

# Drugs Investigation

National Guidance

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Contents

[Drugs Investigation 1](#_Toc138937104)

[Notice: 1](#_Toc138937105)

[1. Purpose / Scope 4](#_Toc138937106)

[2. Police Powers and Legislation 4](#_Toc138937107)

[Search 4](#_Toc138937108)

[Obstruction 4](#_Toc138937109)

[Possession, Production and Supply of a Controlled Substance 5](#_Toc138937110)

[Questioning of Suspects 5](#_Toc138937111)

[3. Stop / Search 6](#_Toc138937112)

[Roles and Responsibilities 6](#_Toc138937113)

[Suspected Consumption or Concealment 7](#_Toc138937114)

[Intimate and Internal Searches 7](#_Toc138937115)

[Toilet Traps 11](#_Toc138937116)

[4. Search Warrants 11](#_Toc138937117)

[Requests for Drugs Search Warrants 11](#_Toc138937118)

[Obtaining a Drugs Search Warrant 11](#_Toc138937119)

[Forced Entry to Premises 12](#_Toc138937120)

[5. Cannabis Cultivations 12](#_Toc138937121)

[General Considerations 12](#_Toc138937122)

[Health and Safety Considerations 12](#_Toc138937123)

[Roles and Responsibilities 13](#_Toc138937124)

[6. Suspected Drugs Labs 15](#_Toc138937125)

[Suspected Illicit Drugs Labs 15](#_Toc138937126)

[Health and Safety at Illicit Labs 17](#_Toc138937127)

[Recovery of Pill Press 17](#_Toc138937128)

[7. Presumptive Testing (PT) 18](#_Toc138937129)

[8. Fentanyl and Carfentanil 18](#_Toc138937130)

[Hazardous Substances 19](#_Toc138937131)

[Health and Safety 19](#_Toc138937132)

[9. Medicinal Use of Cannabis 20](#_Toc138937133)

[10. Drugs Prices 21](#_Toc138937134)

[11. Key Contacts 21](#_Toc138937135)

[Compliance record 22](#_Toc138937136)

[Version control table 22](#_Toc138937137)

[Feedback 22](#_Toc138937138)

## Purpose / Scope

The purpose of this document is to provide guidance to all members of Police Scotland on the subject of Drugs Investigations. Drugs enquiries can be complex and highly specialised matters with the perpetrators continually devising new methods to avoid detection.

The document supports the Police Service of Scotland policies:

* Crime Investigation Policy
* Serious and Organised Crime Policy
* Specialist Operations Policy
* Stop and Search Policy

## Police Powers and Legislation

### Search

Section 23(2) Misuse of Drugs Act 1971 allows a Constable to:

* Detain and search a person suspected to have possession of a controlled substance / drug;
* Search any vehicle or vessel suspected to have a controlled substance / drug within and require the person in control of said vehicle / vessel to stop it;
* Seize and detain any evidence found in the course of the search.

### Obstruction

Section 23(4) Misuse of Drugs Act 1971 a person commits an offence if they:

* Intentionally obstruct a person in exercise of their powers of detain / search under Section 23(2) MDA 1971, including refusing to remove items concealed internally (banked);
* Conceals any item(s) during a search under Section 23(2) MDA 1971;
* Fails to produce any books or documents in connection with the offence under Section 23(2) MDA 1971 without reasonable excuse, proof of which shall lie on them.

### Possession, Production and Supply of a Controlled Substance

#### Misuse of Drugs Act 1971: Sections and Offences

Section 4(2)(a) Produce

Section 4(2)(b) Concerned in Producing

Section 4(3)(a) Supply

Section 4(3)(b) Concerned in the Supply

Section 5(2) Possession

Section 5(3) Possession with Intent to Supply

It is not an offence to possess cannabis seeds and offence of cultivation is only complete when the seed germinates or an attempt to germinate seeds is made.

In circumstances where there is dubiety on which section to libel, seek advice from STOP unit.

### Questioning of Suspects

The Misuse of Drugs Act does not empower officers to arrest the suspect for the purpose of questioning or interview; this would require an additional arrest under Section 1 of the Criminal Justice (Scotland) Act 2016. Any answers given to questions asked of a person whose liberty has been restricted is likely to be inadmissible until solicitor access process has been carried out in accordance with Police Scotland Solicitor Access Guidance Document. Any spontaneous admissions should be recorded.

## Stop / Search

### Roles and Responsibilities

#### Attending / Investigating Officer (AIO)

* Grounds for detention and search mustbe noted within the officer’s Notebook, crime report, Standard Prosecution Report (SPR) and Police Statement.
* Where applicable, presumptively test suspected controlled substance / drug.
* If not suitable for presumptive testing, submit to laboratory for analysis.
* Crime report should be raised on everyoccasion where suspected controlled substance / drug has been seized, this can be later marked as “no crime” as outlined in the Police Scotland Crime Recording and Scottish Government Counting Rules.
* All searches mustbe recorded in accordance with Police Scotland Stop and Search SOP.
* Contact STOP Unit who will provide value of the drugs and instruct whether or not the circumstances of the case infer unlawful supply or simple possession. STOP Unit should be provided with the following information (if appropriate):
* Number of deals;
* Recognised weights;
* Tick Lists;
* Forensic reports;
* Interviews and admissions;
* Witness Statements;
* Commodity and purity information;
* Knowledge of drug prices;
* Circumstances indicating supply.

#### Searching Officer (if different from AIO)

* Grounds for detention and search mustbe noted within the officer’s Notebook / Mobile Device.
* A person must only be searched by a person of the same gender.

#### STOP Unit / Drug Expert Witness

* Recognised by the courts as “experts”.
* Provide advice and assistance to police operations at all levels.
* Publish drug prices on intranet.
* Provide values of the drugs and whether the case should be referred for supply or possession.

### Suspected Consumption or Concealment

If the subject is suspected to have consumed or concealed drugs internally:

* Seek immediate medical advice. Officers should call the Scottish Ambulance Service direct from the scene (If operationally safe to do so) on the number for their region. If unable to do so contact the SAS via the ACR and convey to hospital.
* The number to call depending on the division/region officers are located are shown below and should be saved to mobile devices as a speed dial contact.
* Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 30 Prejudice to effective conduct of public affairs.
* Verbally encourage suspect to give up the package / controlled drugs;
* Prevent suspect from placing any further articles into mouth;
* Do not grip suspect by the neck or throat, place anything in their mouth or place subject on the floor face up;
* If subject is choking: render assistance and first aid;
* Consider Custody drugs recovery cell. The toilet in the cell has a filter fitted traps any solid waste which can be checked from the access door adjacent to the cell (check filter empty prior to placing suspect in the cell).

### Intimate and Internal Searches

Consists of the physical examination of the bodily orifices other than the mouth. Police Officers must not undertake intimate / internal searches.

If an item is protruding from an orifice or where they suspect that a person has controlled drugs concealed internally, the following guidance should be used:



Flow chart steps

1. Request suspect to remove item:
* Agrees
* Take care that the suspect does not further conceal item
* If unable to do so themselves go to step 2.
* Refuses go to step 3.
1. Make arrangements for Police Surgeon to attend and adhere to local procedures. End of process.
2. Arrest on Suspicion Section 23(4) MDA 1971
* Afford rights as soon as practicable
* Suspect does not require a Solicitor to attend – go to step 4
* Suspect requests Solicitor to attend – go to step 6
1. Ask Suspect to submit voluntarily to an internal X-ray or examination
* Suspect refuses go to step 5
1. Inform of intention to apply for intrusive search warrant
* Suspect refuses – Through PF, seek Sherriff’s warrant for internal search. End of process.
1. Following Solicitor consultation
* Suspect agrees – go to step 2.
* Suspect refuses – go to step 5.

The warrant should specify the locality of the examination and precise procedures to be carried out by the examining Doctor, for example:

* X-ray;
* Proctoscopy (examination of the rectum);
* Gastroscopy (examination of the stomach interior);
* Colposcopy (examination of the vagina and cervix).

If unsure, consult with the Force Medical Examiner. Consent from the suspect must be required for a medical examiner to carry out any examination specified on the warrant.

Once the warrant is obtained:

* Allow the suspect to read the warrant and ensure they understand content (consider use of an Appropriate Adult or Interpreter.
* Confirmation of understanding and consent / no consent should be recorded within notebook.
* Inform suspect they will be conveyed to the hospital detailed in the warrant, where a doctor will carry out the examination.
* Convey suspect to hospital detailed in the warrant regardless if consent is given (the suspect must be formally required to comply with the warrant in the presence of the Police Casualty Surgeon and two police officers).
* The medical practitioner(s) should see the suspect, read of the contents of the warrant to the suspect and explain the requirement to the suspect to comply with the warrant.
* If suspect has withheld their consent, ascertain if this is still their position depending on the medical procedure required.
* Suspect continues to withdraw consent: no medical examination will take place, note a statement from the medical practitioner in relation to the suspect’s refusal.
* Suspect must remain on constant observations at all times whilst in Police custody.

If an item is removed by the suspect or Police Casualty Surgeon, exercise caution when handling any production. Items recovered must be treated and labelled as “Biohazard”.

If suspect agrees to remove, however is unable to do so, make arrangements to contact Police Casualty Surgeon and follow local procedures.

Any direction given by the Procurator Fiscal should be recorded within Police notebooks.

Refer to the Management Guidelines for Persons Suspected of Having Drugs Concealed Internally for further information.

### Toilet Traps

In various locations across the country there are toilets with specially designed traps to allow human faeces to be searched once passed. The following Police Stations have toilet traps in service:

* Dumfries Police Office;
* Stranraer Police Office;
* Falkirk Police Office;
* Inverness Police Office and
* Kittybrewster Police Office (portable toilet trap).

Any arrangements to use these facilities should be made through the local custody supervisor.

## 4. Search Warrants

The Warrants National Guidance provides guidance on all search warrants.

### Requests for Drugs Search Warrants

* An Electronic Application to Procurator Fiscal for Sheriff Warrant Force Form 146-020 should be completed.
* All applications must be approved by a supervisory officer and any Out of Hours applications, must be authorised by an Inspector or above. (For Out of Hours applications, the on-call PF should be contacted via telephone in the first instance as per current procedures via Service Overview East/West/North).
* Out of Hours outwith the times noted below;
* Monday-Thursday: 0845-1700 hours
* Friday: 0845-1630 hours

### Obtaining a Drugs Search Warrant

* Gather most recent intelligence with grading.
* Utilise a ‘firewall’: officers directly involved in the intelligence gathering process must not form part of the evidential chain and / or warrant application process.
* Consider whether non-police officers are required: if so, specify “any assistance deemed necessary”.

### Forced Entry to Premises

The Forced Entry and Insecure Premises SOP provides guidance on procedure for forcing entry to a premises.

## 5. Cannabis Cultivations

The Lord Advocate’s Guidelines to the Police on the Seizure, Retention and Disposal of Productions from Cannabis Cultivation Sites provides guidance in the investigation of cannabis cultivations.

### General Considerations

* Persons / Suspects speak limited or no English: assess language needs and contact an interpreter.
* Consider Human Trafficking, guidance can be found in Human Trafficking SOP.

### Health and Safety Considerations

Risk assessments should be completed by a trained and competent person.

* Refer to Cannabis Cultivation Generic Risk Assessment.
* Complete Standard Risk Assessment Form (Force Form 076-001) and Hazard Checklist document to identify / record any risks and control measures put in place.
* Do not touch electrical equipment / supply or gas supply.
* Wear relevant protective clothing.
* Exercise caution around all equipment, it may be hot or sharp.
* Be aware of surroundings: cabling underfoot / overhead.
* Be aware of compromised building structures, damaged / rotten flooring.
* Handle chemicalswith care.
* Fire and Explosion - Properly assess all hot lighting equipment, water, chemicals and gases under pressure.
* Cannabis plants and Rockwool blocks can cause skin irritation.
* Properly ventilate site.
* Be aware of booby traps.
* Take care working in confined spaces.
* Avoid unnecessary lifting, assess risk and wear appropriate footwear and gloves when moving and handling equipment and containers.

For further health and safety advice please contact the Health and Safety Dept. (contact details held on the intranet under Organisational Support), or gain advice via Emergency Planning or the On Call Health and Safety Manager.

### Roles and Responsibilities

#### Officer In Charge (OIC) Investigating Officer

* Secure the premises.
* Contact ACR to create STORM incident:
* Request the relevant utility engineers be contacted.
* Carry out procedure for Search warrants.
* Established exact number of plants.
* For all cultivations: contact Statement of Opinion (STOP) Unit for advice, consider appointing Crime Scene Manager.
* If there is uncertainty on action to be taken: contact STOP Unit.
* The cannabis cultivation scene must be filmed in detail and still photographs taken. Contact Scene Examination to arrange.
* A sketch of the area must be undertaken for court purposes.
* Seek guidance from STOP Unit in relation to the photographing / video recording of cultivation (do not use personal mobile phones unless exceptional circumstances: See Use of Personal Mobile Whilst on Duty Divisional Guidance for further advice).
* Consider forensic opportunities i.e. DNA and fingerprints.
* Appoint an officer to manage the schedule.
* Appoint a nominated productions officer.
* Ensure all productions seized are labelled, packaged and recorded appropriately in accordance with the Productions National Guidance.
* Contact STOP Unit who will provide value of the drugs and instruct whether or not the circumstances of the case infer possession or supply.

#### Nominated Productions Officer

* Quantify and photograph all equipment.
* Consider noting details of equipment i.e. make, model and serial number for evidence in establishing cost.
* Seize a sample of each type of equipment present and make a record of the number of other items of equipment present and retain for storage.
* Follow Random Sampling Protocol (See the Lord Advocate’s Guidelines to the Police on the Seizure, Retention and Disposal of Productions from Cannabis Cultivation Sites) for guidance on appropriate number of sample plants to be seized.
* All samples must be dried out before sealing production bag to prevent rotting and hazardous spores.

#### STOP Unit / Drug Expert Witness

* Recognised by the courts as expert witnesses.
* Provide advice and assistance to police operations at all levels.
* Publish drug prices on intranet.
* Provide values of the drugs and whether the case should be referred for possession or supply.

## 6. Suspected Drugs Labs

In the event of discovery, leave the site immediately and remain at a safe distance in case of fire, explosion or chemical contamination. Once cleared, inform the ACR who will contact your local STOP Unit. Advice should be sought immediately from SPA Forensic Services regarding safety procedures. Action should be taken to ensure all Police personnel and premises occupants:

* Do not use phones / radios until clear of the site.
* Do not turn on / off any lights or electrical appliances.
* Do not shut down any ongoing chemical process or remove power source to the premises.
* Do not touch, open or remove any bottles or containers. Some chemicals involved can be fatal if inhaled and death may occur in seconds.
* Do not allow persons to re-enter the site.

### Suspected Illicit Drugs Labs

#### Definition

* A laboratory can be defined as a building or place equipped to manufacture or process controlled drugs or the chemicals to produce controlled drugs
Illicit synthetic drug / New Psychoactive Substances (NPS) labs at all stages - pre-production, producing and abandoned.
* THC extraction labs (butane honey oil labs).
* Tablet manufacturing / pressing sites.
* Suspect lab equipment / chemicals seizures which may be used to produce controlled drugs or NPS.
* Chemical / equipment dump sites.

Should a suspected illicit drugs lab be discovered, the officers involved must withdraw and update Force Overview immediately informing them of the exact locus, description of lab, number of suspects involved and any obvious dangers. Always have the STOP Unit notified at the earliest opportunity, in order that they can have a suitably trained officer attend the scene to confirm that a drugs lab has been discovered and provide guidance.

STOP Unit can assist with:

* The planning of pre-entry and initial entry phases for illicit labs (including, but not exclusive, to synthetic drug labs, cannabis extraction labs / butane honey oil labs) and tableting sites.
* Advise on site control, safety and decontamination procedures.
* Identify production, tableting methods and the synthetic drug(s) being produced.
* Close down chemical processes within an illicit lab safely and in the correct sequence.
* Highlight essential evidence from the site and carry out video recorded narration for court presentation.
* The safe investigation, dismantling and equipment seizure.

All officers should withdraw from the premises and consideration be given to form a crime scene cordon around the address to form a safe distance in case of gas inhalation, fire, explosion or chemical contamination. Consideration should also be given to evacuate all neighbouring occupants and control access to the scene.

A Crime Scene Manager should be appointed and the following departments and partner agencies considered to attend:

* Police officer with Illicit Lab training - STOP Unit officer;
* Scottish Fire and Rescue – Glasgow Scientific Services (West);
* SPA Forensic Scientist from Chemistry;
* Scene Examination;
* SPA Forensic Scientist from Drugs;
* Force Health and Safety Form - THC Extraction Sites (Generic Risk Assessment (Force Form D-006) should be completed);
* Housing / Building Control.

If there is a suggestion of harmful substances, the Scottish Fire & Rescue Service Duty National Interagency Liaison Officer (NILO), who can bring in specialist resources if required including HAZMAT and CBRN specialists, should be contacted for advice.

### Health and Safety at Illicit Labs

* Do not enter until it is deemed safe. Remain behind cordon or keep a safe distance.
* Do not turn on / off any lights or electrical appliances.
* Most gases used or created within illicit labs are classified as extremely flammable and pressurised containers can explode if heated.
* Do not touch, open or remove any bottles or containers. Some chemicals used can be fatal if inhaled.
* Do not open any fridges or freezers.
* Do not shut down any chemical process or remove power source or water source to the premises.
* Do not use Airwave, mobile phone or torch.
* Beware of falling debris, exposed nails and broken glass.
* Duty of care for suspect(s) effects from inhalation of gas such as butane gas.

### Recovery of Pill Press

* Ensure full PPE protection prior to examination.
* Notify STOP Unit at the earliest opportunity on discovery of a suspected pill press.
* Leave all equipment on until the arrival of suitably trained officers from the STOP Unit. This should only be done if officers believe it is safe to do so.
* Scene examination required to photograph pill press and any other equipment at locus.
* DNA sampling and fingerprint examination of pill press should be undertake at locus e.g. switches, plugs, buttons etc.
* Evidence of pill press functioning captured on video. This should be carried out as a narration by suitably trained STOP Unit officers.
* Where possible, a small sample of tablets should be made using the press from powder at locus, ensuring that at least one tablet comes from each 'station' in the press. This 'batch' is for intelligence purposes only and should be lodged separately from any other tablets recovered at the locus. This will usually be carried out by suitably trained officers from the STOP Unit.
* Large tablet presses should be removed to suitable location e.g. SCC Gartcosh for DNA sampling and fingerprint examination of internal parts of pill press. Consideration should be given to remove stamps for DNA sampling and fingerprint examination or at least confirm design / logo on stamps.

## 7. Presumptive Testing (PT)

The integrity of PT is paramount and it is therefore essential that procedures are strictly adhered to and only carried out and corroborated by trained officers. The results, including time, date and locus should be recorded on both the production label(s) and within the officers’ notebooks / mobile devices along with the test kit serial number, batch number and expiry date.

PT of suspected controlled drugs is an established method of providing initial indication of substances, and can be led as evidence in summary proceedings for the following drugs only:

* Brown powders suspected to be diamorphine (heroin).
* White powders suspected to be cocaine.
* Solids suspected to be cocaine or crack cocaine.
* Tablets suspected to be MDMA (ecstasy).
* Cannabis and cannabis resin (NOT oil this must go to the laboratory).

All suspected diazepam / street benzodiazepines (“Street Valium”) and any other substances must be submitted to the laboratory for analysis along with the Forensic Services Examination Request (Force Form 068-001), which is submitted via the online ERF Application.

## 8. Fentanyl and Carfentanil

Fentanyl and Carfentanil consumption can cause severe life threatening reactions which can be fatal. Both are readily absorbed through the skin.

If Fentanyl or Carfentanil is suspected at drugs lab or crime scenes:

* Contact and inform Tactical Operations Search and Chemical, Biological, Radiological and Nuclear (CBRN) unit as soon as possible: leave property immediately and do not re-enter until authority given;
* Ensure all PPE is worn including disposable nitrile gloves (double gloved, taped at cuffs to prevent anything going through the cuff), Tyvek suit with hood, over boots and FFP3 disposable mask as a minimum;
* Contact Scene Examination prior to seizure of any productions;
* Do not presumptively test substances if suspected Fentanyl or Carfentanil.
* Samples suspected of containing fentanyl type substances, require special packaging arrangements including containment within a robust bio-jar. Bio-jars are available from CBRN officers or Scene Examination staff. All suspected fentanyl productions requiring drug analysis must be appropriately packaged and submitted direct to the Scottish Crime Campus at Gartcosh. The fentanyl risk associated with such productions must be clearly marked on the accompanying paperwork.

Officers must consult SPA Forensic Services Drugs Team Manager prior to submission of such items.

### Hazardous Substances

Any substance suspected of posing a Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) risk must not under any circumstances be submitted for laboratory analysis without prior consultation with SPA laboratory management.

### Health and Safety

In case of: Inhalation

* Remove to fresh air;
* If not breathing, commence CPR with aid of face shield;
* Seek immediate medical attention.

In case of: Skin Contact

* Immediately wash skin with soap and plenty of water for at least 15 minutes;
* Remove contaminated clothing;
* Seek immediate medical attention if any symptoms occur;
* Clothing should be removed, double bagged and labelled and treated as a biohazard.

In case of: Eye Contact

* Hold eyelids apart and flush eyes with plenty of water for at least 15 minutes;
* Seek immediate medical attention.

In case of: Ingestion

* Rinse out mouth with water if possible (Never give anything by mouth to an unconscious person);
* Seek immediate medical attention;
* Do not induce vomiting unless directed to do so by medical personnel.

For further information please read:

* Safety Alert – Safe handling of suspected illicit drugs
* [Fentanyl & Carfentanil Exposure Risks](https://spi.spnet.local/policescotland/org-support/hs/Documents/Safety%20Alert%20-%20Safe%20Handling%20of%20Suspected%20Drugs%20%28Fentanyl%29.pdf)

## 9. Medicinal Use of Cannabis

As of 1st November 2018, a number of cannabis based medicines have been available on prescription for persons suffering from certain medical conditions. These prescriptions require to be authorised by a specialist doctor, who is a Specialist Registrar of the General Medical Council (not the patients GP). Whilst possession of a cannabis based medicine by the patient is legal, Cannabis itself has not been legalised and remains a Class B controlled drug.

It is imperative that no patient found in possession of a legitimately prescribed cannabis based medicine has it confiscated or seized for further enquiry.

When making enquiries into the legitimacy of possession of a cannabis based medicine the following should be considered:

* All cannabis based products should be held in appropriately marked container. It should however be borne in mind that counterfeit packaging and labelling has been evidenced elsewhere in the United Kingdom.
* The patient should be in possession of a letter from the specialist doctor who prescribed the medicine.
* Prescriptions shall be limited to a 30 day supply.
* No legitimately held medicine is consumed by smoking although vaping is a legitimate means of administration.

Any additional possession of cannabis or cannabis based products in addition to those prescribed should be considered for offences under the Misuse of Drugs Act 1971.

Further information on Cannabis Based Medicines can be found on the Police Scotland intranet.

## 10. Drugs Prices

For up to date drugs prices and glossary of terms contact your local STOP Unit as these documents will be updated on a regular basis.

## 11. Key Contacts

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 30 Prejudice to effective conduct of public affairs.

## Compliance record

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Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version control table

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| --- | --- | --- |
| 1.00 | Initial Approved Version following conversion to National Guidance as part of SOP Review. | 05/07/2021 |
| 2.00 | Section 9 added to include Medical Use of Cannabis. Sentence added regarding risk assessment p7, section 5 under Health and Safety Considerations. | 01/09/2022 |
| 3.00 | Minor updates: Section 3 officer’s requiring Ambulance assistance, Section 4 to reflect JP Warrants removal and incorporate new Electronic Search Warrant procedure. Hyperlinks to out of date SOPs corrected, formatting amendments to meet accessibility standards. | 29/05/2023 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, Force Form 066-014 should be used.