

IAPE STANDARDS SECTION 9 – DRUGS

Standard 9.1: Drugs – Packaging

Standard: Drugs should be packaged and weighed in a manner that is consistent with crime lab requirements and department storage requirements.

Definition: Packaging refers to the manner in which drugs are preserved and labeled prior to being sent to the crime lab.

Reasoning: Illegal drugs are often made or processed with hazardous materials and should have adequate packaging to prevent leakage or the emission of gasses from the material. Contact the crime lab used by your agency to ascertain the preferred method of packaging for each class of contraband.

Some illegal drugs, such as Phencyclidine, are so potent that they should be heat sealed in heavy-duty (4.5mil) plastic bags and preferably inside a secondary airtight container.

Live plant material should generally be dried before it is packaged in a breathable container; however, some local laws may now require live plants to be preserved. Check with legal counsel when in doubt.

Whatever packaging material is used, it should be labeled with a case, item, or control number. Non-rigid plastic bags may be placed inside a “convenience container” such as a paper envelope for easier filing and retrieval.

The drugs envelope may be preprinted with prompts for case numbers, control number, defendant’s name, weights, and description for continuity in packaging and labeling. An adhesive label with descriptive prompts may also be used to assist in identifying the package. The envelope should be sealed and initialed using evidence sealing tape.

Larger quantities of drugs may require larger convenience packaging. For example, kilos of cocaine may be stored in boxes, while dried bales of marijuana may already be adequately wrapped and only require paper wrapping to preserve latent fingerprints or trace evidence.

The two most important factors when deciding how to package drugs are the crime lab requirements and the storage needs of the department. If the crime lab provides an envelope, then that becomes the standard. If there are no requirements, the agency should establish the best practice and insist personnel consistently adhere to this standard.

Most forensic crime lab accreditation standards suggest that drugs should also be stored in a room temperature controlled environment that maintains 45% to 60%

relative humidity prior to sending to the forensic lab. Storage in relative humidity outside of this range can measurably impact the item's weight and may conflict with the forensic lab's quality control standards.

Standard 9.2: Drugs - Documentation

Standard: Drugs should be described in a manner that enables the reader to visualize the item without physically examining it. Additionally, the documentation should provide a record of all parties that have handled the item, storage locations, transaction dates and times.

Definition: Documentation refers to identifying the item with a unique number, describing the item, and providing a record of all parties handling, various storage locations, along with dates and times of the transactions.

Reasoning: All drug evidence should be documented in a manner that provides a thorough and accurate description and chain of custody including, chronological documentation, and/or paper trail, a record of the seizure, custody, control, transfer, analysis, and disposition of the evidence, either paper-based or digital.

Documentation begins with assigning an individual control number or barcode number to each item of suspected contraband. The paraphernalia associated with the drug should be separated from the drug itself consistent with the instructions listed in the Packaging Manual. In a computerized system the separate control numbers may appear in one report under the case number, but the items may be individually disposed of. In a manual system, it is advisable to group drugs under one report, and items of general evidence, such as paraphernalia under another report. Evidence items should always be separated from Safekeeping and Found Property by writing separate reports since the retention periods are different.

The booking officer's documentation of drugs should **NOT** include the suspected type of drug, as this may conflict with what the actual sample contains. A generic description, such as a clear crystalline substance resembling methamphetamine or white powder resembling cocaine is generally preferred by the forensic lab to avoid the possibility of discrediting the officer's experience if the test result differs from the label. Each agency should inquire with their local prosecutor to determine the desired method of documentation for their needs.

The protocols for weighing drugs should be carefully worded by the law enforcement agency to avoid unnecessary conflict with the forensic lab standards. For example, all weighing of drugs should be **consistently** performed approximate net (without packaging), or approximate gross (with packaging), along with a description of the type of scale used and when it was last calibrated. Many departments are specifying that officers use approximate weights for evidence booking, and use the crime lab analysis report for charging purposes.

Standard 9.3: Drugs – Documentation of Movement

Standard: High profile evidence such as firearms, money, and drugs leaving the custody of the agency should have the most stringent internal controls to ensure the integrity of the evidence.

Definition: Movement refers to the transfer of drugs to court, crime lab, other agency, out for investigations, and the return of the item.

Reasoning: Drugs are considered a high profile item and requires extra internal controls that provide a clearly documented chain of custody. Documenting the person who authorized the transfer, the person who released the item, and the person who received the item along with dates and times is the preferred practice. Any time that property or evidence is released to a person, the receiving and releasing investigator's signature, destination, date and time should be required.

Providing a subpoena for the court case or obtaining a supervisor's written approval provides a credible record that the drugs are being taken out of the property room for the reasons stated.

Any time there is movement of drugs from the property room, there should be documentation in the form of a tickler or suspense file that notes when items are "out to the crime lab", "out for investigation", and "out to court", "out to another agency", and who is responsible for it. This tickler file will prompt the property officer to inquire regarding the item when it has not returned in a timely manner. The property officer should be required to query all signed out evidence on a periodic basis. For example, firearms, money, and drugs should be queried on the next working day.

All drugs that have been taken to court and not returned by the end of the court day should have a receipt signed by an officer of the court and a court stamp. This receipt should subsequently be returned to the property officer in order to update the evidence record.

Standard 9.4: Drugs – Storage

Standard: Drugs should be stored separately from general evidence items in a location with enhanced security.

Definition: Regardless of the size needed, a drugs storage area should be designed in a manner that it is separate from general evidence, provides enhanced security, environmental safety, and easy retrieval.

Reasoning: The size of drug storage needed is dependent upon the anticipated quantity of drugs needing storage. A small agency may only need a locker or file cabinet; a medium size agency may need a closet or cage, while a larger agency

may need an entire room or walk-in vault. All drug enclosures should have an independent method of being locked.

Drug evidence should not be commingled with any other property types, except when a common enhanced security area is shared with the separate storage of firearms or money. Nothing precludes the enhanced security recommendations for firearms, money, and drugs from being combined into one common secure area with three distinct storage locations

The following are recommended features for a drugs storage room:

- - A drug room, closet, or cage should be constructed of concrete block, lath and plaster, or drywall that has been reinforced with plywood or wire mesh. The room should not have suspended ceiling access from an adjacent room. Ingress should be via a solid core door equipped with a double cylinder (keys on both sides) dead-bolt keyed separately from the main property room.
 - A locker, cabinet, or file drawer may be used for smaller quantities of drugs. There should be a separate padlock on a hasp to secure the door. Do not rely solely on cabinet locks that can easily be defeated.
 - Multiple hasps and locks on a drug storage area may be used to design a “rule of two”, if needed. By having more than one lock with only one person having the key/access to each lock, two people are required to gain access.
 - Any drug storage area or enclosure should have a separate alarm and video camera to monitor ingress and activity inside.
 - Storage shelf and bin identifiers should be consistent with the storage scheme of the main Property room.
 - Drugs from “Active” cases should be kept separate from drugs “Pending Destruction.” This may be accomplished by using separate shelves or boxes.

Standard 9.5: Drugs - Ventilation

Standard: Dedicated drug storage rooms should have a ventilation system that vents odors and fumes to the exterior of the building.

Definition: Ventilation refers to the circulation of fresh, outside air, within the drugs room to prevent health and environmental hazards.

Reasoning: Any area that is used for storing drugs should be independently ventilated in a manner that noxious fumes are removed from the building, and not re-circulated into the building's heating, ventilation, and air conditioning (HVAC) system. The proper design of a drug storage area should include a "negative pressure" ventilation system that changes the air in the storage room approximately 10-12 CPH (changes per hour). Negative pressure is defined as a method of providing low-velocity airflow from uncontaminated areas into contaminated areas by means of a portable exhaust system equipped with HEPA filters."

Standard 9.6: Drugs - Storage Pending Destruction

Standard: Drugs pending destruction should always be stored in a designated area that has an enhanced level of security in the property room.

Definition: Drugs for Destruction security refers to the level of security afforded to the most vulnerable items in the evidence room.

Reasoning: Drugs pending destruction have the greatest likelihood of being pilfered from storage. Storing these items in a locked room, sealed container, secured locker, or locked file cabinet provides an enhanced level of security. This segregation may occur in the same room as active drug cases.

A "rule of two" is a principle that requires two persons to jointly move or stage the drugs awaiting destruction. A "rule of two" may be created by using two different locks on the storage container, locker, or room/vault. Each person would possess one of the keys, requiring both to be present to access the secure items.

Additionally, storing drugs for destruction in an area away from active evidence provides a method to better track and visually monitor the quantity of drugs pending destruction.

Policy should define a threshold that, when met, will initiate the destruction process. A threshold can be based upon the calendar, for example, twice a year. A threshold may also be based upon quantity, such as every 20 lbs. Thresholds make all parties in the destruction process accountable and ensure that the process occurs before the drugs become a target of theft.

Standard 9.7: Drugs - Destruction Documentation

Standard: Destroyed drugs need to provide detailed documentation that defines all personnel involved in the destruction process and protocols that ensure that an independent witness is able to validate that each and every item was destroyed.

Definition: Destruction documentation refers to the memorializing of the destruction process to provide a transparent and verifiable chain of custody and final disposal.

Reasoning: Drugs pending destruction have the greatest likelihood of being pilfered from storage, or during transportation to a destruction site, as there is generally no longer any interest in the item for prosecution. As a result, there is a need for thorough documentation and verification of every step in the destruction process to leave no room for doubt or suspicion as to its final disposition.

In short, the documentation should include: who authorized the drug item for destruction, who staged and verified the item on the destruction list, who sealed the item in a destruction container, who transported the destruction container to the destruction location, and who witnessed the physical destruction of the drugs.

Maintaining a running drug destruction list that includes the case number, item number, tracking number, defendant's name and an accurate description of each item enhances the integrity of the process. Once the drugs authorized for destruction have been listed, they should be staged and validated by an independent witness from outside the property unit, and placed in a container with the validated list attached. Each item should be accounted for, witnessed, and individually initialed.

Once this container has been filled, it should be sealed and initialed by the independent witness and a property officer. Attaching a copy of the destruction list to the sealed container and retaining it for future reference is a good practice to provide a method to later audit the items prior to destruction. The items awaiting destruction should never be documented as destroyed until the actual destruction has taken place.

Once the destruction has been completed and witnessed, the original destruction list with witness signatures should be filed, and a copy should be forwarded to the appropriate supervisor or manager for an independent record of the destruction.

In order to best document the destruction process, writing a general case report describing the destruction method, who staged the drugs for destruction, who witnessed the items being placed in the destruction container, identifying at least two persons who transported the items together (Rule of Two), who actually observed the items being burned is recommended. This case report should remain on file within the Records Bureau for the normal report retention schedule.

Standard 9.8: Drugs – Destruction Method

Standard: All drugs should be destroyed and witnessed in a manner that will totally consume the item(s) and prevent its future use.

Definition: Drugs destruction refers to the participants involved, the process that is used to prepare items ready for destruction, identify witnesses to the destruction, and fully document the action taken for a long-term history of what was destroyed, including dates and times.

Reasoning: The destruction should take place at a designated site capable of burning the items according to environmental safety rules as well as abiding by all state and federal laws. Drugs should not be destroyed by dumping in waterways, flushing down a toilet, or burying in a landfill.

Every agency's policy statement needs to specifically outline procedures for the handling, storage, transportation, and auditing of drugs for destruction. Policy/Procedures should also include requiring independent witnesses to audit the destruction, and specifying the number of armed sworn escorts to the destruction site.

Standard 9.9: Drugs - Drugs for Destruction Audit

Standard: Drugs packages should be randomly inspected prior to destruction for tampering, weight discrepancies and even perform a random qualitative analysis when practical to provide credibility and additional safeguards to the destruction process.

Definition: Drugs for destruction audit refers to the method used to determine that the drugs packages being destroyed have not had its contents substituted or removed from its packaging altogether.

Reasoning: Inspecting drugs for destruction adds an internal control to the process and discourages any illegal practices

Having an independent participant from outside the property unit's chain of command examine the packages for any signs of tampering immediately prior to destruction is an excellent internal control. Some packages may even have a random presumptive test conducted to ensure that there has been no substitution.

The person who inspects the packages should write a memo to the chief executive officer with a description of the findings. If there are signs of tampering or substitution, an internal investigation should be initiated.