INDIANA STATE POLICE
FORENSIC SERVICES DIVISION

PHYSICAL EVIDENCE

BULLETIN

DRUGS/CONTROLLED SUBSTANCES

A. GENERAL INFORMATION:

1. Only those items which are being used to file charges and for prosecution shall be submitted for analysis. The suspect names shall be indicated for each item on the Request for Laboratory Examination Form. All cases shall have the type of investigation (Dealing or Possession) clearly marked on the Request for Laboratory Examination Form. If the cause number(s) is available at the time of request, then it shall be listed on the Request for Laboratory Examination Form. If a rush is requested for the case, the cause number (s) shall be included on the Request for Laboratory Examination Form. If the Indiana State Police (ISP) Forensic Services Division (FSD) is notified of a rush case request after submission to a Regional Laboratory, the cause number is required with the request.

2. Dates of seizure shall be documented on the Request for Laboratory Examination Form for all drug cases. Due to the frequency of changes in the statutes, this is necessary for accurate reporting and analysis. Multiple seizure dates shall be listed in the Additional Information section.

3. Cases without a known suspect shall not routinely be accepted for analysis. This is not the same as cases where the legal name of the suspect is unknown. Information regarding aliases and/or nicknames (whenever obtained) is helpful for the ISP FSD to make better use of the Division's staffing resources (i.e., to reduce the likelihood that multiple Forensic Scientists would be required to testify in trials). Legal names should be provided to the FSD when known.

4. For multiple item cases, the investigating officer shall identify the probable cause item, if applicable. A probable cause item is a drug item that causes the officer to believe the person is committing a crime, which leads them to search for additional drug items. Other items in the case shall be screened to eliminate non-essential items for analysis. Items deemed questionable, non-essential, or contrary to these policies shall not be examined. If there are probable cause items, only one probable cause item per suspect shall be listed on the Request for Laboratory Examination Form. If multiple probable cause items are listed for a

suspect, the Forensic Scientist shall treat the items as if no probable cause item was submitted.

5. The description for drug items on the Request for Laboratory Examination Form should be a full description of the item but should not include estimated weights or any opinions or presumptions about the origin or identity of the item (e.g., “suspected cocaine”, “belonging to”, or “field test results”). Exceptions for the additional information should be noted in the Additional Information section, and include items suspected to contain khat, mushrooms, or Fentanyl compounds, as this information may be necessary to ensure proper storage and laboratory safety.

6. Items appearing to contain blood, urine, or other bodily fluids shall not be accepted for drug analysis.

7. Clothing shall not be submitted for drug analysis. Remove suspected material from the clothing and place it into separate, marked containers.

8. Guns or personal property should not be submitted unless examination is required by other forensic disciplines within the FSD. These items should be separated prior to submission, if possible. Paper money shall only be accepted if it contains visible drug evidence.

9. The ISP Drug Unit only performs semi-quantitative analysis on suspected cannabis plant samples. All other requests for quantitative analysis shall not be accepted.

10. The ISP Drug Unit shall not perform analysis on suspected inhalants.

11. The ISP Drug Unit shall not weigh liquid samples.

12. Any electronic cigarettes, wax item, or food product suspected to contain a cannabinoid shall only be accepted if it is the only drug item for the suspect and with approval of a Drug Unit Supervisor or Laboratory Manager. The ISP Drug Unit shall not speculate to the control status of cannabinoids and that control status shall be omitted from the Certificate of Analysis The Forensic Scientist shall not testify that any of these items are Marijuana.

13. Evidence shall be returned to the contributing agency after analysis unless otherwise noted on the Certificate of Analysis. In some instances, a small portion of the item(s) may be retained for future training of ISP Drug Unit personnel. If a portion is retained for training purposes, it shall be noted on the Certificate of Analysis. If a subitem is sent to a competent outsourcing laboratory for additional testing, the remainder of the subitem will be returned to the agency after testing.

B. PACKAGING:

1. All evidence shall be submitted in a sealed condition and in an appropriately sized container, allowing for the Forensic Scientist to appropriately mark and re-seal the evidence. It is recommended that all evidence except for plant material

be submitted in clear plastic bags. This helps ensure that the evidence description is correct. Also, this shall minimize the need to open the evidence for court purposes.

2. All evidence should be contained within an inner layer of packaging to protect the Forensic Scientists and other FSD employees. This can be double bagging of plastic bags or a plastic bag inside an outer manila envelope.

3. Evidence shall be packaged in suitable containers and bear the following information at a minimum:
    a. Submitting agency name
    b. Agency case number
    c. Agency item number

4. If the evidence is found in extraneous packaging (e.g., cloth bag, cigar box, etc.), the evidence should be packaged separately from extraneous packaging unless this poses a safety risk. Plastic bags, foil wrapping, manila envelopes, etc., are acceptable. Example: A plastic bag containing plant material is discovered in a purple cloth bag. Only the plastic bag containing the plant material should be submitted.

5. Evidence should be packaged separately to prevent cross contamination. If an item is to be submitted for both drug and fingerprint or DNA analysis, the drug evidence (e.g., powder, tablets, vegetation, etc.) and container (e.g., paper bag, plastic bag, box, etc.) should be separated prior to submission to the FSD. This separated evidence shall be packaged and submitted as individual items. Consult with a Laboratory Manager or Drug Unit Supervisor to determine if the item(s) should be separated.

6. Evidence containing potential sharps (e.g., mirrors, bottles, glass pipes, etc.) shall be packaged in puncture-resistant packaging.

7. Evidence containing liquids shall be packaged to minimize the risk of breakage and leakage.

8. Biohazard Items – Any item found in, or is suspected to have been in, direct contact with a human body cavity or near the vicinity of a body cavity, shall be placed in a new, clean inner package and marked with a biohazard label. Any item that is, or is suspected to have been, in contact with any bodily fluid, shall be marked with a biohazard label.

9. Food products suspected to contain a controlled substance shall require Drug Unit Supervisor approval for submission. Food products should be stored and packaged in a way that prevents mold growth, e.g., baked goods packaged in paper bags and baby bottles stored in the refrigerator. There may be some instances where due to the matrix or suspected contents of the sample, they will not qualify for examination by the Drug Unit.

C. PHARMACEUTICAL PREPARATIONS:

1. Drug diversion-type cases, factory sealed, tamper-proof, or sealed blister-pack type items shall not routinely be accepted for analysis. Indiana case law (Reemer v. State of Indiana) does not require analysis of manufacturer sealed and labeled packaging. If required, these items shall be examined only by using a reference identification. No confirmatory testing shall be performed.

2. Mixtures of pharmaceutical tablets and/or capsules with different markings and/or colors shall be physically separated by the contributor prior to submission for analysis, and individually described on the Request for Laboratory Examination Form and/or Property Record and Receipt. The number of tablets in these items should be counted by the contributor prior to submission for analysis, if practical.

3. When marked pharmaceutical tablets or capsules containing the same active ingredient are present in multiple items of a case, then only one exhibit containing these items shall be analyzed, unless multiple buys are involved or are required to satisfy the statutory weight requirements. A reference identification may be performed in lieu of full analysis for these items.

4. Marked pharmaceutical tablets and capsules consistent with containing only non-controlled drugs (e.g., over the counter or prescription preparations) shall not be analyzed. Exceptions may include:

    a. If Legend Drug charges are filed, these items can be accepted for a reference identification only and a report shall be generated with the reference information. If a need arises for confirmation, these items can be re-submitted for analysis; however, the FSD does not have an exhaustive inventory of reference materials that may be required for confirmation of identity. Reference materials may not be commercially available for comparison. There are also instrumental limitations that may prevent confirmation. The type of investigation shall be clearly indicated on the Request for Laboratory Examination Form in the Additional Information section. If the request is not clear, reference indications shall be used, and no confirmatory testing shall be performed.

    b. Precursors, such as Pseudoephedrine or Ephedrine tablets in clandestine laboratory investigations.

    c. Dealing cases involving look-a-like substances, dealing in a counterfeit substance, or dealing in a substance represented to be a controlled substance.

5. Items consisting of marked pharmaceutical tablets or capsules in a prescription bottle for that drug with the bottle marked with the defendant’s name shall not be analyzed.

    a. Exceptions include dealing or tampering cases and death investigations (recommendation - items be submitted to toxicology with body fluid samples); and

b. The appropriate type of investigation shall be clearly indicated on the Request for Laboratory Examination Form in the Additional Information section.

6. Manufacturer sealed bottles and vials containing liquids labeled to contain steroids shall be accepted for analysis.

D. ILLICIT TABLETS AND CAPSULES:

1. Mixtures of illicit tablets and/or capsules (e.g., Ecstasy type tablets) with different markings and/or colors do not need to be separated if found together. The number of tablets in these items should be counted by the contributor prior to submission for analysis, if practical.

2. Due to the complexity and size of illicit tablet and/or capsule cases, items may be selectively sampled for case management and prioritization purposes.

E. PLANT MATERIAL:

1. Plant material for the purpose of this section shall include substances of plant and fungal origin typically received by the FSD. This includes, but is not limited to, marijuana/hemp, synthetic drug plant material, mushrooms, khat, and peyote.

2. Only items necessary to meet statutory weight thresholds shall be analyzed. The Forensic Scientist may withdraw the examination of multiple items of plant material if no additional statutory weight thresholds shall be met by the analysis of additional items.

3. All plant material must be dried, with the exception of fresh khat, before placing in suitable container(s) for storage and submission to the FSD to allow for proper analysis.

    a. It is the investigating officer's/contributor's responsibility to dry fresh or wet plant material before laboratory submission.

    b. Plant material not properly dried or having the presence of mold shall not be accepted for analysis by the FSD.

    c. As a **precautionary recommendation** to ensure the viability of plant material for use in evidentiary needs, plant material should be packaged in a paper container (e.g., envelope, bag, box, etc.). Plastic bags are not recommended for fresh, or green plant materials as they encourage the formation of mold or in many cases cause decomposition, prevent identification, and present safety and health hazards. If mold is present at the time of analysis, the Forensic Scientist may not fully examine the plant material.

    d. Water shall be removed from water pipes prior to laboratory submission.

    e. Plant material samples should be stored in dry storage at room temperature with the exception of fresh khat samples, which should be refrigerated prior to laboratory analysis. After laboratory analysis, fresh khat samples can be stored in dry storage at room temperature.

f. If questions arise about the possible identity of a plant sample, please contact a Laboratory Manager or a Drug Unit Supervisor for storage recommendations.

4. When the evidence consists of large quantities of marijuana plants, the plants should be photographed, and the leaf material stripped from plants may be submitted for laboratory analysis after drying.
   a. It is the contributor's responsibility to strip plant leaf material from the stalks.
   b. When an item is a large quantity of material, (e.g., over 50 pounds of marijuana) random samples should be removed and submitted to the FSD.
   c. Sample size submitted should exceed the amount required to meet statutory weight thresholds of the charges filed but shall not overly exceed the highest weight threshold (e.g., submit 12 pounds of a seizure, but not all 50 pounds).
5. Plant material that is microscopically consistent with marijuana and weighs less than 0.20 gram shall not be analyzed. These samples do not qualify for semi-quantitative and/or quantitative analyses.
6. Plant material that is coated in a powder or wax material may not qualify for semi-quantitative analysis.
7. Items containing seeds with no visible vegetation shall not be analyzed.
8. Items containing only mushroom spores shall not be analyzed.

F. PARAPHERNALIA AND RESIDUES:

1. Paraphernalia including, but not limited to, mirrors, foil, spoons, bottle caps, cigarette butts, residues, and pipes shall not be accepted for analysis, except when this is the only evidence in the case or is needed for probable cause. Additional paraphernalia items that do not meet these criteria shall be administratively withdrawn and no analysis shall be performed.
   a. The use of tape lifts is not a good method of collecting drug evidence and shall not be accepted for analysis.
   b. The use of swabs is not a good method of collecting drug evidence and shall not be accepted.
   c. Currency that contains no visible residue shall not be examined and the examination shall be administratively withdrawn by the Forensic Scientist.
   d. Potential sharps (e.g., razor blades, knives, etc.) shall not be accepted.
2. Used syringes, with or without needles, are potential sources for transmission of infectious disease such as hepatitis and AIDS. Further, the presence of bodily fluids in drug samples may cause rapid decomposition of the drugs present in the sample and may be unsuitable for analysis by the ISP Drug Unit. In all situations, syringes with or without needles, injection pens, and other medical devices with a needle shall not be accepted for analysis. A solvent wash or rinse of a syringe shall not be routinely submitted. The only exception is dealing resulting in death

charges (see Section G below). Syringe contents from a loaded syringe require approval prior to submission. If approved, the contents shall be packaged in a clear vial in a plastic bag. It shall be noted in the Additional Information section that the liquid is from a syringe. If no liquid is present at the time of analysis, the item may be withdrawn by the Forensic Scientist.

3. Electronic cigarettes contain an oil that is vaporized using a heat source. The presence of this heat source can create a fire hazard in the FSD. Prior to submission, the oil cartridge of an electronic cigarette should be removed and submitted without the electronic cigarette. If the cartridge cannot be removed, then the heat source of the electronic cigarette (e.g., battery) shall be removed. The submitting officer also has the option to remove the oil from the cartridge and submit the oil in another appropriate container. Only one electronic cigarette cartridge per suspect shall be submitted.

G. DEALING RESULTING IN DEATH:

1. A suspect shall be established before submission of evidence for the case.

2. Multiple residue items can be submitted with approval prior to submission from a Drug Unit Supervisor or Laboratory Manager.

3. Syringes shall not be submitted for analysis.

   a. A solvent wash of a syringe, or syringe contents, can be submitted.

   b. Water shall not be used as the solvent.

   c. Alcohol-based solvents such as Methanol or Isopropyl Alcohol are preferred.

   d. Items appearing to contain blood, urine, or other bodily fluids shall not be accepted for drug analysis.

4. The ISP Drug Unit cannot speculate to the source of a substance or relationship between two substances. They can only testify to the contents of the items.

H. AGGREGATE WEIGHT CASES:

1. For aggregate weight limits to be considered, all items/cases seized within the 90 -day timeframe shall be submitted at the same time.

2. If aggregate weight charges are being considered, this shall be noted in the “Additional Information” box on the Request for Laboratory Examination Form.

3. Proof of aggregate weight charges filed under Indiana Criminal Code 35-48-4-1 are expected at the time of submission. Cause number with aggregate weight charges clearly listed or a letter from the prosecutor including the case numbers of all cases seized within the 90-day timeframe shall be required before analysis begins.

I. EVIDENCE SCREENING:

1. A Laboratory Manager, a Drug Unit Supervisor, or designees, can authorize exceptions with sufficient justification. Exceptions should be relevant to the investigation and critical to the prosecution of the drug case. The FSD person authorizing the exception should make a note on the Request for Laboratory Examination Form, or in the Synopsis field in the Case Info tab in the Laboratory Information Management System (LIMS). If a Forensic Scientist makes an exception at the time of analysis, then details of the exception should be noted on the worksheet or Request for Laboratory Examination Form.

2. Forensic Scientists in the ISP Drug Unit have the authority to screen evidence at the time of submission and/or analysis, determine which items meet these guidelines, and administratively withdraw items. If a Forensic Scientist administratively withdraws an item based on these guidelines, they shall only reference the PEB number. Any additional questions about the withdrawal shall be directed to the Forensic Scientist or Drug Unit Supervisor.

3. All questions pertaining to submission of drug evidence should be clarified prior to submission. Questionable items shall not be accepted for analysis by the FSD and shall be returned to the submitting agency without examination. Examination requests for items deemed to be contrary to these policies shall be administratively withdrawn and the evidence returned to the submitting agency.

4. In order to submit more than five (5) items for a single case, the investigating officer shall consult with a Laboratory Manager, a Drug Unit Supervisor, or designees, for approval prior to submission.

J. RE-EXAMINATION:

The ISP FSD does not routinely examine materials which have been previously examined by our laboratory or another laboratory system. Re-examination requests shall be made in writing to a Laboratory Manager by the submitting agency with an endorsement by the prosecuting attorney having jurisdiction in the case. Due to the complexity of re-examination cases, these requests are not available on a rush basis.

K. RUSH CASE REQUESTS:

1. Requests for expedited analysis should be an infrequent request. Cases may not be eligible for a rush request due to the nature and number of items submitted, Forensic Scientist availability, analytical complications, and statutory requirements. A minimum of 30-day notice is required for all rush drug analysis requests.

2. Cases with 100 or more tablets/containers across one or more items require 60-day notice and a Drug Unit Supervisor approval. If the ISP Drug Unit is not able to complete the case within the requested timeframe, a Drug Unit Supervisor may deem the case ineligible for rush case request. The Drug Unit Supervisor will contact the contributor and the prosecutor.

L. CASE PRIORITIZATION:

1. General factors to consider when prioritizing cases include court dates, multi-discipline requests, submission date, and age of case.

2. The type and quantity of sample submitted shall be considered (e.g., powder suspected to contain a schedule I or II controlled substance may be given higher priority than plant material and residues).

3. If a controlled substance (other than marijuana) is identified in one item in the case, any plant material (not including mushrooms), residue, wax, food products, or electronic cigarettes submitted for analysis may be withdrawn by the Forensic Scientist.

M. EVIDENCE DESTRUCTION:

The ISP FSD is responsible for the security of all controlled substances and destruction of only State Police cases in its possession. Evidence from outside agencies shall not be stored for destruction.

Controlled substances submitted for analysis shall be retained by the Laboratory Division during analysis only. When the analysis is complete the evidence shall be returned to the submitting agency as soon as possible.

N. CONTACT INFORMATION:

For further information on handling of controlled substances contact your nearest ISP Regional Laboratory. The telephone numbers of the ISP Regional Laboratories are:

Evansville	812-867-3157	800-852-3970
Fort Wayne	260-436-7522	800-552-0976
Indianapolis	317-921-5300	866-855-2840
Lowell	219-696-1835	877-874-0009

HAZARDS ASSOCIATED WITH USED SYRINGES

1. Used syringes with needles are often from suspected IV (intravenous) drug abusers.

2. IV drug abusers are in the high-risk group for AIDS, Hepatitis B, and Hepatitis C.

3. Needle sticks frequently occur while handling and storing syringes with needles.

4. The Center for Disease Control (CDC) has confirmed the infection with AIDS and Hepatitis of laboratory workers from a single needle stick incident.

5. Handling procedures must comply with Indiana Occupational Safety and Health Administration's (IOSHA) Bloodborne Pathogens Regulation.

6. IOSHA required handling procedures for syringes includes:
   a. Syringe needles shall not be recapped.
   b. Syringes shall be stored and discarded only in puncture resistant containers.
   c. Shearing or breaking of needles is prohibited.
   d. The use of Universal Precautions is required.
   e. Loose detached needles and uncapped syringes shall not be thrown away in ordinary trash but shall be placed in puncture resistant containers for disposal with infectious waste.
   f. Disposable plastic gloves shall be worn while handling used syringes, and immediately thrown away after use in a container for disposal with infectious waste.
   g. Hands shall be thoroughly washed with soap and water after handling a used syringe and/or removal of gloves.

7. A solvent wash of the syringe or the liquid contents from the syringe should be stored in a leak proof container and packaged to minimize breakage.