

Police drug and alcohol policy

Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Who and when	3
Alcohol and drugs defined	4
Alcohol	4
Drugs	4
Employer and employee responsibilities	4
Employer	4
Employee	4
Further information	4
Categories of employee testing	6
Pre-employment	6
Consequences of non-negative and positive results - pre-employment testing	6
Designated work groups	6
Critical incident	7
Procedures specific to critical incident testing	7
Reasonable cause	7
Reasonable cause procedures	8
Requests for tests and notification of results	9
Employee rights and assistance	9
Testing procedures	9
More information	9
Request to undertake test	9
Refusal or failure to be tested	9
Test results	10
Result related definitions	10
Negative test result	10
Non-negative test result	10
Positive result	10
Rehabilitation options	11
Police approach to drug and alcohol use	11
Compulsory rehabilitation programmes	11
Privacy and use of information	12
Review of Policy	13
Flowcharts and related documents	14

Policy statement and principles

What

The NZ Police Drug and Alcohol Policy has been developed to protect the wellbeing of all Police employees, as well as the integrity, reputation and effectiveness of Police. It seeks to facilitate the health, safety and wellness of all Police employees in relation to drug and alcohol use by focusing on rehabilitation. Wherever possible Police will prioritise a rehabilitative approach to manage staff with drug and alcohol difficulties.

It has been developed by Police in consultation with the New Zealand Police Association, the Police Leaders Guild and the Independent Police Conduct Authority.

Why

'Our Business' aims to ensure both our communities and our people feel safe and are safe. Achieving this requires enabling our people to be the best they can be. The use of drugs and alcohol increases the likelihood of errors of judgment and increases health and safety risk in the workplace.

All employees have a duty to take care of their own and others' safety. Police officers deploy into operational environments where they are frequently exposed to multiple hazards and associated high risks, and any such incidents are often fast-paced, dynamic and require sound judgement to mitigate risks. Those employed in roles that support our frontline staff also perform functions that require sound judgement, again to mitigate risk to themselves, the safety of colleagues and the wider community. It is therefore critical that any employee who consumes alcohol while on duty (without authorisation of the District Commander or Director) or reports for duty under the influence of drugs or alcohol is identified and held accountable for their decision to be at work.

This Policy is rehabilitation focused. If an employee is concerned that they have issues with drugs or alcohol they are encouraged to seek confidential support and assistance through our Employee Assistance Programme (EAP) or a District Wellness Advisor.

How

Testing will be undertaken in accordance with the relevant AS/NZ alcohol and drug testing standards and explained further in this Policy. In accordance with [Our Values](#) and [Our Code](#), Police requires all employees and other Police workers to:

- not use illegal drugs
- not report for duty when under the influence of drugs or alcohol, including prescribed and over the counter medication not taken in accordance with a health practitioner's or manufacturer's instructions or that present a risk to the individual's safety at work or the safety of others while at work
- immediately notify their manager if they feel that any medication, they are taking could present a risk to their safety or the safety of others while at work.
- not consume alcohol while on duty, unless it has been authorised by the District Commander or Director
- follow the lawful and reasonable request for a breath, oral fluid or urine sample in accordance with
- this policy (Refer to Employer and Employee responsibilities regarding consent)
- adhere to the requirements of any rehabilitation programme they may be directed to participate in.

The primary focus of this policy is to keep people safe at work. The focus is on rehabilitation, but in some circumstances breaches of this policy may amount to misconduct or serious misconduct under the Code of Conduct and a disciplinary pathway may apply. Circumstances could include:

- being impaired by alcohol or drugs at work where there is risk to others
- refusing a test without reasonable cause.

Who and when

This policy applies to all Police employees whether constabulary or non-constabulary. It also applies to all new preferred employees and constabulary applicants who have been identified as the preferred candidate for placement in a recruit wing (in relation to pre-employment testing).

There are four categories of drug and alcohol testing for Police employees and further defined under Categories of Employee Testing:

- **Pre-employment**
- **Critical incident** (constabulary)
- **Reasonable cause** (all employees)
- **Designated workgroups** (constabulary)

Random testing is not included in this policy, however, may be included at a future date following further consultation and agreement.

Alcohol and drugs defined

Alcohol

Any substance containing more than 1.15% ethyl alcohol (ethanol) including but not limited to beer, wine and distilled spirits.

Drugs

Any substance that causes or can cause impairment, including (but not limited to):

- controlled drugs (as defined in section 2 of the Misuse of Drugs Act 1975);
- psychoactive substances (as defined in section 9 of the Psychoactive Substances Act 2013);
- medicines (as defined in section 3 of the Medicines Act 1981) that are misused, whether prescription or 'over the counter' and whether capable of causing impairment on their own or in combination with other substances; and
- other substances that are intended to have a mind-altering effect, whether regulated or unregulated (such as synthetic and herbal highs, party pills).

Employer and employee responsibilities

Employer

Police has a primary duty of care to ensure, so far as is reasonably practicable:

- the health and safety of its employees; and
- that the health and safety of other persons is not put at risk from work carried out as part of Our Business.
- Wherever possible, Police will take a rehabilitative approach to the implementation of this policy and testing procedures

Police also has obligations to act in good faith and to comply with the principle of being a good employer. This means providing our employees with all relevant information (including their rights), a reasonable opportunity to take legal advice, and the ability to have a representative and/or support person present.

Employee

Police employees are expected to act in good faith and to comply with all applicable laws, Police processes and policies (including this policy, Our Values and Our Code). This includes safe and responsible use of drugs and/or alcohol. Employees must also comply with the advice and instructions of the relevant Police- approved testing and rehabilitation providers.

If an employee is concerned that they have issues with drugs or alcohol they are encouraged to seek funded confidential support and assistance through our Employee Assistance Programme (EAP) or a District Wellness Advisor.

While drug and alcohol testing is required under this policy, testing will only occur if an employee has given consent. Refusal to consent to, or failure to comply with, drug and alcohol testing under this policy may result in the implementation of a disciplinary pathway and could amount to misconduct or serious misconduct.

Rehabilitation is the primary focus of this policy however there may be some circumstances where a disciplinary pathway may be considered, this could potentially include by way of example:

- being impaired by alcohol or drugs at work where there is risk to others
- not complying with an agreed rehabilitation programme
- failing a retest after completion of a rehabilitation programme
- refusing a test without reasonable cause.

Further information

Further information can be found at these links:

Police drug and alcohol policy
Proactively released by New Zealand Police

- Code of Conduct
- Rehabilitation policy and procedures
- Disciplinary policy
- Off duty interventions
- Host responsibility-Police canteens and social functions

Categories of employee testing

This section details the four testing categories for Police employees and explains when and how tests will occur.

Pre-employment

All new preferred applicants (non-constabulary) and constabulary applicants to join New Zealand Police are required to undergo a drug and alcohol screening test prior to their employment.

Testing will occur for constabulary applicants at the end of the selection process when the applicant has been identified as the preferred candidate for the role, or for placement in a recruit wing. A letter of offer will be conditional on a negative result.

Testing will occur for all preferred applicants for non-constabulary positions (excluding contractors and volunteers) prior to a letter of offer being made.

Applicants will be required to submit to the nearest Police approved testing provider within 5 days of notification from the hiring manager or recruiting staff.

Consequences of non-negative and positive results - pre-employment testing

A non-negative result is deemed a positive result. The applicant may, at their own expense, have the sample re-tested in the provider's accredited laboratory. In the event of a negative result from this test, the application may proceed.

In some circumstances, Police will cover the expense to have the sample retested, at the discretion of the Director: Safer People

An applicant will not receive a letter of offer in the event of a positive result.

Applicants will not be eligible to re-apply until after a period of at least 2 years, at which time they must supply, at their own expense, evidence of a minimum of four (4) negative drug tests done by the Police approved provider over that period. Each re-application will be judged on its own merits. The re-applicant must undergo another pre-employment Police drug screening test (in accordance with the above pre-employment process) if they are sent another offer of employment.

Designated work groups

The groups listed below are designated workgroups for drug and alcohol testing due to their special functions which are associated with higher than normal or unique workplace risks:

- Special Tactics Group (STG)
- Armed Offenders Squad (AOS)
- Police Protection Services (PPS)
- Airport Police
- Operational Dog Handlers.

All current and active employees within a designated workgroup will be tested at least once every two years while they remain part of the group. They will also be tested following any involvement in a critical incident.

Testing will be conducted by the Police approved testing provider at:

- the designated work group base/station, or
- the testing provider office, or
- at another suitable venue, e.g., at a training session.

These tests should be unannounced so far as is reasonably practicable.

Testing will be in accordance with the relevant AS/NZ alcohol and drug testing standards.

The employee will be notified at the time of testing if the result is negative. If a non-negative result is received at the time of testing, the urine sample will be sent to the accredited lab for analysis by the service provider. A positive result will be in line with the above standard.

Other workgroups may be designated under this policy in consultation and agreement with the Police Association and Police Leaders

Guild.

Critical incident

A critical incident in respect of this policy applies to situations where an employee has:

- used force or had direct contact with a person where death or significant injury or illness has resulted. The use of force or direct contact includes (but is not limited to) a firearm, taser, OC Spray, baton and/or physical restraint or hold
- used a firearm, where death or serious injury has resulted, whether caused by a firearm or not. This includes where the employee has discharged a firearm in the direction of a person in the execution of his or her duty, regardless of whether or not it resulted in an injury or death.

NB: For clarity, fleeing driver incidents are not included in the definition of critical incident for the purposes of this policy.

Procedures specific to critical incident testing

As soon as is reasonably practicable after a critical incident, and following the management of immediate safety and welfare considerations, the relevant employee(s) should be tested for drugs and alcohol in accordance with the following process:

Step	Action
1.	The District Commander or their delegate (e.g., District Command Centre), in consultation with the Critical Incident Liaison Officer (CILO) (or involved officer's supervisor if CILO not appointed) must contact the Police approved testing provider as soon as it has been determined to be a critical incident, and make arrangements for testing, either on site or at an agreed location, e.g. Police station, or the provider's premises. The need to protect the anonymity of employees involved in critical incidents should be considered when deciding the place of testing.
2.	Where possible, the breath alcohol test should be conducted within 2 hours of the critical incident. (Access the Drug Testing Consent for Police Employees in Police Forms> Safer People)
3.	Where the service provider is able to attend, the employee/s will be required to provide a sample of their breath and urine in accordance with the relevant AS/NZ drug and alcohol testing standards. Note that these vary if the employee requiring testing is receiving treatment at a hospital. For more information, see the standard drug and alcohol testing procedures used by service providers or those applying in hospitals .
4.	The urine sample will be sent to the accredited lab for analysis by the service provider. A positive result will be in line with the above standard.
5.	The result of the test will be sent to the Director Safer People. The employee will be notified via CILO as soon as practicable.

See also the Flowchart for critical incident testing below.

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 [Critical Incident Testing Process \(Oct 2019\)](#)

129.69 KB

Reasonable cause

This testing category applies where a Manager/Supervisor has reason to suspect that an employee has consumed or is under the influence of drugs and alcohol. This includes prescribed and over the counter medication not taken in accordance with a health practitioners or manufacturer's instructions or that present a risk to the individual's safety at work or the safety of others while at work.

NB: In all cases reasonable cause must exist at the time of assessment.

Any decision made to initiate a reasonable cause process is significant, both in terms of process and the impact and effect it may have on the person being tested. Individual's rights regarding privacy and confidentiality must be respected. Therefore, a Manager/Supervisor needs to be confident that reasonable cause exists and requiring a test is justified. If it is not, this may create a

breach of the employee's privacy. Procedures in this Policy must be carefully followed. A manager's/supervisor's pack has been developed and is to be used in all circumstances where practicable to determine whether a reasonable cause testing procedure should be undertaken. This will assist in making an assessment and give guidance throughout the process. It contains all relevant forms including employee information and consent forms.

[Manager's/supervisor's Pack - reasonable cause testing of employees](#) (includes all documents including consent forms).

Training (Reasonable Cause Drug and Alcohol Testing) is available within Success Factors on the Reasonable Cause Process, including signs and symptoms and guidance on using the manager's/supervisor's pack.

For contractors, use the alternate procedure listed.

Reasonable cause procedures

- [Employees](#)
- [Contractors](#)

Requests for tests and notification of results

Employee rights and assistance

Whenever an employee is required to undertake a test it is important, they understand their rights throughout the process. This Policy has been developed to ensure testing takes place in a consistent and professional manner and with the consideration for an individual's rights, including privacy and confidentiality. This includes the right to:

- Seek advice prior to undertaking a test, providing that any delay in obtaining advice is not unreasonable
- Support if requested where possible, provided that the safety of all can be assured and it does not result in unreasonable delay
- Effective communication which is open and honest
- Easily accessible information and questions answered in a timely manner
- Be treated in line with NZ Police values
- Respect for an individual's culture, values and beliefs
- Be fully informed about any process the individual is involved in, including what they are being tested for, what will practically be required, (i.e., what is involved and who will undertake it) the timeframes involved, what the test results are and what the outcome will be (dependent on the test results)
- Ask to have any concerns addressed and to be informed about options for resolving these
- An individual's privacy is respected and all relevant legislations relating to privacy and access to information are complied with, how the information will be managed and who has access to it.
- Refuse to undergo any process (NB this may result and involve the implementation of a disciplinary pathway)

Testing procedures

Alcohol - A breath test will be completed.

Drugs - A urine screening device will be used to carry out testing. The verification for the device used and the cut off concentrations for the onsite device are in line with best practice standards set by drug testing industry. It will be collected in an area where you can be monitored by a TDDA testing technician, and all practicable steps taken to ensure your privacy is maintained. These steps and procedures will be explained to you at the time of testing by the technician.

Drug and alcohol testing will be undertaken by [The Drug Detection Agency \(TDDA\)](#) in accordance with their standard testing procedures.

Download:

- a summary of the standard Drug and Alcohol Testing Procedures Used by Service Providers

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 Drug and Alcohol Testing Procedures Used by Service Providers	128.82 KB
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- Drug and Alcohol Testing Procedures When Employees are in hospital

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 Drug and Alcohol Testing Procedures When Employees are in Hospital	278.58 KB
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More information

See also TDDA's step by step Overview of the Screening Process on the Police TenOne [Drug and Alcohol Policy intranet page](#).

Request to undertake test

Any employee who is requested to perform a test in accordance with this policy and related testing procedures is expected to cooperate and provide a sample for testing, where the service provider is available to take the sample. However, consent is required by the employee before testing can be undertaken.

Refusal or failure to be tested

The Director: Employee Relations must be advised whenever an employee refuses to consent to or fails to comply with drug and

alcohol testing. The Director: Employee Relations should consider all relevant circumstances and may initiate a disciplinary pathway if appropriate (see more information in the [Disciplinary policy](#)).

Test results

Whenever a critical incident or reasonable cause drug or alcohol test is carried out, the District Commander, or their delegate, is responsible for notifying the Director: Safer People. The service provider will communicate directly with the Director: Safer People regarding the test results.

All test results will be notified to the tested employee as soon as practicable. If a non-negative or positive result is obtained the employee will be given an opportunity to respond to the result and to seek retesting of the sample (within 5 working days of being notified of the test result) if they wish.

In all cases, Police will take steps to support an employee's rehabilitation and/or wellness needs. In the event of a positive test, rehabilitation will be the primary focus for a current employee and, depending on the circumstances, in some circumstances a disciplinary process may also need to be undertaken.

Consideration should be given to whether it is appropriate for an employee to continue in their current role while undergoing a rehabilitation plan.

Result related definitions

Negative test result

Drug and/or alcohol levels do not reach or exceed the cut off levels set out in the relevant AS/NZ standards.

A negative alcohol test is required to be at 150 micrograms of alcohol per litre of breath or below.

Non-negative test result

Drug levels appear to reach or exceed the cut off levels set out in the relevant AZ/NS standards. A non-negative drug test is an indicator only and requires laboratory analysis to confirm the result.

Positive result

Drug and/or alcohol levels reach or exceed the cut off levels set out in the relevant AS/NZ standards.

Rehabilitation options

Police approach to drug and alcohol use

The cornerstone of this policy is a rehabilitative approach to drug and alcohol use. If an employee is concerned that they have issues with drugs or alcohol, they are encouraged to seek confidential support and assistance through:

- a. Wellness Advisors who are embedded in all Police districts, are degree qualified in the health, wellbeing and/or psychology areas, operate on a strictly confidential basis, and are available for support.
- b. [Employee Assistance Programme \(EAP\)](#). This is a dedicated service for Police employees to seek voluntary and confidential assistance with drugs and alcohol.

Compulsory rehabilitation programmes

In the event of a positive test for drugs or alcohol, an employee may be required to participate in a compulsory rehabilitation programme (where appropriate). This will be managed as a formal referral to a qualified and approved rehabilitation service provider who will be DAPAANZ registered. The employee will be required to sign a rehabilitation agreement. Consideration will be given as to whether it is appropriate to amend the employee's current duties.

The provider will manage the rehabilitation process and Police will, subject to recommendation of a treatment plan by the qualified and approved rehabilitation provider, fund the rehabilitation as follows:

- An initial assessment by a substance abuse specialist.
- Up to six sessions with a drug and alcohol substance abuse specialist.
- Up to six unannounced follow-up tests over a period of up to two years.

The employee will be monitored by comparison testing by the provider if required during rehabilitation to determine whether levels of drugs and/or alcohol are decreasing at the rate expected and will be required to return a negative test before they return to work. The employee may use leave entitlements, including annual and sick leave, to cover the absence and/or attendance at sessions. If these are insufficient to cover the absence then the employee must take unpaid leave or attend sessions outside work hours.

Where the above rehabilitation programme is not suitable, or is not recommended by the provider, a Police Drug and Alcohol Panel will need to consider whether any other rehabilitative process is appropriate, e.g. a residential rehabilitation programme. This decision, and a decision as to the appropriate next steps, will be made by a person or people agreed to between Police and the Police Association. There is a standard process that will ensure that Police takes into account all relevant circumstances, including any medical or specialist advice and the employee's views. In all cases, Police will continue to provide support to the employee.

Privacy and use of information

All information about an employee's drug and alcohol testing must be handled sensitively. Police will at all times comply with legislation in relation to managing employees personal and health information including the Privacy Act 2020, Official Information Act 1982, Human Rights Act 1993, NZ Bill of Rights Act 1990 and the Health Information Privacy Code 2020.

In some circumstances, information may be disclosed where it is lawful and appropriate to do so (including where disclosure is necessary to prevent or lessen a serious threat to public health, public safety or an individual's life or health). The information will otherwise not be used or disclosed for any other purposes except as required by law. Disclosure of the test results with appropriate confidentiality requirements includes to an employee's manager/supervisor and Director: Safer People. It may also include:

- Members of the Drug and Alcohol Assessment Panel (DAAP)
- NZ Police HR and ER representative
- NZ Police Medical Advisor
- Independent Medical Review Office (MRO)
- Any other individual who may be directly involved in any associated rehabilitation or disciplinary process

Information regarding the employee's test results will be stored and retained in a secure online database system, Imperans, independently managed by TDDA.

For critical incidents only, an employee will be assigned an alpha code and this code, and not the employee's name or QID, will be used on any forms or documentation relating to the drug and alcohol sample and testing.

Officers in charge of designated work groups will ensure their people are tested on acceptance of joining the work group, and then bi-annually. This will be subject to audit.

Access to all test results, via Imperans will be available to Director: Safer People.

Review of Policy

Review of this Policy will follow all relevant NZ Police Policy review requirements. In addition to this, this Policy will take a collaborative approach with our Unions and any review will require consultation with the Police Association and Leaders Guild and agreement to any amendments proposed. The Unions will be involved early in the process of review and will be given reasonable opportunity to provide input.

When NZ Police are required to consult Unions for making an amendment to the Policy, both parties must in good faith, mutually agree to a suitable timeframe for the Union to provide feedback on proposed changes. Recognising both parties must consider competing priorities, timing for internal consultation processes, risk to employees if the policy remains unchanged and any other factors to ensure the Policy is reviewed within a suitable time.

Flowcharts and related documents

These flowcharts provide an overview of the processes used for [critical incident testing](#) and for reasonable cause testing of [contractors](#)

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[Manager's/supervisor's Pack](#) Reasonable Cause testing of employees (includes all documents including consent forms)

Police Forms: 'Drug Testing Consent for Police Employee (Critical Incident)' (DA1) - accessed from [Word> PoliceForms> Safer People](#)

Drug and Alcohol Testing Procedures Used by Service Providers:

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Drug and Alcohol Testing Procedures When Employees are in hospital

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See also TDDA's step by step [Overview of the Screening Process](#) (step 3 does not apply to Police).