POLICE INTEGRITY COMMISSION

OPERATION ABELIA

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

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ABBREVIATIONS

AA	Alcoholics Anonymous
AAS	Anabolic-Androgenic Steroids
ACC	Australian Crime Commission
ACPO	Association of Chief Police Officers (UK)
ACPOS	Association of Chief Police Officers of Scotland
ACPR	Australasian Centre for Policing Research
ACS	Australian Customs Service
ADCA	Alcohol and other Drugs Council of Australia
ADF	Australian Defence Force, Australian Drug Foundation
AFP	Australian Federal Police
AGAL	Australian Government Analytical Laboratories
AIC	Australian Institute of Criminology
AIDR	Australian Illicit Drug Report
AIHW	Australian Institute of Health and Welfare
APS	Australian Public Service
ATS	Amphetamine-type stimulant
AUSTRAC	Australian Transaction Reports and Analysis Centre
BTG	Building Trades Group of Unions
CAP	Commissioner's Advisory Panel (NSW Police)
CASA	Civil Aviation Safety Authority
C@tsi	Customer Assistance Tracking System (NSW Police complaints management system)
CAMH	Centre for Addiction and Mental Health
CEP	Constable Education Program (NSW Police)
CIIT	Critical Incident Investigation Team (NSW Police)
CJC	Criminal Justice Commission, Queensland (The CJC merged with the Queensland Crime Commission to form the CMC on 1st January 2002.)
CMC	Crime and Misconduct Commission, Queensland (The CMC was formed through the merger of the CJC and Queensland Crime Commission on 1st January 2002.)
CMPD	Charlotte-Mecklenburg Police Department (USA)
CMT	Complaints Management Team (NSW Police)
COPS	Computerised Operational Policing System (NSW Police data system)
CSU	Charles Sturt University

DCPC	Drugs and Crime Prevention Committee (Victorian Parliament)
DEA	Drug Enforcement Administration (USA)
DPP	Diploma of Policing Practice (known as the Associate Degree in Policing Practice from the beginning of 2005) (NSW Police)
DUMA	Drug Use Monitoring in Australia
EAP	Employee Assistance Program, Employee Assistance Provider
EDO	Education and Development Officer (NSW Police)
EFAP	Employee and Family Assistance Program (Toronto Police Service)
ERDs	Ecstasy and related drugs (including ecstasy, methamphetamine, cocaine, GHB and ketamine)
FBI	Federal Bureau of Investigation (USA)
FTO	Field Teaching Officer/ Field Training Officer (NSW Police)
FTRA	Financial Transaction Reports Act 1988
GC/MS	Gas chromatography/mass spectrometry (a technique used in analysis of urine samples)
GHB	Gamma-hydroxybutyrate (an anaesthetic)
ICAC	Independent Commission Against Corruption, NSW
ICPMR	Institute of Clinical Pathology and Medical Research (Westmead, NSW)
IDDR	Illicit Drug Data Report (produced by the Australian Crime Commission)
IDRS	Illicit Drug Reporting System
IIDTW	Independent Inquiry into Drug Testing at Work (UK)
ITSRR	Independent Transport Safety and Reliability Regulator
LAPD	Los Angeles Police Department (USA)
LSD	Lysergic acid diethylamide (an hallucinogen)
MCDS	Ministerial Council on Drug Strategy
MCPE	Mandatory Continuing Police Education (NSW Police)
MDA	3,4 methylenedioxyamphetamine (a stimulant)
MDMA	3,4-methylenedioxymethylamphetamine (Ecstasy – a phenethylamine)
MOU	Memorandum of Understanding
MPS	Metropolitan Police Service (UK)
MRO	Medical Review Officer

NA	Narcotics Anonymous
NCA	National Crime Authority
n.d.	No date - used for those references where no publication date can be established
NDARC	National Drug and Alcohol Research Centre
NDSHS	National Drug Strategy Household Survey
NIDA	National Institute on Drug Abuse
NSW	New South Wales
NYPD	New York City Police Department (USA)
ODDP	Office of the Director of Public Prosecutions
OPONI	Office of the Police Ombudsman for Northern Ireland (UK)
PABEW	Police Advisory Board of England and Wales (UK)
PABS	Police Advisory Board for Scotland
PANSW	Police Association of NSW
PCP	Phencyclidine (an hallucinogen - commonly known as 'angel dust')
PDI	Party Drug Initiative
PIC	Police Integrity Commission (NSW, Australia)
PMA	Para-methoxyamphetamine (marketed as 'red Mitsubishi')
PQA	Pre-Qualifying Assessment
PSARC	Professional Suitability Assessment and Review Committee
PSNI	Police Service of Northern Ireland
QPS	Queensland Police Service
RBT	Random Breath Testing
RCMP	Royal Canadian Mounted Police (Canada)
RCPS	Royal Commission into the NSW Police Service
SASC	Strategic Assessment & Security Centre (NSW Police)
SCIA	Special Crime and Internal Affairs (a unit within NSW Police)
SFPD	San Francisco Police Department (USA)
SPAC	Simulated Patrol Assessment Centre, and later Simulated Policing - Acquiring Confidence (NSW Police)

THC	Delta-9-tetrahydocannabinol (cannabinoid)
TPS	Toronto Police Service (Canada)
UK	United Kingdom
UNDCP	United Nations Drug Control Programme
USA	United States of America
WARC	Western Australian Royal Commission (Royal Commission into whether there has been corrupt or criminal conduct by any Western Australian police officer)

EXECUTIVE SUMMARY

In 2005, the Police Integrity Commission (PIC) completed a major project on the use of illegal drugs by some NSW Police officers.[1] In this project, codenamed Operation Abelia, the PIC has focussed on what can be done to minimise illegal drug use by officers, in addition to investigating individual cases of officer misconduct.

Operation Abelia differed from previous PIC projects in a number of significant ways. The Operation Abelia methodology combined misconduct investigations and hearings with detailed national and international research. One aspect of this research involved the PIC actively seeking input from policing agencies, experts and practitioners from within and beyond Australia. The project also benefited from the professional, cooperative approach adopted by both NSW Police and the Police Association of NSW. The PIC values the strong foundation that this support has provided both for the development of a comprehensive framework for minimising drug use by police and for a receptive environment in which positive change can be effected. (See Section 1.5 of Chapter 1 for further details of the Operation Abelia methodology and Appendix 6 for a list of those who contributed to this project.)

Operation Abelia focused on a serious problem. Illegal drug use by officers has the capacity to adversely impact on the professionalism and effectiveness of individual officers as well as the organisation as a whole, the integrity and health of the individuals concerned, and the safety of colleagues and the community. For officers to use illegal drugs, they must have obtained them through some illegal means. This compromises their position, making them vulnerable to approaches from criminals and at risk of engaging in more serious acts of corruption. Personal drug use may also reduce their willingness to enforce drug laws in accordance with their duties. (See Section 1.3 of Chapter 1 for further information about why the PIC chose to undertake Operation Abelia.)

Following publication, this report may also be useful as a consolidated resource for law enforcement agencies and researchers who have an interest in minimising illegal drug use by police officers.

PLACING OFFICER ILLEGAL DRUG USE IN CONTEXT

NSW Police is a large and geographically dispersed organisation. At the end of June 2004, NSW Police had 18 921 employees, including 15 009 police officers. Approximately 5000 of these officers were aged 30 years or younger (see Section 2.2 of Chapter 2). NSW Police officers are part of the community, where illegal drug use is not uncommon. It has been estimated that one in every five Australians aged 20 to 29 years has used ecstasy (MDMA) at least once in their life. Recent reports have suggested that the use of amphetamines and ecstasy is increasing within the broader Australian community (see Section 2.7 of Chapter 2).

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

Illegal drug use by some NSW Police officers has been exposed in previous investigations, including investigations by the Royal Commission into the NSW Police Service, the PIC and NSW Police (see Sections 2.3 and 2.4 of Chapter 2).

Illegal drug use by police is a concern in many jurisdictions, both nationally and internationally (see Section 2.6 of Chapter 2). When the PIC contacted policing agencies in other jurisdictions to find out about the approaches they use to minimise illegal drug use by officers, it became clear that the issue was a topical one and is seen as a matter of concern that needs to be addressed by policing agencies. The PIC found that within a number of the Australian policing agencies as well as those in Canada and the UK, the issue of illegal drug use by officers had recently received attention or was the subject of current debate (see Chapter 3 and Appendices 14 and 15).

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

The investigations and hearing program was divided into three segments codenamed: Operation Icemint, Operation Norandra and Operation Alpine. The evidence revealed in the hearings and the PIC's assessments and opinions are set out in detail in Chapter 4. In summary, the PIC found that the following officers had engaged in police misconduct and recommended that consideration be given to prosecution, where indicated.

OPERATION ICEMINT

Melanie Wilson - Resigned from NSW Police October 2003. No further action recommended.

Shelley Hill - Resigned from NSW Police November 2003. No further action recommended.

Tracey Tyler - Resigned from NSW Police November 2003. No further action recommended.

OPERATION NORANDRA

Darren Wardle - Resigned from NSW Police February 2004. No further action recommended.

AB1 - Dismissed from NSW Police April 2004. No further action recommended.

Jo Potter - Dismissed from NSW Police September 2004. No further action recommended.

OPERATION ALPINE

Samuel Foster - Dismissed from NSW Police May 2004. Recommended that consideration be given to prosecution for Armed Robbery, Conspiracy to Rob, Robbery, Supply Prohibited Drug (x4) and Give false evidence.

AL12 - Dismissed from NSW Police May 2004. Recommended that consideration be given to prosecution for Conspiracy to Rob, Robbery and Supply Prohibited Drug.

KEY OBSERVATIONS ABOUT ILLEGAL DRUG USE BY SOME NSW POLICE OFFICERS

Key observations that the PIC has made about the illegal drug use by some NSW Police officers include:

- officers have admitted using a wide range of illegal drugs including amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids (see Section 5.2 of Chapter 5)
- most officers who gave evidence to the PIC 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 (see Section 5.4 of Chapter 5)
- officers have given 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 as reasons why they used illegal drugs. Several officers mentioned a combination of reasons for their illegal drug use (see Section 5.4 of Chapter 5)
- officers who use illegal drugs are not readily identifiable based on their demographic characteristics (see Section 5.5 of Chapter 5)
- while some officers had used illegal drugs prior to joining NSW Police, others had worked as officers for a substantial number of years before trying illegal drugs (see Section 5.5 of Chapter 5)
- much of the illegal drug use that came to notice as part of Operation Abelia occurred when officers were socialising with friends and relatives while they were off duty (see Sections 5.6 and 5.7 of Chapter 5)
- officers who have used illegal drugs believe that other officers with whom they worked would not be aware of their illegal drug use (see Section 5.8 of Chapter 5)
- officers said that they obtained their illegal drugs from friends, relatives and acquaintances (see Section 5.10 of Chapter 5)
- some officers who use illegal drugs engage in additional forms of misconduct such as turning 'a blind eye' to illegal drug use by others; supplying illegal drugs to friends; turning 'a blind eye' to drug suppliers; more actively attempting to assist a drug supplier by providing confidential NSW Police information; supplying drugs for monetary gain, and stealing drugs or money for profit (see Section 5.11 of Chapter 5 and the conduct described in Chapter 4).

One overall observation from the information collected during Operation Abelia is that some officers encounter friends or relatives using drugs, or even supplying drugs, while the officer is off duty. Another observation is that a central feature of some of the forms of drug-related misconduct identified in Operation Abelia (such as turning a 'blind eye' to illegal drug use by others, turning a 'blind eye' to drug suppliers, and more actively assisting a drug supplier by providing confidential NSW Police information) involved officers inappropriately resolving the conflicts they may face between maintaining their friendships or associations and their role and duties as an officer. Some officers told the PIC that they would always place their friends above their duty as an officer. It is clear that encounters with friends, relatives or acquaintances who use illegal drugs may present an integrity risk to a wide range of officers.

The PIC believes that NSW Police can assist officers to identify and manage such risks by developing a clear position on how it expects off-duty officers to respond if they encounter people using illegal drugs and communicating its expectations, as well as practical guidance, on how to meet these expectations to all officers. The PIC is of the opinion that officers need to know how to identify and manage the types of situations that may compromise them and their position well in advance of being confronted by such integrity risks. Officers who are prepared in advance will be better equipped to respond appropriately if they find themselves in such situations in the future.

EXAMINATION OF NSW POLICE POLICIES, PROCEDURES AND PRACTICES

At the time the PIC conducted Operation Abelia, NSW Police already had a number of strategies in place to address the issue of illegal drug use by its officers.

In its examination of policies, procedures and practices during Operation Abelia, the PIC considered each of the major components of the NSW Police Drug and Alcohol Policy separately:

- self-reporting illegal drug use under the amnesty provision (Section 6.3 of Chapter 6)
- targeted drug testing (Section 6.4 of Chapter 6)
- random drug testing (Section 6.5 of Chapter 6), and
- mandatory (or critical incident) drug testing (Section 6.6 of Chapter 6).

The other NSW Police policies, procedures and practices that were specifically considered in the Operation Abelia review were:

- the Code of Conduct and Ethics (Section 6.7 of Chapter 6)
- the Code of behaviour (which was established as part of the *Police Regulation 2000* specifically in regard to the consumption of alcohol and the use of prohibited drugs) (Section 6.8 of Chapter 6)
- recruitment procedures (Section 6.9 of Chapter 6)
- education, training and communication (Section 6.10 of Chapter 6)

- supervision and support for officers (Section 6.11 of Chapter 6), and
- procedures that apply to managing officers who have been found to use prohibited drugs (Section 6.12 of Chapter 6).

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

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

The PIC considers that there is no simple one-step solution to minimising illegal drug use by NSW Police. The PIC has made 64 recommendations, many of which propose policy, procedural or legislative change to strengthen NSW Police's capacity to minimise illegal drug use by its officers. The PIC's recommendations combine to form a nine-part integrated strategy. Each of these nine parts is discussed more fully in Chapter 7 and is summarised below. A consolidated list of these recommendations can be found at the end of Volume 1.

1. PROVIDING CLEAR MESSAGES EARLY AND REINFORCING THEM IN DIFFERENT WAYS

The PIC notes the efforts that NSW Police has made to ensure that its officers receive the messages contained in its Drug and Alcohol Policy and its Code of Conduct and Ethics. However, the PIC has found that officers do not always retain these messages.

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

- separate the messages about the use of legal and illegal drugs
- communicate how illegal drug use can compromise an officer's position and how it can compromise NSW Police
- communicate messages about NSW Police expectations of its officers from the time a potential applicant first contacts NSW Police
- reinforce messages in different ways throughout an officer's career
- develop an integrated communication strategy.

2. EQUIPPING OFFICERS WITH THE KNOWLEDGE AND SKILLS TO RESPOND APPROPRIATELY

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

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

3. ADDRESSING THE WELFARE OF OFFICERS

By adopting a focus on health and welfare, rather than considering illegal drug use exclusively as a disciplinary matter, the NSW Police Drug and Alcohol Policy is consistent with international best practice in the area. Some examples of the nature of the recommendations that the PIC has made to strengthen NSW Police's efforts in this area are outlined below:

- continue to provide support to those who voluntarily disclose their illegal drug use
- address welfare issues associated with off-duty targeted drug testing
- develop a system for the reliable provision of information both to officers who are the subject of reviewable management action and their commanders concerning how the system works and regular updates of the status of the matter.

4. DETERRING ILLEGAL DRUG USE

In addition to using education to deter illegal drug use by setting clear expectations and equipping officers with the knowledge and skills to meet these expectations, the PIC has advocated three further deterrence strategies:

- increase the perceived risk of being caught, by increasing the visibility, publicity and unpredictability of drug testing and minimising the potential to influence the chances of being detected through drug testing
- discourage those who may be prone to using illegal drugs from applying to join NSW Police, and
- inform officers of the health risks associated with using illegal drugs.

5. DETECTING ILLEGAL DRUG USE AFTER IT HAS OCCURRED

NSW Police detects illegal drug use by its officers through targeted drug tests and other investigative techniques as well as by encouraging officers to voluntarily disclose their drug use under a provision known as 'amnesty'. Some examples of the nature of the PIC's recommendations in this area include:

- improve the capacity of NSW Police to detect off-duty illegal drug use by trialling drug testing based on hair samples as well as amending the *Police Act 1990* to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all circumstances
- consider alternatives to drug testing to detect illegal drug use
- train commanders and supervisors on the detection and management of substance abuse problems
- further encourage officers to voluntarily disclose their illegal drug use
- incorporate the capacity to test for the non-prescribed use of anabolic androgenic steroids.

6. EFFECTIVELY MANAGING OFFICERS FOUND TO HAVE USED ILLEGAL DRUGS

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

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

7. DEMONSTRATING ACCOUNTABILITY

The PIC has 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. Some examples of the nature of the PIC's recommendations in this area are outlined below:

- improve documentation and transparency of decisions concerning targeted drug tests
- reduce the individual discretion in selecting officers who are to be randomly drug tested
- allocate responsibility for officers being available for random drug testing to the commander of the unit undergoing drug testing.

8. REVIEW AND EVALUATION

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

Associated with this, the PIC has recommended that NSW Police collects relevant information to enable it to evaluate the effectiveness of its strategies and to make

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

9. MONITORING THE IMPLEMENTATION OF RECOMMENDATIONS

The PIC considers monitoring the implementation of its recommendations to be an important part of its efforts to minimise police misconduct.

Following the release of this report, the PIC will seek a written response from NSW Police to each of the recommendations made in this report. The PIC will provide an evaluation of the final NSW Police response to these recommendations in its Annual Report, as it is required to do under the PIC Act, and will report progress in the implementation of the recommendations.

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

1. INTRODUCTION

1.1 OVERVIEW

The Police Integrity Commission (PIC), which was established as the result of a recommendation of the Royal Commission into the NSW Police Service, became fully operational on 1 January 1997. It is an independent body that reports directly to the NSW Parliament. The PIC's principal functions can be summarised as detecting, investigating and preventing serious police misconduct in NSW. Further information about the PIC's role, functions and approach is provided in Appendix 1.

In line with these functions, on 27 August 2003 the PIC publicly announced the commencement of its investigation into illegal drug use by some NSW Police officers. This investigation is known as 'Operation Abelia'. The following sections of this chapter document:

- the purpose of Operation Abelia (Section 1.2)
- why the PIC chose to undertake Operation Abelia (Section 1.3)
- constraints – what Operation Abelia did *not* seek to do (Section 1.4)
- how the PIC undertook this project (Section 1.5)
- the terminology used in this report (Section 1.6).

The chapter ends with a brief description of the structure of the remainder of the report (Section 1.7).

1.2 THE PURPOSE OF OPERATION ABELIA

As stated by Assistant Commissioner the Hon. Mervyn Finlay QC in the initial public hearing held on 6 November 2003, the scope and purpose of the Operation Abelia hearings were to investigate:

1. the use of illegal drugs, including the supply of illegal drugs, by some NSW Police officers
2. the abuse of prescription drugs by some NSW Police officers
3. the association between some NSW Police officers and suppliers of illegal drugs.

The focus of Operation Abelia was, however, broader than the investigation of allegations of misconduct by individual officers. Operation Abelia had three broad objectives:

1. to investigate allegations that some NSW Police officers used illegal drugs, supplied illegal drugs and/or associated with suppliers of illegal drugs

2. to provide an informed understanding of the nature of the problem of illegal drug use by some NSW Police officers, and

3. to examine relevant NSW Police policies, procedures and training materials, with a view to advising NSW Police how and where it can intervene to most effectively minimise illegal drug use by its officers.

In regard to providing an informed understanding of the nature of the problem of illegal drug use by some officers, Operation Abelia sought to answer questions such as:

- Why do some NSW Police officers use illegal drugs?
- What types of drugs do these officers use?
- Is illegal drug use confined to a particular age group?
- Is the problem confined to one geographical area or is it more widespread?
- How long after joining NSW Police do some officers start using illegal drugs?
- What are the circumstances under which these officers use illegal drugs?
- How do those who use illegal drugs obtain their drugs?
- What strategies do officers who use illegal drugs employ to avoid detection?

The better the PIC's understanding about the nature and circumstances of illegal drug use by some officers, the better placed it is to minimise illegal drug use and associated misconduct by advising NSW Police how and where to intervene.

1.3 WHY THE PIC CHOSE TO UNDERTAKE OPERATION ABELIA

There were three main reasons why the PIC decided to allocate its resources to examine the use of illegal drugs by some NSW Police officers:

1. the PIC continued to uncover evidence of illegal drug use through its own and NSW Police investigations

2. illegal drug use had been raised as a problem with the PIC by some senior NSW Police officers, and

3. most importantly, the potential seriousness of the consequences of such illegal drug use.

1. CONTINUED EVIDENCE OF ILLEGAL DRUG USE IDENTIFIED THROUGH PIC AND NSW POLICE INVESTIGATIONS

The decision to undertake Operation Abelia followed firstly from the PIC's observations, based on a number of investigations, of some NSW Police officers using illegal drugs. Since the late 1990s the PIC had identified instances of officers using illegal drugs, sometimes in addition to engaging in more serious forms of misconduct. The PIC had been concerned about illegal drug use by some officers since its investigation codenamed Operation Saigon. In subsequent investigations, such as Operations Dakota, Regal and Anthill, the PIC had identified a number of younger officers taking

illegal drugs and associating with drug dealers. (Further information about these investigations is provided as background in Section 2.4 of the next chapter.)

In addition to the PIC's investigations, inquiries by Special Crime and Internal Affairs (now the Professional Standards Command) within NSW Police had also revealed cases of officers using illegal drugs. Such investigations support an inference that illegal drug use by police was not restricted to a few isolated cases.

Cases of illegal drug use by officers seemed to have become more prevalent in recent years. In responding to questions on notice from its Parliamentary Joint Committee in September 2002, the PIC noted that it had observed a 'disturbing increase' in the incidence of cases relating to illegal drug use by officers. Whether this was a reflection of an actual increase in illegal drug use by officers or a reflection of the way the PIC selects its investigations was not clear. What was clear was the need to examine illegal drug use by police in more detail.

2. ILLEGAL DRUG USE RAISED AS A PROBLEM BY SOME SENIOR NSW POLICE OFFICERS

Secondly, several senior officers had approached the PIC in recent years regarding their concerns that some officers were taking illegal substances including cannabis, ecstasy and cocaine or were involved in the improper use of steroids.

Also prior to formally commencing Operation Abelia, in mid-2003 senior PIC officers interviewed a sample of local area commanders and specialist commanders. At that time, all except one of the commanders interviewed considered prohibited drug use by officers to be a problem for NSW Police. When asked how they thought the PIC could help, the most common response (given by over one-third of the commanders interviewed) was that the PIC could assist by bringing the problem of illegal drug use within NSW Police to notice through public hearings and exposure (see Appendix 2).

3. POTENTIAL SERIOUSNESS OF THE CONSEQUENCES OF ILLEGAL DRUG USE

Finally, and most importantly, the PIC's inquiries and those of NSW Police had provided an insight into the harm that can be associated with illegal drug use by officers. This insight has been further developed as a result of information about the experience of illegal drug use by officers from other jurisdictions that was gathered as part of the research conducted for Operation Abelia.

Even if it were not widespread, the implications of any illegal drug use by officers are serious. NSW Police has expressed its agreement with this view. In a statement on the first day of public hearings for Operation Abelia, Mr Ken Moroney, the Commissioner of NSW Police, said:

> One officer using or supplying illegal drugs is one officer too many.[1]

[1] Operation Abelia, PIC Transcript, 6 November 2003, p. 6.

The victims of police illegal drug use can range from an individual officer to the broader community. Illegal drug use by individual officers can:

i. damage the health of the individual officer

ii. endanger the individual officer and those colleagues and members of the community with whom the officer's work brings him or her in contact

iii. reduce the officer's ability and effectiveness to perform his or her duties which can, in turn, affect community safety, and

iv. erode the reputation of the agency, reduce community confidence and consequently undermine the effectiveness of the agency.

i. Health consequences: While some of the health consequences for individuals were obvious prior to the commencement of Operation Abelia, during the course of the research conducted for this project additional information was obtained concerning documented cases where recreational drug use by police in other jurisdictions has led to officers' deaths.[2]

Furthermore, in the month before the PIC publicly announced its Operation Abelia, a 26 year old male NSW Police constable died as the result of a heroin overdose. The information provided in the summary of the autopsy report said that the high levels of morphine found in the bile suggested recurrent heroin use.

ii. Safety consequences: The importance of NSW Police officers being unimpaired when performing their duties goes without saying. As NSW Police Commissioner Ken Moroney observed in the opening hearing of Operation Abelia, police officers have distinct powers, responsibilities and operational equipment that distinguish them from other members of the community, for example they:

> have powers of arrest and the ability to deprive people of their liberty. In the very extreme of instances, police officers also have a legal ability to take life.
>
> In the discharge of these duties, police officers are supported by a range of operational equipment that requires them to be specially trained and skilled in their use. Such equipment includes firearms, vehicles, OC spray, and so on. We rightfully expect that they will be able to use this equipment free from drug-induced impairment.[3]

In addition police need to be fit to make sound decisions in difficult circumstances such as when dealing with domestic violence episodes and other situations when those they are dealing with are aggressive or upset.

iii. Integrity and effectiveness of the individual: While impairment is obviously a concern given the very nature of police work, any officer use of illegal substances also presents an integrity issue.

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2 S. Robertson, Autopsy report: Case No.: 1815/01. Victorian Institute of Forensic Medicine, 2001; D. Pijl, The fight about corruption is about ourselves. *Paper presented at Partnership against corruption ICAC-Interpol Conference, Hong Kong, 22-24 January 2003*.

3 Operation Abelia, PIC Transcript, 6 November 2003, pp. 6-7.

Police officers fulfil a unique role in society. Listed first amongst the values to be held by members of NSW Police in s.7 of the *Police Act 1990* is that each member of NSW Police is to act in a manner that 'places integrity above all'. For officers to use illegal drugs, they must have obtained these drugs through some illegal means, which in turn compromises their position and may make them vulnerable to approaches from criminals.

Officers who obtain illegal drugs for personal use from dealers are likely to find themselves in a position of conflict when they need to investigate, search and/or arrest a dealer as part of their policing duties. Their personal drug use may affect their willingness and ability to enforce drug laws in accordance with their duty.

Research on police drug use in the USA has found that it is not uncommon for officers using illegal drugs recreationally to move on to drug-related misconduct such as the confiscation of drugs for personal use.[4]

iv. Reputation, community confidence and effectiveness of the organisation: The community expects its police officers to uphold and enforce the law, including laws pertaining to illegal drugs. Illegal drug use, by even a relatively small number of officers, may impact on the reputation of the agency as a whole and reduce public confidence in the agency which in turn may affect the effectiveness of the agency.

In summary, illegal drug use by police has the capacity to adversely impact on the professionalism and effectiveness of individual NSW Police officers as well as the organisation as a whole, the integrity and health of the individuals concerned, and the safety of colleagues and the community.

1.4 CONSTRAINTS: WHAT OPERATION ABELIA DID *NOT* SEEK TO DO

The primary focus of Operation Abelia was on the use of illegal drugs by police officers.

Alcohol use and abuse were outside the scope of Operation Abelia. While the PIC acknowledges that alcohol abuse has previously been seen as a concern for NSW Police (as well as many other law enforcement agencies), the issues associated with the use of illegal substances by police are different from the issues associated with the abuse of legally acquired substances. The focus of Operation Abelia was on the former and hence it focused on drugs other than alcohol.

Operation Abelia did not seek to specifically investigate the abuse of all prescription drugs. 'Abuse of prescription drugs' was included within the scope and purpose of the Operation Abelia hearings as a result of concerns the PIC had about the potential abuse of steroids by some officers. It was also included to enable the inquiry to examine the use and abuse of a broader range of drugs than those identified in Schedule 1 of the *Drug Misuse and Trafficking Act 1985*.

[4] D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 86, 89.

Finally, while it is satisfied that the problem of illicit drug use is not isolated to a few officers, from the outset the PIC acknowledged that it would never be possible to obtain accurate estimates of the extent of an illegal and clandestine activity such as prohibited drug use by police. Rather than seeking to estimate the *extent* of the problem, the PIC used case studies to better understand the *nature* and *range of circumstances* underlying the problem in order to advise NSW Police how and where it can intervene most effectively to minimise illegal drug use in order to prevent future police misconduct.

1.5 HOW THE PIC UNDERTOOK THIS PROJECT

From an early stage in Operation Abelia the PIC sought to work jointly with NSW Police and the Police Association of NSW. In opening the Operation Abelia public hearings, Assistant Commissioner the Hon. Mervyn Finlay QC said:

> … I wish to acknowledge the helpful and constructive approach of the Commissioner of Police, Mr Moroney, to this inquiry. I further acknowledge the cooperation of the Police Association of New South Wales. This is as it should be where the subject of an investigation is the use of illegal drugs by some New South Wales police which has the capacity to adversely impact on the professionalism and effectiveness of the New South Wales Police, the integrity and health of the individuals concerned and the safety and welfare of colleagues and the community.

The approach taken in Operation Abelia differs from previous PIC projects and from projects undertaken by other agencies principally in terms of its focus and methodology. In this project, the PIC has taken a broader approach, making illegal drug use and its minimisation the focus of this inquiry, rather than confining the focus to investigating individual cases of officers engaging in this form of misconduct. Unlike previous projects conducted by the PIC, the Operation Abelia methodology combined misconduct investigations and hearings with detailed national and international research. A review of the literature on this topic has not identified any other agency combining the investigations and hearings with comprehensive research in this way.

As part of its investigation of the conduct of individual officers, the PIC held:

- public hearings to expose different examples of illegal drug use and supply by some NSW Police officers and associated misconduct, and
- a number of private hearings to examine illegal drug use and supply and associated misconduct.

Section 20(1) of the *Police Integrity Commission Act* 1996 states that:

> The Commission is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.

Consistent with this, the PIC chose to use a diverse and complementary range of methods to inform itself about issues relevant to Operation Abelia.

One aspect of the Operation Abelia research involved obtaining the perspectives of different groups who might be in a position to inform the PIC's understanding of the nature of the problem of illegal drug use by officers and its understanding of the

effectiveness of the NSW Police policies and practices that were in place at the time. The PIC obtained these perspectives by:

- interviewing a sample of 21 local area and specialist commanders in mid-2003 about their perceptions of illegal drug use within NSW Police, their experience with different aspects of the NSW Police Drug and Alcohol Policy and their suggestions for improvement (see Appendix 2)
- conducting private hearings during the period May to September 2004, with current and former sworn officers who had admitted illegal drug use, about: the circumstances of their drug use; their experiences with NSW Police policy and procedures (such as random drug testing and amnesty); and any suggestions they might have about what might have prevented their illegal drug use (see Appendix 3)
- in conjunction with the Police Association of NSW, conducting six focus groups involving 88 sworn officers and one focus group with nine students over the period May to August 2004, to learn more about officer perceptions about the problem and the effectiveness of current policies and practices (see Appendix 4)
- advertising to invite information and submissions from interested members of the public concerning the use of illegal drugs by police officers in NSW.

The research has also examined what could be learnt about police illegal drug use from existing records. The PIC did this by compiling and then analysing case studies of 81 NSW Police officers found or assessed to have used illegal drugs, based on information from PIC and NSW Police holdings. Criteria for inclusion of a case study were very strict: wherever any doubt existed over the suitability of a case study it was excluded. This meant that a number of officers were excluded, even where the PIC held the opinion that it was very likely that the officers had engaged in illegal drug use. The purpose of the case study analysis was to identify any patterns in the characteristics of officers detected using drugs and the circumstances under which they had used drugs (see Appendix 5).

To ensure that any policy recommendations that might arise from Operation Abelia were well informed, in addition to examining the actual NSW Police policy, procedural documents and training materials, the PIC adopted a consultative approach that included:

- interviewing members of NSW Police in key policy areas to better understand the interpretation and implementation of these policies (see Appendix 6 for a list of areas within NSW Police consulted as part of Operation Abelia)
- interviewing experts in the drug and alcohol research fields, drug testing field (both those who are technical experts as well as those who provided an industrial relations perspective), criminology and crime prevention areas (see Appendix 6 for the range of experts who have contributed to the PIC's understanding in these areas)
- liaising with seven police departments in other jurisdictions within Australia and 16 police departments in Canada, USA, UK and the Netherlands to find out from them the approaches that they took to

minimise drug use by their officers (see Appendix 6 for the range of police who contributed)

- contacting nine Australian non-policing agencies or other industry groups who either use drug testing, were considering using drug testing, or for whom drug use issues were relevant but were being managed through alternative strategies including education, management procedures and welfare policies (see Appendix 6 for the range of agencies that contributed – these are listed amongst the specialists in the section headed 'Specialists, Researchers and Academics–Australia')
- contacting Australian and overseas researchers in the policing, criminology and drugs fields to identify relevant research to ensure that the material reviewed to inform Operation Abelia was comprehensive (see Appendix 6 for the range of researchers who contributed), and
- organising and chairing a series of 'round table' discussions in April and May 2004 to provide a formal opportunity for consultation and discussion with NSW Police, 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 by the PIC (see Appendix 7).

In addition, the Police Association of NSW dedicated part of its biennial conference in May 2004 to a discussion of Operation Abelia and strategies to minimise the problem of illegal drug use by officers. This involved the approximately 130 delegates who attended that conference being divided into twelve discussion groups to discuss strategies to minimise illegal drug use in NSW Police (see Appendix 8).

Finally, to inform the work of Operation Abelia, the PIC has identified and reviewed the available literature on a range of topics relating to the purpose of the inquiry. This literature review was comprehensive (refer to the Bibliography for a list of the material consulted).

1.6 TERMINOLOGY

The terms 'illegal', 'illicit' and 'prohibited' are used in different circumstances to describe drugs that are not lawfully obtained. Much of the public policy and research literature uses the term 'illicit' drugs to distinguish drugs such as cannabis, amphetamines and heroin from licit drugs such as alcohol and tobacco. On the other hand, the *Drug Misuse and Trafficking Act 1985,* which establishes a legislative framework, provides a list of 'prohibited' drugs.

While the scope and purpose for the Operation Abelia hearings refer to 'illegal' drugs, in this report the term '**prohibited'** is used to refer to those drugs described in Schedule 1 of the Drug Misuse and Trafficking Act and the terms '**illegal'** and '**illicit'** are used interchangeably to refer to both prohibited drugs and other restricted drugs such as anabolic steroids when they are obtained without a prescription.

Some names have changed over time. While the organisation is currently known as '**NSW Police**', prior to July 2002 it was known as the **'NSW Police Service**'. Throughout this report reference is most frequently made to 'NSW Police' but where earlier investigations are described in this report, such as the Royal Commission into

the NSW Police Service, reference has been made to the 'NSW Police Service'. Similarly in June 2001 the main NSW Police training institution changed its name from the '**Police Academy**' to the '**NSW Police College**'. Both names have been used in this report. Often officers in their responses to questions referred to the College by its former name.

The focus of Operation Abelia was on illegal drug use by police officers rather than by civilian staff employed by NSW Police. The term '**officer**' is used to refer to 'police officer' or 'sworn officer' throughout this report. Those who have given evidence in Operation Abelia hearings are referred to either as an '**officer**' if they were still employed by NSW Police at the time of giving evidence or a '**former officer**' if although previously employed by NSW Police, they were no longer employed by NSW Police at the time they gave evidence.

When discussing illegal drug use in later sections of this report reference is made to terms such as 'party drugs' and 'recreational drug use'. These terms are used neither to glamorise nor to condone the use of these drugs but rather to acknowledge that these terms are common within the literature and in descriptions that officers give about their illegal drug use or illegal drug use in the community. Dillon (2003) has stated that '**Party drugs**' refer to:

> a wide variety of substances that are used when frequenting entertainment venues including dance events, nightclubs, bars, parties, etc … Some of the drugs included under this heading are: ecstasy, speed, crystal, cocaine, LSD, ketamine and GHB.[5]

In their 2004 report, the Drugs and Crime Prevention Committee (DCPC) of the Victorian Parliament state that 'party drugs' refer to the types of drugs often associated with dance and party cultures of one type or another and have included: amphetamines, methamphetamine, ecstasy (MDMA), cocaine, ketamine, gamma-hydroxybutrate (GHB) and volatile nitrites. They add that the term 'party drugs' could include also cannabis/marijuana, as there is a fairly high use of these drugs at 'rave parties' according to the literature.[6] For further information about the drugs referred to in this report - such as their classification, alternative names, forms of the drug, brief history and short- and long-term effects, please see Appendix 9.

The DCPC report warns that the terminology is constantly changing, as is the usage of the terms and that street drug terminology is location specific and not standardised.[7]

Although widely used, the term '**recreational drug use**' does not appear to be defined within the literature. In this report it is understood to refer to occasional and social drug use where the user does not consider that his or her drug use is the result of an addiction.

A list of the abbreviations used in this report is provided on the pages preceding the Executive Summary.

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5 P. Dillon, New drugs, new risks: The current state of play in Australia. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney, 28 February 2003*.

6 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 21.

7 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 20.

1.7 STRUCTURE OF THIS REPORT

The first three chapters provide a context in which to consider the nature of the problem of illegal drug use by some NSW Police officers. Chapters 2 and 3 summarise what the PIC has learnt from its review of the literature and its consultation with other agencies about the approaches they take to minimising illegal drug use by their employees:

- Chapter 2 provides relevant background information. The chapter begins with an outline of relevant demographic characteristics, structure and rostering practices of NSW Police. This is followed by a summary of what is known about illegal drug use in NSW Police from the work of the Royal Commission into the NSW Police Service and earlier PIC investigations. Chapter 2 also summarises what is known about illegal drug use by police in other jurisdictions, both within and beyond Australia, and what is known about illegal drug use within the broader Australian community.
- Chapter 3 summarises what can be learnt from: the approaches of police departments in other jurisdictions (both within and outside Australia); the approaches of non-policing organisations; and approaches to minimising recreational drug use in the Australian community.

Chapters 4, 5 and 6 focus on illegal drug use within NSW Police. Chapter 4 provides the PIC's assessments concerning the conduct of individual officers. Chapter 5 summarises what the PIC has learnt about the nature of the problem of illegal drug use by officers. Chapter 6 provides a detailed examination of relevant NSW Police policies, procedures and training material together with recommendations for policy, procedural and legislative change. Where possible, an effort has been made to let officers speak for themselves in these chapters by incorporating quotations from the evidence given by officers and former officers who have admitted using illegal drugs whilst police officers, as well as from the comments made in Operation Abelia focus groups by current officers. The purpose of these quotations is to provide readers with a clearer understanding of the views of these officers and to facilitate the use of this material in case studies for training purposes. More specifically:

- Chapter 4 summarises the evidence given by individuals in public hearings conducted as part of Operation Abelia and contains the PIC's assessments and opinions in regard to that evidence. In this chapter the PIC also makes statements with regard to a number of persons who are found to be 'affected persons' within the meaning of the PIC Act (sub-section 97(3)).
- Chapter 5 summarises what the PIC has learnt about the nature of the problem of illegal drug use by NSW Police officers through Operation Abelia. It examines the types of illegal drugs used by officers, officers' accounts of why they use illegal drugs, characteristics of officers who use illegal drugs, the circumstances under which officers use drugs, the strategies they employ to avoid detection, how they obtain their illegal drugs and associated misconduct. The chapter concludes with some observations about the differences in officer illegal drug use behaviour uncovered during the earlier Royal Commission into the NSW Police Service with that uncovered during Operation Abelia.

- Chapter 6 considers the strategies, policies and procedures (such as the Code of Conduct and Ethics, the amnesty provision which encourages officers to come forward to disclose their past drug use and seek help) that NSW Police currently has in place that could potentially impact on officer use of illegal drugs. In this chapter each of these strategies, policies and procedures is discussed separately. For each one, a description of the current strategy is provided, observations made in Operation Abelia are noted and then an assessment is made on the basis of these observations. Where appropriate, recommendations for enhancement are made based on these observations.

The final chapter consolidates the issues raised in earlier chapters of the report:

- Chapter 7 summarises and consolidates information from Chapter 5 on what the PIC has learnt through Operation Abelia about illegal drug use by NSW Police officers with the PIC's assessments of the effectiveness of current NSW Police policies, procedures and practices that could potentially impact on officer use of illegal drugs (detailed in Chapter 6). This chapter describes the PIC's nine-part strategy for strengthening NSW Police's approach to minimising illegal drug use.

For ease of reference a consolidated listing of the recommendations for policy, procedural or legislative change is provided at the end of the Summary Report in Volume 1.

2. BACKGROUND

2.1 OVERVIEW

As a first step in developing a better understanding of illegal drug use by some NSW Police officers, this chapter brings together both the information that had been collected about illegal drug use by officers in NSW and elsewhere prior to the commencement of Operation Abelia, as well as information on this topic documented in other jurisdictions during the course of Operation Abelia.

This chapter provides some context in which to consider the problem of illegal drug use by NSW Police officers. It begins with an outline of the structure and rostering practices of NSW Police and relevant demographic characteristics of NSW Police officers (Section 2.2). This is followed by a summary of what is known about illegal drug use in NSW Police from the work of the Royal Commission into the NSW Police Service (Section 2.3) and earlier PIC investigations (Section 2.4). In addition to summarising the findings, these sections on previous investigations use extracts from the evidence gathered to illustrate some of the reasons given for illegal drug use by officers and the circumstances of their drug use.

This chapter also outlines an earlier study of illegal drug use by NSW Police officers (Section 2.5), what is known about illegal drug use by officers in other jurisdictions (Section 2.6) and what is known about illegal drug use within the broader Australian community (Section 2.7).

Finally, a summary is provided of the main lessons drawn from previous investigations that have identified illegal drug use by some NSW Police officers and from the literature reviewed by the PIC on illegal drug use by officers in other jurisdictions and illegal drug use within the broader Australian community (Section 2.8).

2.2 NSW POLICE – STRUCTURE, ROSTERING AND DEMOGRAPHIC CHARACTERISTICS OF OFFICERS

As stated in its 2003-04 Annual Report, NSW Police is Australia's oldest and largest police organisation and one of the biggest in the English-speaking world. It serves more than 6.7 million people who are spread over an area of more than 800 000 square kilometres (comparable to Texas and double the size of England, Scotland and Wales). It is a NSW Government department, funded in 2003-04 at a net cost of $1.85 billion. As at 30 June 2004 it had 18 921 employees including 15 009 police officers and 3912 administrative, ministerial and other employees.[8]

STRUCTURE

NSW Police officers work in local area commands, specialist commands (such as State Crime Command, Traffic Services Group, Counter Terrorist Co-ordination Command) or administrative or training positions (such as Legal Services, Education Services). Approximately four out of every five officers work as part of a local area command.

[8] NSW Police (2004) *Annual Report 2003-2004*. NSW Police, October 2004, p. 5.

Each local area command typically consists of three or four stations. Local area commands are clustered into regions. From July 2002 the 80 local area commands were grouped into five regions rather than the previous eleven regions. This restructure from eleven regions to five regions was said to be 'designed to ensure that regions and local area commands better reflected the needs and expectations of their communities'.[9] Of those officers who work in local area commands, approximately sixty per cent work in metropolitan areas.

ROSTERING

NSW police officers are rostered according to what is referred to as 'flexible rostering'. Flexible rostering requires:

- shifts to be of not less than six (6) hours and not more than twelve (12) hours ordinary working time
- rosters to be constructed to provide for an aggregate 38 hours per week over the roster cycle
- rosters shall provide officers with an average of one (1) Sunday per fortnight off duty and one (1) weekend per month off-duty as a minimum
- recurrent leave days shall be the days in which an officer is not required for duty in accordance with the flexible nature of the roster, and which is neither a rest day nor a day on which an officer is on some other form of leave.[10]

In this 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.[11] In the interviews that senior PIC officers conducted with NSW Police commanders in mid-2003, almost three-quarters of the commanders interviewed suggested that the current rostering system provides officers who use illegal drugs with opportunities to avoid being detected.[12]

DEMOGRAPHIC CHARACTERISTICS

As will be seen later in this chapter (Section 2.7), research on community drug use has revealed that illicit drug use is more common amongst younger males. One-third of NSW Police officers are aged 30 or less. Almost six in every ten officers are aged 35 years or younger (see Table 2.1). Three-quarters of NSW Police officers are male.

9 NSW Police (2003) *Annual Report 2002-2003*. NSW Police, October 2003, p. 4.

10 NSW Police Flexible Rostering Consolidated Guidelines.

11 Operation Abelia, PIC Transcript, G. N. Jackel, 15 December 2003, p. 157. See also J. Kidman, Rent-a-cop: boys in blue for hire to stay out of red. *Sun-Herald, 1 August 2004, p. 44.*

12 For more information about the interviews conducted with commanders and the commanders' responses refer to Appendix 2.

TABLE 2.1: AGE OF NSW POLICE OFFICERS, 2004[13]

Age	No. of officers	% of officers
Up to 25	1933	12.88
26-30	3078	20.51
31-35	3706	24.69
36-40	2567	17.10
41-45	1871	12.47
46-50	1024	6.82
Over 50	830	5.53
Total	**15009**	**100**

More than one-third of NSW Police officers have less than five years service (see Table 2.2). These officers commenced work with NSW Police at least two years after the Royal Commission into the NSW Police Service (RCPS) report was handed down and the NSW Police Drug and Alcohol Policy was introduced. These officers may have missed some of the impact of the RCPS and the publicity associated with the introduction of the Drug and Alcohol Policy. The NSW Police 2002-03 Annual Report also noted that during that year a record number of new recruits joined NSW Police with more than 1800 probationary constables sworn in at the NSW Police College. This means that one in every eight officers had less than one year's service as at 30 June 2003. Such staff mobility suggests that there is a need to ensure that training is repeated and reinforced at sufficient intervals so that messages are received and retained by staff.

TABLE 2.2: YEARS OF SERVICE OF NSW POLICE OFFICERS, 2004[14]

Length of service	No. of officers	% of officers
0-5 yrs	5544	36.94
6-10 yrs	2734	18.22
11-15 yrs	2120	14.12
16-20 yrs	2479	16.52
21-25 yrs	1014	6.76
Over 26 yrs	1118	7.45
Total	**15009**	**100**

As will be seen in Sections 2.3 and 2.4 of this chapter, the majority of NSW Police officers who had been detected using illegal drugs prior to Operation Abelia had attained the rank of senior constable. As can be seen from Table 2.3 (reproduced from the 2003-2004 NSW Police Annual Report) NSW Police does not differentiate the number of senior constables from the number of constables or probationary constables in the statistics that it provides in its annual report. However, figures derived from the Computerised Operational Policing System (COPS) in August 2004, revealed that senior constable is the most commonly held rank in NSW Police. At that time 43% of officers were senior constables, 27% were constables, 9% were probationary constables and 15% were sergeants, with the remaining 6% holding more senior ranks.

13 NSW Police (2004) *Annual Report 2003-2004*. NSW Police, October 2004, p. 71.

14 NSW Police (2004) *Annual Report 2003-2004*. NSW Police, October 2004, p. 72.

TABLE 2.3: DISTRIBUTION OF RANKS OF NSW POLICE OFFICERS, 2004[15]

Rank	No. of officers	% of officers
Executive officer*	16	0.11
Senior Officer**	743	4.97
Snr Sgt/Sgt	2420	16.18
Snr Cst/Cst/Prb Cst	11780	78.75
Total	**14959**	**100**

**Includes ranks of Commissioner, Deputy Commissioner and Assistant Commissioner.*
*** Includes ranks of Chief Superintendent, Superintendent, Chief Inspector and Inspector.*

2.3 ROYAL COMMISSION INTO THE NSW POLICE SERVICE

The Royal Commission into the New South Wales Police Service (RCPS) (also known as the 'Wood Royal Commission') was established in May 1994, with broad terms of reference into the existence of police corruption and misconduct. The key terms of reference concerned:

- the nature and extent of corruption within the Police Service, particularly of an entrenched or systemic kind, and
- the capacity of the Professional Responsibility Command, and the civilian oversight agencies, to investigate and deal with corruption and complaints of serious misconduct.[16]

Its final report was released three years later in May 1997 in three volumes: Volume I - Corruption, Volume II – Reform, and Volume III – Appendices.[17] Prior to the release of the final report, two interim reports were released in February and November 1996.[18]

The work of the RCPS is relevant to Operation Abelia because it identified illegal drug use amongst some NSW Police officers. In its first interim report, the RCPS listed a number of what it termed 'cameo' inquiries that it had undertaken. One of these concerned 'the recreational use by some police of drugs, and a tolerance of their supply to civilians'.[19] In relation to illegal drug use it concluded:

> There is evidence and intelligence available to suggest the existence of significant drug abuse within the Service, particularly among young police. There is a risk of it supplanting the abuse of alcohol, which has in the past been an occupational hazard for many police.[20]

15 NSW Police (2004) *Annual Report 2003-2004*. NSW Police, October 2004, p. 70.

16 The Hon Justice J.R.T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 1.

17 The Hon Justice J.R.T Wood, Royal *Commission into the New South Wales Police Service: Final report. Volume I: Corruption*, May 1997; The Hon Justice J.R.T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997; The Hon Justice J.R.T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume III: Appendices*, May 1997.

18 The Hon Justice J.R.T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996. The Hon Justice J. R. T Wood, *Royal Commission into the New South Wales Police Service: Interim Report. Immediate measures for the reform of the Police Service of New South Wales*, November 1996.

19 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 44.

20 The Hon Justice J. R.T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 129.

The second interim report of the RCPS, known as the 'Immediate Measures' report, repeated this message:

> Excessive use of alcohol has been identified as a serious problem for police services within Australia. Hearings conducted by the Royal Commission have identified the use of illicit drugs as a further problem.[21]

Further information about illegal drug use by police was provided in the final report:

> Following some preliminary investigations by the [Police] Service into the personal use and supply of drugs by a police officer stationed at Bondi, the Royal Commission undertook a more detailed examination of the problem. Various officers and their associates were interviewed and some evidence was called, in the course of which:
>
> - seven police acknowledged their own recreational use and occasional supply of a variety of drugs, including marijuana, ecstasy, amphetamines, cocaine, and steroids;
> - it became apparent that insufficient training had been given, at the Police Academy or elsewhere, as to what was expected of police in relation to their association with recreational drugs;
> - it emerged that police were attending, on a social basis, various inner city night clubs and dance parties where drugs were known to be openly and readily available, and providing security services (without secondary employment approval) at such premises;
> - a degree of ambivalence and frustration emerged as to the role of police in enforcing drug laws which they saw being abused by their peers, and which they believed were lacking in community support; and
> - Assistant Commissioner Geoffrey Schuberg gave evidence of the conflicting views within the Service concerning the appropriate response to officers involved in substance abuse, and the absence of any consistent or structured policy which has led to a great deal of confusion and dissatisfaction on the part of the witnesses who were called by the Royal Commission.[22]

The RCPS final report identified that the NSW Police Service had neither policy to deal with substance abuse nor any understanding of the dynamics of the problem. Former Assistant Commissioner Geoff Schuberg of the NSW Police Service was quoted as observing that:

- the Service had responded to individual cases of substance abuse on an ad hoc basis,
- 'the ground rules kept changing' for those officers involved because there was no underlying policy, and

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21 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report. Immediate measures for the reform of the Police Service of New South Wales*, November 1996, p. 15.

22 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume I: Corruption*, May 1997, pp. 100 – 101.

- there was 'a need for a carefully thought out policy which people could understand and adhere to'.[23]

All seven officers who acknowledged their illegal drug use during the RCPS investigation were male officers who had attained the rank of senior constable and had worked in NSW Police between six and seven years prior to being called to give evidence to the RCPS. These officers said that they commenced their illegal drug use between three and a half to five years after they joined NSW Police. The oldest of these officers was 34 years old at the time he gave evidence to the RCPS, the others were aged between 24 and 27 years old.

One of these officers admitted using steroids only[24], while another admitted using steroids and cannabis.[25] Another admitted using cannabis only.[26] Other officers admitted using either ecstasy and cannabis[27] or ecstasy and cannabis in combination with other drugs such as speed and LSD.[28]

Extracts from the evidence given to the RCPS by these seven officers are included below to provide some insight into the nature of the illegal drug use by these officers. Direct quotations are incorporated to illustrate these officers' accounts of the circumstances of their illegal drug use. These accounts reveal some of the differences in the ways individual NSW Police officers have used illegal drugs.

Most said that they had obtained their drugs from a fellow officer.[29] One of the officers who admitted illegal drug use (code named 'BD1') said that the officer who supplied the drugs had told BD1 that it was a lot safer to obtain drugs from him. BD1 understood the officer supplying the illegal drugs to mean that no one would find out that BD1 was using drugs and that the drugs would not be contaminated with any foreign substance.[30] In contrast another officer (code named 'BD4') said that he deliberately did not obtain his drugs from this other officer. When asked what was his concern about getting drugs from this officer, BD4 replied that he wanted to keep his private life separate from his work life:

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23 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 505.

24 Royal Commission into NSW Police Service, Day 192, Transcript, Witness K. R. Milne, 30 January 1996, p. 19089.

25 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD2, 30 January 1996, p. 19168; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD2, 30 January 1996, p. 19171.

26 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD8, 30 January 1996, pp. 19148-19149.

27 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, p. 19187; Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD7, 31 January 1996, pp. 19214-19216.

28 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, p. 19036; Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD1, 29 January 1996, p. 19076; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, p. 19117.

29 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD1, 29 January 1996, pp. 19068, 19076; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, pp. 19118–19119; Royal Commission into NSW Police Service, Day 192, Transcript, Witness K. R. Milne, 30 January 1996, p. 19089; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD2, 30 January 1996, p. 19168; Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, pp. 19188–19189; Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD7, 31 January 1996, pp. 19214-19216.

30 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD1, 29 January 1996, p. 19068.

> Well, I mean, he was another police officer. I didn't want to get involved in this whole – anything that was an in-house – I'd rather keep it removed from anything that might be going on in the job.[31]

When asked whether he thought there was any real difference in his mind as to whether the supplier was an officer or a civilian, he replied:

> Maybe the fact that I knew him and he would know me and it would be in-house, I suppose, or I prefer the anonymity.[32]

> …I'd heard that [name of officer] was actually dealing, but I didn't want to become one of his customers or have anything to do with him. I know what you're saying, but I wanted to keep it separate.[33]

BD4 said that he deliberately attempted to keep his illegal drug use away from his job:

> all of my personal drug usage was done off the job and well away from the job anyway, it was kept at – it was choreographed, almost, so as not to overlap with work. I would be equally concerned about drinking on the job.[34]

Unlike BD4, who liked to keep his illegal drug use separate from his work, there was evidence that some of the other officers used drugs when they socialised together:

> It was just a bunch of friends who all happened to be police, whether that be because of the police culture, we all chose to associate with each other, or the fact that we wanted to keep it secret and didn't want to associate with civilians, so to speak, to keep our anonymity of what we were doing.[35]

The officers gave quite different accounts of the circumstances and reasons for their illegal drug use, for example:

- BD4 said that his illegal drug use started after he moved in with his former partner. This partner was ill and used to smoke cannabis at night after dinner. BD4 said he had not tried to stop his partner smoking cannabis because of his partner's illness. Then BD4 started using cannabis and occasionally using amphetamines for parties. He said he took these drugs on a strictly social basis with his then partner to 'make the party seem just a bit more brighter'. Subsequently his usage increased and he found that he started to depend on it a little for relaxation.[36]
- BD8 said he started using marijuana six months after a serious sporting injury. He said he was in a full body brace for approximately four months and had a lot of pain and muscle deterioration in that time. After he came out of the brace he started drinking heavily and was on sedatives.

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31 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, p. 19047.
32 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, p. 19047.
33 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, p. 19048.
34 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, p. 19058.
35 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, p. 19125.
36 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD4, 29 January 1996, pp. 19039-42.

He said that on two occasions he went to parties at another officer's house where he smoked marijuana.[37]

- BD1 said that his girlfriend introduced him to ecstasy. He said he subsequently became a 'regular user of ecstasy'. He described his drug use as 'purely recreational'. He said that when he first tried it, he used it once every few weeks for the first six months - approximately once a month. After that it became less frequent.[38]
- In addition to working as an officer and working a second job, BD2 said he was training very hard for an athletic competition. Another officer noticed that he was coming to work quite tired all the time and that he was lethargic. This other officer suggested that BD2 should try some steroids. BD2 said he took up the other officer's offer and paid him $120 for two bottles of a steroid called Andriol. He thought each bottle contained 60 tablets. He said he took most of the course but did not find any benefits so he never took any again.[39]
- BD6 said he used ecstasy for the first time when he went out for a few drinks with another officer. He said he was fairly intoxicated when he was offered ecstasy and just tried it as an experiment. The next time he took ecstasy was after his father's death when he was depressed about his own health. He said that when he was offered ecstasy by another officer he was 'vulnerable due to his stress and his depression' and he took it. He also said that the main reason he smoked marijuana the morning after using ecstasy was to relax his body so that he could go to sleep. He added that he would have also smoked it a few times at barbecues and other social occasions.[40]

One officer gave evidence that the majority of the 200 students in his class at the Police Academy had admitted using marijuana prior to coming to the Academy:

> at the time the whole class was sitting in the auditorium and the lecturer asked, 'Raise your hand if you ever smoked cannabis before you joined the Academy' and just about everyone did and they said, 'That's OK, but now you've joined the Academy don't do it in the future if you become a police officer. So what you did prior to the Police Service was your business, but now when you join the Police Service, you stick to the straight and narrow'.[41]

Another officer said that he thought that further training (either at the Academy or afterwards) was required to warn of the integrity risks of illegal drug use. He added that this was:

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37 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD8, 30 January 1996, pp. 19148-19149.

38 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD1, 29 January 1996, pp. 19067-19068.

39 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD2, 30 January 1996, p. 19168.

40 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, pp. 19188 - 19190.

41 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD7, 31 January 1996, p. 19210.

> because once you take a drug, you cross the line and it's very hard to do what I'm doing and admit what they've done and swallow pride and sit here explaining this, and it's just – if you didn't take the drug to begin with, you wouldn't be here [giving evidence at the Royal Commission].[42]

This officer also said that he never considered that he could compromise his position in such a way as he had.[43]

One officer said that he considered that illegal drug use was an increasing problem amongst police. When asked what led him to that conclusion, he replied that over a period of time he had seen increased numbers of officers using drugs.[44] This officer suggested that within his generation (he was aged 24 years at the time of giving evidence) prohibited drug use was gaining acceptability:

> it's becoming the point of view that it's legally wrong but morally it's becoming acceptable.[45]

However, when he was asked 'so far as talk amongst police is concerned, do you discern an attitude along the lines of a bit of personal drug use by police doesn't matter too much?', he replied:

> No, there's not a great deal of talk amongst police. I think basically if police are using themselves they generally keep it to themselves for self-preservation purposes. They don't make it openly known about their attitudes to drugs.[46]

In the first RCPS interim report Wood identified the following six reasons why substance abuse by officers is of concern:

- the incompatibility between the use of substances which can impair judgment and co-ordination, and duties which call on an officer to drive a motor vehicle, to respond to emergencies, and possibly handle weapons
- the risk of an officer, who is a user of illegal substances, being compromised or blackmailed
- the reduced commitment of such an officer to drug law enforcement
- the possibility that such an officer will readily join in schemes for protecting suppliers
- the likelihood of a proliferation in the use of drugs, as a result of the close relationships in which police work, and
- the need for the Service to maintain discipline.[47]

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42 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, p. 19127.

43 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, p. 19127.

44 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, p. 19194.

45 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, p. 19193.

46 Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, p. 19194.

47 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, pp. 129 – 130.

The RCPS made a number of recommendations to address the problem of use of illegal drugs and alcohol abuse by NSW Police officers. These recommendations included:

- the introduction of random and targeted drug testing and breath testing[48]
- effective supervision and training of supervisors to detect officers with drug or alcohol problems[49]
- attention be paid to factors that might contribute to the development of drug or alcohol dependency, for example stress or exposure to activities that might increase the risk, such as undercover drug work[50]
- encouragement of officers with problems to seek assistance, and the provision of confidential welfare support for such officers[51]
- a clear explanation of and emphasis on the [drug and alcohol testing and associated policies] program during recruitment and training[52]
- careful monitoring of the discipline/welfare decisions made in relation to positive tests to ensure consistency.[53]

The progress in implementing these recommendations is considered in Chapter 6 of this report. Chapter 6 provides a description of the current systems used by NSW Police in these areas and the PIC's observations of the effectiveness of these systems.

2.4 PRIOR PIC WORK IN RELATED AREAS

As noted in Chapter 1, through its investigations prior to Operation Abelia the PIC had identified instances of officers using illegal drugs, sometimes in addition to engaging in more serious forms of misconduct. This section describes four of those investigations:

1. Operation Saigon
2. Operation Dakota
3. Operation Regal, and
4. Operation Anthill.

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48 The Hon Justice J. R. T. Wood, Royal *Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 129; The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report. Immediate measures for the reform of the Police Service of New South Wales*, November 1996, p. 20; The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, pp. 506 – 507.

49 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 509.

50 The Hon Justice J. R. T. Wood, Royal *Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 129; The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 509.

51 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 129; The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 509.

52 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 509.

53 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Interim Report*. February 1996, p. 129; The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 509.

Only one of these, Operation Saigon, has been the subject of public hearings and a public report.[54] The other three operations have been referred to in the PIC's annual reports.

1. OPERATION SAIGON

Operation Saigon commenced after NSW Police Internal Affairs provided evidence gathered through their 1996 and 1997 Operations Addleston, Borden and Hull to the PIC in 1998. These NSW Police investigations concerned the alleged improper association with drug dealers by Senior Constable Anthony Dilorenzo, alleged drug use and supply by Constable Rodney Podesta and investigation into the suspected use and supply of prohibited drugs by several other police.

In June 1997 Podesta and Dilorenzo shot a 33-year-old man on Bondi Beach. A separate NSW Police investigation into that shooting began while Operation Borden continued covertly. The officers were not drug tested following the shooting. The shooting occurred after the January 1997 legislative amendment that enabled NSW Police to conduct random or targeted drug and alcohol tests of officers, but before the completion of its phased introduction of drug testing.

The Operation Saigon public hearings were conducted in three phases. The Operation Saigon Phase I hearings focused on allegations that NSW Police officers were using and/or supplying prohibited drugs, were associating with drug dealers, and were involved in secondary employment in the security industry. The Operation Saigon Phases II and III focused on the allegations of drug use by Podesta and Dilorenzo and also examined the NSW Police investigation of the fatal shooting.

The PIC published its report to parliament on Operation Saigon in June 2001. The conduct examined in this investigation spanned the period 1994 to 1998.

Operation Saigon found that six male officers were using illegal drugs. Five of these officers were senior constables and the other was a constable. The drugs, which included cocaine, cannabis and ecstasy, were supplied in part by a former police officer.[55]

Given that Operation Saigon occurred relatively soon after the Royal Commission into the NSW Police Service had identified illegal drug use by some officers as a problem for NSW Police, in its Operation Saigon report the PIC expressed the view that:

> the 'impact' of the Royal Commission has not been felt amongst some younger officers.[56]

In its report on Operation Saigon, the PIC observed that the officers involved viewed recreational drug use as acceptable and failed to take any action against people using or supplying prohibited drugs as they were off-duty at the time:

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54 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001.

55 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, pp. 15, 17, 20, 23, 24, 26, 27.

56 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, p. v.

> The police officers involved in the Saigon hearings gave evidence of witnessing widespread recreational drug use amongst their friends at parties and nightclubs. It is noted that the Saigon hearings focused on a small number of police officers whose experience with prohibited drugs cannot be said to be indicative of the Police Service's as a whole. However, it is a matter of concern that the officers involved viewed recreational drug use as acceptable, and failed to take any action against people using prohibited drugs as they were 'off-duty' at the time.[57]

The following excerpts from transcripts of evidence provide some further insight into the nature and circumstances of the illegal drug use by these officers.

In his evidence one of the officers described how he went on holiday to Surfers Paradise in late 1994 with two other officers. He said he tried some ecstasy with them because he did not want to be left out of the situation.[58] Prior to that he had used ecstasy on one occasion when he went to the Gay Mardi Gras.[59] This officer said that after coming back from this holiday he and the other two officers:

> would often go out together and drink on a Thursday, Friday and Saturday night. We'd normally meet at a hotel in North Sydney, sometimes with other police, and later on in the evening we'd have an ecstasy tablet say around midnight prior to going to a nightclub.[60]

> … I'd spend say half an hour on the dance floor dancing and then after that I'd have a really dry throat and so I'd buy a couple of drinks – say a couple of bourbon and cokes – and I'd drink one of them at the bar, as in sculling it, and take the other one back with me to join the other people.[61]

> Through 1995 I guess we socialised quite frequently. We would have – we would often work together and then go out that evening, normally being a Thursday, Friday, Saturday night. It might be one of those nights or it may have been all three of them that we'd go out together. We wouldn't take ecstasy every time we went out. It would normally be once during the weekend that we'd take it.[62]

This officer added that although the socialising became less regular they still socialised during 1998:

> … on occasions we'd be out socialising, which became more infrequent as time went on. Less regular, if we went out, we would make a big night of it and we'd have either cocaine or ecstasy, sometimes both.[63]

This officer said he used both ecstasy and cocaine at the time in order to 'stay awake and stay excited and stay active':

> … the ecstasy only lasts – in my system, anyway – only seems to last a certain amount of time, somewhere between six and, I guess, eight hours,

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57 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, p.129.

58 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 180.

59 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 181.

60 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 182.

61 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 182.

62 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 183.

63 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 190.

> maybe 12 hours. And at some stage during the morning when we were out together we'd have some cocaine as well to keep us awake and to prolong the night that we were having.
>
> … To stay awake and stay excited and stay active. You're having a good time and you're on this plane here and when all that starts to fall away, you can pep yourself up to that level again by having some cocaine.[64]

In his evidence to the PIC, another officer admitted that he had used cocaine and ecstasy in nightclubs following the death of his father in 1997.[65] He agreed that he had not always enforced the law in relation to prohibited drugs and that he was conscious of the need to conceal his involvement in illegal drug use from his superiors and from other police:

> Q. You'd agree, wouldn't you, that you've not always enforced the law in relation to drugs?
> A. Yes, I would agree with that.
>
> Q. You would have, no doubt, been conscious as a serving police officer of the need to conceal your involvement in drug use from your superiors?
> A. Most certainly.
>
> Q. And from other police?
> A. Yes. [66]

In its report on Operation Saigon the PIC (2001) recommended, inter alia, that:

- random drug testing should proceed without further delay[67], and
- the law should allow for, and require the obtaining of the best evidence for the purpose of drug and alcohol testing of a police officer after a critical incident, namely blood testing.[68] The power to take urine and hair samples following a critical incident had been introduced earlier following the recommendations of the State Coroner in relation to his investigation of the shooting of Ron Levi on 28 June 1997.

Although the legislation enabling random drug testing of NSW Police officers commenced on 1 January 1997, random drug testing had not been implemented at the time the Operation Saigon report was released in June 2001. Following the release of this report random drug testing commenced three months later in September 2001.

At the time of the commencement of Operation Abelia, the recommendation to use blood samples for critical incident drug tests, which had received the support of NSW Police, had yet to be enacted. It was decided to reconsider this recommendation as part of Operation Abelia. For further information about this recommendation refer to Section 6.6 in Chapter 6.

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64 Operation Saigon Phase 1, PIC Transcript, C. D. Bruce, 17 February 1999, p. 206.

65 Operation Saigon Phase 1, PIC Transcript, R. J. W. Podesta, 23 February 1999, pp. 419-421.

66 Operation Saigon Phase 1, PIC Transcript, R. J. W. Podesta, 23 February 1999, p. 447.

67 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, p. 125.

68 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, p. 127.

2. OPERATION DAKOTA

Operation Dakota investigated the drug dealing activities of a senior constable and his associates. This operation examined conduct over the 2000 and 2001 period.

Following a sustained period of investigation, including electronic and physical surveillance and private hearings, the PIC forwarded a detailed brief of evidence to the Office of the Director of Public Prosecutions (ODPP) and the senior constable was charged with numerous offences involving the supply of prohibited drugs including cocaine, ecstasy, and cannabis. The senior constable resigned from NSW Police in January 2002.

In November 2003, this former senior constable pleaded guilty to 18 charges associated with the supply of illegal drugs and giving false evidence to the PIC. He was sentenced to seven years imprisonment with a minimum period of four years imprisonment for these offences.

In addition to gathering evidence of drug supply, information was also obtained about the senior constable's personal use of illegal drugs. It is interesting to note that this officer had not been the subject of any drug-related complaints during his policing career at the time the PIC initiated this operation.

At the time of giving evidence to the PIC, the senior constable had been on sick leave since February 2000 as a result of work-related anxiety and depression.[69] He said that he commenced his prohibited drug use more than 14 years after he joined NSW Police.[70] He would have been 36 years old at that time. During the time he was on sick leave he admitted smoking cannabis for six to eight months and also admitted that he had been taking a few 'happy pills' (ecstasy) and cocaine.[71] He said:

> I've been taking a few happy pills, like people like to call them, and I've even been dabbling in a little bit of cocaine. I just found that for the first nine months of my sick leave Prozac was working a little bit and I got to the stage where I started looking into literature about cannabis. I tried it and it helped enormously.[72]

> Cannabis was the first sort of recreational drug I tried to – I don't know, I was sort of running out of – I was sick of taking other prescribed medication. The Es and the coke probably, I don't know, not that much. It was more the cannabis, but I was just trying to find some alternative medicine, I suppose.[73]

He told the PIC that he would have 'probably five to six cones' of cannabis after dinner every second day, use cocaine once or twice a week and one or two ecstasy pills whenever he felt like it.[74] He said he used the cannabis both when he was at home and when he was out socially. He used the ecstasy both at home, though not as often as

69 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 33.
70 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 23.
71 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 8.
72 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 8.
73 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 23.
74 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, pp. 24-25.

the cannabis, and when he went out socially. He said he tended to use the cocaine more at home than when he went out socially.[75]

This senior constable said that he obtained his cannabis as well as his ecstasy and cocaine from pubs and clubs, sometimes from people he knew and sometimes from people he did not know.[76]

3. OPERATION REGAL

Operation Regal was initiated in February 2002 to investigate the association between a number of current and former officers and civilians in the eastern suburbs of Sydney suspected of being involved in the use and supply of prohibited drugs.

During 2002-2003, the PIC deployed its physical and electronic surveillance resources in relation to this matter and held a number of private hearings. Conversations recorded during the investigation revealed:

- the use of illegally obtained steroids by a male senior constable and his disclosure of confidential police information to a known drug supplier
- the use and supply of illegally obtained steroids and prohibited drugs by a former officer, and
- the use and supply of illegally obtained steroids, the use of prescription medication to reduce an adverse side effect of steroid use, and the use and supply of prohibited drugs by a civilian associate.

The witnesses who were examined about these conversations in private hearings denied that the conversations related to steroid use or prohibited drugs.

The senior constable was prosecuted on the basis of electronic evidence obtained by the PIC that he had improperly intervened in the investigation of a motor vehicle accident involving an associate, who was a convicted drug supplier. The senior constable pleaded guilty in August 2004 to the lesser charge of accepting a bribe under s.200 of the *Police Act 1990* and was sentenced in October 2004 to 200 hours of community service. This senior constable, who had been suspended from duty, was dismissed in April 2005.

One of the officers investigated in Operation Regal participated in an interview and gave information about his use of illegal drugs. This officer, who has since resigned from NSW Police, told the PIC that he had used ecstasy prior to joining NSW Police[77] and ecstasy, cocaine, and amphetamines after joining NSW Police.[78] This officer also told the PIC that he had used ecstasy once or twice a month on a 'recreational basis, going out rather than drinking' and first started using ecstasy one night when out with friends and a friend offered the officer a pill.[79]

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75 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, pp. 25-26

76 Operation Dakota, PIC Transcript, Private hearing, AJQ, 31 October 2001, p. 27.

77 PIC, Operation Regal, Transcript of Record of Interview, 19 June 2002, p. 24.

78 PIC, Operation Regal, Transcript of Record of Interview, 19 June 2002, pp. 10, 12, 13.

79 PIC, Operation Regal, Transcript of Record of Interview, 19 June 2002, pp. 7-8.

At the time of drafting the Operation Abelia report, prosecutions arising from Operation Regal were ongoing. The former senior constable referred to above has pleaded guilty to knowingly give false and misleading evidence before the PIC, contrary to s.107 of the *Police Integrity Commission Act 1996* and is awaiting sentence in relation to that matter. Another former officer has pleaded not guilty to similar offences and the hearing of those charges is to take place in the second half of 2005. A further former officer and a civilian are to be charged with similar offences. It is alleged that the false or misleading evidence by these witnesses included evidence relating to their own use, or knowledge of the use by others, of prohibited drugs or illegally obtained steroids.

4. OPERATION ANTHILL

Operation Anthill gathered evidence that a NSW Police constable was receiving electrical and luxury goods stolen from a department store and then 'on selling' these goods. The officer concerned was also suspected of submitting a fraudulent insurance claim for the alleged theft of her private motor vehicle.

On 11 April 2003, with the assistance of NSW Police Professional Standards Command, PIC investigators executed a search warrant on the home of the officer and recovered numerous goods that were suspected of being stolen. On 16 April 2003, the officer appeared at the PIC where she gave evidence in a private hearing and also participated in an interview.

The officer in question resigned from NSW Police in May 2003. This former constable was prosecuted based on evidence collected during Operation Anthill. In November 2003, she pleaded guilty to receiving stolen property, fraud and giving false evidence to the PIC. She was sentenced to six months imprisonment for these offences and appealed against the severity of this sentence. The former officer's appeal was heard in January 2004 and her sentence was reduced to 500 hours community service for the *Police Integrity Commission Act* offence and a three year good behaviour bond for the *Crimes Act* offences.

During Operation Anthill this constable also admitted using prohibited drugs: ‘a little bit of speed’, sometimes an ecstasy tablet, smoking cannabis and used cocaine over a period of approximately eighteen months prior to giving evidence to the PIC.[80] She said that she started using drugs about three years after becoming a police officer because she was ‘stressed out at work’ following problems with her team. She said she used these drugs when she was going out to dance parties with friends.[81] She was 31 years old and had been a police officer for approximately four years at the time she gave evidence to the PIC.

2.5 WESTMEAD STUDY

In contrast to the number of studies concerning drug use within the community as a whole, there are few studies specifically focusing on police use of illegal drugs. In their literature review, which primarily focused on police use of alcohol, Dietrich and Smith (1986) discussed the limitations of studies that had been conducted about police use of illegal drugs:

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80 Operation Anthill, PIC Transcript, Private hearing ALW, 16 April 2003, p. 22; PIC, Operation Anthill, Transcript of Record of Interview, 16 April 2003, p. 12.

81 PIC, Operation Anthill, Transcript of Record of Interview, 16 April 2003, pp. 17-18, 22.

> the few studies conducted specifically among police personnel have had low response rates, limited sampling techniques, and other methodological problems.[82]

One exception to this is the independent study of prohibited drug use within NSW Police that was conducted by the Institute of Clinical Pathology and Medical Research (ICPMR) prior to the introduction of random drug testing. This research - a large scale, well-designed study with a high response rate - was conducted as one component of the phased implementation of the NSW Police Drug and Alcohol Policy.[83] It became known as the 'Westmead Study'. The terms of reference for the research were to:

- determine the extent of prohibited drug usage by NSW Police officers
- provide the Service with advice on the most cost effective and reliable means of conducting tests for prohibited drug usage within the organisation, the advice should include:
  - a recommendation as to whether testing for prohibited drug usage should be introduced on a random or a targeted basis (or both)
  - comment on the preferred type of samples to be collected, i.e. either urine or hair samples
  - options on the preferred methods of analysing test results. This should include a comparative analysis of the reliability of 'on-the-spot' testing kits currently available on the market and comment as to whether the use of these kits as preliminary guides would be justified on a cost benefit analysis.[84]

The study sought to collect information on prohibited drug use from a representative sample of NSW Police officers. Officers were sampled by firstly selecting two or three local area commands (LACs) within a region as well as a number of specialist units and then testing all officers on duty at the selected LAC or specialist unit at the time of testing, whether these officers were present at the time the collectors arrived or not. The report describing this research, prepared by Liddle and Vining in October 1998, does not provide the date the project commenced nor the period over which testing took place. The report does acknowledge that the LACs were not selected randomly: in particular, LACs in country areas were chosen to provide a workable travel plan for collectors.

Information about prohibited drug use was obtained through drug tests and an anonymous questionnaire. Urine samples were analysed from 1036 officers, covering all ranks and duty types. These drug tests were 'non-voluntary', that is the officers were not permitted to refuse testing. A voluntary survey was also administered and completed by most of the officers (988 out of 1036) undergoing the drug test.

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82 J. Dietrich & J. Smith, The nonmedical use of drugs including alcohol among police personnel: A critical literature review. *Journal of Police Science and Administration, 1986, 14(4), 300-306,* p. 301.

83 The Hon Justice J. R. T. Wood, *Royal Commission into the New South Wales Police Service: Final report. Volume II: Reform*, May 1997, p. 508; G. Jackel, Workplace drug and alcohol policy and testing – The NSW police experience. *Paper presented at the 2nd Australasian Conference on Drugs Strategy,* May 2002, p. 2.

84 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 8.

With regard to the extent of prohibited drug use and steroid use, the report concluded that:

- of the 1036 urine drug tests, only four were confirmed positive for prohibited drugs, in all cases cannabis. In addition 16 officers were confirmed positive for legally-obtainable opiate codeine and 21 were confirmed positive for legally-obtainable sympathomimetic amines
- only one officer admitted to the use of anabolic steroids or other 'body building' drugs but 7% of officers said that they were aware of other officers using these drugs.[85]

Demographic information was available on three of the four officers who tested positive for cannabis use. All three were males who had attained the rank of senior constable. They had worked in NSW Police for between three and 20 years.

Those responding to the anonymous survey were asked their attitudes to a number of statements. Some of these statements and the officers' responses are summarised in Tables 2.4 and 2.5 below.

TABLE 2.4: NSW POLICE OFFICER ATTITUDES TO ILLICIT DRUGS AND PERCEPTIONS OF DRUG USE AS A PROBLEM FOR NSW POLICE IN 1998[86]

Statement	% who agree/strongly agree	% who disagree/strongly disagree
Attitudes to illicit drugs in the community		
Small quantities of marijuana should be allowed for personal use	31	69
Supply of heroin to registered addict	21	79
Alcohol creates more community problems than illicit drugs	66	34
Perceptions of drug use as a problem for NSW Police		
Use of illicit drugs is common among NSW Police officers	3	97
Police using illicit drugs are more likely to come from metropolitan rather than regional commands	32	68

A smaller proportion of officers than the general community favoured legalising the possession of small quantities of marijuana for personal use. While approximately one-third of NSW Police officers surveyed thought that small quantities of marijuana should be allowed for personal use (see Table 2.4), when this question was asked of the broader community in the 1998 National Drug Strategy Household Survey more than

85 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 2.

86 Information in this table has been summarised from C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, pp. 28 – 30.

four out of every ten Australians aged 14 years and over (43%) thought that this should be legal.[87]

TABLE 2.5: NSW POLICE OFFICER AWARENESS OF ILLEGAL DRUG USE BY OTHER OFFICERS AND DECLARED PERSONAL DRUG USE IN 1998[88]

Statement	% Yes	% No
Awareness of illegal drug use by other officers		
Are you aware of NSW police officers using illicit drugs?	3	97
Are you aware of NSW police abusing sedatives or sleeping tablets?	2	98
Are you aware of NSW police officers abusing anabolics or other 'body building' drugs?	7	93
Personal drug use		
Have you ever used illicit intravenous drugs?	<1	99
Have you used marijuana/hashish/cannabis in the past 5 years?	5	95
Have you used amphetamines/ecstasy in the past 5 years?	<1	99
Have you used cocaine in the past 5 years?	0	100
Have you used LSD in the past 5 years?	0	100
Have you used phencyclidine/PCP/angel dust in the past 5 years?	0	100
Have you used opiates (heroin, morphine, methadone, pethidine, pentazocine) in the past 5 years?	2	98
Have you used anabolics or other 'body building' drugs in the past 5 years?	<1	99
Have you used marijuana/hashish/cannabis in the past 12 months?	2	98
Have you used amphetamines/ecstasy in the past 12 months?	0	100
Have you used cocaine in the past 12 months?	<1[89]	99
Have you used LSD in the past 12 months?	0	100
Have you used phencyclidine/PCP/angel dust in the past 12 months?	0	100
Have you used opiates (heroin, morphine, methadone, pethidine, pentazocine) in the past 12 months?	1	99
Have you used anabolics or other 'body building' drugs in the past 12 months?	0	100

The findings from the survey, in keeping with the findings of urine drug testing (urinalysis), showed that the use of prohibited drugs by NSW Police officers was not common, with only three officers admitting to intravenous drug use at any time in the past. Forty-seven officers admitted to using cannabis within the past five years and 18 admitted to using in the previous twelve months. Furthermore, in the previous year only one officer admitted to using cocaine and no officer admitted to using amphetamine,

87 Australian Institute of Health and Welfare (AIHW), *1998 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 6, October 2000, p. 110.

88 Information for this table has been summarised from C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, pp. 30 – 35.

89 Although none of the officers admitted using cocaine is the 'past 5 years' one officer said that he used cocaine 'often' in the past 12 months.

ecstasy, LSD, Angel Dust, or anabolic steroids. From the urinalysis and survey results Liddle and Vining concluded:

> This study shows the prevalence of prohibited drug use, as determined by both urine drug testing and self-administered survey, is lower than for Australian society in general.[90]

The results of the Westmead Study are in some ways surprising when considered in light of the Royal Commission into the NSW Police Service and previous PIC investigations. While the results of the Royal Commission and previous PIC investigations suggest there may be a problem with officers using illegal drugs, the Westmead Study suggests that, at least at the time the study was conducted, the problem was minimal.

One possible explanation for the discrepancy is that the Westmead Study could have underestimated the extent of the problem, for example:

- though the Westmead Study used a large sample through sample variation or 'the luck of the draw', it might be that some of the officers who were using prohibited drugs at the time of the study were not included in the sample.
- the estimates provided by responses to surveys may not be accurate. Although the survey was anonymous, officers responding may have been reluctant to admit any prior prohibited drug use. The Australian Institute of Criminology[91] has found that 'those with the most to lose were more likely to under-report their drug use' and McGregor and Makkai[92] have suggested that recreational drug users may consider their drug use too minor to report on. (This is discussed in more detail in Section 2.7 about community drug use later in this chapter.)
- drug tests do not accurately detect the extent of drug use. As can be seen from Liddle and Vining's table on the typical detection times for different drug types from drug tests using urine samples[93], reproduced as Table 2.6 below, to be detected through urinalysis the sample must be taken within a few days of the drug being ingested. Furthermore Liddle and Vining stated that there is substantial variation in detection times for different individuals:

  > [the] period for which an individual remains positive after drug use is highly variable. Factors affecting the time period for which urine drug testing will produce a positive result include:
  >
  > - the amount and frequency of drug use
  > - the mode of administration

90 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 62.

91 Australian Institute of Criminology, Self-reported drug use. *Crime Facts Info, Number 59, Australian Institute of Criminology,* 30 September 2003.

92 K. McGregor & T. Makkai, Self-reported drug use: How prevalent is under-reporting? *Australian Institute of Criminology, Trends & Issues in Crime and Criminal Justice, No. 260*, June 2003.

93 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p.18.

- the capacity of the individual to metabolise (break down) the drug.[94]

TABLE 2.6: TYPICAL DETECTION TIMES OF URINARY SCREENING ASSAYS FOR SOME DRUGS OF ABUSE[95]

Drug	Detection time (Casual use)	Detection time (Chronic use)
Amphetamines	2 – 4 days	2 - 4 days
Cannabis	1 – 3 days	up to 30 days
Cocaine	1 – 3 days	1 – 3 days
Opiates	1 – 3 days	1 – 3 days

The results of the urinalyses conducted as part of the Westmead Study demonstrate that those officers sampled had not used illegal drugs at a time close to when they were drug tested. This suggests that use of illegal drugs while on duty or in a period soon before commencing duty was not a problem for NSW Police in 1998. However, the results of the urinalyses are not able to answer the question of how many NSW Police officers use prohibited drugs.

Those who participated in the survey were also asked about their attitudes to the introduction of random drug testing and how those who test positive to a drug test should be treated. Overall the officers surveyed were in favour of random drug testing. When asked whether they thought that random testing of NSW Police officers for illicit drugs would be useful: 29% said that they thought it would be 'very useful', 52% said they thought it would be of 'some use' and 19% said they thought it would be of 'no use'. Almost two-thirds favoured a rehabilitative approach be taken with those who tested positive for illegal drug use. When asked how a NSW Police officer who tests positive for an illicit drug should be treated: 61% said rehabilitation, 20% said dismissed and 20% said criminally charged.[96]

Liddle and Vining recommended the following methods of drug testing within NSW Police:

- a combination of targeted and broad-based testing
- use of urine as the testing sample
- avoidance of 'on-the-spot' testing for drugs
- a prevalence study for anabolic steroid use.[97]

94 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 18.

95 The information in this table is reproduced from C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 18.

96 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 35.

97 C. Liddle & R. Vining, *An independent research study of prohibited drug use within the New South Wales Police Service*. Institute of Clinical Pathology and Medical Research - a unit of the Western Sydney Area Health Service, October 1998, p. 2.

2.6 POLICE DRUG USE IN OTHER JURISDICTIONS

The PIC has reviewed government reports, academic research and media articles to identify what has been documented about illegal drug use by officers in other jurisdictions and what can be learnt from this work that might assist to minimise any illegal drug use within NSW Police.

The purpose of this section is to summarise and collate the available information from these many sources to piece together the picture of what is known about police illegal drug use outside NSW. This section demonstrates that illegal drug use by police is a concern in many jurisdictions by providing:

- examples of recent studies of police corruption that have identified illegal drug use to be an issue, and
- the available information about illegal drug use by police in Queensland, Victoria, Western Australia as well as the Netherlands, New York, the United Kingdom, and research on police drug use in the USA more generally.

The main lessons from this literature review concerning the types of illegal drugs used, characteristics of officers who use illegal drugs and the circumstances under which they use these drugs, as well as the strategies suggested to minimise such drug use are summarised in Section 2.8 along with lessons from earlier sections of this chapter. The strategies (such as workplace drug testing, recruitment processes) that other jurisdictions currently use to tackle the problem of illegal drug use by police are described in Chapter 3.

POLICE DRUG USE IS A CONCERN IN MANY JURISDICTIONS

NSW is not the only jurisdiction where some police officers have been found to use illegal drugs. Several recent studies of police corruption in different jurisdictions have identified illegal drug use as an issue. Five such studies and their observations in relation to illegal drug use, published in the period 1998 to 2003, are identified below.

i. In its 1998 review of drug-related police corruption the US Government Accounting Office found that 'drug use [by police officers] was a reported concern and drug testing – whether targeted or random – was a practice employed by some police departments to detect drug use, although such use was not necessarily found to be an indicator of drug corruption'.[98]

ii. Newburn (1999) reviewed the literature on police corruption and police ethics, available in English, from the preceding 20 years. His review, Understanding and preventing police corruption: Lessons from the literature, examined sociological and criminological literature, together with the main 'official inquiries' from the United States and Australia. From his review Newburn observed:

98 United States General Accounting Office (1998) Law enforcement: Information on drug-related police corruption. *United States General Accounting Office report to the Honorable Charles B. Rangel, House of Representatives, May 1998,* p. 25.

> It must also be acknowledged that the use of illicit drugs by police officers themselves is also likely to have increased in recent years as 'recreational' use has grown amongst the general population.[99]

iii. In his 2000 article on police corruption and its prevention, Punch reviewed examples of police corruption in the USA, Great Britain, Belgium and the Netherlands. When describing the patterns of corruption, misconduct and crime, he observed:

> new patterns of closer relationships with drug dealers, of use and dealing in drugs by police officers, and of excessive violence.[100]

iv. In its Report on trends in police corruption the Committee on the Office of the Ombudsman and the Police Integrity Commission (2002) observed that recreational drug use by police officers appears to be an emerging problem.[101] This Committee's report cites studies from the US and the UK to support this observation:

> A 2002 study of New York police who were dismissed or resigned for reasons of misconduct during the 22 years from 1975 – 1996 found that the single largest primary charge against those officers was drug offences, and that those offences were detected primarily through a combination of targeted and randomised drug testing programs. Research by the UK Association of Chief Police Officers and the Home Office found that recreational drug use amongst British police was an issue of concern, as well as drug dealing by police officers.[102]

v. 'Dealing and using drugs' was one of the forms of police criminality and misconduct identified in a recent Home Office research report assessing evidence on police corruption in England and Wales.[103] Furthermore this Home Office study has identified the importance of off-duty behaviour:

> Significantly, and in a way that is different from previous literature, this research finds strong evidence that corruption has its roots in both work and non-work contexts.[104]

While drug use by police is difficult to detect and its extent is impossible to measure, it is seen as posing a serious problem.[105]

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99 T. Newburn, Understanding and preventing police corruption: lessons from the literature. *Home Office, Police Research Series, Paper 110, June 1999,* p. 26.

100 M. Punch (2000) Police corruption and its prevention. *European Journal on Criminal Policy and Research, 8(3),* p. 314.

101 Committee on the Office of the Ombudsman and the Police Integrity Commission (2002) *Research report on trends in police corruption.* NSW Parliament, Sydney, December 2002, p. iii.

102 Committee on the Office of the Ombudsman and the Police Integrity Commission (2002) *Research report on trends in police corruption.* NSW Parliament, Sydney, December 2002, p. 67.

103 J. Miller, Police corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, p. ii. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

104 J. Miller, Police corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, p. 19. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

105 D. L. Carter, & D. W. Stephens,. An overview of issues concerning police officer drug use. In T. Barker & D. L. Carter (Eds) *Police deviance.* Cincinnati Ohio: Anderson Publishing Co., 1994, pp. 101, 104; Criminal Justice Commission, *Police and drugs: A report of an investigation of cases involving Queensland Police Officers.* Criminal Justice Commission, October 1997, p. 71.

A further indicator of the broad and current interest in this topic is that the International Policing Conference on Drug Issues, held in Ottawa in September 2003, conducted a session on the topic 'Substance abuse in the police workplace: Solutions' that was attended by delegates from sixteen countries.

EXAMPLES OF POLICE DRUG USE IN DIFFERENT JURISDICTIONS

The available information about illegal drug use by police in Queensland, Victoria and Western Australia as well as the Netherlands, New York, the UK and research on illegal drug use by police in the USA is summarised below.

1. Queensland, Australia

Queensland has conducted a number of investigations into the use of illegal drugs by police. In 1997 the Queensland Criminal Justice Commission (CJC) reported on issues that emerged from its investigation into possible corrupt police activity in relation to drugs. This report described a number of separate operations that were brought together under the umbrella of 'Operation Shield'. In the course of this investigation the CJC found evidence of a range of drug-related corrupt conduct by police officers including:

- drug use
- drug dealing
- the protection of drug dealers
- the theft of drugs
- the theft of drug money
- the presentation of false material to the Court.

In relation to drug use by police officers the CJC observed:

> In the course of Operation Shield it was quite common to hear evidence of police officers using the so-called recreational drugs. The emphatic denial of any corrupt behaviour involving drugs was often attended with the concession that the officer(s) had had experience in the use of cannabis or amphetamine in off-duty hours …
>
> The conclusion from Operation Shield is that there is probably widespread recreational use of prohibited drugs by police, in particular among young police. In the case of some, the problem may be sufficiently acute to indicate a measure of addiction. It should not be thought that the reference here is solely to the so-called 'soft' drugs like cannabis. The problem has a wider focus. For instance, the information available suggests considerable unlawful use of anabolic steroids.
>
> It is unnecessary to attempt to define the extent of the use of prohibited substances to which police may resort and the above references should not be regarded as exhaustive. It is sufficient to state the general

> proposition that unlawful drug abuse in the Police Service has to be accepted as a not uncommon phenomenon.[106]

The CJC report recommended that the Queensland Police Service (QPS) should develop a drug and alcohol policy as a matter of priority and suggested that the NSW Police policy provided a good model to follow:

> Consideration should be given to the terms of the New South Wales policy and to the impact of its adoption. The core elements of the New South Wales policy might well be considered for adoption. The essential elements in any such policy should be:
>
> - an initial extensive drug and alcohol education program
> - the introduction of random and targeted alcohol and drug testing
> - the availability of counselling services for those who take advantage of amnesty provisions for the purpose of rehabilitation
> - the application of appropriate sanctions for those who offend after receiving counselling and for those who, having failed to take advantage of amnesty provisions, test positive.[107]

In June 1999, the CJC reported on the implementation of the recommendations made in its 1997 report. In 1999, the CJC noted that the working party established by the QPS to develop a comprehensive drug and alcohol policy for police officers and staff members had produced a series of discussion papers, including one on drug and alcohol testing, and had also conducted state-wide consultations. At that time it was anticipated that the policy would be introduced within three years.[108]

The Queensland Crime and Misconduct Commission (CMC), which was formed through the merger of the CJC and the Queensland Crime Commission on 1 January 2002, has shared several case studies of illegal drug use by police to further inform the PIC's work in Operation Abelia. Four of these case studies are summarised below:

i. in Operation Rottnest a female constable admitted to the CMC that she supplied cannabis to others and that she used amphetamines and cannabis, sometimes while she was on duty. For example, she said that on several occasions she smoked cannabis whilst conducting speed camera work (which did not involve interaction with the public) and took amphetamines to keep her alert when doing vehicle escorts. She was also reported to consume cannabis at her associate's home immediately prior to commencing her shift

ii. following a suspected theft of drug exhibits from a suburban police station, an officer's home was searched where cannabis and various implements associated with drug use were found. In a disciplinary interview this officer admitted taking the drug exhibit for his own personal

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106 Criminal Justice Commission, *Police and drugs: A report of an investigation of cases involving Queensland Police Officers*. Criminal Justice Commission, October 1997, p. 71.

107 Criminal Justice Commission, *Police and drugs: A report of an investigation of cases involving Queensland Police Officers*. Criminal Justice Commission, October 1997, p. 72.

108 Criminal Justice Commission, *Police and drugs: A follow-up report*. Criminal Justice Commission, June 1999, p. xi. The Queensland *Police Service Administration (Alcohol and Drug Testing) Act 2003* was proclaimed in October 2004 and the QPS Alcohol and Drug Policy and Procedures were introduced in a phased approach in January 2005 and April 2005. For information about the Queensland legislation and policy refer to Appendix 14.

use and using cannabis three to four times a week. He also admitted selling dangerous drugs to unnamed persons on four occasions and obtaining $1000 from the sale of these drugs

iii. an officer in a regional town resigned from the QPS following the execution of a search warrant on his home and various drug using implements being found, and

iv. Operation Wood concerned the possession and use of steroids by a number of officers. One of the officers stole blank doctor's prescriptions from the QPS exhibit room that were then used to unlawfully obtain steroids.

In June 2001 a joint project between the QPS and the CJC was established to examine the nature and extent of the possible use of illicit steroids by QPS members. The report from this project provided an insight into the demographic characteristics of police officers who have been involved with, or alleged to have been involved with, the use or supply of steroids:

> An analysis of available data from investigations and intelligence profiling conducted by the CMC indicates that QPS officers who have become involved, or are alleged to be involved in the use or supply of steroids tend to be less senior in service, aged between 25 to 35 years, below Sergeant rank with a tendency to be involved in the gym culture which may be indicative of a desire to enhance their physical appearance.[109]

Furthermore this report suggested that steroid users are likely to associate together:

> Anecdotal evidence suggests that steroid users can readily recognise other steroid users from physical traits and that friendships and networks develop between such individuals.[110]

From their review of the literature they concluded that the potential consequences of police involvement in steroid use are significant:

> The potential consequences of police involvement in steroids are significant, and may include increased complaints/allegations against officers, increased unprovoked use of force by officers on and off duty; damage to police-community relations; officer involvement in illegal activity; civil litigation; and adverse media coverage.[111]

However, they did not find that illicit steroid use was a widespread or endemic problem within the QPS at that time.[112]

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109 Crime and Misconduct Commission and Queensland Police Service, *The nature and extent of possible use of illicit steroids by QPS members*. Crime and Misconduct Commission and Queensland Police Service, 2002, p. 12.

110 Crime and Misconduct Commission and Queensland Police Service, *The nature and extent of possible use of illicit steroids by QPS members*. Crime and Misconduct Commission and Queensland Police Service, 2002, p. 12.

111 Crime and Misconduct Commission and Queensland Police Service, *The nature and extent of possible use of illicit steroids by QPS members*. Crime and Misconduct Commission and Queensland Police Service, 2002, p. 17.

112 Crime and Misconduct Commission and Queensland Police Service, *The nature and extent of possible use of illicit steroids by QPS members*. Crime and Misconduct Commission and Queensland Police Service, 2002, pp. 17-18.

2. Victoria, Australia

The Victorian Ombudsman released his second interim report into allegations of drug-related corruption in Victoria Police (known as Operation CEJA) on 3 June 2004. The focus of this report was drug law enforcement (such as the abuse of the so-called 'Controlled Chemical Deliveries' program) rather than personal drug use. The report identified community demand for designer and recreational drugs as a factor in providing opportunities for police corruption:

> The problem of police corruption is not confined to drug law enforcement, but the scale of the drug trade and the ubiquitous demand for 'designer' and 'recreational' drugs has enormously expanded opportunities for corruption.
>
> These drugs offer greater corruption returns than marijuana and are more easily produced, transported and concealed.[113]

A year earlier, in mid-June 2003, an article in the Victorian press in relation to Operation CEJA suggested that illegal drug use by young Victorian police was of concern:

> Taskforce [CEJA] investigators have also been told that a disturbing number of young police are abusing drugs. A police source told *The Age* that in one case a group of suburban detectives drinking in an upmarket hotel rang a constable at the local station who was a dealer. He dropped some ecstasy around to the pub that night.[114]

Almost a year later another article said that a 29-year-old male officer had been charged with drug offences and misuse of confidential information:

> The officer is facing counts of attempting to pervert the course of justice, using a drug of dependence and the common law offence of misconduct in public office.
>
> The drug charge is believed to relate to alleged use of ecstasy by the senior constable, who had been working in an outer suburban station.[115]

Furthermore, a Victorian Detective Senior Constable was found to have died from the 'combined effects of amphetamines (including "ecstasy") and narcotics in the form of morphine' on 18 June 2001. Aged 32 years, he was believed to be an occasional user of ecstasy and cannabis.[116] It was reported that policing friends had at no time suspected this officer of using drugs.[117] A subsequent media article reported that Victorian Police internal corruption investigators had 'interviewed at least four former drug squad officers over allegations they stole drugs that were then passed to another detective, who fatally overdosed on them'.[118]

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113 Ombudsman Victoria, CEJA task force drug related corruption: Second interim report of Ombudsman Victoria, Victorian Government, June 2004, p. 9.

114 J. Silvester, Bent confessions of a crooked cop. *The Age*, 13 June 2003, p. 8

115 M. Buttler, Cops on drugs, data charges. *Herald Sun*, 29 May 2004.

116 S. Robertson, Autopsy report: Investigation into the death of Geoffrey William Gunn, Case No: 1815/01. Victorian Institute of Forensic Medicine, 2001; J. Silvester & A. Rule, Top Gunn, *Underbelly 6: More true crime stories*. Floradale Productions Pty Ltd and Sly Ink Pty Ltd, November 2002.

117 Age (The) A policeman who would try just about anything and died for it. *The Age,* 31 August 2002.

118 P. Murphy, Detective overdosed on 'seized narcotics'. *The Australian,* 15 April 2004.

3. Western Australia, Australia

A Royal Commission into the Western Australian Police Service commenced in December 2001. The focus of this Royal Commission (WARC) was very broad. Its terms of reference included, amongst others, inquiring into and reporting on:

- whether since 1 January 1985 there had been corrupt conduct or criminal conduct by any Western Australian police officer
- the effectiveness of existing procedures and statutory provisions in investigating and dealing with corrupt and criminal conduct by police
- whether changes in state laws or in investigative or administrative procedures are necessary or desirable to investigate, deal with, prevent or expose corruption and criminal conduct by police.[119]

The final WARC report was released in two volumes in January 2004. Amongst the conduct examined, the WARC heard evidence about Drug Squad officers smoking cannabis[120], officers smoking cannabis at a CIB office[121], and about a civilian smoking cannabis with two detectives in a police station.[122] Some relevant extracts from the WARC report are reproduced below, firstly concerning cannabis smoking by members of the drug squad:

> Officers had located and removed a crop of cannabis, after which, later in the day, they gathered for a barbeque on a riverbank not far from the crop. Other Drug Squad officers, who had not been involved with the seizure of the crop, also attended. L6 said that his team leader, LS18, came up to him and asked how he felt about the smoking of cannabis. L6 replied that he had never touched it but that he had friends who smoked cannabis and that it never bothered him. LS18 then said words to the effect 'Well, you might see something that will surprise you this afternoon'.
>
> L6 presumed that LS18's reference was to smoking cannabis because L6 had heard from other officers of other social functions at which police smoked cannabis. L6 said he later saw LS55, LS56 and LS57 smoke cannabis at the gathering,[123]

and secondly concerning the detectives smoking cannabis at the police station:

> It was admitted by B3, that, on some occasions, he smoked cannabis with two of the detectives, and furthermore, that he had been to the Brentwood Police Station, where he had seen a quantity of cannabis secreted behind

119 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, p. 18.

120 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, pp. 102 – 103.

121 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, p. 103.

122 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, p. 265.

123 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, p. 102.

> several cartons of beer in the detectives' office. He also said that he had smoked cannabis with the two detectives at the police station.[124]

An article in the West Australian in July 2004 described the Western Australian Police Commissioner as saying that the 'use of recreational drugs by young police officers was on the rise' and that 'he believed that younger police officers experimented with recreational drugs'.[125]

4. The Netherlands

In a paper presented at an anti-corruption conference in Hong Kong in 2003, Pijl described the ecstasy-related death of a Dutch policewoman and the drug use of other officers:

> At the end of 2001, a Dutch policewoman died as a result of XTC use during a mega dance party. A colleague who accompanied her was seriously injured. An investigation launched by the State Department of Criminal Investigation revealed that several police officials either used drugs themselves, or were involved in the supply thereof. In the recent past, quite some research was carried out into police employees involved in drug trafficking, sometimes as part of a criminal network. Drug use is an increasingly 'normal' phenomenon in our society. Police officials who are currently appointed grew up in a world in which drug use occurs in the open, and is sometimes even allowed under certain circumstances, like in the case of Netherlands.[126]

A newspaper article in 2002 reported that six police officers in the Netherlands were dismissed because of their ecstasy use.[127]

5. New York, USA

The Mollen Commission, which investigated allegations of police corruption in New York in the early 1990s, identified illegal drug use by New York officers to be a significant problem at that time. The Mollen report states:

> Drug corruption among several of the corrupt officers did not end with efforts to score off drug dealers. Some of them were users and drug dealers themselves[128],

and later on the same page:

> Police officers have told us that they believe that personal drug use, especially the use of cocaine and steroids, has become a significant problem within the Department, even among officers who do not engage in

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124 G. A. Kennedy, *Final report of the royal commission into whether there has been corrupt or criminal conduct by any Western Australian police officer. Volumes I & II*, January 2004, p. 265.

125 Australian Crime Commission, *Young officer's drug use rising: O'Callaghan*. Open Source Information Australian Criminal Environment, 28 July 2004.

126 D. Pijl, The fight about corruption is about ourselves. *Paper presented at Partnership against corruption ICAC-Interpol Conference, Hong Kong, 22-24 January 2003*, pp. 10 – 11.

127 Het Parool, Zes agenten geschorst wegens xtc.[Six agents charged because of ecstasy.] *Het Paarool,* 19 September 2002.

128 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 34.

> other kinds of corruption. While the Commission cannot determine the full extent of this problem, information from these officers, as well as from the Department's health services officials indicates that drug abuse among police has grown considerably in recent years. In fact, approximately 25 percent of all suspensions and dismissals of police officers is for drug use.[129]

Mollen also identified that illegal drug use, like alcohol use, was in some cases an activity that was practised communally by groups of New York police officers:

> In the 9th Precinct, groups of officers would meet in a local store to drink, use cocaine, and avoid their duties.[130]

An image was also presented in the report of an officer 'snorting cocaine off the dashboard of his car'.[131] This officer was released from gaol in April 2004 having served 10 years of a fourteen-year sentence after he was convicted on 'drug and racketeering' charges in 1994. In a newspaper article describing this former officer's release to a half-way house, this former officer was quoted as describing the consequences of his actions:

> I lost everything. My wife. My kids. I don't expect any sympathy. What I did was wrong. I paid the price.[132]

The Mollen Commission found that the existing drug detection and deterrence strategies within the New York City Police Department were inadequate[133] both at the time of recruitment:

> … although personal drug use is a widespread problem among young adults today, the Department conducts no random – unannounced – drug tests of applicants. They receive only the scheduled health services test which gives applicants sufficient advance notice – and thus ample opportunity to cleanse themselves of any trace levels of narcotics. There is no reason to believe that the Department's applicant pool should significantly differ from the general population studies on drug use. Indeed, our study showed that approximately 40 percent of all dismissals and suspensions over the past five years were drug-related, 26 percent for failing a drug test. Given the drug-related temptations and opportunities that regularly confront officers, thorough screening efforts for drug abuse are especially critical[134],

and subsequently:

> Despite the importance of drug testing, we found that in the past such tests were given far too infrequently and were sometimes not difficult to circumvent or 'beat', as some officers put it. We recognize that

129 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 34.

130 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 18.

131 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 127.

132 Associated Press, Report: Ex-officer released from prison after 10 years. *Newsday.com*, 30 April 2004.

133 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 35.

134 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, pp. 114 – 115.

> administering drug tests costs money. Given the grave consequences of drug use amongst officers and the great benefits derived from an aggressive drug testing program, however, we have concluded that this must be a priority in the Department.[135]

Mollen recommended the following actions be taken by the New York City Police Department:

- increase both random and 'for cause' drug testing for all members of the Department, including probationary officers
- consistently enforce its policy of immediate dismissal for officers who fail or refuse a drug test
- integrity training should include instruction on the signs of drug and alcohol abuse, and the responsibility of officers and supervisors to report drug and alcohol abuse by fellow officers
- tighten its drug testing procedures to minimise the possibility of circumventing drug tests, including enforcement of the time limitation between notification and administration of the test[136]
- call upon police unions and fraternal organisations to endorse publicly an aggressive drug testing program.[137]

6. United Kingdom

The Metropolitan Police Service introduced an Interim Substance Misuse Testing Policy and a Pre-employment Substance Misuse Testing Standard Operating Procedure in June 2004. These documents provide the following summary of the Metropolitan Police Service experience with illegal drug use amongst its officers:

> Intelligence and anecdotal evidence suggests there is a growing problem with substance misuse within the Police Service, particularly as it relates to the recreational use of illegal substances. The list of examples of serving Metropolitan Police Service employees who have been found to be using illegal drugs such as cannabis, ecstasy, cocaine or heroin is growing. This misuse has even included the illegal supply of class 'A' drugs. The examples show that illicit drug usage poses a significant and immediate threat to the reputation and effectiveness of the Metropolitan Police Service.[138]

Wilson, Ashton and Sharp (2001) conducted research on police culture in the UK that has provided some further insight into illegal drug use by police in the UK.[139] They conducted lengthy and in-depth interviews with a variety of police officers from six different constabularies to obtain police views on 'cop culture' and then 'triangulated' or

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135 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, pp. 127 – 128.

136 The Mollen Report does not specify what the time limitation is between notification and administration of the test.

137 M. Mollen, *Commission to investigate allegations of police corruption and the anti-corruption procedures of the Police Department*. Commission Report, City of New York, July 1994, p. 128.

138 Metropolitan Police Service, Pre-employment substance misuse testing: Police officer candidates. *Metropolitan Police HR Recruitment Directorate Standard Operating Procedure 24/2004*; Metropolitan Police Service, *Interim substance misuse testing policy*, 2004.

139 D. Wilson, J. Ashton & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001.

sought to obtain additional perspectives on the information from these interviews in a range of ways including by visiting police stations, eating in police canteens, riding in police cars and using internet discussion groups. They also acknowledged that it took one of the authors many months of research to become sufficiently trusted to be able to obtain this information from the officers.

Wilson and his colleagues described their surprise at officers' willingness to discuss their own and fellow officers' illegal drug use in these interviews about police culture:

> One unexpected feature of 'cop culture' that emerged from this group of interviewees was a willingness to describe drug taking within their circle of colleagues. While there is no intention of suggesting that these interviews are representative of police culture as a whole, they do at the very least suggest that there are more elements of 'cop culture' to be discovered. The drug mentioned most prominently was cannabis. One male officer stated that 'smoking [cannabis] is a sub-culture. I know of six to ten individuals, and suspect a lot more smoke. I know that because I'm part of the scene – it's like a little secret society'.[140]

Wilson and his colleagues observed that the officers who used illegal drugs tended to be young and not long serving, that they had a common interest in dance music, and that they considered policing as a job rather than a career:

> There were various ethical issues and practical difficulties with learning more about this secret society, but over time it was possible to uncover some of the 'glue' that kept the society together. Principally, this concerned a common interest in music – especially dance music – and not surprisingly many of those in this secret society were relatively young and not long-serving. Their relative youth and lack of experience within the service also meant that they still seemed to have significant numbers of friends outside of the police. It is perhaps of note that those within this society who did open up, were also the most willing to describe their desire to leave the police. Indeed we detected a sense of these officers 'passing through' the police – of using the force not as a career opportunity but as simply 'a job' which they would eventually change.[141]

When interviewed, these officers described their dilemma of having to choose between their policing obligations and their friends. Rather than enforcing drug laws one officer described how he had briefed his friends on what to do if they were arrested. Wilson and his colleagues observed:

> In short their loyalties were often compromised between – as one put it – 'their friends or the force'.
>
> One officer described, for example, how he had briefed his friends should they be arrested. This is of note for two reasons. First, it reveals that at the very least this officer had been able to make friends outside the circle of police colleagues, suggesting that 'solidarity' was not all encompassing; and secondly – and perhaps of greater academic interest – that he was prepared to collude with these friends to avoid detection and arrest. He commented that:

140 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, p. 149.

141 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, pp. 149-150.

> I have briefed my friends about what to do if they are brought into the station on a charge - what the police would be looking for, what to say, and what not to say. For example simple possession is treated more tolerantly than intention to supply, so I try to educate my friends to have very few pills on them. Failing that, to hide them where basic stop and search procedures won't be able to go, like under the scrotum. I've tried to tell them never to keep pills in their houses, but if they have lockers at work to hide them there, or at their mum's house. At worst, hide them in their gardens.

However, he suggested that those who took drugs were not simply friends outside the police but included police colleagues of a variety of ranks and 'in different kinds of jobs – uniform, traffic and detectives'. When pushed about how one entered this 'little circle', as he described it, he explained that he had been introduced to rave culture by a police colleague with whom he had shared a house: 'We used to escape down to Bournemouth for the drugs and the music. It's a subtle process based on reputation and suspicion. Usually you'll go away on a stag weekend or something like that, and one bloke would start smoking and you'd realize that lots were at it'.[142]

PIC representatives met with Professor David Wilson, the principal researcher on this project, during his brief visit to Sydney in October 2003. At the meeting Professor Wilson elaborated on the findings of this research:

- He said that one of the findings that surprised him was that officers of different ranks, genders and different age groups across all six constabularies consistently admitted their illegal drug use to him. Initially the officers talked about cannabis but later they mentioned a range of drugs (though not opiates).
- When he asked how they maintained their drug taking, he was told that these officers smoked [cannabis] on the weekends at friends' houses. They went to rave weekends and dance weekends where they used ecstasy, or they planned and went on trips to Amsterdam.
- Professor Wilson theorised that if police recruit large numbers of those in their early 20s and illegal drug use is prevalent amongst this group in the community, then it is likely that illegal drug use will also occur amongst recruits. However, he said he was surprised that this illegal drug use cut across different age groups. He was also interested to hear that those who use illegal drugs said that they knew which other officers were using. Sometimes they had suspicions that were confirmed during stag weekends or weekends in Amsterdam.
- Professor Wilson said that he had asked what the individual officers would do if his/her supplier were arrested and the supplier said that he/she did not know why he/she should be arrested since he/she was supplying to the police. Professor Wilson said that he was surprised when some of the officers said that they had given their suppliers mini-lectures on the *Police and Criminal Evidence Act* (known as 'PACE') including where to hide illegal drugs, what happens if they get caught and the consequences of possessing different amounts of illegal drugs. This suggested to Professor Wilson that these police were not merely

142 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, pp. 150-151.

experimenting with illegal drug use but were deeply involved with the illegal drug culture.

- Professor Wilson also said that these officers tend to be risk takers who do not think they are going to get caught.

When the PIC asked Professor Wilson what his research had revealed about effective strategies to minimise illegal drug use by police he suggested that:

- the first step was to acknowledge that there was a problem.
- what is really needed is to work out why illegal drugs are still being used. What is it that illegal drug use provides that the officer is not getting through other means and what other means could be used to fulfil these needs.
- someone who had been on the amnesty program or who had been caught should talk about their experiences as part of an education program for other officers.

7. Research on illegal drug use by police in the USA

In the late 1980s and early 1990s Dr David Carter from the School of Criminal Justice at Michigan State University and Police Chief Darrel Stephens conducted research examining illegal drug use by police in the USA. This work deserves special mention because it was one of the first significant efforts in this area and because of the insight it provides on police use of illegal drugs. In 1988 they co-authored a book entitled *Drug abuse by police officers.*[143] They observed that drug abuse by police officers 'is a problem where limited information exists'.[144] The main points of interest from Carter and Stephens' work for Operation Abelia are listed below.

- It was common practice for officers to commence using illegal drugs recreationally while off-duty and move on from this to drug-related misconduct such as the confiscation of drugs for personal use.[145] Carter suggests that officers did this for three reasons: to reduce financial expenditure, because of the opportunity provided in their policing role, and to reduce the likelihood that drug dealers would learn that he/she is a police officer:

> From officer interviews and inferences that can be drawn from depositions/ statements, it appears that the progression from use to corruption is an evolutionary process, eventually affecting most drug-abusing officers to some degree, although it cannot be concluded from the study that all drug-using officers became involved in some aspect of corruption. Most typically, the corruption involves the confiscation of drugs for personal use.[146]

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143 D. L. Carter, & D. W. Stephens, *Drug abuse by police officers: An analysis of critical policy issues*. Springfield Illinois: Charles C. Thomas Publisher, 1988.

144 D. L. Carter, & D. W. Stephens, *Drug abuse by police officers: An analysis of critical policy issues*. Springfield Illinois: Charles C. Thomas Publisher, 1988, p. 147.

145 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 86, 89.

146 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, p. 89.

> In these cases an officer starts as a 'recreational' user of drugs, typically buying the substances for personal consumption from a dealer (just as most users). Officer behavior evolves to a threshold at which the officer decides that rather than buying the drugs he or she can 'confiscate' them from users/dealers or take them from the police property process. This decision appears to be the product of several interactive factors. One is the increasing cost of drug use and/or the impact of long-term expenditures for drugs on the officer's personal finances. A second factor is opportunity: through the work environment the officer has various opportunities to seize drugs and divert them to personal use with minimal jeopardy of discovery. Virtually every officer interviewed described how easy it was for officers to seize drugs on the street … Finally officers begin to worry that their occupational identity may be discovered by dealers (if it is not already known), which would lead to blackmail of the officer. Consequently the officer looks for alternative ways to obtain the drugs and reduce dependency on the dealer.[147]

- Detecting illegal drug use can be difficult amongst any group, however, police knowledge of investigative techniques can make substance abuse by police officers particularly difficult to detect:

> Drug use is a generally private activity, notably among police officers, because of its unlawful nature. Substance abusers will typically do so only in seclusion or within the confines of a strictly limited, consenting social group. This selective use, combined with the officers' knowledge of investigative techniques and the general lack of any form of drug detection programs for employees in police departments, makes substance abuse among officers very difficult to detect. [148]

- The difficulty in detecting illegal drug use may result in further illegal drug use. Carter has suggested that corruption is perpetuated when it is not detected, that is, failure to detect corrupt acts can lead to reduced fear and hence future corrupt acts:

> In the cases reviewed, it appeared that after an officer's initial corrupt act, there was a time when the officer feared being detected. After the fear decreased and an opportunity for corruption occurred, the officer performed another improper act. Again there was a period of fear of apprehension – albeit shorter – followed by another incident. Failure to be detected reinforced the 'safety' of the practice. As time passed the frequency of misconduct appeared to increase cyclically until an undefined saturation point was reached.[149]

- Selection and recruitment of officers is important:

> In some cities organizational failure started with an inadequate selection process. Officers were employed who should have been screened out; however, comprehensive testing and/or background

147 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, p. 89.

148 D. L. Carter, & D. W. Stephens, *Drug abuse by police officers: An analysis of critical policy issues*. Springfield Illinois: Charles C. Thomas Publisher, 1988, p. 7.

149 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 88-89.

> investigations were not done because of the desire to expedite the hiring process.[150]
>
> At the outset, screening police applicants is a critical first step in dealing with the substance abuse problem among employees. Whether the screening is done by urinalysis, background investigation, polygraph, or a combination of these, the point to note is that the best way to deal with the problem is by minimising its potential to occur. It is unrealistic in today's society to expect police applicants have not experimented with drugs.[151]

- Carter suggests that inadequate organisational control in terms of supervision and training is one of the reasons that illegal drug use by police is a problem.[152]
- Carter identified narcotics, vice and undercover as the high-risk areas for officers to have drug-related problems:

> The greatest potential for drug-related problems exists for narcotics and vice officers. They receive even less supervision than patrol officers and not only are constantly exposed to the drug culture but also are expected to participate in the culture as a charade. In the gamesmanship of undercover work, some officers tend to confuse their own cultural norms and the norms of the drug culture they have penetrated. [153]

- At that time, Carter and Stephens suggested that marijuana appeared to be the illegal drug most commonly used by police, with cocaine being the second most frequently used drug. They suggested that the best explanation of this appears to be its availability and prevalent use in the general society. [154] They also found some evidence that 'stimulants have been used to help keep officers "alert" (or awake) when they have been working extensive hours in a second job. This form of substance abuse appears to have different dynamics than the marijuana or cocaine use'.[155]

Despite the seminal nature of Carter and Stephens' work, when considering the implications of this work for illegal drug use by NSW Police it is important to remain aware that their research was based on a US sample and was conducted more than a decade ago.

As part of the research for Operation Abelia, the PIC met with Dr David Carter during his brief visit to Sydney in January 2004. Dr Carter advised that one of his main research findings in relation to illegal drug use by police was that 'fast-tracking' police

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150 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, p. 97.

151 D. L. Carter, & D. W. Stephens, An overview of issues concerning police officer drug use. In T Barker & D. L. Carter (Eds) *Police deviance*. Cincinnati Ohio: Anderson Publishing Co., 1994, pp. 108-9.

152 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 94, 95.

153 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, p. 96.

154 D. L. Carter, & D. W. Stephens, An overview of issues concerning police officer drug use. In T. Barker & D. L. Carter (Eds) *Police deviance*. Cincinnati Ohio: Anderson Publishing Co., 1994, p. 106.

155 D. L. Carter, & D. W. Stephens, An overview of issues concerning police officer drug use. In T Barker & D. L. Carter (Eds) *Police deviance*. Cincinnati Ohio: Anderson Publishing Co., 1994, p. 107.

recruits was problematic and led to problems downstream in terms of police misconduct. He said that officers who were fast-tracked in the USA were showing up in a higher number of instances of use of excessive force and drug use. He noted by way of example that the officers who were found to have been involved in a $US16 million theft of cocaine had been fast-tracked through the system. When asked about the strategies he would use to minimise illegal drug use by police, he said that he would:

- place a heavy emphasis on organisational strategies such as education and training and would ensure that no corners were being cut with regard to the recruitment and training of officers
- send out a strong message to officers that illegal drug use was unacceptable; and
- conduct drug testing, at least initially.

2.7 ILLEGAL DRUG USE WITHIN THE AUSTRALIAN COMMUNITY

The preceding sections of this chapter focus on illegal drug use by police in NSW and police in other jurisdictions. Given that NSW Police officers are recruited from and form part of the community it is important to consider what is known about the nature and extent of illegal drug use in this broader Australian community. This section collates and summarises the available information on the following topics:

1. sources of information about illegal drug use within Australia and the limitations of this information
2. estimates of the proportion of the Australian population that has used different types of illegal drugs
3. trends in illegal drug use and availability in Australia over time
4. who are most likely to use different types of illegal drugs
5. how members of the community obtain their illegal drugs
6. usual place and circumstances of use
7. polydrug use
8. attitudes towards illegal drugs.

1. SOURCES OF INFORMATION ABOUT ILLEGAL DRUG USE WITHIN AUSTRALIA AND THE LIMITATIONS OF THIS INFORMATION

Estimating the extent of illegal drug use within the Australian community is not straightforward. Although it is much discussed no one knows what proportion of the Australian community has used illegal drugs in the past or is currently using such drugs. Given its prohibited status and often clandestine nature, estimates of the number of people who use illegal drugs, the nature of the drugs used and demographic characteristics of the users are not necessarily reliable. Before discussing the estimates of illegal drug use that are commonly cited, it is important to understand the limitations of the information from which the estimates are derived.

There are five main sources of information about illegal drug use in Australia:

i. the National Drug Strategy Household Survey (NDSHS) conducted and reported by the Australian Institute of Health and Welfare (AIHW)

ii. the Illicit Drug Data Report (IDDR) prepared by the Australian Crime Commission (ACC)

iii. the Illicit Drug Reporting System (IDRS) prepared by the National Drug and Alcohol Research Centre (NDARC)

iv. Drug Use Monitoring in Australia (DUMA) co-ordinated and reported by the Australian Institute of Criminology (AIC), and

v. Party Drug Initiative (PDI) funded by the National Drug Law Enforcement Research Fund and reported by NDARC.

Each of these is described briefly below.

i. ***The 2004 National Drug Strategy Household Survey (NDSHS)*** is the eighth, and most recent, in a series of surveys. Earlier surveys were conducted in 1985, 1988, 1991, 1993, 1995, 1998 and 2001. In 2004, information about licit and illicit drug use patterns, attitudes and behaviours was collected from 29 445 Australians aged 12 years and older through a combination of 'drop and collect' questionnaires and telephone interviews.[156] The sample was based on households. The AIHW acknowledges that, consistent with earlier years, homeless and institutionalised persons were not included in the survey.[157]

ii. ***The Illicit Drug Data Report 2003-04 (IDDR)***, which was prepared by the ACC, seeks to provide law enforcement and National Illicit Drug Strategy stakeholders with a national overview of the illicit drug market in Australia for a particular financial year. This series replaces the earlier Australian Illicit Drug Report (AIDR). The first edition covered the financial year 2002-03. The illicit drugs data collected and presented in these reports include: consumer and provider arrests, seizures, purity levels, and prices. The ACC describes this report as providing the data necessary to assess possible future illicit drug trends but unlike its predecessor, the AIDR, it does not seek

156 However, since previous surveys in this series collected information from Australians aged 14 years and older, the majority of results from the 2004 survey are reported for those aged 14 years and older. Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: First results. Canberra: Australian Institute of Health and Welfare, April 2005.

157 Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: First results. Canberra: Australian Institute of Health and Welfare, April 2005, p. 1.

to provide detailed analyses of these trends, instead it provides a brief snapshot of key points identified in the processing of the data.[158] The purpose of this report is stated to be to provide statistics and analysis that will assist decision makers in developing illicit drug supply and harm reduction strategies.[159]

iii. ***The Illicit Drug Reporting System (IDRS)***[160] monitors changes in prices, purity and availability of specific illegal drugs across Australia based on information from:

- interviews with injecting drug users
- interviews with key informants, including professionals who have regular contact with illicit drug users through their work, and
- analysis and examination of indicator data sources related to illicit drugs such as NDSHS data on drug use, opioid overdose data, purity of seizures of illicit drugs made by law enforcement agencies.[161]

This information collection commenced in 1996. The most recent IDRS was released in December 2003.[162] Subsequent information on changes in prices, purity and availability has been detailed in the 'Party Drug Initiative' described below.

iv. ***Drug Use Monitoring in Australia (DUMA)*** provides a way of tracking trends in illegal drug use and drug markets, and for analysing the links between drugs and crime by collecting information on drug use from police detainees in seven sites (police stations or watchhouses) across Australia on a quarterly basis. Two of these sites (Parramatta and Bankstown) are located in NSW. The information is collected through in-depth interviews with detainees, analysis of urine samples taken within 48 hours of arrest, and police records on charges against detainees at the time of their detention. The information collected through the interviews includes basic demographic data, drug use history, drug market information, treatment history and information on prior contact with the criminal justice system.[163] The most recent DUMA report was released in April 2005.[164]

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158 Australian Crime Commission, *Illicit drug data report 2002-03*. Canberra: Australian Crime Commission, April 2004, p. 5.

159 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 6.

160 S. Darke, W. Hall, & L. Topp, The illicit drug reporting system (IDRS) history and development of a national strategic early warning system for monitoring trends in illicit drug use. *National Drug and Alcohol Research Centre, Technical Report No. 101,* 2000; S. Darke, S. Kaye, & L. Topp, Cocaine use in New South Wales, Australia, 1996-2000: 5 year monitoring of trends in price, purity, availability and use from the illicit drug reporting system. In *National Drug and Alcohol Research Centre, CentreLines, September 2002*, p. 6; C. Breen, L. Degenhardt, A. Roxburgh, R. Bruno, A. Duquemin, J. Fetherston, J. Fischer, R. Jenkinson, S. Kinner, M. Longo, & C. Rushforth Australian drug trends 2002: Findings of the illicit drug reporting system (IDRS). *National Drug and Alcohol Research Centre, Monograph No. 50;* National Drug and Alcohol Research Centre, *Drug Trends Bulletin, IDRS Illicit Drug Reporting System*, December 2003.

161 C. Breen, L. Degenhardt, A. Roxburgh, R. Bruno, A. Duquemin, J. Fetherston, J. Fischer, R. Jenkinson, S. Kinner, M. Longo, & C. Rushforth, Australian drug trends 2002: Findings of the illicit drug reporting system (IDRS). *National Drug and Alcohol Research Centre, Monograph No. 50,* 2003, p. 1.

162 National Drug and Alcohol Research Centre, *Drug Trends Bulletin, IDRS Illicit Drug Reporting System*, December 2003.

163 T. Makkai, Drug use monitoring in Australia (DUMA): Drug detection testing. *Australian Institute of Criminology, Research and Public Policy Series, No. 25, March 2000*, pp. 1-2; K. Freeman, & J. Fitzgerald, Drug use monitoring of police detainees in New South Wales: The first two years. *NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin, No. 72, September 2002,* p. 1; T. Makkai, & K. McGregor, Drug use monitoring in Australia (DUMA): 2003: 2002 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series, No. 47,* p. 8; L. Milner, J. Mouzos, & T. Makkai, Drug use monitoring in

v. ***Party Drug Initiative (PDI)*** is a national study funded by the National Drug Law Enforcement Research Fund and coordinated by NDARC to monitor ecstasy and related drug (ERDs) markets in Australia. ERDs cover a range of drugs including ecstasy, methamphetamine, cocaine, GHB and ketamine.[165] The PDI is conducted in the capital city of every state and territory in Australia. The PDI monitors emerging trends in the use, price, purity and availability of ecstasy and other party drugs such as speed, crystal methamphetamine, cocaine, GHB and ketamine. The first study, reported in November 2003.[166] The most recent report, which was published in December 2004, was based on information from interviews with 859 regular ecstasy users and 145 key informants who had regular contact with party drug users (such as health professionals, law enforcement personnel, youth workers, DJs, party promoters and drug dealers).[167]

In summary, our knowledge of the nature and extent of illicit drug use in the Australian community is based on how people (a random sample of Australians aged 14 years and over for the NDSHS, injecting drug users for the IDRS, recent arrestees for DUMA and regular ecstasy users for the PDI) respond to surveys about their own drug use, supplemented by urine tests of arrestees, information from key informants and drug seizures.

While these five information sources can provide *estimates* of drug use, there are limitations to the accuracy of these estimates. For example, people's descriptions of their drug use are subject to possible distortion. Despite the precautions taken in the survey design, some people might be motivated to underestimate use, others might be motivated to overestimate use, others may simply not remember accurately. Still others may not know which drugs they have used, for example some may have used 'pills' without knowing what these pills contain. As the Drugs and Crime Prevention Committee (DCPC) of the Victorian Parliament has observed:

> Illicit drug users often go to elaborate lengths to keep their illegal activities hidden. They may, consequently, be unwilling to reveal the extent of these activities to an unknown researcher.[168]

Weatherburn, Jones and Donnelly (2002) have commented that self-reported drug use surveys may underestimate drug use:

> Self-reported drug use surveys, while the method of choice among the vast majority of studies attempting to measure drug use, often underestimate it because of the difficulties involved in making contact with institutionalised, homeless and highly disadvantaged segments of the populations.[169]

Australia: 2003 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series No. 58*, August 2004, p. 4.

164 C. Schulte, J. Mouzos, & T. Makkai, Drug use monitoring in Australia: 2004 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series No. 65,* April 2005.

165 National Drug and Alcohol Research Centre, viewed 28 April 2004 at <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/IDRS.erds>.

166 National Drug and Alcohol Research Centre, *Party Drug Trends Bulletin, Party Drug Initiative,* December 2003.

167 C. Breen, J. Stafford, L. Degenhardt, & B. White, *Party drug trends bulletin.* National Drug and Alcohol Research Centre, December 2004, p. 1.

168 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 71.

169 D. Weatherburn, C. Jones, & N. Donnelly, Prohibition and cannabis use in Australian: A survey of 18- to 29-year-olds. *The Australian and New Zealand Journal of Criminology, 2003, 36(1), 77-93*, 2002, p. 80.

An analysis by the Australian Institute of Criminology (2003) found that, perhaps unsurprisingly, those with the most to lose were more likely to under-report their drug use.[170] Comparing the results of urinalyses with self-reported drug use for those in the DUMA project they found, for example, that older detainees living in their own home and employed full-time were more likely to under-report their drug use than younger detainees who were not employed full-time and living in a home that was not their own. They observed that the more serious offenders and/or offenders with a history of criminal behaviour were more likely to report their recent drug use accurately.

McGregor and Makkai (2003) have suggested that recreational drug users may consider that their drug use is too minor to report upon.[171] They have also stated:

> While detainees who use illicit drugs and have been in contact with the criminal justice system or in treatments are more likely to report accurately, others who lead more socially accepted lifestyles are more likely to under-report their drug use.[172]

While suggesting that rates of use of licit and illicit drugs in Australia are best estimated by household surveys, NDARC argues that household surveys have their limitations in estimating the rate of 'socially stigmatised' drugs such as heroin and cocaine.[173]

These methodological difficulties are not confined to Australian research. A recent Home Office paper examining methods for estimating the prevalence of what they termed 'problem' drug use observed:

> Direct methods for estimating levels of any behaviour in a population (e.g. population or household surveys) are often considered a gold standard for measuring prevalence and can be very effective in monitoring common drug using behaviours such as tobacco or alcohol. However, direct methods are inefficient and ineffective at measuring the prevalence of rare, more covert and more problematic forms of drug use such as injecting or heroin and crack cocaine use.[174]

They provided the following example:

> … the 2001 British Crime Survey, which now has a sample of almost 33 000, found less than 50 people reporting that they had used heroin in the last month. The resulting population estimates …are implausible, falling short of the number of heroin users presenting to treatment sites and only just higher than the number of heroin users screened through arrest referral.[175]

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170 Australian Institute of Criminology, Self-reported drug use. *Crime Facts Info, Number 59, Australian Institute of Criminology*, 30 September 2003.

171 K. McGregor & T. Makkai, Self-reported drug use: How prevalent is under-reporting? *Australian Institute of Criminology, Trends & Issues in Crime and Criminal Justice, No. 260, June 2003*, p. 5.

172 K. McGregor & T. Makkai, Self-reported drug use: How prevalent is under-reporting? *Australian Institute of Criminology, Trends & Issues in Crime and Criminal Justice, No. 260, June 2003*, p. 6.

173 National Drug and Alcohol Research Centre. Submission to House of Representatives Standing Committee on Family and Community Affairs: Inquiry on substance abuse In Australian communities, n.d., p. 7.

174 M. Hickman, V. Higgins, V. D. Hope & M. A. Bellis, Estimating prevalence of problem drug use: multiple methods in Brighton, Liverpool and London. *Home Office Online Report 36/04,* July 2004, p. 5. <http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3604.pdf>.

175 M. Hickman, V. Higgins, V. D. Hope & M. A. Bellis, Estimating prevalence of problem drug use: multiple methods in Brighton, Liverpool and London. *Home Office Online Report 36/04,* July 2004, p. 5. <http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3604.pdf>.

Similarly, the picture provided from the results of urinalysis is not definitive. Even if a representative sample were tested, the percentage of urine specimens found to be 'positive' for drugs, would not necessarily reflect the percentage of the population using illegal drugs at any one point in time. Different drugs metabolise at different rates. Hence some drugs may be detected in urine specimens long after they were used (e.g., cannabis may be detected up to a month after use for regular users) while other drugs are detected for much shorter periods (e.g., heroin is detected 1 or 2 days after use). Hence the use of some drugs would be overestimated by urinalysis while the use of others would be underestimated.

The DUMA data highlight that the patterns of illegal drug use vary across locations and across time, even where those locations are relatively close, such as Bankstown and Parramatta. As a result, it is problematic to take results from one area and assume the same patterns and market dynamics apply elsewhere, even within a city.[176]

Although there are limitations with these information collections, they are still the best available information and provide the basis for policy decisions at state and federal levels within Australia. In particular, the results of the NDSHS are commonly used as estimates of both licit and illicit drug use within Australia.

2. ESTIMATES OF THE PROPORTION OF THE AUSTRALIAN POPULATION THAT HAS USED DIFFERENT TYPES OF ILLEGAL DRUGS

The most recent National Drug Strategy Household Survey (NDSHS) was undertaken in 2004. Key findings from the 2004 NDSHS are summarised in Table 2.7. This table provides the estimates of the proportion of the entire Australian community (aged 14 years or older) who said that they had used different types of illicit drugs. The proportions of those aged 20-29 years old who said that they had used different types of illicit drugs are provided as a comparison.

From this table it can be seen that for Australians aged 14 years and over:

- more than one in every three (38.1%) said they had used one or more illegal drugs at least once in their lifetime
- almost one in every six said they had used one or more illegal drugs in the 12 months prior to the survey
- marijuana/cannabis was the illegal drug most commonly used, with approximately one in every nine (11.3%) saying that they had used marijuana/cannabis in the past 12 months.

176 T. Makkai, & K. McGregor, Drug use monitoring in Australia (DUMA): 2002 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series, No. 47,* 2003, p. 18; L. Milner, J. Mouzos & T. Makkai, Drug use monitoring in Australia: 2003 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series No. 58*, August 2004, p. 14.

TABLE 2.7: SUMMARY OF ILLEGAL DRUG USE FROM FINDINGS OF 2004 NATIONAL DRUG STRATEGY HOUSEHOLD SURVEY: PERCENTAGE USING DIFFERENT ILLEGAL DRUGS 'EVER' AND 'DURING PAST 12 MONTHS'[177]

	Australian population 14 years and over		Australian population 20-29 years	
	Ever used %	Used in past 12 months %	Ever used %	Used in past 12 months %
Any illicit drug	38.1	15.3	62.6	37.5
Marijuana/cannabis	33.6	11.3	54.5	26.0
Meth/amphetamines	9.1	3.2	21.1	10.7
Ecstasy	7.5	3.4	22.0	12.0
Hallucinogens	7.5	0.7	17.8	4.0
Pain killers/analgesics used for non-medical purposes	5.5	3.1	12.7	5.9
Cocaine	4.7	1.0	8.9	3.0
Inhalants	2.5	0.4	5.4	1.1
Heroin	1.4	0.2	2.3	0.5
Steroids	0.3	-	NA	NA

Even though the percentages admitting that they have used individual illicit drugs (other than marijuana/cannabis) are relatively small, these percentages represent a large number of people. For example the 3.4% of the community at large who said that they had used ecstasy in the past year is the equivalent to more than half a million Australians using ecstasy in the past 12 months.

Table 2.7 also shows that some groups of the community are more likely to say that they have used illicit drugs than are other groups: for example, those aged 20-29 years (12.0%) were four times as likely to say that they had used ecstasy in the previous year than was the community at large (2.9%).

The next section summarises the available information about trends in illegal drug use and availability over time.

3. TRENDS IN ILLEGAL DRUG USE AND AVAILABILITY IN AUSTRALIA OVER TIME

The published material suggests that the proportion of people in the Australian community using some types of illegal drugs continues to increase. For example, on 20 May 2004 a media release from the Parliamentary Secretary for Health and Ageing was entitled 'Increased use of psychostimulants a worrying trend'. This media release referred to there being 'clear signs that psychostimulant use is increasing in Australia.[178]

Some other examples include research conducted by an insurance company which found that the proportion of young drivers driving after taking illegal drugs increased from 15% in 2002 to 19% in 2003:

177 Figures obtained from Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: First results. Canberra: Australian Institute of Health and Welfare, April 2005.

178 T. Worth, Increased use of psychostimulants a worrying trend. Media release from the Hon. Trish Worth MP, Parliamentary Secretary to the Minister for Health and Ageing, 20 May 2004.

> One in five drivers under the age of 25 (19 per cent) has driven after taking recreational drugs such as marijuana, cocaine, speed or ecstasy," said Geoff Hughes, AAMI Public Affairs Manager. That figure has increased from 15 per cent in 2002 and is more than double the percentage of older drivers who admit to driving after taking recreational drugs.[179]

and research concerning illegal drug use by young Australians:

> Available epidemiological evidence indicates that young people's consumption of illicit substances has risen dramatically in Australia in the past decade, although not at quite the rates recorded in the United Kingdom.[180]

One source of information on trends in use of illegal drugs is a comparison of responses to the same survey across different years. Responses to the National Drug Strategy Household Surveys conducted between 1993 and 2004 are summarised in Table 2.8.

From this table it can be seen that marijuana/cannabis remains the type of illegal drug that respondents to the NDSHS most frequently reported using during the preceding 12 months. It can also be seen that a larger percentage of respondents to the 2004 survey reported using ecstasy in the previous 12 months than was the case for surveys conducted in previous years.

When examining the discussion of trends over time it is important to remember that different studies are analysing trends from different samples, from different locations, over different time periods. Hence the different studies may lead to seemingly different results. Also as Dietze, Laslett and Rumbold have observed, trends in illegal drug use are dynamic:

> Patterns of illicit drug use are dynamic. They are influenced by cultural factors, as well as market characteristics such as availability and price that are, because of the illicit status of the drugs, largely outside the realm of regulatory control. New drugs will continue to emerge while old drugs with new meanings will be rediscovered. The popularity of illicit drug use, not to mention the pressures in our society that influence drug use, will continue to wax and wane.[181]

Reported trends in the use of specific drug types are discussed below.[182]

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179 AAMI, *Young Drivers Index*, November 2003.

180 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 433.

181 P. Dietze, A. Laslett & G. Rumbold, The epidemiology of Australian drug use. In M. Hamilton, T. King, & A. Ritter (Eds) *Drug use in Australia: Preventing Harm*. South Melbourne: Oxford University Press, 2004, p. 51.

182 For more information about the classification, history and effects of these different drugs refer to Appendix 9.

TABLE 2.8: SUMMARY OF ILLEGAL DRUGS USED IN LAST 12 MONTHS: PERCENTAGE OF THE POPULATION AGED 14 YEARS AND OVER, AUSTRALIA, 1993 - 2004[183]

Type of illicit drug	1993	1995	1998	2001	2004
Marijuana/cannabis	12.7	13.1	17.9	12.9*	11.3**
Pain-killers/analgesics[1]	1.7	3.5	5.2	3.1*	3.1
Tranquillisers/sleeping pills[1]	0.9	0.6	3.0	1.1*	1.0
Steroids[1]	0.3	0.2	0.2	0.2	n.a.
Barbiturates [1]	0.4	0.2	0.3	0.2	0.2
Inhalants	0.6	0.6	0.9	0.4*	0.4
Heroin	0.2	0.4	0.8	0.2*	0.2
Methadone[2]	n.a.	n.a.	0.2	0.1	0.1
Other opiates[1]	n.a.	n.a.	n.a.	0.3	0.2
Amphetamines[1]	2.0	2.1	3.7	3.4	3.2
Cocaine	0.5	1.0	1.4	1.3	1.0**
Hallucinogens	1.3	1.8	3.0	1.1*	0.7**
Ecstasy/designer drugs	1.2	0.9	2.4	2.9	3.4**
Ketamine	n.a.	n.a.	n.a.	n.a.	0.3
GHB	n.a.	n.a.	n.a.	n.a.	0.1
Injected drugs	0.5	0.6	0.8	0.6	0.4
Any illicit drug	*14.0*	*17.0*	*22.0*	*16.9**	*15.3***

[1] For non-medical purposes
[2] Non-maintenance
** 2001 result significantly different from 1998 result (p<.05)*
*** 2004 result significantly different from 2001 result (p<.05)*

Amphetamines

The most recently released IDDR provides an overview of the illegal drug market in Australia during 2003-2004. This report states that demand for amphetamines within Australia appears to be increasing, with no reductions likely in the foreseeable future.[184] It also states that:

- the price of amphetamines (where available) remained relatively stable across most jurisdictions[185]
- while the availability of methylamphetamine powder remained stable, there is some evidence to indicate that the use of crystal methamphetamine is becoming more prevalent … With reports of an increase in recent use of crystal methylamphetamine in most jurisdictions, crystal methylamphetamine could gain a significant foothold in the Australian market[186]
- users of methamphetamine have reported it 'very easy' to obtain across almost all jurisdictions.[187]

183 Based on results of National Drug Strategy Household Surveys conducted in 1993, 1995, 1998, 2001 and 2004. Taken from Table 2.1 in Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 3.

184 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 13.

185 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 14.

186 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 16.

187 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 16.

Similarly the 2004 report of the Drugs and Crime Prevention Committee of the Victorian Parliament has described the recent increase in amphetamine use in Australia:

> Amphetamines are now one of the most widely used drugs in the Western world. Amphetamine-type stimulants have been cited as the most commonly used illicit drug in Australia after cannabis. Indeed, the United Nations Drug Control Programme (UNDCP) is quoted as finding that Australia has the highest prevalence of ATS (primarily amphetamine and methamphetamine) use in the world. Amphetamine use in Australia increased markedly since the advent of the so-called 'heroin drought'.[188]

Worth (2004)[189], the Australian Institute of Criminology[190] and research from NDARC also have each suggested that amphetamine use appears to be increasing:

> It is now clear from these different information sources that methamphetamine use has increased in Australia over the past five years and the availability of more pure forms of the drug have continued to the current time.[191]

Others have discussed that the use of crystalline methamphetamine (a more potent form of methamphetamine than speed) also appears to be on the increase:

> Over the last few years Australia has seen the emergence of a new form of methamphetamine available on the illicit drug market. Traditionally methamphetamine available in Australia was the 'salt' form of amphetamine or methamphetamine (i.e. hydrochloride or hydrosulfate), which was sold in powder form as 'speed'. However, in the past few years, more new pure forms of the drug have emerged – notably so-called 'base' methamphetamine and crystal methamphetamine or 'ice'.[192]

> Authorities knew that ice or crystallised methamphetamine, was becoming popular, but were stunned by the amounts seized in three Sydney raids this month [May 2003].[193]

Banham (2003) quotes the Australian Federal Police Commissioner who observed that illegal drug users are turning to ecstasy and ice and away from heroin. This was said to reflect a growing demand for ecstasy and ice throughout the region.[194] Similarly increased use of crystalline methamphetamine in every state and territory was reported in the first Party Drug Initiative Study[195] and in the 2003 Illicit Drug Reporting System.[196] However, in early 2003 Degenhardt suggested that its 'availability is relatively low'.[197]

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188 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 27.

189 T. Worth, Increased use of psychostimulants a worrying trend. Media release from the Hon. Trish Worth MP, Parliamentary Secretary to the Minister for Health and Ageing, 20 May 2004.

190 Australian Institute of Criminology, DUMA shows amphetamine use on increase. *Australian Institute of Criminology Crime Facts Info, Number 25,* May 28, 2002.

191 M. Teesson, Monitoring matters: The emerging trends in methamphetamine use in Australia, In *National Drug and Alcohol Research Centre, CentreLines,* August 2003, p. 2.

192 R. McKetin, The methamphetamine market in Australia. In *National Drug and Alcohol Research Centre, CentreLines,* August 2003, p. 2.

193 Sydney Morning Herald, Chilling warning that party drug ice is set to flood market. *Sydney Morning Herald*, 23 May 2003.

194 C. Banham, Ecstasy replacing heroin, but social cost still high. *Sydney Morning Herald,* 7-8 June 2003, p. 11.

195 National Drug and Alcohol Research Centre, *Party Drug Trends Bulletin, Party Drug Initiative,* December 2003.

Ecstasy

The most recently released IDDR reported that demand for ecstasy (MDMA) in Australia continued to increase during 2003-2004 and this demand is not restricted to the 'dance party' scene. While the majority of MDMA available in Australia is imported, the ACC also stated that recent seizures of clandestine laboratories indicate locally produced MDMA is available and production is increasing.[198] This report also stated that:

- users of phenethylamines and related drugs in Australia report that MDMA is readily available across Australia[199]
- the street price for a single MDMA tablet/capsule remained relatively stable across all jurisdictions[200], and
- although the majority of MDMA was sourced from Europe during the reporting period, there was an increase in domestic MDMA production. MDMA production in Australia is likely to continue to increase.[201]

There are many indicators that the use of tablets sold as ecstasy has increased:

- percentages of respondents saying that they had used ecstasy/designer drugs in the past 12 months increased from 1.1% in 1991 to 3.4% in 2004[202]
- tablets sold as ecstasy have remained readily available in Sydney since 1997 with the great majority of users described the drug as 'very easy' or 'easy' to obtain[203]
- party drug users and key informants consistently reported that the number of people using ecstasy had increased and that, in recent years, ecstasy has become 'a mainstream drug firmly established in Australia's illicit drug landscape'[204], and

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196 National Drug and Alcohol Research Centre, *Drug Trends Bulletin, IDRS Illicit Drug Reporting System*, December 2003.

197 L. Degenhardt, Crystal meth: A passing fad or a continuing phenomenon? *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, *28 February 2003*.

198 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 28.

199 Breen et al (2004) cited by Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 29.

200 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 29.

201 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 31.

202 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 3.

203 L. Topp, C. Breen, S. Kaye & S. Darke, NSW party drug trends 2001: Findings from the illicit drug reporting system (IDRS) party drugs module. *National Drug and Alcohol Centre, Technical Report No. 136,* 2002, p. 2; C. Breen, L. Topp & M. Longo, Adapting the IDRS methodology to monitor trends in party drug markets: Findings of a two-year feasibility trial. *National Drug and Alcohol Research Centre, Technical Report No. 142*, 2002, p. 3; B. Barker, Ecstasy: Patterns of use and harms in Australia. *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003.

204 C.Breen, L. Topp & M. Longo, Adapting the IDRS methodology to monitor trends in party drug markets: Findings of a two-year feasibility trial. *National Drug and Alcohol Research Centre, Technical Report No. 142, 2002*, p. 5; L. Topp, C. Breen, S. Kaye & S. Darke, NSW party drug trends 2001: Findings from the illicit drug reporting system (IDRS) party drugs module. *National Drug and Alcohol Centre, Technical Report No. 136, 2002*, p. 2; B. Barker,

- research on party drug use has indicated that amongst party drug users frequency and quantity [of ecstasy use] appears to have increased.[205]

However, it is difficult to determine trends in the use of and availability of ecstasy because many of the pills marketed as ecstasy do not in fact contain ecstasy (MDMA):

> It is still common for tablets marketed as ecstasy to be incorrectly represented as containing MDMA, when in fact they are compressed methylamphetamine tablets with additives such as ketamine and caffeine. The majority of ecstasy tablets seized in Australia continue to contain a variety of products, often with little or no MDMA.[206]

Moncrief (2004) has quoted Dr David Caldicott, a research fellow at the Royal Adelaide Hospital, as saying that the 'ecstasy in Australia was some of the least pure in the world'.[207]

Cocaine

The most recently released IDDR reported that there is little evidence to suggest a significant change to supply and demand within the Australian cocaine market over the next 12 months, with Sydney likely to remain the central usage and distribution point for cocaine during this period. However, the report also said that because the cocaine market remains relatively 'hidden' from law enforcement agencies, there is little information available on the availability of cocaine nationally.[208]

On the other hand, Kaye and Dark (2003) have remarked that while cocaine use has become increasingly prevalent among illicit drug users in Sydney since the late 1990s[209], there are indications that cocaine use is decreasing across Australia, most notably in NSW.[210] From their analyses of the DUMA information, Makkai and McGregor (2003) and Milner, Mouzos and Makkai (2004) have concluded that cocaine use increased in the Sydney sites around the time of the heroin shortage but monitoring throughout 2002 and 2003 had found that the percentage testing positive to cocaine decreased as heroin became somewhat more available.[211]

One study suggested that cocaine was considered 'easy' or 'very easy' to obtain in NSW and Qld although substantial proportions in other jurisdictions reported it was

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Ecstasy: Patterns of use and harms in Australia. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney, 28 February 2003*.

205 L. Degenhardt & C. Breen, Party drug use in NSW, 2002. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney, 28 February 2003.* <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

206 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 29.

207 M. Moncrief, Push to test nightclub ecstasy. *The Age,* 21 August 2004.

208 Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, pp. 53, 56.

209 S. Kaye & S. Darke, Non-fatal cocaine overdose and other adverse events among injecting and non-injecting cocaine users. *National Drug and Alcohol Research Centre, NDARC Technical Report No. 170*, 2003, p. vii.

210 National Drug and Alcohol Research Centre, *Drug Trends Bulletin, IDRS Illicit Drug Reporting System*, December 2003.

211 T. Makkai & K. McGregor, Drug use monitoring in Australia (DUMA): 2002 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series, No. 47,* 2003, p. 17; L. Milner, J. Mouzos & T. Makkai, Drug use monitoring in Australia: 2003 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series No. 58*, August 2004, p. 13.

'difficult' or 'very difficult' to obtain.[212] Another study reported the opposite: that is, that cocaine was, and has remained, difficult to obtain outside the Sydney region.[213]

In NSW the median price of a gram of cocaine has remained at $200 since 1996.[214]

Other party drugs

Although the use of drugs such as GHB and ketamine appears to have increased[215] there are reported to be relatively few dedicated users. Much of the use of these drugs is said to be opportunistic in nature. These drugs are not as widely or as consistently available as ecstasy.[216]

4. WHO ARE MOST LIKELY TO USE DIFFERENT TYPES OF ILLEGAL DRUGS?

Some sections of the community are more likely to use illegal drugs than others.

Age:

Both the NDSHS and the DUMA data suggest that those aged under 30 years old are more likely to use illicit drugs than others. Those who complete the NDSHS are categorised into six broad age groups: 14-19 years, 20-29 years, 30-39 years, 40-49 years, 50-59 years, and 60 years and over. Those in the 20-29 years age group are more likely than those in other age groups to have used illicit drugs in the past 12 months.[217] Figures for this age group are also summarised in Table 2.7. In a media release in late 2002 the National Drug and Alcohol Research Centre (NDARC) announced that:

> a staggering 20% of the [20-29 year olds] have tried ecstasy.[218]

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212 C. Breen, L. Degenhardt, A. Roxburgh, R. Bruno, A. Duquemin, J. Fetherston, J. Fischer, R. Jenkinson, S. Kinner, M. Longo & C. Rushforth, Australian drug trends 2002: Findings of the illicit drug reporting system (IDRS). *National Drug and Alcohol Research Centre, Monograph No. 50*, 2003, p. 8.

213 S. Darke, S. Kaye & J. Duflou, Cocaine-related fatalities in New South Wales, Australia 1993-2002. *National Drug and Alcohol Research Centre (NDARC) Technical Report No. 171,* 2003, p. 34.

214 A. Roxburgh, L. Degenhardt, C. Breen & B. Barker, New South Wales drug trends 2002: Findings of the Illicit Drug Reporting System (IDRS). *National Drug and Alcohol Centre, Technical Report No. 144*, 2003, p. 3; S. Darke, S. Kaye & L. Topp, Cocaine use in New South Wales, Australia, 1996-2000: 5 year monitoring of trends in price, purity, availability and use from the illicit drug reporting system. In *National Drug and Alcohol Research Centre, CentreLines, September 2002*, p. 6.

215 C. Breen, L. Topp & M. Longo, Adapting the IDRS methodology to monitor trends in party drug markets: Findings of a two-year feasibility trial. *National Drug and Alcohol Research Centre, Technical Report No. 142*, 2002, p. 5; P. Dillon, New drugs, new risks: The current state of play in Australia. *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003; L. Degenhardt & C. Breen, Party drug use in NSW, 2002. *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>; Victorian Alcohol and Drug Association, *Beyond 'e': exploring the impact of party drugs on current day youth and culture*. Victorian Alcohol and Drug Association Symposium Report, August 2003, p. 9.

216 L. Topp, C. Breen, S. Kaye & S. Darke, NSW party drug trends 2001: Findings from the illicit drug reporting system (IDRS) party drugs module. *National Drug and Alcohol Centre, Technical Report No. 136*, 2002, p. 2.

217 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. xxi.

218 National Drug and Alcohol Research Centre, New 'party drug' ecstasy users – 2002 study. *National Drug and Alcohol Research Centre Media Release 27 November 2002.*

Similarly Makkai and McGregor[219], and Freeman and Fitzgerald[220] in their analyses of the DUMA data found that illicit drug use was most likely amongst those aged under 30 years.

Respondents to the 2001 NDSHS were asked if they had been offered or had the opportunity to use selected drugs in the past 12 months.[221] Half of the 20-29 year olds said that they had had the opportunity to use marijuana/cannabis (50.1%), and almost a quarter of this age group said that they had had the opportunity to use amphetamines (21.8%) or ecstasy/designer drugs (24.1%).[222] Approximately half of the 20-29 year olds who said that they had been offered or had had the opportunity to use marijuana (60.7%), amphetamine (54.7%), ecstasy/designer drugs (45.6%) or cocaine (44.1%) said that they had, in fact, used these drugs in the past 12 months.[223]

Duff (2003) suggests that illegal drugs carry a different meaning for young people:

> The key here is that different drugs carry a different meaning or impression for young people, and in many instances whole youth subcultures are emerging around the consumption of particular substances. A good example is the youth culture that has emerged around 'dance music' and the culture of 'raving'.[224]

However, recent research from the UK has suggested that in the future illegal drug use may not be confined to the younger age groups, as young people are no longer 'maturing out' of recreational drug use:

> Howard Parker and his colleagues at Manchester University have recently concluded that employed young people are no longer 'maturing out' of binge drinking and recreational drug use in their mid-twenties. On the contrary, a growing number of young adults view 'substance use as a de-stressing – chilling out – activity, whereby intoxicating weekends and going out to 'get out of it' is the antidote to the working week.[225]

Gender:

The results of the 2004 NDSHS also suggest that males (41.8%) were more likely than females (34.4%) to have used an illicit drug at least once in their lifetime. Similarly males (18.8%) were more likely to have used an illicit drug in the past 12 months than were females (12.5%).

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219 T. Makkai & K. McGregor, Drug use monitoring in Australia (DUMA): 2002 annual report on drug use among police detainees. *Australian Institute of Criminology, Research and Public Policy Series, No. 47,* 2003, p. 14.

220 K. Freeman & J. Fitzgerald, Drug use monitoring of police detainees in New South Wales: The first two years. *NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin, No. 72, September 2002,* p. 6.

221 Comparable information was not available from the 2004 NDSHS at the time of drafting the Operation Abelia report.

222 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 15.

223 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 16.

224 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 442.

225 Independent Inquiry into Drug Testing at Work (IIDTW), *Drug testing in the workplace: The report of the Independent Inquiry into Drug Testing at Work*. York, UK: Joseph Rowntree Foundation, June 2004, p. 32.

Geographical location:

Information on comparative use of illicit drugs in city versus country areas is not readily available. However, one anecdotal comment suggests that drug use may be even higher in the country (at least in coastal areas) than in the city:

> I've found the move to regional Australia a big learning experience and if anything the prevalence of drug use by young people (but especially under 18s) is higher than its city counterpart. I guess simply because there's not the same access to things to do in a small regional town, people always revert to the easy entertainment solution - getting high with your mates.[226]

Education and employment status:

Duff (2003) has observed that 'recent surveys all suggest that illegal drug use among young people in Australia has moved away from the locus of marginalized and 'deviant' subcultures'.[227] A number of recent research papers both from Australia and overseas have referred to the 'normalisation of adolescent drug use'.[228] When considering some of this literature Duff has suggested that what is meant by 'normalisation' is that illegal drug use is fairly common and unremarkable:

> I would conclude that there is sufficient evidence to argue that drug use has become common and perhaps *normal* among Australian youth, in the sense that this drug use is increasingly regarded as commonplace and unremarkable.[229]

Duff, citing the work of Shapiro, suggests that different drugs appeal to different subgroups within the community:

> Shapiro (1999, p. 25) also notes that class and status are important aspects of this process in that designer drugs such as ecstasy and cocaine are largely associated for young people with success and affluence, while marijuana and inhalants or 'huffers' seem to be associated with a lower socioeconomic status. Hence, young people's choices with respect to the consumption of these substances are often embedded in broader attitudes with respect to identity, status and style.[230]

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226 T. Waugh, Harm reduction: A nightclub response to party drugs. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney,* 28 February 2003, p. 4. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

227 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 439.

228 For example, C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003; C. Duff, Party drugs and party people: Are we witnessing normalization of party drug use? *Paper presented at Club Health 2004 – 3rd International Conference on Nightlife, Substance Use and Related Health Issues,* Melbourne Australia, 18-20 April 2004; C. Duff, Drug use as a 'practice of the self': Is there any place for an 'ethics of moderation' in contemporary drug policy? *Paper presented at 15th International Conference on Drug Related Harm,* Melbourne, 20 –24 April 2004; Independent Inquiry into Drug Testing at Work (IIDTW), *Drug testing in the workplace: The report of the Independent Inquiry into Drug Testing at Work*. York, UK: Joseph Rowntree Foundation, June 2004; E-K Symons, Party drugs take over from booze. *Australian,* 19th April 2004.

229 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* p. 2003, 440.

230 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 443.

He adds:

> A further example concerns the culture of marijuana and its history, artifacts and social meaning, each of which is distinctly different from the culture of cocaine or stimulant use. Each appears to appeal to different types of young people and for different reasons (see also Stoman, 1998; Malbon, 1999). Moreover, the consumption of these very different subcultures tends to be associated with different types of identity for young people.[231]

Some brief profiles of the 'typical' users of different types of party drugs, based on NDARC and other studies, are provided in Table 2.9. The education and employment status of these users of illicit drugs may suggest that there is little negative stigma associated with the use of these drugs by some members of the community.

TABLE 2.9: SUMMARY OF RESEARCH FINDINGS CONCERNING CHARACTERISTICS OF USERS OF DIFFERENT TYPES OF ILLEGAL DRUGS

Drug type	Characteristics of users
Ecstasy	Ecstasy users tend to be male, in the 20-29 years age group.[232] Users of MDMA tend to be 'young, well-educated heterosexual people from English-speaking backgrounds, either employed or currently studying'.[233] Furthermore, ecstasy tends to be used across social classes in the general population.[234] The evidence indicates that the age of ecstasy users may be dropping, and the proportion of female users may be increasing. On the whole, the sample [of Sydney ecstasy users] was young and well educated … Most of the Sydney sample emphasised that ecstasy users were just ordinary people who were not necessarily part of any particular 'scene'.[235]
Crystal meth (crystalline methamphetamine or 'ice')	Crystal meth users tend to be male, with an average age of 27 years, employed with post-secondary qualifications and have used a range of drugs in the past.[236]
Ketamine	Compared to ecstasy users, 'this sample of ketamine users was more likely to be older [no age range given], male, in full-time employment and living in the inner city. They were a well-educated group of people, many of whom had high incomes'. Many ketamine users had only a limited [drug] use history.[237]

231 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 443.

232 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 81.

233 NDARC research by Longo et al (2002) and Topp et al (2002) cited by Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 81.

234 B. Barker, Ecstasy: Patterns of use and harms in Australia. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney,* 28 February 2003.

235 Webb 1998 cited by Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 239.

236 L. Degenhardt, Crystal meth: A passing fad or a continuing phenomenon? *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney,* 28 February 2003. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

237 P. Dillon, J. Copeland & K. Jansen, Patterns of use and harms associated with non-medical ketamine use. *National Drug and Alcohol Research Centre, Technical Report No. 111,* 2001.

TABLE 2.9: SUMMARY OF RESEARCH FINDINGS CONCERNING CHARACTERISTICS OF USERS OF DIFFERENT TYPES OF ILLEGAL DRUGS (CONT'D)

Drug type	Characteristics of users
GHB	Most users were male (79%) with an average age of 27 years (range 17 to 50 years), employed or completing tertiary education.[238]
Party drugs (in general)	'Party drug' users tend to be young, relatively well-educated, employed, not to have come in contact with the criminal justice system or other social authorities, and not come from socially deprived backgrounds.[239]
Anabolic-Androgenic Steroids	More likely to be male, homosexual, in a stable relationship, well-educated and in full or part-time employment than other groups of injecting drug users recently studied in Australia. This group also had a substantially higher disposable income than the general Australian community, with only 27% earning less than $30,000 per annum.[240] AAS users tend to be a very health conscious group who use low levels of other psychoactive drugs and engage in rigorous physical exercise and training on a regular basis.[241] The use of AAS may also be functional in that its use serves a direct purpose, usually in the carrying out of employment duties. This group includes bodyguards, door/staff/security personnel, construction workers, police, firefighters and member of the armed services, and members of street gangs.[242]

5. HOW DO MEMBERS OF THE COMMUNITY OBTAIN THEIR ILLEGAL DRUGS?

Dixon (1999) has observed that contemporary research on drug law enforcement suggests that there is no clear distinction between users and suppliers at street level.[243] This blurring of the distinction between users and suppliers was also found in the initial results of the Amphetamines in Queensland research project. As part of this research, 665 amphetamine users in rural and urban areas in Queensland were interviewed. Nearly half of those surveyed indicated that they had sold amphetamines at some stage, and 16 per cent were selling at the time of the survey. Just over a quarter of all respondents reported that they were currently selling drugs other than amphetamines.[244]

Users of illegal drugs commonly report that they obtain their drugs from friends or acquaintances (see Table 2.10). The circumstances in which many recent drug users said they obtained their drugs may perhaps make the users more likely to view this drug use as a social, rather than a criminal, activity:

238 L. Degenhardt, S. Darke & P. Dillon, GHB use, patterns and associated harms. *NDARC Research Project Fact Sheet*, n.d.

239 L. Topp, C. Breen, S. Kaye & S. Darke, NSW party drug trends 2001: Findings from the illicit drug reporting system (IDRS) party drugs module. *National Drug and Alcohol Centre, Technical Report No. 136*, 2002, p. 1.

240 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 48*, 1997, p. 67.

241 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 48*, 1997, p. 79.

242 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 48*, 1997, pp 5 – 6.

243 D. Dixon, Reform, regression and the Royal Commission into the NSW Police Service. In D. Dixon (ed.) *A culture of corruption: Changing an Australian Police Service*. Institute of Criminology Monograph Series. Sydney: Hawkins Press, 1999, p. 159.

244 M. Lynch, R. Kemp, L. Krenske, A. Conroy & J. Webster, *Patterns of amphetamine use: Initial findings from the Amphetamines in Queensland research project.* Brisbane: Crime and Misconduct Commission, 2003, p. xiii.

> It would seem that most people who score ecstasy do so from friends who in turn may purchase from an 'informal' dealer who may or may not be dealing for profit. This type of transaction is popular 'because friends won't betray you'.[245]

TABLE 2.10: SUMMARY OF RESEARCH FINDINGS CONCERNING SOURCE OF DIFFERENT TYPES OF ILLEGAL DRUGS

Drug type	Reported source of illegal drugs
Ecstasy	friends or acquaintances (73%)[246]; friends' homes (74%), dealers' homes (51%) and nightclubs or raves (40%)[247] via the internet (utlilising chat rooms etc), by word of mouth, or via friends/associates with links to the market.[248] friends (82%), known dealer (57%), acquaintance (34%), unknown dealer (19%)[249] friend or acquaintance (72.1%), dealer (22.6%), relative (2.4%)[250]
Amphetamines	friends or acquaintances (71%)[251] low level distribution varied between the states and territories with hotels, bars, nightclubs and dance parties continuing to feature significantly[252] friends or acquaintances are overwhelmingly the main sources of supply to amphetamine users.[253] Most Australian jurisdictions, other than Victoria and Queensland, report that outlaw motorcycle gangs continue to play a dominant role in methylamphetamine manufacture and distribution.[254] Initiation of amphetamine use tended to be opportunistic, nearly three-quarters of all respondents (74%) indicated that part of the reason they first used was that someone gave it to them; three-quarter of respondents mostly obtained their amphetamines from a dealer. Other sources were friends and family (45%), partners (29%) and strangers (10%)[255] friend or acquaintance (69.9%), dealer (2276%), relative (3.1%)[256]

245 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 261.

246 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 68.

247 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, pp. 77, 83.

248 Breen et al (2004) cited by Australian Crime Commission, *Illicit drug data report 2003-04*. Canberra: Australian Crime Commission, March 2005, p. 29.

249 C. Breen, J. Stafford, L. Degenhardt, & B. White, *Party drug trends bulletin*. National Drug and Alcohol Research Centre, December 2004, p.4.

250 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 41.

251 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 64.

252 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 55.

253 Crime and Misconduct Commission, *Amphetamine: Still Queensland's No.1 drug threat*. Brisbane: Crime and Misconduct Commission, June 2003, p. 11.

254 ABCI 2002 and ACC 2003 cited by Crime and Misconduct Commission, *Amphetamine: Still Queensland's No.1 drug threat*. Brisbane: Crime and Misconduct Commission, June 2003, p. 13.

255 M. Lynch, R. Kemp, L. Krenske, A. Conroy & J. Webster, *Patterns of amphetamine use: Initial findings from the Amphetamines in Queensland research project.* Brisbane: Crime and Misconduct Commission, 2003, pp. x, xiii.

256 Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: *First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 41.

TABLE 2.10: SUMMARY OF RESEARCH FINDINGS CONCERNING SOURCE OF DIFFERENT TYPES OF ILLEGAL DRUGS (CONT'D)

Drug type	Reported source of illegal drugs
Cocaine	friends and acquaintances (76%)[257] friend or acquaintance (71.5%), dealer (18.0%), relative (7.0%)[258]
Marijuana/cannabis	friends or acquaintances (71%)[259] friend or acquaintance (69.4%), dealer (16.9%), relative (6.1%)[260]
Anabolic-Androgenic Steroids	gyms, sporting clubs or fitness centres (32%)[261]; by attempting to convince medical practitioners to prescribe steroids for them, purchasing them over the Internet or by mail order from magazines, from dealers who they may locate through word of mouth, in some states it is possible to obtain veterinary steroids by swearing an affidavit that they are for use on animals or by stealing them from veterinarians' surgeries or from places where they are manufactured, sold or stored.[262] Anabolic steroids are usually obtained from a friend or friendly acquaintance. This friendly source may vary and can include pharmacists, coach/trainers, relatives, gym personnel, veterinarians and dealers.[263] The illegal status of the drugs [AAS] leads many users to be in touch with criminal 'black markets' with whom they would not usually associate.[264] friend or acquaintance (58.1%), doctor/forged script (6.06%)[265]

Some recent research about those who use illegal drugs in clubs in the South-East of England has revealed that these drug users in the UK also say that they obtain their drugs from friends. This research, which combined a survey of 760 club-goers in six venues across the South-East of England with in-depth interviews with 28 drug-using club goers, suggests that these users actively avoid obtaining drugs from 'dealers' in clubs:

> If there was one golden rule when buying drugs it was 'never buy drugs from a dealer in a club', interviewees were extremely wary of dealers not known to them, mostly because they felt at best the quality of the product would not be of a high standard and at worst might be dangerous … Most

257 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 74.

258 Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: *First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 41.

259 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 47.

260 Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: *First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 41.

261 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 52.

262 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 105.

263 B. Maycock & A. Beel, Anabolic steroid abuse and violence. *NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin Number 35, July 1997*, p. 3.

264 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 48*, 1997, p. 18.

265 Australian Institute of Health and Welfare, *2004 National drug strategy household survey*: *First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 41.

> of the interviewees had a regular supplier of drugs and a set pattern for obtaining them, usually at least a few days in advance of the night out. Responsibility for organising and collecting the drugs usually fell to one member of the group who then distributed the drugs nearer the time of the clubbing event. When asked to describe their relationship with their source of drugs most used the term 'friend' and for many this was true as one member of their friendship group would collect and distribute the drugs to the group. This method of distribution was rarely seen as 'dealing' in the formal sense.[266]

There is no available information to determine whether Australian illegal drug users also actively avoid buying drugs from a dealer in the club.

Despite the reliance on 'friends' or 'acquaintances' to supply drugs, it is important also to consider Peters et al's (1997) observation that the illegal status of the drugs leads many users to be in touch with criminal 'black markets' with whom they would not usually associate.[267]

6. USUAL PLACE AND CIRCUMSTANCES OF USE

Keenan (2004) has emphasised that drug use is fundamentally a social act undertaken and interpreted in relation to other people. He suggests that it is important to understand the 'contextual meaning' that drug use has for those engaging in it.[268] When describing the way young people use illicit drugs, Duff refers to Parker's research conducted in the UK:

> In much the same way as many adults enjoy a glass of wine after a difficult day, Parker notes how young people often 'self-medicate' in order to cope with the tribulations of growing up in 'post-industrial' society.[269]

A summary of research findings describing where illegal drug users say they use different types of drugs is provided in Table 2.11.

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266 A. Deehan & E. Saville, Calculating the risk: recreational drug use among clubbers in the South East of England. *Home Office Online Report 43/03, 2003,* p. 23. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr4303.pdf>.

267 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 48*, 1997, p. 18.

268 M. Keenan, The social context of drug use. In M Hamilton, T. King. & A. Ritter (Eds) *Drug use in Australia: Preventing harm*. Melbourne: Oxford University Press, 2nd Edition, 2004, pp. 65, 73.

269 C. Duff, Drugs and youth cultures: Is Australia experiencing the 'normalization' of adolescent drug use? *Journal of Youth Studies, 6(4),* 2003, p. 435.

TABLE 2.11: SUMMARY OF RESEARCH FINDINGS CONCERNING USUAL PLACE OF USE OF DIFFERENT TYPES OF ILLEGAL DRUGS

Drug type	Usual place of use
Ecstasy	at dances or raves (70%) or at private parties (54%)[270] at nightclubs and similar entertainment venues[271] Solowij's earlier study of Sydney ecstasy users found that Friday and Saturday nights were chosen as the best times to take ecstasy '[s]upporting the notion of ecstasy as a recreational drug suited to a working lifestyle'.[272] Ecstasy was reported to be used in a variety of social contexts. It was often linked to dance events such as nightclubs or dance parties, but was also used at pubs, friends' houses and at home.[273] Drug use occurred in a range of places both public (nightclubs, dance parties, and pubs) and private (friend's home or own home)[274]
Amphetamines	in their own home or at a friend's house (59%), at private parties (47%), or at raves/dance parties (46.1%);[275] in a private dwelling rather than a public place.[276]
Crystal meth (crystalline methamphetamine or 'ice')	at clubs, dance parties or raves (76%) or at home or at a friend's place (29%)[277]
Cocaine	in own home or a friend's house (63%) or at private parties (52%)[278]
Ketamine	at a rave/dance party or a club (73%)[279]
Marijuana/cannabis	in their own home or at a friend's house (87%) or at private parties (49%)[280]
Anabolic-Androgenic Steroids	a friend's house was the most commonly cited location for use by recent users of steroids (17%)[281]

270 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 69.

271 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 81.

272 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 263.

273 Webb 1999 cited by Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 239.

274 C. Breen, J. Stafford, L. Degenhardt, & B. White, *Party drug trends bulletin*. National Drug and Alcohol Research Centre, December 2004, p. 4.

275 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 64.

276 M. Lynch, R. Kemp, L. Krenske, A. Conroy & J. Webster, *Patterns of amphetamine use: Initial findings from the Amphetamines in Queensland research project.* Brisbane: Crime and Misconduct Commission, 2003, p. xi.

277 L. Degenhardt, Crystal meth: A passing fad or a continuing phenomenon? *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

278 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 74.

279 P. Dillon, J. Copeland & K. Jansen, Patterns of use and harms associated with non-medical ketamine use. *National Drug and Alcohol Research Centre, Technical Report No. 111,* 2001.

280 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 47.

281 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 53.

7. POLYDRUG USE

Some drug users take a number of different types of drugs. Such 'polydrug' use appears to be common amongst those who used amphetamines, ecstasy/designer drugs, cocaine or other party drugs. This pattern of polydrug use makes it far more difficult to predict the effects of ingesting the drugs and levels of impairment. Some extracts from the literature about the types of polydrug use associated with different drugs are summarised in Table 2.12.

Polydrug use is far less common by users of anabolic-androgenic steroids.

TABLE 2.12: SUMMARY OF RESEARCH FINDINGS CONCERNING POLYDRUG USE

Drug type	Drugs often used in association with drug
Ecstasy	Recent studies done by the National Drug and Alcohol Research Centre … indicate that 100 per cent of sampled ecstasy users were considered to be polydrug users.[282] Most [ecstasy users] … also used other drugs to ease the 'come down' or aversive recovery period following acute ecstasy intoxication, including cannabis, alcohol, tobacco and benzodiazepines. These apparently normative patterns of polydrug use emphasise the need for research and education on the effects and risks of such practices.[283] 'Anti-depressants ... have recently become a popular pre-e drug to help sustain the buzz throughout the night'.[284] Such drug combinations may bring about a variety of negative symptoms. For example, several authors note that 'combining ecstasy and SSRI anti-depressants such as Prozac or Luvox) can easily bring about serotonin syndrome'.[285] Recent users of ecstasy/designer drugs said that they sometimes consumed alcohol (76.5%), marijuana/cannabis (66.2%), or amphetamines (51.5%) at the same time as ecstasy/designer drugs.[286] 94% of ecstasy users in NSW are polydrug users[287]
Amphetamines	Recent users of amphetamines said that they sometimes consumed alcohol (87.7%), marijuana/cannabis (71.5%), or ecstasy/designer drugs (43.3%) at the same time as amphetamines. [288]

282 Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, p. 81.

283 C. Breen, L. Degenhardt, A. Roxburgh, R. Bruno, A. Duquemin, J. Fetherston, J. Fischer, R. Jenkinson, S. Kinner, M. Longo & C. Rushforth (2003) Australian drug trends 2002: Findings of the illicit drug reporting system (IDRS). *National Drug and Alcohol Research Centre, Monograph No. 50*, p. 3.

284 T. Waugh, Harm reduction: A nightclub response to party drugs. *Paper presented at the 2003 NDARC Party Drugs Symposium, Sydney,* 28 February 2003, p. 3. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

285 P. Dillon, J. Copeland & M. Gasgoigne, Patterns of use and experiences of recreational pharmaceutical drug use amongst 'party drug' users. In *National Drug and Alcohol Research Centre,* CentreLines, December 2002, p. 5.

286 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, pp. 69 – 70.

287 C. Breen, J. Stafford, L. Degenhardt, & B. White, *Party drug trends bulletin*. National Drug and Alcohol Research Centre, December 2004, p. 2.

288 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 65.

TABLE 2.12: SUMMARY OF RESEARCH FINDINGS CONCERNING POLYDRUG USE (CONT'D)

Drug type	Drugs often used in association with drug
Crystal meth (crystalline methamphetamine or 'ice')	Most (76%) used crystal meth with other drugs such as ecstasy, GHB, alcohol, ketamine or MDA. Similarly most (80%) typically used other drugs such as benzodiazepines, cannabis or GHB when coming down.[289] Most users (of crystal meth) had experience of a variety of party drugs, of which crystal methamphetamine was a relatively recent addition.[290]
Cocaine	Recent users of cocaine said that they sometimes consumed alcohol (85.7%), marijuana/cannabis (53.8%), ecstasy/designer drugs (47.1%) or amphetamines (35.1%) at the same time as cocaine.[291]
Ketamine	The three drugs reported as most widely used with ketamine were most closely linked to the party drug scene – ecstasy (ever used with ketamine by 71% of the sample), MDA (62%) and amphetamines (50%).[292]
Party drugs (in general)	The use of pharmaceutical medications in conjunction with party drugs appears to be increasing.These drugs may be combined to increase the effect of the party drug.[293] Party drug users are extensive polydrug users. … Most … also used other drugs to ease the 'come down' or aversive recovery period following acute ecstasy intoxication, including cannabis, alcohol, tobacco and benzodiazepines.[294] Siokou reports that ravers regularly use drugs in planning the 'coming down' phase, most commonly marijuana. Marijuana is used predominantly to counter the depressive feelings associated with 'blue Tuesday'.[295] One of the most important findings of the Inquiry has been that often amphetamine and 'party drug' use are merely part of a much wider 'repertoire' of licit and illicit drug use. Poly-drug use sadly seems more the norm than aberration.[296]
Anabolic-Androgenic Steroids	Concurrent other drug use was low amongst the majority of the sample.[297]

289 L. Degenhardt, Crystal meth: A passing fad or a continuing phenomenon? *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003.

290 L. Degenhardt & L. Topp, 'Crystal meth' use amongst polydrug users in Sydney's dance party subculture: Characteristics, use patterns and associated harms. In *National Drug and Alcohol Research Centre,* CentreLines, March 2003, p. 5.

291 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 75.

292 P. Dillon, J. Copeland & K. Jansen, Patterns of use and harms associated with non-medical ketamine use. *National Drug and Alcohol Research Centre, Technical Report No. 111*, 2001.

293 P. Dillon, J. Copeland & M. Gasgoigne, Patterns of use and experiences of recreational pharmaceutical drug use amongst 'party drug' users. In *National Drug and Alcohol Research Centre,* CentreLines, December 2002, p. 5.

294 L. Topp, C. Breen, S. Kaye & S. Darke, NSW party drug trends 2001: Findings from the illicit drug reporting system (IDRS) party drugs module. *National Drug and Alcohol Centre, Technical Report No. 136*, 2002, p. 1.

295 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 265.

296 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 639.

297 R. Peters, J. Copeland, P. Dillon & A. Beel, Patterns and correlates of anabolic-androgenic steroid use. *National Drug and Alcohol Research Centre (NDARC) Technical Report 4,* 1997, p. 68.

8. ATTITUDES TOWARDS ILLEGAL DRUGS

While from time-to-time it is suggested that the use of party drugs is widely accepted, it is important to realise that the majority of Australians in fact do not support the legalisation of drugs that are currently illegal. However, there is a minority who do. Responses to the 2004 NDSHS indicated that the following percentages of Australians aged 14 years and over support the legalisation of different drugs:

- cannabis/marijuana (27.0%)
- heroin (5.0%)
- amphetamines (4.7%)
- cocaine (4.7%).[298]

On the other hand, the vast majority of those interviewed supported increased penalties for the sale or supply of different drugs:

- marijuana/cannabis (58.2%)
- heroin (86.0%)
- amphetamines/speed (83.7%), and
- cocaine (84.6%).[299]

In the 2004 NDSHS, respondents were asked to name the first two drugs they thought of when talking of a 'drug problem'. While heroin was the drug most commonly nominated as associated with the term 'drug problem' (by 39%), party drugs were far less likely to be associated with this term. Less than 6% of those surveyed mentioned amphetamines/speed and less than 3% mentioned ecstasy/designer drugs as the drugs that they most associated with a 'drug problem'.[300]

Respondents were asked if they considered acceptable regular use by an adult of each of a selected list of drugs. Besides alcohol (77.0% approval), tobacco (39.3% approval) and marijuana/cannabis (23.2% approval) all other drugs were considered acceptable by 8.0% or less of the respondents.[301] However, males aged 20-29 years who responded to the 2001 NDSHS were more likely to approve of regular use of some of the illicit drugs than other age groups who responded to that survey[302], for example:

- 13.7% of males aged 20-29 years support regular use of ecstasy/designer drugs compared to 5.3% of all males, and

298 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 9.

299 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 10.

300 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 7.

301 Australian Institute of Health and Welfare, *2004 National drug strategy household survey: First results*. Canberra: Australian Institute of Health and Welfare, April 2005, p. 8.

302 Comparable information was not available from the 2004 NDSHS at the time of drafting the Operation Abelia report.

- 9.4% of 20-29 year old males support regular use of amphetamines compared to 4.1% of all males.[303]

The CMC, citing research by Kinner and Roche (2000), has suggested that some users consider that amphetamine is not addictive and, therefore, relatively harmless.[304]

More recently the Drugs and Crime Prevention Committee of the Victorian Parliament has said that a sizeable proportion of the adolescent and post-adolescent population views ecstasy use as part of a package of lifestyle choices that include dance, fashion, music, travel, clubs, alcohol and illicit drugs.[305]

Some commentators have suggested that some sections of the community see little distinction between licit and illicit drugs. Some even consider that the use of illicit drugs may be less harmful than licit drugs such as alcohol and tobacco:

> The youth of today see alcohol and cigarettes as **drugs**, no different to party drugs. To them they are both substances that alter the state of the mind … that make them feel good about themselves and for a short time at least provide a sense of meaning and togetherness. Essentially to the young people, there is no distinction between legal and illegal drugs. The dilemma lies in the fact that when people consume legal drugs such as alcohol, they know exactly what they're taking and how it will affect them – it actually says it on the bottle or the pack.[306]

There is no information available on how widely such views are held.

2.8 SUMMARY

NSW POLICE

Prior to Operation Abelia, the Royal Commission into the NSW Police Service and subsequent PIC investigations had identified examples of illegal drug use by individual NSW Police officers. Some officers had admitted using cannabis, ecstasy, amphetamines, cocaine and steroids. Although the majority of officers identified as using illegal drugs from these investigations have been male senior constables, illegal drug use by probationary constables and constables, and by a female officer had also been identified. It is not surprising that the majority of officers previously detected using illegal drugs held the rank of senior constable as this is the most commonly held rank within NSW Police.

The Royal Commission and earlier PIC investigations have demonstrated some of the differences in the ways NSW Police officers have used illegal drugs. Some officers have used illegal drugs when socialising with each other, while other officers have kept their illegal drug use quite separate from their job. These earlier investigations have

303 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, p. 8.

304 Crime and Misconduct Commission, *Amphetamine: Still Queensland's No.1 drug threat*. Brisbane: Crime and Misconduct Commission, June 2003, p. 9.

305 Drugs and Crime Prevention Committee, Parliament of Victoria, *Inquiry into amphetamine and 'party drug' use in Victoria: Final report*. Melbourne: Government Printer for the State of Victoria, May 2004, p. 499.

306 T. Waugh, Harm reduction: A nightclub response to party drugs. *Paper presented at the 2003 NDARC Party Drugs Symposium,* Sydney, 28 February 2003, p. 1. <http://ndarc.med.unsw.edu.au/ndarc.nsf/website/News.symposium>.

also demonstrated that officers who use illegal drugs do not always enforce the law in relation to drug use, possession and supply.

Some officers said that they used prohibited drugs infrequently while others said that they used these drugs regularly. These officers tended to use drugs with friends at home and in nightclubs. The majority of those identified by the Royal Commission were supplied by a fellow police officer and a former officer was a source of supply for those identified in Operation Saigon.

Officers identified in earlier investigations have given quite different accounts of the circumstances and reasons for their drug use. Some said they were introduced to illegal drugs socially through friends, others said that they started using drugs following an injury or major event in their life such as the death of a relative.

NSW POLICE OFFICERS ARE PART OF A COMMUNITY WHERE ILLEGAL DRUG USE IS NOT UNCOMMON

NSW Police officers are drawn from a community where it has been estimated that almost six in every ten Australians aged 20 to 29 years has used cannabis at least once in their life and one in every five Australians aged 20 to 29 years has used ecstasy at least once in their life. These officers are drawn from a community in which some sections consider using illegal drugs as commonplace and unremarkable.

It stands to reason that some of those who apply to join NSW Police, particularly if they are young, will have used illegal drugs in the past. The relative frequency of illegal drug use within the community also means that officers may find that they have one or more friends who use illegal drugs. These officers will need to know how to deal with that friendship without compromising their position as an officer.

BEYOND NSW

A review of recent media articles has disclosed that Illegal drug use by police is a concern in many jurisdictions. Officers from other jurisdictions have been reported to use a diverse range of drugs including cocaine, ecstasy, methamphetamine, crystal meth (or shabu), oxycotine, marijuana and steroids.

Undercover or covert officers or those working in drug squads appear to face greater risks of illegal drug use than officers working in other areas.

In many of the accounts given about illegal drug use the age of the officer is not mentioned. Where it is mentioned, some say that young police are the ones most likely to use illegal drugs, others mention that a broader age range is involved.

Some of the officers have had quite lengthy policing careers prior to their illegal drug use being detected.

Illegal drug use tends to occur while officers are off-duty. Some accounts of illegal drug use by officers do not provide any reason for this drug use. Other accounts link the illegal drug use to work or relationship pressures, to personal relationships or to illness.

Those who have reported upon illegal drug use by officers in other jurisdictions have offered a range of suggestions to consider in order to minimise illegal drug use by police, including:

- acknowledge that there is a problem
- develop a drug and alcohol policy
- provide a means so that officers can come forward to admit that they have a problem without fearing punishment
- conduct or increase drug testing
- drug test applicants
- place a heavy emphasis on education and training and send a strong message to officers that illegal drug use is not acceptable
- use someone who has been on the amnesty or who has been caught out using drugs in training to communicate the message that illegal drug use is unacceptable
- use appropriate recruitment procedures
- train supervisors about the signs of drug and alcohol abuse and their responsibilities to report drug and alcohol abuse
- work out why illegal drugs are still being used - identify what needs the drugs fulfil and what other means could be used to fulfil these needs
- consistently enforce a policy of immediate dismissal for officers who fail or refuse a drug test.

3. LEARNING FROM OTHER AREAS

3.1 OVERVIEW

One of the research components of Operation Abelia was an examination of the strategies used by over 30 different organisations to detect and/or deter the use of illegal drugs by their employees and the actions these organisations take when illegal drug use is found. The principal objectives of this research were to provide a broader context in which to consider NSW Police policies and procedures and to identify possible lessons from the approaches of other organisations that may be able to be usefully applied within NSW Police.

AUSTRALIAN POLICING AGENCIES

The PIC contacted policing agencies throughout Australia. These agencies are as follows:

- Australian Federal Police
- Northern Territory Police
- Queensland Police Service
- South Australia Police
- Tasmania Police
- Victoria Police
- Western Australia Police Service.

Within a number of these Australian policing agencies, the PIC found that the issue of illegal drug use by officers had recently received attention or was a subject of debate at the time the PIC approached these agencies. Legislation allowing drug testing of officers has recently been introduced in Queensland and Tasmania, and consideration of new or revised policies on the use of illegal drugs by officers is underway in a number of states. While various aspects of the approaches taken by these Australian policing agencies will be discussed in Section 3.2 of this chapter, a detailed description of each of their policies is provided in Appendix 14.

Table 3.1 summarises the information that is contained in Appendix 14 regarding the drug testing policies of Australian policing agencies.

TABLE 3.1: SUMMARY OF CURRENT DRUG TESTING POLICIES OF AUSTRALIAN POLICING AGENCIES

Agency	Policy and Legislation	Pre-Employment	Reasonable Suspicion	Random	Critical Incident	Result of confirmed illegal drug use
Australian Federal Police	*Australian Federal Police Act 1979 (Cth)* ss. 40M-40N. Policies for personnel and contractors.	Yes	Yes	Yes	Yes	Suitability for continued service assessed. Personnel found using cannabis are given opportunity to undergo rehabilitation.
Queensland Police Service	*Police Service Administration (Alcohol and Drug Testing) Amendment Act 2003*. New drug & alcohol policy commenced January 2005.	Pre-training testing of recruits to commence at a later date	Legislation allows for this.	No	Legislation allows for this.	Legislation allows for a range of outcomes from guidance and rehabilitation to disciplinary action.
Northern Territory Police	Prohibition of use found in Code of Conduct. No drug & alcohol policy at this time.	No	No	No	No	Use is considered a breach of discipline under the Code of Conduct.
South Australia Police	Draft policy is under discussion.	No	No	No	No	Employee Assistance Scheme available. May be treated as a disciplinary offence.
Tasmania Police	*Police Service Act 2003* allows for drug testing. Drug policy is currently being developed.	No	Not at this time. Legislation allows for this.	Not at this time. Legislation allows for this.	Not at this time. Legislation allows for this.	To be included in policy.
Victoria Police	New policy being developed. Legislation is under review.	Yes	No	No	No	Can range from rehabilitation to disciplinary action.
Western Australia Police Service	Substance use policy in place from July 2001. Some sections not yet implemented. No legislation.	Yes	No	No	No	Can range from rehabilitation to disciplinary action.

OVERSEAS POLICING AGENCIES

The PIC also contacted a number of policing agencies in Canada, the United Kingdom, the United States of America and the Netherlands. The choice of police agencies contacted was based on a number of factors including their similarity to the Australian policing and legislative environment, the opportunity to make contact in English, and in some cases the presence of existing contacts with whom the PIC could correspond. The agencies canvassed by the PIC were found to have a wide range of experiences in the development of illicit drug policies. These agencies are as follows:

- Canada
  - Royal Canadian Mounted Police
  - Toronto Police Service
- United Kingdom
  - Metropolitan Police Service (England)
  - West Midlands Police (England)
  - Scottish Police Service
- Netherlands
  - Amsterdam-Amstelland Police
- United States of America (USA)
  - Federal Bureau of Investigation
  - New York City Police Department
  - Chicago Police Department
  - Los Angeles Police Department
  - Washington DC Metropolitan Police Department
  - San Francisco Police Department
  - San Diego Police Department
  - Charlotte-Mecklenburg Police Department
  - Denver Police Department
  - Aurora Police Department.

Some agencies, such as those in the USA, have had drug and alcohol policies in place for a number of years. Others, such as those in Canada and the United Kingdom, were in the process of drafting new policies or were actively considering significant changes to policy at the time of drafting this report. While all of the agencies in the USA have established drug testing programs, drug testing is not included in the approaches taken by the Netherlands or the Canadian agencies. This chapter discusses key lessons that can be identified from the different approaches of these overseas agencies. A detailed description of the relevant policies of each agency is included in Appendix 15.

Table 3.2 summarises the information that is contained in Appendix 15 regarding the drug testing policies of overseas policing agencies.

TABLE 3.2: SUMMARY OF CURRENT DRUG TESTING POLICIES OF OVERSEAS POLICING AGENCIES

Agency	Testing Sworn officers &/or Civilians	Type	Pre-Employment	Reasonable Suspicion	Random	Other	Result of first positive
Canada							
Royal Canadian Mounted Police	No testing	-	-	-	-	-	-
Toronto	No testing	-	-	-	-	-	-
United Kingdom							
Metropolitan Police Service (London)	Sworn	Saliva	Yes	No	No	-	Applicant's suitability will be reviewed. Application may be terminated.
West Midlands Police	Sworn & civilian (on voluntary basis)	Hair (limited), Urine	Yes	Yes	No	High risk posts, posts with regular medicals, on promotion	Rehab or discipline.
Scottish Police Service *(draft only)*	Sworn & civilian	Method not specified	Yes	Yes	No	High risk posts, during & after rehab	Counselling and rehab. Disciplinary action if necessary.
Netherlands							
Amsterdam-Amstelland	No testing	-	-	-	-	-	-
United States							
Federal Bureau of Investigation	Sworn & civilian	Urine	Yes	Yes	Yes	During & after rehab	Various, including counselling & termination.
New York	Sworn & civilian (suspicion only).	Hair (limited), Urine	Yes	Yes	Yes (20% pa of uniformed officers)	Transfer, promotion	Termination
Chicago	Sworn & some civilian	Urine, Hair (pre-employment)	Yes	Yes	Yes (1/3 of sworn & select civilian staff pa)	Members of specific units and applicants to certain units	Termination

TABLE 3.2: SUMMARY OF CURRENT DRUG TESTING POLICIES OF OVERSEAS POLICING AGENCIES (CONT'D)

Agency	Testing Sworn officers &/or Civilians	Type	Pre-Employment	Reasonable Suspicion	Random	Other	Result of first positive
Los Angeles	Sworn & civilian (on application)	Urine	Yes	Yes	Yes (rank of Lt or below. At least 100 tests/wk)		Termination
Washington DC	Sworn	Urine	Yes	Yes	Yes (25% pa)	On promotion or as part of routine physical	Termination
San Francisco	Sworn & civilian	Blood (limited), Urine	Yes	Yes	No		Severely disciplined and may be terminated
San Diego	Sworn	Urine	No	Yes	Yes	After serious off-duty incident	Termination
Charlotte-Mecklenburg	Sworn & civilian for random (only those with access to drugs)	Urine	Yes	Yes	Yes		Termination or other disciplinary action. No rehab available.
Denver	Sworn & civilian	Urine	Yes	Yes	Yes	Post-accident, unannounced, return to duty	Disciplinary response. Termination is likely outcome.
Aurora	Sworn & civilian	Urine, Hair (included in policy but not actually used)	No	Yes	Yes (those in high risk areas and 5% pa of staff in other areas)	Critical incidents – after use of deadly force, potentially deadly force or death in vehicle accident	Possibility of rehab but otherwise discipline.

OTHER AUSTRALIAN ORGANISATIONS

The PIC also examined the approach taken by a range of organisations from outside the policing sector. Consideration was given to the fundamental differences in the working conditions and the responsibilities of employees in private companies and government agencies, to those of sworn police officers. However, the PIC approached these organisations in the expectation that its appreciation of NSW Police policy would be improved by a better awareness of developments and debates on illegal drug use in the wider government and private sectors. The organisations canvassed included:

- Australian Defence Force
- Australian Customs Service
- Ambulance Service of NSW
- NSW Department of Corrective Services
- RailCorp[307]
- Civil Aviation Safety Authority
- Qantas
- Building Trades Group of Unions
- Coal Services (mining industry).

In the mining industry, where safety is a paramount concern, drug testing has been in place for a number of years. In other areas, such as the rail industry and defence services, drug testing has more recently been introduced. In contrast, the Ambulance Service of NSW, the Australian Customs Service and the Building Trades Group of Unions, have chosen not to include drug testing in their policies. Key aspects of the policies of these organisations are outlined in this chapter, and further details regarding their approaches are provided in Appendix 16.

COMMUNITY APPROACHES

A further component of the research conducted as part of Operation Abelia was an examination of recent literature on community approaches to minimising recreational drug use. The PIC's observations concerning these community approaches are summarised in Appendix 17.

NATURE OF INFORMATION

There are a number of restrictions on the lessons that can be learned from the information that has been collected from other organisations canvassed by the PIC. Not all of the organisations contacted by the PIC have operating illegal drug use policies. Some organisations are still planning or developing policies in this area. For those organisations that have existing policies, discussion is largely restricted to a review of the contents of relevant policy documents. It has not been possible for the PIC to assess how these policies are applied in practice. More importantly, it is not possible to compare the effectiveness of the different approaches. One reason is that a

307 RailCorp was formerly the NSW State Rail Authority and parts of the Rail Infrastructure Corporation.

number of the policies have only been in place for a short time or are being implemented progressively. Another is that key aspects of these policies, especially drug testing, have not been rigorously evaluated for their effectiveness.[308]

3.2 KEY LESSONS

Below is a summary of the lessons learned from the approaches taken by other organisations in detecting and deterring illegal drug use by their employees and community approaches aimed at minimising recreational drug use. This section draws together points of interest that were identified in the policy documents obtained by the PIC. The key lessons are summarised under the following headings:

- Drug Testing
  - Rationales
  - Types of testing
  - Rates of testing
  - Testing methods
  - Role of Medical Review Officer
  - Summary
- Framing of drug misuse policies
- Deterrence
- Responses to confirmed illegal drug use
- Alternatives to drug testing
- Community approaches.

As outlined in Section 3.1, please refer to Appendices 14-17 for further details of the individual policies discussed in this chapter.

DRUG TESTING

Rationales

One point that is clear from the policies reviewed by the PIC is that a key question facing organisations developing a policy for illegal drug use is whether or not to include some form of drug testing. Much of this debate – whether to test, when to test and what kinds of tests should be conducted – derives from both the different types of questions that organisations would like drug testing to be able to answer and the limitations of the technology that constrain the types of questions that can actually be answered.

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308 Allsop & Phillips (1996) have noted that controlled studies have not been conducted to examine the effectiveness of random drug testing on reducing drug use or reducing workplace accidents or productivity and Coomber (cited in IIDTW report, 2004) has concluded from reviewing the available literature that it is not clear how effective drug testing is in reducing drug and alcohol use – S. Allsop & M. Phillips, Drug testing in the workplace: An unfortunate marriage. *Paper presented at forum, 'Under the influence: The issues and practicalities of alcohol and other drug testing in the workplace', Perth, 8 October 1996,* p. 1; Independent Inquiry into Drug Testing at Work (IIDTW), *Drug testing in the workplace: The report of the Independent Inquiry into Drug Testing at Work*. York, UK: Joseph Rowntree Foundation, June 2004, p. 54.

Organisations seek to answer two types of questions through drug testing. The first is whether an employee is impaired by drugs while at work (the 'impairment question'). The second is whether the employee uses illegal drugs at any time (the 'integrity' question). That is, some types of organisations are primarily concerned with health and safety issues and being able to answer the question of whether or not an employee is fit for work and able to perform their duties unimpaired by the effects of drugs. Some other organisations, such as policing agencies, want to know whether their employees engage in illegal drug use at any time, even when such drug use would not impair their physical ability to carry out their work.

It is widely accepted that while drug tests detect exposure to drugs they do *not* measure impairment. In addition, it is known that drug tests can only detect exposure to certain types of drugs for relatively short periods. The type of sample that is used (e.g. urine, oral fluid, hair) will influence the length of time after ingestion that a drug can be detected. Other factors, including the level or frequency of drug use and the individual metabolism of the person who is tested all come into play and place limitations upon the types of questions that can be answered through drug testing.[309]

For organisations where health and safety are the concerns and detection of impairment is intended to be a key outcome of a testing program, substantial debate occurs surrounding whether:

- drug testing is the best (or should be the main) method of detecting impairment
- drug testing should occur on a random basis when there is no indication that persons subject to testing are impaired
- urinalysis and other forms of drug testing should be used when these forms of testing can detect illegal drug use when it no longer has an impairing effect.

For those organisations, such as policing agencies, where integrity is an important rationale for drug testing, the use of testing methods that can detect illegal drug use beyond any impairing effect can provide answers to the questions of interest to the organisation.

One lesson that can be taken from this debate over the utility of drug testing is the importance of clearly specifying the rationale and the objectives of an illegal drug use policy. Another lesson is the importance of ensuring that, should a drug testing program be introduced, the procedures developed for the program are designed to answer the questions of interest to the organisation. For organisations where employee integrity is an important consideration, this will suggest a much wider scope for conducting drug testing.

This does not mean that drug testing must necessarily be adopted as a detection method. A number of the organisations canvassed by the PIC opted to use detection strategies other than drug testing, such as:

- training supervisors to recognise signs of, and to appropriately deal with, employees with a suspected substance misuse problem

309 For further information on workplace drug testing and its limitations, refer to Appendix 11.

- encouraging personnel, through training and education, to access employee health and welfare services if they have a substance misuse problem, or, to refer a colleague who may require assistance, and
- carrying out internal investigations when intelligence is obtained regarding employee drug use.

Types of testing

As NSW Police has elected to use drug testing as part of its approach to illegal drug use by officers, it has been instructive to examine the drug testing programs of other law enforcement agencies in Australia and overseas. The information obtained regarding these programs illustrates the diversity amongst those agencies that do conduct drug testing on two key points: the range of circumstances in which testing can occur and the range of personnel that can be tested.

Random testing

At this time, few Australian agencies have elected to follow the NSW Police and Australian Federal Police (AFP) example of conducting random drug testing. The Tasmanian *Police Service Act 2003* allows for random drug testing, although this testing had not been implemented by Tasmania Police at the time of drafting this report. No provision has been made for random drug testing in Queensland's *Police Service Administration Act 1990* as amended by the *Police Service Administration (Alcohol and Drug Testing) Amendment Act 2003* and it is not yet clear whether Victoria Police or the Western Australia Police Service will seek to introduce random testing. However, Police Associations in both Victoria and Western Australia have signalled their opposition to widespread testing programs and South Australia has rejected the use of drug testing entirely.

Nine of the ten policing agencies in the USA that were canvassed by the PIC conduct random drug testing.

Critical incident testing

Many overseas policing agencies do not conduct critical incident testing or only conduct it in a limited range of circumstances. In contrast, this form of testing is one of the most widely accepted among those Australian policing agencies that conduct drug testing. Further, in response to proposed drug testing in Victoria Police, the Victorian Police Association has agreed to critical incident testing while remaining opposed to other forms of drug testing. The AFP testing guidelines clearly prescribe the circumstances under which critical incident testing must be carried out. In contrast to the situation in NSW Police, these circumstances include not only incidents where a person is killed, but also those where a person is seriously injured while in AFP custody, and also incidents where a person is killed or seriously injured by an application of physical force by an AFP member or as a result of an incident involving a vessel.

Targeted or reasonable suspicion testing

One form of testing that does appear to be almost universally adopted by those agencies that conduct drug testing is testing based on reasonable suspicion. All ten of the police agencies canvassed in the USA conduct drug testing based on reasonable suspicion. Reasonable suspicion testing has also been introduced in the UK by West Midlands Police and the Association of Chief Police Officers of Scotland (ACPOS) has included it in its model policy for Scotland.

Testing of specialist staff

In Queensland, the *Police Service Administration Act 1990*, as amended by the *Police Service Administration (Alcohol and Drug Testing) Amendment Act 2003* includes special mention of testing covert operatives and those applying to work as covert operatives. The PIC is also aware that some police services have developed specific illegal drug policies for their covert sections that can include drug testing.

Testing of civilian staff

Queensland Police Service, the AFP and a number of agencies in the USA have the capacity to test civilian staff, although this is sometimes limited to staff working in designated high risk posts or critical areas.

Applicant and recruit testing

Drug testing of applicants or recruits also varies amongst the Australian policing agencies. Applicants are tested by the AFP, Victoria Police, and the Western Australia Police Service, where testing forms part of the application process. Recruit testing prior to training has also been included in the Queensland legislation. The exceptions, with NSW, are Tasmania, South Australia and the Northern Territory.

Testing of applicants or recruits is a common practice in the USA, with eight of the ten agencies canvassed by the PIC advising that they carry out applicant testing. In both cases where applicant testing is not carried out, drug testing is carried out during the training or probationary period. Applicant testing has also been the first form of drug testing introduced within the Metropolitan Police Service (MPS) in the UK.

Off-duty testing

Both the New York City Police Department (NYPD) and the Chicago Police Department conduct off-duty drug testing of personnel. In cases where reasonable cause exists, the NYPD can conduct a drug test when the officer concerned is either on or off duty. The Chicago Police Department may also conduct off-duty drug testing if it receives intelligence that an officer is engaging in the use of illegal drugs, although these tests are not conducted on the basis of anonymous information and are generally applied in cases where particular types of allegations have been made regarding the officer's off-duty conduct.

Rates of testing

A number of policing agencies in the USA conduct random drug testing of a significant proportion of their workforce each year. The NYPD, for example, tests 20 per cent of its uniformed officers each year. The Washington MPD tests 25 per cent of sworn officers each year, while the Chicago Police Department tests approximately one-third of the Department's sworn and select civilian personnel each year. In Australia, the AFP aims to randomly test a minimum of 50 per cent of employees via their Mandatory Targeted Testing program, with employees in designated high risk areas being tested more frequently than those in other areas.

The random testing regime of the Los Angeles Police Department (LAPD) is noteworthy, as it has been designed to ensure that at least one employee is tested from various units within designated time frames (that is, one person every week or every two weeks). This no doubt enhances the deterrent effect of testing by ensuring employees can be called upon at any time. This is possible because in Los Angeles, like in many of the other city or county services in the USA, a centralised testing facility has been established and employees are expected to take themselves to the testers, rather than the testers coming to them as is currently the practice in NSW.

Testing methods

Urinalysis remains the preferred form of drug testing across the majority of agencies that conduct drug testing, as standards for collection and analysis of samples are available in most jurisdictions and the process is relatively low cost. However, a small number of agencies have begun to use other types of specimen as the basis of drug testing in specific circumstances.

Hair

Some USA law enforcement agencies have begun to use hair samples as the basis of their drug testing. The NYPD can use hair testing in the case of 'for cause' and voluntary testing, while the Aurora Police Department can use hair testing to supplement an internal affairs investigation, for reasonable suspicion testing or for confirmation of reasonable suspicion testing. The Chicago Police Department uses hair testing in pre-employment tests and has told the PIC that it hopes to extend this to random testing. Most of the agencies that use hair testing do so because it increases the possibility of detecting illegal drug use over a longer period of time.

Saliva

The MPS in England, which has recently introduced pre-employment testing, is using saliva samples to test recruits for illegal drug use. This is interesting, as tests based on saliva samples are not used by any of the other overseas or Australian police agencies examined in this report.[310]

[310] While the Tasmanian *Police Service Act 2003* allows for saliva samples to be taken from officers, drug testing had not commenced within Tasmania Police at the time of drafting this report.

Blood

Blood tests are permitted under the AFP drug testing guidelines but only after careful consideration by an authorised person as to whether it is reasonable in the circumstances. Blood tests may, for example, be considered in situations where the employee is significantly injured or incapacitated and is unable to provide a urine sample. San Francisco Police Department can also take blood samples where a 'drug detection test' (that is, a series of behavioural or sobriety tests) has already been administered and the officer is considered to be under the influence of a drug.

Role of Medical Review Officer

Another feature found in the illegal drug policies of a number of Australian and overseas law enforcement agencies is the inclusion of a review mechanism to examine positive laboratory test results prior to them being deemed a 'confirmed' positive test. In many instances, this function is performed by a Medical Review Officer (MRO). MROs review positive test results. This will often involve accessing the employee's medical records and interviewing the employee to determine if there is any valid explanation of a positive laboratory result. Policies that incorporate an MRO include those of the FBI, the Washington MPD and Charlotte-Mecklenburg Police Department (CMPD) in the USA, the AFP in Australia and the West Midlands Police in the UK. ACPOS has recommended such a position in their model policy for Scotland.

Summary

This review of the drug testing programs used by other policing agencies has identified a number of features that are not part of the current NSW Police testing program. These include:

- testing of recruits or applicants
- testing of civilian staff
- testing officers off duty under specified circumstances
- extending critical incident testing (referred to as 'Mandatory Drug Testing' by NSW Police) to include circumstances in which a person is seriously injured while in police custody, or when a person is killed or seriously injured as a result of the application of physical force by an officer or as a result of an incident involving a vessel
- the use of alternative types of specimen, such as hair
- specific procedures for covert units.

These practices are assessed for their potential relevance to NSW Police in Chapter 6 of this report.

FRAMING OF DRUG MISUSE POLICIES

Another point which has emerged from the examination of policies of other agencies is that most policies cover a wide range of substance misuse in a single document. In Australia, only the AFP has created separate policies for use of alcohol,

pharmaceutical products and illegal drugs, while the Australian Defence Force (ADF) separates its drug policy from its alcohol policy. The Australian policing agencies currently developing policies are all working towards combined drug and alcohol policies. This marrying of misuse of various substances into a single policy is also common overseas, though there are a number of instances of separating alcohol policies from drug policies (licit and/or illicit). While the policy governing Denver Police Department employees is a single document, it separates messages regarding alcohol, legal drugs and illegal drugs within each section of the policy. A Royal Canadian Mounted Police (RCMP) Drug Branch position paper presented to the RCMP Ethics Council in November 2003 provided an interesting argument that drug and alcohol misuse should be dealt with separately as there are fundamental differences between these forms of substance misuse, how they can be detected, how they should be responded to, and how controversial they are within an organisation.

DETERRENCE

Most agencies do not make deterrence of illegal drug use an explicit aspect of their drug testing policy. Generally only detection is discussed. Overseas law enforcement agencies do, however, appear to be aware of the deterrent aspect of their policies, even if it is not a stated feature. The deterrent impact of drug testing is discussed in the RCMP Drug Branch position paper and explicit mention of this aim is stated in a handful of policies, such as those of the FBI, NYPD and the Washington MPD in the USA and the model policy being developed by ACPOS in Scotland.

RESPONSES TO CONFIRMED ILLEGAL DRUG USE

The agencies approached by the PIC have developed policies that demonstrate a wide range of responses to cases of confirmed employee drug use. These responses range from termination to rehabilitation.

USA law enforcement services often have policies that state that the consequences for detection are discipline ‘up to and including termination’. However, from the information provided to the PIC on their practices, it would appear that the reality is that most employees detected using drugs either resign or are terminated. An exception to this would be the FBI, where a number of employees have been terminated or resigned, but others have received letters of reprimand or suspensions.

For the policing agencies canvassed in Canada, the UK and the Netherlands, where there is minimal drug testing, there is a much greater emphasis in their policies on rehabilitation with the aim of having the officer return to duty. In Australia, the Ambulance Service of NSW ‘Policy and Procedures for dealing with Drug and Alcohol Use by Staff’ and the Building Trade Group of Unions (BTG) Drug Program, which do not include drug testing, are also geared to rehabilitation with termination of service described as an option of last resort. This may be the result of a different conceptual approach to the issue, or it may be a practical consideration – where there is no definite proof of drug use there is less scope for disciplinary measures to be used.

Similarly, most policing agencies in Australia have the capacity to provide welfare services to employees who experience problems with illegal drug use. This can cover a range of internal or external services such as an Employee Assistance Program (EAP), counselling and rehabilitation. Within some organisations, the availability of these services to personnel who are using illegal drugs may be limited under certain

circumstances. According to the AFP policy, for example, rehabilitation is offered to all employees who test positive to cannabis, but it is only offered to employees who test positive to other illegal drugs on a case-by-case basis.

The ADF policy includes factors that should be taken into account when determining an employee's suitability for retention following confirmation of their involvement in illegal drug use. These factors include, among others, the type and quantity of illegal drugs involved, frequency of use, age and rank of offender, and the likelihood of repetition. While the policy provides some scope for rehabilitation, the stated position of the ADF is one of 'zero tolerance' and the option of dismissal appears to be favoured in most cases.

In general, organisations that conduct drug testing appear to have a greater propensity to terminate employees detected of using illegal drugs. There appears to be an unstated expectation in the policies of some agencies that having rehabilitation as a primary response may send the wrong message to employees (that is, that illegal drug use will not mean the end of their career and that they can continue using illegal drugs until they are caught). There is also the dilemma facing law enforcement agencies of appearing to condone illegal activities by their employees when they commonly arrest members of the public for similar activities. One of the few police services to address this issue in their policy is the MPS in the UK.

The need to provide an appropriate balance between rehabilitation and termination seems to be left unresolved, or at least not discussed thoroughly, in most policies. While arguments can be made in favour of either approach, a number of law enforcement agencies appear to be attempting to take a middle-ground approach where a rehabilitation response is provided for voluntary disclosure, coupled with a stronger response for those who are detected by other means (such as testing). It can be argued that such a system would in practice work to encourage voluntary disclosure.

ALTERNATIVES TO DRUG TESTING

A number of the organisations canvassed by the PIC, including several policing agencies, have decided not to introduce drug testing. While the trend is towards drug testing, the organisations that have decided against drug testing believe that other measures are sufficient to manage the problem of drug misuse by their employees. Examples of such measures include:

- education
- supervisor responsibility and protocols
- managerial counselling
- monitoring via performance plans
- risk management tools / early intervention systems
- amnesty / self-referral process
- availability of counselling and other welfare services.

Organisations that do not conduct drug testing often rely on education to deter drug use and promote voluntary disclosure of drug use or self-referral to counselling as a means of detecting officers who use illegal drugs. In order to encourage employees to come forward to disclose their drug use, some organisations guarantee confidentiality and no adverse career consequences for those who self-refer.

A number of the organisations also specify a role for supervisors. In some organisations supervisors are responsible for identifying staff members with potential substance misuse problems and taking appropriate action, including assisting these staff to access rehabilitation and support services. A number of policies, including some of those that incorporate drug testing programs, go beyond simple statements of supervisor responsibility and provide detailed guidelines on how to recognise signs of substance misuse and specific steps supervisors should take when meeting with staff to discuss the issue. For example, the issue can be discussed within the context of declining work performance and fitness for work expectations.

While NSW Police has an operating drug testing program, there is value in considering additional means to detect and minimise illegal drug use. Rather than drug testing being the standard response where there are concerns about an officer's performance, it may be useful for supervisors to have the option of dealing with these matters in a variety of ways.

COMMUNITY APPROACHES

While more information regarding approaches to minimising recreational drug use in the community is outlined in Appendix 17, the main lesson is that there is no one accepted solution. The PIC has also observed from its literature review that some commentators have been critical of the failure to consider the drug user's perspective to inform policy decisions. In response to this, the PIC has actively sought to include the perspectives of current and former officers who have used illegal drugs in order to inform the PIC's assessments and recommendations.[311]

The PIC is aware that there is no easy answer to minimising recreational drug use in the community that can be adapted and applied within NSW Police. It is also aware that for any approach to minimising drug use within NSW Police to be effective, the approach must take into consideration the following lessons from what is known about recreational drug use in the broader community:

- many users of illegal drugs are polydrug users
- many who use illegal drugs find their drug use pleasurable
- few stimulant users volunteer for treatment
- there are no specific treatment services for amphetamine users
- users are often unaware of the dangers involved in using psychostimulants (such as ecstasy and amphetamines)
- like their counterparts in the community, some officers who use illegal drugs probably do not consider themselves to be 'drug users'

311 For further information about the rationale behind the private research hearings held as part of Operation Abelia as well as an outline of the range of questions asked, refer to Appendix 3.

- information provided to users should be factual and practical, and it should describe the effects of the drugs and where users can find assistance
- information needs to be provided in such a way that it is accessible to potential drug users without them first having to identify themselves as drug users and seek the information out.

4. EXAMINING THE CONDUCT OF INDIVIDUAL OFFICERS

4.1 OVERVIEW

During the course of the Operation Abelia investigation, a series of public hearings was held at the PIC for the purpose of investigating a number of NSW Police officers suspected of involvement in drug use and drug supply.

The hearing program was divided into three segments, codenamed Icemint, Norandra and Alpine. The scope and purpose of each of those segments was to investigate:

1. The use of illegal drugs, including the supply of illegal drugs, by some New South Wales Police officers;
2. The abuse of prescription drugs by some New South Wales Police officers;
3. The association between some New South Wales Police officers and suppliers of illegal drugs.

In accordance with the PIC's statutory obligations under section 96 of the *Police Integrity Commission Act 1996* ('the Act'), those hearing segments are reported in this chapter, together with the PIC's recommendations as to what action, if any, should be taken in relation to the 'affected persons' named in each segment.[312]

4.2 ICEMINT SEGMENT

THE EVIDENCE

The involved officers

Melanie Wilson, Shelley Hill and Tracey Tyler were three police officers who knew each other and were each associated with a drug supplier, Jane King (also known as Stephens). All three gave evidence on 6 November 2003. At the time of the hearing, all three officers and King had been under investigation by the PIC for some months. On 19 September 2003, a search warrant was executed on the home of King, resulting in the seizure of cannabis, cocaine and ecstasy and the arrest of King for the supply of prohibited drugs.

The PIC hearing on 6 November 2003 explored the involvement of Wilson, Hill and Tyler in the use and supply of illegal drugs and their involvement with King.

312 An 'affected' person is a person against whom, in the PIC's opinion, substantial allegations have been made in the course of or in connection with the investigation concerned: subsection 97(3) *Police Integrity Commission Act 1996*.

Wilson

Wilson gave evidence that she had resigned from NSW Police two or three weeks before she gave evidence.[313] She said she had been a police officer for nine years and that she had recently decided that she was not cut out for the police, her taking of illegal drugs being part of that conclusion[314], as was her belief that she might become a subject of the PIC's Operation Abelia inquiry.[315]

At the time of her resignation, Wilson was interviewed by officers from the NSW Police Special Crime and Internal Affairs Command (SCIA - now the Professional Standards Command) but had not told the truth about her drug use during the interview.[316]

Hill

Hill was a police officer who had resigned five days before giving evidence at the PIC.[317] She had become a police officer in 1990.[318] She said she had resigned because she had been unhappy in NSW Police for a long time but also because she believed she was likely to come to the notice of the PIC's investigation because of her drug use.[319]

Hill, like Wilson, had also been interviewed by SCIA officers and had not answered questions truthfully.[320]

Tyler

Tyler was a police officer who had tendered her resignation at the time of the hearing on 6 November 2003. Her last day of service was to be 12 November 2003.[321] She had joined NSW Police in 1993.[322] Tyler also said she had resigned partly because of the belief that she would be implicated in the PIC's inquiry.[323]

Tyler had recently been interviewed by SCIA officers at the time she gave evidence. Like Wilson and Hill, she also had not truthfully answered their questions.[324]

313 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 25.
314 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 44.
315 The Operation Abelia investigation was publicly announced by the PIC in August 2003.
316 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 26.
317 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 52.
318 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 52.
319 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 63.
320 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 53.
321 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 78.
322 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 79.
323 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, pp. 85-86.
324 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 79.

Illegal drug use and supply

Wilson's evidence was that she had been a user of illegal drugs on and off for four or five years.[325] She said she started by just deciding to try such drugs, they being prevalent in nightclubs she went to.[326] Wilson said that her use might have been initially every two or three weeks, then only twice a year for a period, followed by more frequent use from February 2003. Wilson said that Hill was a user of illegal drugs.[327] She agreed that she had taken illegal drugs in the presence of Hill and Tyler.[328] Wilson had used ecstasy, speed, cocaine and 'Special K' (ketamine).[329] She had used cocaine at the home of Hill and Tyler.[330] She said that she had used cocaine twice in 2003 and between five and ten times in total.[331]

Wilson was aware that the PIC was conducting an inquiry into illegal drug use by officers and that another officer, Paulette Sewell, had been charged by PIC with offences.[332] Sewell, she said, may have seen Wilson using illegal drugs[333], although later Wilson said that she had not taken drugs in Sewell's presence.[334] Wilson knew that Sewell was a user of illegal drugs.[335] Wilson said she believed she might become a subject of the PIC inquiry.[336]

Wilson agreed that her friends who were illegal drug users trusted her not to tell anyone of their use because they knew her to also be a drug user.[337] She also agreed that she was aware at the time of her involvement in drug arrests and subsequent court proceedings of the inconsistency between her own illegal drug use and appropriate behaviour by police.[338] She said that her drug use continued because her lifestyle won out – she did not see illegal drug use as a problem apart from its lack of compatibility with her occupation[339], an incompatibility she was able to live with until she suspected she might be the target of an investigation.[340]

Wilson agreed that Exhibit 22 was a recording of a telephone call between her and a woman she knew as Jane Stephens (otherwise referred to in this report as Jane King). King had supplied drugs to her.[341] Hill, who was mentioned in the call, was a friend of King's. Wilson knew that King supplied drugs to other people[342] but she had not caused

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325 Operation Abelia, PIC Transcript, M. K .Wilson, 6 November 2003, p. 27.
326 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 27.
327 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, pp. 30-33.
328 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 30.
329 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 34.
330 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 36.
331 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 36.
332 Following a PIC investigation, Senior Constable Paulette Sewell was charged with Receiving Stolen Goods and Fraud. She was also later charged with Giving False Evidence to the PIC and pleaded guilty to all three charges on 21 November 2003.
333 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, pp. 25-26.
334 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 31.
335 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 42.
336 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 25.
337 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 47.
338 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 48.
339 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 48.
340 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 48.
341 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 29.
342 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 33.

that information to be recorded on police systems, because she was a recreational drug user herself.[343]

When Wilson obtained ecstasy, she obtained it in quantities ranging from a couple of pills to 10 pills or so.[344] On occasions, she would supply pills to friends, sometimes charging them cost price.[345] Wilson had bought speed from King, paying $50-$70 for amounts of one to one-and-a-half grams.[346] She agreed it was possible she had supplied speed to friends in the same way as she had supplied ecstasy.[347]

She also agreed that on occasions she would be responsible amongst her group of friends for obtaining the illegal substances they would need for a particular night out.[348] She had bought drugs casually in nightclubs[349], being aware of the risk but being prepared to take it.[350]

From the time of Sewell's arrest earlier in 2003, Wilson thought she was at risk of being investigated for drug use but that had not stopped her using because it was part of her lifestyle and the risk was, she said, not great enough for her to stop using drugs.[351]

Hill told the PIC she had been taking illegal drugs for about seven years, those drugs being ecstasy, speed, cocaine and 'Special K'.[352] She said she first tried drugs at a nightclub out of curiosity[353], and became a user on and off after that, more so in the last year.[354] She admitted, with some uncertainty, that her recent drug use was, on average, once a month.[355] She had shared cocaine with Tyler at their home[356] and had obtained drugs to give to her.[357] She was relaxed enough about her lifestyle choices to tell the PIC that she would possibly continue to use illegal drugs.[358]

Hill had obtained drugs at bars from people she knew such as Wilson[359], with whom she had shared ecstasy and speed.[360] She had obtained her cocaine and ecstasy from King.[361] She had seen Paulette Sewell, Wilson and Tyler using illegal drugs.[362] Hill agreed that she had obtained illegal drugs from another supplier six or seven times in 2003, mostly for her own use but also on behalf of others. One of those others was Wilson, from whom she received payment.[363]

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343 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, pp. 33-34.
344 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 35.
345 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 35.
346 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, pp. 36-37.
347 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 37.
348 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 43.
349 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 43.
350 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 44.
351 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 31.
352 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 53.
353 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 54.
354 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 54.
355 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 55.
356 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 71-72.
357 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 72.
358 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 68.
359 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 55-57.
360 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 56-57.
361 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 58.
362 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 59.
363 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 60-62.

Hill said she was able to ignore the seriousness of those transactions, it simply being a lifestyle choice to be involved with drugs.[364]

When King was arrested on drug charges, Hill wanted to visit her in gaol but was concerned to keep secret the fact that King was a close friend.[365] She knew that King had been a drug supplier for about four years.[366] Hill had not reported her activities because she was a friend.[367] In the case of her other supplier, Hill did not report her because, she agreed, they were committing a crime together.[368]

Like Wilson, after Sewell's arrest Hill had believed that she was at high risk of being exposed as a drug user but the risk of an investigation was also not enough to stop her using drugs.[369]

Tyler had also been a user of ecstasy, speed, cocaine, and 'Special K'. She said she had used illegal drugs for seven or eight years.[370] She had first used ecstasy at a dance party after she became a police officer and from then on was an 'occasional recreational user of illegal drugs'. She said she used such drugs, on average, four to five times per year.[371] She had used ecstasy more frequently than other drugs.[372] She said that she took such drugs as a lifestyle choice, knowing her personal belief in recreational drug use conflicted with her occupation as a police officer.[373] She regarded the taking of such drugs as a health issue, rather than a criminal one[374], although she was uncertain where cocaine fitted in that classification.[375]

Tyler gave evidence that she obtained her drugs from friends of friends. She had obtained ecstasy from Hill but not from other police officers.[376] She had also obtained ecstasy from Jane King once for herself and knew King was a regular supplier of drugs to a number of people.[377] On occasions Hill had obtained drugs for Tyler who had paid her for them.[378] Hill had also shared drugs with Tyler.[379]

Drug testing

Wilson had never been at a police station when there had been random drug testing.[380] Her practice was to take illegal drugs on days off as opposed to taking them on the night before she was due to report for duty.[381] She agreed that on occasions after a

364 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 62-63.
365 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 64.
366 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 65.
367 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 66.
368 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 66.
369 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 59-60, 67.
370 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 79.
371 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 80.
372 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 80.
373 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 83.
374 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 83.
375 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 83.
376 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 81.
377 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 84.
378 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 87.
379 Operation Abelia, PIC Transcript, T. L. Tyler, 6 November 2003, p. 86.
380 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 39.
381 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 39-40.

night out using illegal drugs, she would ring work to swap shifts or would take sick leave, possibly a few times a year.[382]

Hill had been the subject of a targeted drug test in 1998 or 1999 which she had passed, although she had taken illegal drugs, probably ecstasy, three or four days before.[383] She agreed that she had falsely called in sick when she was hung over or affected by the use of illegal drugs, possibly on dozens of occasions over the previous seven years, partly because of the risk of being tested.[384] For the same reason, she would seek to put time between when she had taken drugs and when she returned to work.[385]

THE PIC's OBLIGATIONS

The PIC may form opinions as to whether police misconduct has or may have occurred: section 16 of the *Police Integrity Commission Act, 1996*. The definition of such misconduct includes that committed by former police officers who were officers at the time of the misconduct: section 5 of the Act.

The PIC is of the opinion that such misconduct has occurred in:

a. the use, or

b. the supply

of prohibited drugs by each of Wilson (use and supply), Hill (use and supply) and Tyler (use only) during their service as police officers; and

c. the failure of the three officers to act on their knowledge of King's status as a supplier of prohibited drugs.

Each of Wilson, Hill and Tyler are persons against whom substantial allegations have been made (and admitted) in the course of the investigation, namely:

Wilson – that she was a user and supplier of illegal drugs and that she knew King to be a supplier of illegal drugs and did nothing about that fact;

Hill - that she was a user and supplier of illegal drugs and that she knew King to be a supplier of illegal drugs and did nothing about that fact;

Tyler - that she was a user of illegal drugs and that she knew King to be a supplier of illegal drugs and did nothing about that fact.

In addition, each knew that one or more of the other officers was a user of illegal drugs.

382 Operation Abelia, PIC Transcript, M. K. Wilson, 6 November 2003, p. 49.
383 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 73-74.
384 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 74-75.
385 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, p. 75.

On the basis of the above, Wilson, Hill and Tyler are affected persons within the meaning of section 97(3).

Section 97(2) of the Act requires the PIC, in relation to each 'affected person', to include in its report a statement as to whether or not in the circumstances it is of the opinion that consideration should be given to the following:

a. the prosecution of a person for a specified criminal offence;

b. the taking of action against the person for a specified disciplinary offence;

c. the taking of action (including the making of an order under section 181D of the Police Act 1990) against the person as a police officer on specified grounds with a view to dismissing, dispensing with the services or otherwise terminating the services of the police officer;

d. the taking of reviewable action within the meaning of section 173 of the Police Act 1990 against the person as a police officer.

Wilson, Hill and Tyler are no longer police officers. It follows that consideration of the type of action referred to in paragraphs (b)-(d) of section 97(2) does not arise.

As to the question of whether the PIC is of the opinion that consideration should be given to the prosecution of any of Wilson, Hill and Tyler (section 97(2)(a)), the following matters apply:

a. Each made admissions in their evidence about the use of illegal drugs and, as identified above in the cases of Wilson and Hill, as to the supply of such drugs. Each of these matters would, in theory, constitute admissions of offences against the *Drug Misuse and Trafficking Act 1985*, e.g. section 10 – possession of prohibited drugs (assuming the limitation period for prosecuting such an offence had not expired); and section 25 – supply of prohibited drugs.

b. Each gave evidence, however, following a declaration under section 41 of the Act. The effect of the declaration, which was made at the start of the witness' evidence in each case, is that all answers given by the witness are to be regarded as having been given on objection, with the result that the evidence given is not available to be used against the witness in criminal proceedings (with certain exceptions which are not relevant): section 40 of the Act.

c. While the evidence of each of the three officers may be technically available to be considered in relation to the use or supply of prohibited drugs by the other two, the lack of particularity of such evidence in relation to date, place, and nature and quantity of the drug concerned renders such evidence unsatisfactory as a basis for concluding that there is a case against any of the three officers.

It follows that there is an insufficient basis for the prosecution of any of the three former officers. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of any of the three former officers for a specified criminal offence.

4.3 NORANDRA SEGMENT

THE EVIDENCE

The involved officers

In February 2004, the PIC conducted hearings regarding the activities of three police officers, Darren Wardle, Jo Potter and another officer, codenamed AB1, who were each associated with a drug supplier, Daniel Cantarakis.[386] The hearings in which those four persons gave evidence investigated this association, in particular to identify whether it had compromised the confidentiality of police records. Wardle's own involvement in drug use and supply was also a principal focus of the hearings. The evidence which formed the basis of the hearings had been supplied to the PIC by the Special Crime and Internal Affairs Command of NSW Police (now the Professional Standards Command).

AB1

AB1 had been a police officer since August 1998.[387] At the time of the hearing she was a constable. She agreed that as at September 2003 she had a romantic association with Cantarakis, which had been intermittent since about September/October 1999.[388] She said that she had finally broken the romantic relationship in September/October 2003 after finding out that he had been charged with drug offences, and because of her health, but that he remained a supportive friend. This was the second occasion Cantarakis had been charged with a drug offence in 2003. AB1 described having found out about Cantarakis' first charge from someone else.[389] She denied knowing that he was a person who supplied illegal drugs.[390] She said she would sever all contact with Cantarakis if he was convicted, but this statement in her evidence was not very convincing.

Potter

Potter left school in 1993 and went to the NSW Police College in May 2002. At the time of the hearing she was a constable. She had tried marijuana and ecstasy on a handful of social occasions but said she had stopped using illegal drugs by the time she joined NSW Police.[391] She said that after joining NSW Police she had disassociated herself from friends who she knew to be regular drug takers.[392] She became good friends with Wardle and later developed a relationship with Wardle's flatmate.[393]

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386 For reasons unrelated to the PIC's investigation, an order has been made prohibiting the publication of AB1's real name or any information that might identify her as a person referred to in the PIC's hearing.

387 Operation Abelia, PIC, Exhibit 211, p. 5.

388 Operation Abelia, PIC, Exhibit 211, pp. 8-9.

389 Operation Abelia, PIC, Exhibit 211, p. 16.

390 Operation Abelia, PIC, Exhibit 211, p. 16.

391 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 330-331.

392 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 335.

393 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 337.

Potter became aware that Wardle's flatmate was a person who used illegal drugs about a month after she started going out with a group which included Wardle's flatmate and Wardle in January 2003. She said she had declined the offer of drugs in that group, claiming that she made it clear to Wardle's flatmate that she did not want to participate.[394]

The use of drugs by Wardle's flatmate led to a difficult period in their relationship. Potter told the PIC there were instances in which he used illegal drugs in her presence, including using cocaine with Wardle on one occasion.[395] She said she did not know who was supplying her boyfriend with drugs.[396]

Potter said she did not know how to resolve the issue with Wardle of him (Wardle) taking drugs, other than to tell him that she did not think it was appropriate. Both Wardle and his flatmate were aware, she said, that she did not want to see it (the taking of illegal drugs) happening.[397]

At the time of giving evidence, Potter was still in a relationship with Wardle's flatmate which, she said, was troubled because she was still grappling with these issues.[398] She suggested that there should be more counselling for people in her situation who were finding it difficult to know what to do.[399]

Wardle

After attending the NSW Police College, Wardle was posted to North Sydney on general duties, where he worked for about 16 months before being suspended from duty in 2003.[400] His duties had included a period working with Constable Jo Potter driving around locations and landmarks for reasons associated with counter-terrorism.[401] He had known Potter through sharing classes at the NSW Police College and they had remained friends. Wardle said he had not seen Potter taking illegal drugs, although they probably had discussed such things they had both done in the past.[402]

At the time of giving evidence, Wardle was suspended from duty as a police officer as a result of having been charged with supplying a prohibited drug, namely two ecstasy (MDMA) tablets in May 2003.[403] He described having supplied the tablets to a friend at a bar in Manly, after the friend asked him: 'Have any boys got any pills on them?'.[404] Wardle was subsequently convicted of this offence following a plea of guilty in the Manly Local Court.

394 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 338-9.
395 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 341-342.
396 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 344-345.
397 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 343.
398 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 365-366.
399 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 367-368, 370.
400 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 234.
401 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 234-235.
402 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 235.
403 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 229.
404 Operation Abelia, PIC Transcript, D. E. Wardle, 16 December 2003, p. 229.

Cantarakis

Cantarakis said he first met Wardle in 1993, although he knew of Wardle in high school.[405] They had been weight training partners and had worked together in security.[406] Since Wardle had joined NSW Police, they had been in contact about once or twice a week.[407]

Cantarakis had been arrested by police on 17 July 2003 in possession of pseudoephedrine, although he believed it was cocaine. He told the PIC that he had obtained the powder from one man to show another, although he said he knew only the given names of both. He said he had falsely told police at the time of his arrest that he had found the powder at football training.[408]

Cantarakis agreed that around July 2003 he was a user of ecstasy and cocaine but denied he was a supplier of such drugs.[409]

Personal illegal drug use

Wardle told the PIC he had taken 'recreational drugs' in the past, but said he had not done so for quite a while.[410] As at 3 May 2003, the date he supplied the ecstasy tablets, he claimed he was a very infrequent user of ecstasy.[411] He had previously taken cocaine on a few occasions but could not recall whether he had done so after he became a police officer.[412] Recordings played to Wardle after he gave this evidence revealed that he had used cocaine after becoming a police officer.

Wardle said he had used marijuana once or twice when he was 20 or 21.[413] He had used drugs before joining NSW Police, having given up before going to the academy, but said he resumed taking drugs after the break-up of a personal relationship.[414]

Wardle knew there was a conflict between being a person who used recreational drugs and being a police officer.[415] Many of his friends with whom he had in common the taking of recreational drugs knew that he was a police officer.[416] Of them, 90%, including himself - in the context of being at a bar or nightclub on any given night - were carrying something or able to 'do something for someone' (give or find illegal drugs).[417] Wardle said he knew that he had to 'get off' (i.e. stop using) recreational drugs but he

405 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 372.
406 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 373.
407 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 373.
408 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 376-379.
409 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 375.
410 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 231.
411 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 232.
412 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 232.
413 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 232.
414 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 277.
415 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 256.
416 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 256.
417 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 257.

enjoyed going out and opportunities to use drugs were everywhere.[418] Later he said that he dealt with such situations by acceptance.[419]

As to Potter, Wardle said he did not believe she was a drug user while a member of NSW Police.[420] However, he agreed that an SMS message shown to him in evidence indicated that Potter was with him while he was using cocaine and had been out with him and his flatmate when they had taken ecstasy.[421]

Drug supply

Wardle told the PIC that his involvement in illegal drug supply arose from the situation he was in at the time - the people he went out with were social drug takers.[422] He said that, as a result of the request for pills he received in the bar in Manly in May 2003, he agreed to seek drugs from his friends, and that he received some pills and provided them to the friend who had first asked for them.[423] He claimed to be unable to recall, due to the amount he had had to drink, whether he had received money in return.[424] As it turned out, the friend had unwittingly made the request as a result of a 'sting' operation in which two undercover female police had requested the friend's help in obtaining the pills.[425] Wardle denied that he had previously (i.e. on other occasions) discussed with that friend the supply of drugs to him.[426]

Wardle agreed that there was a definite conflict of interest for him as a police officer in telling people who approached him where they might find illegal drugs.[427]

Wardle's use and supply of steroids

Wardle told the PIC he had been a user of steroids, which he initially said was many years before.[428] He then admitted that he had obtained steroids for his own use in 2003 on one occasion and had used them for only a week to help with weight training.[429]

Wardle was played a recording of a telephone conversation which took place on 4 August 2003[430], in which he referred in slang terms to having taken ecstasy. In the same call Wardle was asked for steroids, which he said he had left over from years before and was prepared to sell for $500.[431] He admitted in evidence that he knew it was illegal to sell steroids.[432]

418 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 257.
419 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 278.
420 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 316.
421 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 318-319.
422 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 229.
423 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 230.
424 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 230.
425 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 230.
426 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 230-231.
427 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 258.
428 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 232.
429 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 233.
430 Operation Abelia, PIC, Exhibit 52.
431 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 259-260.
432 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 261.

Wardle told the PIC that he was considering using steroids and tried (taking) them for a week.[433] He said he had obtained steroids from a man at the gym he attended.[434] After some reluctance, he admitted, when played two further telephone intercept recordings[435], that on 9 July 2003 he had gone to collect steroids from a man at Mosman.[436] He said he knew of another officer who used steroids.[437] He also knew Cantarakis had been a user of steroids from time to time.[438] Wardle agreed that he would exchange steroids, sometimes for money, with Cantarakis and others.[439]

Cantarakis agreed he had been a user of steroids.[440] He agreed that a telephone conversation on 10 July 2003 between Wardle and him[441] concerned Wardle's collection of steroids for Cantarakis.[442]

Wardle told the PIC that while he agreed that there was a conflict of interest in being a police officer and illegally obtaining steroids, he dealt with it because it was part of his life.[443] Only his very close friends knew of it, including Cantarakis.[444]

Improper association with a drug supplier

When Cantarakis was arrested for drug possession in July 2003 he called Wardle and asked him about police powers of search. Wardle agreed in his evidence he was 'sort of made aware of something' when Cantarakis called him.[445] Later Cantarakis told him he had been charged.[446] Wardle was played a recording of a telephone call recorded on 17 July 2003[447] which he recognised as being between him and Cantarakis.[448] He agreed that he had told Cantarakis that it was best not to talk over the telephone. He agreed that he feared there would be some ramifications for him if he talked to Cantarakis about the circumstances of his arrest over the telephone.[449]

Cantarakis agreed that, after being released on bail following his arrest, he had rung Wardle but Wardle had said it was best not to talk over the telephone.[450] Later Wardle met with Cantarakis and Cantarakis showed him the charge (sheet) which related to a bag of drugs.[451] Wardle agreed that he had recognised at the time that there was a

433 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 262.
434 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 263.
435 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, Exhibits 54 and 56, pp. 264, 268.
436 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 266-268.
437 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 269.
438 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 270.
439 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 272.
440 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 374.
441 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, Exhibit 58, p. 264.
442 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 374-375.
443 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 274-275.
444 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 275.
445 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 237.
446 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 238.
447 Operation Abelia, PIC, Exhibit 43.
448 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 239.
449 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 240.
450 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 379-381.
451 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 240.

conflict of interest between his friendship with Cantarakis and his duty as a police officer but had chosen to stand by a friend who needed help.[452]

In relation to the July 2003 arrest of Cantarakis, Wardle said that he had accessed the station summary of the arrest on the NSW Police computer.[453] He denied that he had accessed the individual record of Cantarakis[454], or of a female (a girlfriend of Cantarakis), as the NSW Police computer audit trail showed.[455] He said he would have been stupid to access such individual records because he had no valid reason to do so.[456]

Wardle said that he had told Cantarakis that he had seen 'what it was' on the computer.[457] He was not sure whether, if there had been extra background on the computer system, he would have told Cantarakis, but agreed that it was a possibility that he may have.[458] He himself suggested that looking at an event in these circumstances gave rise to a conflict of interest.[459]

In a call of the same date with Clint Selwood, a friend Wardle had in common with Cantarakis, Wardle also expressed doubts about talking on the telephone because it exposed him and Cantarakis to risk.[460]

Wardle agreed that it might well have happened that Cantarakis had supplied him with ecstasy in mid-2003, although he was unable to recall any specific instance.[461] He agreed that, in a telephone call on 16 July 2003, he appeared to tell Cantarakis about his use the preceding night of a gram of cocaine, perhaps (shared) with someone else. He agreed that it was possible that he had obtained cocaine from Cantarakis and that he talked to Cantarakis about obtaining cocaine through Cantarakis' access to people who may be holding such drugs.[462]

As to his knowledge of Cantarakis' source of income, Wardle agreed that a reference by him in a telephone conversation intercepted on 24 July 2003[463] to Dan (Cantarakis) doing 'a lot of business' was to drug business.[464]

On 11 September 2003, Clint Selwood was arrested in possession of cannabis and a firearm. Cantarakis agreed in evidence to the PIC that Selwood was delivering the cannabis on his (Cantarakis') behalf.[465] He agreed that when he became aware that Selwood was in trouble, he rang Wardle because he knew that Wardle could look the matter up on the police computer to see if anything had happened[466], but believed

452 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 241.
453 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 242.
454 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 243-244.
455 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 245, Exhibit 44C.
456 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 246.
457 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 247.
458 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 249.
459 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 249.
460 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 249-250, Exhibit 46.
461 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 253.
462 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 256.
463 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 273, Exhibit 60.
464 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 279.
465 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 391.
465 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 386-388.
466 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 391.

Wardle told him that there was nothing on the computer.[467] He also asked Wardle to call Selwood.[468] He had conveyed to Wardle that Selwood was carrying out the delivery on his (Cantarakis') behalf.[469]

Wardle recalled that when Clint Selwood was arrested, Cantarakis had asked him to call Selwood's telephone. Wardle believed that Selwood had been arrested for a drug offence[470] and later the same night Wardle looked for information on the police computer about Selwood's arrest but did not find anything.[471] He agreed that he would have told Cantarakis about any information that he had found if there had been any, breaching the confidentiality he knew attached to information on the NSW Police computer system.[472]

It was obvious to Wardle that Cantarakis was involved in the circumstances in which Selwood came to be arrested.[473] Wardle told the PIC he then became worried about his own position because of his association with those people.[474] Although he was troubled by these issues and discussed them with Jo Potter and his family, he did not raise them with any superior because 'friendship came before the job'.[475]

In a conversation recorded by listening device on the date of Clint Selwood's arrest on 11 September 2003[476], Wardle and Jo Potter expressed concern about an earlier visit by them to the home of Cantarakis.[477] They suspected that they may have come to police attention as a result of that visit. They also discussed the possibility that there may have been surveillance of Wardle's home.[478] Potter had suggested that Wardle ask Cantarakis to get rid of Wardle's telephone number.[479] Despite these concerns, Wardle continued to discuss the Selwood arrest with Cantarakis and the potential for Cantarakis to be arrested.[480]

Potter agreed that she had visited Cantarakis at his home with Wardle while they were both on duty[481], although she said they had just chatted. She also agreed that all she had done that day while on duty before visiting Cantarakis was private business, rather than police business.[482] She said that the special operation of which she and Wardle were a part (which was apparently aimed at showing a police presence at potential terrorist targets) was abused by officers, including herself, who were lax in their duties.[483] She agreed that the visit by her and Wardle to Cantarakis was after he had

466 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 389-390.
467 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 391.
468 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 390.
469 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 391.
470 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 280-281.
471 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 282.
472 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 283.
473 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 284-285.
474 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 285, 287.
475 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 288.
476 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 296, Exhibit 62AC.
477 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 297.
478 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 299.
479 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 300.
480 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 304-305.
481 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 346.
482 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 350-351.
483 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 351-352.

been first arrested on 17 July 2003, although she claimed that she was not happy with Wardle's decision to go there.[484]

She claimed that in the recorded conversation between her, Wardle, and Wardle's flatmate on the day of Selwood's arrest, which was played to her in the hearing[485], she was stunned and did not know what was happening.[486] She said that (sometime later) after Wardle was charged with supplying ecstasy, she sought advice from Sergeant McDougall at Manly Police about associating with this group of people. He allegedly told her to keep away from it all.[487] She was concerned about protecting herself after Selwood's arrest. She also agreed that in the listening device conversation she was suggesting to Wardle ways that he could protect himself from the possibility of coming to the notice of investigating police.[488] She agreed that this had come about despite the fact that she 'didn't want to see anything' or be involved in anything[489], claiming that she did not realise the extent of what was going on.[490]

At the time of his first arrest in July 2003, Cantarakis was a very close friend of AB1.[491] He said that he had not told AB1 of his arrest but that she had found out from another officer who worked at Dee Why Police Station where Cantarakis was reporting on bail.[492]

AB1 struggled with her connection to Cantarakis. She agreed that she had concealed from her supervisor the fact that Cantarakis had been charged with a criminal offence. She said that she had done so because she did not want it to reflect on her work and because she accepted his denial of guilt.[493] She denied believing prior to his second arrest that Cantarakis was a drug supplier, but agreed that she was dubious about his account of the circumstances of his first arrest, although she did not want to know the true details.[494] She claimed not credibly, that she discussed with Cantarakis the fact that they should not discuss the circumstances of his arrest over the telephone because she was concerned about the potential for invasion of privacy by telephone company employees.[495] She agreed that in October 2003 she was using two SIM cards in her mobile telephone. At the time she was maintaining a very high frequency of contact with Cantarakis.[496]

AB1 agreed that there was a conflict of interest in the circumstances of a police officer having a romantic relationship with a person charged with drug offences and accepted that there was also a conflict in maintaining a close friendship with such a person.[497] She said, perhaps with some fatalism, that she still loved Cantarakis.[498]

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484 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 357.
485 Operation Abelia, PIC, Exhibit 62AC.
486 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 356-361.
487 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 359.
488 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, pp. 363-364.
489 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 365.
490 Operation Abelia, PIC Transcript, J. E. Potter, 10 February 2004, p. 365.
491 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 382.
492 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 384.
493 Operation Abelia, PIC, Exhibit 211, pp. 23, 29-30.
494 Operation Abelia, PIC, Exhibit 211, pp. 27-28.
495 Operation Abelia, PIC, Exhibit 211, pp. 28-29.
496 Operation Abelia, PIC, Exhibit 211, pp. 35-37.
497 Operation Abelia, PIC, Exhibit 211, pp. 30-31.
498 Operation Abelia, PIC, Exhibit 211, p. 34.

Despite her claimed lack of suspicion about the involvement of Cantarakis in drugs, when AB1 was told by another officer, who she regarded as unreliable and a troublemaker, that Cantarakis was reporting on bail to Dee Why Police Station, she was prepared to confront Cantarakis with the information. In evidence, she denied that this suggested that she at least suspected that Cantarakis was a person who would willingly involve himself in drugs.[499] AB1 said that she expected that if Cantarakis was convicted for drug offences then she was likely to lose her job.[500]

Unauthorised release of police surveillance information - AB1

On an occasion when AB1 and Cantarakis were out together, they detected that they were being followed. As it turned out, the surveillance was by police and Cantarakis was the target. Cantarakis was questioned about this incident in evidence. He said at the time he believed it might have been a private investigator, rather than police, following him.[501] According to Cantarakis, AB1 was confused and upset by the incident. Cantarakis knew that she had reported the matter to her superiors.[502]

Later, AB1 told Cantarakis of the results of inquiries made by police into the identity of the vehicle that had been detected by her and Cantarakis that night.[503] Cantarakis agreed that he had later passed this information on to Wardle.[504] Cantarakis believed, he said, that the surveillance might have been a private investigator or to do with his drug charge, but he claimed that he did not tell AB1 of that.[505] He said that AB1 had no idea of what was really going on in his life. Nevertheless, he suggested to her that she should distance herself from him.[506]

AB1 was played a recording of a telephone conversation which took place on 11 September 2003, in which she described to Cantarakis how her superior at work had asked her what 'her other half' did.[507] She told Cantarakis in the call that someone in the office had responded that he was a pilot and that she had added that he taught a bar course. AB1 agreed in her evidence that Cantarakis told her shortly afterwards that she was to be careful, and that she had responded by telling him that she was going to change her mobile number.[508] She claimed in evidence, however, that the change was only to avoid hoax calls.[509]

AB1 agreed that she had told Cantarakis of police inquiries made about the vehicle they believed had been following them.[510] She agreed that perhaps she should not have told him such information but sought to justify it because of the circumstance that

499 Operation Abelia, PIC, Exhibit 211, pp. 45-48.
500 Operation Abelia, PIC, Exhibit 211, p. 50, see also p. 76.
501 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 393-394.
502 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 395-396.
503 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 396: see also transcript of telephone call on 10 November 2003: Exhibit 74, p. 397.
504 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, pp. 398-399.
505 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 396.
506 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 398.
507 Operation Abelia, PIC, Exhibit 212.
508 Operation Abelia, PIC, Exhibit 211, p. 40.
509 Operation Abelia, PIC, Exhibit 211, p. 40.
510 Operation Abelia, PIC, Exhibit 211, p. 19.

he knew of the fact that they were being followed. She denied that it occurred to her that it might have been a police vehicle which was following him.[511]

AB1 accepted, with the benefit of hindsight, that she should not have given Cantarakis any information about the way in which details of police surveillance vehicles were suppressed in transport records. She said she did not think it was inappropriate at the time she spoke to Cantarakis because the material was common knowledge.[512] Later, Cantarakis mentioned to AB1 that he believed that the surveillance vehicle had been following him.[513] She then told another officer, who was her supervisor at the time, that she believed that it had been her, rather than Cantarakis, who the police had been following.[514] She agreed it was possible that she had told that officer that she had received that information from a detective friend, rather than from Cantarakis.[515]

AB1 did not want to tell her superiors about her relationship with Cantarakis and did not mention his name when writing her report about the surveillance vehicle incident.[516] She claimed that omission was not deliberate.[517] In the PIC's assessment, AB1's evidence about this incident was not credible.

Wardle agreed he had discussed with Cantarakis the possibility that he was under surveillance.[518] He had discussed with Cantarakis the incident in which Cantarakis and AB1 had detected they were being followed. Cantarakis had told him of inquiries about the identity of the driver and vehicle[519] made by AB1, who had taken the matter up with an inspector at her work because she had concerns that she was the one being followed.[520] At one stage Wardle believed that AB1 was looking up information on the NSW Police computer system on behalf of Cantarakis.[521]

Further unauthorised release of confidential information – AB1

Having initially denied accessing information on the police computer in relation to Cantarakis, AB1 agreed that on an occasion in October 2000 she accessed the computer at his request to check on the details of a motor vehicle accident he had been involved in. She said she did this for him in the same way she might have for any other member of the public.[522]

She then denied having accessed material on the computer in relation to the shooting death of a friend of Cantarakis', despite telephone intercepts in July 2003 which revealed Cantarakis asking her (as he admitted), and her telling him, that she 'looked that thing up for you'.[523]

511 Operation Abelia, PIC, Exhibit 211, pp. 20-21.
512 Operation Abelia, PIC, Exhibit 211, pp. 77-78.
513 Operation Abelia, PIC, Exhibit 211, p. 41.
514 Operation Abelia, PIC, Exhibit 211, pp. 41-42.
515 Operation Abelia, PIC, Exhibit 211, p. 42.
516 Operation Abelia, PIC, Exhibit 216.
517 Operation Abelia, PIC, Exhibit 211, p. 58.
518 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 288-289.
519 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 289-290, 293.
520 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, p. 294.
521 Operation Abelia, PIC Transcript, D. E. Wardle, 9 February 2004, pp. 303-304.
522 Operation Abelia, PIC Transcript, S. A. Hill, 6 November 2003, pp. 59-62.
523 Operation Abelia, PIC, Exhibit 211, pp. 63-67, Exhibits 218 and 219.

Cantarakis agreed that he had asked AB1 to look at the NSW Police computer system to find information about the shooting. He said that this was the only occasion on which he could recall having asked her for information.[524]

THE PIC's OBLIGATIONS

The PIC is of the opinion that police misconduct has occurred in respect of Wardle by reason of his actions:

a. in the supply of illegal drugs;

b. in the use of illegal drugs;

c. in visiting Cantarakis while on duty, knowing that he had been charged with a drug offence;

d. in assisting Cantarakis following the arrest of Selwood and Cantarakis, particularly in circumstances where he believed that Cantarakis was a supplier of illegal drugs;

e. in using and offering to supply steroids.

The PIC is also of the opinion that police misconduct has occurred in respect of Potter by reason of her actions:

a. in maintaining a personal relationship and persisting in contact with a person who she knew to be a user of illegal drugs;

b. in participating in the visit to Cantarakis while on duty, knowing that he had been charged with drug offences;

c. in suggesting to Wardle ways in which he could protect himself from investigation after the arrest of Selwood.

The PIC is of the opinion that police misconduct has occurred in respect of AB1, by reason of her actions:

a. in accessing the NSW Police computer system at the request of Cantarakis in respect of the death of his friend and discussing it with Cantarakis;

b. in concealing her association with Cantarakis from her superiors, particularly in relation to the inquiries made in respect of the surveillance vehicle;

c. in telling Cantarakis of the results of inquiries made in respect of the surveillance vehicle.

524 Operation Abelia, PIC Transcript, D. R. Cantarakis, 10 February 2004, p. 401.

Each of Wardle, Potter, AB1 and Cantarakis are persons against whom substantial allegations have been made in the course of the investigation. Such matters are outlined above in relation to the three police officers in the suggested findings of police misconduct. In relation to Cantarakis, the substantial allegations have been made concerning his drug use, possession of prohibited drugs, and participation in the events surrounding Selwood's arrest. The four persons are therefore affected persons within the meaning of section 97(3).

Wardle

Wardle is no longer a police officer, having resigned in February 2004, following his appearance at the PIC. It follows in his case that the PIC is not of the opinion that consideration should be given to the type of action referred to in paragraphs (b)-(d) of section 97(2). In respect of section 97(2)(a), Wardle has been prosecuted in respect of the supply of prohibited drugs in the Manly bar referred to above. In the absence of the use of his own evidence (which was given following a declaration made pursuant to section 41 of the Act) and for the reasons referred to previously in respect of Wilson, Hill and Tyler, there is insufficient basis for the prosecution of Wardle for any other offence. Accordingly the PIC is not of the opinion that consideration should be given to the prosecution of Wardle for a specified criminal offence.

Potter

Potter has been dismissed pursuant to section 181D of the *Police Act 1990.* Accordingly, the PIC recommends no further action in relation to subsections 97(2)(b)-(d) of the Act. In respect of subsection 97(2)(a), there is no evidence of any criminal offence by Potter. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of her for a specified criminal offence.

AB1

AB1 has been dismissed pursuant to section 181D of the *Police Act 1990.* Accordingly, the PIC recommends no further action in relation to subsections 97(2)(b)-(d) of the Act. In respect of subsection 97(2)(a), there is no evidence of any criminal offence by AB1. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of her for a specified criminal offence.

Cantarakis

Cantarakis has been prosecuted in respect of his involvement in possession of pseudoephedrine and in respect of the circumstances surrounding Selwood's arrest. His evidence to the PIC was given following a declaration made pursuant to section 41 of the Act. Although evidence was given by Wardle of his belief as to the drug activities of Cantarakis, it is the PIC's opinion that this evidence would not, if given in proceedings against Cantarakis, permit the finding of a prima facie case against him in relation to any offence relating to prohibited drugs, other than in respect of those offences for which Cantarakis has been prosecuted. As a result of these matters, in respect of section 97(2)(a), it is not the PIC's opinion that consideration should be given to any further prosecution of Cantarakis.

4.4 ALPINE SEGMENT

THE EVIDENCE

The involved officers

On 19 February 2004 a segment of hearings commenced in relation to the activities of a NSW Police officer, Detective Sergeant Samuel John Foster and his associates. The evidence revealed that Foster was a user of illegal drugs (ecstasy and cocaine), that he formed corrupt relationships with drug suppliers and informants and, in the company of those drug suppliers and informants, carried out robberies of other drug suppliers for the purpose of personal gain. Two other police officers participated with Foster in the corrupt activities, a NSW Police officer codenamed AL12, and a Victorian police officer, Detective Senior Constable James McCabe. Both AL12 and James McCabe told the PIC that they had also used illegal drugs during the time they were serving police officers.

Foster

Foster joined NSW Police on 27 February 1984. He rose to the rank of Detective Sergeant. On 11 November 2001 he commenced a secondment at the National Crime Authority (NCA) in Sydney. On 1 January 2003 the NCA became known as the Australian Crime Commission (ACC). At the time of the activities investigated by the PIC, Foster was a seconded officer working at the ACC in Sydney. Foster was dismissed from NSW Police in May 2004, as a result of the PIC's investigation.

McCabe

McCabe joined Victoria Police in 1988. He commenced a secondment at the NCA as a detective senior constable in December 1999. He worked in the Melbourne and Sydney offices of the NCA/ACC and it was in the Sydney office that he met Foster in 2002. McCabe resigned from the Victoria Police in January 2004.

AL12

AL12 joined NSW Police in 1989. He served at Waverley Police until January 1994. Foster also worked at Waverley while AL12 was there. At the time of the PIC's hearing AL12 was a Senior Constable attached to the Counter Terrorist Coordination Command. AL12 was dismissed from NSW Police in May 2004, as a result of the PIC's investigation.

Personal illegal drug use

In evidence before the PIC, Foster made a number of admissions concerning his use of illegal drugs. Foster told the PIC he was not a drug user before he joined the police, that at some point he had been working long hours, felt the 'weight of the world', and decided to try illegal drugs. He would take drugs and visit hotels and brothels. His drug of choice was ecstasy. He said he only took drugs while off duty and took no steps to avoid drug testing, as he hoped he would get caught. He said when he was working at the ACC there was no random drug testing. He obtained his drugs through an

informant codenamed AL6 and other informants, as well as persons who were not informants.[525]

McCabe made admissions concerning the use of marijuana. In a recorded telephone conversation played at the hearing, McCabe could be heard seeking to obtain marijuana cigarettes.[526] According to McCabe, he only commenced using marijuana after joining the NCA, although he had tried it once or twice before that. He said he used it because he was feeling very depressed.[527]

AL12 admitted that he had tried illegal drugs while working as an officer in the Eastern suburbs of Sydney, and that he had not tried drugs before joining NSW Police. He gave evidence that he had tried ecstasy and white powder which he believed was either amphetamine or cocaine. He said he had only used illegal drugs on somewhere between six and twelve occasions, and generally when he went to inner city night clubs. His evidence was that he only took drugs when off duty. He claimed to have no knowledge of the use of illegal drugs by other NSW Police officers. He had never been randomly tested for drug use while working for NSW Police. His view of the drug and alcohol amnesty policy of NSW Police was that if an officer accessed that program they would be 'targeted all the time'.[528]

Foster's use of informants to obtain illegal drugs

There was significant evidence before the PIC of Foster's corrupt relationship with two informants, AL4 and AL6. (amongst others) which included Foster recruiting them to obtain illegal drugs for the purpose of both personal use (by Foster) and supply.

AL6, a convicted drug supplier and police informant, told the PIC that he was introduced to Foster by another police officer, when Foster was working at Waverley. Later he would see Foster at a restaurant he (AL6) owned, which was patronised by police. Subsequently, Foster approached AL6 and asked him to become his informant, providing information to Foster at the ACC about drug dealers.[529] It was apparent that the relationship between Foster and AL6 was primarily directed to corrupt activity for their own personal gain. In numerous instances examined by the PIC, Foster and AL6 engaged in the theft of drugs and money. The drugs were not handed in, as they should have been had the exercise been legitimate, but were divided up between Foster and AL6 and the other participants and, in Foster's case, either used personally or sold. In one of the incidents examined below, Foster made telephone contact with AL6 for the purpose of obtaining cocaine from AL6 for Foster's own personal use.

AL4 was a drug supplier who had been arrested by the NCA in 2000 and charged with heroin supply. Whilst on bail awaiting trial, he became an informant and began supplying information to the NCA/ACC about other drug suppliers.[530] At some point, McCabe became AL4's primary 'handler' on behalf of the NCA/ACC. McCabe introduced AL4 to Foster and Foster also became a 'handler' of AL4. AL4 worked on some legitimate investigations with Foster and McCabe, which resulted in arrests and

525 Operation Abelia, PIC Transcript, S. J. Foster, 6 April 2004, pp. 791-795.
526 Operation Abelia, PIC, Exhibits 197, 198.
527 Operation Abelia, PIC Transcript, J. A. McCabe, 7 April 2004, pp. 929-930.
528 Operation Abelia, PIC Transcript, AL12, 7 April 2004, pp. 895-900.
529 Operation Abelia, PIC Transcript, AL6, 7 April 2004, pp. 905-909.
530 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1055-1066.

prosecutions.[531] AL4 also gave evidence, however, of significant exploitation of him by Foster and McCabe with which he cooperated because he believed Foster and McCabe would assist him with his own charges.

The use by Foster of AL4 to obtain illegal drugs for him was illustrated in a number of intercepted telephone conversations which were played at the hearings. In conversations recorded on 29 September, 30 September, 7 October and 11 October, 2003[532], Foster repeatedly requested, in coded language, that AL4 find illegal drugs for him. The quantities referred to in those particular calls suggest that Foster may well have been seeking the drugs for his own use.

When he initially gave evidence about the calls, Foster attempted to suggest that the conversations in some way related to investigating duties he was carrying out on behalf of the ACC.[533] He later conceded, however, that the calls concerned the obtaining of drugs for himself and that the calls were not related to work he was doing for the ACC.[534]

AL4 told the PIC that he was introduced by Foster to AL6 in the Rocks area of Sydney in a park under the Harbour Bridge. At that meeting, Foster told AL4 and AL6 that their main job was to look for drug traffickers to rob. According to AL4, at that meeting Foster told him that he would need to first establish the trafficker's trust before the robbery could take place. AL4 gave evidence that a few days after he met AL6, AL6 showed him 'his police badge'.[535]

Foster in his evidence confirmed that he had introduced AL4 to AL6 and that he had done so in mid to late 2002. He did not believe that he had told AL4 that AL6 was a police officer.[536] Foster ultimately conceded however that in one such drug theft he had AL6 pose as a police officer and the incident concerned also involved AL4.[537]

The PIC hearings examined the drug-related corruption engaged in by Foster, and to a lesser extent the other two police officers, AL12 and McCabe, with informants and other civilians. A number of specific incidents are explored in more detail below.

Amphetamine theft at Enfield on 25 September 2002

In 2002, Foster had dealings with an NCA informant. That informant was given the codename AL29 for the purposes of the PIC's hearing. AL29 gave evidence that Foster introduced him to someone called 'Jimmy', who AL29 understood to be another police officer.[538]

AL29 introduced Foster to his father, AL1, in late 2002. AL1 was a convicted drug supplier. AL29 told his father that Foster was interested in purchasing some 'speed' (amphetamine). AL1 knew someone who could supply some.[539] AL1 subsequently met

531 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1063-1064.
532 Operation Abelia, PIC, Exhibits 80, 81, 83, 84, 85, 86, 87, 88, 91, 922.
533 Operation Abelia, PIC Transcript, S. J. Foster, 19 February 2004, pp. 434.6-437.
534 Operation Abelia, PIC Transcript, S. J. Foster, 19 February 2004, pp. 453-454.
535 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1087-1088.
536 Operation Abelia, PIC Transcript, S. J. Foster, 19 February 2004, pp. 429-430.
537 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 562-564.
538 Operation Abelia, PIC Transcript, AL29, 8 November 2004, pp. 962-4, 970.
539 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 834-5.

with Foster at the Belfield Shopping Centre on a number of occasions and they discussed arrangements for AL1 to buy the speed on Foster's behalf. [540]

Initially, Foster supplied $8000 for AL1 to purchase a sample. AL1 met the supplier and obtained the sample, which was delivered back to Foster by AL29.[541] Foster then requested AL1 to purchase a kilo of amphetamine. The purchase price was $120 000. Foster told AL1 to arrange the purchase and that one of his associates would pick up AL1 and drive him with the money to the location where the purchase was to take place.[542] AL1 was aware from Foster that the purpose of the meeting was for him (AL1) to get into the car of the supplier and for Foster and another police officer to then appear and to pretend to arrest AL1 and take AL1 and the drugs away.[543] No money would be paid to the supplier.

On the night of the transaction, AL1 went to the Belfield shops and met with Foster, another officer called 'Jimmy' and the driver who was to take him to the meeting. They drove to Cosgrove Road, Enfield, and AL1 got out of the car to wait for the supplier.[544] The supplier was codenamed AL22 for the purposes of the PIC's hearing.

Within 10 minutes AL22 pulled up in a four wheel drive and AL1 took a parcel which had been wrapped up to look like money and got into AL22's vehicle. He gave AL22 the parcel and AL22 passed him a container and then looked in his mirror and said 'look the police are here'. AL1 then noticed that the police officer Jimmy was at his side of the vehicle with a gun held to his head and Foster was on the other side holding a gun to AL22's head.[545] While these events were taking place, AL22's companion was sitting between them in the front of AL22's vehicle.

AL1 told the PIC that Jimmy handcuffed him, told him he was under arrest and put him in the back of the unmarked police car, with the container of drugs. Foster made a quick search of AL22's car and he and Jimmy spoke to AL22 and his passenger.[546]

According to AL1, the driver who had delivered AL1 to the meeting point disappeared. Foster and Jimmy let AL22 and his passenger drive off and then came back to the police car. They removed AL1's handcuffs and drove AL1 into the Rocks, where they all met up with the driver and AL1's son, AL29.[547]

AL1 did not want to go home, because he needed to maintain the appearance that he had been arrested by the police, so he asked for some money to stay in a motel. He was given $1000 and he booked into a hotel near Circular Quay.[548] The PIC has obtained records from the hotel, which confirm that a room was rented for one night on 25 September 2002 and paid for in cash by AL1's son, AL29.[549]

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540 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 835-6.
541 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 837-8.
542 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 838.
543 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 839.
544 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 840-1.
545 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 841-2.
546 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 842.
547 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 843-4.
548 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 844.
549 Operation Abelia, PIC, Exhibit 313C.

AL1 understood the driver was expected to sell the drugs and he would subsequently receive a share. He spoke to Foster a few weeks later and told him he had not received anything. A couple of days later, AL1 met Foster and Jimmy in a hotel at the Rocks and they gave him an ounce of amphetamine to sell for himself.[550]

AL4 gave evidence in which he described what appears to be the same drug theft in which he acted as the driver. He told the PIC that on the day of this theft, he collected AL1 in his car and drove to 'Ashfield' where they waited for persons to bring the amphetamine. According to AL4, a four wheel drive vehicle approached them and AL1 got out and looked at 'the goods'. Foster and McCabe arrived and McCabe, who had his gun, told everybody to lie on the ground. Foster went to the four wheel drive vehicle and AL4 saw him obtain a bag with amphetamine in it. Foster told the people in the four wheel drive vehicle to go, and purported to arrest AL1. AL4 then went to The Rocks where he met up with AL29, AL1, Foster and McCabe. AL29 and AL1 took half of the drugs while AL4 took the remaining half.

AL4 gave evidence that he had difficulty in selling the amphetamine. He obtained $4000 at one point from the sale of part of it and gave that money to McCabe at the park under the Harbour Bridge. At some point later, AL4 was told by McCabe, on an occasion when AL4 was required to attend Melbourne for court, that he should bring the remaining amphetamine to Melbourne to give to McCabe, as McCabe had people in Melbourne who could arrange to sell it. AL4 gave evidence that he drove to Melbourne and met McCabe in Spencer Street and gave McCabe the balance of the amphetamine.[551]

AL29 also gave evidence concerning this incident. His evidence was that his father introduced AL22 to the transaction because AL29 and AL22 did not get along. AL29 confirmed the involvement of Foster, 'Jimmy', who he understood was a police officer, and another man. AL29 was not present at the meeting with AL22 when the drugs were supplied to AL1. He gave evidence that after AL1 had met with AL22, he (AL29) travelled to near the Harbour Bridge and met with Foster, 'Jimmy', AL1 and the other man. The other man had two bags with the drugs in them and gave AL29 half a bag.

AL29 said that he and AL1 stayed at a hotel in the city. AL29 gave evidence that he gave half of the bag of drugs he had been given back to the 'other' man and half to someone else.[552] From the description given, (which cannot be published), the available inference is that the other man was AL4.[553]

AL22 also gave evidence about the incident. AL22 said he met with AL1 in a four wheel drive vehicle. He was accompanied by a friend. There was another person present with AL1. AL1 got into AL22's vehicle to look at the drugs, with what AL22 believed was the money to be used to buy the drugs. According to AL22, an unmarked car then pulled up and two police officers approached with their guns drawn. They said that AL1 was a drug lord and they were only after him.[554] AL22 was not charged and was permitted to leave the scene.

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550 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 846-7.

551 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1102-1107.

552 Operation Abelia, PIC Transcript, AL29, 8 November 2004, pp. 964-977.

553 An order has been made prohibiting the publication of AL4's real name or any information that might identify him as a person referred to in the PIC's hearings.

554 Operation Abelia, PIC Transcript, AL22, 6 April 2004, pp. 814-824.

McCabe gave evidence of being involved in an incident in 'Western Sydney' with AL1 and Foster. According to McCabe, the plan was that another person was to pay to AL1 money and that McCabe and Foster would make a fake arrest of AL1, and obtain the money paid to him. Money was not obtained according to McCabe, but amphetamine was. Foster later told McCabe that AL1 had been told to destroy the drugs.[555]

Neither AL1 nor Foster gave evidence of an incident along the lines described by McCabe. McCabe denied that he gave AL1 a bag containing drugs under the Harbour Bridge.[556] He agreed, however, that he had been present with AL29 under the Harbour Bridge as he described in his evidence.[557] It appears likely that McCabe is referring to the amphetamine theft at Enfield about which AL4 and others gave evidence.

Although there were some inconsistencies and variations between the evidence of AL1, AL4, AL22 and AL29, the PIC is satisfied that they were all describing the same incident, which involved Foster and McCabe in obtaining the prohibited drug, amphetamine, for the purpose of supply.

Use of counterfeit money

AL1 told the PIC that there was an occasion in February or March 2003 when Foster asked him if he knew anybody who could supply ecstasy tablets. AL1 got two pills from a supplier called AL20 and Foster drove out to AL1's house to collect them.[558] Subsequently, AL1 received a phone call from Foster and he went to a hotel at Burwood where he met Foster, who introduced him to a friend, AL6. At Foster's request, AL1 rang the supplier, AL20, and arranged to meet him nearby. AL1 took AL6 and introduced him to AL20. AL6 told AL20 he, AL6, was interested in purchasing between 1000 and 1500 tablets.[559]

AL1 had no further involvement in their dealings. However he was subsequently contacted by AL20, who told him that AL6 had bought 1300 or 1400 pills from him and paid him with counterfeit money. AL20 showed AL1 a suitcase full of fake $50 bills.[560] About a week later AL1 received a call from Foster and met Foster at a coffee shop in the city. Foster told him they only got 300 pills from AL20. Foster gave 50 pills to AL1.[561]

AL4 told the PIC that he was asked by Foster to provide him with counterfeit money. He was first spoken to by Foster concerning the provision of counterfeit money at the Rocks, in the presence of AL6. AL4 initially provided AL6 with $70 000 in counterfeit money. He was then asked by Foster to provide a further $70 000 to $80 000. AL6 told him that the money was to be used in the 'robbing' of prohibited drugs[562] from drug dealers.

555 Operation Abelia, PIC Transcript, J. A. McCabe, 5 April 2004, pp. 638-643.
556 Operation Abelia, PIC Transcript, J. A. McCabe, 7 April 2004, p. 944.
557 Operation Abelia, PIC Transcript, J. A. McCabe, 8 November 2004, pp. 1037-1038.
558 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 849.
559 Operation Abelia, PIC Transcript, AL1, 7 April 2004, pp. 850-851.
560 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 852.
561 Operation Abelia, PIC Transcript, AL1, 7 April 2004, p. 853.
562 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1108-1110.

The request from Foster for the second amount of counterfeit money came about a month after AL4 provided the first amount. Foster, according to AL4, told him that the counterfeit money was used to 'rob other people'.[563] During the hearing, a recording was played of a conversation between Foster and AL4, in which AL4's ability to obtain counterfeit money and the use of such 'money' is discussed.[564]

AL6 told the PIC that, while he had obtained counterfeit money from AL4, he had not used it to obtain drugs.[565] He claimed he just kept it for safe keeping. AL6 was an unimpressive witness and the PIC prefers the evidence of AL1 and AL4 to that of AL6 on the issue of the use of the counterfeit money. AL6 claimed that he was at all times of the belief that the 'set ups' he organised were for the ACC and were for its legitimate business. The evidence before the PIC concerning AL6's conduct and the conduct of those with whom he was associated, is such that there can be no doubt that AL6 held no such belief, and his assertion that he did is rejected.

Foster gave evidence concerning the obtaining of counterfeit money from AL4 which was used to obtain drugs. One such incident which occurred at Milsons Point in late 2002 or early 2003 is discussed below.

Milsons Point ecstasy theft 2002/2003

According to Foster, this incident involved himself, AL4, McCabe and AL6 and the use of counterfeit money to buy ecstasy tablets. The incident involved a 'phony arrest' of AL4 by Foster and McCabe and the theft of ecstasy tablets. Foster said AL4 was then given the task of selling the 3000 pills that were obtained in this incident. The sale produced between $24 000 and $36 000. Foster's evidence was that he was meant to receive $9000 but only received about $4000 - $5000 from the sale proceeds. He gave further evidence that McCabe confirmed to him that McCabe had received some $9000 from the proceeds.[566]

AL4's evidence was that he was contacted by AL6 and Foster and met with them and McCabe in the city. He said that after the meeting he and AL6 drove across the Harbour Bridge to somewhere near Luna Park. They were followed by McCabe and Foster. AL4 stayed in the car while AL6 dealt with the person who arrived to sell the ecstasy. Foster and McCabe hid. When AL6 and the seller approached AL4, Foster and McCabe arrived. According to AL4, McCabe arrested the person who was with AL6, while Foster approached the other car and pulled a person from that car along with a bag containing 10 000 ecstasy tablets.

AL4 gave evidence that McCabe and Foster purported to arrest AL6 and let AL4 go. The four of them met later near the Rocks and he was given the ecstasy pills that had been obtained and was to sell them. Foster and AL6 took a handful each of the pills. McCabe told AL4 that if he was stopped by the police, he was not to say that the tablets came from Foster and McCabe. AL4 gave evidence that he sold the ecstasy he obtained from this drug theft for around $85 000 to $90 000. The money was split between AL4, AL6, Foster and McCabe, although AL4 had to give to McCabe some of

563 Operation Abelia, PIC Transcript, AL4, 9 November 2004, p. 1110.

564 Operation Abelia, PIC, Exhibit 176C - listening device recording of a conversation between AL4 and Foster on 14 November 2003.

565 Operation Abelia, PIC Transcript, AL6, 11 November 2004, pp. 1261-1262.

566 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 583-586.

his own share.[567] It is notable that AL4's estimate of the quantity of ecstasy and cash involved was much higher than that of Foster.

AL6 also gave evidence concerning an incident at North Sydney which resulted in ecstasy pills being obtained, and which also involved AL4, Foster and McCabe. This appears to be the same incident referred to above. According to AL6, he put 'a job' to Foster which involved AL6 introducing AL4 to drug dealers who could supply ecstasy tablets. The drugs were obtained in North Sydney. AL6 claimed he introduced AL4 to the dealers, and that Foster and McCabe were in the area so that when a signal was given, they arrived on the scene. AL6 suggested that there was some attempt to apprehend the suppliers but they escaped.[568]

When McCabe was asked about this incident he said he could only recall going to Milsons Point with Foster and AL6 one night to attempt to meet a drug supplier who AL6 was meeting with. He maintained there was no impropriety involved and no theft of drugs. In light of the evidence of the other participants, the PIC places little reliance on McCabe's account of this incident.

Pyrmont cocaine theft

AL4 gave evidence of the taking of cocaine from a cocaine dealer he came to know as Peter. According to AL4, the contact with Peter was made by AL6. AL4 gave evidence that he initially obtained two small quantities of cocaine from Peter in order to obtain his trust. He sold those small quantities in Cabramatta, receiving approximately $3000, which he gave to Foster. After he had disposed of the samples, AL4 had a further meeting with Foster, at which AL12 was present. At that meeting, Foster gave AL4 instructions on what to do on the occasion that the drug theft was planned. He was told to meet with Peter in his car and if Peter had the cocaine, AL4 was to light a cigarette and Foster would come. After that meeting AL4 and AL6 went to meet with Peter.[569]

AL4 and AL6 initially met Peter near Darling Harbour. However, Peter changed the meeting place. In his evidence AL4 could not nominate the changed location with any precision. He told the PIC that the meeting went ahead and that after confirming Peter had the cocaine, AL4 lit a cigarette and Foster and AL12 arrived on the scene. AL12 stood in front of his car door while Foster spoke with Peter. Foster let Peter go, and together with AL12, purported to arrest AL4. AL4's estimate of the cocaine obtained on that occasion was about 5 to 6 ounces. AL4 gave evidence that he kept the cocaine that had been obtained from Peter and sold it for more than $20 000. The proceeds from the sale was split four ways between himself, Foster, AL6 and AL12.[570]

AL12 gave evidence of being involved in an incident concerning Foster, AL6 and another person, who the PIC infers was AL4. It appears to be the same incident discussed in the preceding paragraph. AL12 said that he met Foster and AL6 in a hotel and drove to Pyrmont. He and Foster let AL6 out of the vehicle and they parked in a side street. Foster received a telephone call and they both walked towards a sports car and AL6 and two other persons. There were two cars parked at the location. According to AL12, Foster went to the driver's side door and AL12 went to the passenger door. There was a person in the driver's seat and a person in the passenger seat who, it

567 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1098-1102.
568 Operation Abelia, PIC Transcript, AL6, 7 April 2004, pp. 915-917.
569 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1089-1093.
570 Operation Abelia, PIC Transcript, AL4, 9 November 2004, pp. 1094-1097.

appears, was AL4. AL12 grabbed the person in the passenger seat and took him back to the car that AL12 and Foster had arrived in. According to AL12, Foster let the other person go. Foster appeared to obtain something brown and with a 'funny smell' from the car. AL12 drove AL4's car to somewhere in Glebe and met up with Foster and AL4. Foster at some point gave AL12 $3000 in total for his involvement.[571]

Surry Hills cannabis theft mid-2003

Foster gave evidence of an incident in mid-2003 involving himself, AL12 and AL6 at Surry Hills, somewhere off Bourke Street. AL12 was at that time working at Crime Agencies. Foster's recollection was that cannabis was obtained and AL6 sold the cannabis. The sale of the cannabis produced $9000 which was split between them equally.[572] There is no suggestion that AL4 had any involvement in this transaction. AL12 gave evidence which tends to confirm the evidence given by Foster about this incident. His recollection was that he received something like $6000 to $7000.[573]

AL6 did not give any evidence about this incident.

Attempted ecstasy theft October/November 2003

The PIC obtained evidence from a number of prostitutes who had provided services to Foster and were subsequently used by him to obtain or sell drugs.

One of the witnesses called before the PIC was AL5, who worked as a prostitute in two Sydney brothels during 2003 and met Foster during that time.[574] She gave evidence that he supplied her with 100 ecstasy tablets to sell for him on one occasion[575] and on a later occasion gave her two tablets to try.[576] He also sought information from her of persons who might be able to provide him with prohibited drugs. In October and November 2003 the PIC recorded a number of conversations between AL5 and Foster in which it is apparent that Foster was seeking details from AL5 of suppliers of prohibited drugs. Transcripts of calls recorded on 13 and 15 October 2003[577] indicate that Foster was seeking the supply of a large amount of ecstasy. This was confirmed by AL5 in her evidence to the PIC.[578]

This incident also involved AL6, who Foster was intending to put in touch with the drug supplier. AL5 gave evidence that she provided samples of ecstasy to Foster. This was discussed in an intercepted telephone call between AL5 and Foster on 18 October 2003 in which the clear inference is that Foster is telling her that AL6 was 'pretty happy' with what had been supplied.[579]

There were a number of further recorded conversations between Foster and AL6 where they could be heard discussing the fact that Foster was arranging, through AL5, for ecstasy to be made available and that their plan was to rob the ecstasy from the

571 Operation Abelia, PIC Transcript, AL12, 7 April 2004, pp. 868-879.
572 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 553-556.
573 Operation Abelia, PIC Transcript, AL12, 7 April 2004, pp. 886-887.
574 Operation Abelia, PIC Transcript, AL5, 6 April 2004, p. 798.
575 Operation Abelia, PIC Transcript, AL5, 6 April 2004, p. 801.
576 Operation Abelia, PIC Transcript, AL5, 6 April 2004, p. 803.
577 Operation Abelia, PIC, Exhibits 93, 95.
578 Operation Abelia, PIC Transcript, AL5, 6 April 2004, pp. 805-812.
579 Operation Abelia, PIC, Exhibit 98.

supplier.[580] The evidence showed that AL5 gave the telephone number of the supplier to Foster and Foster gave that number to AL6.

AL6 gave evidence that at some point he acquired samples from the supplier, 'Richard', and gave them to Foster.[581] AL6 claimed in his evidence that all of the conduct he engaged in with Foster, including this transaction, was authorised by the ACC.[582] The evidence of his conduct before the PIC establishes that AL6 could not possibly have held such a belief.

The planned transaction in this case never took place. AL5 told the PIC that she was informed by Richard (the supplier) that the deal involved 4000 ecstasy tablets and $87 000. Richard told her that he was raided by the police, but because someone in his group had felt uneasy, that person had left before the police arrived and nothing was obtained.[583]

This is supported by a call between AL5 and Foster on 5 November 2003, in which AL5 complains to Foster about being 'set up' in relation to the transaction concerning Richard.[584] Later conversations between Foster and AL6 confirm their joint participation in this attempted theft.

Theft of ecstasy and cash on 30 January 2004

In mid-December 2003, AL1 was interviewed by the PIC and agreed to assist with its investigation. The PIC subsequently conducted a controlled operation, under the *Law Enforcement (Controlled Operations) Act 1997*, with the assistance of AL1. During the course of that controlled operation, the PIC recorded a number of telephone conversations between Foster and AL1 and between Foster and AL12. The PIC also obtained video recordings of Foster's dealings with AL1.

In accordance with the controlled operation, AL1 told Foster he was going to buy $20 000 worth of ecstasy on behalf of someone else. AL1 told Foster he had made arrangements with a supplier to purchase the ecstasy. AL1 and Foster agreed that Foster would arrive at the scene of the transaction and take the cash and the drugs and pretend to arrest AL1, in accordance with the modus operandi used in previous thefts.

A number of recorded telephone calls played at the hearing revealed this agreement between Foster and AL1.[585]

AL12 agreed to assist Foster in this transaction with AL1, a transaction similar to the earlier drug thefts that AL12 had involved himself in with Foster. A number of telephone calls between AL12 and Foster which were played at the hearing reveal Foster, in

580 Operation Abelia, PIC, Exhibits 138, 139, 140, 141,142, 143, 144, 145, 146, 147, 148, 149, 156, 157, 160, 161.
581 Operation Abelia, PIC,Transcript, AL6, 7 April 2004, pp. 912-913.
582 Operation Abelia, PIC,Transcript, AL6, 11 November 2004, pp. 921,1262.
583 Operation Abelia, PIC,Transcript, AL5, 6 April 2004, pp. 805-812.
584 Operation Abelia, PIC, Exhibit 158.
585 Operation Abelia, PIC, Exhibits 103, 104, 109, 110, 111, 112, 117 and 118.

coded language, informing AL12 of the date and arrangements when the theft was to occur.[586]

The evidence at the hearing also included a video recording which showed AL12 and Foster participating in the fake arrest of AL1 on 30 January 2004 and the theft of a quantity of tablets, which Foster and AL12 believed contained ecstasy, as well as a quantity of cash.[587]

In their evidence to the PIC, Foster and AL12 admitted that the evidence of their involvement in this incident with AL1 on 30 January 2004 was evidence of involvement in a criminal activity[588], similar to other criminal activities in which they had involved themselves. They each also made admissions that cash was taken from the scene of the incident on 30 January 2004 and split between them. Foster initially gave evidence that he received only $2000 but later changed his evidence and said he in fact received $10 000.[589] He also made admissions that he obtained some of the tablets, but claimed to have thrown them away in a bin in Newtown or the city, as they were of no use.[590] Foster gave evidence that the tablets he permitted AL1 to keep on 30 January 2004 he expected AL1 to sell, and that the proceeds of sale would be divided up between himself and AL12.[591] AL12 gave evidence that he was given $2000 of the money taken on 30 January 2004.[592]

The events of 30 January 2004, being a controlled operation set up by the PIC, did not involve the supply of actual ecstasy tablets. The 'supplier' was an undercover police officer assisting the PIC in the controlled operation and the tablets were placebos.

Further drug supply by Foster in February 2004

There was evidence before the PIC to suggest that Foster's assertion that he in fact simply threw away the tablets he obtained on 30 January 2004 may not have been truthful.

The PIC heard evidence from a prostitute, codenamed AL30, that she first met Foster in February 2004. Foster was a customer of hers and he had offered her ecstasy tablets to take during one of his appointments with her. In discussions with her he indicated that he would be able to provide her with 20 ecstasy tablets at a cost of $1000. The evidence of AL30 was that she was seeking these tablets for another customer of hers. Subsequently Foster supplied the 20 tablets and received $1000 from AL30. The tablets that were supplied were different from the tablets that Foster had shown AL30 when he first raised the issue of ecstasy tablets with her.

AL30 gave evidence that the person for whom she obtained the pills returned them to her because they did not work, 'they were duds'.[593] AL30 said that she then contacted Foster on the telephone about the fact that the tablets that he had supplied were of no

586 Operation Abelia, PIC, Exhibits 107, 108, 113AC, 114AC, 119, 120, 122 and 123.
587 Operation Abelia, PIC, Exhibit 126 .
588 Operation Abelia, PIC, Transcript, S. J. Foster, 19 February 2004, p, 521; 20 February 2004, 544; AL12's evidence generally.
589 Operation Abelia, PIC Transcript, S. J. Foster, 19 February 2004, p. 531; 20 February, 2004, 543.
590 Operation Abelia, PIC Transcript, S. J. Foster, 19 February 2004, pp. 531, 535; 20 February 2004, p. 551.
591 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 551-552.
592 Operation Abelia, PIC Transcript, AL12, 20 February 2004, p. 595.
593 Operation Abelia, PIC Transcript, AL30, 8 November 2004, p. 994.

use. That telephone call took place shortly after midnight on 15 February 2004 and was recorded by the PIC. In the call, Foster agreed to meet with AL30 in relation to the matter.[594] AL30 gave evidence that she did meet again with Foster and he told her he would 'get in touch with the chaps' and get back to her.[595]

A subsequent meeting was arranged between Foster, AL30 and a friend in a hotel on 18 February 2004. AL30 took the pills to that meeting. At the meeting Foster gave AL30 $300. AL30 gave evidence that she gave Foster the pills and that he 'chucked them' for her.[596]

An inference is available that the tablets that AL30 was provided with by Foster originated from the fake tablets he obtained on 30 January 2004. It demonstrates that one of his intentions in engaging in the transaction on 30 January 2004 was to obtain illegal drugs for the purposes of supply.

AL30 was also present when Foster was supplied by AL6 with what appeared to be a quantity of cocaine. A recording of a telephone conversation between AL6 and Foster at 7.11pm on 14 February 2003 was played, in which AL6 agreed to supply Foster with 'one or two g's'.[597] The context of the call makes it clear that the supply that AL6 agreed to make had nothing to do with any official work of the ACC. The evidence given by AL30 confirmed that the supply occurred.[598] AL30 said that she saw Foster get something from a man and then return to the car where she was waiting for him. Foster told her it was cocaine and asked if she'd like some. AL30 declined and later Foster put the substance on his hand and sniffed it.

The PIC also heard evidence from AL24, another brothel worker who had Foster as a customer in 2003 and 2004. She gave evidence to the PIC that Foster had supplied actual ecstasy tablets to her in mid-2003, and then in February 2004 supplied what she described as 'fake tablets'.[599] In the PIC's assessment, it is a reasonable inference that the tablets provided to AL24 also came from the tablets Foster obtained on 30 January 2004.

False evidence by Foster

Foster was a poor witness, who appeared on many occasions to be deliberately evasive, and only prepared to make concessions when forced to. On the second day of his evidence, he made admissions that he had told two deliberate untruths to the PIC when giving evidence. He conceded that he had told a deliberate lie to the PIC when he had initially suggested in his evidence that he intended to go for a beer with AL12 on 30 January 2004, the day that he and AL12 engaged in the theft of the fake ecstasy tablets and cash.[600] He further conceded that he had told a deliberate lie to the PIC

594 Operation Abelia, PIC, Exhibits 226, 227.
595 Operation Abelia, PIC Transcript, AL30, 8 November, 2004, p. 999.
596 Operation Abelia, PIC Transcript, AL30, 8 November 2004, p. 1003.
597 Operation Abelia, PIC, Exhibits 234, 235.
598 Operation Abelia, PIC Transcript, AL30, 8 November 2004, pp. 992-994.
599 Operation Abelia, PIC Transcript, AL24, 6 April 2004, pp. 777-780.
600 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 547-548.

when he had stated that he had only ever been involved in one criminal transaction with AL12.[601]

THE PIC's OBLIGATIONS

The PIC is of the opinion that police misconduct has occurred in respect of Foster and AL12 by reason of their involvement in the theft of prohibited drugs, the use and supply of prohibited drugs while serving police officers and corrupt relationships with informants. McCabe was not a NSW Police officer so it is not appropriate to express an opinion that he has engaged in 'police misconduct' however the PIC is of the opinion that McCabe has engaged in other misconduct, as provided for by subsection 16(1)(a) of the Act, by reason of his involvement in the theft of prohibited drugs (for the purposes of supply) and his corrupt relationship with an informant.

Each of Foster, AL12, McCabe, AL1, AL4, AL5, AL6, AL20, AL22, AL24, AL29, and AL30 are persons against whom substantial allegations have been made (and admitted) in the course of the investigation. Such matters are outlined above, but include, at the very least in relation to each individual, involvement in the supply of prohibited drugs. These persons are therefore affected persons within the meaning of subsection 97(3) of the Act.

Each gave evidence after a declaration had been made pursuant to section 41 of the Act. Accordingly, their admissions cannot be used against them in any civil or criminal proceedings. There is other evidence, however, which the PIC takes into account in making a statement in respect of each affected person, in accordance with the requirement contained in subsection 97(2) of the Act.

Foster

a. In relation to the amphetamine theft on 25 September 2002, there is evidence from AL1, AL4, AL22 and AL29 in relation to Foster's involvement in the planning and execution of this theft. The PIC is of the opinion that consideration should be given to the prosecution of Foster for the following offences:

   i. Robbery being armed and in company, contrary to section 97 of the *Crimes Act 1900*;

   ii. Knowingly take part in the supply of a prohibited drug contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.* The extended definition of supply contained in section 3 of that Act clearly encompasses the conduct revealed in the evidence before the PIC.

b. In relation to the attempted ecstasy theft in October/November 2003, there is evidence from AL5 supported by the recorded conversations between AL5, Foster and AL6 sufficient to support the laying of charges against Foster, AL5 and AL6 of either supply prohibited drug or knowingly take part in the supply of a prohibited drug under subsection 25(1) or (2) of the *Drug Misuse and Trafficking Act 1985*. The extended definition of supply contained in section 3 of that Act includes agreeing to supply, or offering to supply, or keeping or having

601 Operation Abelia, PIC Transcript, S. J. Foster, 20 February 2004, pp. 544, 548 - referring to evidence given by Foster at p. 521.

in possession for supply or receiving for supply or attempting any of those acts. The recorded conversations clearly contain evidence of each of them offering to supply, or agreeing to supply, prohibited drugs. The conversations also contain evidence that Foster and AL6 were attempting to obtain possession of prohibited drugs for the purposes of supply. The PIC is of the opinion that consideration should be given to the prosecution of Foster for the offence of supply prohibited drug, contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.*

c. In relation to the theft on 30 January 2004 of the cash and the fake ecstasy tablets, the recorded telephone conversations between AL1 and Foster, and Foster and AL12, together with the video recorded evidence of that incident, demonstrate that there was clearly an agreement between Foster and AL12 to rob whoever arrived to meet with AL1. The robbery of the cash from the 'buyer' did in fact occur. The evidence also supports a conclusion that they had agreed to obtain possession of what they thought was ecstasy for the purpose of supply and attempted to do so. In addition, evidence can be given by AL1 and the 'buyer', who participated in the incident pursuant to an authority issued by the PIC under the *Law Enforcement (Controlled Operations) Act 1997*. The PIC is of the opinion that consideration should be given to the prosecution of Foster for the following offences:

   i. Conspiracy to rob and robbery pursuant to section 97 of the *Crimes Act 1900*;

   ii. Supply prohibited drug contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.* The extended definition of supply contained in section 3 of that Act clearly encompasses the conduct revealed in the evidence before the PIC.

d. In relation to the supply of ecstasy tablets to AL30 on 14 February 2004, the telephone calls between Foster and AL30 and the evidence of AL30 are sufficient to support the laying of a charge against Foster for the supply of a prohibited drug. The fact that the pills were not in fact ecstasy is no bar to a prosecution.[602] The offence is complete once an offer to supply a prohibited drug is made. The PIC is of the opinion that consideration should be given to the prosecution of Foster for the offence of supply prohibited drug, contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.*

e. In relation to the evidence given by Foster on 19 February 2004, the PIC is of the opinion that consideration should be given to the prosecution of Foster pursuant to section 107 of the Act for knowingly giving evidence to the PIC that he knew to be false or misleading in a material particular. There is ample evidence to establish the lies independent of Foster's admissions.

In relation to the other incidents examined in this chapter, the PIC does not consider that the evidence would be sufficient to establish a prima facie case against Foster. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of Foster for any other offences arising out of the matters reported herein.

602 Haggard v Mason [1976] 1 ALL ER 337; Brown [1978] 2 NZLR 174; Gauci v Driscoll [1985] VR 428.

Foster has been dismissed from NSW Police pursuant to section 181D of the *Police Act 1990.* Accordingly, the PIC recommends no further action in relation to subsections 97(2)(b)-(d) of the Act.

AL12

In relation to the theft on 30 January 2004 of the cash and the fake ecstasy tablets, the recorded telephone conversations between AL1 and Foster, and Foster and AL12, together with the video recorded evidence of the incident on 30 January 2004 demonstrate that there was clearly an agreement between Foster and AL12 to rob whoever arrived to meet with AL1. The robbery of the cash from the 'buyer' did in fact occur. The evidence also supports a conclusion that they had agreed to obtain possession of what they thought was ecstasy for the purpose of supply and attempted to do so. In addition, evidence will be available from AL1 and the 'buyer', who participated in the incident pursuant to the controlled operation authority. The PIC is of the opinion that consideration should be given to the prosecution of AL12 for the following offences:

i. Conspiracy to rob and robbery pursuant to section 97 of the *Crimes Act 1900*;

ii. Supply prohibited drug contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.* The extended definition of supply contained in section 3 of that Act clearly encompasses the conduct revealed in the evidence before the PIC.

In relation to the other incidents examined in this report involving AL12, the PIC does not consider that the admissible evidence would be sufficient to establish a prima facie case against AL12. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of AL12 for any other offences arising out of those matters.

AL12 has been dismissed pursuant to section 181D of the *Police Act 1990.* Accordingly, the PIC recommends no further action in relation to subsections 97(2)(b)-(d) of the Act.

McCabe

In relation to the amphetamine theft on 25 September 2002, there is evidence from AL1, AL4, AL22 and AL29 in relation to McCabe's involvement in this theft. The PIC is of the opinion that consideration should be given to the prosecution of McCabe for the following offences:

i. Robbery being armed and in company, contrary to section 97 of the *Crimes Act 1900*;

ii. Knowingly take part in the supply of a prohibited drug contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.* The extended definition of supply contained in section 3 of that Act clearly encompasses the conduct revealed in the evidence before the PIC.

AL1

In relation to the amphetamine theft on 25 September 2002, the evidence which AL4, AL22, AL29, Foster and McCabe could give would be admissible against AL1. It is likely, however, that if AL1 and all the civilian participants in this incident were prosecuted, along with Foster and McCabe, based on the evidence each could give against the other, then there would be little prospect of any conviction. In the PIC's assessment, Foster and McCabe were the principal organisers of this theft. Both were serving police officers at the time and both are accused of using firearms and a police vehicle to effect the theft and the arrest of AL1. In the PIC's opinion, consideration should be given to requesting an indemnity for AL1, AL4, AL22 and AL29 in order that they could give evidence against Foster and McCabe. The PIC is not of the opinion that consideration should be given to the prosecution of AL1 for a specified offence.

In relation to the theft on 30 January 2004, AL1 participated with the protection of an authority issued by the PIC, pursuant to the *Law Enforcement (Controlled Operations) Act 1996*. Accordingly, there is no admissible evidence of any criminal act by AL1 and the PIC is therefore not of the opinion that consideration should be given to the prosecution of AL1 for a specified offence.

AL4

In relation to the amphetamine theft on 25 September 2002, for the reasons stated above in relation to AL1, the PIC is of the opinion that consideration should not be given to prosecution of AL4 for a specified offence but that consideration should be given to requesting an indemnity for AL4, to enable him to give evidence against Foster and McCabe in relation to that incident.

In relation to the other incidents examined in this report involving AL4, the PIC does not consider that the evidence would be sufficient to establish a prima facie case against AL4. Accordingly the PIC is not of the opinion that consideration should be given to the prosecution of AL4 for any other offences arising out of those matters.

AL5

In relation to the attempted ecstasy theft in October/November 2003, the admissions made by AL5 regarding her supply of ecstasy to Foster are not admissible against her. The telephone conversations between AL5, Foster and AL6 together with the evidence of Foster and AL6 may be sufficient to support the laying of charges against AL5 for knowingly taking part in the supply of a prohibited drug contrary to subsections 25(1) or (2) of the *Drug Misuse and Trafficking Act 1985*. As discussed above, however, there would be difficulties in charging all participants to the transaction and then relying on the evidence each could give against the other in order to secure a conviction. The better course in this case, in the PIC's opinion, is that consideration should be given to requesting an indemnity for AL5 to enable her to give evidence against Foster and AL6 in relation to that incident.

Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of AL5 for a specified offence.

AL6

AL6 and Foster were clearly the organisers of the attempted ecstasy theft in October/November 2003 involving AL5. The telephone calls and the evidence of AL5 would support the laying of charges against AL6 for knowingly taking part in the supply of a prohibited drug. As suggested above, the PIC is of the opinion that consideration should be given to requesting an indemnity for AL5 to enable her to give evidence against Foster and AL6 in relation to that incident.

The PIC is of the opinion that consideration should be given to the prosecution of AL6 for the offence of supply prohibited drug, contrary to subsection 25(2) of the *Drug Misuse and Trafficking Act 1985.*

In relation to the supply of cocaine by AL6 to Foster on 14 February 2004, there is evidence in the form of the telephone conversation between AL6 and Foster at 7.11pm on 14 February 2003 in which AL6 agreed to supply Foster with something.[603] The evidence of AL30 confirms that in fact the supply occurred.[604] The PIC is of the opinion that consideration should be given to the prosecution of AL6 for the offence of supply prohibited drug under s25(1) of the *Drug Misuse and Trafficking Act 1985*.

AL20

In relation to the use of counterfeit money by Foster and AL6 to obtain ecstasy from AL20, the PIC is of the opinion that the evidence would not be sufficient to establish a prima facie case against any person. Accordingly, the PIC is not of the opinion that consideration should be given to the prosecution of AL20 for any offence.

AL22

In relation to the amphetamine theft on 25 September 2002, although the admissions made by AL22 cannot be used against him, it could be established on the evidence of the other participants that he was intending to sell the amphetamine he had brought to the meeting with AL1. By virtue of the extended definition of 'supply' in the *Drug Misuse and Trafficking Act 1985,* the offence of supplying a prohibited drug is complete once the agreement to supply has been made. For the reasons stated above in relation to AL1, however, the PIC is of the opinion that consideration should be given to requesting an indemnity for AL22 to enable him to give evidence against Foster and McCabe. The PIC is not of the opinion that consideration should be given to the prosecution of AL22 for a specified offence.

AL24

The admissions made by AL24 regarding the purchase by her of 'fake' ecstasy tablets from Foster cannot be used against her. The PIC is not of the opinion that consideration should be given to the prosecution of AL24 for a specified offence.

603 Operation Abelia, PIC, Exhibits 234, 235.

604 Operation Abelia, PIC Transcript, AL30, 8 November 2004, pp. 992, 993.

AL29

In relation to the amphetamine theft on 25 September 2002, for the reasons stated above in relation to AL1, the PIC is not of the opinion that consideration should be given to prosecution of AL29 for a specified offence but that consideration should be given to requesting an indemnity for AL29 to enable him to give evidence against Foster and McCabe.

AL30

AL30 gave evidence that she bought 20 tablets off Foster in February 2004 and supplied them to someone else. The admissions made by AL30 cannot be used against her, however, the evidence of AL30 would be required to prosecute Foster in relation to this incident. The PIC is of the opinion that consideration should be given to requesting an indemnity for AL30, to enable her to give evidence against Foster. The PIC is not of the opinion that consideration should be given to the prosecution of AL30 for a specified offence.

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

5.1 OVERVIEW

As can be seen from the material reviewed in Chapter 2, while there is broad recognition that illegal drug use by police is a problem across a range of jurisdictions, little has been documented about the reasons for such drug use or the circumstances surrounding it. Through Operation Abelia, the PIC has sought to make a significant contribution to what is known about illegal drug use by NSW Police officers. More specifically, Operation Abelia has sought to answer questions such as:

- Why do some NSW Police officers use illegal drugs?
- What types of drugs do these officers use?
- Is illegal drug use confined to a particular age group?
- Is the problem confined to one geographical area or is it more widespread?
- How long after joining NSW Police do some officers start using illegal drugs?
- What are the circumstances under which these officers use illegal drugs?
- How do those who use illegal drugs obtain their drugs?
- What strategies do officers who use illegal drugs employ to avoid detection?

The information presented in this chapter has primarily been based on two sources:

- an analysis of case studies of eighty-one individual officers found to have used illegal drugs[605], and
- information provided by current and former officers who gave evidence in public or private hearings about the nature and circumstances of their illegal drug use.[606]

The collection of 81 case studies of individual NSW Police officers found to have used illegal drugs was developed from records of completed PIC investigations and NSW Police internal investigations conducted since the Royal Commission into the NSW

605 See Appendix 5 for the criteria for inclusion in the case study analysis and for additional information on this case study analysis.

606 The NSW Police officers and former officers who gave evidence in public hearings are named in Chapter 4. In contrast, in this chapter all officers are referred to by a codename, no matter whether they gave evidence in public hearings, private hearings or were identified through records examined as part of the case study analysis. This difference in referencing reflects both a difference in the focus of the two chapters as well as a desire for consistency in referencing within the chapter. The codenames used in this chapter for officers who gave evidence in public hearings can be found in the list of witnesses provided in Appendix 10. See Appendix 3 for further information about the private research hearings and the types of questions asked during these hearings.

Police Service. Information for the case studies was obtained from a range of sources, including the PIC's internal databases and transcripts of evidence produced during public and private hearings. NSW Police information holdings were also consulted, including databases that hold records of officers' complaints histories.

The officers included in the case studies have in common that their illegal drug use has come to notice. It is not possible to know the ways in which the drug use behaviours or the demographic characteristics of these officers are likely to differ from those of other officers whose drug use has not come to notice. For example, it is possible that officers whose illegal drug use has come to notice may take more risks in the way they go about their drug taking than officers whose drug use has not come to notice. The PIC does not seek to claim that the officers included in the case studies are representative of all officers who use illegal drugs.

The fact that the case study analysis cannot be generalised to develop a profile of the characteristics of a typical officer who uses illegal drugs should not be seen as unduly diminishing the value of this information. The case study analysis and other information gathered as part of Operation Abelia have assisted in informing the PIC's understanding of the nature of illegal drug use in NSW Police by providing a useful insight into:

- the range of illegal drugs used
- whether or not illegal drug use is confined to officers from certain demographic subgroups or work types
- the circumstances surrounding their drug use, and
- strategies some officers use to conceal their drug use.

This chapter is divided into the following sections:

- Types of illegal drugs used (Section 5.2)
- Link between illegal drugs and alcohol (Section 5.3)
- Officers' accounts of why they use illegal drugs (Section 5.4)
- Characteristics of officers who use illegal drugs (Section 5.5)
- Off-duty illegal drug use (Section 5.6)
- Circumstances under which officers use illegal drugs (Section 5.7)
- Strategies to avoid detection (Section 5.8)
- Officer attitudes to illegal drug use (Section 5.9)
- Source of illegal drugs (Section 5.10)
- Associated misconduct (Section 5.11)
- Differences between officer illegal drug use behaviour uncovered during the Royal Commission and that uncovered in Operation Abelia (Section 5.12).

Each of these sections commences with a summary of what was known about this topic prior to Operation Abelia. Following this, the sources of information used in Operation Abelia to learn more about this topic are described, the evidence and other information collected are summarised, any constraints on the interpretation of this information are outlined and the implications for strategies to minimise illegal drug use are discussed.

5.2 TYPES OF ILLEGAL DRUGS USED

One of the questions of interest to the PIC was the range of illegal drugs used by NSW Police officers. Chapter 2 summarises what was known, prior to Operation Abelia, about the types of illegal drugs used by some NSW Police officers as well as the types of illegal drugs used by officers from other jurisdictions. As described in Chapter 2 of this report, officers have been found to use a range of illegal drugs in the past:

- The Royal Commission into the NSW Police Service found evidence of recreational use and occasional supply of a variety of drugs by seven NSW Police officers including marijuana, ecstasy, amphetamines, cocaine and steroids.
- Each of the PIC's Operations codenamed Saigon, Dakota and Anthill found evidence of the use of cocaine, cannabis and ecstasy by some NSW Police officers.
- American research by Carter and Stephens suggested that in the late 1980s marijuana appeared to be the illegal drug most commonly used by police in the USA, with cocaine being the second most frequently used illegal drug.[607] Carter and Stephens also found some evidence in the USA that 'stimulants have been used to help keep officers "alert" (or awake) when they have been working extensive hours in a second job. This form of substance abuse appears to have different dynamics than the marijuana or cocaine use'.[608]
- Wilson, Ashton and Sharp (2001), when describing their research in the UK, said that cannabis was the drug mentioned most prominently by the officers they interviewed.[609]
- A review of international media articles indicates that officers have been reported to use cocaine, ecstasy, methamphetamine, crystal methamphetamine, marijuana and steroids. The range of illegal drugs reported probably reflects drug fashions and availability within the community.

607 D. L. Carter, & D. W. Stephens, An overview of issues concerning police officer drug use. In T. Barker & D. L. Carter (Eds) *Police deviance*. Cincinnati Ohio: Anderson Publishing Co., 1994, p. 106.

608 D. L. Carter, & D. W. Stephens, An overview of issues concerning police officer drug use. In T. Barker & D. L. Carter (Eds) *Police deviance*. Cincinnati Ohio: Anderson Publishing Co., 1994, p. 107.

609 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, p. 149.

SOURCES OF INFORMATION

Information on the types of drugs used by some NSW Police officers was obtained during Operation Abelia through admissions made by current and former officers and/or the results of drug tests. Officers who gave evidence in public or private hearings for Operation Abelia were asked to name the types of prohibited drugs that they used and how often they used these drugs. Information about the types of illegal drugs used by officers whose records were examined as part of the case study analysis was obtained from sources such as the evidence these officers had given during previous NSW Police or PIC investigations and the results of any drug tests conducted.

EVIDENCE

In summary, during the course of Operation Abelia, some NSW Police officers and former officers admitted using one or more of the following types of illegal drugs: amphetamines, cannabis, cocaine, ecstasy, heroin, ketamine, and non-prescribed steroids.[610]

On the first day of public hearings for Operation Abelia, the PIC heard evidence from three witnesses. The evidence given in the public hearings is discussed more fully in Chapter 4. The types of drugs used by these witnesses and the periods over which they said that they used these drugs are described below to illustrate the range of drugs some individual officers (or former officers) admitted using. Although they worked in different commands, each of these witnesses had worked as a senior constable until shortly before the PIC hearing. Two of these witnesses had resigned from NSW Police not long before they gave evidence in this hearing. The third had submitted her resignation but it was yet to take effect at the time of the hearing. All three witnesses admitted using ecstasy, speed[611], cocaine and ketamine:

- The first of these witnesses gave evidence that she had worked in NSW Police for nine years, had been using illegal drugs on and off for a period of probably four or five years and had resigned from NSW Police two or three weeks prior to the hearing. This former senior constable, who said that ecstasy was her drug of choice, admitted using ecstasy, speed, cocaine and ketamine. She also said that she had used cannabis 'years and years ago'.[612]
- The second witness gave evidence that she had worked in NSW Police for thirteen years, had been using illegal drugs for about seven years and had resigned five days before the PIC hearing. This former senior constable said that she had used ecstasy, speed, cocaine and ketamine. She said that cocaine and ecstasy were the drugs that she used most frequently.[613]
- The third witness was still a serving officer at the time she gave evidence to the PIC. Her resignation was to take effect six days after the hearing. This senior constable told the PIC that she had joined NSW Police ten years earlier and had been using illegal drugs for probably seven or

610 For further information about these drugs and their effects refer to Appendix 9.
611 'Speed' is a name commonly used for a form of amphetamine.
612 Operation Abelia, PIC Transcript, 6 November 2003, pp. 27, 34.
613 Operation Abelia, PIC Transcript, 6 November 2003, pp. 52-53.

> eight years. She said that the main drugs she used were ecstasy and speed but that she had also tried cocaine and ketamine.[614]

Further information on the types of illegal drugs used by some NSW Police officers was obtained through the collation of information from the case studies of individual officers described in Appendix 5. From the case study analysis it is apparent that a number of officers were detected or admitted using more than one type of illegal drug (known as 'polydrug' use). The majority of these polydrug users admitted using at least three types of illegal drugs. There is marked variation in the combination of drugs reportedly used by individual officers. For example, some officers who reported using more than one type of drug reported using only cannabis and ecstasy; while others used cannabis, ecstasy, cocaine and amphetamines; one officer said he used ecstasy, cocaine and heroin; while another said he used ecstasy, cocaine and steroids.[615] The illegal drugs most commonly used by the officers whose records were included as part of the case study analysis were cannabis, ecstasy and/or cocaine.[616]

IMPLICATIONS FOR MINIMISATION STRATEGIES

Some caution must be exercised when examining the results from the case study analysis in this area for two reasons:

- Almost two-thirds of the records of officers, which were examined as part of the case study analysis described in Appendix 5, identified the officer as using only one type of illegal drug. It is not possible to know whether this is an accurate reflection of the range of drugs used by these officers or whether they had only been detected or admitted using one type of drug when in fact they may have also used other illegal drugs.
- It is not possible to know in what ways the types of illegal drugs used by those officers who were included in the case study analysis differ from the types of illegal drugs used by other officers who have used or are currently using illegal drugs but who have not been included in this analysis.

However, allowing for these reservations, from the case study analysis it is clear that:

- NSW Police officers have admitted to using a variety of types of illegal drugs
- the specific combinations of types of drugs used has varied from officer to officer.

Illegal drug use by officers is a multifaceted problem. Strategies to minimise illegal drug use by officers need to take into consideration that officers use different types of illegal drugs that have different pharmacological effects. The use of multiple types of illegal drugs in different combinations makes it difficult to predict the nature and extent of any effects of ingesting these drugs.

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614 Operation Abelia, PIC Transcript, 6 November 2003, pp. 78-79.

615 Refer to Section 3.7 and Table A5.7 in Appendix 5.

616 Refer to Section 3.7 and Table A5.6 in Appendix 5.

5.3 LINK BETWEEN ILLEGAL DRUGS AND ALCOHOL

Anecdotal evidence initially suggested that there might have been a danger of younger officers developing a culture of recreational drug use in the same way as some of their predecessors abused alcohol. For example, a small number of the commanders interviewed by the PIC in mid-2003 suggested that young officers use 'recreational' or 'party' drugs as an alternative to alcohol.[617]

SOURCES OF INFORMATION

Although Operation Abelia did not specifically collect information on alcohol use by officers, the examples listed below were obtained from evidence given by current and former officers during Operation Abelia hearings and from material collected from former PIC and NSW Police investigations.

EVIDENCE

Evidence obtained by the PIC indicates that the use of alcohol and illegal drugs sometimes go hand in hand. Some witnesses spoke about using illegal drugs as an adjunct to their drinking. One former officer told the PIC that his excessive drinking reduced his inhibitions to using illegal drugs:

- ***After drinking for 12, 15 or 20 hours there is no concern about what is going to happen the next day:*** Former Officer G6 told the PIC that it was common practice during his time in the police service in the 1990s that after finishing a 'seven-night night work shift', officers from six different stations around Sydney used to go to the one 'drinking establishment' early on the Thursday morning and consume large amounts of alcohol. He explained that the way the roster was set up in those days officers would have three and a half days before they were due back at work and some officers would still be drinking there the next (Friday) night. This former senior constable conceded that these ongoing drinking sessions could be very destructive to the officers and their personal lives.[618] Former Officer G6 claimed that the excessive amount of alcohol he drank impaired his judgment and as a result made him more susceptible to taking drugs.[619] He gave the example that one time he used prohibited drugs was after consuming a lot of alcohol:

> I possibly consumed, I don't know, between six and 20 drinks prior to making that decision [to use drugs].[620]

617 For additional information on the interviews with commanders and commanders' views refer to Appendix 2.

618 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, p. 8. Please note that the transcript from this private hearing and the transcript from other private hearings referred to in this report is not available for public distribution.

619 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, p. 10.

620 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, p. 13.

He added that:

> At the time, you know, 3, 4, 5, 7, 9 o'clock in the morning after 12, 15, 20 hours of drinking, like there's – there's no – there's no concern of what's going to happen the next day.[621]

Other officers and former officers spoke of combining alcohol and illegal drugs, for example:

- ***Although former Officer A2 used ecstasy, alcohol was his drug of choice:*** Former Officer A2 joined NSW Police when he was 24 years old and served for almost four years before resigning. He admitted in his evidence before the PIC that he had used both ecstasy and speed before, as well as after, joining NSW Police.[622] He also said that he used ecstasy and alcohol at the same time and that the drugs supplemented his alcohol use. Former Officer A2 told the PIC that his preferred form of social relaxation was drinking, and that alcohol, not illegal drugs, was his main drug.[623]
- ***Officer H4 said that his cocaine use was associated with alcohol:*** Officer H4 joined NSW Police at the age of 20. At the time of giving evidence to the PIC, Officer H4 held the rank of senior constable and had been a serving officer for more than ten years. He admitted to the PIC that he had been using cocaine, ecstasy and heroin during the period he was employed as a NSW Police officer.[624] Officer H4 said that cocaine was the first of the illegal drugs that he used while working in NSW Police and that his use of cocaine was usually associated with places where he would drink.[625] When speaking about his cocaine use, Officer H4 said:

  > It's always on weekends, or most of the time on weekends. It was always associated with alcohol, and usually other people, a group of people. Usually when we're out. [626]

- ***Former Officer C4 used alcohol at the same time as she used speed and ecstasy:*** Former Officer C4 told the PIC that in her first year in NSW Police she used to take sick leave after 'a drinking episode'.[627] She also admitted that she had used alcohol at the same time as using speed and ecstasy.[628]

In other cases, the nature of the relationship between drinking and illegal drug use was not clear. That is to say, it was not clear whether the officers' drinking had led to their illegal drug use or whether their illegal drug use and drinking were seen as supplementing each other in some way. Some examples include:

621 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, p. 15.
622 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, pp. 5-6.
623 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, pp. 6, 14.
624 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 42.
625 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 61.
626 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 61.
627 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 11.
628 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 12.

- ***In addition to using heroin, former Officer E3 used to go on drinking binges:*** Former Officer E3 was found deceased at his home in July 2003. The autopsy report stated that the cause of death was a heroin overdose. The toxicology revealed potentially lethal levels of the metabolites of heroin, as well as low levels of alcohol.[629] Information obtained during the NSW Police investigation into former Officer E3's death revealed that he used illegal drugs prior to joining NSW Police. It appears, from statements obtained from various school friends of former Officer E3, that he started using drugs such as cannabis and ecstasy with his friends at school and continued using later on at 'rave' parties. According to his friends, his use of illegal drugs continued while he was a serving officer and steadily increased.[630] Information obtained from police colleagues[631] and relatives[632] of former Officer E3 confirm that he was a very heavy drinker who used to go on drinking binges. One police colleague said that former Officer E3 did not know when to stop and that 'sometimes he would go out drinking all night even though he had to work the next day. Sometimes he would be at work with a hangover or perhaps even still intoxicated'.[633]

- ***Officer F2 was drinking 'very, very heavily' in addition to using cocaine:*** Officer F2 told the PIC that he used recreational drugs from late March 2003 through to winter of that year and that he was also drinking 'very, very heavily'. He claimed that the main reason for this behaviour was because he had just separated from his fiancée.[634] Officer F2 further admitted that around July that year he was consuming alcohol and cocaine with other people. One of the phrases used in a SMS message sent by Officer F2 to a friend was 'having a drink and a line', where 'having a line' refers to using cocaine.[635]

IMPLICATIONS FOR MINIMISATION STRATEGIES

Alcohol consumption needs to be recognised as a possible factor associated with illegal drug use. In some cases it may be excessive alcohol use that is associated with illegal drug use. In other cases, although a clear link was reported between drinking and illegal drug use, the nature of the association was not clear. It may be that for some officers drinking and illegal drug use are complementary social activities.

Officers and students need to be alerted to the risks associated with alcohol consumption and the fact that its consequences may be greater than a hangover. Even in cases where alcohol consumption may not be excessive, the situation may pose an increased risk of illegal drug use for some officers.

629 NSW Police Investigation into the death of former Officer E3. Autopsy report for the Coroner, dated 25 September 2003.

630 NSW Police Investigation into the death of former Officer E3. Statement by Friend A, dated 30/10/2003, statement by Friend B, dated 31/10/2003.

631 NSW Police Investigation into the death of former Officer E3. Statement by Police Officer A, dated 10/12/2003, Police Officer B, dated 23/12/2003, Police Officer C, dated 20/1/2004.

632 NSW Police Investigation into the death of former Officer E3. Statement by E3's mother, dated 12/9/2003.

633 NSW Police Investigation into the death of former Officer E3. Statement by Police Officer C, dated 20/1/2004.

634 Operation Abelia, PIC Transcript, 9 February 2004, p. 232.

635 Operation Abelia, PIC Transcript, 9 February 2004, pp. 317-318.

It is important that continuing efforts are made to communicate that alcohol is a problem for some officers and to communicate the avenues available to assist officers who may be experiencing problems with alcohol.

5.4 OFFICERS' ACCOUNTS OF WHY THEY USE ILLEGAL DRUGS

When discussing illegal drug use in the community, Allsop, Phillips and Calogero (2001) have stated that there is no single reason for drug use and no single effective response:

> It is important to avoid grand theories and simplification of the reasons for drug use or drug-related harm. There is no single reason for drug use, no single drug problem, and no single effective response. There are many factors that shape drug use and the wide variety of drug-related problems, such as the availability and properties of drugs, the nature of the work and the work culture, the pattern and context of use, and individual characteristics.[636]

From the published material available prior to Operation Abelia, it is clear that little has been documented about why some officers use illegal drugs. The PIC sought to find out more about the reasons that some officers use illegal drugs because the more that is known about the potential triggers of illegal drug use by officers, the better placed an agency such as NSW Police is to minimise such illegal drug use.

The accounts that some officers and former officers gave for their illegal drug use during Operation Abelia hearings are presented in the material that follows. These accounts are provided to illustrate the diversity of reasons different officers have given for their illegal drug use. These accounts also illustrate some of the trigger events that officers identified as leading to their drug use.

SOURCES OF INFORMATION

To find out more about the reasons some officers use illegal drugs, witnesses were asked, in both public and private hearings before the PIC, about their illegal drug use and the reasons for it. Witnesses who gave evidence in private hearings were also asked:

- whether they came into contact with drugs through their work as a NSW Police officer, and
- whether they thought that the type of work that they did put them at a higher risk of using drugs than some other type of work might have.

636 S. Allsop, M. Phillips, & C. Calogero, Practical steps to respond to drug-related harm in the workplace. In S. Allsop, M. Phillips, & C. Calogero (Eds) *Drugs and work: Responding to alcohol and other drug problems in Australian workplaces*. East Hawthorn, Victoria: IP Communications Pty Ltd, 2001, p. 148.

The evidence that officers, whose records formed part of the case study analysis, had given during previous NSW Police or PIC investigations was also examined to identify any information that these officers might have provided concerning the reasons or catalysts for their illegal drug use.[637]

EVIDENCE

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

Only three of the former officers who gave evidence in the private research hearings specifically said that they thought the type of work they did put them at a higher risk of using drugs. One of these former officers had been doing undercover work, another had been injured during an arrest, and the third spoke about the alcohol abuse that was associated with policing and linked his drug use to this alcohol abuse. As described below, some other officers and former officers who said that they did not think that their policing duties put them at a higher risk of using drugs did give work-related stress as one of the reasons for their illegal drug use.

The range of reasons that officers and former officers gave during their evidence as part of Operation Abelia for their use of illegal drugs can be grouped into the following categories:

1. family or relationship problems or other personal stress
2. work-related stress
3. socialising with friends and/or as a lifestyle choice
4. replacement for alcohol, or
5. other reasons.

In some cases, officers and former officers attributed their illegal drug use to a combination of these reasons.

1. Family or relationship problems or other personal stress

Some officers and former officers spoke about relationship or other personal problems triggering their drug use. Examples of this are provided below.

- ***Fiancée left and officer's brother, a 'chronic drug user', offered the officer cannabis to console him:*** Former Officer M2, who joined NSW Police when he was 19 years old and resigned 17 months later, admitted in evidence before the PIC that he had used marijuana and LSD before joining NSW Police. He also admitted to smoking cannabis during his training at the Academy. However, he told the PIC that he stopped using drugs for about 15 months as he thought it was wrong 'to keep using

637 Further detailed information from the case study analysis on why some officers use illegal drugs can be found in Section 3.8 of Appendix 5.

and being a police officer at the same time'.[638] This former probationary constable said that the reason he started using drugs again was because his fiancée, with whom he had a child, had left him. He had a brother whom he described as a 'chronic drug user'. Former Officer M2 said his brother offered him some drugs 'to console' him. He also admitted that he later bought cannabis from criminals.[639]

- ***Used cannabis to 'escape' from problem with girlfriend:*** Officer F4 joined NSW Police when he was 31 years old and he resigned after more than six years. This constable admitted using cannabis and cited problems in his relationship with his girlfriend as the reason for his drug use:

> The only thing that gave me any respite from it was smoking cannabis. That was the only thing that gave me some escape from the reality of the situation.[640]

- ***Resumed cannabis use, rather than turning to alcohol, as an escape after the death of a relative:*** Former Officer N2 joined NSW Police at the age of 19 and served for 25 years before being dismissed following a positive result to a targeted drug test. This former senior constable was 45 years old when his drug use was detected. He said he first started using drugs in the mid-1980s when he was undergoing chemotherapy treatment for cancer. He said that a doctor told him to smoke cannabis to help him relax and to increase his appetite. He stated that he was on sick leave during that period.[641] Former Officer N2 told the PIC that after this he stopped his drug use for approximately 12 years but started again following the death of a relative and another stressful incident.[642] He added that he chose cannabis as an escape in preference to alcohol:

> It was my personal choice that I used it. The other escape was alcohol, I believe, and my father was an alcoholic. It really never entered my head, alcohol, or to ask for help, and I'm not a person who asks for help.[643]

- ***Used ecstasy when confronting her sexuality as well as family and relationship issues:*** Officer X2 joined NSW Police at the age of 19 and, at the time of giving evidence to the PIC, had been a serving officer for more than nine years. She told the PIC that she used mainly ecstasy at a time while she was working as a police officer when she was confronting 'my sexuality, a lot of personal issues with my family and my relationship at the time'.[644]

- ***Smoked cannabis to cope with the stress of living in Sydney:*** Former Officer G4 joined NSW Police at the age of 19 and was dismissed eleven years later because he tested positive to a targeted drug test. This former senior constable said that he used cannabis very occasionally after joining NSW Police. He explained that having come

638 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, pp. 5, 6.
639 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, pp. 6-8.
640 Operation Abelia, PIC Transcript, Private hearing, ANS, 12 May 2004, pp. 10-12.
641 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 6.
642 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 7.
643 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 23.
644 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, p. 7.

from a small country town he did not cope well with city living and he felt homesick. He said that smoking cannabis helped him to relax. He told the PIC that gradually he began to smoke more and more, as the stress of living in Sydney began to take hold.[645]

2. Work-related stress

Of those who mentioned work-related stress, some described major and rare events. For example, one former officer spoke about finding the body of his supervisor who had committed suicide. On the other hand, some officers and former officers spoke of day-to-day stresses of having conflicts with members of their work team.

- ***Used steroids, cannabis and ecstasy following anxiety after having his hand badly broken during an arrest:*** Former Officer G3 joined NSW Police at the age of 23 and served for seven years before resigning. He admitted to the PIC that he had been using steroids, cannabis and ecstasy on numerous occasions.[646] This former constable said that during an arrest his hand had been badly broken and he had been bitten on the leg. At the time of giving evidence to the PIC (two and a half years after the arrest) he said he had two plates in his hand and his fingers could not straighten properly. Former Officer G3 said that after the arrest when his hand was badly broken he was on sick leave for a fair while. He told the PIC that he developed anxiety and depression, lost a lot of weight, became weak and had no use of his hand for a long time. He said he could not remember how long it was after that that he began to use steroids to build himself back up. He told the PIC that he also started taking cannabis to help him sleep. He said that prior to that he had never smoked a cigarette in his life and that he never used cannabis socially. He said he always used cannabis at home and that he could not even speak once he took it. He said he started using ecstasy later on when he got more anxious and depressed and he took ecstasy just to make himself 'feel better'.[647]

- ***Started using cocaine, ecstasy and speed while he was working undercover - the amount of drugs he used depended on his workload and the stress of the situation***: Former Officer P1 was 22 years old when he joined NSW Police and he resigned after 20 years service. He stated that he had 'a bit of a breakdown around 1998, 1999' and he went off sick for a couple of years.[648] This former senior constable told the PIC that prior to working in undercover he had smoked 'a little bit of pot as a teenager' but that was the extent of it.[649] He stated that his own use of prohibited drugs, namely cocaine, ecstasy and speed, started while he was working as an undercover operative. 'I was under a tremendous amount of pressure doing undercover work. So the drug use was basically used as a prop-up'.[650] He told the PIC that the amount of drugs he used depended on his workload and increased

645 Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, p. 10.
646 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, pp. 8, 10.
647 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, pp. 8-10.
648 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 7.
649 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 9.
650 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 10.

commensurate with the stress of the situation.[651] (It should also be noted that this former senior constable said that he understood that NSW Police support for undercover officers has been improved since he left the Service.[652])

- ***Used speed, cannabis, ecstasy, cocaine and ice after he found the body of a supervisor who had committed suicide:*** Officer V1 joined NSW Police straight after school and worked for nearly four years with NSW Police before resigning. He admitted to using speed, cannabis, ecstasy, cocaine, ice and liquid MDMA.[653] This former constable told the PIC that he only started using these drugs about a month after he found the body of a supervisor who had committed suicide.[654] He explained that:

> I just sort of shut out from normal life and just stayed in my room and didn't come out and just some friends ended up coming over one day and said, 'Come on, let's go out', and I'm like, 'No way, I've got no energy', and they said, 'Here, have some of this', and that's what started it.[655]

- ***Used ecstasy and speed 'to go out and just be normal' following day-to-day stresses or conflicts with members of her work team***: Former Officer C4 joined NSW Police at the age of 20 and resigned after five years service. This former constable told the PIC that she had been using ecstasy and speed.[656] When asked why she used illegal drugs she replied:

> I guess I just got a little bit stressed at work. It was a bit of [an escape] in the fact that on the weekend I could go out and just - and just do what - basically do what I wanted to do and just go back to work at a later time, so I guess it was more of a stress relief and just a relax sort of thing to do.[657]

She added:

> I guess - I mean, I was 25 at the time. Everyone knows being a cop is a bit of a stressful thing. I was in - just workwise, there was - there was 20 people in my office, there was two girls. Girls got absolutely loaded up with the crappiest jobs. It just - sometimes it just brought you down and you were a bit stressed around things like that.[658]

651 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 11.

652 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, pp. 31-32.

653 Operation Abelia, Record of interview, 13 September 2004, pp. 5-6. Please note that the transcript from this record of interview and the transcript from other records of interview referred to in this report is not available for public distribution.

654 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 13.

655 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 13.

656 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 9.

657 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 9.

658 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, pp. 12-13.

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

> I guess, as I said, it was just a bit of a stress relief. I could go out and just be normal.[659]

As illustrated in the example below, some officers attributed their illegal drug use to a combination of work-related and personal stress.

- ***Used cannabis following attending a serious motor vehicle accident and his subsequent marriage breakdown:*** Former Officer V3 left NSW Police after 12 years service. He told the PIC that he had 'sampled' cannabis as a teenager but he did not continue his use of cannabis.[660] This former senior constable stated that he recommenced using cannabis after attending a very serious double fatal motor vehicle accident. Not long after that incident he said he was diagnosed with post-traumatic stress disorder and he was off work for approximately six months getting treatment. During that time his marriage broke down and he started drinking and experimenting with cannabis.[661]

3. Socialising with friends and/or as a lifestyle choice

- ***Used cannabis because he was with friends, the drug was available and he was bored with his work:*** Former Officer R3 was 19 years old when he joined NSW Police. He served 12 years before being dismissed. In his evidence before the PIC this former senior constable admitted that he had used cannabis prior to joining NSW Police. He also admitted to trying speed once or twice but said that he had not used drugs for a couple of years before joining NSW Police.[662] When asked why he recommenced using drugs after joining NSW Police he replied:

> I think just friends, off-duty friends, non-police friends just associating with them at parties and trying it – cannabis use, that is.[663]

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

> It was there, so it was available, also maybe boredom with reality and mundane life, I think about six years into the Police Service I started getting well and truly sick of it, bored with it, so this was just something different, I guess.[664]

659 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 18.
660 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 7.
661 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 6.
662 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 6.
663 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 7.
664 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 9.

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

> I don't think so, no. I think it was more just boredom and I knew what it would do for me and I sort of craved that feeling.[665]

- ***Used ecstasy and cocaine when socialising with friends:*** Former Officer C2 joined NSW Police at the age of 23 and resigned after 17 months. This former probationary constable admitted in his evidence before the PIC that he had used both cocaine and ecstasy prior to joining NSW Police.[666] In relation to his illegal drug use while serving in NSW Police he said that he was using illegal drugs such as ecstasy and cocaine due to 'the people [he] was associating with'. He explained that these people were new friends whom he had not met through work.[667]

- ***Used ecstasy at a dance party when a friend offered him some:*** Officer G2 joined NSW Police at the age of 28 and had been in NSW Police for approximately seven years at the time of giving evidence to the PIC. He admitted to the PIC that he had been a frequent smoker of cannabis prior to joining NSW Police.[668] He said that he had been in NSW Police for about two and a half years before using illegal drugs again. Officer G2 told the PIC that he used ecstasy when he went to a dance party, something he had never done before. Officer G2 told the PIC that a friend of his came up to him and said:

  > 'Here try this man, you'll love it', and he looked like he was having a good time. So, you know, I didn't really think about the consequences or anything like that at the time. You know, I just did it. That was it.[669]

- ***Used ecstasy, speed, cocaine and ketamine as 'a lifestyle choice':*** Officer D4 joined NSW Police when she was 21 years old and resigned after ten years. At the time of her resignation she held the rank of senior constable and was performing general duties in an inner city suburb. She admitted to using ecstasy, speed, cocaine and ketamine.[670] When giving evidence before the PIC, Officer D4 admitted having been a drug user for about seven or eight years while employed as an officer in NSW Police.[671] This officer said that she first came to use illegal drugs, namely ecstasy, when she was at a dance party.[672] When asked why she took drugs she said that 'it's a lifestyle choice of mine'.[673]

- ***Used ecstasy and cocaine when he was holidaying with a group of fellow officers:*** Former Officer G6 joined NSW Police when he was 20 years old and he resigned eight years later. This former senior constable admitted smoking cannabis whilst still in school.[674] The next time he

665 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, pp. 9-10.
666 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 7.
667 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, pp. 8-9.
668 Operation Abelia, Record of interview, dated 7 May 2004, p. 5.
669 Operation Abelia, Record of interview, dated 7 May 2004, pp. 6-7.
670 Operation Abelia, PIC Transcript, 6 November 2003, p. 79.
671 Operation Abelia, PIC Transcript, 6 November 2003, p. 79.
672 Operation Abelia, PIC Transcript, 6 November 2003, p. 80.
673 Operation Abelia, PIC Transcript, 6 November 2003, p. 83.
674 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, pp. 10-11.

used illegal drugs was approximately two years after he joined NSW Police. He said that he used ecstasy and cocaine when he was holidaying with a group of fellow officers. When asked why he used those illegal drugs at the time he replied:

> At that time, probably to reinforce that bonding and that mateship. To a lesser extent, I also think it's an exciting thing – you're young, okay, here's a recreational social drug that we can use and go out and have 'a good time'.
>
> It's also – I think it is also looked at – I certainly looked at it as an escape from working – working quite hard, as you can see from my record, and then at the end of it on a Friday night you can go out and just relax and not be – and just be, you know one of the crowd at a night club, and yeah, not – not have the public's focus on you.[675]

- ***Used ecstasy and amphetamines with his friends because they were having a bit of fun and he wanted to join in:*** Former Officer A2 joined NSW Police when he was 24 years old and served for almost four years before resigning. He admitted in his evidence before the PIC that he had used both ecstasy and speed before joining NSW Police.[676] When asked why he resumed using prohibited drugs after he became a police officer, he answered that he recommenced using drugs about a year after he joined the police 'just with friends at parties, kind of thing. They were having a bit of fun, so I wanted to join in'.[677] When asked more about this he said that although he had not used drugs in the first year after he joined NSW Police he had gone to parties where he had been offered drugs. He explained that he had declined the offers because he 'valued (my) job at the time'.[678] When asked what had changed he said 'just temptation, I suppose'.[679]
- ***Used ecstasy, speed, cocaine and ketamine because it's part of her lifestyle and she enjoys it:*** Former Officer Y3 joined NSW Police when she was 19 years old and resigned after 13 years. At that time she held the rank of senior constable. She admitted that she had been using illegal drugs such as ecstasy, speed, cocaine and ketamine for the last seven years.[680] She admitted to the PIC that she had bought ecstasy in nightclubs and bars she had frequented.[681] This former officer said that even though she considered taking illegal drugs as 'high-risk' she did not stop using them, 'because it's part of my lifestyle and I enjoy it'.[682]

675 Operation Abelia, PIC Transcript, Private hearing, APH, 13 August 2004, pp. 11-12.
676 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, pp. 5-6.
677 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 6.
678 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 10.
679 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 10.
680 Operation Abelia, PIC Transcript, 6 November 2003, p. 53.
681 Operation Abelia, PIC Transcript, 6 November 2003, p. 57.
682 Operation Abelia, PIC Transcript, 6 November 2003, p. 60.

4. Replacement for alcohol

Alcohol was described as being associated with illegal drug use in different ways. As stated in the previous section, some officers said that they commenced using illegal drugs after drinking an excessive amount of alcohol that reduced their inhibitions to using drugs or that they saw illegal drug use and drinking as supplementing each other in some way. However, some other witnesses said that they used illegal drugs as a replacement for alcohol, for example:

- ***Used marijuana as a means of getting over alcohol withdrawals:*** Officer Q3 joined NSW Police at the age of 20 and at the time of giving evidence to the PIC had been a police officer for over 30 years. Officer Q3 was in his mid-40s when he came forward under the amnesty provisions and admitted to cannabis use. This senior constable cited the following reason for his prohibited drug use:

  > When I first joined NSW Police, alcohol was a fair part of the job and unfortunately I fell into the trap and ended up with a drinking problem. And I had a couple of stints in rehab for alcohol, and somewhere I switched on to smoking marijuana as a means of getting over the withdrawals of not drinking. Basically I switched one problem for another.[683]

  In his evidence before the PIC Officer Q3 stated that a drug and alcohol counsellor had suggested to him that cannabis might help with the withdrawal symptoms he was having with alcohol. He added that: 'I think after a period of time I realised that it probably wasn't the right thing to be doing. But at that stage I was having trouble getting off it'.[684] Officer Q3 told the PIC that he had been addicted to cannabis and his own attempts to get off the drug had failed. He tried for about three or four months to give up smoking marijuana, but he was only able to handle about two or three days off the drug. Officer Q3 claimed that, after spending three weeks in rehabilitation after coming forward under the amnesty, he has not used cannabis or alcohol since.[685]

5. Other reasons

One of the officers whose records were included in the case study analysis said that she had used drugs to improve her work performance:

- ***Used amphetamines to stay awake and alert 'to make sure I get my job done properly':*** When questioned by NSW Police, former Officer L2 claimed that she used amphetamines to keep her awake and alert whilst carrying out her policing duties. She said that she used amphetamines because they 'help me to cope with thinking, to wake me up so that I can … concentrate … so I could be awake and alert enough so they wouldn't have anything to pick on me about … to make sure I get my job done properly'. This former constable claimed that her use of amphetamines was prompted by other officers 'picking on' her and her subsequent inability to concentrate on her police work.

683 Operation Abelia, PIC Transcript, Private hearing, ANJ, 10 May 2004, pp. 6-7.
684 Operation Abelia, PIC Transcript, Private hearing, ANJ, 10 May 2004, p. 7.
685 Operation Abelia, PIC Transcript, Private hearing, ANJ, 10 May 2004, p. 9.

IMPLICATIONS FOR MINIMISATION STRATEGIES

The PIC accepts there may have been other reasons for officers using illegal drugs in addition to those offered by these officers in hearings. Furthermore, the PIC accepts that the explanations officers give for their drug use may change over time as they reflect upon their past behaviour in different contexts. However, the accounts provided in this section illustrate the diversity of reasons different officers have given for their illegal drug use.

Just as Allsop, Phillips and Calogero (2001) have stated that there is no single reason and no single effective response for drug use in the broader community, from the information collected as part of Operation Abelia, it is clear that there is no single reason for (and possibly no single effective response to) illegal drug use by officers.

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

Most people, whether they are civilians or police officers, would at some time face stressful situations not unlike some of those cited by these former and current officers. However, it is likely that most police and civilians find legal ways of managing such circumstances.

The PIC does not consider that such circumstances diminish the responsibility of individual officers to behave lawfully. In fact, the PIC does not believe that there would be any reason that would be an acceptable rationale for an officer to use illegal drugs. However, the accounts given by these officers provide a useful insight into situations that may trigger this type of misconduct. By identifying such triggers, these accounts can also be used to suggest avenues for intervention to minimise such misconduct.

Some aspects of these accounts raise further questions about the types of circumstances that act as a catalyst for some officers to commence using illegal drugs. For example, it is unclear from these accounts whether it is individual events that have triggered the drug use or whether it is a combination of events. One of the first examples in this section was of an officer who said that his brother, a 'chronic drug user', offered him cannabis to console him when his fiancée left. It is unclear whether this officer would have started using cannabis when his fiancée left if he had not had a brother who was able to supply him with illegal drugs.

Also, some who said that they had used illegal drugs when socialising with friends said that when they had been in similar social situations earlier in their policing careers they had previously declined the offer of illegal drugs. It is not clear what had changed that led to their subsequent use of illegal drugs. One attributed his subsequent use of drugs to 'temptation' while another in this situation explained his drug use in terms of 'boredom'.

The PIC suggests that NSW Police uses these accounts to stimulate discussion amongst officers and students of more appropriate ways for officers to deal with situations similar to these. The appropriate response in a number of these situations may not be straightforward. The PIC considers that NSW Police should discuss how to manage such integrity risks with students and officers well in advance of officers being confronted by such risks. In this way officers will be better equipped to respond appropriately if they find themselves in such situations in the future. The use of these accounts, as examples of integrity risks, is further discussed in the Education, Training and Communication section of Chapter 6.

5.5 CHARACTERISTICS OF OFFICERS WHO USE ILLEGAL DRUGS

If it is possible to identify the characteristics of officers who are most likely to use illegal drugs, this would provide a means for targeting education, detection and other strategies to minimise illegal drug use.

Chapter 2 summarises what was known, prior to Operation Abelia, about the characteristics of officers most likely to use illegal drugs. As described in Chapter 2 of this report:

- The majority of NSW Police officers detected as using illegal drugs in the Royal Commission into the NSW Police Service and in the PIC Operations Saigon and Dakota were male and held the rank of senior constable.
- In their research on 'cop culture' in the UK, Wilson, Ashton and Sharp observed that the officers who used illegal drugs tended to be young and not long serving with a common interest in dance music.[686] However, when discussing this research Wilson told representatives of the PIC that one of the findings that surprised him was that officers of different ranks, genders and different age groups across all six constabularies admitted their illegal drug use to him.
- Studies of illegal drug use in the Australian community have suggested that illegal drug use is more likely amongst those aged 20 to 29 years old.

Interviews with a sample of NSW Police commanders in mid-2003 obtained these commanders' views on the characteristics of officers they considered most likely to use illegal drugs.[687] When asked whether they considered that prohibited drug use by officers is a problem for NSW Police and what were the reasons for their views, almost two-thirds of the commanders interviewed by senior PIC staff considered that drug use by younger officers was the main problem for NSW Police. When asked whether some types of officers are more likely to use prohibited drugs than other types of officers, almost half of the commanders interviewed mentioned age as a factor and referred to officers who are 'young', 'single' and 'under 25'. Almost three-quarters mentioned that the location of the officer was also a factor, adding that they thought officers working in

686 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, pp. 149-150.

687 For further information about the interviews with commanders and the views of these commanders refer to Appendix 2.

metropolitan Sydney and larger regional centres would be more likely to use prohibited drugs.[688]

SOURCES OF INFORMATION

In order to examine the characteristics of officers who use illegal drugs, the PIC primarily relied on the records of those officers who were included in the case study analysis.[689] In addition, those who gave evidence in the private research hearings were asked about whether they had used any illegal drugs prior to joining NSW Police, whether they used drugs throughout their training at the NSW Police College, and how long after joining NSW Police they had started or resumed using illegal drugs.

EVIDENCE

The information collected on the characteristics of officers who use illegal drugs is summarised below under the following headings:

1. age and gender
2. rank
3. length of service
4. types of duties, and
5. geographical location.

1. Age and gender

During Operation Abelia, the illegal drug use of both male and female officers came to notice. The officer's age at the time of detection or admission of illegal drug use ranged from 20 years to 48 years[690], with half of those considered in the case study analysis being thirty years or older at the time their illegal drug use was detected.[691] While approximately two-thirds of those considered in the case study analysis were aged between 26 and 35 years, this does not provide a useful guide for targeting information strategies because this age group represents a substantial proportion of NSW Police. According to the NSW Police 2003-2004 Annual Report, almost half of NSW Police officers were aged between 26 and 35 years old.

2. Rank

The rank held by officers who admitted or were detected using illegal drugs ranged from probationary constable to sergeant. More than half of the officers held the rank of senior constable at the time that their drug use came to notice.[692] However, senior

688 For further information about the views of these commanders refer to Sections 1.1 and 1.3 of Appendix 2.

689 Refer to Appendix 5 for additional information about the case study analysis.

690 This figure differs slightly from the maximum age of the officers in the case study analysis because it includes an officer who came forward under the amnesty who was not included in the case study analysis.

691 For further information refer to Section 3.1 and Table A5.1 in Appendix 5.

692 For further information refer to Section 3.3 and Table A5.3 in Appendix 5.

constable is the rank most commonly held by NSW Police officers with 43% of officers holding this rank in August 2004.[693]

3. Length of service

From the evidence collected during Operation Abelia it is clear that the majority of officers who admitted using illegal drugs had not been using illegal drugs throughout their entire policing careers. Often they gave evidence that they had served for a substantial number of years prior to commencing their use of illegal drugs. The three witnesses who gave evidence on the first day of Operation Abelia public hearings provide examples of this:

- one served four or five years before using illegal drugs - this former senior constable who had joined NSW Police nine years earlier said that she had been using ecstasy, speed, cocaine and ketamine on and off for a period of four or five years[694]
- another worked for about six years prior to using illegal drugs. This former senior constable, who had joined NSW Police 13 years earlier, said she had been taking ecstasy, speed, cocaine and ketamine for about seven years[695], and
- the third worked for two or three years prior to using illegal drugs. This senior constable said she been using ecstasy and speed for seven or eight of the more than ten years she had been in NSW Police.[696]

Similarly, some who gave evidence in private hearings said that they commenced their illegal drug use several years after joining NSW Police. One said he started using cannabis about four or five years into the job[697], another said that he started using cannabis about four and a half years after he was sworn in[698], and another said that he started using steroids, ecstasy and cannabis after about six years after joining NSW Police.[699] On the other hand, a small number of witnesses spoke about occasionally using illegal drugs both at the Academy (or the NSW Police College) and following attestation[700] and one said that he used ecstasy about a month after attestation.[701]

The case study analysis examined length of service at the time an officer admitted illegal drug use or the officer's drug use was detected.[702] There was a large variation between officers in the length of service before their illegal drug use came to notice, ranging from less than a year to up to 26 years service. Half of the officers in the case

693 Figures derived from the Computerised Operational Policing System (COPS) in August 2004 revealed that senior constable is the most commonly held rank in NSW Police. At that time 43% of officers were senior constables, 27% were constables, 9% were probationary constables and 15% were sergeants, with the remaining 6% holding more senior ranks.

694 Operation Abelia, PIC Transcript, 6 November 2003, pp. 27, 34.

695 Operation Abelia, PIC Transcript, 6 November 2003, p. 53.

696 Operation Abelia, PIC Transcript, 6 November 2003, p. 79.

697 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 7.

698 Operation Abelia, PIC Transcript, Private hearing, ANS, 12 May 2004, p. 10.

699 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, pp. 5, 8.

700 Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, p. 9.

701 Operation Abelia, PIC Transcript, Private hearing, ANL, 12 May 2004, p. 8.

702 This differs from the period, discussed in the preceding paragraphs, between the start of the officers' career and the time when he or she commenced illegal drug use. It is not known how long after commencing illegal drug use these officers' drug use was detected.

study analysis had served more than eight years before their illegal drug use came to notice.[703]

4. Types of duties

Officers included in the case study analysis had been involved in a wide range of duties at the time that their illegal drug use came to notice. These duty types included general duties, criminal investigation, ancillary, transit, highway patrol and others.[704] Almost two-thirds of these officers were involved in general duties. This is the most common duty type within NSW Police.

5. Geographical location

The case study analysis revealed that almost six out of every ten officers who came to notice for illegal drug use were working in the Sydney Metropolitan area. However, this is not surprising, given that the majority of officers who work in local area commands work in the metropolitan area. Illegal drug use is not confined to officers working in metropolitan areas. Ten per cent of the officers included in the case study analysis worked in country areas, twelve per cent worked in specialist commands and information was not available on the work location of fifteen per cent of officers included in the case study analysis.[705]

It is interesting to note that all case study officers who were working in country areas came to attention for cannabis use alone. In contrast, officers working in metropolitan areas and specialist commands were found to have used a variety of illegal drugs.

IMPLICATIONS FOR MINIMISATION STRATEGIES

As noted earlier, the officers included in the case study analysis came to the attention of NSW Police and/or the PIC. It is not possible to know how the characteristics of officers who have come to notice differ from the characteristics of officers who have yet to come to notice.

What can be concluded from the case study analysis is that illegal drug use is not confined to any one particular demographic subgroup of officers. It is not possible to identify officers who are at a high risk of using illegal drugs from their gender, age, rank or length of service. It is also clear that illegal drug use by police is not confined to officers working in metropolitan areas.

In order to effectively minimise illegal drug use, it is important that NSW Police does not simply target its education, detection and other strategies solely at younger officers working in metropolitan areas. If it were to do this it would overlook a variety of officers from other demographic backgrounds who may be using illegal drugs.

The issue of drug testing 'high-risk areas' more often than other areas is discussed further in Section 6.5 of the next chapter. In that section, the PIC suggests selecting high-risk areas in terms of work types rather than in terms of the demographic characteristics of officers because, as has been demonstrated in this section, officers

703 For further information refer to Section 3.2 and Table A5.2 in Appendix 5.

704 For further information refer to Section 3.5 and Table A5.5 in Appendix 5.

705 For further information refer to Section 3.4 and Table A5.4 in Appendix 5.

using illegal drugs come from a wide range of backgrounds and are not readily predictable on their demographic characteristics.

Some of the officers who use illegal drugs are experienced officers in whom NSW Police has made a significant investment in terms of training.

The evidence that some officers had served in NSW Police for a substantial number of years prior to commencing their use of illegal drugs suggests that the problem of illegal drug use is not simply the result of recruiting individuals who have a propensity for illegal drug use. The catalyst for illegal drug use appears to be more complex than simply personal characteristics of the individuals recruited. Consequently, the solution to illegal drug use by officers is not as simple as relying on the implementation of better recruitment practices in isolation from other strategies. The ways in which recruitment practices can be used to deter unsuitable applicants from applying to join NSW Police, as well as the limitations of what can be achieved by improved recruitment processes, are discussed in more detail in Section 6.9 of the next chapter.

5.6 OFF-DUTY ILLEGAL DRUG USE

In his research on police drug use in the USA, Carter observed that it was common practice for officers to commence using illegal drugs recreationally while off duty and move on from this to drug-related misconduct such as the confiscation of drugs for personal use.[706]

When looking at the causes and origins of police corruption in England and Wales, a Home Office study, published in 2003, found strong evidence that corruption has its roots in both work and non-work contexts:

> Significantly, and in a way that is different from previous literature, this research finds strong evidence that corruption has its roots in both work and non-work contexts.[707]

and

> A key finding of this study is that corruption within the police service is rooted, to a significant extent, in factors that are found outside the working environments of police staff. [708]

Miller (2003), the author of the Home Office study described above, categorised these non-work roots of corruption into two groups:

i. Domestic/personal problems – problems with relationships, alcohol or drugs, or finance could provide a backdrop to their involvement in corruption. However, this was not always the case.

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706 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 86, 89.

707 J. Miller, Police corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, 2003, p. 19. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

708 J. Miller, Police corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, 2003, p. 22. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

ii. Social networks with criminals – whether connections with criminals were direct or indirect, these networks are an important basis for corruption. This could involve longstanding relationships (e.g. old friends or relatives) or acquaintances made in leisure environments, such as gyms, pubs and clubs. Again, these can provide a basis for the targeting of police staff by organised crime.[709]

SOURCES OF INFORMATION

In order to examine when NSW Police officers use illegal drugs, the PIC relied primarily on those who gave evidence in the public hearings and the private research hearings[710] as well as on the records of those officers who were included in the case study analysis.[711] Those who gave evidence in private hearings were asked: 'Did you use while on duty, while off duty, or both while on duty and off duty?'

EVIDENCE

The majority of officers and former officers who appeared before the PIC said that they used illegal drugs only when they were off duty. Some officers said that they limited their drug use to while they were off duty, to conceal their illegal drug use from NSW Police.[712] Some other officers said that they confined their illegal drug use to when they were off duty because they did not think that it would be appropriate to come to work under the influence of drugs.[713]

One officer said that he used drugs only when he was off duty for convenience:

- ***Smoked cannabis at home for convenience:*** Officer Q3 said that he never smoked cannabis while on duty. He usually smoked after a shift or first thing in the morning, before he went to work. He told the PIC that smoking [cannabis] at home was more for convenience reasons rather than being afraid of being caught.[714]

Not all officers said that they confined their drug use to when they were off duty. The records of two officers who performed undercover duties were considered as part of the case study analysis. These officers said that they used illegal drugs both when they were on duty and when they were off duty. Another officer, who told NSW Police that she used amphetamines to improve her work performance, said that she did not use these drugs on rest days:

- Former Officer L2, when interviewed by NSW Police about her drug use, said that she would not administer amphetamines at work but would

709 J. Miller, *Police* corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, 2003, p. iii. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

710 Refer to Appendix 3 for additional information about the private hearings that were conducted for research purposes.

711 Refer to Appendix 5 for additional information about the case study analysis.

712 Different strategies that officers report using to conceal their illegal drug use, including confining their drug use to when they are off duty, are discussed in more detail in Section 5.8, Strategies for avoiding detection.

713 For example: Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 9; Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, p. 11; Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, pp. 9-10.

714 Operation Abelia, PIC Transcript, Private hearing, ANJ, 10 May 2004, p. 11.

> administer them a couple of hours before her shift. She also said that she would not use amphetamines on her rest days.

IMPLICATIONS FOR MINIMISATION STRATEGIES

The illegal drug use that came to notice in Operation Abelia was primarily off-duty use rather than use while on duty. Some officers said that they used drugs while they were off duty because they did not think that it would be appropriate to come to work under the influence of drugs. Some officers said that they used drugs when they were off duty to avoid being detected by a drug test when they were at work. Some officers said that they confined their illegal drug use to times when they were off duty for both of these reasons.

Because of the variations in the nature of the drug(s) used and the officer's individual metabolism, the current regime of drug testing based on urine samples taken when an officer is on duty may not detect the illegal drug use of all officers who use drugs while off duty. For this reason, the PIC has recommended improving the capacity of NSW Police to detect off-duty illegal drug use by trialling the use of hair samples and seeking a legislative amendment to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all circumstances. These additional strategies to detect off-duty drug use are discussed further in Section 6.4 (Targeted Drug Testing) of the next chapter.

When discussing approaches for preventing police corruption in England and Wales, Miller (2003) has stated that strategies need to target both work and non-work factors and that one of these strategies should be to provide training on how to manage the risks that officers face when they are off duty:

> Training, too, needs to give emphasis to the risks that police staff may face outside the job so that they are equipped to manage these risks, and to avoid potential compromise.[715]

Strategies to assist NSW Police officers to identify and manage integrity risks that they may face when they are off duty are discussed in Section 6.10 (Education, Training and Communication) in the next chapter.

5.7 CIRCUMSTANCES UNDER WHICH OFFICERS USE ILLEGAL DRUGS

Prior to Operation Abelia, other than determining that illegal drug use was largely conducted off duty, little had been documented concerning the circumstances under which officers use illegal drugs.

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715 J. Miller, Police corruption in England and Wales: An assessment of current evidence. *Home Office Online Report 11/03*, 2003, p. 38. <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr1103.pdf>.

SOURCES OF INFORMATION

In order to examine the circumstances in which illegal drugs were used, the PIC relied primarily on those who gave evidence in the public hearings or the private research hearings[716] as well as on the records of those officers who were included in the case study analysis.[717] Those who gave evidence in private hearings were asked:

- In what sorts of circumstances did you use prohibited drugs?
- Where did you use prohibited drugs, e.g., when you were at home, or when you were out, or both?
- Did you use prohibited drugs when you were alone, or when you were with others, or both alone and with others?
- Who did you use drugs with, e.g., family or friends?
- Did you use prohibited drugs with other police officers?

EVIDENCE

From the case study analysis it is clear that it is common for officers who use illegal drugs to use these drugs in social settings such as at parties, pubs, nightclubs and dance parties. Officers also said that they used these drugs when they were at home.[718]

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

The majority of officers who were considered as part of Operation Abelia could be divided into six main groups based on the types of drugs they used and the circumstances in which they used these drugs:

1. Officers who used ecstasy and other drugs when socialising with friends
2. Officers who used ecstasy and other drugs with friends to relieve work stress
3. Officers who used ecstasy and other drugs with friends to relieve personal or family stress

716 Refer to Appendix 3 for additional information about the private hearings that were conducted for research purposes.

717 Refer to Appendix 5 for additional information about the case study analysis.

718 See Section 3.9.3 and Table A5.9 of Appendix 5 for more information for the results of the case study analysis on the contexts in which officers use illegal drugs.

4. Officers who used cannabis (only) with friends to relieve personal or family stress
5. Officers who used cannabis (only) as a way of socialising with friends
6. Officers who used cannabis (only) while alone to relieve stress.

Not all the officers from whom the PIC obtained evidence fell into one of these six categories. Some officers used other types of drugs such as steroids or heroin. Some used for other reasons, such as to build themselves up after an injury or to assist with the symptoms of alcohol withdrawal. While the six groups listed above do not capture all officers who used illegal drugs, they are provided here as one way of considering different types of police drug use.

Examples of the accounts officers and former officers have given of the circumstances of their illegal drug use are provided below for each of these six groups.

1. Officers who used ecstasy and other drugs when socialising with friends

Of the officers who came to notice as part of Operation Abelia, the largest group were officers who used ecstasy and other drugs in the company of other people primarily for fun or as a means of socialising. The following examples illustrate the circumstances under which these officers use illegal drugs.

- ***Used ecstasy at parties and nightclubs:*** Officer D3 joined NSW Police when he was 19 years old. This officer had attained the rank of detective sergeant and was working in a specialist unit at the time he was interviewed by the PIC.[719] He said that he commenced using ecstasy about seven years after joining NSW Police for a period of about six years. He said he first used ecstasy at a party. His girlfriend said 'do you want this?' and that is how it started. He said that he never took ecstasy at home but only at parties. 'I mean ecstasy's a type of drug you wouldn't take at home. Um, parties or nightclubs and that was it'.[720] He told the PIC that when he used illegal drugs at parties he was with different people including friends, relatives and strangers.[721] Officer D3 claimed that his drug use was very irregular. He said that sometimes he wouldn't take ecstasy for 12 months, but other times he might use it twice in one month and then not do it again for 18 months.[722] This officer said he never considered making use of the amnesty as he did not consider himself to be a drug user.[723]
- ***Saw drug taking as part of her lifestyle and she enjoyed socialising in those circles:*** At the time she gave evidence to the PIC, former Officer J3 was 28 years old and had been in NSW Police for about nine years. At that time she said she had been using drugs for about four or five years, although she said she had used cannabis some years beforehand. This former senior constable told the PIC that she started taking illegal drugs such as ecstasy, speed, cocaine and ketamine, 'just

719 Operation Abelia, Record of Interview, dated 13 May 2004, p. 3.
720 Operation Abelia, Record of Interview, dated 13 May 2004, p. 6.
721 Operation Abelia, Record of Interview, dated 13 May 2004, p. 6.
722 Operation Abelia, Record of Interview, dated 13 May 2004, p. 10.
723 Operation Abelia, Record of Interview, dated 13 May 2004, p. 13.

going out socially. It was pretty prevalent where I went out at night and I just decided to try it'.[724] She described her drug use as a 'lifestyle choice'.[725] When asked how often she used illegal drugs she replied 'it might have been once every two or three weeks and then I went for a period of three years where I would have done it twice a year maybe and then it's become more prevalent again since February'.[726] Former Officer J3 said she used illegal drugs in the presence of other officers. She said she used drugs at nightclubs and at the homes of some officers.[727]

- ***Wanted to have fun with friends at parties:*** Former Officer A2 told the PIC that he recommenced using drugs about a year after he joined the police. He said that he used ecstasy and amphetamines with friends at parties.[728] This former officer said he did not consider himself as having a drug problem. He said that he regarded his drug use as 'just recreational – a function or a party. It wasn't every day or once a week'.[729]

- ***Used ecstasy when socialising with friends at parties:*** Former Officer C2 told the PIC that he used ecstasy with friends; people whom he trusted and who would not put his job in jeopardy.[730] He said he would have used those drugs 'once a fortnight, once a month' when associating with friends.[731] He said he used illegal drugs either when he was at home on his own, or when he was at a party in the company of others.[732]

- ***Used drugs at dance parties:*** Officer D4 admitted using ecstasy, speed, cocaine and ketamine.[733] This senior constable described herself as being an 'occasional, recreational user' and said that on average she would use illegal drugs four to five times a year. The occasions when she used illegal drugs coincided with her attending dance parties.[734] She told the PIC that at times she would share drugs with another police officer.[735]

2. Officers who used ecstasy and other drugs with friends to relieve work stress

- ***Officer M3 said that she has 'pretty much tried everything':*** Officer M3 joined NSW Police at the age of 27 and at the time of giving evidence had worked in NSW Police for four years. This constable told the PIC that she took illegal drugs, usually speed, when she went to dance parties. 'I'll take a pill or have a bit of speed or something like

724 Operation Abelia, PIC Transcript, 6 November 2003, pp. 27, 34.
725 Operation Abelia, PIC Transcript, 6 November 2003, p. 48.
726 Operation Abelia, PIC Transcript, 6 November 2003, pp. 27-28.
727 Operation Abelia, PIC Transcript, 6 November 2003, pp. 35-36.
728 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 6.
729 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 14.
730 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 11.
731 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, pp. 8-9,
732 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 9.
733 Operation Abelia, PIC Transcript, 6 November 2003, p. 79.
734 Operation Abelia, PIC Transcript, 6 November 2003, p. 80.
735 Operation Abelia, PIC Transcript, 6 November 2003, p. 86.

that'. She also said that in addition to ecstasy and speed she has 'pretty much tried everything'.[736]

Officer M3 said that she 'played with them' [drugs] before she joined NSW Police, however, for the first three years of being an officer she was 'a model police officer'. About two years ago 'when everything started falling apart' she started to use illegal drugs again.[737] She told the PIC that she was 'really stressed out at work'. She was only a constable at that stage, yet more experienced officers would send her out to do jobs she was not qualified to do and she became very stressed and started to lose respect for herself. It was at this stage that she started to use speed again when going to dance parties.[738]

- ***Took drugs every weekend for six to eight months:*** Former Officer V1 told the PIC that he was using speed, cannabis, ecstasy, cocaine, ice and liquid MDMA.[739] He told the PIC that he only started using these drugs about a month after he found the body of a supervisor who had committed suicide. He said he was taking drugs nearly every weekend for a period of six to eight months after this.[740] He said that he only used drugs when he went out with friends and that he never used drugs at home.[741]

3. Officers who used ecstasy and other drugs with friends to relieve personal or family stress

- ***Officer X2 said she used ecstasy socially with her partner:*** Officer X2 told the PIC that she used ecstasy because she had a lot of personal issues which she was confronting.[742] She said that when she was using ecstasy she was in the company of her partner who was also taking ecstasy. She described her drug use as 'a social thing'.[743]
- ***Officer F2 said that he enjoys going out and most of the people he goes out with use drugs socially:*** Officer F2 told the PIC that he had been using ecstasy, cocaine, cannabis and steroids.[744] He said that one of the reasons he used recreational drugs from time to time was that he had just separated from his fiancée.[745] In relation to taking recreational drugs he told the PIC that most of the people he goes out with or has known his whole life take drugs socially.[746] He admitted to socially taking recreational drugs in the past.[747] When asked by the PIC if he ever intended to do something about his illegal drug use he replied:

736 Operation Anthill, Record of Interview, 16 April 2003, p. 12.
737 Operation Anthill, Record of Interview, 16 April 2003, p. 16.
738 Operation Anthill, Record of Interview, 16 April 2003, pp. 17-18.
739 Operation Abelia, Record of Interview, 13 September 2004, p. 6.
740 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 13.
741 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 7.
742 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, pp. 7-8.
743 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, p. 8.
744 Operation Abelia, PIC Transcript, 9 February 2004, pp. 231-233, 253.
745 Operation Abelia, PIC Transcript, 9 February 2004, p. 253.
746 Operation Abelia, PIC Transcript, 9 February 2004, p. 229.
747 Operation Abelia, PIC Transcript, 9 February 2004, p. 231.

> I knew I had to get off using recreational drugs, yes, but in terms of associating with people, if I were to sit at home on a Saturday night and stare at walls I could do it, but I enjoy going out I enjoy drinking and it's just everywhere, so the conflict of interest would be represented on all occasions I go out and speak to people.[748]

4. Officers who used cannabis (only) with friends to relieve personal or family stress

- ***Used drugs to cope with family stress, believing it would be a 'one-off thing':*** Former Probationary Constable M2 said that what attracted him to becoming a police officer was the 'prestige of the job, the honour in being a police officer and stability of employment'.[749] He said he resumed smoking cannabis because he broke up with his fiancée, who left him and took their child with her. This former probationary constable said he accepted an offer of some cannabis, with the intention of it being a 'one-off thing'. However, three months later, he found that he was still using.[750] He said that he used cannabis at home and at friends' places and his relatives and friends knew that he was smoking cannabis.[751]
- ***Used cannabis with others at home or at parties because of the stress of living in Sydney:*** Former Officer G4 told the PIC that having come from a small country town he did not cope well with city living. He stated that he probably began using cannabis once or twice a week, but later he was using cannabis virtually after every shift.[752] He said that he would smoke cannabis at his home or when he went out to a party. He told the PIC that he used cannabis in the company of other people, some of whom were police officers while others were relatives and friends.[753]

5. Officers who used cannabis (only) when socialising with friends

- ***Smoked cannabis with his friends either at his house or at a friend's house:*** Former Officer R3 said that he used cannabis because he was bored and that this drug use 'was just something different'.[754] This former senior constable said he used cannabis when socialising with his friends.[755] During that time he would have used cannabis once or twice a month because he 'enjoyed it'.[756] He was never concerned about using cannabis in front of other people as he considered them to be his friends.[757] He said he used only in the privacy of his home or a friend's place and thought this 'was adequate enough to keep hidden'. He said he would not risk using in public.[758]

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748 Operation Abelia, PIC Transcript, 9 February 2004, p. 257.
749 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, p. 5.
750 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, pp. 6-7.
751 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, p. 7.
752 Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, p. 10.
753 Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, p. 10.
754 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 9
755 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 7.
756 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 8.
757 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 8.
758 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 9

- ***Smoked cannabis because he enjoyed it:*** Former Officer S2 told the PIC that he started using cannabis when he was about 16 or 17 years of age.[759] He said that he would only smoke cannabis off duty and most of the time he smoked it alone, at home or in the company of friends.[760] This former officer joined the amnesty and did not smoke cannabis for about eight months, however, he started again and when asked why he replied: 'Pretty well just because I enjoyed it, I would say'.[761]

6. Officers who used cannabis (only) while alone to relieve stress

- ***Smoked cannabis when he was alone to cope with the stress in his life:*** Former Officer V3 said that he started using cannabis about 11 years after joining NSW Police. He said that the trigger for this was a very serious double fatal motor vehicle accident in which two young people died. Not long after this incident he started to suffer from post-traumatic stress disorder and was off work for six months getting treatment.[762] At the same time he experienced problems in his marriage and he said that he 'lost the will to live and just did anything I could to harm myself, which included drinking, and at that stage I experimented with marijuana - only for about a three or four-week period it was'.[763] His drug use occurred only while he was off work, on stress leave. He said he did not use cannabis recreationally but to cope with the stress in his life.[764] He did not believe that he would have continued with his drug use as 'it was there to try and help me get some sleep and stop the nightmares, but it didn't do any of that'.[765]

- ***Smoked cannabis in the privacy of his back shed following his father's death and another stressful incident:*** Former Officer N2 joined NSW Police at the age of 19 and spent 25 years in the service before being dismissed. This former senior constable gave two major reasons why he recommenced using cannabis, one being the death of his father-in-law and the second being that he had to shoot a kangaroo. These two events happened within 10 minutes of each other and the subsequent increase in stress led him to resume his use of cannabis.[766] He said that after he started using cannabis again he was more relaxed.[767] He usually smoked at the end of the day and said that he would 'sneak down to the back shed' without his wife knowing and 'have a smoke'.[768]

- ***Smoked cannabis when he was at home:*** Officer F4 told the PIC that he had been using cannabis and cited problems in his relationship as the reason for his illegal drug use. He said that he only smoked cannabis at home and the only other person who was sometimes present was his

759 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, p. 6.
760 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, pp. 11-12.
761 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, pp. 14-15.
762 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 6.
763 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 6.
764 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, pp. 7-8.
765 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 11.
766 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 7.
767 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 8.
768 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 9.

> girlfriend. He said that this (smoking cannabis) was not a social activity.[769]

IMPLICATIONS FOR MINIMISATION STRATEGIES

The six groups or categories of illegal drug use by officers identified in this section are not intended to be an exhaustive list of all types of illegal drug use by officers. Not only do some of the officers who came to attention in Operation Abelia not fall into these categories, as mentioned earlier in this chapter it is not possible to know to what extent the officers who provided evidence to Operation Abelia are typical of all officers who use illegal drugs. Hence, there may be additional types of drug use that need to be considered.

These groups or types of illegal drug use behaviour have been offered here as a starting point for a framework to consider the different ways some NSW Police officers use illegal drugs. Despite the diverse range of accounts that officers and former officers provided as reasons for their drug use, described more fully in Section 5.4, it is clear that much of the drug use that came to notice as part of Operation Abelia occurred when officers were socialising with friends and relatives.

Although different types of events may have triggered the illegal drug use, the first three groups are similar: officers using ecstasy and other drugs with friends. Similarly the fourth and fifth groups are similar: officers using cannabis (and no other drug) with friends. The last of these groups refer to officers using cannabis (and no other drug) when they are alone.

It is clear that some officers do encounter friends or relatives using drugs while the officer is off duty. Such encounters may present an integrity risk to a wide range of officers. The PIC believes that NSW Police can assist officers to identify and manage such risks, by developing a clear position on how it expects off-duty officers to respond if they encounter people using illegal drugs, and by communicating its expectations as well as practical guidance on how to meet these expectations to all officers. This is discussed further in Section 6.10 (Education, Training and Communication) in the next chapter.

5.8 STRATEGIES TO AVOID DETECTION

In the literature reviewed by the PIC, little information was found concerning what, if any, steps officers who use illegal drugs take to avoid their drug use being detected. Carter and Stephens (1988) observed that, while detecting illegal drug use can be difficult amongst any group, police knowledge of investigative techniques can make substance abuse by officers particularly difficult to detect. However, other than stating that 'substance abusers will typically do so only in seclusion or within the confines of a strictly limited, consenting social group', Carter and Stephens did not further elaborate on strategies employed by officers to conceal their illegal drug use.[770]

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769 Operation Abelia, PIC Transcript, Private hearing, ANS, 12 May 2004, p. 12.

770 D. L. Carter, & D. W. Stephens, *Drug abuse by police officers: An analysis of critical policy issues*. Springfield Illinois: Charles C. Thomas Publisher, 1988, p. 7.

PIC interviews with a sample of NSW Police commanders in mid-2003 elicited these commanders' views on the strategies that they thought some officers might use to avoid detection. When asked whether they thought that there were ways that officers using illegal drugs could avoid detection, the vast majority of the commanders interviewed said that they thought that there were strategies that officers could use. Almost three-quarters of the commanders interviewed commented that the 12-hour roster provided officers with the opportunity to avoid detection. These commanders also spoke about the use of illegal drugs that metabolised quickly, use of substances to mask the effects of drugs, and officers taking sick leave or other forms of leave. Examples of some of these commanders' comments include:

> 12-hour shifts and multiple days off provide an opportunity for drugs to dissipate from the body.
>
> Large break between blocks of 12-hour shifts – that time frame enables Police to avoid detection if drugs are induced early in the break.[771]

SOURCES OF INFORMATION

To find out about the strategies that some NSW Police officers employ to avoid their illegal drug use being detected, witnesses in private hearings were asked a series of questions including:

- Were you ever worried that NSW Police may find out that you were using prohibited drugs?
- Do you think that any other NSW Police officers knew that you were using prohibited drugs?
- What did you do to avoid your drug use being detected by NSW Police?, and
- Did you ever take sick leave after using drugs?

These questions were supplemented with others, such as whether they used drugs when they were on duty or off duty and whether they used illegal drugs when they were alone or in the company of others.

Some of the responses of participants in focus groups to the question of 'whether they thought that drug use is a problem in NSW Police' also provided an insight into the effectiveness of some officers' strategies to avoid detection of their illegal drug use.[772]

EVIDENCE

Most of the officers who had admitted using illegal drugs and who gave evidence to the PIC said that they did not think that other officers would be aware that they used drugs. Some officers might be correct in their perception that other officers may not be aware of their illegal drug use. The following two examples illustrate the surprise that some

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771 For further information about the interviews with commanders and the views of these commanders refer to Appendix 2. These commanders' answers to the question of how officers using prohibited drugs could avoid detection are summarised in Section 2.5 of Appendix 2.

772 For further information about the focus groups that were conducted as part of Operation Abelia refer to Appendix 4.

officers expressed at learning that officers they worked with or lived with used illegal drugs:

- Officer H4 admitted using cocaine, ecstasy and heroin in his evidence to the PIC. His de facto partner of three years[773], who was also a police officer holding the rank of leading senior constable, said that she had not suspected Officer H4 of using any prohibited drugs in the past 12 to 18 months. She said that she did know that he had previously used cocaine and ecstasy because he had told her this in early 2001. She said that that admission had come as a surprise to her.[774]
- One of the officer participants in the Operation Abelia focus groups spoke of the surprise at his station when one of his colleagues died of a drug overdose. He said that he did not think that there were any signs that this officer was a drug user:

> Supervisors aren't going to pick [drug use] up. It might be people who are the last you would expect. We had a situation in the city where a bloke OD-ed, but working with him you wouldn't pick it up.[775]

Officers who had used illegal drugs described a range of strategies that they had employed to avoid being detected. These strategies included:

1. using illegal drugs only when alone or in private
2. using illegal drugs only with trusted friends
3. making sure that other police were not aware of their drug use
4. timing their illegal drug use, that is, limiting their drug use to the beginning of a period of days off so that it would not be detectable by drug testing when the officer returned to work, and/or
5. taking sick leave.

Officers tended not to rely on just one of these strategies. Instead, it was common for them to say that they used a combination of these strategies. However, there are other officers who told the PIC that they did not take any steps to minimise the likelihood that they would be detected.

Examples of officers' and former officers' accounts of their different strategies to conceal their drug use are provided below. This section ends with some examples of accounts by officers who said they did not take any precautions to avoid detection.

773 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 6.

774 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 20.

775 For further information about the focus groups that were conducted as part of Operation Abelia, refer to Appendix 4.

1. Using illegal drugs only when alone or in private

- ***Only smoked at home when he was alone***: Former Officer N2 told the PIC that he only smoked (cannabis) at home when he was alone. He told the PIC that as far as he knew, no one else knew he was smoking.[776]
- ***Only used drugs in private:*** Former Officer V3 left NSW Police after 12 years service. He told the PIC that he had used cannabis both prior to and after joining NSW Police.[777] He told the PIC that he only used drugs in private and that he did not think NSW Police would find out.[778]
- ***Only used when he was alone:*** Former Officer P1 resigned after 20 years service. He told the PIC that he was 'pretty secretive about it [his drug use]' and that he only used when he was alone.[779] He also told the PIC that he believed that it would be hard for others to tell whether or not he was using drugs, particularly people who did not know him well.[780]

2. Using illegal drugs only with trusted friends

- ***Used ecstasy with 'very close friends':*** Officer D3 had worked in NSW Police for fourteen years when he gave evidence to the PIC. Officer D3 told the PIC that he was not concerned about using ecstasy in the company of others because they were very close friends:

> The only people that knew I was doing it would have been very close friends, that I was never worried about that issue, about a lot of people knowing what I was doing because as I said it was, as I said, very close, people close to me.[781]

- ***Used ecstasy with people whom he trusted:*** Former Officer C2, who resigned from NSW Police after 17 months said that he used ecstasy with friends; people whom he trusted and who he did not believe would put his job in jeopardy.[782]
- ***Always in a group of friends where she felt safer:*** Former Officer C4, who resigned after more than five years' service, said that she was always in the company of her friends when she used ecstasy and speed and that she felt safe within that group:

> It was never anyone else that – it wasn't just like a random person that I was with, it was always in a group of friends, so I sort of felt a bit safer, I guess.[783]

776 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 9.
777 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, pp. 6-7.
778 Operation Abelia, PIC Transcript, Private hearing, ANQ, 11 May 2004, p. 10.
779 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 12.
780 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 22.
781 Operation Abelia, Record of Interview, 13 May 2004, p. 7.
782 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 11.
783 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 10.

- ***Used discreetly with friends:*** When asked by the PIC what he did to avoid detection, former Officer A2 replied:

> I did it a bit discreetly with friends, I'd never speak about it with any work colleagues or anything to do with work.[784]

- ***Those he used drugs with were considered friends:*** When former Officer R3 was asked if he had ever taken any steps to conceal his drug use from NSW Police he replied: 'No, I think the way that I did it, which was just, you know, in the privacy of one home or another, was adequate enough to keep it hidden'.[785] He said he was never concerned to use drugs in front of some people as 'they were considered friends' and he did not believe that they would inform on him.[786]

3. Making sure that other police were not aware of their drug use

- ***Did not associate with officers and did not talk about his drug use at work:*** Former Officer C2, who resigned just under 18 months after joining NSW Police, said that he did not associate with police officers outside of work and he 'certainly would not talk about it [his drug use] at work'.[787]

- ***Did not mix with police and did not talk about his drug use at work:*** Former Officer B2, who was dismissed after approximately 10 years service, said that he did not mix with police and he did not talk about his drug use while he was at work. He said that he predominately used ecstasy but he had also tried cocaine and cannabis.[788] He said that he 'lived two separate lives for the last year or two'.[789]

- ***Made sure that other officers did not see her use drugs:*** Former Officer C4 told the PIC that she had been using ecstasy and speed.[790] When asked by the PIC if she was ever concerned that someone in NSW Police might find out she was using prohibited drugs she said that she made sure that other officers did not see her use drugs:

> I guess I – if I was going to take the drugs, I wouldn't do it around any other cops. I wouldn't let them be privy to that information. I'd – it's just – sort of just safer if you do it around your group of friends, and things like that, I think obviously they knew I did, but I guess if you don't directly see someone, then you don't really – you can't really offer that information.[791]

4. Timing their illegal drug use

The NSW Police Director of Health Services told the PIC that he had heard that some officers limited their illegal drug use to the first days of a period of leave to avoid being detected:

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784 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 8.
785 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 9.
786 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, p. 8.
787 Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 11.
788 Operation Abelia, PIC Transcript, Private hearing, APJ, 16 August 2004, pp. 9-10.
789 Operation Abelia, PIC Transcript, Private hearing, APJ, 16 August 2004, pp. 12-13.
790 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 9.
791 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 11.

> Anecdotally, it is not uncommon for me to hear reports that with the flexible rostering arrangements with police officers where they might work three 12-hour shifts and then have maybe five or six days off, anecdotally I've heard evidence that officers who are inclined to use drugs recreationally will do so in the first day or two that they are rostered off in the hope that by the time they are required to resume duty those drugs would be out of their system.[792]

- ***Would use drugs at the start of a leave period:*** Officer F2 was suspended from NSW Police as a result of being charged with supply prohibited drug offences. At the time of his suspension he had been in NSW Police for approximately two years and held the rank of probationary constable. Officer F2 admitted to the PIC that he had been using ecstasy, cocaine, cannabis and steroids.[793] Although never drug tested, this officer took some steps to avoid being caught out by a drug test. When asked how he dealt with the risk of being tested, he said that it was common knowledge within NSW Police that 'you usually have a window of three to five days that drugs are still in your system and you're pretty clear after five days'. He said he would use drugs at the start of a leave period.[794] On one occasion, this officer, after a period of using drugs, and as some sort of potential defence in the event that he was caught out in a drug test, went to a doctor and said that he thought that he had been drugged.[795]
- ***Made sure she had a few days off after taking ecstasy:*** Officer X2 had been a serving officer for over nine years at the time she gave evidence to the PIC. This senior constable told the PIC that she would have been concerned about others knowing that she was using ecstasy, but did not believe that anyone was aware of her use.[796] She said that she did worry about being detected by NSW Police. She said she was aware of drug testing and 'made sure I had a few days off after taking it' so that there would not be any traces of ecstasy in her system.[797] She also 'just drank a lot of water during that period that I was off'. This officer said that she did not think that any officers were aware of her drug use at the time.[798]
- ***Concealed his drug use by only using when he was off duty:*** Former Officer M2 resigned after 17 months in NSW Police. He told the PIC that he was never worried about NSW Police finding out that he was using cannabis as he 'concealed' his illegal drug use by only using when he was off duty.[799]
- ***Would take drugs when she had plenty of days off:*** Former Officer C4 said that 'if I was going to do anything, like take any drugs, I would always do it when I had plenty of days off. It was never the night before I went to work, or anything like that. Was never – it was more days before'.[800] This former officer was asked whether she was deliberate in

792 Operation Abelia, PIC Transcript, G.N. Jackel, 15 December 2003, p. 157.
793 Operation Abelia, PIC Transcript, 9 February 2004, pp. 231-233, 253.
794 Operation Abelia, PIC Transcript, 9 February 2004, p. 276.
795 Operation Abelia, PIC Transcript, 9 February 2004, p. 315.
796 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, p. 8.
797 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, p. 9.
798 Operation Abelia, PIC Transcript, Private hearing, ANH, 10 May 2004, p. 10.
799 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, p. 9.
800 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 12.

the timing of her drug use, to which she replied 'definitely. Yep'.[801] When asked whether she knew how long the drugs would remain in her system she replied 'I think it's about 24 to 36 hours. It was always like a day or two days'.[802]

- ***Would take drugs when he was on a six-day break:*** Former Officer A2 told the PIC: 'Yeah, if I took it at all, I'd take it, like, when I'm on a six-day break, or something like that. I'd never take it one or two days before …'[803]

5. Taking sick leave

Some witnesses in public hearings gave evidence that they sometimes took sick leave after using illegal drugs to avoid being drug tested, for example:

- ***Would call in sick:*** Officer Y3 resigned from NSW Police after 13 years service. She admitted that she had been using illegal drugs such as ecstasy, cocaine, speed and ketamine.[804] She told the PIC that she never went to work under the influence of illegal drugs but she would 'call in sick' when she was still affected by these drugs. She said that she did not like to go to work with substances in her body and also because she was worried that she might be drug tested.[805]

However, the taking of sick leave was not a strategy that was consistently mentioned by witnesses. When asked about sick leave, many of those in private hearings said that they did not take sick leave after their illegal drug use.[806]

6. Did not take any precautions

Some officers and former officers said they did not take any precautions to reduce the likelihood of their drug use being detected. For example:

- ***Did not think too much about getting caught:*** Officer Q3 had been a police officer for over 30 years at the time he gave evidence to the PIC. Officer Q3 was in his mid-40s when he came forward under the amnesty provision and admitted to cannabis use. He told the PIC that he did not think too much about getting caught and that he smoked at home for convenience.[807]
- ***Said he wasn't overly concerned with getting caught:*** Former Officer S2 served for 21 years before resigning. He told the PIC that he started using cannabis when he was about 16 or 17 years of age.[808] He said that

801 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 12.
802 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 12.
803 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 8.
804 Operation Abelia, PIC Transcript, 6 November 2003, p. 53.
805 Operation Abelia, PIC Transcript, 6 November 2003, pp. 74-75.
806 For example: Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, p. 12; Operation Abelia, PIC Transcript, Private hearing, ANL, 10 May 2004, p. 12; Operation Abelia, Record of Interview, 13 May 2004, p. 9; Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 11; Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 15.
807 Operation Abelia, PIC Transcript, Private hearing, ANJ, 10 May 2004, p. 11.
808 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, p. 6.

he never knowingly smoked in front of serving police.[809] When asked whether he was worried about being detected he said 'it's always in the back of the mind, I suppose, but, yeah, not – not overly concerned with it'. He told the PIC that he did not take any conscious steps to try to minimise the risk of being detected.[810]

- ***'Sadly, a lot of the time' he did not take any precautions***: When asked whether he took precautions to try to ensure that he would not be found to be taking illicit drugs, Officer H4 answered 'sadly, a lot of the time, no'.[811] He said that he was worried about being detected at the places that he was having drugs, but that:

> It wasn't really a great issue. It wasn't – insofar as being detected, you know, it – it doesn't take a lot of time, unfortunately, to consume drugs.[812]

IMPLICATIONS FOR MINIMISATION STRATEGIES

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

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

Some officers said that they limited their illegal drug use to the beginning of a period of days off so that it would not be detectable through drug testing when the officer returned to work. The use of such strategies suggest that the current drug testing practices which involve testing officers who are on duty in accordance with a roster are, by themselves, not adequate to either detect or deter all illegal drug use by officers. For this reason, the PIC has recommended improving the capacity of NSW Police to detect off-duty illegal drug use by trialling the use of hair samples and amending the *Police Act 1990* to enable NSW Police to conduct off-duty targeted drug testing when it is reasonable to do so in all circumstances. These additional detection methods are discussed further in Section 6.4 (Targeted Drug Testing) in the next chapter.

5.9 OFFICER ATTITUDES TO ILLEGAL DRUG USE

Within the corruption literature it is recognised that some aspects of organisational culture facilitate workplace crime and corruption, while other aspects impede it. Research in this area has suggested that employee or workplace attitudes to corruption (which are sometimes referred to as 'social definitions of corruption') may well be more salient in guiding behaviour than formally imposed definitions (such as those contained

809 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, p. 11.
810 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, p. 12.
811 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 62.
812 Operation Abelia, PIC Transcript, Private hearing, APC, 30 August 2004, p. 62.

in legislation or organisational policy statements).[813] Hence a potentially strong tool for minimising illegal drug use is an organisational culture in which officers consider illegal drug use to be unacceptable. One indicator of such a culture is officer attitudes to illegal drug use by other officers.

Perhaps it should be obvious that the use of prohibited drugs is unacceptable for all officers because it is illegal. However, this is not necessarily obvious to all. As noted in Chapter 2, in its earlier Operation Saigon, the PIC observed that some officers viewed recreational drug use as acceptable and failed to take any action against people using or supplying prohibited drugs as they were off duty at the time:

> It is noted that the Saigon hearings focused on a small number of police officers whose experience with prohibited drugs cannot be said to be indicative of the Police Service's as a whole. However, it is a matter of concern that the officers involved viewed recreational drug use as acceptable, and failed to take any action against people using prohibited drugs as they were 'off duty' at the time.[814]

Similarly in the Queensland Criminal Justice Commission's (CJC) examination of illegal drug use by some Queensland police, the CJC observed that some officers who came to notice emphatically denied corrupt behaviour based on the argument that they had only used drugs such as cannabis and amphetamines when they were off duty.[815]

SOURCES OF INFORMATION

Officer attitudes to illegal drug use were elicited in a number of ways. To allow for the possibility that the attitudes of officers who have admitted using illegal drugs may be different from the attitudes of other officers, these two groups are considered separately.

Firstly, officers and former officers who gave evidence about their illegal drug use in PIC hearings were asked the following questions:

- Do you think that you would still be using drugs if you hadn't been caught?
- Do you think there are situations when it would be acceptable for a police officer to use prohibited drugs and other situations when it is not?
- Do you think it is acceptable for an officer to use some types of drugs but not others?
- Do you think that there is a conflict of interest for a police officer to use prohibited drugs?

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813 M. Zey-Ferrell, K. M. Weaver, & O. C. Ferrell, Predicting unethical behaviour among marketing practitioners. *Human Relations,* 1979, 32, p. 568; R. C. Hollinger, & J. P. Clark, Formal and informal controls of employee deviance. *The Sociological Quarterly,* 1982, 23, p. 342; R. C. Hollinger, & J. P. Clark, *Theft by employees*. Lexington, Massachusetts: Lexington Books, D.C. Heath and Company, 1983, pp. 122, 123, 126.

814 Police Integrity Commission, *Report to Parliament: Operation Saigon*. Sydney: Police Integrity Commission, June 2001, p.129.

815 Criminal Justice Commission, *Police and drugs: A report of an investigation of cases involving Queensland Police Officers*. Criminal Justice Commission, October 1997, p. 71.

Secondly, officer and student participants in the Operation Abelia focus groups were asked:

- Can a police officer take drugs occasionally or regularly and still be a good cop who does the job well?[816]

EVIDENCE

Attitudes of officers and former officers who have admitted using illegal drugs

The information collected about the attitudes of officers and former officers who have admitted using illegal drugs are grouped under the following headings:

1. Recognition of conflict between personal drug use and role as an officer
2. Former officers divided in their opinion as to whether they would still be using illegal drugs if they had not been caught
3. Some illegal drugs perceived as more acceptable than others by some officers
4. Desire to hide drug use suggests that those who use illegal drugs do not think that other officers would condone their drug use

1. Recognition of conflict between personal drug use and role as an officer

It goes without saying that these officers have demonstrated their attitudes to the use of some types of illegal drugs by actually using these drugs. For this reason, it is significant that when asked whether there was a conflict of interest, the majority of the officers who appeared in the Operation Abelia private research hearings as a result of their admissions of personal drug use, acknowledged that they understood that their use of prohibited drugs was inconsistent with their work as a police officer.

Despite this recognition of the conflict, however, many of these officers and former officers were able to continue their illegal drug use for a number of years during the time that they worked as NSW Police officers.

Not all officers and former officers who gave evidence to the PIC recognised this conflict between their drug use and their role as an officer. For example when former Officer S2, a cannabis user, was asked whether he considered that his drug use created a conflict of interest for him as a police officer, he said that he did not. Rather he considered that illegal drug use by officers was not of concern if it was done as part of their private lives and did not affect their work:

> Q. At that time, being a drug user yourself, did it ever cross your mind about the conflict of interest that the situation created for you as a serving police officer?

816 For more information about how the focus groups were conducted and the responses of participants, refer to Appendix 4.

> A. No, I always used to consider what I do in private is what I do in private, and I'm employed to do this other job, so if I have to --
>
> Q. So you were careful, I take it, to ensure that you kept it in your private life and you weren't caught using while you were in your official mode? A. Mmm.
>
> Q. Do you think there's a difference between police officers using prohibited drugs and civilians using prohibited drugs?
>
> A. Oh, I don't think so. That's the less hard drugs …
>
> Q. So does it follow from that, that you think it's acceptable for a police officer to use cannabis, but perhaps not acceptable for them to use a harder drug, or is it just a personal choice?
>
> A. Well, that's just my personal choice. I don't know what others get up to, or - that's their private life. I don't care, as long as it didn't affect work, and that was about it.[817]

2. Former officers divided in their opinion of whether they would still be using illegal drugs if they had not been caught

When asked whether they thought that they would still be using illegal drugs and working in NSW Police if they had not been caught, a small number of former officers said that they thought that they probably would be.[818] Others said that they were not sure whether or not they would still be using illegal drugs if they had not been caught.[819] One former officer said that he would have needed 'a lot of help and counselling' and that if he had gotten that help then he might have been able stop his drug use, 'but without some sort of intervention, I don't think so, no'.[820] Most of the former officers who said that they did not think that they would still be using illegal drugs attributed this change to their age or other lifestyle factors rather than the recognition that their drug use posed a conflict with their policing role:

> what, I'm now 33, it's just not part of my life.[821]
>
> No, I don't think so because of the birth of my child … he's fourteen months old. Um, yeah so I don't think I would.[822]

One of the officers interviewed, however, attributed his ceasing his illegal drug use to his attitude to his job:

> Because I take my job very seriously and I don't want to be involved in it. I don't want to have anything to do with it … Well, my job is, it's something I rely on and, well that's pretty much the main reason.[823]

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817 Operation Abelia, PIC Transcript, Private hearing ANK, 10 May 2004, p. 17.

818 Operation Abelia, PIC Transcript, Private hearing ANK, 10 May 2004, p. 15; Operation Abelia, PIC Transcript, Private hearing ANW, 12 May 2004, p. 18; Operation Abelia, PIC Transcript, Private hearing APF, 16 August 2004, p. 17.

819 Operation Abelia, PIC Transcript, Private hearing ANM, 10 May 2004, p. 12; Operation Abelia, PIC Transcript, Private hearing ANL, 10 May 2004, p. 20.

820 Operation Abelia, PIC Transcript, Private hearing APJ, 16 August 2004, p. 13.

821 Operation Abelia, PIC Transcript, Private hearing APH, 16 August 2004, pp. 16-17.

822 Operation Abelia, Record of interview, 13 May 2004, p. 9.

823 Operation Abelia, Record of interview, 7 May 2004, p. 10.

When asked during a public hearing whether she was going to continue her illegal drug use, a former senior constable who had resigned from NSW Police only five days earlier after serving thirteen years in NSW Police said that she 'possibly' would continue her illegal drug use. She explained that she considered being a recreational drug user was part of her life.[824]

3. Some illegal drugs perceived as more acceptable than others by some officers

Some of these officers and former officers said that they considered some types of illegal drugs to be more acceptable than others. For example, when asked whether he thought that some types of prohibited drugs are more acceptable than others, former Officer G6, who had admitted using cannabis, ecstasy and cocaine, replied:

> I'd like to say I think cannabis would be beneficial to police officers in small doses, not that I ever used it as a stress relief but I think that with the job I think that that would be beneficial, rather than just an all-night drinking bonding binge. I think maybe some sort of small dose of cannabis for personal use just to relax the human mind after a week, or whatever, after the day.[825]

Some other officers, who had admitted using illegal drugs, said that, while they did not think officers should use any drug, they thought that there was a big difference between cannabis and pills or powders. For example, Officer F4 said that he thought:

> there's a big gap between using, say, cocaine and using cannabis. I mean, to me there's a very clear distinction between using cannabis and those powdered drugs.[826]

Similarly, while former Officer G4 said that he does not believe that there are any situations where it is acceptable for an officer to use a prohibited drug, he also said:

> I have a very big distinction between cannabis and powdered drugs. However, basically, you know, you take an oath you know, regardless of what you think the – you know, if the law is right or wrong, you should uphold that oath.[827]

Another former officer said that he thought ecstasy was preferable to steroids:

> Well, I did think steroids were more – like, because they – I didn't know they stuffed with your mind as much as they did compared to, say, taking ecstasy, and stuff which is just like a party drug.[828]

Other officers and former officers said that they did not believe that there were any drugs that were more acceptable for an officer to use than others.[829]

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824 Operation Abelia, PIC Transcript, 6 November 2003, p. 68.

825 Operation Abelia, PIC Transcript, Private hearing APH, 13th August 2004, p. 22.

826 Operation Abelia, PIC Transcript, Private hearing ANS, 12 May 2004, pp. 21, 22.

827 Operation Abelia, PIC Transcript, Private hearing ANW, 12 May 2004, p. 15.

828 Operation Abelia, PIC Transcript, Private hearing ANR, 11 May 2004, p. 25.

4. Desire to hide drug use suggests that those who use illegal drugs do not think that other officers would condone their drug use

While these officers and former officers were not specifically asked how they thought other officers perceived illegal drug use, their responses to questions about their strategies to conceal their personal drug use suggested that they did not think that other officers would condone illegal drug use. As mentioned in Section 5.8, which describes strategies that some officers use to avoid detection, officers discussed the steps that they took to hide their illegal drug use from other officers. This suggests that they did not think that other officers would necessarily support or condone their behaviour.

Another instance where one officer did not consider that other officers would be supportive of his illegal drug use was that, when asked why he had not sought assistance under the amnesty, a former senior constable said that he would have been embarrassed to do so. Former Officer G4 said while he had considered seeking amnesty he believed that embarrassment was a reason that he did not seek such help, and also fear of making himself a 'target by approaching the amnesty'. He said he thought that a lot of other officers would feel the same way about the amnesty as he did.[830]

Attitudes of officers and students who participated in Operation Abelia focus groups

The information collected about the attitudes of officers and students who participated in the Operation Abelia focus groups is discussed under the following headings:

5. Some officers expressed strong disapproval about illegal drug use by officers
6. Opinions differed on whether it is possible for an officer to take drugs occasionally or regularly and still be 'a good cop who does the job well'
7. Some officers said that illegal drug use is wrong because it is illegal or hypocritical, others said the compromise to the officer's integrity is the main concern
8. Extent of disapproval depends on whether the officer's behaviour is impaired while on duty
9. Extent of disapproval depends on the types of drugs used and/or frequency of use
10. Extent of disapproval depends on the reasons for using illegal drugs.

829 See for example Operation Abelia, PIC Transcript, Private hearing ANV, 12th May 2004, p. 15; Operation Abelia, PIC Transcript, Private hearing ANL, 10th May 2004, p. 18; Operation Abelia, PIC Transcript, Private hearing ANQ, 11th May 2004, p. 15.

830 Operation Abelia, PIC Transcript, Private hearing, ANW, 12 May 2004, pp. 12, 13. Reasons officers did not seek assistance under the amnesty are considered in more detail in Observations 4-7 of Section 6.3 of Chapter 6 of this report.

5. Some officers expressed strong disapproval about illegal drug use by officers

Some focus group participants expressed clear views that any illegal drug use by officers was unacceptable:

> everyone knows that you can't do it. It's in the legislation. It's black and white.

> I don't understand how illegal drugs can even be tolerated. I understand how prescription drugs it could be a bit of a process. But something like purchasing heroin, that's illegal and that's that and we're police.

> One puff of grass? – It's like robbing one bank.

6. Opinions differed on whether it is possible for an officer to take drugs occasionally or regularly and still be 'a good cop who does the job well'

Participants in each of the focus groups were asked whether it would be possible for an officer to take drugs occasionally or regularly and still be 'a good cop who does the job well'. There was no clear consensus emerging from the focus groups in response to this question. Some participants said that an officer who uses illegal drugs occasionally cannot be a good cop. However, some participants disagreed, and others indicated their uncertainty. The following example illustrates the variety of views that were expressed within one of the focus groups:

> Don't know. [New speaker:] Yep. [Facilitator:] Cop is off duty, uses ecstasy, cocaine, amphetamines - goes back to work, not affected - are they able to do their job well? [Participant:] I say yes. [New speaker:] S'pose you'd have to ask the same question – whether a cop does an armed robbery off duty, can he come back and do his job well? [Facilitator:] My question is, I get my gear [i.e. drugs] from Bloggs, next week I can't arrest him. [New speaker:] No you can't do that. You're compromised. [New speaker:] I don't agree with that. [New speaker:] I'm in the middle of the fence on this one. [New speaker:] Physically you can do your job, ethically you can't do it. [New speaker:] How would you like to be in the brief with him? He comes in court and says, hang on, aren't you buying caps off him every second week? [New speaker:] I think ethically you can't do it. Physically you may be able to do it, I don't know.

The comments of two speakers from another of the focus groups suggest that these officers did not consider that it was worth seeking to identify officers who use illegal drugs:

> If they did test every officer, what would they do? Sack every cop who is using drugs? There's already a shortage of police officers. [New speaker:] It would only add to the problem. We're losing cops left right and centre.

The comments of one officer from another focus group suggest that this officer was undecided as to whether an officer who uses illegal drugs can be a 'good cop who does the job well':

> Possibly. I'm worried about the whole ethical thing, the lost intel [intelligence information] because they won't report instances 'cause it'll interfere with their own activities. But it's possible that someone can do it once in a while and be a valuable member. I don't know, it's possible.

7. Some officers said that illegal drug use is wrong because it is illegal or because it is hypocritical, others said the compromise to the officer's integrity is the main concern

A few participants' comments suggested that illegal drug use is wrong simply because it is illegal. Some suggested that they thought that the main concern is that illegal drug use by police is hypocritical. Some examples of such comments include:

> But if you got someone who's [taking drugs as a lifestyle choice] they should make another lifestyle choice and find another job somewhere else. [New speaker:] I agree, it's more of a problem that it's conflicting with the job.

> I think you're either in their camp or our camp, no two ways about it.

> But if you're going to take drugs, why are you doing this job anyway? How can we do our job if we are hypocrites?

> If you're taking it, how can you lock someone up for the same thing? Would drug-using officers do it? You'd probably have more tolerance not to.

In contrast to this, a small number of participants expressed the view that officers do other things that are similarly hypocritical:

> Goes back to drink-driving. A lot of cops have been taken for drink-driving.

> Plenty of people speed on the road, but does that mean you can't give people speeding tickets? Each of us make that call somewhere or other. Swearing, we all do that at work, not to be encouraged but it happens, and you lock people up for it. There's always an element of hypocrisy in being a copper.

One view that was commonly expressed in focus groups was that the main concern regarding illegal drug use by an officer is the potential for compromise of the officer's work, their colleagues' work and welfare, and the organisation. Of particular concern was the improper association of officers with drug suppliers and, related to this, the potential for officers to protect a supplier's illegal activities, to fail to act on drug crimes by others, or to be otherwise compromised in their work:

> The important things are if you're dealing with a drug dealer and you promise to protect him.

> Drug using police have to buy their drugs from someone. That person therefore knows you have bought drugs. They may bring it up later.

> Some recreational drugs, there's a perfect possibility of making no mistakes at work. But the association due to buying drugs might come up again in your job, dealing with those people professionally.

> I reckon the biggest issue is not so much the drugs as the integrity of the system, what it can do to the organisation. I don't think that drugs are different from alcohol except legality, but the biggest thing is being in a position where they can assist baddies.
>
> You've got to question their integrity there as well. If they're using drugs they're getting them from somewhere that's not above board. And are they going to lead someone else down the wrong path?

Although the focus group participants were not explicitly asked their attitudes to drug use by officers, most of the answers and discussion in the focus groups implied disapproval of drug use by officers.[831]

8. Extent of disapproval depends on whether the officer's behaviour is impaired while on duty

Some officers suggested that they considered that officer drug use is less of a concern where the impairment due to drug use is low or negligible. Some officers suggested that anger or drinking may lead to more problems than illegal drug use. Some examples include:

> People would argue that, if they're using on the first night of days off, and they're not affected when back at work, so where's the problem? [New speaker:] What are we hunting them for?
>
> How many issues where we have made false arrests or killed people are drug related? I would think there'd be more mayhem from coppers being pissed than from drugs.
>
> Just generally someone who wants to take their anger out on someone is just as bad as someone who's taken an eccy the night before.

9. Extent of disapproval depends on the types of drugs used and/or frequency of use

A number of comments made by focus group participants suggested the extent of the disapproval of illegal drug use by an officer would depend upon a range of factors including the type of drug and frequency that the drug is used. Some examples of participants' comments include:

> The line does get blurred. Some people say heroin no way, but cannabis, the whole community attitude, and the discussion of decriminalisation - sometimes got to turn a blind eye. You draw your own line in the sand.
>
> If they're using heroin, that would lead to problems. It's a heavy drug, you need to use some [criminal] people to get it.
>
> I don't think all drug users do have a problem. Maybe drug users who are smoking pot every day. People who are taking ecstasy once a month, that's a lifestyle choice. If Healthy Lifestyles are saying that all users have

831 For the greater part of the focus group discussion, the use of illegal drugs and the abuse of legal drugs were not explicitly distinguished: most speakers used the word 'drugs' for both.

> a problem, I don't agree that all drug users are addicted. I think it can be a lifestyle choice.

10. Extent of disapproval depends on the reasons for using illegal drugs

Some officers suggested that the reason for using drugs could mitigate the level of disapproval:

> People take drugs for different reasons. You probably need to have a 'grey area' so they do not get booted out for using.

> The people who just want to go out and have fun, there's no place for them, but if someone has 25 years' experience, wife dies, turns to something [i.e. drugs], there's where we need the amnesty.

Other participants disagreed that such factors should reduce the level of censure of drug use by officers:

> What if something work-wise, like post-traumatic stress, had caused police to start down a path to use cannabis or something? [New speaker:] You still don't need to take illegal drugs.

When the facilitator asked about high stress areas, one of the participants in the focus groups responded:

> That's a cop out. When I get stressed, I hop on my bike. I don't take drugs.

IMPLICATIONS FOR MINIMISATION STRATEGIES

An encouraging finding is that overall, officers and students who participated in the focus groups expressed their disapproval of the use of illegal drugs by officers.

However, as stated in the introduction to this section, while its illegality should make it obvious that the use of prohibited drugs is unacceptable for all officers, this is not necessarily the case. During Operation Abelia, the PIC heard that not all of those who used illegal drugs considered that such personal drug use presented a conflict with their role as an officer. Also, although the majority of officers and former officers who admitted to the PIC that they had used prohibited drugs said that they knew that it was wrong for an officer to use such drugs, a minority made comments to the effect that: 'what I do in private is what I do in private'.

Even where officers did acknowledge a conflict between their personal drug use and their job, neither this conflict nor the knowledge that they should keep their drug use hidden from other officers was sufficient to prevent some officers from using illegal drugs. Nor was it sufficient to prevent some officers from saying that they may have continued their drug use had they not been caught.

It would be wrong to assume that all officers share an understanding that any illegal drug use is unacceptable for all officers at all times. While some officers who participated in focus groups expressed strong disapproving views about any illegal drug use, other focus group participants considered that the extent of disapproval of the drug use could be related to a range of factors such as the types of drugs used, the

frequency with which they are used, the reason for use and whether or not the officer is affected by the use of these drugs while on the job. Similarly, officers who participated in the Operation Abelia focus groups were divided in their opinions when they were asked whether it was possible for an officer to use drugs occasionally or regularly and to still be 'a good cop who does the job well'.

The information collected for Operation Abelia suggests that even where officers know that drug use is illegal, this knowledge is not sufficient to prevent individual officers from deciding to use or continuing to use illegal drugs. Some officers view drug use by police as a 'grey' rather than a 'black and white' issue.

5.10 SOURCE OF ILLEGAL DRUGS

Research on drug use in the Australian community has found that users of illegal drugs commonly report that they obtain their drugs from friends or acquaintances.[832] Dixon (1999) has observed that contemporary research on drug law enforcement suggests that there is no clear distinction between users and suppliers at street level.[833]

SOURCE OF INFORMATION

In order to find out how officers obtained illegal drugs, the PIC asked those who gave evidence in private hearings:

- How did you obtain your drugs?
- Did the person/persons you obtained your drugs from know that you were a police officer?
- Did another police officer ever give you any prohibited drugs? [834]

In addition the PIC identified relevant information from the records of those officers who were included in the case study analysis.[835]

EVIDENCE

The majority of officers and former officers who gave evidence to the PIC said that they obtained their drugs from people who were known to them, either friends, relatives or acquaintances. A small number of officers said that they obtained drugs from strangers. Some officers spoke about obtaining their drugs from a variety of sources.

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832 Australian Institute of Health and Welfare (AIHW), *2001 National drug strategy household survey: Detailed findings*. Canberra: AIHW Drug Statistics Series No. 11, December 2002, pp. 47, 64, 68. 74; Australian Crime Commission, *Australian illicit drug report*. Canberra: Australian Crime Commission, March 2003, pp. 56, 77, 83; Crime and Misconduct Commission, *Amphetamine: Still Queensland's No.1 drug threat*. Brisbane: Crime and Misconduct Commission, June 2003, pp. 11, 13; M. Lynch, R. Kemp, L. Krenske, A. Conroy & J. Webster, *Patterns of amphetamine use: Initial findings from the Amphetamines in Queensland research project*. Brisbane: Crime and Misconduct Commission, 2003, pp. x, xiii.

833 D. Dixon, Reform, regression and the Royal Commission into the NSW Police Service. In D. Dixon (ed.) *A culture of corruption: Changing an Australian Police Service*. Institute of Criminology Monograph Series. Sydney: Hawkins Press, 1999, p. 159.

834 Refer to Appendix 3 for additional information about the private hearings that were conducted for research purposes.

835 Refer to Appendix 5 for additional information about the case study analysis. Further information on how officers obtained their illegal drugs can be found in Section 3.11 and Table A5.10 in Appendix 5.

The sources of the drugs did not seem to vary with the type of drugs used. Those who used cannabis spoke about getting their drugs from relatives, friends or acquaintances, for example:

- Former Officer R3 said he obtained the cannabis he was using from 'people at pubs, and non-police friends' who were using it. He said that these friends knew that he was a police officer; however, he was never asked to perform any special favours for them.[836]
- Former Officer M2 told the PIC that his brother had obtained cannabis for him in the past. He also admitted to having obtained drugs from 'criminals' and he conceded that this placed him in imminent danger of being assaulted by them. He added that 'I never thought of losing my job. It sort of didn't come into it'.[837]
- Officer F4 said that he obtained the cannabis 'from a guy down the beach'. Officer F4 said that this person was not a friend but was some one he met at the beach:

  > I was out surfing one morning and there was only two of us out. We'd been out for an hour or two together. I hadn't seen him at Bondi before, but because there were only two of us out, we were going wave for wave. We started chatting. He went in before me. He was sitting up the southern end of the beach on the rocks. I came in a short time later, he called me over, he was smoking a joint, he asked if I wanted some, I said, 'Yeah, I'll have some'. He asked if I wanted to buy some. I said, 'Okay'. I went back home got some money, went back down the beach.

  Officer F4 said he spent $200 on that occasion.[838]

- Former Officer N2 said that his brother obtained cannabis for him.[839]
- Former Officer S2 told the PIC that he received the cannabis from friends. These friends were all civilians who knew that he was a police officer. He said that he was never afraid that they would cause him difficulties in his job or try to report him.[840]

Similarly those who used ecstasy, cocaine and/or amphetamines said that they obtained their drugs from friends or acquaintances:

- Officer D3 told the PIC that he obtained ecstasy at parties, where friends handed it to him. He added that:

  > Sometimes other people would give it to you. It's that, I've never really been in that scene but from what I've, from what I've seen it's one of those things that just makes people happy and they have one or two so they hand them out.[841]

836 Operation Abelia, PIC Transcript, Private hearing, ANX, 13 May 2004, pp. 11-12.
837 Operation Abelia, PIC Transcript, Private hearing, ANV, 12 May 2004, p. 8.
838 Operation Abelia, PIC Transcript, Private hearing, ANS, 12 May 2004, p. 13.
839 Operation Abelia, PIC Transcript, Private hearing, ANM, 10 May 2004, p. 6.
840 Operation Abelia, PIC Transcript, Private hearing, ANK, 10 May 2004, pp. 10-11.
841 Operation Abelia, Record of Interview, 13 May 2004, pp. 10-11.

- When asked by the PIC where he obtained his ecstasy tablets, former Officer G3 said 'just acquaintances. They weren't in the police force'. He also said that these same acquaintances provided him with cannabis and steroids.[842]
- Former Officer P1 said he obtained his drugs, predominantly cocaine and speed through 'local connections in the area he lived in or in the city'. This former officer, who had worked undercover for a period of time, said that he had never purchased drugs through his targets.[843]

Some officers also spoke about getting their drugs from suppliers who were not well known to them, for example:

- Former Officer V1 said he obtained his speed and ecstasy from a local dealer. This was someone he was introduced to through a friend.[844]

IMPLICATIONS FOR MINIMISATION STRATEGIES

Officers obtain their illegal drugs from similar sources to other community members who use illegal drugs. It appears that they obtain their drugs from a broad range of low-level suppliers. While this was not explored in Operation Abelia, the social circumstances in which some officers obtain their illegal drugs may, perhaps, make the officers more likely to view this illegal drug use as a social, rather than a criminal, activity.

It is likely that officers would notice friends, family members and acquaintances either using drugs or supplying drugs to others, prior to the officers obtaining drugs from these friends or acquaintances. That friends, family members and acquaintances supply officers with illegal drugs reinforces the importance of NSW Police providing a clear statement of its expectations of how an officer should respond if he or she comes across friends or relatives using illegal drugs.

5.11 ASSOCIATED MISCONDUCT

As mentioned in Chapter 1, illegal drug use by individual officers can have many serious negative consequences. Chapter 2 summarises what was known, prior to Operation Abelia, about the types of police misconduct associated with illegal drug use by officers. As described in Chapter 2 of this report, illegal drug use by officers has previously been associated with officers failing to enforce the law in relation to illegal drugs, supplying illegal drugs, briefing friends on how to avoid detection and arrest, and other drug-related misconduct, such as confiscating drugs for personal use:

- The PIC's Operation Saigon heard evidence that some officers who use illegal drugs do not always enforce the law in relation to illegal drugs.

842 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, p. 11.
843 Operation Abelia, PIC Transcript, Private hearing, ANP, 11 May 2004, p. 10.
844 Operation Abelia, PIC, Transcript, Private hearing, AMS, 10 October 2003, p. 11.

- The officer who was the subject of investigation in the PIC's Operation Dakota admitted smoking cannabis, as well as using ecstasy and cocaine. This then senior constable was found guilty of supplying prohibited drugs on an ongoing basis.
- Wilson, Ashton and Sharp (2001), when describing their research on 'cop culture' in the UK, said that rather than enforcing drug laws one officer described how he had briefed his friends on how to avoid detection and arrest, and on what to do if they were arrested.[845]
- Carter (1990), when discussing police use of illegal drugs in the USA, said that it was common practice for officers to commence using illegal drugs recreationally while off duty and move on from this to drug-related misconduct such as the confiscation of drugs for their personal use.[846]

SOURCES OF INFORMATION

Within Operation Abelia, the primary source of information on associated misconduct was the evidence given in hearings that focused on examining allegations of misconduct by individual officers. As part of the case study analysis, records of past NSW Police and PIC investigations were also examined for information on the association between illegal drug use and other misconduct by officers.

While the witnesses who gave evidence at the Operation Abelia private research hearings were not asked questions that would be likely to lead to their admissions of further criminal conduct or other misconduct, witnesses at these private hearings were asked 'whether they were ever in a situation, after joining NSW Police, where they saw a person (or persons) use prohibited substances in their presence?' Officers and former officers who said that they had found themselves in such a situation were also asked 'what did they do?'

EVIDENCE

Evidence obtained during Operation Abelia revealed examples of how some officers who used illegal drugs were also engaged in other forms of misconduct, which at times emanated from or were related to their illegal drug use. The examples provided below illustrate how illegal drug use can place an officer in a position of not being able to effectively perform his or her duties. This, in turn, can affect community safety. In one example, the illegal drug use led to the officer's physical safety being endangered as well as his position being compromised. The nature of the misconduct varied among the officers. It included:

1. turning a 'blind eye' to illegal drug use by others
2. supplying illegal drugs to friends
3. turning a 'blind eye' to drug suppliers
4. more actively attempting to assist a drug supplier

845 D. Wilson, J. Ashton, & D. Sharp, *What everyone in Britain should know about the police*. London: Blackstone Press Ltd, 2001, pp. 150-151.

846 D. L. Carter, Drug-related corruption of police officers: A contemporary typology. *Journal of Criminal Justice, 1990, 18*, pp. 86, 89.

5. supplying drugs for monetary gain
6. more generally compromising their position as a police officer, and
7. stealing drugs or money for profit.

1. Turning a 'blind eye' to illegal drug use by others

One area of concern is the 'turning a blind eye' attitude of some officers when confronted with other people using illegal drugs. For example:

- ***Turned a 'blind eye' to others using prohibited drugs***: In his evidence before the PIC, former Officer A2 admitted that there were several occasions where he witnessed other people using prohibited drugs. When asked what he did in relation to this he replied: 'Turned a blind eye'.[847]
- ***Turned a 'blind eye' to friends using prohibited drugs***: Another witness, former Officer G3, admitted to the PIC that he had been using steroids, cannabis and ecstasy on numerous occasions.[848] This former constable told the PIC that he was in situations where he saw some of his friends using illegal drugs in his presence, knowing that he was a police officer. When asked about his reaction in relation to these activities former Officer G3 replied that he would 'turn a blind eye'.[849]
- ***'It's just everywhere':*** Officer F2 told the PIC that most of the people he went out with, or knew socially, took recreational drugs. He said that he enjoys going out and enjoys drinking and that illegal drug use 'it's just everywhere, so the conflict of interest would be represented on all occasions I go out and speak to people'. [850] This officer did not take any action when he came across others using illegal drugs.

2. Supplying illegal drugs to friends

As part of their socialising with friends, some officers would buy illegal drugs on behalf of their friends and subsequently pass these drugs on to their friends. This in fact is supplying drugs, a criminal offence. Some examples of the circumstances under which officers said that they supplied illegal drugs to friends are described below.

- ***Would sometimes obtain ecstasy for friends but would never make a profit:*** In evidence given before the PIC, former Officer J3 admitted that she would sometimes obtain ecstasy for friends and purchase anywhere from one to ten ecstasy pills at a time. Sometimes she would obtain a couple of pills for a friend although she claimed she never made a profit out of these activities (only ever charging her friends 'cost' price for the pills). This former senior constable admitted that her activities did technically amount to drug supply.[851] She further said that she might

847 Operation Abelia, PIC Transcript, Private hearing, APF, 16 August 2004, p. 12.
848 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, pp. 8, 10.
849 Operation Abelia, PIC Transcript, Private hearing, ANR, 11 May 2004, p. 25.
850 Operation Abelia, PIC Transcript, 9 February 2004, p. 251.
851 Operation Abelia, PIC Transcript, 6 November 2003, p. 35.

have also supplied speed (amphetamine) to some of her friends, along the same lines as she did the ecstasy pills.[852]

- ***Has obtained drugs for the use of others but did not make a profit on these drugs***: Former Officer Y3 told the PIC that she had obtained some drugs for the use of others, including other officers, and she has been paid by others (including former Officer J3) for these drugs. However, she claimed that she did not make a profit on these drugs.[853] When asked whether she was aware that passing the drugs on to others constituted supply of illegal drugs, which is a very serious offence she said that she was. She said that the reason she was able to ignore this was that, 'like I said before, it's just part of my lifestyle and a choice that I'd made'.[854]

3. Turning a 'blind eye' to drug suppliers

Not only did some officers 'turn a blind eye' to others using drugs, some officers also failed to take any action in relation to drug suppliers. For example:

- ***Had been a friend since she was 18:*** Former Officer Y3 told the PIC that she visited a friend of hers in gaol despite the fact that this friend had been charged with serious drug offences. This former senior constable explained that this person had 'been a friend of mine since I was 18 and I wanted to visit her'. However, former Officer Y3 admitted that she wanted to keep secret the fact that she was a close friend of a person who had been charged with serious drug offences and that this friend had supplied her with drugs. Former Officer Y3 further said that she had been aware that the friend was a supplier of illegal drugs prior to being supplied with drugs by this friend, however, she told the PIC that she would not turn in a friend of hers who is a supplier of illegal drugs.[855]
- ***Knew drug suppliers but did not act on the information:*** Former Officer J3, who is mentioned above in relation to supplying drugs to friends, also admitted knowing drug suppliers and not acting on this information as she herself was using recreational drugs.[856]
- ***Girlfriend's father had a lab down the back and made '40 grand a week off it':*** Former Officer V1 joined NSW Police straight after school and worked for nearly four years with NSW Police before resigning at the rank of constable. He admitted to using speed, cannabis, ecstasy, cocaine, ice and liquid MDMA.[857] Despite his relatively short employment with NSW Police he had accrued a relatively high number of serious drug-related complaints. This former constable admitted to the PIC that on one occasion he went to a safe house[858] and witnessed several persons counting thousands of pills and he disclosed to the PIC that he

852 Operation Abelia, PIC Transcript, 6 November 2003, p. 37.
853 Operation Abelia, PIC Transcript, 6 November 2003, pp. 47-48.
854 Operation Abelia, PIC Transcript, 6 November 2003, pp. 62-63.
855 Operation Abelia, PIC Transcript, 6 November 2003, pp. 64-65.
856 Operation Abelia, PIC Transcript, 6 November 2003, pp. 32-34.
857 Operation Abelia, Record of interview, 13 September 2004, p. 6.
858 Premises not normally directly linked to a criminal and which are used as a 'safe place' to store illegal goods.

took one pill on that occasion.[859] He further spoke about his ex-girlfriend and the fact that her father's house was used as a distribution point for cannabis. Former Officer V1 also said that his ex-girlfriend told him that her father had 'a lab down the backyard in a shipping container' and that her father told him that he 'makes 40 grand a week off it'. Former Officer V1 admitted that he did nothing in relation to this information, as this person was the father of his then girlfriend.[860]

- ***Chose to take no action against a known drug supplier because she was compromised by her own drug use:*** Officer D4 who resigned after 10 years service admitted to using ecstasy, speed, cocaine and ketamine.[861] When giving evidence before the PIC prior to her resignation, Officer D4 admitted that she chose to take no action against a known drug supplier because she had been compromised by the fact that she had bought illegal drugs from that person.[862] She admitted that she had also bought illegal drugs from another officer. However, she claimed that she never considered the seriousness of the criminal offences that she was involved in.[863]

4. More actively attempting to assist a drug supplier

- ***Considered his friendship with a drug supplier took precedence over his role as an officer:*** Officer F2 admitted to the PIC that he had been using ecstasy, cocaine, cannabis and steroids.[864] Officer F2 also admitted that he placed his friendship with a drug supplier over his duty as an officer when this friend of about seven years was charged as a result of having his car stopped and searched by police who found a bag of drugs in the car.[865] To find out further details of the charges against his friend, Officer F2 told the PIC that he accessed the NSW Police computer[866] and that he subsequently told his friend what he saw on the police computer in relation to this incident.[867]

  Officer F2 also admitted that he knew that this friend had been doing a 'lot of [drug] business'. He further agreed that the knowledge that his friend was doing a lot of drug business presented a substantial conflict with his duties as a police officer.[868] He said that he did not see his actions as wrong at the time. He explained that he considered that 'my friendship towards these guys [referring to this and another friend involved in serious criminal offences] superseded my role as a police officer'.[869] When he was asked whether he, in effect, chose his friendship with this person over his duty as a police officer, Officer F2 replied that:

859 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, pp. 23-24.
860 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, pp. 65-66.
861 Operation Abelia, PIC Transcript, 6 November 2003, p. 79.
862 Operation Abelia, PIC Transcript, 6 November 2003, p. 84.
863 Operation Abelia, PIC Transcript, 6 November 2003, p. 86.
864 Operation Abelia, PIC Transcript, 9 February 2004, pp. 231-233, 253.
865 Operation Abelia, PIC Transcript, 9 February 2004, pp. 247, 241.
866 Operation Abelia, PIC Transcript, 9 February 2004, pp. 242-244.
867 Operation Abelia, PIC Transcript, 9 February 2004, p. 247.
868 Operation Abelia, PIC Transcript, 9 February 2004, p. 279.
869 Operation Abelia, PIC Transcript, 9 February 2004, p. 286.

> I would always probably stand by friends and family in that regard if anyone needed help with anything. [870]

5. Supplying drugs for monetary gain

- ***Known as a person who could help out getting drugs for others:*** Officer F2 did not realise that the two persons buying ecstasy from him were two undercover police officers.[871] He admitted that people knew him to be a person they could approach 'to help out in getting drugs for other people'.[872] Officer F2 was subsequently sentenced to six months periodic detention for his involvement in drug supply.

- ***The first time might have been 500 and the second time was 1000 ecstasy pills:*** Former Officer V1 told the PIC that on three occasions he supplied ecstasy to his acquaintances. When asked about the quantity of drugs he supplied he said: 'A thousand pills'.[873] He later changed this to: 'The first time might have been 500 and the second time was 1000'.[874] He said that the reason he had dealt in drugs was because he had been suspended without pay from NSW Police and had no income and he had been trying to look for part-time work and couldn't find it and 'it was just for the money basically'.[875]

- ***Was sentenced to seven years imprisonment for drug supply and other offences:*** The PIC investigated the drug dealing activities of Officer P2 in its Operation Dakota. During this investigation, this now former senior constable admitted to the PIC that he had used cannabis, ecstasy and cocaine while he was on long-term sick leave.[876] Based on the evidence collected during the PIC investigation, former Officer P2 was charged with numerous offences involving the supply of prohibited drugs, including cocaine, ecstasy, and cannabis. In November 2003, this former senior constable pleaded guilty to five charges of supply prohibited drugs on an ongoing basis, seven charges of supply prohibited drugs, and six charges of give false evidence to the PIC. He was sentenced to seven years imprisonment with a minimum period of four years imprisonment for these offences.

6. More generally compromising their position as a police officer

- ***Threats by the head of security at a nightclub led to officer supplying drugs:*** Former Officer B2 served for approximately 10 years before being dismissed. This former senior constable admitted using ecstasy and cocaine.[877] He told the PIC how he became involved in the supply of illegal drugs. According to his evidence the head of security at a particular nightclub where he was engaged in unauthorised secondary

870 Operation Abelia, PIC Transcript, 9 February 2004, p. 241.
871 Operation Abelia, PIC Transcript, 9 February 2004, pp. 229-230.
872 Operation Abelia, PIC Transcript, 9 February 2004, p. 257.
873 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 43.
874 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 43.
875 Operation Abelia, PIC Transcript, Private hearing, AMS, 10 October 2003, p. 59.
876 Operation Dakota, PIC Transcript, Private hearing, 31 October 2001, p. 23.
877 Operation Saigon, Phase II, PIC Transcript, Private hearing, AFC, 15 December 1999, pp. 25-26.

employment threatened him, as he knew that former Officer B2 was using illegal drugs[878]:

> He came up to me and said that he knew I was a police officer and – I said, 'How did you know that?' He just said, you know, 'I found out'. He said, you know, 'You are running a risk taking drugs and being a police officer', and I said, you know, 'I don't really wish to talk about it'. And he said, 'There's a lot of money to be made through dealing in the club,' and I said, 'Well, I'm not interested. I just party with my friends and that's it'. And he said, 'Well, I want you to deal for me. You know, I can't deal here myself'. And this went on. I refused at first and then he made a number of threats and I ended up dealing for him.[879]

When asked what sorts of threats were made, former Officer B2 replied:

> That he would – he made two. One was informing the police and another one, which was the one, as I have already mentioned, I took more seriously, was – I was mixing with some people that I regarded as heavy individuals, nightclub owners and things of that nature, and they had included me in their inner group, so I was seeing a lot of drug use taking place and a lot of other activities that these people did – not criminally, so much, but morally – and if they knew that I was a police officer, I – you know, there was a large risk to my health because these people had no idea.[880]

Former Officer B2 was eventually arrested and charged with drug supply and subsequently served two years in gaol.

7. Stealing drugs or money for profit

- ***Involved in 'rips' where drugs were obtained and later sold to raise cash:*** Officer U3 joined NSW Police when he was 19 years old and served for 19 years before his criminal offences were uncovered and he was dismissed. At the time of his dismissal he held the rank of sergeant.

  Officer U3 admitted that he had been 'using drugs rather extensively' since mid-2003. He disclosed that he had obtained 100 ecstasy pills from a 'rip'[881] he carried out in mid-2003 and he decided to try one of the ecstasy pills. He found that it 'relieved all the pressures of work' and he went on to take the remainder of the pills over a period of several months. Officer U3 admitted that he dipped into another person's share of the 'rip' proceeds, taking about 50 of the other person's share of the pills as well.[882]

  In relation to his involvement in other criminal activities, Officer U3 made the following admissions to the PIC. He was involved in 'rip offs' where drugs were obtained and were later sold to raise cash. He admitted that he was involved in a 'rip off' in late 2002, which occurred at North Sydney. His informant located a supplier and purchased the drugs with

878 Operation Saigon, Phase II, PIC Transcript, Private hearing, AFC, 15 December 1999, pp. 22-23.
879 Operation Abelia, PIC Transcript, Private hearing, APJ, 16 August 2004, p. 16.
880 Operation Abelia, PIC Transcript, Private hearing, APJ, 16 August 2004, pp. 16-17.
881 Term for theft or swindle.
882 Operation Alpine, Record of interview, 1 March 2004, pp. 3-4, 7.

> counterfeit money. Officer U3 and his accomplices then conducted a phoney arrest and seizure of the drugs, netting 2000-3000 ecstasy pills. His informant sold these pills for $12 each and Officer U3 shared in the profits, apparently collecting $4000-$5000.[883]
>
> Officer U3 admitted in evidence before the PIC that he engaged in criminal transactions with another NSW Police officer to whom he later gave $2000. These transactions were 'rips on drug dealers' from which they received money and drugs.[884]

IMPLICATIONS FOR MINIMISATION STRATEGIES

The use of illegal drugs, by and of itself, represents a conflict for all officers whose role is to enforce the law. As the Commissioner of NSW Police observed in his closing address on the final day of Operation Abelia public hearings:

> These officers have denigrated their Oath of Office, and have sullied the reputation of the New South Wales Police by engaging in behaviour which is clearly illegal. [885]

The act of obtaining illegal drugs also places officers in a position where they are open to being compromised. In addition to the use and acquisition of illegal drugs, the examples in this section have illustrated other forms of misconduct, associated with the officer's illegal drug use, can place an officer in a position of not being able to perform his or her duties appropriately.

A central feature of some of these forms of misconduct (including many of the examples provided to illustrate turning a 'blind eye' to illegal drug use by others, turning a 'blind eye' to drug suppliers, and more actively attempting to assist a drug supplier) involves officers inappropriately resolving the conflicts they may face between maintaining their friendships or associations and their role and duties as an officer. Chan, Devery and Doran (2003) examined the experiences of a cohort of 150 NSW Police recruits over a two-year period to understand the way novices learn the skills, knowledge and values necessary to become a competent member of a policing organisation. In their research Chan and her colleagues observed the pressures that policing can place on previous friendships and relationships:

> These responses indicate that very early on in training, students were becoming aware of the pressures that policing can place on old friendships and relationships … For example, in a society in which recreational drug use is not uncommon, some recruits will undoubtedly have friends who are recreational drug users. In such circumstances, a change in status from civilian to student police officers and eventually to probationary constable is certain to place heavy strain on relationships or present significant moral and ethical challenges to recruits.[886]

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883 Operation Abelia, PIC Transcript, 20 February 2004, pp. 583-586.

884 Operation Abelia, PIC Transcript, 20 February 2004, pp. 544-545.

885 Operation Abelia, PIC, Transcript, Commissioner K. Moroney, 12 November 2004, p. 1321.

886 J. B. L. Chan, C. Devery, & S. Doran, *Fair cop: Learning the art of policing*. Toronto: University of Toronto Press, 2003, p. 94.

The evidence presented during Operation Abelia suggests that officers and students may benefit from guidance as to the best ways of managing situations where they encounter acquaintances and friends who use or even supply illegal drugs. While students and officers may currently be given messages about the dangers of 'improper associations', they may not consider their friends or family members to be 'improper associates'. For example, when she was asked 'whether as far as she was aware, were any of the people that she used drugs with people who had a criminal record?', one former officer responded:

> No. I mean our friends – my group of friends – I'm talking group of friends, I mean school friends, all friends that I've grown up with, they weren't bad people. We're not bad people, so…[887]

The PIC has heard evidence that officers do, from time to time, find themselves in situations where friends or relatives may use illegal drugs. This is not to be unexpected in a society where a significant minority use illegal substances as a means of socialising or as a means of relaxing. While the PIC does not consider that the behaviour of friends or relatives can be used to excuse any misconduct by officers, it does see that preparing officers on how to respond to such situations prior to actually facing these situations provides an opportunity for minimising police misconduct. The desirability of preparing officers and students for identifying situations which may compromise their integrity and how best to respond in such situations is discussed in more detail in Section 6.10, Education, Training And Communication, in the next chapter.

5.12 DIFFERENCES BETWEEN OFFICER ILLEGAL DRUG USE BEHAVIOUR UNCOVERED DURING THE ROYAL COMMISSION AND THAT UNCOVERED IN OPERATION ABELIA

The examination of trends in officer drug use patterns over time was not a specific focus of Operation Abelia. However, during the analysis conducted for this project some similarities and some differences were observed between the information obtained during the Royal Commission into the NSW Police Service and the more recent information examined as part of Operation Abelia.

COMPARISON OF ILLEGAL DRUG USE EXPOSED DURING THE ROYAL COMMISSION WITH THAT EXPOSED DURING OPERATION ABELIA

In both the Royal Commission and Operation Abelia, officers acknowledged using a broad range of illegal drugs including marijuana, ecstasy, amphetamines, cocaine and steroids. In addition, in Operation Abelia, small numbers of officers came to notice for using ketamine or heroin.

The information collected for Operation Abelia suggests that officers appear less likely to use illegal drugs with work colleagues than were the officers who gave evidence to the Royal Commission. It is interesting to note that in the earlier investigation of the Royal Commission, officers tended to use illegal drugs when they socialised with other officers from their own station.[888] In contrast, the information from Operation Abelia

887 Operation Abelia, PIC Transcript, Private hearing, APG, 16 August 2004, p. 11.

888 Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, p. 19125.

suggests that where officers say they use illegal drugs as a means of socialising they tended to socialise with friends from outside NSW Police. In the small number of cases that came to notice where officers do socialise with other officers, they tended to use drugs with officers who work in other commands rather than officers from their own command.

Another area of difference is in the source of supply of the drugs. The majority of officers who came to notice in the Royal Commission into the NSW Police Service obtained their drugs from another officer.[889] In the information collected for Operation Abelia, officers spoke more frequently of obtaining their illegal drugs from friends, family members, acquaintances and strangers, only rarely mentioning obtaining their illegal drugs from other officers.

IMPLICATIONS FOR MINIMISATION STRATEGIES

It is not possible to discuss changes in officer illegal drug use behaviour as there is not a lot of information available concerning officer illegal drug use behaviour at different times. Hence caution should be exercised in generalising from the information presented in this section. For example, it is possible that at earlier times officers also used illegal drugs with friends who were not police officers but that this type of drug use did not come to notice in the same way as use with other officers did during the earlier Royal Commission into the NSW Police Service.

However, if in fact officers are less likely to use illegal drugs with their colleagues than previously this may indicate broader changes in the ways officers socialise. It may also mean that officers are less likely to know if their colleagues are using illegal drugs, in some cases resulting in some officers incorrectly assuming that such drug use does not occur within NSW Police simply because they have not witnessed it.

889 Royal Commission into NSW Police Service, Day 191, Transcript, Witness BD1, 29 January 1996, pp. 19068, 19076; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD1, 30 January 1996, pp. 19118 – 19119; Royal Commission into NSW Police Service, Day 192, Transcript, Witness K. R. Milne, 30 January 1996, p. 19089; Royal Commission into NSW Police Service, Day 192, Transcript, Witness BD2, 30 January 1996, p. 19168; Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD6, 31 January 1996, pp. 19188 – 19189; Royal Commission into NSW Police Service, Day 193, Transcript, Witness BD7, 31 January 1996, pp. 19214 - 19216.

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