



**SOUTH COAST BRITISH COLUMBIA
TRANSPORTATION AUTHORITY
POLICE SERVICE**

DRUGS

Effective Date: May 9, 2005

Revised: September 11, 2006, September 8, 2009

POLICY

1. The South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) has established the appropriate procedures for the enforcement of the *Controlled Drugs and Substances Act*.

REASON FOR POLICY

2. To provide basic guidelines for initial response to drug related problems, including the handling and control of drug exhibits and safety issues surrounding drug-related investigations.

PROCEDURES

Drug Seizures

3. A Member who becomes involved in a drug-related investigation and locates a significant quantity of drugs must notify the Patrol Supervisor immediately.

Charges

4. Upon arrest, the accused may be held in custody pending a court appearance, in the following cases:
 1. production,
 2. trafficking,
 3. possession for the purpose of trafficking,
 4. importing, or
 5. simple possession,

but in all cases consideration must be given to the release and reverse onus provisions of Part XVI of the Criminal Code of Canada (CCC).

NOTE: *In some cases, it may be necessary to hold an arrested person in custody to facilitate an investigation that is in progress. However, the person must be brought before a justice or released without unreasonable delay and, in any event, within 24 hours.*

[See also: OD100 – Laying Charges, OD200 – Report to Crown Counsel]

- 5. In all cases when a person is detained or arrested, it is imperative that the subject be promptly provided the proper warnings, including s. 10 rights pursuant to the Charter of Rights and Freedoms.

[See also: OD090 – Detention, OD120 – Search, OD130 –Seizure, OD170 – Police Warnings]

- 6. Court dates and times for drug appearances are available by contacting the Operations Communication Centre (OCC).
- 8. When charges are contemplated, a Report to Crown Counsel (RTCC) containing the following information must be completed on PRIME:
 - 1. date of the offence,
 - 2. time,
 - 3. location,
 - 4. drug type, quantity, street value and packaging,
 - 5. complete circumstances, including any conversations,
 - 6. complete description of the accused including clothing worn,
 - 7. other pertinent information, such as needle marks, drug paraphernalia etc., and
 - 8. a photocopy of the Drug Exhibit Envelope (H envelope) and the Form HC3515 listed and attached to the Attachment List (required by Crown Counsel).
- 9. Once approved by the Watch Commander, the RTCC will be forwarded via PRIME to Court Liaison for processing.

Interviewing of Suspects

- 10. The investigator will attempt to interview suspect(s) to obtain further information in relation to the investigation. **FIPPA s. 15 - Harm to Law Enforcement**

[See also: FIPPA s.15 - Harm to Law]

Marihuana Grow Operations

- 11. Members investigating marihuana grow operations **MUST** contact the Patrol Supervisor who will immediately contact the Jurisdictional Police Department (JPD) and request they attend and assume primary investigation responsibility.
- 12. Exhibits that may be seized in relation to a drug investigation may include, but are not limited to, the following:

FIPPA s.15 - Harm to Law Enforcement

FIPPA s.15 - Harm to Law Enforcement



Exhibits of Value

13. If the items being seized appear to be valuable, or the Member is unsure of the value of the item, it is recommended that the Member locating the item call upon a second Member as a witness.
14. The Member locating the item will count or itemize what was found in the presence of a witnessing Member.
15. The Member locating the item will record the details of what was found in the issued notebook or on the exhibit flow chart.
16. When the items are to be seized, attempts may be made to have the owner sign the notebook confirming what and how much is being taken.
17. If the items are not to be seized, they will be handed directly back to the owner.

Exhibit Management

18. At the onset of a drug investigation/seizure involving more than one Member, one Member will be designated as the field Exhibit Officer for that investigation and will be responsible for the seizure, continuity and processing of all associated exhibits.
19. It is recommended in the seizure of exhibits related to drug investigations that an exhibit flow chart be utilized. This is especially beneficial when several exhibits are expected to be seized. The flow chart will assist the assigned field Exhibit Officer in ensuring thorough and accurate recording of the seized items as well as testimony in court regarding the tracking of the exhibits.
20. At the time of any drug/property seizure, the following information will be recorded on an exhibit flow chart or notebook by the assigned field Exhibit Officer:
 1. clear description of the exhibit,
 2. precise location of the exhibit,
 3. name of member locating the exhibit, date and time of location,
 4. name of member seizing the exhibit, date and time of seizure,
 5. disposition of the exhibit,
 6. condition of the exhibit, and
 7. any movement of the exhibit from seizure to disposition.
21. The weight(s) of drug(s) seized (if applicable), and Drug Exhibit Envelope number (if applicable) may be recorded later.

NOTE: *The Drug Exhibit Envelope number sent for analysis must be recorded in the notebook or on the flow chart.*

Exhibit Seizures – Drug Seizures

22. Protective gloves should always be worn when handling drug or drug contaminated exhibits.
23. Drug exhibits and related items will be placed in separate envelopes or bags to prevent possible contamination:
 1. Each envelope will be marked with the initials of the seizing or exhibit Member for positive identification. This may be done using the exhibit tag system.
24. If any capsules are found inside a container, it will be opened and the contents counted. Avoid handling the capsules.

NOTE: *This can best be done by emptying the contents onto a clean piece of white paper and then using a pencil to make the count. When completed, the paper can be folded to act as a funnel to return the contents to the container.*

25. When a liquid is seized as an exhibit, the container will be covered immediately to prevent possible contamination and/or evaporation.
26. Needles should only be seized when absolutely necessary (e.g., when they contain a substantial amount of a drug or are required for charges or investigations). Members will place all other needles in the BIOHAZARD containers in SCBCTAPS buildings and sub-offices.

NOTE: *When single needles are seized for exhibit, needle containers are available in the exhibit work stations (e.g., desk in front of the exhibit locker at 307 Columbia building) and, where feasible, sub-offices, police vehicles and specified SCBCTAPS equipment cabinets.*
27. When a large quantity of drugs is seized, only a sample from each item is required to be sent for analysis. When this is the case, only the sample has to be treated as the exhibit for analysis, the remainder may be handled as a bulk exhibit and secured in the Exhibit Room.

Exhibit Tracking

[See also: OF020 – Exhibit / Property Control]

28. Members will utilize the PRIME Property sub-system when exhibits are seized. The Member seizing the items will enter each exhibit into the Property sub-system and, complete and affix the exhibit tag.

Exhibit for Analysis

29. Crown Counsel notifies Court Liaison when analysis is required for the drug exhibits.

30. SCBCTAPS personnel will follow the Drug Analysis Service Laboratory guidelines for Drug Submission Envelope – Sampling and Contents, as follows:

1. Only **one** certificate is issued per drug submission envelope. Therefore each envelope must contain only **one** type of sample. A suitable exhibit consists of a single plastic bag or container containing **one** of the following:
 - a. 1- 3 g of Cannabis or up to 1 ounce of plant material;
 - b. 1 pipe, 1 spoon, or 1 syringe;
 - c. 1 to 3 grams of resinous material;
 - d. 2 to 5 **identical** tablets (same color , same logo);
 - e. 2 to 5 **identical** capsules;
 - f. 0.25g to 1 g of bulk powder;
 - g. 10 to 15 milliliters of liquid – properly packaged;
 - h. 3 to 5 **identical** dosage units of powder (decks);
 - i. Up to 10 **identical blotter** or microdot dosage form.

*** If less material is available, the entire amount should be submitted. If more material is available, the excess should be retained by the submitting officer.*

2. **Solution to potential problems:**

- a. When **submitting syringes** or **biohazardous materials**:
 - i. Mark the outside of the envelope with the word **SYRINGE** or **BIOHAZARD**.
 - ii. Put the syringe in a plastic tube with stoppers at both ends or in another suitable protective container.

- b. Sharp objects such as knives, etc. should be carefully wrapped to prevent the object from penetrating the envelope and causing an injury.

NOTE: *As an additional safety measure, SCBCTAPS Members will place sharp objects in a knife box or equivalent box, where possible.*

- c. Bulky and hard items sent by mail should be packaged in padded envelopes or boxes to avoid damage to the exhibit or exhibit envelope by the automatic sorting equipment.
- d. Avoid placing ink identification markings or sticky tape directly on the exhibit you wish analyzed. The ink or glue may interfere with the analysis. This applies to LSD blotters, tablets, etc.
- e. Fresh damp plant material placed in an airtight plastic bag will become mouldy and liquid before it is analyzed. Allow the material to air dry for a few days prior to packaging to solve this problem

31. An exhibit requiring analysis will be sealed in a Drug Exhibit Envelope (H Envelope).

1. The front of the envelope must be properly completed.

2. It is recommended that the Member record pertinent information on the back of the envelope such as:
 - a. the name of the accused,
 - b. the date and time of seizure, and
 - c. any relevant information related to the investigation
 3. The Member will initial the envelope seal.
32. The properly completed envelope, with three copies of Form HC3515, will be deposited in a secure temporary exhibit locker. This will ensure that the envelope is not accessible to anyone other than the Exhibit Custodian.
1. The Member will record on the rear of the envelope and their notebook the time and date that they place the exhibit in the locker.
 2. The Exhibit Custodian or designate will place all exhibits into the main exhibit locker, tracking the movement on PRIME. When analysis is requested by Crown Counsel, the Exhibit Custodian or designate will remove the envelope from the exhibit locker and FIPPA s.15 - Harm to Law Enforcement for analysis. The Exhibit Custodian will record the time and date of this action on the rear of the envelope and the exhibit movement on the PRIME Property sub-system.
33. The Exhibit Custodian, upon receiving an exhibit returned by the Drug Analyst, will retain possession of the exhibit along with the original Certificate of Analysis, until such time as the exhibit is required to be entered into court as evidence. At that time, the investigating Member will receive the exhibit from the Exhibit Custodian.
1. The Exhibit Custodian will forward copies of the Certificate of Analysis to Crown Counsel for disclosure purposes.

Heroin and Cocaine Seizures

34. All heroin seizures of 28g or more and all cocaine seizures of 150g or more must be analyzed quantitatively and bags initialed by the investigating Member and Supervisor or designate.
35. The bags must be sealed in a way that they cannot be opened and resealed without it being obvious.

NOTE: *The clear tamperproof bag that allows viewing of the seizure should not have to be opened even for court presentation. Providing the investigating Member has properly initialed the seized article, persons who subsequently place identifying marks on a storage bag, for control purposes, should not be required to attend court to prove continuity of possession.*

No Case Drug Seizures

36. "No Case" Drug Seizures will be sealed in a clear envelope and marked for positive identification, including:
 1. the name of the investigating Member,

- 2. file number, and
 - 3. exhibit number.
37. When completing a Form HC 3515, “No Case Seizure” should be written in the “NAME” box.
- 1. The name of the subject is not required.
 - 2. The “OFFENCE and DISPOSITION box is to be left blank.

NOTE: “No Case” Drug Seizures are to be secured in a temporary exhibit locker, with three copies of the Form HC 3515 included.

Exhibits Weighed

38. Each drug exhibit will be weighed (total weight prior to taking of any sample) using the scales available in the office or Exhibit Room, and the amounts must be recorded on a Form HC 3515.
39. When a sample is removed from a larger item, the exhibit must be listed on the Form HC 3515 in the following manner:

<u>Item No.</u>	<u>Date Seized</u>	<u>Description</u>	<u>Quantity</u>
1	03/01/01	green plastic bag containing marijuana	454 grams
2	03/01/01	sample from item no.1 envelope #H-1762345	5 grams

40. When “drug flaps,” “baggies” or “spitballs” are seized, the exhibits may be weighed with the packaging intact.
- 1. If the packaging is removed during weighing, the scale will be cleaned after each exhibit is weighed to avoid cross-contamination of the exhibits.
 - 2. However the exhibit is weighed, it will be noted by the individual in the report, as this information will later assist the assigned expert in preparation for trial.
41. An exhibit will be kept in the possession of the investigating Member to maintain continuity until it is submitted to Exhibits or deposited in a temporary exhibit locker.
- 1. If the exhibit is turned over to another Member, it will be noted on the exhibit flow chart.

Reporting Procedures

42. The investigating Member who seizes the exhibits must complete a Form HC 3515.
- 1. This form must list all of the items seized.
 - 2. The exhibit must then be sealed and placed in an exhibit locker with three copies of the Form HC 3515 accompanying it.

[See also: OD120 – Search, OD130 – Seizure]

Unidentified Substances

- 43. A Member must not taste or smell any suspected drug, whether it is a powder, tablet, capsule, liquid or other form.
- 44. Surgical gloves made from rubber and surgical facemasks must be worn when handling unknown substances. This includes any heat sealed packages of money or double heat sealed packages.
- 45. Some chemical drugs that are in use, particularly LSD and PCP, can be absorbed through the skin in sufficient quantity to cause a partial, if not total, reaction to the drug.
- 46. A field-test kit which may be used to determine the type of drug seized is available from the Watch Commander or from the Temporary Exhibit Area.
- 47. Any unidentified substance must be tagged with a biohazard sticker for the purposes of alerting the Exhibit Custodian.
- 48. Members will NOT transport any hazardous chemical at any time. A qualified disposal firm or person experienced in the handling of hazardous chemicals must be allowed to transport and dispose of a chemical drug exhibit.

[See also: OF020 – Exhibit/Property Control]

Seized Property Management Directorate (SMPD)

- 49. Exhibits seized as an offence related property or proceeds of crime should be forwarded to the SPMD through Court Liaison. These exhibits include, but are not limited to:
 - 1. vehicles,
 - 2. personal property of value (jewelry, bonds, computer, furniture, cash etc),
 - 3. real estate, and
 - 4. marihuana grow operation equipment.
- 50. The Court Liaison Officer will complete the SPMD Form 1002 and fax the completed form to SPMD.
- 51. The Court Liaison Officer will complete a Management Order Affidavit Application to a Justice of the Peace.
 - 1. The Court Liaison Officer is responsible for ensuring that the Management Order is then forwarded to Federal Crown along with a copy of the Exhibit Flow Chart as an attachment of a RTCC.

F **FIPPA s.15 - Harm to**

- 52. **FIPPA s. 15 - Harm to Law Enforcement**

FIPPA s.15 - Harm to Law Enforcement

53. FIPPA s. 15 FIPPA s. 15 - Harm to Law Enforcement

54. FIPPA s. 15 FIPPA s. 15 - Harm to Law Enforcement

1. FIPPA s. 15 FIPPA s. 15 - Harm to Law Enforcement

2. FIPPA s. 15 FIPPA s. 15 - Harm to Law Enforcement

55. FIPPA s. 15 FIPPA s. 15 - Harm to Law Enforcement

Other Drug Investigations

56. An expert and/or expert report may be required for court in order for Crown to proceed with Possession For The Purpose Of Trafficking charges. To assist, several details must be included in the Member’s RTCC, including but not limited to the following:

- 1. packaging of drugs (flaps, spitballs, tinfoil),
- 2. coding of drug packaging (by colour, type of paper etc) to indicate drug type, weight etc.,
- 3. weight of seized drugs,
- 4. location of money and denominations,
- 5. score sheets/ledgers,
- 6. presence of cellular phones/pagers,
- 7. incoming phone calls to seized cellular phones,
- 8. presence of weapons,
- 9. drug paraphernalia, and
- 10. pertinent conversation.

57. The expert will make their assessment on the review of photographs, exhibit reports, videotapes (if taken) and any other evidence acquired.

- 1. In the event of a “not guilty” plea the expert will access the following information from the RTCC;
 - a. copies of the RTCC,
 - b. exhibit flow chart,
 - c. photographs,
 - d. videotape(s), if taken,
 - e. photocopies of all paper exhibits including “score” sheets, and

f. any other evidence seized at the scene that requires expert interpretation.

58. The expert will be required to forward a written report to the Federal Crown Counsel within a timely manner to avoid non-disclosure issues.

59. Where practicable, the investigating Member will utilize a SCBCTAPS trained drug expert. In the event that a SCBCTAPS expert is not available, the Member will request the use of the JPD drug expert, pursuant to the SCBCTAP – JPD Memorandum of Understanding.

Destruction of Heroin and Cocaine Exhibits

60. If the exhibit is heroin weighing 28g or more or cocaine weighing 150g or more, the Watch Commander (or designate) of the investigating Member will:

- 1. determine whether the tamperproof bag containing the exhibit has been opened,
- 2. if the tamperproof bag has been opened, have a sample of the drug submitted for quantitative analysis to the same analyst who performed the initial examination,
- 3. reseal the remainder of the exhibit and retain,
- 4. when the results of the quantitative analysis are received, compare them with the original analysis, and
- 5. authorize proceeding with destruction if satisfied that it has not been tampered with, otherwise commence an immediate investigation.

[See also: OF020 – Exhibits / Property Control]

FIPPA s. 15 [Redacted]

61. FIPPA s. 15 - Harm to Law Enforcement [Redacted]

[See also: OD010 – Covert Operations]