



Chapter: Property, Evidence, and Forfeiture
Subject: 12-11 – Disposition of Controlled Substances
Effective: April 19, 2022
Supersedes: Official Order 62, Section 62.3.8, dated October 27, 2020
Distribution: Department Members

PURPOSE: This Order establishes department policy related to disposition of controlled substances.

12-11-1 CONTROLLED SUBSTANCES

- A. Evidence being held for a violation of the Controlled Substances Article of the Public Health Code, when the violation is adjudicated under Section 7411 of the Act, shall be disposed of as follows:
 - (1) When the subject is placed on probation by order of the district court, the evidence shall be held for 21 days before it may be destroyed.
 - (2) When the subject is placed on probation by order of the circuit court, the evidence may be destroyed after 42 days with authorization of the court. If authorization cannot be obtained from the court, the evidence shall be held until completion of the probationary period before it may be destroyed.
- B. Controlled substances may be destroyed by either the work unit or a laboratory using the following criteria:
 - (1) Destruction of controlled substances by a laboratory shall be handled according to written directive related to disposition at a laboratory.
 - (2) Any evidence package containing a controlled substance which appears to have been reopened or otherwise tampered with after laboratory analysis shall be returned to the laboratory for re-analysis prior to destruction.
 - (3) A work unit commander, or an officer designated by the work unit commander, may destroy controlled substances when witnessed by a Lieutenant 14 or above from another work unit.

In addition to the procedures established above, marijuana may be destroyed at the work unit level if witnessed by a commissioned officer designated by the district/division commander. Designees may be authorized only on a case-by-case basis and such authorization shall not convey continuing or blanket approval.

- (4) The examining laboratory shall retain any substance submitted for analysis which may be considered hazardous and not suitable for local destruction.

- (5) Marijuana seized pursuant to the DCESP – Domestic Cannabis Eradication Suppression Program may be destroyed at the time of seizure if witnessed by a Lieutenant 14 or above. Prior to destruction, the local prosecutor shall be consulted concerning evidentiary value of the plants.
- (6) Proper incineration is an acceptable method of destroying controlled substances. In all cases, members shall be mindful of the regulations of the Environmental Protection Agency and Department of Natural Resources when dealing with inordinate quantities of controlled substances.
- (7) Samples for Canine Training
 - a. Worksites or undercover narcotics units may dispose of seized controlled substances by turning them over to the Canine Unit to serve as training samples.
 - b. The worksite or undercover narcotics unit shall show the controlled substance as turned over to the Canine Unit in its property report.

DIRECTOR

Annual Review Responsibility: Field Operations Bureau

Accreditation Standards: CALEA 84.1.4 and 84.1.7