



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

760 - CONTROLLED SUBSTANCES

GENERAL ORDER: 2023-51
ISSUED: October 11, 2023

EFFECTIVE: October 11, 2023

REVIEWED/APPROVED BY:
Assistant Chief Paul Formolo
DATE: April 30, 2023

ACTION: Amends General Order 2023-03 (January 5, 2023)

WILEAG STANDARD(S): 6.5.1, 11.2.1

760.00 PURPOSE

The purpose of this standard operating procedure is to identify the department's procedures regarding controlled substance investigations, arrests, and the inventorying of controlled substances or paraphernalia.

760.05 DEFINITIONS (WILEAG 6.5.1)

A. CONTROLLED SUBSTANCE

A drug, substance or immediate precursor included in Schedules I to V in subchapter II [[Wis. Stat. § 961.01\(4\)](#)].

1. Substances that have the appearance of a controlled substance but test "negative" shall be inventoried as controlled substances.
2. All prescription medications, scheduled or un-scheduled and "unknown" substances shall be inventoried as controlled substances.

B. RESIDUE

Minute traces of a controlled substance.

C. DRUG PARAPHERNALIA

Equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of [Wis. Stat. § 961](#).

760.10 CONTROLLED SUBSTANCES TESTING (WILEAG 11.2.1)

- A. Commanders of work locations tasked with the testing of suspected controlled substances shall provide adequate workspace for drug testing.
- B. Only department personnel trained in the use of the Narcotics Pouch Test (NPT) are

authorized to test for controlled substances using the narcotics pouch. Commanders shall ensure their work location is stocked with narcotic testing pouches. The Printing and Stores Section shall be contacted for additional pouches as needed.

- C. Drug testing areas shall be equipped with an electronic scale, which shall remain inside the work location's testing hood.
- D. A "drug safe" shall be located in all district stations, and kept in a secure location, as determined by the commanding officer. [REDACTED]
[REDACTED]
- E. Large quantities of seized controlled substances that cannot fit into the drug safe shall be stored within the work location's secure property room until picked up by Property Control. For excessively large item(s) that pose a storage problem or concern, Property Control should be contacted for guidance.
(WILEAG 11.2.1.5)
- F. All items listed on a narcotics inventory shall be sealed within one security envelope or box, if the item(s) do not fit in an envelope. Commanders shall ensure that a sign out log is used to record the name of the officer using the security envelope. Any voided security envelopes shall be recorded as such and deposited in the district "drug safe."
- G. Commanders shall ensure that adequate security envelopes are available. The Printing and Stores Section shall be contacted to obtain additional security envelopes when needed.

760.12 CONTROLLED SUBSTANCES TESTING SAFETY

The department recognizes the inherent dangers associated with controlled substances investigations, especially as it pertains to the handling of opioids. The safety of department members is of the utmost importance while testing and inventorying controlled substances. Members shall follow the below listed guidelines to help with the mitigation of these dangers.

A. TESTING HOODS

1. All work locations tasked with the testing of suspected controlled substance shall be equipped with a testing hood.
2. Only members of the department who are properly trained in the use of the Isola Mystaire Testing Hood shall operate the hood and test any substance within it.
3. Because of the high risk of exposure, field testing of any suspected controlled substance is prohibited. All testing, regardless of the type of suspected controlled substance, shall be conducted under the designated testing hoods.
4. Each work location testing room shall be equipped with a *Controlled Substances Testing Hood Operation Manual* for referral when operating the testing hood.

5. The “buddy system” shall always be used when testing suspected controlled substances, regardless of the type or quantity. Two members shall be present, one to test and one to witness.
6. The Isola Mystaire Testing Hood is made of polycarbonate and is clear on all sides which allows for the witness officer to view the controlled substances testing in progress. This serves an evidentiary and a safety need.
7. The witness officer shall remain outside of the testing room or at least six feet away from the hood while testing is occurring. A Naloxone kit shall be kept within the testing room in the event of an opioid exposure.
8. The witness officer shall observe the testing process and monitor the testing officer for signs of exposure.

B. EXPOSURE SAFETY

1. Fentanyl, carfentanil, and other new and emerging potent synthetic drugs may pose a risk to members who may come into contact with these controlled substances or individuals who are taking them.
2. Due to recent trends in which the presence of fentanyl has been found in other forms of controlled substances (marijuana, cocaine, heroin, pills) members should treat all controlled substances as if they contain fentanyl.
3. When members arrive at any scene, they should analyze the incident, assess the risk for hazards, and determine if fentanyl or any fentanyl analog are suspected to be present.
4. To protect themselves against potential exposure, members should carry and utilize Nitrile gloves when touching any surface or item which may be contaminated with suspected fentanyl.
5. Members should wear Nitrile gloves and be especially cautious when conducting custodial searches of individuals as the potential for exposure is high in these situations.
6. Any recovered controlled substances, regardless of kind or amount, should be carefully placed in a zip-lock bag and sealed without dispelling any air out of the top of the bag preventing any substance within to become airborne. Members should then carefully transport the sealed bag to their work location for testing.
7. Any member who reasonably believes based on intelligence, investigation, or mitigating circumstances that an extensive amount of fentanyl is present at a scene, should leave the immediate area the substance is in and notify their shift commander who will contact the HIDTA for guidance and instruction.

8. Exposure to fentanyl and its analogs may occur through:
 - a. Inhalation through mouth;
 - b. Skin contact;
 - c. Absorption through the eye;
 - d. Ingestion (e.g. touching mouth with contaminated hands).
9. Do not touch the eyes, mouth, and nose after touching any surface potentially contaminated with fentanyl.
10. Do not eat, drink, or use the restroom while working in an area with known or suspected fentanyl.
11. Do not open any package or container in the field that may contain suspected fentanyl. This should only be done in a controlled environment under a Isola Mystaire Testing Hood.
12. Avoid performing tasks or operations at the scene that may cause the suspected fentanyl to become airborne.
13. Immediately wash hands with soap and water after any potential exposure and after leaving a scene where fentanyl is known or suspected to be present to avoid exposure and cross contamination.
14. Do not use alcohol based hand sanitizing wipes or solutions or bleach solutions to clean potentially contaminated skin. Alcohol based disinfecting wipes, alcohol based solutions, and bleach based products shall never be used while handling or testing suspected controlled substances as they will increase the absorption rate of any narcotic that comes in contact with skin.
15. Symptoms of opioid exposure include respiratory distress, drowsiness, dizziness, nausea, vomiting, and reduced level of consciousness.
16. If any of these signs are observed or felt by a member, Naloxone should be immediately administered and emergency medical services contacted.

C. PERSONAL PROTECTIVE EQUIPMENT (PPE)

1. Commanders shall ensure the following PPE (personal protective equipment), which can be ordered through Printing and Stores, is present in each testing room and is in use by its members:
 - a. Nitrile Gloves;
 - b. Safety Glasses;

- c. N-95 Respirator Masks;
 - d. Safety Gowns.
2. Each testing room will be equipped with a *Controlled Substances Testing PPE Manual*, which shall be followed when donning and doffing all PPE.

D. HOOD OPERATION

1. The hood has a front drop down sash door that can be lifted and hooked in the upward position. The sash can be lifted to allow more room for evidence to be placed inside the vent hood, but must be lowered before turning the hood on or before any testing is conducted.
2. To conduct a test, members shall follow the following steps:
 - a. Wear all PPE (gloves, glasses, mask, gown) during testing and packaging.
 - b. Place the sample in its original packaging under the hood and lower the sash before the unit is turned on or any testing is done.
 - c. Press the "Turn Light On" button on the digital LED screen.
 - d. Press the "Start Blower" button on the digital LED screen and wait about 30 seconds to allow the air to balance under the hood.
 - e. The LED panel will increase from 0 LFMs to 130 LFMs and then decrease to 80 LFMs.
 - f. Calibrate/Zero out the electronic scale when the hood is turned on.
 - g. Conduct the presumptive drug testing using the department approved test.
 - h. Change gloves carefully as needed, but do not let the gloves snap while putting them on or removing them. This will help to ensure that any substance on the gloves will not become airborne.
 - i. During the testing process, do not leave the room with PPE on that has touched any controlled substances unless it an emergency. Remove the PPE as instructed in the *Controlled Substances Testing PPE Manual*.

E. CONTROLLED SUBSTANCES PACKAGING

1. Package the evidence under the hood.
2. Controlled substances shall be inventoried by placing the substances in a secured paper fold, a sealed zip-lock bag, and the appropriately sized security envelope (form PE-14S or M). If small items of paraphernalia are involved, they may also be placed into the security envelope along with the controlled substances. The

narcotics envelope shall then be sealed inside a clear plastic zip-lock or heat sealed bag that allows for the ability to read the narcotics envelope.

3. If fentanyl or any fentanyl analog is present, package the material in a sealed zip-lock bag and then seal it in the appropriate sized drug envelope. The narcotics envelope shall then be sealed inside a clear plastic zip-lock or heat sealed bag that allows for the ability to read the narcotics envelope. On the security envelope under "Drug Type", write in red ink, 'Suspected Fentanyl'.
4. Any drug paraphernalia that does not contain residue shall be inventoried and stored in the general storage area of a district station or Property Control Division. If the controlled substances exceed the capacity of the security envelope, the substance may be packaged in the larger envelopes (form PE-14M) or telescoping boxes provided for packaging controlled substances. If the security envelope is numbered, the number shall be entered on the inventory report above the inventory report number.
5. The member testing the controlled substance and a witness shall place his or her signature on the security envelope or box after the envelope has been sealed. After the inventory report has been approved by a supervisor, the security envelope, as well as the inventory, shall then be placed in the work location drug safe. No other location may be used to store controlled substances except as outlined in 760.10(E), or as authorized by the Chief of Police, or designee.
(WILEAG 11.2.1.5)

F. HOOD AND WORK AREA CLEANING

1. Once all packaging is completed, and while still wearing the PPE, members shall discard all trash in the designated testing room trash can and then clean the work area.
2. Members shall only use non-alcohol based disinfecting wipes to thoroughly clean the testing hood work surface, the surface of the electric scale, tweezers, and the designated cutting board.
3. Alcohol based disinfecting wipes, alcohol based solutions, and bleach based products shall never be used while handling or testing suspected controlled substances as they will increase the absorption rate of any narcotic that comes in contact with skin.
4. Once the testing work area is clean, the member's PPE can be removed as shown in the *Controlled Substances Testing PPE Manual*.

G. CONTROLLED SUBSTANCES TESTING ROOM GARBAGE CAN

1. All work locations tasked with the testing of suspected controlled substance shall be equipped with a red step-on garbage can which shall be utilized solely for controlled substances related trash.

2. These garbage cans will be located in each work location testing room and should not be removed without the permission of a HIDTA supervisor or Facilities Services Division.
3. This garbage can shall not be used to dispose of regular garbage (e.g., food wrappers, soda cans).
4. Items that should be placed in the testing room garbage can include: used Nitrile gloves, used N95 masks, drug packaging waste, used drug tests, plastic applicator strips, non-alcohol based cleaning wipes used during the cleanup of the testing area, and any item which has controlled substances residue which does not have evidentiary value and will not be inventoried.
5. When these garbage cans are full, a work location member while wearing safety glasses, N95 mask, and Nitrile gloves should be assigned to remove the bags from the can.
6. Members should carefully tie the top of the bag closed while being cautious to avoid dispelling air out of the bag, place tamper proof evidence tape around the tied portion, and tie a label to the bag marked, 'Drug Waste'.
7. The HIDTA should then be contacted to properly dispose of the bag.

760.15 PROCESSING ARRESTS AND CONTROLLED SUBSTANCES (WILEAG 6.5.1, 11.2.1)

A. ARRESTS AND RECOVERED CONTROLLED SUBSTANCES

1. Officers effecting a controlled substances related arrest and/or recovering suspected controlled substances, except those assigned to the HIDTA, shall immediately notify the shift commander of the district in which the arrest or recovery occurred. This notification shall be made from the location of the arrest or recovery.
2. If a large or unusual amount of controlled substances is recovered, district shift commanders should contact a HIDTA supervisor for guidance regarding the controlled substances and/or arrest. The on duty HIDTA supervisor is available by calling [REDACTED]. "No-case" controlled substances recoveries, as well as city possession of marijuana and paraphernalia cases, should be processed at a district station.
3. After receiving instructions from their shift commander regarding processing the case, officers shall immediately convey the arrested person and/or suspected controlled substances to be processed. Officers shall not convey prisoners from the original arrest scene prior to receiving instructions for processing the case. If exigent circumstances exist, and prior to receiving instructions where the arrest will be processed, the prisoner may be transported to a district station or to the Central Booking Division.
4. The arresting officer(s) shall interview the suspect(s) in custody for state statutes narcotics related cases. If the arresting officer(s) believe that the suspect(s) should

not be interviewed, they shall consult with their shift commander.

B. NARCOTICS INCIDENT REPORT

1. A *Narcotics Incident Report* (form PV-3A, PV-3B or PV-3C) shall be completed whenever controlled substances are recovered. Only one PV-3A, PV-3B or PV-3C is required for seizures that occur at one location during a short time period even if it involves multiple types of controlled substances and/or multiple arrests.
2. A supervisor may determine that a *Department Memorandum* (form PM-9E) (lieutenant's report) should be filed in lieu of the PV-3A, PV-3B or PV-3C. A lieutenant's report is filed in cases involving a significant seizure, buy-bust, search warrant, etc.
3. HIDTA personnel shall enter all HIDTA state drug seizures and arrests, that are not deemed confidential, into ACISS for data entry.
4. The PV-3C shall be used for all seizures and controlled substances arrests made by non-HIDTA personnel. The PV-3C shall be reviewed and signed by a supervisor.
5. The PV-3B shall be used in addition to PV-3A or PV-3C whenever multiple arrests are made and/or multiple seizures of controlled substances occur during one incident.
6. The lieutenant's report shall be faxed to the HIDTA upon completion if the case is processed at a district station.
7. All completed PV-3C reports shall be sent to the HIDTA weekly for data entry into ACISS.

C. See SOP 765 - Evidence Seizure for state and federal evidence seizure requirements.

D. PROPERTY CONTROL DIVISION (PCD)

1. PCD shall be responsible for the retention of evidence in all narcotics cases.
2. PCD personnel shall retrieve all items within the departments' "drug safes" Monday through Friday.
3. Upon receipt of the envelope, the PCD officer shall stamp, initial, and date the security envelope.
4. The PCD officer shall date and initial the security envelope before transporting the envelope to the regional crime laboratory.

760.20 "NO CASE" CONTROLLED SUBSTANCES RECOVERY (WILEAG 6.5.1)

- A. When a shift commander determines that recovered controlled substances will be processed as a "no case" (e.g., baggie of marijuana found by a citizen mowing his lawn,

bag of crack cocaine recovered when an officer conducts a field interview and the officer does not see who dropped it, suspected marijuana blunt discovered by the landlord in his vacant boarded-up property) the suspected controlled substances shall immediately be conveyed to the district station.

- B. The district shift commander shall have the suspected controlled substance's weight recorded (without removing the controlled substance from its original container) and inventoried by placing the substances in a sealed zip-lock bag, and the appropriately sized security envelope (form PE-14S or M). The narcotics envelope shall then be sealed inside a clear plastic zip-lock or heat sealed bag that allows for the ability to read the narcotics envelope. Members shall not test the suspected controlled substance except in accordance with SOP 760.20(C). The member will write on the outside of the envelope under "Drug Type" the words 'No Case'. The member shall then secure the envelope in the work location narcotics safe.
- C. If the shift commander determines based on intelligence, investigation, or mitigating circumstances that the recovered suspected controlled substances should be tested and weighed, they may instruct the member who recovered the "No Case" to do so.

Note: Suspected controlled substances shall be processed without delay.

760.25 CITY MARIJUANA CASES (WILEAG 6.5.1)

A. MUNICIPAL CITATION

1. Officers shall issue a municipal citation pursuant to [Milwaukee City Ordinance 106-38-2](#) for possession of 28 grams or less of marijuana that appears to be solely for personal use except as noted in subsection 2.
2. Under the following circumstances, possession of any quantity of marijuana shall be considered a violation of state statutes and processed through the Milwaukee County District Attorney's Office:
 - a. The amount of marijuana is more than 28 grams.
 - b. The amount of marijuana is 28 grams or less and evidence of drug trafficking exists.
 - c. The suspect has a history of violence, including any firearms related offense.
 - d. The present offense involved the use, possession, or presence of a firearm or other dangerous weapon.
 - e. Persons on probation or parole.
 - f. The present arrest came out of the execution of a search warrant.

Note: This provision is intended to allow for district attorney review of charges related to the target(s) of a search warrant. In the event a

non-related subject possessing small amounts of marijuana is located at the scene of a search warrant – a municipal citation may be issued in lieu of state charges with the member’s immediate supervisor’s permission.

- g. The suspect is a “known member” of a drug network.

Note: This provision is more than a hunch by the officer that the suspect is a part of a drug network. Rather it must be based on facts known to the officer, such as the suspect being a member of a drug trafficking organization. The HIDTA Watch Center can provide information relative to a suspect’s ties to an organization involved in the distribution of drugs.

- h. Investigations involving simple possession of marijuana may also be referred to the District Attorney’s Office with the officer’s supervisor’s approval, if other aggravating circumstances are present.

Note: A HIDTA supervisor may be contacted for a final determination of a city or state case.

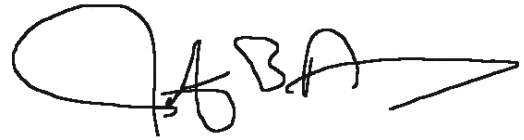
- B. If a HIDTA supervisor determines the case should be processed as a city case under [Milwaukee City Ordinance 106-38-2](#), the suspected controlled substance shall immediately be conveyed to the district station.
- C. The district shift commander shall have the suspected controlled substance tested and the weight recorded. A PV-3C shall be completed and retained at the district. The arresting officer shall question the suspect in custody. A PA-45A and PA-45B shall be completed.

Note: Suspected controlled substances shall be processed without delay.

760.30 RELEASE/DESTRUCTION OF CONTROLLED SUBSTANCES (WILEAG 6.5.1)

- A. Any commanding officer or a supervisor designee can review and authorize the release or destruction of evidence from a controlled substance case. If a member of one of the Criminal Investigation Bureau divisions is in charge of the controlled substance case, their commanding officer or supervisor designee from the respective Criminal Investigation Bureau division shall review and authorize the release or destruction of said evidence.
- B. The PCD shall be responsible for the destruction of controlled substances and related paraphernalia as outlined in SOP 560.
1. In cases where constructive possession cannot be proven (e.g., “no case” controlled substances), as well as municipal cases, inventoried controlled substances and/or paraphernalia can lawfully be disposed of according to current retention schedules.
 2. With a disposition order, controlled substances from a charged and convicted

misdemeanor or felony case may be lawfully disposed of after seven months for a misdemeanor and one year for a felony from the date of plea, if no appeal has been filed.

A handwritten signature in black ink, appearing to read 'JBA' with a stylized flourish extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk