

INSTRUCTIONAL ORDER

April 2016

Immediately

V.2:01

Distribution: All Employees

Subject: **HANDLING AND PACKAGING CONTROLLED SUBSTANCES**

Index as:	Clandestine Laboratories	Paraphernalia
	Controlled Substances	Presumptive Testing
	Handling Controlled Substances	Testing Controlled Substances
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Accreditation Standards: 83.2.1, 83.3.1, and 84.1.1

Cross Reference: G.O.III-14, Property and Evidence
I.O. V.5:22, Infectious Diseases
§893.02, §893.03, and §893.145

Replaces: I.O. V.2:01 Handling and Packaging Controlled Substances (June 7, 2019)

This Order consists of the following sections:

- I. Purpose
- II. Definitions
- III. Clandestine Laboratories
- IV. Collecting and Securing the Evidence

I. PURPOSE

A. This Order establishes guidelines for the proper handling and packaging, as evidence, items believed to be a controlled substance.

B. The admissibility of controlled substances in court often provides the necessary link leading to the conviction of an offender. It can be expected that every effort will be made by a defense attorney to challenge the introduction of controlled substances into evidence because of the damaging effects it can have on a case.

C. To safeguard the value of controlled substances seized as evidence, the items must be carefully collected, preserved, secured and retained. Whether or not it will be admissible as evidence by the court may depend largely on the ability of the police to show that it was not changed or altered in any way, that it can be positively identified, and that its integrity cannot be questioned.

II. DEFINITIONS

A. Cannabis – All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin (§893.02, F.S.S.).

B. Clandestine Laboratory – A chemical laboratory designed for the purpose of making illegal drugs, also known as a “clan lab.” Common drugs manufactured in a clan lab are methamphetamine and GHB.

C. Controlled Substance – Any substance named or described in Schedules I through V of §893.03, F.S.S.

D. Paraphernalia – All equipment, products, and materials of any kind which are used, intended for use, or designed for use to introduce a controlled substance into the human body (§893.145, F.S.S.).

III. CLANDESTINE LABORATORIES

A. A clandestine laboratory presents a distinct threat to the health and well-being of persons in or near it, and to the neighborhood environment where such a lab may be situated. Dangers associated with a clan lab include:

1. Injuries or death from inhalation of gases.
2. Injuries or death resulting from burns or explosions.
3. Environmental degradation from chemical spills or gas clouds.

B. Chemicals commonly used/found in clandestine laboratories include, but are not limited to:

1. Ephedrine, anhydrous ammonia, red phosphorous, lithium, acetone, red devil lye, toluene and ether.
2. Many of these chemicals can be readily obtained from discount or home improvement stores.

C. Location and equipment utilized in clandestine laboratories:

1. Clandestine labs may be found set up in areas as small as the trunk of a vehicle or in any larger area, including rooms within a residence or a hotel.

2. Equipment commonly found includes: Coffee filters, Pyrex dishes, mason jars, propane cylinders, tubing, heating mantles and cooking vessels.

D. Upon locating/identifying a suspected clandestine laboratory, Department personnel shall:

1. Secure the area.
 - a. Do not turn anything on or off; i.e. lights, heating sources.
 - b. Do not touch, move or smell anything.
2. Contact the Vice and Narcotics Division, who will respond to assess the scene and make necessary notifications to the Drug Enforcement Agency.
3. Evacuate everyone within the immediate area of the site.
4. In case of injury:
 - a. Remove injured person(s) to a safe location away from the affected area.
 - b. Provide first aid until Fire Rescue responds.
 - c. Request decontamination from the Fire Department due to possible exposure to chemicals which may be on your clothing and/or body.

IV. COLLECTING AND SECURING THE EVIDENCE

A. Officers must take universal precautions when seizing controlled substances regardless of the method of seizure. Extreme caution should be used to prevent exposure to infectious diseases, as outlined in <J:\Research\GeneralOrders\Instructional Orders\V5-22 Infectious Diseases.pdf>.

B. There shall be two (2) Officers present when collecting, testing, and/or packaging controlled substances.

1. One Officer will collect, test and/or package the controlled substances.
2. The second Officer will stand by and not participate in the collecting, testing, and/or packaging of the controlled substances.

C. Officers must use extreme caution when collecting controlled substances suspected of containing Fentanyl. No field presumptive test should be done. The substance shall be packaged and submitted for laboratory analysis. The packaging shall clearly indicate the substance is suspected of containing Fentanyl.

D. Narcotics evidence/paraphernalia will not be collected by the Forensic Technician. When appropriate, such evidence should be processed for fingerprints by an IDT Officer, or Forensic Technician if an IDT Officer is unavailable, before it is secured in a narcotics locker by the Officer who found it.

E. Controlled substances may be initially subjected to police custody in several ways:

1. Voluntarily turned in or found.
2. Incident to an arrest.
3. Seized during the execution of a search warrant, after a consent search or during an inventory search.

F. Care must be taken to ensure that the substance is not contaminated while being collected.

G. The need to photograph or process the items for latent prints should be considered, and provided for, at the time of collection.

H. Presumptive Testing

1. There shall be two (2) Officers present when collecting, testing and/or packaging controlled substances.
 - a. One Officer will collect, test and/or package the controlled substances.
 - b. The other Officer will stand by and not participate in the collecting, testing, and/or packaging of the controlled substances.
2. Care must be taken to ensure the substance is not contaminated while being tested.
3. Results of the presumptive test are used to assist in the determination as to whether a person suspected of a controlled substance offense should be detained or released.
 - a. A presumptive test often adds credibility to the establishment of probable cause in arrest situations.
 - b. A presumptive test should not be performed if only a small amount of suspected material is available for laboratory analysis.
 - c. A presumptive test will not be performed on substances suspected of containing Fentanyl.
4. No other tests for suspected controlled substances are authorized or permitted, other than the chemical reagents and tests provided by the Department.
5. Use caution when handling all suspect materials and test kits.
 - a. Wash your hands before and after testing.
 - b. Wear disposable gloves and a face mask when handling and/or testing suspect materials.
 - c. The following tests are especially dangerous because of their acid content:

NARCOTICS IDENTIFICATION SYSTEM		
Test Name	Common Drug Name	Kit
Marquis	Opium Alkaloids	A
	Heroin	A
	Amphetamines	A
Nitric Acid	Heroin, Morphine	B
	Codeine	B
LSD Reagent	LSD	D
Duquenois Levine	Marijuana, Hashish	E
	"Hash Oil", THC	E

Scott Reagent-Modified	Cocaine, HCL	G
	Free-base/Crack	G
PCP Reagent	PCP	J
Nitric Acid	Opiates	K
Brown Heroin Reagent	Heroin	L
Sulfuric Acid	Methaqualone	M
Sulfuric Acid	Talwin	N

I. Weighing and Marking the Evidence

1. If necessary, a member of the Vice and Narcotics Division may be called for assistance in identifying or packaging any controlled substance.

2. Pills and capsules must be individually counted, unless their number exceeds twenty-five (25), then the weight of the pills is permitted.

- a. Since the pills will be removed from their container for counting, the pills can be weighed by themselves.
- b. Care must be taken to not lose any of the pills when placing them on the scale or putting them into the evidence bag.
- c. If there is a combination of full and partial pills, a weight should just be listed instead of estimating the number of pills.
- d. Evidence shall be weighed on the scales that are provided in the **Evidentiary Services Intake Area**.

3. The gross weight of cannabis, crack, and suspected controlled substances should be used to determine the quantities of these substances if they are:

- a. In lightweight packaging that would not inflate the amount of the drug to a large degree; for example, small zip-lock bags, sandwich bags, sheets of paper, etc.
- b. If the substances are in glass jars, boxes, etc., if possible separate the controlled substance and weigh them separately from the container.
- c. If the controlled substances are in a container inside of a large second container; for example, a small zip-lock bag of marijuana (0.9 grams) inside of a cell phone box:
 - 1) Weigh the small zip-lock bag of marijuana by itself and submit that inside of the evidence bag with label as exh#1.
 - a) The description line could be "Small zip-lock bag with marijuana, 0.9 grams."
 - 2) Package the secondary container in a separate heat-sealed bag with a completed label as exh#2.
 - a) The description line could read "Cell phone box that held exh# 1."
 - 3) Any secondary container that is too large to fit inside of the small narcotics evidence bag (8"x10" size) should be packaged as a separate exhibit.
 - a) Officers will not dispose of the secondary container just to avoid making a second exhibit.

4. Immediately after determining the amount of controlled substances, the items should be properly marked and packaged.

- a. The seizing Officer should mark the evidence with:
 - 1) The Officer's initials and payroll number;
 - 2) Date;
 - 3) Offense number.
- b. When possible, this information should be placed directly on each piece of evidence, or on its container, and then place the item(s) into a plastic evidence bag. (Note: If suspected of containing Fentanyl the substance shall be placed into a plastic evidence bag and submitted for laboratory analysis. The packaging shall clearly indicate the substance is suspected of containing Fentanyl).
- c. If the evidence cannot be marked without destroying or altering any of its properties, it should be sealed in a plastic evidence bag. The heat seal should be initialed.
- d. Items such as purses, wallets, briefcases, etc., should be separated from the controlled substances and processed separately pursuant to J:\Research\GeneralOrders\III_Operational_General_Orders\III-14_Property_and_Evidence.pdf.
- e. The collecting Officer will complete an evidence label and affix it to the plastic evidence bag.

5. Substances which are of individual evidentiary value should be packaged separately and carefully so that one substance does not contaminate any other substance. For example, even if items believed to be cocaine, marijuana or

marijuana paraphernalia are seized from the same location and suspect; all items must still be identified and packaged separately.

6. Cannabis seized in plant form should be separated from the dirt with roots intact and packaged in a paper bag. The bag should be closed with staples and tape, with the collecting Officer's initials across the tape and bag. A completed evidence label shall be affixed to the paper bag.

7. When syringes and/or needles are confiscated, universal precautions should be followed.

a. If a syringe has no value as evidence, it should be placed in a biohazard container, either in the trunk of the Officer's car, or in the biohazard container in the Evidentiary Services Intake Area.

- 1) Do not attempt to remove or cut off the needle.
- 2) If the syringe has the needle capped, do not remove the cap.

b. If there is any question as to the value of the syringe as evidence, then it should not be put into a biohazard container.

c. The Officer will submit the syringe as evidence:

- 1) Place the syringe in a safety tube located in the Evidentiary Services Intake Area.
 - a) If the syringe is capped, do not remove the cap.
 - b) Place the syringe in the safety tube with the needle end down.
 - c) Place the safety tube inside a heat-sealed evidence bag and complete a narcotics evidence label.
 - d) Place a biohazard label on the outside of the evidence bag.
 - e) Submit the evidence bag to the narcotics lockers like any other narcotics evidence.
- 2) If a syringe is loaded with visible liquid, and the liquid does not need to be tested:
 - a) Do not remove the cap from the syringe; place the syringe in a safety tube, needle end down.
 - b) Place the safety tube in a plastic heat-sealed evidence bag and attached a completed narcotics evidence label.
 - c) Place a biohazard label on the outside of the evidence bag.
 - d) Submit to the narcotics lockers like any other narcotics evidence.

d. The Pinellas County Forensics Lab policy on syringes is:

- 1) They will only accept syringes which are packaged in a safety tube.
- 2) They will only accept a syringe if there is no other narcotics evidence collected in the case.
- 3) They will not accept a syringe if it contains visible liquid or what looks mostly like blood.
- 4) If an Officer collects a loaded syringe, with or without other narcotics evidence; and the Officer feels it is necessary to have the liquid tested at the lab:
 - a) The Officer must empty the contents of the syringe into a specimen collection container (similar to the ones used for DUI urine collections). However, the Officer must weigh the possibility of a needle stick against the value of having the substance tested.
 - b) If the Officer feels the substance must be tested:
 - i. Place the specimen collection cup on the counter.
 - ii. Uncap the syringe and inject the liquid into the cup.
 - iii. Do not hold onto the specimen collection cup.
 - iv. Hold the syringe in such a manner that the needle is away from their fingers/hands.
 - v. Do not attempt to recap the syringe.
 - vi. Place the syringe into a safety tube (along with the cap) and place it into an evidence bag as described above.
 - vii. Put the lid back onto the specimen collection cup.
 - viii. Package the specimen cup in a heat-sealed bag with a completed narcotics evidence label.
 - ix. The description line should read, "Liquid from syringe, exh#x."
 - x. Place a biohazard label on the outside of the evidence bag.

8. Properly marked evidence bags and puncture resistant containers, held for evidentiary purposes shall be secured in a controlled substance locker in the secure Evidentiary Services Intake Area.

a. Controlled substance lockers are to be used only for those items defined by §893.03, F.S.S.

b. Prescription medications and over the counter drugs should be submitted to Property and Evidence and not to the Narcotics lockers, even if they are related to a narcotics offense.

1) This includes medications collected from unattended death scenes.

c. If controlled substances are collected, along with non-controlled medications, they should be separated, and the controlled substances submitted to the narcotics evidence locker or disposal locker and the non-controlled medications submitted to Property and Evidence.

d. All other items should be handled pursuant to [J:\Research\GeneralOrders\III_Operational_GeneralOrders\III-14 Property and Evidence.pdf](J:\Research\GeneralOrders\III_Operational_GeneralOrders\III-14_Property_and_Evidence.pdf).

9. The seizing Officer shall complete an *Evidence Voucher* in RMS for all items submitted.
- a. The Voucher should be submitted with the evidence and placed into the narcotics evidence locker with the evidence.
 - b. To avoid validation errors associated with narcotics evidence and/or disposal items:
 - 1) For narcotics evidence items, the property category is Evidence, the IBR status is SEIZED.
 - 2) For narcotics submitted for disposal, the property category is Found Property, and the IBR Status is found.
 - 3) For actual drugs being submitted, the dollar value is \$0.00.
 - 4) For paraphernalia items being submitted, the dollar value is \$1.00.
 - c. Pills can be identified in several ways, such as contacting Poison Control, or checking pill identifier sites online.
 - d. Once a drug is identified as a controlled substance, the Officer should check §893.03, F.S.S., to verify that it is a controlled substance under Florida State Statutes. Remember the drug will be listed in the statute by its generic name, not a brand name, for instance “Xanax” will be listed as “Alprazolam” and not “Xanax.”
 - e. Be sure to verify the drug is listed in §893.03, F.S.S., before taking enforcement action.
 - f. Remember, not all drugs are controlled substances.

10. Submission of an unknown suspected controlled substance.
- a. When a substance is submitted to narcotics evidence as an unknown substance, it is the Officer's responsibility to follow up with charges, if after the lab analysis, the substance is in fact a controlled substance.
 - b. The Officer should periodically check to ascertain if the item has been returned from the lab.
 - c. The Officer can check with the Evidence Custodian to see if it has been returned.
 - d. The Officer can look at their report in RMS and determine if the lab report has been attached to the report and if so, determine the status.
 - e. Though Records and Evidentiary Services personnel attempt to notify the Officer when lab reports come back, it is still the Officer's responsibility to follow up on their case.
 - f. Once the lab results are returned, the Officer should do a follow-up, acknowledging the receipt of the lab report and take whatever enforcement measures are needed.
 - g. The Property and Evidence assumes responsibility for all items turned in Vice and Narcotics Division's Custodian of Property and Evidence will assume responsibility for all items turned in.

11. Additional assistance may be obtained by contacting a member of the Vice and Narcotics Division.

Anthony Holloway
Chief of Police