

## **Part 11 Custody, storage and disposal of controlled drugs**

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## Executive summary

### Key points to note:

- Police stations and the RNZPC having custody of controlled drugs, must electronically record and maintain records of those drugs in the Police Register of Property (PROP) system.
- All controlled drug seizures must be reported, checked, and details entered without delay into the PROP system.
- Complete the Drugs Search and Seizure (DSS) notification for intelligence about drug types and quantities and submit to the National Drug Intelligence Bureau (NDIB)
- Strict security must be maintained over controlled drugs from seizure until final disposal.
- Controlled drugs (other than cannabis) are not to be retained longer than is absolutely necessary before being delivered to ESR.
- Controlled drugs must be stored in a drug safe, drug security cabinet or a secure area approved by the District Commander or Director: Training at the RNZPC for that purpose.
- Only persons authorised by the District Commander or the Director: Training at the RNZPC can have possession and control of the keys to where drugs are stored.
- If samples of cannabis have to be dried, establish a secure and safe environment to do so and to ensure the integrity of the exhibit.
- The POL 120 drug envelope must be used for packaging/labelling controlled drugs.
- Controlled drugs should only be produced in court in exceptional circumstances.
- Cannabis must be destroyed in accordance with this chapter, '[Methods of destruction](#)' in the '[Custody and disposal of exhibits](#)' chapter, and comply with PROP requirements.

# Recording, custody and security of controlled drugs

## Police Register of Property (PROP)

The Police Register of Property (PROP) is the system used by Police to electronically record and maintain records of drug exhibits coming into Police possession. Police stations and the Royal New Zealand Police College, having custody of controlled drugs, must record this information:

- type of drug, if known
- amount seized (including weight where applicable)
- number of plants (where applicable)
- constable who found the drug
- constable who received and checked the drug
- date and time drug was seized
- details of the offender if applicable
- method of disposal
- witness(es) to disposal.

The PROP system must also be used for recording details of:

- drug education kits
- controlled drugs retained and issued for dog training.

## Custody of controlled drugs

Strict security must be maintained over controlled drugs from the time they are seized until final disposal.

Every Police employee has a duty to ensure that controlled drugs (other than cannabis) are not retained longer than is absolutely necessary before having them delivered to ESR. **Note:** Cannabis exhibits are not to be forwarded to ESR until a “not guilty” plea has been advised (see Cannabis seizures)

All controlled drug seizures must be reported to and checked by a sergeant or above as soon as possible after the seizure. When practicable the sergeant or above will, after witnessing the sealing of the packaging, counter-sign the packaging seal of the seized drugs. The QIDs of the person who seized the drugs, and the counter-signer of the packaging, will be recorded in PROP. Details of the seizure must be entered without delay into the PROP system. If a sergeant or higher is unable to check a controlled drug seizure, details of the seizure must be entered into the PROP system as soon as practicable., The nearest sergeant or higher must be advised and should witness the sealing of the packaging remotely, for example, by using Facetime or Webex. The reason why the packaging wasn't counter-signed by a sergeant or higher must be recorded in PROP, as must the fact that it was witnessed remotely and by whom (e.g., sergeant's QID).

Controlled drugs that cannot be immediately delivered to ESR must be stored at a Police station in a drug safe, drug security cabinet or a secure area approved by the District Commander for that purpose.

The District Commander or the Director: Training at the Royal New Zealand Police College, must, where

applicable, appoint suitable persons to have possession and control of the key to the drug safe, drug security cabinet or drug secure area, and to be responsible for the controlled drugs held therein. A spare key or knowledge of the combination of the drug safe, drug security cabinet or secure area should be held or known to the District Commander, or the Director: Training Royal New Zealand Police College, or their nominee.

Drugs received at a time when the key holder to the drug safe is not available must be kept in a safe or other secure place with their integrity maintained, and transferred to the drug safe, drug security cabinet or secure area as soon as practicable.

## Security checks

Where applicable, the District Commander and the Director: Training, Royal New Zealand Police College, must appoint a sergeant or above (other than the key holder or spare key holder) to check regularly and not less than once a month:

- the drug safe, drug security cabinet or drug secure area
- controlled drug or prohibited plant exhibits
- drugs retained for educational purposes
- drugs held for dog training purposes
- the use made of the PROP system.

The date and time of the examination must be recorded in the PROP system immediately after the last entry. Any revealed discrepancy or non-compliance with instructions must be reported immediately to the District Commander, or where applicable, the Director: Training, Royal New Zealand Police College.

See also '[Part - Reporting and internal control checks](#)' in the '[Exhibit and property management](#)' chapter for details of the requirements with internal control checks of exhibits and other property held by Police.

## Drug seizures

### Cannabis seizures

Where a seizure exceeds 50 grams of dried cannabis or 500 grams of wet cannabis, a sample consisting of 50 grams of dried cannabis or 500 grams of wet cannabis must be retained for analysis by ESR when a not guilty plea has been entered to any related charge. The remainder of the seizure must be disposed of according to the '[Disposal of cannabis](#)' provisions.

Seizures of less than 50 grams of dried cannabis or 500 grams of wet cannabis must be delivered to ESR for analysis when a not guilty plea has been entered to any related charge.

The final disposal of cannabis must be carried out according to the '[Disposal of cannabis](#)' provisions.

### Bulk seizures

A bulk seizure of:

- a controlled drug (excluding cannabis) is defined as being four times the quantity of a controlled drug specified in section 6(6) of the Misuse of Drugs Act 1975
- cannabis plants, seeds or plant material is defined as being 50 grams of dry cannabis or 500 grams of wet cannabis.

### Procedure when suspect present

For bulk seizure of controlled drugs or prohibited plants (excluding cannabis) with offender present, follow these steps.

Step	Action
1	<p>Follow standard criminal investigation procedures, where applicable. See:</p> <ul style="list-style-type: none"> <li>- <a href="#">Part 10 - Drug investigations</a></li> <li>- <a href="#">Homicide and serious crime investigations</a></li> <li>- <a href="#">Investigative interviewing suspect guide</a></li> <li>- <a href="#">Crime scene examination</a></li> <li>- <a href="#">Exhibit and property management</a></li> </ul>
2	<p>In the course of case management discussions defence counsel may request analysis of a seized drug. The request may be in person or by email. The prosecutor will then email the request to the O/C Case to send a sample of the drug to the ESR for analysis.</p> <p>Ensure to send a sample of the drug with 'Exhibit For Laboratory Examination' (POL 143) form to the ESR for analysis.</p>
3	<p>Advise the legal representative in writing of the intention to dispose of the bulk of the controlled drugs or prohibited plants on a specific date.</p>
4	<p>Dispose of the bulk of the controlled drugs or prohibited plants after the specified date in accordance with the '<a href="#">Disposal of controlled drugs or prohibited plants (not cannabis)</a>' provisions.</p>

## Procedure when suspect is not identified

For bulk seizure of controlled drugs or prohibited plants (excluding cannabis) when the suspect is not identified, follow these steps.

Step	Action
1	<p>Follow standard criminal investigation procedures, where applicable. See:</p> <ul style="list-style-type: none"> <li>- <a href="#">Part 10 - Drug investigations</a></li> <li>- <a href="#">Homicide and serious crime investigations</a></li> <li>- <a href="#">Investigative interviewing suspect guide</a></li> <li>- <a href="#">Crime scene examination</a></li> <li>- <a href="#">Exhibit and property management</a></li> </ul>
2	<p>Dispose of the controlled drugs or prohibited plants in accordance with the '<a href="#">Disposal of controlled drugs or prohibited plants (not cannabis)</a>' provisions.</p>

## Managing wet or bulk cannabis samples

Follow these steps where it is considered necessary to:

- dry samples of wet cannabis before packaging as an exhibit to prevent deterioration in storage, or
- undertake controlled sampling to collect more detailed data about the quantity and quality of a cannabis harvest, e.g. the yield of flowering heads:

Step	Action
1	Seek approval from your supervisor.
2	Store the cannabis at a Police station in a drug safe, drug security cabinet or a secure area approved for this purpose by the District Commander. (See ' <a href="#">Storage in exhibit / property stores</a> ' in ' <a href="#">Packaging, handling, and storage of exhibits</a> ').
3	<p>Ensure the standard requirements for drug exhibits are followed before taking any steps to change the appearance of the cannabis exhibit:</p> <ul style="list-style-type: none"> <li>- photograph the wet or bulk seizure</li> <li>- identify and collect other related forensic evidence</li> <li>- take detailed notes for later evidential purposes</li> <li>- back at the station: <ul style="list-style-type: none"> <li>- complete the Police Register of Property (PROP) system a copy of an inventory of any controlled drugs, precursor substances, instruments, money, documents, financial records or other property seized</li> <li>- arrange for receipt from PROP system to be supplied to occupier or person in charge of vehicle.</li> </ul> </li> </ul>
4	Establish a secure and safe environment to allow the drying process to take place and ensure the integrity of the exhibit.
5	Once cannabis has been dried, fully document the analysis of the samples, yields obtained and other general matters of an evidential nature.
6	Retain a small sample for ESR analysis purposes in the event of a defended hearing in accordance with the <a href="#">bulk seizure policy</a> .
7	Place the retained sample into the Police station drug safe, drug security cabinet or secure area in accordance with local arrangements.
8	Complete the Drugs Search and Seizure (DSS) notification form available on the Police Intranet homepage under 'Notifications'. Intelligence about drug types and quantities is collected in this DSS form for the National Drug Intelligence Bureau (NDIB)
9	Destroy the remaining samples in accordance with the ' <a href="#">Methods of destruction</a> ' policy detailed in ' <a href="#">Custody and disposal of exhibits</a> '.



# Disposal of controlled drugs

## Legal justification to dispose of controlled drugs

The following provide the legal justification to dispose of controlled drugs:

- disposal of unlawful items under section 160 of the Search and Surveillance Act
- Court order for destruction
- Forfeiture to the Crown under section 32 of the Misuse of Drugs Act 1975.

## Disposal of cannabis

These instructions apply to the disposal of cannabis:

- Cannabis must be disposed of within one month of the seizure or completion of any related court proceedings.
- The O/C case must collect any cannabis produced in any court proceedings and arrange for its disposal.
- Cannabis plants, seeds or plant material must be disposed of in the presence of a sergeant or higher as authorised by the District Commander. The Police employee seizing the cannabis must not supervise its disposal.
- Cannabis must be destroyed in accordance with 'Methods of destruction' in 'Custody and disposal of exhibits'.
- The O/C case must notify [ESR](#) of the completion of court proceedings and authorise the disposal of cannabis sent to ESR for analysis as a result of a not guilty plea.

## Disposal of controlled drugs or prohibited plants (not cannabis)

These instructions apply to the disposal of controlled drugs or prohibited plants (other than cannabis):

- Controlled drugs or prohibited plants not required in court proceedings remain with [ESR](#) until the court proceedings are finalised. The O/C case must notify ESR of the completion of the case and authorise the disposal.
- Controlled drugs or prohibited plants not sent to [ESR](#) must be disposed of after consultation with and in accordance with the directions of the Ministry of Health.
- The O/C case must collect any controlled drugs produced in any court proceedings and arranging for their return to [ESR](#) for disposal.
- The destruction of controlled drugs or prohibited plants (not cannabis) must be destroyed in accordance with 'Methods of destruction' in 'Custody and disposal of exhibits'

## Disposal of drug related equipment

Any related equipment used in the cultivation of prohibited plants or manufacture of controlled drugs specified or described in the Misuse of Drugs Act 1975 under Schedule 1, or Part 1 of Schedule 2 or 3, or a precursor substance under Part 3 of Schedule 4 of that has been held by Police for investigative or evidential purposes and is forfeited to the Crown must be destroyed.

The equipment must not be disposed of by sale or auction. This will prevent them becoming available to

persons seeking to cultivate prohibited plants or manufacture controlled drugs.

# Packaging and production at court of controlled drugs

## POL 120 standard drug envelope used for exhibits

The POL 120 drug envelope must be used for packaging/labelling controlled drugs and related exhibits submitted for analysis to ESR. The procedure uses a POL 120 drug envelope on which all relevant information about the exhibit is recorded. A completed drug envelope, along with the form P143, must accompany each drug exhibit submitted to ESR for analysis.

Where the exhibit...	the envelope must be...
fits inside the <u>POL 120</u> drug envelope,	properly sealed and the seal endorsed with the sender's signature.
will not fit into a <u>POL 120</u> drug envelope,	completed and secured to the exhibit as a label.

## Production of controlled drugs in court

The production of a controlled drug as an exhibit in court simply to prove that it is a controlled drug, is generally unnecessary. In most cases the probative value is outweighed by the difficulties in ensuring the control and security of the controlled drug.

Only in exceptional circumstances should controlled drugs be produced in court as exhibits. The quantity or appearance of the drug must not be regarded as being an exceptional circumstance. The ESR analyst's certificate, with any photographic evidence, is sufficient evidence in most cases.

The production of exhibits which require special handling because of specific corrosive or volatile characteristics should be avoided. Where it is deemed necessary to produce such exhibits, all persons handling or likely to handle the exhibits must be warned of any danger.

It is not necessary to provide an escort for the ESR analyst on each occasion drugs are produced in court. However, escorts should be provided where there is a reasonable risk of danger to the analyst or theft of the drug. The need for an escort must be decided in consultation between the analyst and the Police officer in charge of the case. Any dispute regarding the matter must be referred to the nearest Police ESR liaison officer.

ESR "display packed" exhibits which are returned to ESR and which appear to have been tampered with or opened must be treated as new exhibits and re-analysed to determine whether they have been tampered with.

## Drug education and training

### Drugs for educational and training purposes

Districts have been issued with drug education kits for staff training or to be used when giving talks to the public.

The kits are designed so that other controlled drugs can be added thus allowing for changing patterns in drug offending. Any changes in the contents of the kits must be accurately recorded in the drug register.

The kits, where practicable, should be retained by the O/C: Drug Squad, or, the O/C: CIB, under strict security. Under no circumstances must other controlled drugs be retained for educational or display purposes.

See [Part 9 - Drug information and identification](#) in the 'Drugs' chapter for information about:

- different drugs made in New Zealand, how they are made and the symptoms from consuming them
- the need for authorisation before delivering drug related talks
- using field drug test kits and the thermos scientific FirstDefender RM device for identifying drugs in the field
- health and safety risks with using kits or FirstDefender RM device in the field and the procedural duties for minimising those risks.

### Drugs for Police dog training

See the [Narcotic training aids](#) section in the 'Dog Team Training' chapter.

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