



# **BostonPolice**

## SAFEGUARDING, DISPOSITION AND DESTRUCTION OF DRUGS UNDER THE CONTROLLED SUBSTANCES LAW

This rule is issued to establish Department policy for the safeguarding, disposition of and/or destruction of controlled substances required under [M.G.L. c. 94C](#).

### Sec. 1 General Considerations

Department personnel must be especially vigilant in their attention to the details to be followed by this rule for the handling of controlled substances in order to ensure:

- the continuity of evidence for the successful prosecution of cases in which such substances are evidence; and
- compliance with [M.G.L. c. 94C](#), especially concerning the destruction of such substances.

This rule constitutes the policy of the Boston Police Department and no other procedure will be utilized with regard to drug seizures. All officers will act in accordance with this rule, and under no circumstances shall any officer deviate from it.

### Sec. 2 Excerpts of Relevant Law

#### Chapter 94C

Section 47(e): Any officer, department, or agency having custody of any property subject to forfeiture under this chapter or having disposed of said property shall keep and maintain full and complete records showing from whom it received said property, under what authority it held or received or disposed of said property, to whom it delivered said property, the date and manner of destruction or disposition of said property and the exact kinds, quantities and forms of said property. Said records shall be open to inspection by all federal and state officers charged with enforcement of federal and state drug control laws. Persons making final disposition or destruction of said property under court order shall report, under oath, to the court the exact circumstances of said disposition or destruction.

Section 47A: The Police Commissioner, Chief Superintendent or other officer or board at the head of each police department in the Commonwealth shall appoint a police officer to

act as custodian of all controlled substances and narcotic drugs seized in the course of any arrest or investigation. Such custodian shall be designated as the "evidence officer".

### Sec. 3 Drug Evidence Officer

The Commander of the Central Drug Depository Unit is hereby designated the "Evidence Officer".

### Sec. 4 Definitions

Central Drug Depository - The secure repository for all drugs seized by Boston police officers or special officers licensed by the Police Commissioner.

Court Order of Destruction - A document signed by authorized court personnel ordering that drug evidence be disposed of by the Department of Public Health, State Laboratory Institute.

Court Storage Safe - A secure combination safe for the purpose of storing drugs delivered from the Central Drug Depository to the courts.

Discrepancy - A drug evidence item that is missing or recorded incorrectly after a thorough examination, or an incident involving altered packaging of drug evidence.

District Drug Storage Safe - A secure safe for the purpose of temporarily storing seized drugs until they are retrieved by Central Drug Depository personnel.

Drug Destruction Officer - An officer, designated from time to time by the Central Drug Depository Commander, to assist in the process of delivering drug evidence to the Department of Public Health, State Laboratory Institute for destruction.

### Sec. 5 Department Forms

Certificate of Destruction (BPD Form 1744) - Description of evidence completed by the Drug Destruction Officer and presented to the Department of Public Health, State Laboratory Institute at the time of destruction.

Drug Receipt (BPD Form 1753) - Details the actual contents of the seizure.

Drug Control Log Book (BPD Form 2015) - Permanent District record of the arrest and seizure information.

Drug Depository Form (BPD Form 2338) - Case summary sheet.

Court Custody Log (BPD Form 2601) - Chain of custody of drug evidence within the court system.

Drug Transport Log (BPD Form 2651) - Record of drug evidence picked up and/or delivered by Central Drug Depository personnel.

#### Sec. 6 Central Drug Depository Pickup and Delivery

Central Drug Depository personnel shall make deliveries and pickups, Monday through Friday, except holidays, or when otherwise authorized by the Commander of the Central Drug Depository. All pickups and deliveries shall be done in a Department vehicle and no items will be left unattended during this procedure. Officers assigned to the Central Drug Depository shall make deliveries and/or pickups to and from the Department of Public Health, State Laboratory Institute. They shall acquire the analysis numbers for each new item delivered to the laboratory at the time of the delivery.

#### PHASE 1. – District Logging

Sec. 7 Whenever a police officer or a special officer licensed by the Police Commissioner comes into possession of a controlled substance, paraphernalia that requires residue analysis, or needles and syringes being held as evidence in a criminal case, they shall immediately deliver those substances to the Duty Supervisor of the District of occurrence where the seizure took place. In the event a seizure occurs outside of the City of Boston, seized items shall be delivered to the Duty Supervisor of the District where the investigation originated.

Sec. 8 In any instance, an incident report (BPD Form 1.1) describing the seizure shall be submitted.

As with all seizures, probable cause and undercover purchases of controlled substances will be documented by completing an incident report (BPD Form 1.1). However, because the recording of specific information relative to any purchase of controlled substances prior to the investigation's conclusion may hinder investigative efforts and jeopardize the safety of undercover officers and confidential informants, information provided on such incident reports will be recorded as follows:

- The location of all probable cause and undercover purchases conducted in furtherance of an investigation will be protected by entering the address of the District Station for the District of occurrence of the seizure instead of the actual address where the probable cause or undercover purchase was made;
- No time pertaining to the seizure will be specified on the incident report; and
- Details pertaining to the probable cause or undercover purchase, including the date of the purchase and the location where the purchase occurred, will be documented on BPD Form 2494, Request for Funds.

All other paraphernalia shall be handled the same as non-drug related evidence. Controlled substances shall only be stored in the authorized District Drug Storage Safe, or at the Central Drug Depository, unless the case is being heard in court and the

controlled substances have been delivered to the Supervisor of Cases at the involved court.

Sec. 9 The Central Drug Depository only accepts items that fall in one of the following three categories:

- Suspected controlled substances delineated in M.G.L. c. 94C;
- Paraphernalia that requires residue analysis; and
- Needles and syringes, with or without residue, that are held for evidentiary purposes.

In order to provide for the safe disposal of hypodermic needles or syringes, which are not needed as evidence in a criminal case, the Boston Public Health Commission, Emergency Medical Services (E.M.S.) supplies Hazardous Waste Disposal Containers to all Districts. Any such hypodermic needles or syringes that come into the possession of a member of this Department, will be disposed of only by depositing them in an approved Hazardous Waste Disposal Container.

Whenever a Hazardous Waste Disposal Container becomes full or begins to emit an unpleasant odor, the Duty Supervisor shall contact an E.M.S. Supervisor to arrange for the container to be removed and replaced with a new one.

Needles and syringes being held for evidentiary purposes, any related paraphernalia that require residue analysis and all suspected controlled substances must be placed in drug envelopes, in accordance with the following procedure:

All controlled substances or paraphernalia submitted must be in a heat-sealed plastic bag, initialed along the seal, before they are placed in the State Laboratory envelope according to category. Prior to being placed in a heat-sealed plastic bag, needles and syringes being held for evidentiary purposes must first be placed in a special canister supplied by the Central Drug Depository.

All controlled substances shall be separated by the following categories, each requiring a separate heat-sealed plastic bag:

- Powders (cocaine, crack, heroin, etc.)
- Vegetable matter (marijuana, hash, etc.)
- Pills, tablets, capsules, liquids, glues, etc.

Each category of drugs must then be placed in a separate State Laboratory envelope, also supplied by the Central Drug Depository. These envelopes shall contain the following paperwork:

- Original Drug Receipt (BPD Form 1753) with a notation of the book and page number from the Drug Control Log Book (BPD Form 2015);
- Copy of the Incident Report (BPD Form 1.1); and
- Original Drug Depository Form (BPD Form 2338).

On each of the State Laboratory envelopes, the following information shall be entered:

- Name of the arresting officer;
- Name of the defendant;
- Court of jurisdiction;
- Incident report number; and
- Book and page number from the Drug Control Log Book.

If an incident produces more than one (1) category of items, the above listed paperwork shall be placed in the first of the sequence of the State Laboratory envelopes (e.g., envelope # 1 of 3), and marked as such. Multiple State Laboratory envelopes resulting from one incident shall then be placed in the large envelopes supplied by the Central Drug Depository.

If these steps are not complied with, evidence will not be accepted by Central Drug Depository personnel.

Sec. 10 The Drug Storage Safes have been provided for each District station to ensure a secure facility for the safekeeping of controlled substances. District Commanders shall ensure that these procedures are complied with and that all controlled substances are safely kept and suitably recorded until retrieved by officers of the Central Drug Depository in accordance with this Rule. Every District Commander shall ensure that all controlled substances held for evidence or otherwise, are safely retained in the Drug Storage Safes, under the immediate care and control of the Duty Supervisor. District Commanders shall ensure that a sufficient number of Drug Control Log Books (BPD Form 2015) are available at their respective District.

Note: A poster, supplied by the Drug Control Division, which contains the fax and telephone numbers for the Central Drug Depository shall be posted in conspicuous places at the District stations.

Sec. 11 The Duty Supervisor shall be held responsible for ensuring that all controlled substances, needles and syringes being held for evidentiary purposes or related paraphernalia that require residue analysis which come into the possession of any police officer on their District during their tour of duty, are properly stored within a Drug

Storage Safe and that the proper entries are recorded. In the event that the evidence is too large to place in the Drug Storage Safe, it shall be the responsibility of the Duty Supervisor to secure it, preferably in the District Evidence Locker, and to record such in the Drug Control Log Book.

The Duty Supervisor shall review all incident reports submitted for their signature in order to ensure that all controlled substances or related paraphernalia brought in as evidence or otherwise, are properly recorded in the Drug Control Log Book at their respective District, prior to signing the incident report. When Central Drug Depository personnel come to make a pickup, the Duty Supervisor shall ensure that the Depository personnel sign the Drug Control Log Book confirming that they have taken possession of the items listed.

Sec. 12 All Districts shall maintain a record, the Drug Control Log Book, containing the following information which shall be entered immediately by the Duty Supervisor of the District of occurrence where the seizure took place (or where the investigation originated, if the seizure occurred outside the City of Boston):

- Date the evidence was received or seized;
- Incident report number;
- Name of the first officer coming into possession of the controlled substance (usually the arresting officer);
- Name of the person from whom the controlled substance was received or seized (unless the seizure was the result of a probable cause or undercover purchase in furtherance of an investigation; if applicable, signify probable cause or undercover buy);
- Location of the arrest or seizure (unless the seizure was the result of a probable cause or undercover purchase in furtherance of an investigation; if applicable, the location of the seizure shall be recorded using the address of the station house for the District of occurrence where the seizure took place, or where the investigation originated, if the seizure occurred outside the City of Boston);
- Under what authority the controlled substance was seized (e.g., arrest warrant, search warrant, arrest without warrant, probable cause buy, undercover buy, etc.);
- Suspected type of drug, number of containers, and description (e.g., four paper folds with white powder);
- Date the entry is being made;
- Duty Supervisor's signature and identification number, indicating the accuracy of the information and that they have secured the seizure;

- Delivering officer's signature and identification number, indicating the accuracy of the information; and
- When applicable, the signature and identification number of the Central Drug Depository personnel picking up the drugs from the District, indicating that an intact seizure has been accepted by the Depository personnel.

#### PHASE 2. – District Pickup

Sec. 13 Personnel of the Central Drug Depository, while making pickups, shall:

- Report to the Duty Supervisor whenever making a pickup at the respective District;
- Unlock and re-lock the safe for the removal of stored evidence;
- Sign the Drug Control Log Book confirming that they have taken possession of the items recorded;
- Enter all analysis numbers and Central Drug Depository numbers, from previous pickups, in the Drug Control Log Book, on the respective pages; and
- Maintain the Drug Transport Log.

Sec. 14 Whenever Central Drug Depository personnel make a pickup, it shall be the responsibility of the Duty Supervisor to fill out the Drug Control Log Book on each effected page with the following information:

- Date of the pickup;
- Name of the Depository officer;
- Duty Supervisor's identification number;
- Duty Supervisor's signature, indicating that custody of the seizure has been yielded to the Central Drug Depository; and
- After the above information has been completed, the Central Drug Depository person making the pickup shall also place their signature in the Drug Control Log Book, acknowledging receipt of the seizure.

Sec. 15 Central Drug Depository personnel making pickups shall maintain a record of all seizures transported on the Drug Transport Log. The log shall contain the incident report number of the seizure, the number of envelopes involved in the seizure, the origin and destination of the seizure, the signatures of the person delivering the seizure, the person receiving the seizure, and the signature of the Supervisor at the Central Drug Depository verifying the total number of seizures transported.

Sec. 16 Whenever a discrepancy is discovered, the Duty Supervisor shall immediately notify the District Commander, the Central Drug Depository Commander, the Drug Control Division Commander, and the Internal Affairs Division Commander. The Duty Supervisor shall submit a written report (BPD Form 26) to the District Commander prior to the end of the tour of duty. The District Commander shall forward all such reports upward through the chain of command, to the Chief, Bureau of Field Services who shall forward a copy of all such reports to the Internal Affairs Division Commander. The Internal Affairs Division shall conduct an immediate investigation.

Central Drug Depository personnel involved in the making of pickups where a discrepancy is noted shall each submit a separate written report (BPD Form 26) to the Central Drug Depository Commander prior to the end of the tour of duty. Central Drug Depository personnel shall make a note of the discrepancy in the Drug Control Log Book prior to signing. The Central Drug Depository Commander shall forward all such reports upward through the chain of command, to the Chief, Bureau of Investigative Services who shall forward a copy of all such reports to the Internal Affairs Division Commander.

Sec. 17 The personnel at the Central Drug Depository Unit shall make the appropriate entries into the Depository database, thereby generating a Central Drug Depository case number and label for each case. The labels shall then be attached to the State Laboratory envelope and the Central Drug Depository envelope. The Central Drug Depository case number shall also be recorded on the Drug Receipt (BPD Form 1753).

### PHASE 3. – Court Procedures

Sec. 18 Central Drug Depository personnel shall make deliveries and pickups of drug evidence to and from the Supervisor of Cases at the various courts on a daily basis, Monday through Friday, except holidays. Only the Supervisor of Cases or their designee will have the combination to the Court Storage Safe. The Drugs shall be disbursed to the testifying officers as needed for testimony and shall be returned to the safe by the Supervisor of Cases for retrieval by Central Drug Depository personnel. The safe shall never be left unlocked between individual disbursements of evidence to the testifying officers. The combination will be changed on a yearly basis and the Supervisor of Cases shall submit periodic reports naming the designees who know that combination at the request of and to the Central Drug Depository Commander.

The courts being serviced are:

Suffolk Superior Court	Charlestown District Court
Boston Municipal Court	East Boston District Court
Brighton District Court	Dorchester District Court
Roxbury District Court	South Boston District Court
West Roxbury District Court	

NOTE: Drug evidence for the Boston Juvenile Court will be delivered to the Supervisor of Cases in Boston Municipal Court.

Sec. 19 It shall be the responsibility of the officer who will be testifying in a case involving drug evidence to notify the Central Drug Depository as soon as possible after they are notified to appear in court and prior to the court date, if possible, to arrange for the delivery.

The Court Storage Safes in the offices of the Supervisor of Cases are adequate for nearly all deliveries. However, in cases that involve large quantities or where it is not feasible to deliver, the testifying officer shall contact the Central Drug Depository for further instructions. This contact should be made after notification to appear in court has been made, and prior to the court date, if possible, to arrange for the delivery.

Officers receiving notification to appear in Federal Court, or any other court or agency not being serviced by the delivery system, shall inform the Central Drug Depository at least twenty-four (24) hours prior to the scheduled appearances (weekends excluded). Appropriate arrangements for the delivery and pick-up of the drug evidence will be made by the Central Drug Depository. Officers shall follow the instructions of the Depository personnel relative to the pick-up and delivery of the drug evidence.

Sec. 20 The Central Drug Depository can be reached by fax or by phone. Phone calls can be received twenty-four (24) hours a day by means of an answering machine. All communication with the Central Drug Depository shall include the following information:

- Central Drug Depository case number (e.g., 92-6500);
- Defendant's name;
- Incident report number;
- Date scheduled to appear in court; and
- Court.

Sec. 21 At the conclusion of each day of the officer's testimony, the officer shall deliver the drug evidence to the Supervisor of Cases for deposit in the Court Storage Safe.

The officer shall fill in the following information on the labels affixed to the drug envelope:

- Continuance date;
- Court;

- Name of the judge;
- Name of prosecuting attorney;
- Name of the defense attorney;
- Disposition of the case; and
- Whether or not (yes or no) a court order of destruction has been issued.

The supervisor receiving the drug evidence from the testifying officer shall ensure compliance with this Rule. Central Drug Depository personnel shall retrieve the drug evidence on a daily basis from the courts.

Sec. 22 In the event that the trial is still in progress beyond the time of the retrieval by the Depository personnel, the testifying officer shall bring the drug evidence to the station house of the District in which the court is located, and deliver it to the Duty Supervisor, to be placed in the Drug Storage Safe and logged in the Drug Control Log Book. It shall be the responsibility of the testifying officer to document that delivery in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. This report shall be submitted through the Supervisor of Cases to be forwarded to the Central Drug Depository. If the drug evidence is needed in court the following day, it is the responsibility of the testifying officer to fax a copy of the written report (BPD Form 26) to the Central Drug Depository and include the District station in which the drugs were deposited.

In the event that the Supervisor of Cases, or their designee, discover that there is drug evidence remaining at the end of the day that was not retrieved by the Depository personnel, they shall bring the drug evidence to the station house of the District in which the court is located, and deliver it to the Duty Supervisor, to be placed in the Drug Storage Safe and logged in the Drug Control Log Book.

The evidence shall be retrieved by Central Drug Depository personnel at the next scheduled pickup.

Sec. 23 In no instance will the drug evidence be left in court overnight unless it is held as evidence by the presiding judge and/or the clerk magistrate assisting the presiding judge. In the event that the court holds the drug evidence, it shall be the responsibility of the testifying officer to document such in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. If such person holds the drug evidence, the testifying officer shall immediately send a copy of the written report (BPD Form 26) via fax to the Central Drug Depository. This report shall be submitted through the Supervisor of Cases to be forwarded to the Central Drug Depository. Under no circumstances is drug evidence to be left in the custody of any other person, including any prosecuting attorneys.

In the event that the court intends to hold the drug evidence for a protracted period of time due to an appeal or the defendant being held in default, the testifying officer must include that in the report. It shall be the responsibility of the Central Drug Depository Commander to periodically review these cases and to have the drug evidence picked-up when they are released by the court.

Sec. 24 In the event that the court orders the breaking of the seal on the drug evidence, it shall be the responsibility of the testifying officer to document that order in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. This report shall be submitted through the Supervisor of Cases along with the drug evidence to be forwarded to the Central Drug Depository.

Sec. 25 At the conclusion of any case in which a controlled substance has been presented into evidence, the officer concerned with the case shall not leave the court without requesting, through the prosecuting attorney, an order from the court for destruction of the controlled substance, provided the court has not made some other disposition. Any officer who receives a destruction order from a court shall submit such order, including both the incident report number and the Central Drug Depository case number, through the Supervisor of Cases to be forwarded to the Central Drug Depository.

Sec. 26 The Court Custody Log has been devised to control the sequence of possession after drugs are delivered to the court. The Supervisor of Cases will receive an original Court Custody Log, on which is listed the Central Drug Depository number for each case delivered by the Central Drug Depository personnel, who shall retain a copy. The Supervisor of Cases shall ensure that all entries are complete for each case.

#### PHASE 4. – Destruction

Sec. 27 All suspected controlled substances, needles and syringes and/or paraphernalia which are in the possession of the Central Drug Depository and for which no prosecution is to be made shall be submitted for analysis to the Department of Public Health, State Laboratory Institute prior to destruction.

Sec. 28 When a case is continued without a finding or held in default, the evidence shall be retained until the end of the continuance. All other controlled substances which have been held as evidence after the case is disposed of shall be destroyed as described below. Periodically, at the discretion of the Central Drug Depository Commander, a petition may be made to the courts for a remedy to purge old cases.

Sec. 29 The Central Drug Depository Commander shall be responsible for and make all necessary arrangements for the transportation of drug evidence to be destroyed. When necessary, the Central Drug Depository Commander shall have the authority to designate any member of their unit as the Drug Destruction Officer.

Sec. 30 If the original certificate of analysis has been lost or misplaced it shall be the responsibility of Central Drug Depository Commander to obtain a duplicate certificate

from the Department of Public Health, State Laboratory Institute. The Drug Destruction Officer delivering the drugs shall obtain a detailed, itemized receipt with the destruction number from the Department of Public Health, State Laboratory Institute. The Central Drug Depository Commander shall retain the original receipt at the Central Drug Depository.

Sec. 31 The Central Drug Depository shall maintain drug destruction records in which entry shall be made of the submitting officer's name and employee identification number and receiving officer's name and employee identification number, together with the Department of Public Health, State Laboratory Institute analysis number. Such destruction number shall be stamped upon the receipt, the certificate of analysis and the certificate of destruction. All drug evidence turned in to the Central Drug Depository shall be securely maintained by the Central Drug Depository Commander until destroyed.

Sec. 32 No controlled substances and/or paraphernalia will be presented by the Central Drug Depository for destruction without the certificate of analysis. The certificate of analysis number must be the same as the one supplied by the Department of Public Health, State Laboratory Institute.

Sec. 33 All drug evidence to be destroyed must be in the original sealed plastic container in which it was placed after being analyzed by the Department of Public Health, State Laboratory Institute. Opened, damaged, or unsealed containers will not be accepted for destruction unless accompanied by proper documentation. If any opened, damaged, or unsealed container is presented for destruction, the Central Drug Depository Commander, the Drug Control Division Commander and the Internal Affairs Division Commander shall be notified immediately. In such cases, the Drug Destruction Officer shall submit a written report (BPD Form 26) to the Central Drug Depository Commander prior to the end of the tour of duty. The Central Drug Depository Commander shall forward all such reports, upward through the chain of command, to the Chief, Bureau of Investigative Services who shall forward a copy of all such reports to the Internal Affairs Division Commander. The Internal Affairs Division shall conduct an immediate investigation.

Sec. 34 All controlled substances and/or paraphernalia to be destroyed must be incinerated and reduced to ashes. All such drug evidence in the custody of this Department shall be transported by the Central Drug Depository personnel to the incinerator of the Department of Public Health, State Laboratory Institute to be destroyed. All drug evidence shall be examined and records verified by a Deputy Superintendent or a Captain designated by the Chief of the Bureau of Field Services, in the presence of the Central Drug Depository Commander, the Drug Destruction Officer and two members of the Department of Public Health, State Laboratory Institute. They shall check all drug evidence against the records of the Department of Public Health, State Laboratory Institute before destruction.

In the event that a discrepancy is discovered, the Drug Control Division Commander and the Internal Affairs Division Commander shall immediately be notified. In such cases, the Central Drug Depository Commander shall submit a written report (BPD Form 26),

upward through the chain of command, to the Chief, Bureau of Investigative Services, prior to the end of the tour of duty. The Internal Affairs Division shall conduct an immediate investigation.

Sec. 35 The names of all such officers and officials and all relevant circumstances involved in the disposition and destruction of controlled substances or other paraphernalia shall be maintained in the records of the Central Drug Depository.

Sec. 36 After any controlled substance and/or paraphernalia have been destroyed, in accordance with this Rule, the designated Deputy Superintendent or Captain at the site shall sign a Certificate of Destruction which shall contain an itemized list of all materials destroyed. The certificate shall then be signed by two members of the Department of Public Health, State Laboratory Institute who are present. The Central Drug Depository Commander shall make the following distributions of the certificate:

- Each original certificate shall be retained;
- Deliver one copy to the Department of Public Health, State Laboratory Institute; and, if applicable
- Deliver one copy to the court having jurisdiction of the case in which such destroyed evidence was concerned.

After a destruction is completed, the Central Drug Depository Commander shall submit a written report, upward through the chain of command, to the Chief, Bureau of Investigative Services stating the number of cases destroyed.

#### PHASE 5. – Audit

Sec. 37 The Auditing and Review Division shall conduct an audit of randomly selected drug evidence items at the Evidence Control Unit at least once each quarter. The date of these audits shall be determined by the Chief of the Bureau of Professional Standards and Development. In the event that a discrepancy is discovered, the Evidence & Supply Division Commander and the Internal Affairs Division Commander shall be immediately notified. The Internal Affairs Division shall launch an immediate investigation.

#### Addendum 1

- [Boston Police Evidence Control Unit Standard Operating Procedure \(See attachment\).](#)
- [Appendix B State Lab Sample Submission Procedure \(See attachment\).](#)

#### Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 37.

- Amended by SO 08-001, issued January 4, 2008, replaced Section 37; SO 08-002, issued January 4, 2008, adding Addendum 1.