



OFFICIAL: Sensitive

GENERAL ORDER

GENERAL DRUG DETECTION

General Order title	General drug detection
Date of issue	4 December 2019
Date of operation	25 November 2019
Review date	September 2021
Review responsibility	Drug and Organised Crime Task Force
Replaces	Previous General Order, General drug detection
PCO reference	2008/3612
Gazette reference	SAPG 247/19
Enquiries to	Serious and Organised Crime Branch Telephone 817 25400
Corporate Policy Sponsor	Assistant Commissioner, Crime Service

General Orders provide an employee with instructions to ensure organisational standards are maintained consistent with SAPOL's vision. To this end, General Orders are issued to assist an employee to effectively and efficiently perform their duties. It is important that an employee constantly bears in mind that the extent of their compliance with General Orders may have legal consequences.

Most orders, as is indicated by the form in which they are expressed, are mandatory and must be followed. However, not all situations encountered by an employee can be managed without some form of guidance and so some of these orders are prepared as guidelines, which should be applied using reason. An appendix to a General Order will be regarded as part of the General Order to which it relates. At all times an employee is expected to act ethically and with integrity and to be in a position to explain their actions. Deviation from these orders without justification may attract disciplinary action.

To ensure best practice an employee should be conversant with the contents of General Orders.

The contents of General Orders must not be divulged to any person not officially connected with SAPOL. Requests for General Orders will be managed as follows:

- Civil subpoena and disclosure requests—contact the Information Release Unit.
- Criminal subpoena and disclosure requests—refer to General Order, **Disclosure compliance and subpoena management**.
- Freedom of information requests—contact the Freedom of Information Unit.
- Any other requests (including requests by employees)—refer to instructions provided within General Order, **Corporate policy framework, 5. GENERAL ORDER REQUESTS/RELEASE**.

CONTENTS

1. GENERAL ORDER STATEMENT	3
Scope	3
2. DEFINITIONS	3
3. SENIOR POLICE OFFICER'S AUTHORISATION	4
Authorisation for general drug detection on a drug transit route	5
Issuing a senior police officer's authorisation	6
4. DECLARED PUBLIC PRECINCTS	6
5. PREPARING FOR A GENERAL DRUG DETECTION OPERATION	6
Deployment advice	7
4(2)(a)(iii) and 4(2)(b)	7
Risk assessments	8
Sensitive locations	8
Security of information	9
6. CONDUCTING A GENERAL DRUG DETECTION OPERATION	9
Conducting general drug detection on a drug transit route	10
Positive drug detection	11
Statistical return	12
Evidentiary certificates	13
7. REFERENCES	13
8. FURTHER ENQUIRIES	14
9. DOCUMENT HISTORY SINCE 22/10/08	14

1. GENERAL ORDER STATEMENT

The *Controlled Substances Act 1984* (CSA) contains powers which enable members of the South Australia Police (SAPOL) to proactively conduct general drug detection through the ^{4(2)(a)(iii) and 4(2)(b)} [REDACTED]

Section 52A of the CSA provides that a member may carry out general drug detection in relation to any person who is in, or is apparently attempting to enter or to leave, one of the following areas:

- licensed premises (including the patrons' car parking area)
- a public venue (including the patrons' car parking area)
- a public passenger carrier or any place at which public passenger carriers may take up or set down passengers
- any other public place when authorised by a senior police officer to do so.

Section 52B of the CSA provides additional powers to enable a member to conduct general drug detection (including the stopping of vehicles) along a drug transit route when authorised by a senior police officer to do so.

The *Summary Offences Act 1953* (SOA) contains powers for the Attorney-General to define a geographical area as a **declared public precinct** in order to maintain public order and safety in that area. Section 66S of the SOA provides for general drug detection to be undertaken in a declared public precinct.

General drug detection cannot be conducted in places that are not defined as a 'public place'. ^{4(2)(a)(iii) and 4(2)(b)} [REDACTED] may only be used in places that do not meet the definition of a 'public place' when in furtherance of an investigation pursuant to the CSA.

This General Order should be read in conjunction with sections 52A and 52B of the CSA.

Scope

This General Order applies to all SAPOL members.

2. DEFINITIONS

The following definitions contained within the CSA are definitions which members must be most familiar with.

^{4(2)(a)(iii) and 4(2)(b)} [REDACTED]

General drug detection—means:

- walking or otherwise placing a ^{4(2)(a)(iii) and 4(2)(b)} [REDACTED] in the vicinity of a person or property; or

- using an ^{4(2)(a)(iii) and 4(2)(b)} in relation to a person or property in a manner prescribed by regulation

for the purpose of determining whether ^{4(2)(a)(iii) and 4(2)(b)} ^{4(2)(a)(iii) and 4(2)(b)} (as the case may be) detects the presence of a controlled drug, controlled precursor or controlled plant (but does not include any other conduct by a person that would constitute a search).

Licensed premises—means:

- licensed premises within the meaning of the *Liquor Licensing Act 1997*, other than premises in respect of which only a restaurant licence or residential licence is in force
- the premises defined in the casino licence, within the meaning of the *Casino Act 1997*, as the premises to which the licence relates.

Public passenger carrier—means a bus, tram, train, vessel or aircraft used for the purpose of carrying passengers for hire or reward.

Public place—includes:

- a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place
- a place to which the public are admitted on payment of money, the test of admittance being the payment of money only
- a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property.

Public venue—means a place where members of the public are gathered for an entertainment or an event or activity of any kind, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic, but does not include a church or place of public worship.

Senior police officer—is a member of the police force of or above the rank of inspector.

3. SENIOR POLICE OFFICER'S AUTHORISATION

An authorisation from a senior police officer will be required whenever general drug detection is conducted in the following areas:

- a public place (other than licensed premises, a public venue and/or a public passenger carrier pursuant to section 52A of the CSA)
- a drug transit route pursuant to section 52B of the CSA.

The member in charge of a general drug detection operation will be responsible for preparing a **PD474 Application for authorisation—general drug detection powers and special powers relating to drug transit routes (PD474)**.

A senior police officer who receives a **PD474** will examine the grounds for the making of the application and may grant an authorisation when satisfied (in addition to any other requirement of the CSA) that one or more the following conditions exist:

- that a general drug detection operation may detect persons in possession of controlled drugs, controlled precursors or controlled plants

- that a general drug detection operation may provide a deterrent to persons from possessing controlled drugs, controlled precursors or controlled plants in that area
- that a general drug detection operation may contribute to reducing the harm caused to the community by illicit drugs.

When deciding whether or not to issue an authorisation, the senior police officer will have regard to the following:

- whether the public interest in detecting persons in possession of controlled drugs, controlled precursors or controlled plants in the area outweighs the public interest in ensuring that private individuals are protected from undue delay and inconvenience
- whether the conduct of a general drug detection operation will create a risk to the health, safety and wellbeing of employees of SAPOL, their assistants or members of the public.

The **PD474** must provide sufficient information to enable the senior police officer to consider these issues. When there is insufficient space on the **PD474**, an attached and signed page can be used for additional information.

An authorisation granted by a senior police officer to conduct general drug detection must clearly define the public place or drug transit route. An authorisation may operate for an initial period not exceeding 14 days, and it may be renewed from time to time by a senior police officer for a further period not exceeding 14 days.

An authorisation may be subject to conditions specified by the senior police officer and it may be varied or revoked by a senior police officer at any time.

A senior police officer, when deciding whether or not to issue an authorisation for a general drug detection operation, will make notes of:

- any additional information not included in the application
- the issues considered
- the reasons for approval or refusal of the authorisation.

Authorisation for general drug detection on a drug transit route

A senior police officer who receives a **PD474** in relation to a drug detection operation intended to be conducted along a drug transit route (pursuant to section 52B of the CSA), must reasonably suspect that the area is being, or is likely to be, used for the transport of controlled drugs, controlled precursors or controlled plants in contravention of the CSA, before an authorisation can be issued. This is in addition to other requirements at **3. SENIOR POLICE OFFICER'S AUTHORISATIONS** previous in this General Order.

The **PD474** must provide sufficient information to enable the senior police officer to form this suspicion. ^{4(2)(a)(iii) and 4(2)(b)}

The senior police officer must ensure that the drug transit route area to which the authorisation will relate is more than 30 kilometres from the General Post Office at Adelaide and is not more than a continuous area of five square kilometres.

A senior police officer must not authorise more than one drug transit route area in relation to a single operation in a way that effectively creates a total continuous area comprising more than five square kilometres.

The senior police officer must ensure that no more than three drug transit route areas are operating within the state at any one time pursuant to section 52B of the CSA. This can be achieved by contacting the Communications Centre (ComCen), which will maintain a register of drug transit route authorisations.

Issuing a senior police officer's authorisation

When a senior police officer believes that it is justified and appropriate in the circumstances, they may issue an authorisation to conduct a general drug detection operation. The authorisation is page two of the **PD474**. The senior police officer will retain a copy of the authorisation.

The original authorisation will be forwarded to the member in charge of the general drug detection operation who will keep the authorisation in their possession during the conduct of the operation.

When an authorisation is issued in relation to a drug detection operation to be conducted along a drug transit route (pursuant to section 52B of the CSA), the senior police officer will immediately ensure the authorisation is included in the register of drug transit route authorisations by sending a scanned copy to ComCen by email to <SAPOL:Comcen Notifications>.

When an authorisation is issued in relation to a drug detection operation in which a ^{4(2)(a)(iii) and 4(2)(b)} is to be used, the member in charge of the operation will send a copy of the authorisation to the ^{4(2)(a)(iii) and 4(2)(b)} Unit by fax.

4. DECLARED PUBLIC PRECINCTS

Section 66N of the SOA allows for the Attorney-General to declare a defined area as a **declared public precinct** for a specified period where there is an apprehended level of danger to personal safety and property during a stipulated period. Examples include large public gatherings at New Year's Eve and Australia Day celebrations.

Section 66S of the SOA allows for general drug detection to be carried out in relation to any person present within a declared public precinct pursuant to section 52A of the CSA. Refer to General Order, **Declared public precincts**.

5. PREPARING FOR A GENERAL DRUG DETECTION OPERATION

All general drug detection operations will be managed by a member who is appointed to be in charge of the operation. A member in charge of a general drug detection operation will be responsible for ensuring that the operation is properly planned and is conducted in a safe, thorough and efficient manner.

The member in charge of a general drug detection operation will consult with the operations senior sergeant or the Criminal Investigation Branch (CIB) senior sergeant of the relevant District/LSA in relation to the intention to conduct the operation. When the senior sergeant is not available, an appropriate supervisor will be consulted. The operations senior sergeant, CIB senior sergeant or appropriate supervisor will consider the impact that the general drug detection operation will have on:

- local SAPOL resources
- other police operations
- local public perceptions
- work health, safety and welfare
- other relevant factors.


When the operations senior sergeant, CIB senior sergeant or appropriate supervisor is aware of any factors that might impact upon the general drug detection operation, they must immediately advise the member in charge of the general drug detection operation.

Deployment advice

A member in charge of a general drug detection operation will ensure that page one of a **PD475 Deployment advice and statistical return—general drug detection powers and special powers relating to drug transit routes (PD475)** is completed before the general drug detection operation is conducted. Page one of the **PD475** is the request form that will be sent by fax to the ^{4(2)(a)(iii) and 4(2)(b)} Unit to request the attendance and use of a ^{4(2)(a)(iii) and 4(2)(b)}

The name and posting of the operations senior sergeant, CIB senior sergeant or appropriate supervisor consulted must be recorded on a **PD475**.

^{4(2)(a)(iii) and 4(2)(b)}



Risk assessments

The member in charge of a general drug detection operation will conduct a risk assessment of the selected site in accordance with General Order, **Risk management**.

When the operation involves conducting general drug detection on a road or a road related area, the worksite must be assessed and established in accordance with General Order 8540, **Work health, safety, welfare and injury management, Working on roads and road related areas**.

In assessing the worksite, the member in charge of the operation will consider the following:

- member and public safety
- road and footpath design and condition
- potential traffic and pedestrian volume
- speed limits
- size of the operation
- time of day and restrictions to visibility
- weather and environmental conditions
- adequate parking for police and civilian vehicles
- other relevant factors.

The member in charge of the operation will complete a **PD25 Worksite assessment** when the operation involves four or more employees and involves general drug detection on a road or a road related area.

The member in charge of the operation will reassess the worksite at the commencement of the general drug detection operation and at regular intervals throughout the duration of the operation.

Sensitive locations

General drug detection can only be conducted within a sensitive location when the area in which general drug detection is to occur is a public place. Sensitive locations include vicinities of hospitals and other areas that may be public areas and may be considered sensitive. The member in charge of the general drug detection operation will carefully assess the area to determine whether it is (or will be at the time of the operation) a public place. When the area is a public place pursuant to section 52A(3) of the CSA, a senior police officer's authorisation must be obtained and documented using a **PD474**. For drug detection operations in schools refer to General Order, **Drug detection operations in schools**.

The relevant District/LSA officer in charge must be advised before general drug detection is conducted. General drug detection will only be conducted within a public place that is determined to be a sensitive location with the consent of a manager or person in charge. However, when the member in charge of the general drug detection operation believes there is good reason why the manager or person in charge of the sensitive location should not be consulted, the member in charge of the operation will include this reason in the **PD474**.

The senior police officer may approve the general drug detection operation being conducted without the consultation taking place.

General drug detection cannot be conducted if an area within a sensitive location is not a public place pursuant to section 52A(3) of the CSA. This includes walking a dog trained in drug detection through a non-public place as a deterrent.

4(2)(a)(iii) and 4(2)(b) may be used in places that do not meet the definition of a 'public place' only when the officer in charge of the responsible District/LSA is aware, and it is in the furtherance of an investigation when there is information suggesting that a person within that area is or will be in possession of a controlled drug, controlled precursor or controlled plant in contravention of the CSA (or under another authority such as section 52 of the CSA or section 67 of the SOA). 4(2)(a)(iii) and 4(2)(b)

General drug detection will not take place within the vicinity of a clean needle program except in compliance with General Order, **Alcohol and drug strategies** relative to drug harm minimisation and the clean needle program.

Security of information

A member involved in the planning and conduct of a general drug detection operation will maintain strict confidentiality in relation to the operation, in accordance with regulation 21 of the Police Regulations 2014. The details of the operation should only be disclosed to persons with a legitimate need to know.

A member will not communicate with the media in relation to a general drug detection operation except in compliance with General Order, **Media affairs**.

6. CONDUCTING A GENERAL DRUG DETECTION OPERATION

A member in charge of a general drug detection operation will, prior to the commencement of the operation, conduct a briefing with all persons involved in the operation in accordance with General Order, **Operational safety—incident command and control system** relative to briefings.

A member involved in a general drug detection operation will do so in accordance with the powers and requirements of section 52A or section 52B of the CSA.


A member who stops a person for the purpose of conducting general drug detection will, when it is practicable to do so, advise that person that the member is a police officer and the person is required to submit to general drug detection pursuant to the CSA.

A person who hinders or obstructs a member, or a person accompanying a member, in the exercise of the powers conferred by section 52A or 52B of the CSA commits an offence pursuant to section 52D(3)(a) of the CSA.

A person who refuses or fails to comply with a requirement made of the person, or a direction given to the person, by a member pursuant to section 52A or section 52B of the CSA commits an offence pursuant to section 52D(3)(b) of the CSA.

A member will take all reasonable steps to ensure that a person who has been subjected to general drug detection is not unduly delayed or inconvenienced. When general drug detection produces no indication of the presence of a controlled drug, controlled precursor or controlled plant, and no other offence is detected, the person should be allowed to continue on their way without further delay.

4(2)(a)(iii) and 4(2)(b)



Conducting general drug detection on a drug transit route

A member involved in a general drug detection operation along a drug transit route (as authorised by a senior police officer) will, in addition to the above instructions, comply with the following instructions.


A member in charge of a drug detection operation which involves stopping vehicles at a drug detection point will ensure that the drug detection point is established and operated in accordance with General Order 8540, **Work health, safety, welfare and injury management, Working on roads and road related areas**.

The member in charge of a general drug detection operation at a drug detection point will ensure that the vehicle stopping area is safe and suitable for the prolonged detention and thorough searching of vehicles in the event that a positive detection is made.

A member who stops a vehicle for the purpose of conducting general drug detection will advise all persons within the vehicle that the member is a police officer and the persons are required to submit to general drug detection pursuant to the CSA.

The member may direct the driver and any occupants to get out of the vehicle and may give other directions as are reasonably necessary for the effective exercise of general drug detection powers. General drug detection may be conducted in relation to the persons that have left the vehicle and their property. A sick, injured or incapacitated person should not be compelled to leave the vehicle.


4(2)(a)(iii) and 4(2)(b)



A senior police officer's authorisation to conduct general drug detection does not, of itself, entitle a member to conduct a search of a vehicle, person or property.

Positive drug detection

4(2)(a)(iii) and 4(2)(b)



A member may search any person, pursuant to section 52(6) of the CSA, whom the member reasonably suspects has in their possession any substance in contravention of the CSA.

A member who reasonably suspects that any substance that would afford evidence of an offence against the CSA is in any vehicle the member may, pursuant to section 52(9) of the CSA, detain and search the vehicle and seize and remove from the vehicle anything that the member reasonably suspects would afford evidence of an offence against the CSA.

A member responsible for the investigation of offences resulting from a positive drug detection on a person will advise the person that the detection has been made and that a search will be conducted pursuant to section 52 of the CSA. A member responsible for the investigation of offences resulting from a positive drug detection on a vehicle will, as soon as practicable after the detection has been made, advise the occupants of that vehicle that the detection has been made and that a search will be conducted.

A member will ensure that the area in which a search of a person is going to take place is suitable, having regard to the following:

- safety of police and members of the public
- the need to prevent undue embarrassment to person(s) being searched
- the need to prevent undue delay to person(s) found not to be in possession of controlled substances.

A member who is going to be involved in a search of a person, property or vehicle will conduct a risk assessment prior to commencing the search and will conduct the search having regard to General Order, **Operational safety**.

A member who is going to be involved in a search of a person will do so in accordance with the guidelines for searching contained within General Order, **Custody management**.

When a positive drug detection results in a search of a vehicle pursuant to section 52(9) of the CSA, a ^{4(2)(a)(iii) and 4(2)(b)} may assist that search and it may enter any part of the vehicle, including an area that is designed for carrying passengers while the vehicle is in motion. The ^{4(2)(a)(iii) and 4(2)(b)} will do all things reasonably practicable to prevent ^{4(2)(a)(iii) and 4(2)(b)} from causing damage to the vehicle or its contents.

When a search of a person, property or vehicle fails to locate a controlled drug, controlled precursor or controlled plant (or any other evidence of an offence) the person should be allowed to continue on their way without further delay.

When a search of a person, property or vehicle locates a controlled drug, controlled precursor or controlled plant, or locates other evidence of the commission of an offence, the member in charge of the general drug detection operation will ensure that those offences are properly investigated and that person(s) are reported, arrested or drug diverted in accordance with SAPOL General Orders.

The member in charge of the general drug detection operation will ensure that any controlled drug, controlled precursor, controlled plant, or any other article that is seized is dealt with in compliance with General Order, **Property**.

When a person has been arrested and there is no legal necessity to seize their vehicle, the arresting officer will ensure that the vehicle is dealt with in accordance with General Order, **Arrest/report procedures and documentation** relative to arrest procedures and vehicles.

Statistical return

The **PD475** is the deployment advice and statistical return for the exercise of general drug detection powers. The member in charge of a general drug detection operation will ensure that the following statistics are recorded on the statistical return:

- the total number of drug detections made ^{4(2)(a)(iii) and 4(2)(b)} with a breakdown as follows:
 - presence of a controlled drug
 - presence of a controlled precursor
 - presence of a controlled plant
 - number of drug detections where no drug was found
 - number of arrests, reports and drug diversion referral notices
 - description of drugs seized (including weight).


The member in charge of the general drug detection operation will ensure that the original of the completed statistical return is forwarded to Business Information Unit.

When a senior police officer's authorisation is issued in relation to a general drug detection operation, a copy of the statistical return will be forwarded to the senior police officer.

When a general drug detection operation involves a ^{4(2)(a)(iii) and 4(2)(b)}, a copy of the statistical return will be sent to the ^{4(2)(a)(iii) and 4(2)(b)} Unit.

Evidentiary certificates

4(2)(a)(iii) and 4(2)(b)



7. REFERENCES

Casino Act 1997

Controlled Substances Act 1984

General Order, **Alcohol and drug strategies**

General Order, **Arrest/report procedures and documentation**

General Order, **Custody management**

General Order, **Declared public precincts**

General Order, **Drug detection operations in schools**

General Order, **Explosives**

General Order, **Media affairs**

General Order, **Operational safety**

General Order, **Operational safety—incident command and control system**

General Order, **Property**

General Order, **Risk management**

General Order 8540, **Work health, safety, welfare and injury management, Working on roads and road related areas**

Liquor Licensing Act 1997

Police Regulations 2014

South Australia Police Illicit Drug Strategy

Summary Offences Act 1953

8. FURTHER ENQUIRIES

4(2)(a)(iii) and 4(2)(b)

Unit

Drug and Organised Crime Task Force

Serious and Organised Crime Branch

State Intelligence Branch

9. DOCUMENT HISTORY SINCE 22/10/08

Gazette reference (SAPG)	Date	Action (amendment/deletion/new/review/temporary variation)
357/08	22/10/08	New General Order.
309/09	23/09/09	Amendment—references to General Order, Arrest , General Order, Bail and General Order, Prisoners deleted and replaced with General Order, Arrest and custody management .
201/11	13/07/11	Review 2011.
213/11	27/07/11	Amendment—deleted reference to General Order 8765, Risk management and inserted General Order, Risk management .
116/12	02/05/12	Amendment—reference to General Order, Exhibits deleted and replaced with General Order, Property .
23/14	22/01/14	Review 2013.
130/16	22/06/16	Review 2016—including clarification of undertaking general drug detection in sensitive areas that are not a public place under the Controlled Substances Act 1984.
240/18	24/10/18	Review 2018—includes a new heading and text added at 4. DECLARED PUBLIC PRECINCTS ; district policing model implementation changes; Shield updates; and update of names and contact details for Australian Border Force.
247/19	04/12/19	Amendment—at 5. PREPARING FOR A GENERAL DRUG DETECTION OPERATION , Sensitive locations a reference to General Order, Drug detection operations in schools has been added.

APPROVED BY COMMISSIONER/DEPUTY.....
Print Full Name.....
ID Number.....
Signature25/11/19
Date**Documentation certification and verification**

General Order draft—prepared by: Detective Senior Sergeant Grant Garritty, Drug and Organised Crime Task Force and Senior Sergeant Kurt Newcombe, 4(2)(a)(iii) and 4(2)(b) Unit

General Order—verified by: Officer in Charge, Serious and Organised Crime Branch