

Custodial Operations Policy and Procedures

13.11 Discovery and disposal of drugs (Under review)

Under review

This policy and its associated procedures are under executive review.

Until the review is complete, correctional centres are to manage the discovery and disposal of drugs as per the Operations and Procedures Manual (OPM), section 13.11 Discovery and Disposal of Suspected Prohibited Substances, which has been included **below** for reference.

Centre management in Rapid Build correctional centres and others under Benchmarked operations must ensure that all responsibilities have been allocated to meet operational needs in Local Operating Procedures (LOPs).

For Security & Intelligence (S&I) staff, this policy must be read in conjunction with S&I Local Operating Procedures (LOPs).

For any enquiries in relation to this policy please contact Custodial Operations on: COPP@dcj.nsw.gov.au



SECTION 13.11 DISCOVERY & DISPOSAL OF SUSPECTED PROHIBITED SUBSTANCES

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13.11 DISCOVERY AND DISPOSAL OF SUSPECTED PROHIBITED SUBSTANCES

13.11.1 SUMMARY PAGE

Summary

Policy Overview	This policy sets out the processes to be followed upon the discovery of a suspected prohibited substance. The policy applies whether the suspected prohibited substance is discovered within a correctional centre, on a correctional complex or on a person. Police must be informed when a suspected prohibited substance is found. If police do not take possession of the substance, it must be destroyed as soon as possible. Two or more senior officers must witness the destruction. In addition, adequate measures must be in place to ensure continuity of evidence.
Purpose	The purpose of this policy is: <ul style="list-style-type: none"> to reduce the risk of suspected prohibited substances being misplaced, lost, or stolen until they are given to the police or destroyed to equip all Corrective Services NSW staff who discover a suspected prohibited substance with the knowledge and skills to report, manage and dispose of it safely.
Scope	This policy applies to all staff in all correctional centres, transitional centres and police/court cells.
Strategic Focus	<ul style="list-style-type: none"> State Priorities - NSW Making it Happen Department of Justice Strategic Plan Corrective Services NSW Business Plan
Legislation	<ul style="list-style-type: none"> Crimes (Administration of Sentences) Act 1999 Crimes (Administration of Sentences) Regulations 2014
COPP Related Policies and Documents	<p>COPP</p> <ul style="list-style-type: none"> 13.1 Serious incident reporting 13.8 Crime scene preservation

Acronyms

CSNSW	Corrective Services NSW
GM	General Manager
IRM	Incident Reporting Module

Definitions

Correctional	For the purposes of this policy, correctional centre refers to
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Centre	all places of detention including correctional centres, transitional centres, and police/court cell complexes
Evidence	May be defined as any statement, record, testimony or other things, apart from legal submissions, which tends to prove the existence of a fact in issue.
General Manager	Is a person appointed to manage a correctional centre, or a cluster of correctional centres, or other places of detention.
Manager Security	Is the person appointed to oversee the custodial and security operations of a correctional centre. This person exercises the General Manager's delegations and responsibilities in the General Manager's absence.

13.11.2 POLICY STATEMENT

When a suspected prohibited substance is found in a correctional centre or on a person, the substance must be confiscated, handled and treated for the time being as if it were a prohibited drug.

The place where the substance was found must be treated as a potential crime scene. Adequate controls must be adopted to maintain continuity of evidence until it is given to the police or destroyed. The Corrective Services NSW (CSNSW) policy for managing a crime scene is set out in COPP section 13.8 Crime scene preservation.

Irrespective of the amount or type of substance found, the police must be informed as soon as possible. The discovery must also be recorded on the *Incident Reporting Module* (IRM) refer to COPP section 13.1 Serious incident reporting.

CSNSW staff who make or witness the discovery must write an independent incident report. These reports are separate from, and in addition to, recording the incident on the IRM.

If NSW Police decline to take possession of the substance, senior CSNSW officers will destroy it.

13.11.3 PROCEDURES

13.11.3.1 Discovery of a suspected prohibited substance

The discovering officer must:

- immediately inform another CSNSW employee or a police officer, if one is present, of the discovery
- treat the area as a potential crime scene
- call for a video or still camera to be brought to the location and record the suspected prohibited substance in-situ. If a camera is not available, take written notes of the position and location, and a description of the substance.
- inform the most senior manager on duty
- notify the police

- take charge of the substance until given it to the most senior officer on duty or a police officer
- in the company of the most senior officer on duty or a police officer, weigh the substance, write a description of it, place it in an exhibit bag, and record the details in the *Exhibit Register*.

13.11.3.2 Treat the place of discovery as a crime scene

The place where the substance was found must be treated as a potential crime scene. It must continue to be managed as a crime scene until the police investigate or decline to take further action. If there is any doubt about whether an area should or can be treated as a crime scene, the most senior officer on duty will make the decision.

13.11.3.3 Secure the evidence

The exhibit's weight and register number must be entered in the IRM incident log.

Each correctional centre must have a secure area to store the substance until the police collect it or it is destroyed. Access to the secure area must be restricted, with adequate controls in place to prevent unauthorised access.

13.11.3.4 Record the discovery on the Incident Reporting Module

As soon as possible the discovery must be recorded on the IRM.

A description of the substance, along with its weight and exhibit register entry number must be entered in the IRM event log.

The policy and procedure for using the IRM is set out in COPP section 13.1 Serious incident reporting.

This instruction to record the discovery on the IRM does not replace the need for separate incident reports from those who found the substance or witnessed its discovery.

13.11.3.5 Notify police

When a substance is found it must be reported to the local police as soon as possible. The date and time of the call must be recorded, along with the name of the police officer to whom it was reported. This information is to be entered in the IRM event log. If the police attend and take the substance, then the police must sign the *Exhibit Register*.

If the police do not take the substance, that fact, and their name and station, must be recorded in the IRM event log. To comply with clause 126(1) of the *Crimes (Administration of Sentences) Regulation 2014*, the General Manager (GM) must then order the substance's confiscation. The GM can delegate this authority to another officer, but the delegation should be in writing.

The substance must be kept in a secure place with controlled access until it is destroyed.

13.11.4 DESTRUCTION OF THE SUBSTANCE

Under delegation, the Assistant Commissioner Security and Intelligence has directed that if police do not take possession of the substance, it must be destroyed as soon as possible (clause 126 (2) *Crimes (Administration of Sentences) Regulation 2014*).

The substance must be destroyed in the presence of the GM or Manager Security and at least one of the following officers:

- Manager Offender Services and Programs
- Manager of Industries
- a commissioned correctional officer.

The officers must observe the destruction and attest to that fact in the *Exhibit Register* and the officers' journals. The destruction must also be recorded in the event log of the IRM report.

13.11.4.1 Method of destruction

The method of destruction will be decided by the GM. The method may vary depending upon the facilities available at the correctional centre and the form of the substance eg. tablet, powder, liquid or vegetable matter.

Whatever method of destruction is used, it must be permanent and complete. It must not allow the substance or any portion of it to be recovered. It must be disposed of in a way that cannot adversely affect anyone's health or safety.

13.11.5 DOCUMENT HISTORY

Version	Date	Reference
1.0	February 2013	Policy revised as a consequence of Crown Solicitor's advice (see ACCC 2013/06)
1.1	February 2016	Reformatting and general update of legislation and reporting responsibilities