

**I. PURPOSE**

To provide guidelines for securing, processing, and destroying controlled substances or evidence.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office that controlled substances or items of evidence will be handled in accordance with accepted law enforcement practices. Procedures to ensure proper collection, marking, packaging, storage, and disposition of evidentiary property is outlined in [SOP 521 - Evidence/Property Control](#).

**III. PROCEDURE**

A. When the decision has been made by a deputy to make a lawful arrest involving controlled substances, the following procedures must be followed:

1. The evidence will be taken into possession.
2. The subject must be advised that he/she is being arrested and evidence incident to the arrest is in the possession of the deputy. The person must be shown what has been seized.
3. Prior to questioning the subject, the deputy shall advise him/her of their Miranda rights.
4. Suspected drugs may be tested with an appropriate field test kit.
5. An Evidence/Property Storage Report and receipt must be completed.
6. A CCH (criminal history) will be obtained on the subject being charged and presented to the magistrate when obtaining a warrant.
7. A warrant will be obtained from the nearest Magistrate.
8. The warrant will be verified for accuracy and then served in person to the subject being arrested.
9. The subject will be fingerprinted and processed.
10. An Incident Report will be completed describing the incident in detail.
11. The seized substance will be packaged and stored in the vault unless it is taken directly to the Virginia Department of Forensic Science Lab for analysis, or presented as evidence in the criminal case.
  - a. The clear Univault Evidence Bag will be used as follows:
    - 1) Fill out the front of the clear evidence bag in its entirety to include the top receipt portion
    - 2) Place the seized substance inside the bag (do not include the field test kit as this contains acids). When naming drugs under "Description" the word "Suspected" should be used, and when listing amounts, the word "Approximately" should be used.

- 3) Place a small note inside the bag in case of damage to the actual envelope or the scripture on the outside.
    - a) The deputy's name and EIN.
    - b) The suspect's name.
    - c) The time and date substance was seized.
    - d) What the substance is suspected of being.
  - 4) Secure the contents of the evidence bag by following the directions provided on the bag.
  - 5) The deputy who secures the contents and obtained the warrant shall tear off the top portion of the bag marked "Receipt". This receipt shall be kept by the deputy and is required to check the evidence out of the vault, until final disposition of the case. The receipt will be kept by the arresting deputy along with a copy of the Sheriffs Incident Report.
12. It is the responsibility of the deputy who seized the evidence to take it to the lab as soon as possible. Properly and completely fill out the Division of Forensics Science, Request for Laboratory Examination Form for all "Suspected" drugs the deputy is requesting verification on. A receipt must be kept after the substance is turned over to the State Lab and their personnel must sign off to preserve the chain of custody.
  13. The evidence must be kept under control of the arresting deputy until it is placed in the evidence safe. All forms will be completed and the evidence secured in the evidence safe prior to the completion of the deputy's tour of duty.
  14. When analysis of the evidence is completed at the lab it must be picked up as soon as possible.
    - a. After the evidence is again in the possession of the deputy, it must be returned to the evidence safe as soon as possible.
    - b. A receipt must again be obtained from the Primary or Secondary Evidence Custodian.
    - c. A return analysis sheet must be filed with the Clerk of the Court seven (7) days prior to the court date. Failure to file will be grounds for dismissal of the case.
  15. If the Univault Evidence Bag needs to be breached for official business (i.e. lab examination, court appearances, etc.) it shall be resealed with evidence tape and dated and initialed (with EIN) by the person opening and resealing. If the bag becomes too worn or destroyed, then as a last resort place the original bag into a new bag and again completely fill out the front of the new bag. Keeping the old bag will accurately preserve the chain of custody that has been logged on the prior bag.
  16. After the court case is completed and the evidence is no longer needed, it must be returned to the evidence safe.
    - a. The deputy will provide court documentation and their original receipt to the Primary or Secondary Evidence Custodian upon completion of the court case.

**FAIRFAX COUNTY SHERIFF'S OFFICE  
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 511  
SUBJECT: HANDLING OF CONTROLLED  
SUBSTANCES**

The Primary or Secondary Evidence Custodian will mark "DESTROY" across the envelope in red and date and initial the envelope.

- B. When a discretionary decision is made that an amount of a controlled substance found does not warrant the filing of a criminal charge, or a substance is found without a suspect, a field test may be conducted in order to determine its chemical properties. If a field test is conducted, the field test sample along with the rest of the material tested shall be sealed in the Univault Evidence Bag.
1. Procedures for filling out information will be the same as when placing a subject under arrest to include completing a Sheriffs Incident Report.
  2. Procedures for securing the evidence will be the same as when placing a subject under arrest.
  3. Procedures for the destruction of the evidence will be the same as when placing a subject under arrest.
  4. Evidence will usually be held for sixty days, unless otherwise dictated by a court order.
  5. Evidence seized only for destruction will not be submitted to the lab for analysis.
  6. An Evidence/Property Storage Report and receipt will be completed.
- C. At no time, will any member of the Sheriff's Office take into their possession a narcotic or controlled substance, or dispose of it in any other fashion than described in this Standard Operating Procedure.
- D. Temporary Storage
1. All procedures for storage of evidentiary property are outlined in [SOP 521 - Evidence/Property Control](#).
  2. No evidence will be stored in the deputy's wall locker, vehicle, or taken home. When not being processed or in court, the evidence will be in the control of the Primary or Secondary Evidence Custodian.
- E. Evidence, other than controlled substances, may be secured where only the deputy making the seizure has access until it can be placed in the evidence safe.
- F. The Chief of Confinement is responsible for the operation and security of the evidence safe. The Chief of Confinement or designee alone will have access to evidence in the safe and will conduct routine inspections of the evidence safe to ensure all documentation is correct.



**STACEY A. KINCAID  
SHERIFF**

**03/17/00**

**DATE APPROVED**

**08/31/18**

**EFFECTIVE DATE**

**Revised: March 2005, December 2005, August 2018**