



# *Winters Police Department*

*John P. Miller, Chief of Police*

*702 Main Street, Winters, CA. 95694*

## **GENERAL ORDER #19-01 CONTROLLED SUBSTANCES AND PARAPHERNALIA**

**Date: October 16, 2019**

### **I. PURPOSE AND SCOPE**

This General Order amends and supplements Winters Police Department Policy 801 "Property and Evidence" regarding the collection, testing, storage, and security of narcotics and drug paraphernalia evidence.

### **II. POLICY**

#### NARCOTICS

Given the increased dangers that law enforcement officers face when handling suspected narcotics and controlled substances, contact with the suspected narcotics or controlled substances is to be minimized. Members shall not conduct presumptive tests in the field.

The Probable Cause Declaration shall document as to why the member believes the substance is a controlled substance. This includes information based on the member's training and experience, accompanying paraphernalia, suspect admission, etc.

In order to meet criminal filing standards, at the time of filing the Yolo County District Attorney's Office will need at least one of the following:

- 1) An admission as to the nature of the substance and/or compelling direct and/or circumstantial evidence as to the nature of the substance;
- 2) A presumptive test (if one can be safely conducted);
- 3) Test results from the California Department of Justice (DOJ) Bureau of Forensic Services (BFS).

#### PARAPHERNALIA

An opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking a controlled will be digitally photographed and destroyed if the sole purpose to collect and store the item was to be used as evidence in the prosecution of California Health and Safety Code §11364(a) and/or §11350(a) or §11377(a). The digital photograph will be placed into evidence in lieu of the physical item.



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If the opium pipe or any device, contrivance, instrument, or paraphernalia was collected as evidence or part of any other felony crimes, the item shall be maintained in accordance with provisions as outlined in Winters Police Department Policy 801 "Property and Evidence."

## **III. PROCEDURE**

### NARCOTICS

Members shall use appropriate safety equipment and precautions when handling suspected controlled substances and not manipulate the suspected controlled substances more than reasonably necessary.

Members shall not conduct presumptive tests in the field. Members may request that a trained Community Services Officer conduct a presumptive test for controlled substances. This will be done under controlled conditions and using appropriate safety equipment and precautions.

Members shall not open, empty, or transfer the contents of any intact packaging containing suspected controlled substances. This does not apply to a trained Community Services Officer conducting a presumptive test for controlled substances as described above.

If the packaging containing suspected controlled substances is not intact, members shall package the suspected controlled substances and seal the packaging as soon as practicable.

Members shall weigh the controlled substance in the packaging and use the "approximate gross weight" of the suspected controlled substance and packaging in their report.

After obtaining the "approximate gross weight," the suspected controlled substances and packaging shall be sealed and placed into evidence in accordance to Winters Police Department Policy 801 "Property and Evidence."

In felony cases where the suspect will be held in custody at the Yolo County Jail, the suspected controlled substances will be delivered for testing to California Department of Justice (DOJ) Bureau of Forensic Services (BFS) as soon as practicable. On all other cases, the suspected controlled substances will be sent for testing per normal operating procedures.

### PARAPHERNALIA

Members shall take one or more clear digital photographs of the opium pipe or any device, contrivance, instrument, or paraphernalia and place the digital photograph(s) into evidence. Members shall utilize and include in the digital photograph an evidence ruler to provide proper scale to the item in the photograph.



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If the opium pipe or any device, contrivance, instrument, or paraphernalia contains any suspected controlled substance(s) that is also to be submitted as evidence, the substance(s) shall be safely collected and stored in accordance with the provisions as outlined in this General Order and/or Winters Police Department Policy 801 "Property and Evidence."

The opium pipe or any device, contrivance, instrument, or paraphernalia may then be safely and properly disposed. Documentation of the disposition of the item shall be made in the accompanying report.

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