declared as the lower of the two results. This will be carried out by an officer or member of police staff trained in the use of the alcometers.

### **Who can conduct a test for alcohol?**

A supervisor can require an officer or member of police staff to provide a "breath test". A person trained in the use of the alcometer can carry out the test at the request of a supervisor.

### **How are results determined/calculated?**

The alcometers provide an immediate reading. The lowest of the two samples is the reading taken.

## Do I need to complete a medical declaration prior to an alcohol test?

No medical form is required. The donor will be asked whether they have drunk, eaten or taken anything within the previous 20 minutes. They will also be asked whether they have smoked anything within the last 5 minutes.

## Can I request I am tested by someone of a specific gender?

No, the alcohol test is a breath test and non-intrusive.

## What happens if I am unexpectedly called in for work when I'm off duty?

If a Police Officer or member of Police Staff **are not** "on call" but are called into work when off duty, they should declare that they have consumed alcohol, if they have done so. It will be for their supervising officer to decide whether they should still be required to attend work. A decision may be made after the officer or member of police staff has provided a sample of breath on an alcometer. The individual in question will be required to perform a non public facing and non safety critical role until they are declared fit for duty. [Road Traffic laws](#) still apply in relation to driving and exceeding the legal drink drive limit. In the event that a drink drive offence has been committed then normal Road Traffic procedures will be followed.

Officers and staff who are "on call" are expected to be fit and available for duty.

## What happens if my alcohol test is positive?

If a Police Officer or member of Police Staff eligible for testing provides a sample which is over 13µg but under 40µg, the matter will be dealt with locally as Misconduct. The decision regarding the action to be taken rests with the Professional Standards Champion depending on the circumstances surrounding the individual case. Repeated incidents may be subject to a Gross Misconduct investigation.

If a Police Officer, or eligible member of Police Staff, provides a sample over 40µg in 100 ml of breath, the matter will be referred to the DPS - Serious Misconduct Investigation Unit (SMIU) by way of a [Form MM/1](#) (Misconduct/Performance - Misconduct Process). Consideration will be given for the matter to be investigated as Gross Misconduct. OCUs should contact the SMTU for further advice in the event of a positive test over 40µg.

## What happens if I refuse to provide a sample?

Refusal to supply a sample will be dealt with as if a positive test over 40µg had been provided. The officer or member of police staff will be subject to a Gross Misconduct investigation by

DPS which could lead to dismissal. Any recruit who refuses to provide a sample will have their application terminated.

### **What happens if I am unable to provide a sample (e.g. a medical condition)?**

The test required will be a sample of breath. There are few medical reasons why a person cannot provide a breath sample. If an officer or member of police staff cannot provide a sample of breath due to a medical reason, they will be subsequently expected to provide evidence they are suffering from a medical condition (doctor's letter) which prevents them from taking the test. This will be taken into consideration when all the facts are considered.

### **Is there a process for appeal?**

If a positive test is provided, the matter will be subject of a local or DPS investigation. An officer or member of police staff has a right to appeal any sanction given as a result of that investigation.

### **What do I do if I suspect a colleague is under the influence of alcohol at work?**

If you suspect a colleague is under the influence of alcohol at work, you should inform a supervisor as soon as possible.