



CONTROLLED DANGEROUS SUBSTANCES

INDEX CODE: 1202
EFFECTIVE DATE: 04-05-12

Contents:

- I. Submission Requirements
- II. CDS - Handling and Processing
- III. CDS Paraphernalia - Handling and Restrictions on Analyzing
- IV. Charging
- V. Procedures for Withdrawing CDS Evidence for Court
- VI. Procedures for Returning CDS After Court
- VII. Destruction of CDS
- VIII. *Unwanted/Unused Prescription/Medication Drop Boxes*
- IX. Proponent Unit
- X. Cancellation

I. SUBMISSION REQUIREMENTS

All seized or recovered CDS will be packaged and submitted to the Crime Lab before the end of the recovering officer's tour of duty. It must be properly recorded and accounted for according to the requirements of this directive and Index Code 1201.

II. CDS - HANDLING AND PROCESSING

A. No suspected CDS will be sniffed, tasted or ingested for any reason. The precautions outlined in Index Code 703, "Infectious Diseases," should be followed while handling any CDS packaging/container, suspected of being a biohazard.

B. All CDS evidence will be weighed by the recovering officer, who will make every attempt to weigh each item as recovered. In all cases, the evidence will be weighed prior to being packaged for submission to the Crime Lab. CDS evidence in the form of capsules or pills will be counted as well as weighed. Counting will be performed in addition to, not in lieu of, weighing. The recovering officer will ensure the scale used for weighing the CDS is "zeroed" before use and that the item being weighed is not touching any other surface other than the scale being used. The loss of minute or small amounts of an encapsulated powdery substance may escape detection if the capsules are only counted. An exception to weighing the substance is permissible when the substance is officially sealed in tamper-proof protective packaging and the manufacturer's seal is still intact. Officers will be held accountable for any discrepancies in weights and counts of CDS evidence.

C. If the CDS is recovered in a sandwich bag, glassine bag, paper fold or other lightweight container, the officer may weigh the CDS in the packaging it is recovered in. In all police reports and charging documents officers will refer to the "weight of the CDS and packaging material(s)".

D. If the CDS is recovered in a container that is heavier than those listed above (i.e., glass, metal, hard plastic, etc.), all reasonable efforts should be made to remove the CDS from the packaging and weigh it separately to determine the weight of the CDS by itself. This should be done by pre-weighing a plastic CDS evidence bag, then carefully pouring the CDS into the evidence bag and calculating the total approximate weight of the CDS. If CDS is transferred from the container it was seized in, to an evidence bag, a second officer must witness the transfer. The witness officer must be identified in all subsequent police reports. If the CDS is transferred from the original container into a plastic bag, the original container must be submitted to Property Management as evidence.

E. If removal of the CDS is not feasible, (i.e., liquid PCP, PCP Flakes, LSD Blotter Paper, Liquid LSD, methamphetamine, powder cocaine, heroin, or powder CDS residue), the officer will weigh the CDS in the packaging it was seized in and refer to “the total weight of the CDS and packaging.”

In all cases where CDS is seized the officer will document the approximate street value in the incident report only. If the CDS is packaged in the container it was seized in the officer will refer to the total approximate street value of the CDS and packaging material. If the CDS was removed from its original packaging and placed in a heat sealed bag the officer will only figure the street value based on the CDS weight.

F. All containers of CDS will be inspected by each recipient for tampering, as a safeguard against the substitution of materials having the same weights.

G. The department will provide a secure, locked drop box for CDS, and a CDS bulk storage locker, at each of the district stations, at CID, headquarters and at other police facilities as required. The security of the drop boxes will periodically be inspected by the CDS Officer. Only the CDS Officer(s) and the Director of the Crime Lab will have keys to the drop boxes.

H. If possible, a field test will be conducted on the suspected CDS. Do not place used field test kits in evidence bags. Do not add test reagent to evidence containing residues – either scrape residue from the evidence and field test or submit the evidence without performing a field test.

I. If the field test results are positive, or if a field test cannot be performed, the CDS evidence will be packaged as follows:

1. Place evidence in the clear bag and enter the following data on the bag sticker: the defendant's full name, case number, date of offense, and officer's name and identification number and the sealing official. This sticker must be signed or initialed by the submitting officer. Note: Cutting the heat seal bag down to a more manageable size when small quantities of CDS have been seized is prohibited. While this may seem a reasonable action, this creates an integrity question for the package (evidence) which must be avoided. The bags must be used in their original size.

2. Use as many heat seal bags as required in order to be able to clearly see every item submitted within any particular bag. Do not seal more than two (2) small heat seal bags inside a larger heat seal envelope. Make sure each bag is large enough to ensure that the evidence can be resealed in the original evidence bag.

3. Heat seal the plastic bag following the directions provided. The heat seal must be initialed or signed by the submitting officer.

4. The officer must complete a Laboratory Analysis form (dated 9/07) and attach it to the evidence bag by stapling it above the heat seal. The officer must ensure that all information is accurate and legible.

- a. Do not place the form inside of the bag.
- b. Only one Laboratory Analysis form is needed if all bags pertain to the same case.
- c. The Laboratory Analysis form must include all defendants' full names.
- d. Each item of the form will be fully described and numbered according to each article of evidence. Do not list different types of items under one item number; create sub-item numbers if necessary. For example, 1a (one pipe) and 1b (one bag with plant material) should be used rather than listing both the pipe and bag of plant material as item 1.
- e. Chain of custody – The officer will check the appropriate “Original Source” item and then sign and date the chain of custody at the bottom of the form, ensuring at least a two-line entry. (For example, if the submitting officer personally recovers the CDS evidence from a vehicle, he/she will check “Vehicle” as the original source. On Line 1, the officer will sign his/her name and indicate the date/time of the recovery. On Line 2, the officer will indicate “CDS Drop Box,” the drop box’s location (i.e., Northern District, Headquarters, etc.), and the date/time of recovery.)
- f. Any time a CDS is mentioned by name, it should be preceded by “suspected” and then the name of the CDS believed to have been recovered. For example, “suspected marijuana” or “suspected crack cocaine.”

5. A second party, a supervisor or another officer, must verify the recovering officer's count/amount at the time the evidence is packaged and must sign/date the Laboratory Analysis form (dated 9/07) in the space provided. Officers will be held accountable for any count/amount discrepancies.

6. Place the heat-sealed bag into the drop box, and enter the evidence into the log book. The log book entry and evidence drop must be witnessed.

7. If the sealed evidence is too large to fit into the regular CDS Drop Box, place the evidence into the designated CDS BULK EVIDENCE STORAGE LOCKER, close the lock, and notify the CDS Officer that evidence has been placed in the locker. (If the CDS Officer is not available, leave a message regarding the bulk CDS. If the CDS Bulk Evidence Storage Locker in the location where the evidence is packaged is already in use, drop the evidence in the CDS Bulk Evidence Storage Locker at another district station. Enter the evidence in the log book and note "BULK" next to the case number. The log book entry and the evidence drop must be witnessed.

J. When an officer recovers suspected CDS with no suspects or any reasonable expectations of developing a suspect, the packaging and submission procedure outlined in this subsection will be followed, including the use of a Request for Laboratory Analysis form (dated 9/07). Under these circumstances the form will be marked "DO NOT ANALYZE - DESTROY" with the initials of the officer placed next to this command.

K. CDS evidence that, upon recovery, is already packaged in some form (i.e., a plastic-wrapped "brick" of marijuana) must still be placed in an evidence bag. If the prepackaged CDS is too large for the evidence bag, it must be placed in another container such as a cardboard box, sealed and appropriately marked. If items of evidence are contained in several large heat seal bags, the properly sealed bags may then be placed in another container such as a cardboard box, and the box is considered a "transport container." Providing all evidence within the transport container is properly sealed and the seals are signed/initialed, the transport container does not need to be sealed/signed/initialed.

L. Loose CDS evidence that is of a different composition, i.e., loose marijuana "joint" and a piece of "crack", will be placed in separate evidence bags. They can then be placed in one larger evidence bag if they are from the same case. Each bag within the larger bag must be designated differently using a numbering system such as 1 of 2, 2 of 2.

M. Deficiency/discrepancy notices will be issued by the Crime Lab directly to the submitting officer. Unresolved deficiencies or discrepancies will result in notification to the officer's supervisor. Improperly prepared evidence will be collected and stored by the CDS Officer, or the assigned analyst, until the submitting officer has corrected the deficiency. When this has been done, the evidence will then be submitted to the laboratory for analysis.

III. CDS PARAPHERNALIA - HANDLING; RESTRICTIONS ON ANALYZING

A. Due to the inherent dangers of handling a used syringe or razor blade, the crime laboratory will not analyze this type of paraphernalia for evidence.

B. If a syringe or razor is submitted as part of a CDS case, although it will not be analyzed, it will be marked accordingly and properly packaged.

C. Syringes and razor blades that are to be disposed and are not CDS related will be placed in the designated disposal box located within each district station.

D. Only actual CDS or the paraphernalia that is crucial to the case and requires analysis will be packaged in the "heat seal" evidence bags and placed in the drop box. Paraphernalia which will not be analyzed will be submitted to Property Management. The appropriate Property Management forms and packaging specifications will be utilized.

IV. CHARGING

A. When a subject is arrested for a CDS violation, the arresting officer will determine if felony charges are applicable. If it is determined that the suspect(s) will be charged with a felony, the Special Enforcement Section (SES) must be immediately notified. This is to be done so proper follow up can be conducted on the suspect in the form of vehicle seizures, search warrants, asset seizures, etc.

B. If the arrest is made during the hours of 0700-2300 Monday through Friday, the arresting officer's supervisor will contact a Special Enforcement Section supervisor. If the arrest is made between the hours of 2300-0700 or on the weekends, a shift supervisor will contact the Communications Section supervisor to obtain the name of the on call Special Services Bureau (SSB) supervisor. The SSB supervisor will then be contacted and advised of the arrest.

C. The on call SSB supervisor will discuss the facts of the case with the patrol supervisor and determine if a detective will be sent out for immediate follow up, or if the follow up can be conducted at a later time.

D. THE APPROXIMATE STREET VALUE NO LONGER NEEDS TO BE INCLUDED IN THE STATEMENT OF PROBABLE CAUSE OR THE APPLICATION FOR STATEMENT OF CHARGES.

This information will be documented in the Incident Report.

The officer should also state in the probable cause how he/she knows it is possession with intent. This should be done by noting other contributing factors known through his/hers training, knowledge and experience; i.e., packaging, money, cell phones, open air drug market, scale, etc.

V. PROCEDURES FOR WITHDRAWING CDS EVIDENCE FOR COURT

A. Officers will access WebXtender prior to trial to obtain a copy of the CDS analysis, which should be available fifteen (15) days prior to the trial date. If the completed analysis form is not available, officers will contact the CDS Officer seven (7) days prior to the trial date to ensure that the analysis has been completed. To take custody of the evidence for court, the officer will contact the CDS Officer between 0700 and 0900 hours and 1200 to 1300 hours on the day of the trial.

B. CDS evidence may only be withdrawn from the Crime Lab on the day the case is set for trial.

C. CDS evidence will not be released to any officer before his/her departmental identification is verified.

VI. PROCEDURES FOR RETURNING CDS AFTER COURT

A. CDS evidence possession by department personnel will be limited to its initial recovery, possession for court and possession for destruction. CDS evidence will be returned to the CDS Officer or placed in a CDS drop box on the same day it was withdrawn from the Crime Lab for court purposes. CDS evidence will not be kept in any private locker, vehicle, desk, etc.

B. Complete the CDS Case Status Inquiry Form attached to the CDS evidence package and place the form and the evidence in a CDS drop box or return it to the CDS Officer.

C. If a portion of the CDS is being held by the court, attach a copy of the court receipt to the remaining CDS, and place it in the CDS drop box or return it to the CDS Officer.

D. If all the CDS is being held by the court, place a copy of the court receipt in the CDS drop box or return it to the CDS Officer.

E. If there is a postponement of a trial, the CDS will be placed in the CDS drop box or return it to the CDS Officer.

F. If there is a postponement or continuation of trial to the following day, the CDS evidence will only be placed in the drop box located just inside the rear door of Police Headquarters (bottom floor of the building). If another officer is not present to witness the drop, the submitting officer will contact ECU and an ECU employee will witness the drop. If no ECU employee is available, the officer will contact the Communications supervisor.

VII. DESTRUCTION OF CDS

Unless notified otherwise by the States Attorney's Office, CDS cases that have been adjudicated may be slated for destruction 45 days after the adjudication, with authorization in writing from the submitting officer (CDS Status letter issued periodically by the Crime Lab to the submitting officer.)

VIII. UNWANTED/UNUSED PRESCRIPTION/MEDICATION DROP BOXES

MedReturn drop boxes are provided in the lobbies of all police district stations. The drop boxes are located in the lobby easily accessible to the public. The drop boxes are tamper proof and secured to the floor, providing a safe anonymous way for citizens to dispose of unwanted/unused medications. Each drop box contains easily read instructions on the authorized medications to be placed in the drop box. The drop box allows medications of all types, excluding needles, sharps or unsecured liquids to be placed securely inside awaiting disposal. Each drop box contains a 50-quart collection container with a plastic inner liner. The drop box is constructed of 14 gauge steel that will prevent tampering or destruction. Utilization of a drop box is completely anonymous. Citizens are encouraged, but not required to remove all prescription labels from bottles prior to placing them into the drop box. Police personnel may assist the public in utilizing the drop box, however, they will not inquire about the origin of the disposed medications. Illegal CDS contraband, i.e., marijuana, cocaine, heroin, etc., is not authorized to be placed into the drop boxes. Officers encountering anyone attempting to discard illegal contraband CDS will follow all applicable procedures for recovered CDS along with a thorough investigation of its origin.

The CDS officer will empty each drop box on a weekly basis during his/her regular district CDS pick-up. A district supervisor is required to witness the drop box opening, as well as the CDS officer securing the contents in the plastic bag with the tamperproof seal. Each box contains a log book where the CDS officer will document the removal and security of the contents. This will be verified by the approving district supervisor. The CDS officer will transport the contents to the drug lab, where the seal will be verified and initialed by a lab chemist, documented in the appropriate logbook and stored for disposal. For security purposes, drop boxes are conspicuously located in the police district lobby where it can be monitored by available CCTV.

Collected medications will be incinerated on the regular CDS schedule. The drop box contents are not required to be counted or weighed, nor is a police case number required. The contents are not considered contraband, therefore, no chain of custody is required for court purposes. The contents may include controlled substances, ad as such, the logbook, sealed container and verification of removal and seal will provide the integrity to prevent tampering with the contents.

IX. PROPONET UNIT: Crime Lab.

X. CANCELLATION: This Index Code cancels Index Code 1202, dated 10-18-10.