



NSW Police Force

Strategic Drug Exhibit Project Final Report & Recommendations

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1. FOREWORD

This report represents the culmination of a comprehensive 18 month investigation into the field of drug exhibits management within New South Wales Police Force. To capture all aspects we define drug exhibits as: *any hazardous substance suspected of being a drug or related to drug manufacture*. This definition enables a more broad analysis of precursor chemical seizure, storage, transportation and disposal, as well as hardware associated with illicit substance growth, manufacture, preparation and distribution.

There is an element of contextual duality to our overriding focus of improving safety within the environment of drug exhibits management. Many strategies address improvements applicable to the current operational setting which is presently encumbered by procedural inefficiencies. Important features of this report however also include recommendations to achieve a visionary future with legislative and systemic arrangements designed to reduce drug exhibit transportation, storage and disposal encumbrances.

The number and type of drug exhibit seizures reflect evolving societal changes commensurate with an increasing general and police population. Confidential data from the Medically Supervised Injection Centre reflects traditional heroin use being overtaken by prescription medications and 'party drugs' such as ecstasy. Increased drug use generally is quantifiable when examining figures from the Surry Hills Exhibit Centre being NSW Police Force's largest drug storage facility. Over a 20 year sample period the volume of drug exhibits increased from less than 3,000 items in 1993 to more than 12,600 items in 2013. Greater prevalence of drug use in society resulting in larger numbers and quantities of drug seizures elevate safety and procedural risks to NSW Police Force, as do developments that reflect an imperative of strict legislative compliance when handling, transporting, storing and disposing of illicit substances.

This Project commenced in August 2011 and involved detailed examinations of cradle to grave drug exhibit processes, from seizure to transportation within country and metropolitan contexts, as well as storage and universal requirements for either local or centralised retention before disposal.

Our findings support improved safety systems within the field of drug exhibit management. To achieve an appropriate level of safety, reduced retention periods and increased handling efficiency for all drug exhibits seized is required. These goals are achievable in the short to medium term with changes to the COPS/EFIMS interface. In the medium to longer term the enactment of proposed legislative arrangements will address dangers associated with lengthy drug exhibit storage times that coincide with a complete lack of evidentiary probity.

We have made 37 recommendations to ensure a safer drug exhibits management framework with greater clarity and guidance to further reduce the risk of personal exposure and increase efficiencies of operation.


Anthony Crandell
Superintendent

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3. EXECUTIVE SUMMARY

The purpose of the Strategic Drug Exhibit Project is to broadly examine current procedures of drug exhibit management within NSW Police Force before recommending improvements from safety, procedural and legislative perspectives. For the purpose of this analysis drug exhibits are defined as: *any hazardous substance suspected of being a drug or related to drug manufacture.*

3.1 Improving Safety in Managing Hazardous Substances

Before commencing our journey into the management of potentially hazardous substances an important step is to quantify parameters of the issue by examining reports of exposures; clarifying causes and/or hazardous practices; and examining statistical data to determine the magnitude of operational, managerial and corporate risk. Both anecdotal and direct evidence of risks associated with storing drugs for extended periods of time has been assessed within the current context of drug exhibit retention contrary to legislative intent.

This Project examines opportunities for ongoing safety improvements within the current operational context. The first step is to analyse various areas of risk with connections to the physical (ventilation); procedural (safety induction and risk assessments); educative (specific training and accreditation); and legislative environments that all impact upon the safe and efficient management of potential hazardous substances suspected of being a drug or related to drug manufacture. In this respect the Project Team separated objectives into a distinct dichotomy with the first four objectives related to improving safety within the current environment and the fifth forming proposals for legislative and procedural change.

Longer storage times exacerbate the potential for hazardous substance exposures, given the current corporate requirement of 100% auditing of all drug exhibits within every exhibit holding repository every month. General application of this requirement is not practical or

many retained over several audit periods due to consistent delays with court ordered and informant authorised disposals.

Stored substances often change over time to become entirely different entities in both composition and weight to those originally seized which creates greater potential risk and seriously lessens any probative evidentiary value the exhibit may have once held. Direct evidence from police prosecutors and exhibit practitioners throughout the NSW Police Force reveals drug exhibits, although often stored over lengthy periods of time are rarely if ever produced in court.

Notwithstanding a relatively small number of reported exposure incidents when compared with the number of unknown hazardous substance collections, any exposure has potential to harm workers and therefore impact upon NSW Police Force in terms of legal liability, workers compensation claims and reputational harm.

Despite data reflecting positively upon current hazardous substance management practices within NSW Police Force there have been instances that highlight the need for continuous procedural improvements. In 2009 two officers reported their exposure to hazardous substances whilst performing a drug exhibit audit within SHEC, resulting in NSW Police Force becoming the subject of prosecution by WorkCover NSW. Other incidents have been reported by NSW Police Force employees with some resulting in WorkCover NSW investigations including personal exposures to drug exhibits at Gosford Police Station in 2005 and Green Valley Police Station in 2011. This Project has reviewed circumstances surrounding each of these exposure incidents to learn, eliminate or minimise, as far as reasonably practicable, risks associated with the function of drug exhibit management.

To determine exposure frequency levels, Workforce Safety examined the quantity of drug exposure incidents included in P902 incident or near miss reports over two years 2010/11 and 2011/12 across the NSW Police Force. Nine incidents reported during that timeframe related to possible and actual exposures to fumes from drug exhibits. (Refer Attachment 25)

Fortunately in all cases no significant injuries causing ongoing medical issues were reported with most symptoms described as transitory comprising headaches, dizziness and nausea. However, the nature of these ongoing exposure incidents must be addressed with recommendations that impact upon the evolution of positive changes to the physical, procedural, educational and cultural aspects of the operational safety environment.

each accounted for by physical auditing processes, reflecting similar procedures across almost all NSW Local Area Commands. Increased drug use within society has a direct connection with the number of unknown hazardous substances seized by police leaving an ever present operational environment of elevated exposure risks to workers that require robust procedural and legislative protection.

Analysis of available evidence discloses greater risks of worker exposure attach to prohibited drugs stored over longer periods of time (years rather than months). The substantial issue to be addressed however is not necessarily a sole consideration of packaging quality. In this regard the Project Team found merit in developing procedural changes supported by legislation to ensure early drug exhibit disposals without the need for court ordered destructions.

Procedural adjustments are recommended that both precede and coincide with a Ministerial submission for legislative change to allow the more timely destruction of all exhibits broken into quantities either below or above prescribed traffickable amounts. (Refer Attachment 24)

3.2 Reducing Inefficiencies in Managing Hazardous Substances

3.2.1 Destruction of Certain Drugs by FASS

The destruction of drug exhibits below traffickable quantities and beyond analysis by NSW Forensic and Analytical Science Service (FASS) is a recommendation requiring Ministerial submission for legislative change. Approximately 40% of all drugs transported to FASS comprise weights below traffickable amounts for offences predominantly related to drug possession. Advice from FASS is that DNA processes applied to drug packaging provides [REDACTED]. Given the NSW Police Force corporate commitment to harm minimisation, any cost benefit analysis is likely to weigh heavily against prosecutions that require additional forensic processes to prove possession offences that generally attract nominal criminal sanctions in all except the most unusual or serious of cases.

Consultation with the Director, FASS has brought agreement that drugs below traffickable amounts and beyond analysis are able to be destroyed by FASS personnel thereby negating the requirement for police to double handle exhibits once submitted, which is a procedure not requiring legislative amendment beyond that proposed within the Ministerial submission. (Refer Attachments 24; 30; 39)

This process of drug destruction can only occur beyond sampling and analysis by FASS in the majority of cases when drug packaging can be destroyed coincidentally without requiring further forensic processes of fingerprinting or DNA analysis. In this regard further corporate guidance may be required including the appropriateness of forensic testing to prove drug possession offences below traffickable thresholds. In this respect a governance structure already exists which incorporates a Service Level Agreement between NSW Health and NSW Police Force. Efficient agency interoperability is currently achieved with NSW Health represented by the Director, FASS and NSW Police Force represented by the Commander, FSG; Chief Information Officer, BTS; and Chief Scientist, FSG. This governance model is an ideal structure to drive innovative inter-agency procedural changes in general and pursuant to the achievement of objective 5, within a new legislative environment. (Refer Objective 5; Recommendations 34, 35; Attachment 24, 36)

3.2.2 Transportation of Certain Drugs and Samples to FASS by Courier

Transportation of drug exhibits below traffickable quantities as well as samples of greater than traffickable drug quantities from the field to FASS can occur by secure courier at minimal cost. Within the Sydney metropolitan region each Local Area Command has access to [REDACTED]. Drug exhibits are able to be transported in sealed drug exhibit bags which are placed into [REDACTED]. The present courier charge is \$7.60 each journey, which may comprise a number of drug exhibits from any location in NSW. Upon receipt at FASS, security container seals will be checked for tampering and this information included in the analyst's certificate. Any instance of seal tampering will require notification of NSW Police Force for investigation, as is current procedure. Beyond analysis any remaining portion of the drug, including packaging will be destroyed by FASS personnel after production of an analyst's certificate which is uploaded into EFIMS for inclusion in the police brief of evidence.

This system of secure courier transportation is already in place for biological exhibits. The proposed extension to samples of bulk drugs and less than traffickable quantities with an added dimension of exhibit disposal by FASS personnel is an approach agreed upon by the Director, FASS; Commander, FSG and Commander, Prosecutions Command. (Refer Attachments 24; 30) Outside the Sydney metropolitan region identical processes will apply however country commands will generally access [REDACTED] Courier security containers from FSG nodes that service each respective area thereby significantly reducing costs, transportation times, and operational deployments.

Systemic changes in this respect will almost completely eliminate police escorted drug exhibit transportations to FASS. This new managerial system will allow wholesale redeployment of officers to core duties and realise significant savings in costs, time, travel, storage, auditing, evidentiary and drug disposal processes. (Refer Attachments 37; 39)

These changes support broader legislative amendments to the Drug Misuse and Trafficking Act to allow local weighing, sampling and destruction of prohibited drugs outlined in a Ministerial submission under Project Objective 5. These arrangements will also alleviate key long term storage problems that exacerbate potential hazardous substance exposures.

From this structural depiction of systemic and procedural change underpinned by legislation, key strategies that drive safety improvement including practical, organisation-wide resources; information; education and training will minimise risks to workers associated with management of hazardous substances.

3.3 Project Objectives

The Project Objectives are:

1. Develop Standard Operating Procedures as a baseline for exhibit operations.
2. Develop a standard Risk Assessment with respect to the transport, storage, handling and disposal of hazardous substances suspected of being a drug or related to drug manufacture.
3. Revise the NSW Police Force Handbook in accordance with Project findings including EFIMS.
4. Develop training material in support of standard practices with respect to hazardous substances suspected of being a drug or related to drug manufacture.
5. Prepare a submission with respect to application of the Drug Misuse and Trafficking Act together with suggested changes to legislation if required and as informed by Project outcomes.

3.4 Achieving Project Objectives 1 & 2

To achieve Objectives 1 & 2 a workshop with several senior police officers was conducted as a mapping exercise of how NSW Police Force manages drug exhibits in November 2011. In this fashion common points were identified for the application of standard baseline procedures and risk assessments.

The workshop identified five categories of drugs that NSW Police Force employees come into contact with. They are:

1. Plant material (both wet and dry)
2. Bonded
3. Powders
4. Liquid
5. Paraphernalia

Beyond identification of drug categories Project Team members examined the current process of how NSW Police Force manages drug exhibits.

Steps examined included: identification at the scene; seizure; labelling; transportation; arrival at the police station; charging; analysis; storage and destruction. This process was then applied to each of the five drug exhibit categories where it was acknowledged that the managerial approach to each drug type would not differ significantly.

The Project Team then focussed upon opportunities to improve the safety of police officers when interacting with hazardous substances suspected of being a drug or related to drug manufacture, by identifying where baseline standard operating procedures and/or risk assessment tools could be applied and/or improved upon.

This process drew a number of initiatives for improvement contained within this report which serves both as a reflection of Project activities and as a vehicle for corporate progression of 37 recommendations for improvement.

3.5 Achieving Project Objective 3

Revision of the NSW Police Force Handbook occurred after a quantitative analysis of safety risks associated with current processes of hazardous substance management. Following this review a key recommendation is to restructure information in accordance with the operational chronology of managing drug exhibits. Rather than simply documenting this process, hyperlinks from the Handbook to various specialised portions of an Exhibit Website forms the final recommendation for this objective.

3.6 Achieving Project Objective 4

Training material is required for positions of Exhibit Practitioner and Exhibit Manager. The title Exhibit Manager is recommended as a new position classification required to elevate the importance of the function and role from a corporate, operational and safety perspective. To properly progress ongoing education and training within an Exhibit Practitioner/Manager's Course, the use of subject matter experts within FSG will provide a suitable consultation network for corporate development and delivery of an effective education package. This recommendation is based upon the same principles applied to the development and recognition of other Command functional specific positions such as Custody Manager and Brief Manager.

3.7 Achieving Project Objective 5

A Ministerial submission has been forwarded for organisational approval with the assistance of Prosecutions Command. The length of time drug exhibits are held in storage is extensive and beyond the intent of legislation designed originally to reduce retention times. Elevation of risk is tied inextricably to extended storage times leaving untenable exposure hazards within corporate and operational environments.

The clear intent of Parliament when enacting drug disposal legislation within amendments to the Drug Misuse and Trafficking Act, specifically Part 3A, was to allow the more timely destruction of prohibited drugs and reduce storage times.

On 9 June 2005 in his Second Reading Speech to Parliament, Attorney General Debus, with reference to disposal arrangements within the Drug Misuse and Trafficking Act stated that the amendments: *“will reduce pressure on resources for exhibit storage, analysis and courts and ensure that **drugs are destroyed at the earliest opportunity.**”*

Notwithstanding Parliamentary intent, evidenced by the myriad of pre-trial drug destruction provisions the reality remains that significant delays remain, particularly when the weight or nature of drugs fall outside the parameters of Part 3A of the Drug Misuse and Trafficking Act. Drug exhibit disposal delays are exacerbated due to conflict between positions of police seeking early disposal; the NSW Office of Public Prosecutions seeking non-disposal; and the interplay between obligations of the NSW Police Force (Person Conducting a Business or Undertaking as an agent acting on behalf of the Crown) under Work Health and Safety legislation.

Section 39PB within Part 3A of the Drug Misuse and Trafficking Act supports progress towards disposal of smaller quantities of prohibited drugs in certain circumstances (under traffickable amounts; the subject of cannabis cautions whether or not under the Young Offenders Act; and/or no identifiable offender). However it does not go far enough to address safety and resource issues of the NSW Police Force associated with disposal of small quantities outside of those specific parameters.

Current legislative arrangements relating to bulk drug exhibit retention and storage requirements for illicit substances over traffickable thresholds and beyond analysis are especially poor with a significant factor delaying destruction being court ordered retentions pending trial completions. The primary problem is that courts view drug exhibits purely from an evidentiary perspective making determinations in favour of substance retention when conflict exists over the question of preservation or disposal between the prosecuting authority (usually ODPP for larger drug seizures) and defence. The court does not consider, and is generally not required to consider, health and safety aspects of the drug exhibit being stored or compositional changes that over time elevate risks. Conversely the NSW Police Force must view drug exhibits from both evidentiary and safety perspectives. It is the Project Team’s view that safety must take precedence over evidence retention.

A number of recommendations emanate from our Ministerial submission for legislative change which if successful will enable a cost-effective solution to the transportation, storage and disposal of prohibited drugs. The flow on effect of legislative change is improvements to safety in the workplace, operational efficiency for police officers, improved service and reduced costs to many communities of NSW.

3.8 Audit Office of NSW Performance Audit

The Audit Office of NSW recently concluded a Performance Audit entitled “Managing drug exhibits and other high profile goods” which ran concurrently with the NSW Police Force Strategic Drug Exhibit Project. (Refer Attachment 27)

During the course of the Project, team members met with Audit Office of NSW representatives to discuss the current operational environment and how the audit process could assist NSW Police Force improve processes and safety around the management of hazardous substances.

A key outcome of the Performance Audit is support for NSW Police Force developing proposals for systemic and legislative changes that will decrease storage timeframes of hazardous substances suspected of being drugs or related to drug manufacture. The process for legislative change has commenced. Systemic change involves strategies of improved safety as well as a business case to automate identification of exhibits for disposal without reliance upon notifications by officers in charge of investigations, which has proven historically to be an unreliable process. (Refer Recommendation 21)

Automation will include COPS notification of EFIMS to allow the disposal of drug exhibits more contemporary to times of seizure and court outcome determinations. System amendments include an EFIMS dashboard accessible by LAC exhibit officers where candidates for exhibit disposals will appear upon certain details being entered into COPS. That data is already entered into the COPS system both for offenders that have been charged as well as drugs located that attract warning or caution processes due to quantities falling within the ambit of Section 39PB of the Drug Misuse and Trafficking Act. A preliminary funding estimate has been obtained of \$160,320 to enable proposed efficiency changes. (Refer Attachment 38)

3.9 Project funding

An amount of \$10,000 was allocated to facilitate all activities and allow comparative analyses of products sourced to achieve Project objectives.

4. RECOMMENDATIONS

No single, individual standard operating procedure has been devised to address the safety component of drug exhibits management processes. The Project Team in early workshops identified the need for additional safety risk management tools or amendments to existing policy or practice. The following is recommended for implementation or, in the case of amendments already negotiated with policy owners, acceptance of revisions:

1. **Adopt the Exhibit Centre Safety Induction Package** (adapted from the Surry Hills Exhibit Centre Safety Induction Package) as a baseline document for introduction at all locations where exhibits are managed. (Refer Attachment 1)
2. **Adopt the Drug Exhibit Destruction Operational Orders** (adapted from the Surry Hills Exhibit Centre) as a baseline document for use at all locations where exhibits that may comprise of hazardous substances suspected of being a drug or related to drug manufacture are managed. (Refer Attachment 2)
3. **Adopt the phrase “Caution Possible Hazardous Substance”** as standard terminology with the internationally recognised symbol for caution (yellow triangle, black outline and exclamation point) for labelling exhibits comprising any unknown hazardous substance suspected of being a drug or related to drug manufacture. Labelling will occur after a triage process to alert those who manage exhibits to exercise extra caution. This symbol and wording has the approval of NSW Fire & Rescue. (Refer Attachment 3)



4. **Adopt standardised signage and warnings for exhibit centres and facilities where hazardous substances are or may be stored.** (Refer Attachments 4,5,6,7)



5. **Adopt the generic Aide Memoire** designed to assist the safe management of unknown hazardous substances discovered during the course of police work. This product is for application as a poster for prominent display in exhibit processing areas; and as part of a car crew toolkit. (Refer Attachment 8)
6. **Adopt the Procedures for Drug Destruction Operations Aide Memoire** designed to formalise the preliminary checking phase for all drug exhibit destruction operations. This product is for application as a poster for prominent display in exhibit processing areas. (Refer Attachment 9)
7. **Adopt Safety Posters** for prominent display in areas where processes of exhibit management take place. (Refer Attachments 10, 11)

8. **Adopt the Drug Exhibit Field Check** as a poster; as part of a car crew toolkit; or for individual reference as an official notebook inclusion. (Refer Attachment 12)
9. **Accept the revised ‘Police Operational Risk Management Plan’ (for Local Area Commands)** which includes a more comprehensive safety component addressing anticipated seizure and subsequent management of any hazardous substance suspected of being a drug or related to drug manufacture at a much earlier operational stage. (Refer Attachment 13)
10. **Adopt the revised ‘Police Operational Risk Management Plan’ (for Local Area Commands)** for application across all NSW Police Force Commands, including State Crime Command.
11. **Adopt the use of nitrile disposable gloves** in lieu of current latex gloves to provide additional protection to officers engaged in exhibit management. (Refer Attachment 14)
12. **Introduce ‘air scrubber’ technology for installation within all drug exhibit safes and/or drug exhibit management areas** to address odours associated with the storage of prohibited drugs and hazardous substances. A working party will be required to consider procurement and procedural issues relative to implementation, including the operation and destruction of cartridge filters. (Refer Attachment 15)
13. **Introduce a secure drug transportation system** from metropolitan Local Area Commands and country FSG nodes utilising █████ couriers to collect drug exhibits below traffickable quantities via a █████ system akin to that already in place for biological exhibits for delivery to FASS for efficiency, effectiveness, and safety improvements whilst maintaining evidentiary integrity. (Refer Attachment 16)
14. **Introduce dual seal containers for the transportation of drug exhibits to ensure the containment of odours** and labelled appropriately as “*Possible hazardous substance*”. (Refer Attachment 17)
15. **Endorse Implementation of a triage system** for the receipt of drug exhibits at police stations incorporating conditions of acceptance and risk mitigation procedures before handling, storage, transportation, destruction or auditing actions. (Refer Attachment 18)
16. **Endorse a trial of the “TruNarc” spectroscopic handheld device** at SHEC to determine safety and investigative value in the safe and immediate identification of illicit substances and cutting agents prior to consideration of corporate procurement. (Refer Attachment 31)
17. **Endorse Strategic Procurement identifying and engaging appropriate product suppliers for alternatives to PAB18 PVC plastic exhibit bags** to ensure compliance with Protection of the Environment Operations Act when drug exhibits are destroyed by burning; and PAB24 paper exhibit bags to investigate inclusion of a clear viewing panel. (Refer Attachment 19)

18. **Endorse Strategic Procurement identifying and engaging appropriate service providers for the safe destruction of precursors and drug exhibits across the state.** Establishing requirements will require consultation with the EPA and Office of General Counsel to determine the legislative framework, with Local Area Commands to maintain discretion of appropriate disposal methods and sites beyond risk assessment.
19. **Adopt a paperless exhibit management follow up process for destruction/disposal of drug exhibits** (based upon the Surry Hills Local Area Command model) incorporating the current EFIMS database for greater efficiency and timeliness. (EFIMS escalation enhancements are due in March 2013)
20. **Approve amendments to EFIMS that enable the timely destruction of drug exhibits capable of disposal without court orders**, including mandatory fields that identify drug exhibits early as candidates for disposal under Section 39PB of the Drug Misuse and Trafficking Act to enable more timely destruction processes.
21. **Approve a business case to enable COPS notification of EFIMS when court matters are complete to allow the timely disposal of drug exhibits that require court orders.** The present system of exhibit officers awaiting disposal notification from officers in charge of cases is inefficient and requires a scheme wherever possible independent of reliance upon informant officers.
22. **Adopt the Transporting Drug Exhibits Risk Assessment** (developed by Workforce Safety with the Project Team) as an organisation-wide document applicable to locations that have a role in transporting exhibits that comprise hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 20)
23. **Adopt the Generic Exhibit Centre Risk Assessment** (adapted from the Surry Hills Exhibit Centre Safety Induction Package) as an organisation-wide document applicable to locations that have a role in managing exhibits that comprise hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 21)
24. **Approve reorganisation of Chapter D – Drugs – Prohibited Drugs and Plants of the NSW Police Force Handbook to reflect the lifecycle of a drug exhibit**, with the draft Chapter considered a starting point for Performance Improvement and Planning Command to work from. (Refer Attachment 22)
25. **Adopt a risk based approach to determining the frequency of drug exhibit audits** to replace the current blanket corporate auditing requirement of 100% inspections, determinable by each Local Area Commander, reviewable by Region Commands via CMF and Command auditing processes.
26. **Confirm the position of Corporate Spokesperson for Exhibits within the Forensic Services Group (FSG) as the Corporate Sponsorship Command** to elevate the importance of efficient exhibit management and highlight risk based safety and procedural requirements.

27. **Adopt continued development of the Drug Exhibit Website established by the Project Team** for maintenance by designated officers attached to FSG. The Website must be accessible from the NSWPF Handbook (on line) and contain an Exhibit Safety Management System comprising safety and procedural inclusions earlier indicated.
28. **Endorse creation of an Exhibit Manager's Course** for development by Education and Training Command that is inclusive of recommended essential knowledge areas.
29. **Elevate the functional status of managing exhibits by creating positions entitled Exhibit Manager** with occupants of the role accredited upon completion of course requirements in the same fashion as Brief Managers and Custody Managers.
30. **Endorse continuation of a Managing (Drug/General) Exhibits Workshop** on an annual or biennial basis.
31. **Develop an iLearn exhibits management package** under MCPE guidelines for broad application and education of all police officers.
32. **Acknowledge the interim strategy requiring police prosecutors to apply for judicial directions under S39E of the Drug Misuse and Trafficking Act surrounding the disposal of drug exhibits at the earliest opportunity for matters within the criminal jurisdiction.**
33. **Acknowledge the strategy agreed with by the NSW State Coroner to make judicial directions surrounding the disposal of drug exhibits at the earliest opportunity for matters within the Coronial jurisdiction.** (Refer Attachment 23)
34. **Endorse the Ministerial submission from Police Prosecutions Command in conjunction with the Project Team seeking legislative change** to allow a safer regime of hazardous substance management and better align Work, Health and Safety obligations with evidentiary requirements. (Refer Attachment 24)
35. **Endorse the existing Forensic Science Services Governance Model and Service Level Agreement between NSW Health and NSW Police Force** to drive procedural changes and increase efficiencies within both agencies in relation to exhibit management. (Refer Objective 5; Attachment 24)
36. **Approve structural realignment of the Metropolitan Exhibits and Property Centre, Potts Hill from MEIG to FSG**, given earlier recommendations for FSG leadership of exhibits management strategy and concurrence of both Commanders.
37. **Endorse the recommended practice of cost recovery under Confiscation of Assets legislation to access corporate compensation for storage, handling and disposal of precursor chemicals attracted under current contractual conditions.**

Note: Recommendations of the Project Team are relevant to the current operating environment of drug exhibits management. Should Recommendation 34 under Objective 5 be successful then a further review of safety and procedural strategies may be required, albeit within vastly improved and safer workplaces.

5. ACKNOWLEDGEMENTS

We wish to extend our thanks to the NSW Police Force officers who provided their time, experience and patience over the course of this project which required significant investigative and administrative acumen. In particular we would like to acknowledge the significant work by:

- Assistant Commissioner Jeffrey Loy, Commander, Forensic Services Group
- Assistant Commissioner Alan Clarke, Commander, MEIG
- Acting Assistant Commissioner Mark Sweeney, Acting Commander, Forensic Services Group who provided early advice and expertise for strategies proposed
- Chief Superintendent Tony Trichter, Commander, Police Prosecutions Command
- Inspector Catherine Cole, General Manager, Safety Command whose knowledge of safety and project management provided structure and drove collective commitment
- Senior Sergeant Kate French, Executive Legal Support Unit, Police Prosecutions Command, who meticulously developed our submission for legislative change
- Senior Sergeant James Maguire, Coordinator - Surry Hills Exhibit Centre, whose expertise in the field of exhibits management is embodied within this Project
- Senior Sergeant Michael Fuller, Operations Manager, MEIG for his assistance in amending corporate risk assessment documentation in favour of Project objectives
- Senior Constable Sascha Benn, Surry Hills Local Area Command who provided logical thought, drove partnerships and provided quality administrative support
- Mr Paul Hannen, Organiser, Workplace Safety, Police Association of NSW
- Ms Sarah Robinson, OH&S Coordinator, Forensic Services Group
- Mr Trevor Dunn, OH&S Coordinator, Southern Region

We also received valuable assistance from officers of our partner agencies that gave their time freely, provided specialist advice and support over and above our expectations. We would like to acknowledge the significance of contributions by:

- Mr Kevin Forward, Director, NSW Forensic and Analytical Science Service
- Mr Stephen Kavanagh, Solicitor for Public Prosecutions, NSW Director of Public Prosecutions who provided candid advice and guidance
- Mr Jim Jolliffe, Deputy Director, Commonwealth Director of Public Prosecutions who reflected the commonwealth experience to influence our final recommendations
- Ms Ellen McKenzie, Senior Assistant Director, Commonwealth Director of Public Prosecutions who freely provided her deep experience and insight
- Ms Smita Noronha, Senior Business Analyst, BTS Governance, Strategy and Architecture who prepared our high level Business Case for COPS/EFIMS interface
- Federal Agent Amanda McCormick, Corporate Services Coordinator, Australian Federal Police who cleared the AFP National Guideline on Property and Exhibits
- Ms Giulia Vitetta, Performance Audit Leader, Audit Office of NSW
- Mr Edward Shestovsky, Senior Performance Auditor, Audit Office of NSW
- Ms Jane Tebbatt, Director Performance Audit, Audit Office of NSW

Finally we thank and acknowledge the interest and feedback from NSW Police Force Exhibit Officers across the state whose dedication to the field of safe, competent and efficient exhibit management we found refreshing and informative.

6. BACKGROUND TO THE PROJECT

6.1 Project Rationale

Before commencing our journey into the management of hazardous substances an important step is to quantify problem parameters pertaining to reported exposures of officers to illicit or hazardous substances suspected of being drugs or related to drug manufacture. Whilst this Project forms part of an ongoing commitment by NSW Police Force to safety improvement and anecdotal evidence of risks associated with storing drugs for extended periods of time is plentiful, the problem nevertheless requires context.

Increased drug use within society (Roxburgh et al, 2011:8) has a direct connection with the number of unknown hazardous substances seized by police leaving an ever present operational environment of elevated exposure risks to workers that require robust procedural and legislative protection.

Notwithstanding a relatively small number of reported exposure incidents when compared with the number of unknown hazardous substance collections, any exposure has potential to harm workers and therefore impact upon NSW Police Force in terms of legal liability, workers compensation claims and reputational harm.

Despite data reflecting positively upon current hazardous substance management practices within NSW Police Force there have been instances that highlight the need for continuous procedural improvements. In 2009 two officers reported their exposure to hazardous substances whilst performing an audit within SHEC, resulting in NSW Police Force becoming the subject of prosecution by WorkCover NSW currently listed for hearing in the Industrial Relations Commission during October 2013.

Other incidents have been reported by NSW Police Force employees with some resulting in WorkCover NSW investigations including personal exposures to drug exhibits at Gosford Police Station in 2005 and to cannabis odours at Green Valley Police Station in 2010. This Project has reviewed circumstances surrounding each of these exposure incidents to learn, eliminate or minimise, as far as reasonably practicable, risks associated with the function of drug exhibit management.

To determine exposure frequency levels, Workforce Safety examined the quantity of drug exposure incidents included in P902 incident or near miss reports over two years, 2010/11 and 2011/12 across the NSW Police Force. (Refer Attachment 25) In summary, nine incidents were reported during that timeframe that related to possible and actual exposures to fumes from drug exhibits.

Of those incidents, five related to cannabis:

1. One incident described exposure of an officer to residue on the outside portion of a plastic exhibit bag.
2. Three incidents described exposure of an officer to an odour of cannabis emanating from a drug safe and exhibit bags stored therein.

3. One incident described exposure of an officer to an odour of cannabis with liquid leaking from paper exhibit bags.

The Four remaining incidents related to chemical exposures:

1. One incident described exposure of an officer to an odour emanating from a plastic exhibit bag which did not appear to be effectively sealed.
2. Two incidents described exposure of an officer to leakages from plastic exhibit bags after powder drugs had been returned to NSW Police Force from the Division of Analytical Laboratories (now Forensic Analysis and Science Services FASS).
3. One incident described exposure of an officer to chemicals inappropriately stored in an exhibit bag.

Fortunately in all cases no significant injuries causing ongoing medical issues were reported with most symptoms described as transitory comprising headaches, dizziness and nausea.

To put this data into perspective: in the two financial years examined, NSW Police Force received 20,127 reports of incidents or near misses. The nine reported incidents of exposure represent 0.045% of these reports. State-wide statistics relating to the seizure, transportation, storage and disposal of illicit substances would obviously reflect vastly more worker interactions with drug exhibits. However the nature of these ongoing personal exposure incidents must be addressed with recommendations that impact upon the evolution of positive changes to the physical, procedural, educational and cultural aspects of the operational safety environment.

Available evidence discloses greater risks attached to longer periods of drug exhibit storage. Danger associated with personal exposure to decomposing cannabis is particularly high due to botanical material breakdown requiring much less incubation time. In part some of this risk is addressed with greater attention and access to best practice management strategies when dealing with hazardous substances; better education of exhibit practitioners/managers to quickly identify unsecure exhibit bags or the degradation of illicit substances early and a robust exhibit and container/bag inspection process during exhibit auditing procedures.

As earlier foreshadowed longer storage times exacerbate the potential for hazardous substance exposures. The substance stored often changes over time to become entirely different in both composition and weight to that originally seized, which seriously lessens any probative value the exhibit may have once held while aggravating potential risks of worker exposure. Anecdotal and direct evidence reveals drug exhibits of this nature, after lengthy incubation periods, are rarely produced in court.

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 █ drug exhibits of various ages and associated storage times. Each exhibit is accounted for by physical auditing processes, reflecting identical procedures across almost all NSW Local Area Commands. Notwithstanding the NSW Police Force Handbook requirement for monthly audits of all drug exhibits, █ only complies on a biennial basis because of practical inefficiencies involved in assigning personnel to a permanent auditing function.

The requirement for consistent auditing terms across the entire organisation regardless of risk or elements of security that often render auditing meaningless is undesirable. A risk based approach to the frequency of drug exhibit audits determined by local holding environments is more appropriate given the vast range of different exhibit holding, transportation and destruction arrangements.

[REDACTED]

kilograms) being stored for extensive periods (including 2 years; 3 years; 5 years; 7 years; 12 years; and 15 years) contrary to legislative intent embodied within the Drug Misuse and Trafficking Act to ensure disposal of drugs at the earliest opportunity. It must be acknowledged however that drug destruction inefficiencies included delays in both court ordered and informant notified disposals. (Refer Attachment 26)

6.2 Key Legislative and Procedural Changes

Beyond evidence of current environmental inefficiencies leading to elevated worker risks, the Project Team found merit in developing changes that ensure early drug exhibit disposals without the need for court ordered destructions; a risk based auditing function determined by the quantity, type, location and security applied to drug exhibits seized and stored; and inquiries into the ability of exhibit bag suppliers to produce a product that provides an early visual warning to workers when chemical compositional change occurs.

6.2.1 Legislative Change – Less Than Traffickable Drug Quantities

Legislative and procedural amendments to allow courier transportation and FASS destruction of all drug exhibits below respective traffickable quantities is a strategy dependent upon success of our Ministerial submission for legislative change applicable to all quantities of seized illicit substances. (Refer Objective 5; Attachment 24)

Approximately 40% of all drugs transported to FASS comprise weights below traffickable amounts for offences predominantly related to drug possession. Advice from FASS is that DNA processes applied to drug packaging provides a positive return rate of [REDACTED]. Given the NSW Police Force corporate commitment to harm minimisation, any cost benefit analysis is likely to weigh heavily against prosecutions that require additional forensic processes to prove possession offences that generally attract nominal criminal sanctions in all except the most unusual or serious of cases.

This new process of drug destruction can only occur beyond sampling and analysis by FASS personnel in the majority of cases when drug packaging can be destroyed coincidentally, without requiring further forensic processes of fingerprinting or DNA analysis. This aspect of drug packaging disposal at the same time that the drug itself is destroyed is important because the notion of early drug destruction is flawed if drug packaging must be returned to NSW Police Force to again become the subject of audit.

Transportation of drug exhibits below traffickable quantities from the field to FASS can occur by secure courier at minimal cost. Within the Sydney metropolitan region each Local Area Command has access to [REDACTED] Couriers.

Drug exhibits are able to be transported in sealed drug exhibit bags, which are placed into a [REDACTED]. The present courier charge is \$7.60 each journey, which may comprise a number of drug exhibits from any location in NSW. Upon receipt at FASS security container seals will be checked for tampering and this information included in the analyst's certificate. Any instance of seal tampering will require notification of NSW Police Force for investigation, as is current procedure. Beyond analysis the drug, including packaging will be destroyed by FASS personnel after production of an analyst's certificate which is uploaded into EFIMS for inclusion in the police brief of evidence.

Outside the Sydney metropolitan region identical processes will apply however country commands will generally access [REDACTED] Courier security containers from FSG nodes that service each respective area thereby reducing transportation time and costs significantly. Evidence of exhibit bag collection and transportation for the purposes of continuity may be provided by [REDACTED] Couriers if necessary at a cost of \$80 from the courier deployed, whose knowledge of package contents is likely to be blind.

This system of transportation is already in place for biological exhibits. The proposed extension to samples of bulk drugs and less than traffickable quantities with an added dimension of exhibit disposal by FASS personnel is an approach agreed upon by the Director, FASS; Commander, FSG and Commander, Prosecutions Command. (Refer Attachments 24; 30)

A corporate position upon the aspect of forensic testing applied to drug packaging material may be required in light of DNA processing costs averaging [REDACTED] per sample with a return rate of [REDACTED]. There may be unique occasions where a likely penalty for drug possession below the traffickable amount requires additional forensic attention or is otherwise justified however in the absence of actual physical possession of such a prohibited substance, proceeding without charge may still rest within the public interest.

Cases that require DNA or fingerprint analysis should be scaled down to accord only with those matters assessed as unique or otherwise within the public interest to proceed. Drug exhibit packaging will require separation from the illicit substance by FASS personnel according to existing practice. In cases requiring DNA or fingerprint analysis, FASS will return packaging material to escorting police beyond separation for transportation to the Pemulwuy analytical facility for further examination. Beyond the separation process, it is proposed that FASS personnel will then continue to process all less than traffickable substance quantities culminating in disposal beyond analysis.

Legislative and procedural changes applicable to less than traffickable quantities of illicit substances are part of broader legislative recommendations for amendments to the Drug Misuse and Trafficking Act that allow local weighing, sampling and destruction of prohibited drugs outlined in our Ministerial submission under Project Objective 5. The resulting arrangements will also alleviate the key long term storage problem that exacerbates potential for hazardous substance exposures.

From this structural depiction of systemic and procedural change underpinned by legislation, key strategies that drive safety improvement including practical, organisation-wide resources; information; education and training, will minimise risks to workers associated with the management of hazardous substances.

6.3 Other Key Drivers

In 2012, a year of new Work Health & Safety legislation together with activation of the Safety Management System, NSW Police Force has demonstrated a strong commitment to building a culture that values safety in the workplace and the wellbeing of workers. This commitment, together with the potential for individual and corporate penalties are key drivers for the conduct of this Project.

Prosecution of NSW Police Force includes not only action commenced by WorkCover NSW but also civil litigation by employees alleging corporate negligence. The current prosecution by WorkCover NSW involved a Premier's Memorandum Conferencing process. During the course of that conference NSW Police Force indicated the conduct of this Project as a means of addressing the potential for worker exposure to hazardous substances suspected of being a drug or related to drug manufacture in a strategic organisational manner.

The conduct of this Project also meets the requirements of Target 8 of the Working Together: Public Sector Workplace Health and Safety and Injury Management Strategy 2010 – 2012, of which WorkCover NSW is the government agency overseeing implementation:

“All NSW public sector Chief Executive Officers are to have identified at least two priority workplace health and safety and/or injury management issues, in consultation with employees and relevant unions, by May 2011 and have developed and implemented an action plan for each priority issue by June 2012.”

The recommendation to conduct this Project to meet Target 8 was the subject of correspondence prepared by the Commander, Workforce Safety in May 2011 attracting approval by all Deputy Commissioners. (Refer Attachment 28)

During the 2010/11 WorkCover NSW investigation into alleged worker exposures to hazardous substances in 2009 and upon legal advice, the Commander, Central Metropolitan Region commissioned a concurrent workplace investigation into allegations within SHEC. A number of recommendations were made arising from that investigation which also informs this Project. (Refer Attachment 33)

Subsequent to issues involving SHEC, drug exhibit management practices at Green Valley Local Area Command also became the subject of a WorkCover NSW investigation with allegations that police officers were exposed to drugs following spillages in March 2011. Arising from that investigation, Improvement Notices were issued to the NSW Police Force, each being resolved to the satisfaction of WorkCover NSW. As part of an ongoing learning process NSW Police Force continues to review and modify safety strategies with lessons learnt also informing this Project.

6.4 Project scope

The Project is limited to examining matters surrounding the transport, handling, storage and disposal of drug exhibits. For the purpose of this Project a drug exhibit is defined as: *‘Any hazardous substance suspected of being a drug or related to drug manufacture’*.

The Project will not review exhibit management processes involving ordinary or firearm related items, although some findings and recommendations will have relevance to these exhibit classifications.

The Project will not address any complaint or performance issue arising from inquiries into practices within NSW Police Force. If any such issues are uncovered throughout the course of the Project each matter will be referred for attention in accordance with NSW Police Force policy and any governing legislation.

6.5 Purpose

The purpose of this Project is to examine and recommend improvements upon how the NSW Police Force manages any hazardous substance suspected of being a drug or related to drug manufacture.

6.6 Project objectives

Specifically the Project aims to:

1. Develop Standard Operating Procedures as a baseline for drug exhibit operations.
2. Develop a standard risk assessment with respect to the transport, storage, handling and disposal of hazardous substances suspected of being a drug or related to drug manufacture.
3. Revise the NSW Police Force Handbook in accordance with Project findings including EFIMS.
4. Develop training material in support of standard practices with respect to hazardous substances suspected of being a drug or related to drug manufacture.
5. Prepare a submission with respect to application of the Drug Misuse and Trafficking Act together with suggested changes to legislation, if required and as informed by Project outcomes.

This portion of the report relates only to key activities undertaken to meet Objectives 1 and 2. They are:

- Mapping how NSW Police Force interacts with any hazardous substance suspected of being a drug or related to drug manufacture to help understand the types of exhibits we collect; how they are transported; labelled; identified; stored; and ultimately destroyed.
- Accessing all current procedures and risk assessments relative to drug exhibit management for the purposes of identifying best practice and building on existing procedures.
- Following the mapping process to review current processes, develop standard baseline procedures for application as identified, and where relevant match procedures to EFIMS.
- Consult broadly with field representatives including, but not limited to exhibit practitioners, commanders, and duty officers upon current and better practices, findings, progress and outcomes of the Project. As part of the consultation process feed comments and suggestions for improvement to exhibit practitioners and commanders as interim safety options before presenting Project documentation.

- Develop baseline standard risk assessments for the transport, handling, storage and destruction of hazardous substances suspected of being a drug or related to drug manufacture. Review risk assessment documentation and processes in operation at SHEC.
- Develop a Safety Induction Package for exhibit practitioners which include permanent, transitory and seconded staff including portfolio holders. Review the Safety Induction Package in operation at SHEC.
- Ventilation has been subject of comment and sporadic testing by WorkCover NSW with respect to SHEC and most recently Green Valley Police Station. The Project will:
 - Review current practice with respect to ventilation and the location of drug safes relative to access, traffic flow, short and long term storage risks.
 - Examine longer term options and costing for a standardised approach with respect to ventilation mechanisms internal to the drug safe, including retrospective engineering options and drug safe specifications.
 - Consider a cleaning regime for safes and surrounding areas.
 - Consider the need for a staged opening process to enable drug safe air to refresh prior to work being undertaken in the space.
 - In the context of air quality/ventilation, consider the need to mandate wearing personal protective equipment when working in or within close proximity of a drug safe.
- Examine the type, timing and location of labelling including cost and wording to provide sufficient warning of potentially hazardous unknown substances suspected of being a drug or related to drug manufacture.
- Research the availability and cost of drug storage containers; compare container specifications and qualities with current receptacles suitable for the transportation of unknown hazardous substances.
- Research the qualities of PAB18 plastic drugs bags and PAB24 paper drug bags and make recommendations regarding suitability for purpose and compliance with legislation.

7. PROJECT METHODOLOGY

7.1 How the Project was achieved

This Project commenced following correspondence generated by the Commander, Workforce Safety. (Refer Attachment 28) All Deputy Commissioner's agreed with the implementation of a project to address various issues and concerns arising from events preceding its instigation. As with the commencement of any project a chairperson was identified. Superintendent Crandell, Commander of Surry Hills LAC was invited to take leadership of the Project due to the nature of his position which includes coincident responsibility for management of SHEC.

The Project commenced with development of a draft Project Plan. Through a consultative approach NSW Police Force employees with special interest in exhibit management were invited to participate. (Refer List of Project Team members, Pages 28 and 29)

Initial meetings ratified the Project Plan and identified a number of activities to be undertaken to address Project objectives. A budget of \$10,000 was approved to undertake Project activities in a cost effective and efficient fashion.

7.2 Key Project Activities

7.2.1 Strategic Drug Exhibit Workshop 15-16 November 2011: Standard Operating Procedures and Risk Assessments

A workshop was conducted on 15 and 16 November 2011 with representatives from Corporate; Specialist; and Field operations of NSW Police Force. This group together with a representative from the Police Association of NSW evolved into becoming central members of the Strategic Drug Exhibit Project Team.

In preparation for the workshop, field and specialist commands provided existing drug exhibit management procedures and risk assessments to collectively identify methods of best practice. This was broadly achieved by replacing, amending or simply building upon existing strategies within the current corporate and legislative environments applicable to exhibit management. The group email address #DRUGEXHIBITS was developed to collect and feed back all relevant information.

During the course of the workshop objectives 1 and 2 were identified as inextricably interwoven and from that point were combined to form a single objective. For that reason this Project report addresses these objectives in a combined fashion. In order to address objectives 1 and 2 the workshop focused on mapping how NSW Police Force manages drug exhibits to identify common points where standard baseline procedures and risk assessments can be applied.

As a starting point, the workshop identified five categories of drugs that police are likely to come into contact with. They are:

1. Plant material (both wet and dry)
2. Bonded

3. Powders
4. Liquid
5. Paraphernalia

Following this discussion the Project Team mapped the process of how the NSW Police Force manages a drug exhibit. The steps identified were:

- a) Identification at the scene;
- b) Seizure;
- c) Labelling;
- d) Transportation;
- e) Arrival at the police station;
- f) Charging;
- g) Analysis;
- h) Storage; and
- i) Destruction

This process was then reviewed for the remaining drug exhibit categories where it was determined that the management approach to each drug type would not differ significantly. With this observation agreed upon the Project Team again reviewed processes for opportunities to improve the safety of police officers during their interactions with any hazardous substance suspected of being a drug or related to drug manufacture. From this perspective the Project Team was able to identify where baseline standard operating procedures and/or risk assessment tools could be applied.

At the conclusion of the workshop 31 recommendations had been established, many of which were developed into original products, such as the Transport Risk Assessment Tool and Aide Memoire; or absorbed into existing corporate or local products and improved upon, such as the Operational Risk Assessment Tool and Exhibit Centre Safety Induction Package. Other suggestions ratified by Project processes include product recommendations such as the corporate-wide use of nitrile gloves over latex options and P2 carbon masks as standard items of personal protection equipment.

This workshop was extremely useful to the development of ideas and projected work schedules of the Project Team. Each member of the Project Team operated with some degree of independence to develop the resulting products which became the subject of collective review before ratification.

7.2.2 Strategic Drug Exhibit Intranet Site

From a very early stage the Project Team attached extreme importance to close connections with field practitioners. To facilitate contact the Strategic Drug Exhibit Intranet Site was established which provided Project objectives and an overview of Project research areas. Importantly, the site provided access to all resources developed by the Project Team for consultation, feedback and interim use where merit was identified as applicable to specific environmental conditions.

7.2.3 #DRUGEXHIBITS

The #DRUGEXHIBITS email facility was established to enable practitioners and other stakeholders to provide feedback to the Project Team. The email facility was regularly monitored and provided an important source of operational comment and insight.

7.2.4 Managing Drug Exhibits Workshop: 10 May 2012

The Managing Drug Exhibits Workshop was designed to both consult and advise exhibit practitioners of Project direction and materials. More importantly this workshop enabled the Project Team to gain operational (on the ground) input into Project resources developed and to identify if other resources or strategies could be applied within contexts of safety, effectiveness and efficiency. The workshop also became part of an interim risk management strategy to provide practitioners with options drawn from potential Project recommendations and draft products capable of immediate implementation.

The workshop was conducted on the 10 May 2012 with 120 participants from country, metropolitan and specialist commands in attendance. (Refer Attachment 29) The program and agenda was designed to elicit information utilising a number of methods on a wide variety of topics including:

- Potential risks associated with stored drugs
- Drug safe placement and ventilation
- Transportation and drug disposal processes throughout the state
- Standard minimum safety and equipment requirements
- Case studies of best and better exhibit management practices
- Application of the current legislative framework to maximise drug destructions
- Future arrangements from safety and legislative perspectives

The workshop was also an opportunity to showcase products by way of discussion and exhibition to improve safety around current drug exhibit management strategies and develop consistency of process. Products included air purifiers (scrubbers); dual seal esky style containers to limit odour emissions from drug exhibits during transportation; portable incinerator information drawn from an overseas supplier and Australian distributor; presumptive drug test kits; nitrile gloves and P2 carbon filter masks.

The workshop was a resounding success with all participants appreciative of the opportunity to learn and be recognised for the importance of the role they perform. The officers involved were certainly part of a much wider exhibit practitioner network across NSW Police Force. Professional interactions encouraged during the workshop process was akin to the attendance of subject matter experts at a conference designed to share experiences and develop relationships through discussion of effective and efficient methods of management. Without doubt a training program for exhibit practitioners is an essential component of any overall strategy to improve this area of police work and to both recognise and access the deep commitment of officers to their function within the field of exhibits management.

7.2.5 Stakeholder Meetings

Numerous meetings aside from those with team members were conducted over the course of the Project to investigate exhibit and safety management concepts put forward by team representatives, practitioners and interested parties.

Key meetings included:

- Joint and independent meetings with representatives from both the NSW and Commonwealth Departments of Public Prosecutions to discuss experiences within very distinct jurisdictions relating to drug exhibit disposal requirements; the value of legislative change and the Commonwealth experience.
- Police Prosecutions Command with respect to legislative change, history and preparation of correspondence in accordance with Project Objective 5. Liaison with the NSW State Coroner for drug disposal changes within the Coronial jurisdiction, and interim tactics to promote early drug destructions within criminal jurisdictions.
- Forensic Services Group including both Ballistics and Crime Scene Units regarding courier transportation and sampling of drug exhibits; accreditation of Scene of Crime Officers as Agronomists; EFIMS Project enhancements to link court outcomes in COPS to exhibit destruction notifications in EFIMS; and environmentally friendly alternatives to PAB18 drug exhibit bags.
- Department of Analytical Laboratories now the Forensic and Analytical Science Service (FASS) with respect to improving drug exhibit receipting processes. The potential for exhibit destructions under the supervision of police on site; a tour of the analytical laboratories at Lidcombe; use of Section 39PA of the Drug Misuse and Trafficking Act to allow an analyst to authorise destruction of any deteriorating prohibited substance. Practical implications of that process as well as the interplay between the Drug Misuse and Trafficking Act and Work Health and Safety Act. Support for legislative change to allow earlier destruction of bulk drug exhibits as well as more timely destruction processes for less than traffickable quantities of prohibited drugs.
- Australian Federal Police (AFP) including a tour of the federal drug exhibit storage and handling facility with discussion of Commonwealth legislation designed to allow the timely destruction of prohibited drugs. Analysis of the AFP National Guidelines followed this engagement.
- State Crime Command with respect to risk assessment processes and documentation specific to specialist areas of the NSW Police Force.
- Victoria Police regarding the drug destruction environment and experiences in that State beyond a 2009 investigation by the Victorian Ombudsman into the handling of drug exhibits at the Victoria Police Forensic Services Centre.

- Major Events & Incidents Group with respect to adding safety components to the NSW Police Force Operational Risk Management Plan template; carriage and maintenance of the Exhibits Website and identification of a Corporate Spokesperson.
- Various private sector businesses with respect to safety and disposal products.
- Audit Office of NSW. During the Project lifespan Audit Office of NSW representatives met with Project Team members to consult, compare and discuss findings at all relevant times. The Audit Office of NSW recently completed a Performance Audit across NSW Police Force to determine how well drug exhibits and other high profile goods are managed. (Refer Attachment 27) The Project Team saw this audit as an opportunity to obtain an independent view of how effectively and efficiently NSW Police Force manages drug exhibits. It is acknowledged that this independent performance assessment is likely to further drive improvements to processes touching upon the collection; transportation; storage; handling and disposal of substances suspected of being drugs or related to drug manufacture.

7.3 Project Team

The Project is under the leadership of Superintendent Anthony Crandell, Commander Surry Hills Local Area Command. The Project Sponsor is Assistant Commissioner Mark Murdoch, Commander Central Metropolitan Region.

Project members were drawn from various areas across the NSW Police Force, each of whom hold a vested interest in the achievement of Project objectives.

- Superintendent Anthony Crandell (Surry Hills LAC)
- Superintendent David Driver (Canobolas LAC)
- Superintendent James Johnson (Green Valley LAC)
- Superintendent Patrick Paroz (Corporate Spokesperson for Exhibits)
- Superintendent Darryl Tuck (Police Properties Group)
- Superintendent Nicolas Bingham (State Crime Command)
- Inspector Catherine Cole (Workforce Safety)
- Inspector Derrick Laylim (Education & Training)
- Inspector Grant Lister (Surry Hills LAC)
- Senior Sergeant James Maguire (Surry Hills Exhibit Centre)
- Senior Sergeant Craig Harris (Forensic Services Group)
- Dr Tony Raymond (Forensic Services Group)
- Sarah Robinson (Forensic Services Group – OHS Coordinator)
- Trevor Dunn (Southern Region – OHS Coordinator)
- Paul Hannen (Police Association NSW)
- Senior Constable Sascha Benn (Surry Hills LAC) – Project Executive Officer

8. ACHIEVING OBJECTIVES 1 & 2

Objective 1. Develop Standard Operating Procedures as a baseline for drug exhibit operations.

Objective 2. Develop a standard risk assessment with respect to the transport, storage, handling and disposal of any hazardous substance suspected of being a drug or related to drug manufacture.

A core activity for creation of recommendations to address each objective was the Strategic Drug Exhibit Project Team Workshop in November 2011 where a mapping exercise assisted better understanding of how NSW Police Force manages hazardous substances suspected of being a drug or related to drug manufacture. Observations and findings from the workshop are reflected below:

8.1 Identifying and securing drug exhibits at the scene of a crime or incident

The Project Team discussed safety impacts of storing and packaging wet plant material believed to be prohibited drugs (cannabis) due to heightened health risks arising from the capacity for faster breakdown into a carcinogenic substance. Mapping the process of police interaction with this drug type assisted understanding of health, safety and operational hazards applicable to the seizure of all unknown substances suspected of being a drug or related to drug manufacture. It was also acknowledged that long term storage of some chemical drugs may also raise exposure risks to police officers. (Refer Attachment 39)

Experience of Project Team members formed the basis of detailed observations. The beginning of a police officer's interaction with any hazardous substance suspected of being a drug is when it is first identified at the scene of a crime or incident. At that stage the application of context together with universal precautions apply requiring the treatment of all drugs with the same level of caution as that which carries the greatest risk.

The most common detection method for plant material was considered to be the location of small cannabis crops closely followed by larger plantations both in backyard/outdoor settings and hydroponic configurations. Search warrants comprised the most common means of uncovering such operations.

Differences were acknowledged in the management of outdoor plantations compared to hydroponic configurations, as well as difficulties securing agronomists to quickly identify and certify plant material to enable timely destructions. One particular case was discussed where the prosecution failed because the agronomist only tested 10 of 400 plants, as such the offence was only proven for the 10 certified plants rather than the entire crop, essentially affecting the magnitude of criminality involved by reverting a most serious charge of deemed supply to a conviction and penalty for personal possession only.

8.1.1 Presumptive Drug Testing

Project Team members discussed use of presumptive drug tests at scenes of crime to establish the type of substance police are dealing with and inherent associated risks. Caution is required prior to the introduction of such a process where risks that attach to testing at the scene in particular may outweigh benefits of early substance identification.

Any introduction of presumptive tests will require detailed operating procedures and risk assessments. However such processes would still not alleviate the need for scientific examination and certification to satisfy evidentiary elements of proof to the criminal standard.

Whilst it may seem that presumptive testing has greater risk than benefit in the field, the same cannot necessarily be said for presumptive testing prior to storage of substances as exhibits. Presumptive test kits are relatively inexpensive and with training may allow an additional precautionary overlay to identify previously unknown substances that can be safely and appropriately stored once properly classified. Benefits include testing of substances prior to storage to obtain further identification information and thereby reduce potential exposures. Negatives include elevating chances of worker exposure to unknown hazardous substances; and an inability of the testing regime to confirm other hazardous materials that may also be present within the mixture being examined. After careful consideration no recommendation has been made to introduce presumptive testing of substances that require direct physical contact as the limited operational benefit is outweighed by costs associated with the imperative of worker safety.

Notwithstanding this view a new product, currently commercially available, is capable of identifying illicit substances and cutting agents through clear plastic material that does not require direct worker contact. The “TruNarc” spectroscopic instrument is a handheld device manufactured in the United States and distributed throughout Australia by Warsash Scientific Pty Ltd. with prices starting from \$26,000. Suspected narcotic substances are scanned using laser technology that does not require removal of substances from packaging material. From a safety perspective advantages include identification of both illicit and cutting substances to facilitate safer handling and storage. From an investigative perspective advantages include early and accurate identification of substances to assist with prosecution determinations pending formal analysis by FASS, rather than releasing suspects pending substance confirmation. Whilst not currently accepted within NSW courts device results have been acknowledged in overseas jurisdictions thereby providing an independent indicator of accuracy. Notwithstanding significant benefits device cost is prohibitive in terms of general distribution among operational police.

A trial is proposed at SHEC to determine usefulness of the “TruNarc” spectroscopic handheld device among field operatives and as a safety initiative prior to storage of unknown hazardous substances. The downside of cost is perhaps exacerbated by only two years of warranty however if the SHEC trial proves successful it may be appropriate to direct negotiation of satisfactory terms by Strategic Procurement before corporate purchase. (Refer Recommendation 16; and Attachment 31)

8.1.2 Scene of Crime Officers as Agronomists

The notion of using Scene of Crime Officers (SOCOs) as agronomists was considered. Factors contemplated by the Project Team included: the range of requirements for formal qualifications by instruction and experience; use of 120 SOCO's statewide to alleviate long term storage problems associated with medium to large cannabis seizures; any measurable, quantitative impact upon destruction timeframes; the ability of SOCOs to give expert evidence; evidentiary independence when using internal resources; and corporate cost savings. NSW Police Force has experienced and travelled this road in earlier times with two police officers trained, albeit not currently used in that capacity.

The Commander, FSG was consulted regarding a range of SOCO training and qualification options. A variety of matters discussed included the achievement of sufficient evidentiary independence and training an already specialised civilian workforce. Ultimately both evidence and opinion weighed against this concept proceeding as a recommendation.

8.2 Collecting drug exhibits for transport to a police station or other location

8.2.1 Personal Protective Equipment (PPE)

The use of personal protective equipment (PPE) was considered including the use of cut resistant gloves for searching to minimise risks associated with personal exposure; access to and use of overalls to cover body/uniform/clothes for the prevention of skin absorption and clothing contamination; availability and use of appropriate masks. The more general issue to all operational NSW Police Force officers of nitrile gloves, in favour of the currently issued latex variety was agreed to be an essential minimum standard, particularly for those officers who are likely to engage in drug related activities, many of which are preplanned and expected prior to any potential contact. Additionally, gloves should be disposable or washable to further reduce the potential for contamination.

Matters of officer safety and practicality exist with respect to the use of masks in close proximity to an offender/prisoner from the perspective that mandatory use could pose a potential hazard to the police officer. In that regard education upon the use of PPE according to escalation guidelines was recommended with formation of a chart for easy reference and applicable to a variety of incidents/situations. Further focus on information and education is achievable with development of a notebook size Aide Memoir and Hazmat cards to assist police with procedural and dynamic risk assessments at locations where contact with unknown hazardous substances first occur.

Implementation of field drug kits (eg PAB18 plastic exhibit bags; PPE comprising masks, gloves, eyewear, disposable overalls and hazmat style containers) was given broad consideration. Such kits may be carried in a mobile supervisor's vehicle within metropolitan areas or with car crews in country locations given heightened difficulties with distribution of resources and practicalities of distance.

8.2.2 Safety information and education

Project Team members acknowledge the strong role of education and the timely provision of information in reducing risks associated with the management of drug exhibits. To that end police officers need to be made aware of specialist police units and external departments (NSW Fire & Rescue - Hazmat) that provide an array of containment options for suspected hazardous substances. Increased consultation with these resources will allow greater understanding and access to hazardous substance handling information thereby reducing risks of exposure. Officers must also be encouraged to use available mobile technology in police vehicles such as MDT; Field ID; radio and mobile telephone communication devices to access information or specialists for drug identification, security and safe management.

There also exists an opportunity to educate and inform police officers in the field by providing risk assessment products, particularly when related to the concept and process of *'dynamic risk assessment'*. The dynamic risk assessment acknowledges the unpredictable environment in which emergency services employees operate and requires workers to maintain situational awareness while systematically thinking through potential actions to reduce risks of harm to themselves and others. Education and information can be broadly disseminated in the form of SMITS, shift briefings, the Aide Memoir, and HAZMAT cards available for reference in the field.

8.2.3 Operational Risk Assessment

Project participants reviewed the organisationally endorsed 'Police Operational Risk Management Plan (for Local Area Commands)' and identified components of this document for enhancement. Improved forethought surrounding operations involving the potential seizure of hazardous substances suspected of being a drug or related to drug manufacture will result in better safety and exhibit management efficiency at the back end of police operations. Recommended amendments relate to consideration of drug seizure, storage and disposal processes much earlier in the operational planning phase to elevate exhibit management awareness.

Following the Forensic Services Group reform, Project participants discussed the *'test of essentiality'* now termed *'probative value'* which assists in determining whether or not an exhibit is required to prove a matter before a court of competent jurisdiction. This approach has a number of advantages including: reduced storage requirements; potential reductions in handling/exposure risk; focus from the outset on proofs or elements of the offence to be alleged and the nature of physical evidence actually required to prove the prosecution. In this respect particularly the role of technology requires consideration including photography; video/electronic; CCTV; and scientific evidence to alleviate the need for lengthy storage timeframes of unknown hazardous substances. In this context early prosecutorial inquiries into issues for judicial determination may be appropriate. For example proof of the substance as a drug may be conceded when a defense is based upon the question of possession, therefore not requiring substance analysis. Acceptable change however will require a wholesale review of current legislative and operating procedures.

8.3 Labeling and signage

8.3.1 Warning Labels

To label or not label exhibits at the first stage of handling drew agreement that unknown hazardous substances believed to be illicit drugs should at some stage be labeled but not at the point of collection. A better solution was to determine the suitability of labeling during a triage process applied upon receipt of exhibits at police stations, prior to storage and pending analysis. Too many labels will have a blinding effect and become less meaningful whereas labeling only those exhibits of concern will best ensure attention and priority is given to items of greatest concern.

As earlier foreshadowed, labelling of drug exhibit bags has inherent risks if applied universally to all exhibits that comprise unknown yet potentially hazardous substances. Labelling options include a hazard scale, with each drug exhibit bag being labelled according to its potential for harm, degradation or exposure. The manner of labelling in this case might comprise a three tier system with green labels relating to minimal likelihood of harm escalating to red labels relating to assessments of high potential harm. Notwithstanding suspicions, no conclusive determination can be applied even beyond FASS identification of the substance, which does not incorporate cutting agents.

Even if presumptive tests were capable of providing certainty of substance identity, or analysis from FASS was instantaneous, of significance is the situation that only illicit substances are identified for evidentiary purposes. For example FASS will not test for chlorine or salt as a cutting agent within illicit drug compounds because the quantity of illicit substance only is of primary evidentiary importance and relates directly to the substantive purpose for analysis. Upon that reasoning labelling beyond analysis, ie: once the illicit portion of a substance is known, becomes a benign exercise incapable of foreshadowing greater breakdown times or carcinogenic properties that require greater caution. For these reasons, labelling all drug exhibit bags either before or beyond analysis will not form a recommendation of the Project Team.

Universal precautions must consistently be applied by workers involved in handling or managing exhibits without the degree of caution being lessened or removed by a labelling system based upon analysis of only one element of a hazardous substance. All drug seizures must therefore be treated with the utmost caution. If labelling is to occur at any early stage it can only reflect the reality of a *“Possible Hazardous Substance”*.



Project participants were concerned about labelling drug exhibit bags due to the strong risk of over-labelling resulting in over-exposure and operational blindness. FASS may not accept exhibits if safety risks are interpreted as too great, which is currently the case when police package drug exhibits within hazmat containers due to degradation or other hazardous indicators.

The use of plastic drug exhibit bags (PAB18) with preprinted warning signs together with insertion of a plastic observation panel into paper drug exhibit bags (PAB24) to enable checks upon the condition of drugs or plants, particularly when secured over long periods of time, were options raised for further consideration. Whilst the inclusion of a clear inspection panel in paper drug bags is desirable, it is acknowledged that the core problem still remains without impact upon the timeliness of identification and destruction procedures. In this regard difficulties are acknowledged with accessing botanists or agronomists to identify and certify plant material in a timely fashion particularly within metropolitan as opposed to country areas.

Fitness for purpose of drug exhibit bags since late 2012 has taken on another dimension to include fitness for destruction by burning. PAB18 plastic drug exhibit bags are formed from PVC chlorine based compounds and are in use throughout many other Australian policing jurisdictions. Advice from the NSW Environmental Protection Authority (EPA) is that destruction of PVC material by burning is contrary to provisions of the Protection of the Environment Operations Act. Alternative plastic material is currently being sourced by NSW Police Force to address the problem of pollution with an environmentally friendly alternative. The destruction of plastic exhibit bags by fire without officers being required to remove contained drug substances remains an essential fitness for purpose component to alleviate any unacceptable risk or potential for worker exposure.

8.3.2 Signage

Generic signage has been created to reflect minimum standards within exhibit handling areas of police stations. The signs are coloured green and white to ensure no conflict with other emergency signage also likely to be on display. Each sign reflects specific aspects of an operational exhibit processing area and requires endorsement for mandatory introduction across the NSW Police Force. (Refer Recommendation 4; Attachments 4,5,6)



8.4 Collecting drug exhibits for transportation to a police station or other location

A review of how NSW Police Force currently deals with collecting exhibits was conducted using wet cannabis as a benchmark substance of extreme risk. NSW Police Force has good exhibit management processes however discussion and review of current localised procedures identified a number of opportunities for improvement, in particular, standardisation of approach.

8.4.1 Personal Protective Equipment

Use of Personal Protective Equipment (PPE) is necessary to promote the health and safety of workers. Availability of disposable overalls in vehicles for use during cannabis seizures; universal use of nitrile gloves; introduction of the Aide Memoire, HAZMAT cards; together with the PPE escalation model (including protection from absorption of cannabis oil or resin into the skin) all form Project recommendations.

The obligation upon NSW Police Force in the form of a “*duty of care*” to persons of interest was also considered from the perspective of whether or not PPE requirements extend to suspects or occupants of premises at search warrants, or those potentially making contact with hazardous substances. Duty of care provisions, regardless of a miscreant’s prior contact with hazardous substances should attract the offer of PPE when exposure is reasonably foreseeable. An absence of consent requires removal from the hazardous situation. Education and legal advice upon duty of care obligations was considered necessary for corporate wide circulation.

8.4.2 Transporting of drug exhibits

The transportation of drugs is one of the greatest risks to police officers with a high degree of potential for exposure. A review of current practice identified a number of opportunities for improvement including the requirement for risk assessment documentation before unknown hazardous or illicit substances are transported.

Long distance transportation of drug exhibits is of particular concern. Issues and risks such as fatigue; inhalation of fumes; ambush (common practice to convey firearms, drugs, seeds etc. of significant street value); contamination; accidental spillage; and serious vehicle collision enroute have all been identified as risks associated with transportation. Anecdotal and direct evidence comprising experience from some Project participants reflected fatigue as a significant risk to police officers when conveying drugs from rural locations to FASS.

Transport options to reduce risks and costs were considered including use of a courier company; Australia Post or internal resources such as the Air Services Branch to provide transportation of drugs from country locations. Other considerations included interstate transportation of drugs for analysis at closer centres.

New Zealand Police have in the past used external service providers to convey prohibited drugs for analysis. By comparison the present system of drug transportation in NSW is costly, inefficient, and ultimately untenable without procedural and legislative change. The Australian Federal Police has an ideal legislative and policy framework that allows practical operational procedures to enable the timely destruction of prohibited drugs, particularly those above traffickable thresholds.

Whilst some rural locations use a [REDACTED] as unknown hazardous substances on long distance trips, [REDACTED]

there is no consistency of practice. Drivers and occupants do not wear PPE whilst conducting this duty for comfort and practicality reasons.

Ideally the cabin should be separate from the rear or cargo portion of a transporting vehicle to reduce the risk of exposure to drivers and other occupants. Drugs must at a minimum be transported in dual sealed containers, labelled appropriately as “*Possible hazardous substance*”.



Other rural areas reported that transportation was routinely conducted in [REDACTED]. Some officers reported exposure to odours that were unpleasant causing headaches that subsided with time. Many officers also reported extensive waiting times at FASS which lengthened transportation times, increased costs and kept officers from core operational duties within their home commands.

Other issues included ensuring transport containers are well packed to reduce the risk of container breakages, especially glass containing liquid, and the need to ensure various chemicals do not have the capacity to mix creating a greater unknown risk. Guidelines for development incorporated the baseline Transporting Drug Exhibits Risk Assessment to ensure hazards have been contemplated, identified and mitigated prior to drug movements. Documented anticipation and treatment of risks is then assured to address any intervening incident including a motor vehicle accident, ambush or substance spillage. Part of the risk assessment process must also include emergency procedures for responding to hazardous substance spills. Should the transport vehicle become involved in a motor vehicle collision, identification labelling together with a manifest of substances on board will assist emergency responders quickly identify hazards if occupants are injured and unable to communicate.

The Project Team recommends adoption of the Transporting Drug Exhibits Risk Assessment (developed by Workforce Safety in conjunction with the Project Team) as an organisation-wide document for locations that have a role in transporting exhibits, in particular, hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 20) In doing so, new safety risk controls incorporated in the Transporting Drug Exhibits Risk Assessment will apply, including but not limited to information comprising elements of the Safety Management System (SMS):

SMS Element 1 – Leadership & Commitment

- High risk transportation of drugs (eg: high dollar value, large quantities, media attention or public interest) is to be managed according to requirements for other high risk policing activities including structure as a police operation with risk assessment informing operational orders. (Refer SMS 1.1)

SMS Element 2 – Safe people

- When drug exhibits are to be transported over long distances and fatigue becomes a relevant factor, where reasonably practicable, the deployment of two police officers is to be considered. If the decision is made for a dual deployment one officer must be operationally capable and wear appointments. (Refer SMS 2.1)

SMS Element 3 – Safe Workplaces

- During drug exhibit transportation operations use a container that has at a minimum, a dual seal lid, to minimise odour leakage. (Refer SMS 3.1)
- Consider contracting [REDACTED] of various sizes for the transportation of drug exhibits according to individual LAC requirements. (Refer Recommendation 14; Attachment 17)

SMS Element 4 – Safe Operations

- A manifest of all substances being transported and on board including Safety Data Sheets is required prior to commencing the journey. (Refer SMS 4.2)
- Basic spill kits are to be maintained and carried in vehicles when transporting drugs (Refer SMS 4.2). Note: Spill kits as a minimum should contain a cloth barrier (for example a door draft stopper) and a powder substance to soak up or contain spilled material.
- Where drug exhibits are to be transported over long distances with potential for intercept or ambush, a risk assessment is required and where practicable the deployment of two police officers is required, one of which is operational and wearing appointments. (Refer SMS 4.3)

SMS Element 5 – Review & Improvement

- Debrief all high risk drug exhibit transportation operations to identify improvements that feed into operational orders and safety briefing material. (Refer SMS 5.1)

8.5 Accepting drug exhibits at a police station

There are many different approaches to exhibit management within various Local Area Commands across NSW. Resource allocation, demographics and the physical environment all impact upon effective local exhibit management processes.

EFIMS is yet to realise its full potential, nevertheless an opportunity exists to address the issue of safety within the field of drug exhibit management.

Not all commands have a dedicated exhibit manager or full time exhibit practitioner. Typically such a role if allocated is occupied by an officer who has some form of restriction whether physical or psychological.

[REDACTED]

and odour retention in these cases of short term storage are acknowledged with air scrubber technology a promising option to protect police officers.

8.5.1 Safety warnings

Opportunities exist to raise the profile of worker health and safety. This has been achieved in part with warnings created in EFIMS to alert exhibit staff of hazardous substances. These warnings assist with decision making process surrounding exhibit packaging, identification, transportation and storage requirements, for example whether to separate, repackage, label, and/or isolate. Safety Data Sheets must be displayed prominently in exhibit rooms in case of spillages or contamination for advice upon isolation, containment and reporting actions.

8.5.2 Introducing an exhibit triage process

To best entrench safety considerations a '*triage*' system is recommended for implementation at the point of exhibit receipt to assess and determine the most appropriate management of any potentially hazardous substance. The triage process must include an investigation by the supervisor on duty (after hours) or exhibit manager/officer (during office hours) of circumstances surrounding collection of the exhibit. The triage process must be conducted on the first and every subsequent time the exhibit is presented at the police station. Drug exhibits being returned to the police station following analysis should be subjected to this process as the same risks to the safety of handlers remain. For example: A recent hazardous substance exposure incident report recorded receipt of an unsecured repackaged drug exhibit returned to police custody beyond FASS analysis.

From this contextual base the supervisor or exhibit officer must make a number of determinations including whether to accept the exhibit for storage. If accepted, where the exhibit should be located and how it should be stored including use of special containers, warning labels, and personal protective equipment, as well as reference to Safety Data Sheets to facilitate safe and effective exhibit management.

8.5.3 Hazardous substance database

Creation of a hazardous substance database accessible via an Exhibits Website will ensure ready access to careful handling and storage requirements. Such a database will have information on toxicity of substances; methods of storage; first aid procedures for inadvertent exposure to the substance; HAZMAT and other contact details to determine correct storage or first aid requirements.

8.5.4 PAB18 plastic drug exhibit bag

A review of the current drug bags used by NSW Police Force has been conducted including an examination and comparison process between law enforcement agencies of various jurisdictions across Australia and New Zealand. The current exhibit bags (PAB18 plastic and PAB24 paper) were developed specifically for NSW Police Force requirements and are currently used in many Australian jurisdictions. An investigation was conducted to determine the sufficiency and suitability for ongoing use of currently supplied exhibit bags. (Refer Attachment 34)

A paper bag with clear observation window to enable easy checks of contents without breaching the bag's integrity is a valid option however suppliers have not been sourced within the Project timeframe. It is the case that inquiries made across all jurisdictions together with Workforce Safety confirm both the PAB18 and PAB24 products are most suitable for policing purposes within the ambit of security and retention of prohibited drugs comprising unknown and potentially hazardous substances.

However recent developments have led to a further review of the PAB18 plastic drug exhibit bag in terms of fitness for purpose from the perspective of compliance with the Protection of the Environment Operations Act (PEOA) upon destruction by burning. Formal correspondence was received from the EPA by the NSW Police Force on the 26 October 2012 indicating corporate non-compliance when destroying illicit substances in powder or tablet form by incineration, unless using the Sterihealth facility at Silverwater being the only site licensed by the EPA in NSW.

During discussions with EPA representatives the question of destruction suitability of the PAB18 plastic drug bags was examined. Current plastic drug bags are made of PVC, which is a chlorine-based plastic solution unsuitable for incineration. The EPA has determined that destruction of PVC material by NSW Police Force is contrary to provisions of the PEOA. Consequently inquiries are being made to source a substitutable plastic material to replace existing exhibit bags together with interim managerial arrangements to address future destruction processes.

8.5.5 Safety briefing and induction

The health and safety of officers conducting exhibit audits requires attention and procedural changes. Specifically, every officer scheduled to conduct an audit of unknown hazardous substances suspected of being drugs or used in drug manufacture must submit to a preliminary safety briefing which includes wearing minimum standard PPE; knowing the location of first aid kits/stations and Safety Data Sheets; as well as instructions in the case of any spillage together with reporting requirements. The Surry Hills Exhibit Centre Safety Induction Package is an example of best practice which is required for broad circulation across NSW Police Force. (Refer Recommendation 1)

Evacuation and emergency procedures must be prominently and clearly displayed in exhibit rooms in case of any spill or contamination incident. Chemical handling and storage information must also be displayed to assist with emergency processes of containment, isolation and evacuation of the immediate area. (Refer Recommendation 4; Attachments 4, 5, 6, and 7)

8.6 The charging process and seeking orders with respect to drug exhibits

The requirement to maintain an exhibit until and beyond the completion of court matters is an untenable premise. Over time compositional changes transform the physical appearance including weight and chemical makeup of illicit substances whether botanical or chemical based, rendering any evidentiary value negligible while creating significant health and safety risks.

By and large Parliamentary intent has not been achieved, notwithstanding a myriad of options to allow the early disposal of prohibited drugs. Part of the difficulty rests with construction of the Drug Misuse and Trafficking Act which requires legislative change to realise an early drug exhibit disposal regime. Legislative impediments to early drug disposals has lead to increased safety risks to workers required to store drug exhibits for extensive periods of time.

Upon Project representations the Commander, Prosecutions Command has directed that all Prosecutors must request early destruction of drug exhibits the subject of court proceedings at the first opportunity by applying Section 39E of the Drug Misuse and Trafficking Act. Whilst positive, the strategy was nevertheless recognised as interim in nature pending legislative and process change to significantly minimise physical, financial, and importantly, safety burdens upon NSW Police Force. It is also recommended that this approach of seeking early disposal applications is mirrored by agreement within the Coronial jurisdiction.

8.7 Analysis of drug exhibits

All of the issues and risks raised to the point of drug exhibit analysis are repeated when drug exhibits beyond transportation to FASS must be returned to ██████████ pending identification, analysis, and certification. Beyond return transportation of the drug bulk from FASS, a further trip is required by police to collect any drug residue remaining beyond the sample drawn for analysis. Legislative requirements mean that on average approximately 0.7 grams of powder drugs are drawn from the bulk for sampling which usually consumes approximately 0.2 grams. The remainder or residue must be returned to a police officer for escort back ██████████ where a second entry in EFIMS is required to acquit the second amount of returned drugs. The residue returned then remains with the bulk exhibit usually for some years before disposal beyond the conclusion of court proceedings. This form of inefficiency due to double and sometimes triple handling of drug exhibits requires remedy with legislative and procedural change. (Refer Recommendation 34; Attachment 24) Opportunities for early disposal are almost always dependent upon court orders, with large quantity seizures the subject of ODPF prosecutions always affected by standing directions not to seek pre-trial destruction. (Refer Attachment 35)

Current practice is also hampered by waiting times at FASS and a mandatory requirement for all exhibits to be weighed and sampled at that single facility. The analysis process is generally acceptable with a thorough visual assessment of the exhibit to ensure integrity of packaging without security seal breach and that the exhibit is safe to analyse. Other constraints also apply including a 14 day legislative timeframe within which police must lodge greater than traffickable quantities of illicit substances for analysis to ensure certification is legally acceptable. (Refer Clause 10 Drug Misuse and Trafficking Regulation) For safety purposes certification of cannabis plants should be completed within 7 days regardless of legislative compliance due to the degradation process which occurs between 7 to 14 days post plant removal. Interestingly the same circumstance of disposal urgency for safety purposes is not applied to drugs in different forms.

Depending upon the age of a drug exhibit including the length of storage time, an illicit substance may deteriorate at uncertain times exacerbating risks to workers responsible for handling, transportation and destruction processes of all drug types.

It is acknowledged that FASS will not accept heavily degraded plant material. Aspects such as these require NSW Police Force to consider more timely botanical and opiate based destruction processes to better align Work Health and Safety legislative obligations to operational activities.

The use of couriers to convey drug exhibits rather than police officers forms a number of Project recommendations for quantities below respective traffickable amounts and samples of those above, both circumstances requiring legislative amendment. A process involving the secure tamper proof sealing of drug exhibits below traffickable quantities at police stations or FSG service nodes in country areas will allow approximately 40% of NSW Police Force drug exhibit deliveries to FASS without removal of police from local areas. The Director, FASS has agreed that beyond receipt and analysis of less than traffickable amounts, drug exhibit destruction processes can be undertaken by FASS personnel, thereby alleviating the need for drug exhibits of less than traffickable quantities to be returned to police stations for storage across NSW. Flowing from this delivery and destruction process will be time, cost and safety savings for NSW Police Force in transportation, storage, auditing, and disposal of potentially hazardous substances.

Illicit substance quantities above respective traffickable amounts are the subject of recommendations for local weighing and sampling by FSG police officers with blind A samples being forwarded for forensic analysis utilising a courier system. B samples will remain on hand at seizing locations together with the residual bulk drug material. Receipt of an analyst's certificate will trigger a local destruction process in a timely and efficient fashion. Costs related to police transportation; sustenance and operational time will see significant reductions with escorting officers returned to core business activities of reducing crime and the fear of crime. All matters are contained within our Ministerial submission forming Project Recommendation 34. (Refer Attachments 24 and 37)

Consideration was also given to transporting NSW Police Force drug exhibits to interstate laboratories for testing and certification predominantly as a means of reducing travel commitments to Sydney. Whilst the legislative framework may be present, in practice the process remains untested. Nevertheless the Project Team were of the view that the use of interstate laboratories will place NSW Police Force into a potentially competitive position for analytical services with other state law enforcement bodies which was likely to impact upon turn-around times. As such the option of interstate drug testing, which is likely to benefit only a small proportion of NSW country commands is not recommended.

8.8 Storage of drug exhibits

8.8.1 Ventilation

As earlier discussed, in almost all cases, the receipt of drug exhibits involves securing sealed exhibit bags into purpose built drug safes installed at various police stations throughout NSW.

Issues with ventilation and odour retention in cases of both short and long term storage exist and are acknowledged. Air scrubber technology has been identified as a promising option to protect police officers from harm when exposed to odour emissions from illicit substances at police stations.

The issue of ventilation is complex and has been historically determined as cost prohibitive however air purifying technology was trialed within SHEC in May 2012 with remarkable success involving almost instant and ongoing elimination of strong drug odour emissions, predominantly being cannabis. (Refer Recommendation 12)

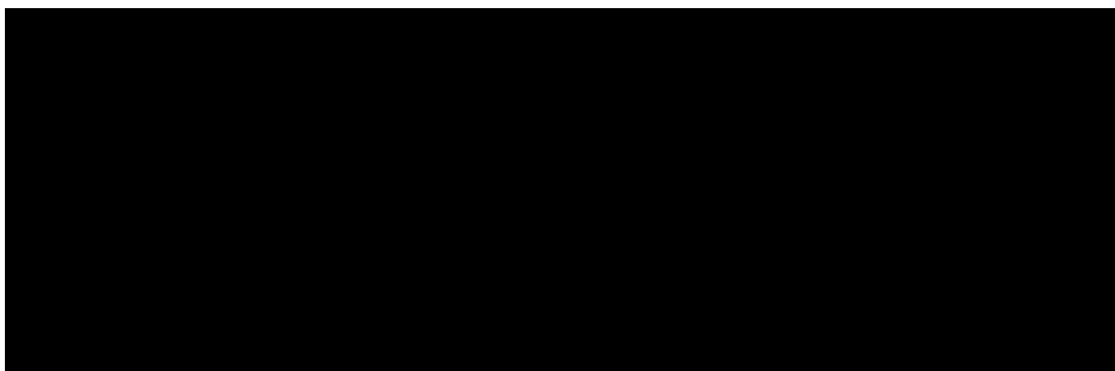
Original proposals rested with the Police Properties Group (PPG) to quantify and prioritise refurbishment of exhibit handling areas within police stations throughout NSW. With that proposal came an understanding that exhibit handling areas were extremely inconsistent in terms of physical layout and location rendering ventilation rectification works an expensive and time consuming task.

8.8.2 Air scrubber technology

Additional inquiries exposed the only constant piece of equipment as the drug safes themselves, which if able to be modified, would bring the cost of ventilation within a range that could see more timely change. Products and suppliers were sourced resulting in the discovery of air scrubber technology, most notably distributed by Enware Pty Ltd.

Air scrubbers are devices that range in size and are designed to eliminate potentially harmful odours from areas including drug exhibit handling areas, however most importantly they may be installed within drug safes to eliminate odours prior to opening.

8.8.3 Case Studies



Lake Illawarra Local Area Command

Inquiries across NSW revealed the installation of an Enware air scrubbing device into a drug exhibit safe at Lake Illawarra Local Area Command. The scrubber was seated in the bottom corner of a drug exhibit safe with a power cord running through the side and professionally secured in place with silicon. (Refer Attachment 15) The configuration allows external control over the device by activation of a power switch prior to access by the exhibit officer. The device was sourced to best control odours from illicit substances in a cost effective fashion that reduced risks of worker exposure.

Feedback from staff at Lake Illawarra has been positive with significant changes in air quality for a small initial investment. Ongoing costs associated with filter cartridge replacement are minimised by only activating the scrubber device prior to drug safe opening times and switching off upon closure.

The cost of an air scrubber system suitable for installation into a standard drug safe is approximately \$300 with replacement filters costing approximately \$120-\$150. However whilst the [REDACTED] trial left the air scrubber operating continuously, normal operating procedures, evidenced by the Lake Illawarra experience will only require activation immediately prior to and whilst the drug safe door is open. This procedure will drastically reduce the frequency of filter replacement to an annual or biennial consideration, capable of being purchased from existing Local Area Command discretionary budgets.

The Strategic Drug Exhibit Project is aware of air scrubber devices being installed within a small number of drug safes at other Local Area Commands around NSW, however a separate Project Team is required to research the most suitable product supplier and to determine the most appropriate installation method that does not create an additional hazard with drug exhibits being placed/falling onto or around the unit.

8.8.4 Storage containers

Storage facilities need to be cool and dry for optimum safe storage of prohibited drugs including powder, tablet and botanical material. Degraded plants pose the largest risk to worker safety. Cool, dry storage areas are capable of reducing the hazard.

Hazardous material (HAZMAT) drums are costly, however necessary as part of the safety inventory. HAZMAT drums may be purchased via NSW Fire & Rescue or from other commercial outlets and are made of hardened plastic with a screw top lid. At least one such drum must be kept on hand within exhibit handling areas at all times to isolate and contain any hazardous substance brought into a police station as an exhibit. If an exhibit is presented as a drug or precursor chemical in liquid form, immediate removal can be arranged by the SCC Chemical Operations Unit or locally under the Chemsal contract, however in the interim period an isolation strategy is facilitated with a HAZMAT drum which will provide an immediate barrier to reduce the risk of personal harm.

8.9 Storage, Handling and Disposal

The Project Team recommends adoption of the baseline Generic Exhibit Centre Risk Assessment (adapted from the Surry Hills Exhibit Centre Safety Induction Package) as an organisation-wide document for locations that have a role in managing exhibits, in particular hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 21) In doing so, adopt the revised or new safety risk controls as per the Generic Exhibit Centre Risk Assessment including but not limited to information comprising elements of the Safety Management System (SMS):

SMS Element 1 - Leadership & Commitment

- Commanders are responsible for ensuring a safety/site induction is carried out for all workers who will perform exhibit related duties, including items of miscellaneous property. Note: Evidence of the induction having been conducted and an acknowledgement of the worker that this has occurred is a necessary component of this risk control measure. (Refer SMS 1.1)
- At regular intervals revise the safety and site risks with works as to the handling and storage of hazardous substances, monitor via CMF. (Refer SMS 1.2)

- Conduct a triage process to determine how to manage drug exhibits received including the conditions of initial receipt and if accepted the method of storage, labelling and recording of risk management actions in EFIMS. (Refer SMS 1.3)

SMS Element 2 – Safe People

- Safety/site induction must be carried out for all workers who will perform exhibit related duties, including interactions with items of miscellaneous property. (Refer SMS 2.1)
- Training is provided with respect to the containment of spills, emergency response (including basic first aid), safe handling and storage of hazardous substances. (Refer SMS 2.1)
- Only trained workers are to perform exhibit related duties. Note: Training could range from awareness (induction) through to qualification as an Exhibit Manager. (Refer Objective 4; Recommendations 28,29,30; SMS 2.1)

SMS Element 3 – Safe Workplaces

- Following triage, label drug exhibits assessed, as “Caution Possible Hazardous Substance”. Note: Not all drug exhibits require labelling, caution needs to be exercised to minimise the risk of label blindness. (Refer SMS 3.1)
- Refer to NSW Police Force Safety Management System and SafeWork Australia Code of Practice: Labelling of Workplace Hazardous Chemicals. (Refer SMS 3.1)
- Regularly monitor drug exhibit packaging for signs of deterioration. (Refer SMS 3.2)
- Apply procedures of air scrubbing/purifying prior to opening drug safes to eliminate odours if applicable. Note: Consider contracting Enware Pty Ltd to provide air scrubbing devices and filters for installation into all NSW Police Force drug safes. (Refer Objective 1; Recommendation 12; Attachment 15)

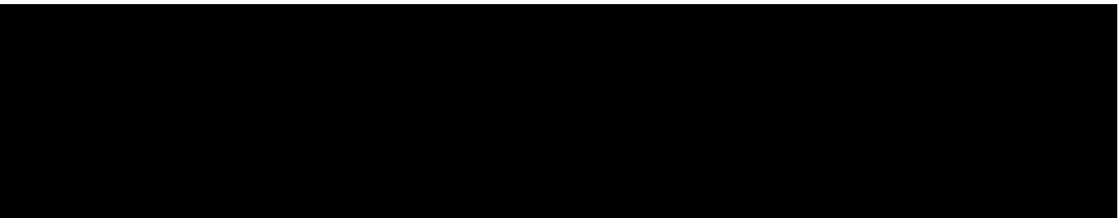
SMS Element 4 – Safe Operations

- With respect to first aid, maintain an eye wash capability appropriate to the environment (ranging from saline solutions in first aid kits, to portable eye wash products, to fixed eye wash stations). (Refer Recommendation 4; Attachment 4; SMS 4.2)
- Manage the destruction of bulk or multiple drug exhibits in the context of a police operation (eg: high dollar value, large quantities, media attention or public interest) including structure as a police operation with risk assessment informing operational orders. (Refer Recommendation 2, 22; Attachments 2, 20; SMS 4.6)

SMS Element 5 – Review & Improvement

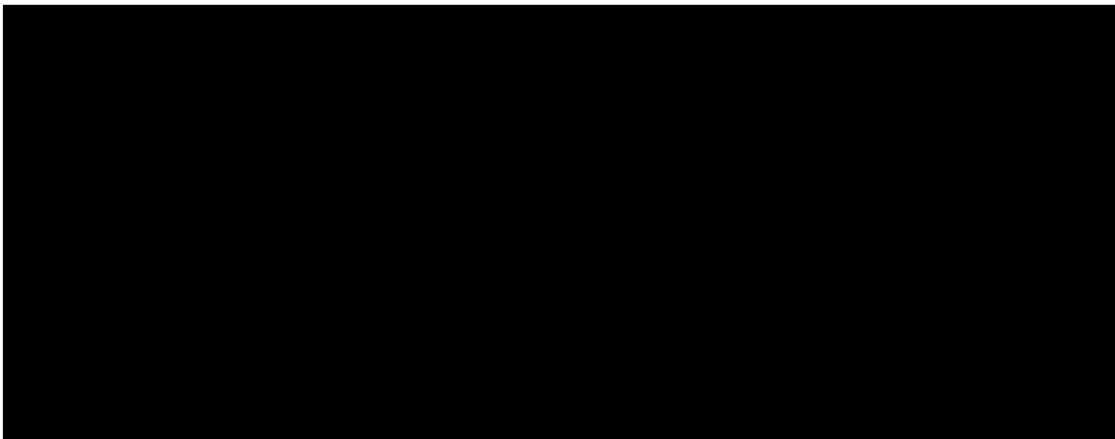
- Regularly review documentation and registers. (Refer SMS 5.1-5)
- Outcomes of audit debrief to inform improvement in drug exhibit disposal and audit procedures. (Refer SMS 5.6)

8.10 Destruction of drug exhibits



The risk assessment is conducted by the most senior officer attached to [REDACTED] being of Senior Sergeant rank and holding supervisory responsibility for exhibit management. That officer conducts an assessment of the state of each exhibit and requirements for PPE. All exhibits are secured into a container for transportation and once packaged are not reopened. Whilst these procedures are extreme, the process and structure of risk assessment preparation informing operational orders prior to transportation for disposal is sound and requires broad introduction. (Refer Recommendation 2; Attachments 9, 20)

Project participants discussed the need for a PPE guide required for workers who come into contact with drugs and paraphernalia which can be addressed by introduction of an Aide Memoire. (Refer Recommendation 5, Attachment 8) A product similar in form however with content structured towards procedures for drug destruction operations is also recommended. Instructions include formalising the preliminary checking phase for all drug exhibit destruction candidates including security seals; bags for breakages and information accuracy; appropriateness of the destruction location and method; safety standards and risks to be addressed; wearing of protective equipment including ballistic or safety vests; presence and preparation of first aid kits; and emergency procedures in case of spillage or contamination. (Refer Recommendation 6; Attachment 9)



Amendments are presently being sought with EPA assistance to provide NSW Police Force an exemption under the Protection of the Environment Operations Regulation to allow the destruction by burning of illicit substances in powder and tablet form. Additionally the NSW Police Force must source an alternative product to PVC chlorine based plastic exhibit bags (PAB18) as a precondition to regulatory amendments. All inquiries are currently being conducted to establish a new regime of drug exhibit destructions that comply with all legislative requirements.

Within the ambit of illicit substance destruction is a requirement for automation of the drug exhibit candidate for disposal notification process.

Systemic and legislative changes are required to ensure decreased storage timeframes and transportation requirements for all hazardous substances suspected of being drugs or related to drug manufacture that are seized by police. Automation of the system to reduce drug exhibit retention times required preparation of a high level Business Case including an indication of costs associated with minor amendments to business rules of both COPS and EFIMS systems. Development of a notification system for exhibit disposals without reliance upon officers in charge of investigations will repair an otherwise unreliable process. (Refer Recommendation 21)

Automation includes COPS notification of EFIMS to allow the disposal of drug exhibits more contemporary to critical times of seizure and court outcome. System amendments include an EFIMS dashboard accessible by LAC exhibit officers where candidates for exhibit disposals appear upon certain details being entered into COPS. That data, already entered into the COPS system, reflects court outcomes of drug charges preferred as well as drugs located that attract warning or caution processes due to quantities involved which fall within the ambit of Section 39PB of the Drug Misuse and Trafficking Act. A preliminary funding estimate has been obtained of \$160,320 to activate these efficiency changes. (Refer Attachment 38)

8.11 Recommendations

1. **Adopt the Exhibit Centre Safety Induction Package** (adapted from the Surry Hills Exhibit Centre Safety Induction Package) as a baseline document for introduction at all locations that manage exhibits. (Refer Attachment 1)
2. **Adopt the Drug Exhibit Destruction Operational Orders** (adapted from the Surry Hills Exhibit Centre) as a baseline document for use at all locations that manage drug exhibits that may comprise hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 2)
3. **Adopt the phrase “*Caution Possible Hazardous Substance*”** as standard terminology with the internationally recognised symbol for caution (yellow triangle, black outline and exclamation point) for labelling exhibits comprising any unknown hazardous substance suspected of being a drug or related to drug manufacture. The labelling process will occur beyond a triage process to alert those who manage exhibits to exercise extra caution. This symbol and wording has the approval of NSW Fire & Rescue. (Refer Attachment 3)



4. **Adopt standardised signage and warnings for exhibit centres and facilities where hazardous substances are or may be stored.** (Refer Attachments 4,5,6,7)



5. **Adopt the Aide Memoire** designed to assist the safe management of unknown hazardous substances discovered during the course of police work. This product can be applied as a poster; as part of a car crew toolkit; or for individual reference as an official notebook inclusion. (Refer Attachment 8)
6. **Adopt the Procedures for Drug Destruction Operations Aide Memoire** designed to formalise the preliminary checking phase for all drug exhibit destruction operations. This product is for application as a poster for prominent display in exhibit processing areas. (Refer Attachment 9)
7. **Adopt Safety Posters** for prominent display in areas where processes of exhibit management take place. (Refer Attachments 10, 11)
8. **Adopt the Drug Exhibit Field Check** as a poster; as part of a car crew toolkit; or for individual reference as an official notebook inclusion. (Refer Attachment 12)
9. **Accept the revised ‘Police Operational Risk Management Plan’ (for Local Area Commands)** which includes a more comprehensive safety component addressing anticipated seizure and subsequent management of any hazardous substance suspected of being a drug or related to drug manufacture at a much earlier operational stage. (Refer Attachment 13)
10. **Adopt the revised ‘Police Operational Risk Management Plan’ (for Local Area Commands)** for application across all NSW Police Force Commands, including State Crime Command.
11. **Adopt the use of nitrile disposable gloves** in lieu of current latex gloves to provide additional protection at minimal cost to all officers engaged in exhibit management. (Refer Attachment 14)
12. **Introduce ‘air scrubber’ technology** for installation within all drug exhibit safes and/or drug exhibit management areas to address odours associated with the storage of prohibited drugs and hazardous substances at minimal cost. A working party will be required to consider the procurement and procedural issues relative to implementation. (Refer Attachment 15)
13. **Introduce a secure drug transportation system** from metropolitan Local Area Commands and country FSG nodes utilising [REDACTED] couriers to collect drug exhibits below traffickable quantities via [REDACTED] akin to that already in place for biological exhibits for delivery to FASS for efficiency, effectiveness, and safety improvements whilst maintaining evidentiary integrity. (Refer Attachment 16)
14. **Introduce dual seal containers for the transportation of drug exhibits to ensure the containment of odours** and labelled appropriately as “*Possible hazardous substance*”. (Refer Attachment 17)
15. **Endorse Implementation of a triage system** for the receipt of drug exhibits at police stations incorporating conditions of acceptance and risk mitigation procedures before handling, storage, transportation, destruction or auditing activities. (Refer Attachment 18)

16. **Endorse a trial of the “TruNarc” spectroscopic handheld device** at SHEC to determine safety and investigative value in early and immediate identification of illicit substances and cutting agents prior to consideration of corporate purchase. (Refer Attachment 31)
17. **Engage Strategic Procurement to identify and engage appropriate product suppliers for alternatives to PAB18 PVC plastic exhibit bags** to ensure compliance with Protection of the Environment Operations Act when drug exhibits are destroyed by burning; and PAB24 paper exhibit bags to investigate inclusion of a clear viewing panel. (Refer Attachment 19)
18. **Endorse Strategic Procurement identifying and engaging appropriate service providers for the safe destruction of precursors and drug exhibits across the state.** Establishing requirements will require consultation with the Environmental Protection Agency and Office of General Counsel to determine the legislative framework.
19. **Adopt a paperless exhibit management follow up process for destruction/disposal of drug exhibits** (based upon the Surry Hills Local Area Command model) incorporating the current EFIMS database for greater efficiency and timeliness. (EFIMS enhancements are due in March 2013)
20. **Approve amendments to EFIMS that enable the timely destruction of drug exhibits capable of disposal without court orders**, including mandatory fields that identify drug exhibits early as candidates for disposal under Section 39PB of the Drug Misuse and Trafficking Act to enable more timely destruction processes.
21. **Consider development of a business case to enable COPS notification of EFIMS when court matters are complete to allow the timely disposal of drug exhibits.** The present system of exhibit officers awaiting disposal notification from officers in charge of cases is inefficient and requires a system independent of sole reliance upon informant officers.
22. **Adopt the Transporting Drug Exhibits Risk Assessment** (developed by Workforce Safety in conjunction with the Project Team) as an organisation wide document applicable to locations that have a role in transporting exhibits that comprise hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 20)
23. **Adopt the Generic Exhibit Centre Risk Assessment** (adapted from the Surry Hills Exhibit Centre Safety Induction Package) as an organisation wide document applicable to locations that have a role in managing exhibits that comprise hazardous substances suspected of being a drug or related to drug manufacture. (Refer Attachment 21)
25. **Adopt a risk based approach to determining the frequency of drug exhibit audits** to replace the current blanket corporate auditing requirement of 100% inspections, determinable by each Local Area Commander, reviewable by Region Commands via CMF and Command auditing processes.

9. ACHIEVING OBJECTIVE 3

Revise the NSW Police Force Handbook including EFIMS

9.1 The Handbook

Project Team members reviewed Chapter D of the NSW Police Force Handbook. It was observed that the Chapter was random in its organisation with some elements that did not appear to be relevant to current policing practices. This is particularly the case with respect to the advent and development of EFIMS. The Project Team recommends that the Chapter be reorganised to reflect the lifecycle of a drug exhibit and has developed a draft Chapter as a starting point for Performance Improvement and Planning Command to work from. (Refer Attachment 22) Notwithstanding Project Team suggestions, the NSW Police Force has recently developed an Exhibit Procedures Manual incorporating a chapter on drugs which appears sound within the current operational environment. This publication may serve as an appropriate reflection of NSW Police Force Handbook requirements.

9.2 Drug Exhibit Website

As part of the Project Team's activities a Drug Exhibit Website was established to provide information, create an opportunity for discussion and facilitate feedback to the Project Team. Comment on this initiative particularly was sought from exhibit practitioners across NSW with the response mechanism configured as a survey form. The survey attracted a significant collective response with overwhelmingly positive comments regarding Website creation, function and corporate benefit. (Refer Recommendation 27)

At the Managing Drug Exhibits Workshop the Drug Exhibit Website was mentioned throughout by many practitioners who saw it as a valuable resource being a central repository for all information relating to the management of drug exhibits. Further, the website was seen by the Project Team as a means of encouraging shared experiences, good practices, potential risks and controls through a knowledge management process. Without this website there is no specific body of knowledge for exhibit practitioners/managers and other workers to access corporate information or seek authoritative guidance.

The Project Team recommends continued development and maintenance of the Drug Exhibit Website by FSG. FSG responsibility will extend to ensuring up-to-date information touching upon all aspects of exhibit management. A suitable senior officer attached to FSG requires appointment as the Corporate Spokesperson for Exhibits Management to allow competent performance of this important function. (Refer Recommendation 26)

Complimentary to contemporary information management, the Drug Exhibit Website should be accessible from the NSW Police Force Handbook (on line). The website should contain an Exhibit Safety Management System inclusive of:

- Existing procedures from the Handbook
- EFIMS instructions – inclusive of requirement to note warnings
- Relevant legislation links
- Hazardous substance database
- Training material

- Generic Exhibit Centre Induction Package
- Generic Exhibit Centre Risk Assessment
- Generic Transporting Drug Exhibit Risk Assessment
- Signage
- Posters
- Drug Exhibit Field Check
- List of trained exhibit managers (training to be established)
- Knowledge maps/chat room for knowledge sharing

This work is outside the scope and expertise of the current Project Team and requires development under the leadership of FSG as the recommended corporate area responsible for exhibits management.

9.3 Recommendations

24. **Approve reorganisation of Chapter D – Drugs – Prohibited Drugs and Plants of the NSW Police Force Handbook to reflect the lifecycle of a drug exhibit**, with the draft Chapter considered a starting point for Performance Improvement and Planning Command to work from. (Refer Attachment 22)
27. **Adopt continued development of the Drug Exhibit Website established by the Project Team:** for maintenance by designated officers attached to FSG. The Website must be accessible from the NSWPF Handbook (on line) and contain an Exhibit Safety Management System comprising safety and procedural inclusions.

10. ACHIEVING OBJECTIVE 4

Training material in support of standard practices

10.1 Recognising an important role

10.1.1 Recommendations

The Project Team observed that there is no corporate recognition for the role of exhibit practitioners. By way of comparison, roles such as Brief Manager and Custody Manager have evolved in status to achieve positional designation requiring particular expertise. The Project Team acknowledge that there are some locations, such as [REDACTED] which have designated positions. However positional status has been driven more by the size and depth of exhibit holdings and the inherent expansion of responsibilities rather than any corporate recognition of expertise required to safely and effectively manage exhibit items.

The level of risk both corporately and personally to the health and safety of workers that attaches to the function of exhibit management is considered at least equal to that attached to managing briefs and handling prisoners.

The Project Team recommend evaluation of an Exhibit Manager/Exhibit Supervisor position by Human Resources Command to elevate the status (portfolio or position based on criteria to be developed – quantity, volume, activity, client base) in recognition of the important role occupants play in ensuring exhibits are managed for production at court or analysis with integrity and safety. Position titles should reflect the nature of the role, for example Exhibit Manager/Exhibit Supervisor. Such a position would also include a requirement to train other officers stationed at the location attached, and the provision of subject matter expertise before courts; forums etc.

10.1.2 Access to training and development

In addition to the status issue, there is no corporately approved training for workers in exhibit portfolio positions. Further, there is little to no structured opportunity for practitioners to share knowledge, experience and practices for development which is predominantly reliant upon informal networks.

A significant outcome from the Managing Drug Exhibits Workshop was an overwhelming response from exhibit practitioners for training that provided skills and instruction to conduct the role from legislative, evidentiary and safety perspectives. Unanimous support was given for training that resulted in accreditation to thereby provide corporate acknowledgement of specialisation attached to the function of exhibits management. Accreditation would become an essential prerequisite for any occupant of the established position.

The Project Team recommends creation of an Exhibit Manager's Course for development by Education and Training Command. (Refer Recommendation 28)

The Exhibit Manager's Course should include recommended essential knowledge areas, including but not limited to:

- Chapter D of the NSW Police Force Handbook
- Risk management
- Procedures and skills relating to containment spillage, Personal Protective Equipment, manual handling
- Knowledge of related legislation inclusive of when to retain/dispose of drug exhibits
- Drug and general exhibit disposal procedures
- Preparation of operational orders and safety risk assessments
- How to conduct induction and specific exhibit practitioner training
- Knowledge about hazardous substances inclusive of their risks
- EFIMS training
- Exhibit file management (electronic) and via EFIMS
- Basic first aid
- Probative value
- Presumptive testing (this occurs in State Crime Command although does not form a recommendation of this Project).

10.2 Managing Drug Exhibits Workshop

For reasons of professional consultation and collective understanding the Managing Drug Exhibits Workshop was an overwhelming success. There was extensive organisational experience in the room with many long term exhibit officers acknowledging the workshop as their first ever opportunity to discuss, consult and compare exhibit management practices among their peers. The resounding response to the question of continuance of such forums was in the positive. As such, at the very least the Project Team recommends embedding the conduct of a Managing (Drug/Ordinary) Exhibits Workshop on an annual basis but at least biennially under the leadership of FSG.

10.3 Recommendations

26. **Confirm the position of Corporate Spokesperson for Exhibits with the Forensic Services Group (FSG) identified as the Corporate Sponsorship Command** to elevate the importance of efficient exhibit management and highlight risk based safety and procedural requirements.
28. **Endorse creation of an Exhibit Manager's Course** for development by Education and Training Command in consultation with FSG that is inclusive of recommended essential knowledge areas.
29. **Elevate the functional status of managing exhibits by creating positions entitled Exhibit Manager** with those occupying the role accredited by completion of course requirements and training in the same fashion as Brief Managers and Custody Managers.
30. **Endorse continuation of a Managing (Drug/General) Exhibits Workshop** on an annual or biennial basis under the leadership of FSG inclusive of exhibit practitioners across the state.

11. ACHIEVING OBJECTIVE 5

Suggested Legislative Change

11.1 Parliamentary intent of legislation

The clear intent of Parliament when enacting drug disposal legislation within amendments to the Drug Misuse and Trafficking Act, specifically Part 3A, was to allow the more timely destruction of prohibited drugs and reduce storage times.

In his Second Reading speech Mr Bob Debus (Blue Mountains—Attorney General, and Minister for the Environment) moved: “Item [19] amends the Act to allow senior police of or above the rank of superintendent to order destruction of substances which are or are reasonably suspected to be prohibited drugs and plants, under the relevant trafficable quantity, where no person has been charged or is likely to be charged. This measure has been requested by NSW Police Force and will reduce pressure on analytical resources as analysis will not be required in those cases to prove that the substance is a drug in order to obtain a destruction order from a court. *That will reduce pressure on resources for exhibit storage, analysis and courts and ensure that drugs are destroyed at the earliest opportunity.* There will be a record keeping requirement as a safeguard. Item [18] will amend section 39A of the Drug Misuse and Trafficking Act to ensure that the minimum amount is the same for all prohibited drugs. (Extract from the NSW Legislative Assembly, Hansard and Papers dated Thursday 9 June 2005)

11.2 Submission to the Minister for legislative change

A Ministerial submission has been forwarded for organisational approval with the assistance of Prosecutions Command. The length of time drug exhibits are held in storage is extensive and beyond the intent of legislation designed originally to reduce retention times. The elevated likelihood of worker exposure is tied inextricably to extended storage times leaving untenable risks within corporate and operational environments.

Notwithstanding Parliamentary intent, the reality remains that significant drug destruction delays occur when the weight of bulk drugs fall outside the parameters of Section 39PB of the Drug Misuse and Trafficking Act. Notwithstanding the clear legislative intent delays are promoted due to conflict between positions of police seeking early disposal; the NSW Office of Public Prosecutions seeking non-disposal; and the interplay between obligations of the NSW Police Force (Person Conducting a Business or Undertaking) under Work Health and Safety legislation.

Whilst Part 3A of the Drug Misuse and Trafficking Act has made progress towards disposal of smaller quantities of prohibited drugs, (under traffickable amounts), it does not go far enough to address safety and resource issues of the NSW Police Force associated with both small (under traffickable quantities) and bulk drug storage (over traffickable quantities) requiring retention over many years pending trial completions.

The primary problem is that the courts view drug exhibits purely from an evidentiary perspective, primarily making determinations in favour of substance retention when conflict exists over the question of preservation or disposal between the prosecuting authority (usually ODPP for larger drug seizures) and the defence. The court does not consider, and is generally not required to consider, health and safety aspects of the drug exhibit to be stored or compositional changes that over time elevate risks. Conversely the NSW Police Force must view drug exhibits from both evidentiary and safety perspectives, with uncertainty surrounding the precedence of safety over evidence when a court order prohibits early destruction.

A number of recommendations emanate from our Ministerial submission for legislative change which if successful will enable a cost-effective solution to the transportation, storage and disposal of prohibited drugs. The Ministerial submission relates to illicit substances both over and below traffickable quantity thresholds. The flow on effect of legislative change is increased public value with improvements to workplace safety, operational efficiency for police officers, improved service and reduced costs to many communities of NSW. (Refer Attachment 24)

Drugs that weigh below traffickable quantities account for approximately 40% of all drugs seized by NSW police officers. Reform is equally required within this category for maximum efficiency including transportation to FASS by a secure courier system directly from LACs in the Sydney metropolitan region and upon lodgement at FSG nodes throughout country NSW. If approved police will no longer escort drug exhibits to FASS, eliminating the inefficiency of double and triple handing involved in drug, drug residue and packaging transportation, storage, analysis, auditing and disposal processes. Essentially, the new regime proposed will see one way drug exhibits traffic from NSW Police Force to FASS where destructions will take place and drugs will never be returned.

Current legislative arrangements within the Drug Misuse and Trafficking Act are not conducive to timely disposals, particularly of large drug exhibits which over time pose the greatest risk to NSW police officers. The cost of managing drug exhibits is a financial burden on the community of NSW in terms of policing resources consistently diverted from operational duties to escort, transport, store, audit and dispose of illicit substances, not to mention costs associated with exposure liability.

11.3 Future Governance Arrangements

The existing corporate structure for managing exhibits aligns the Metropolitan Exhibits and Property Centre (MEPC) with MEIG. Given recommendations including: FSG as the seat of corporate sponsorship; a governance structure reflecting the existing FSG Forensic Science Services Model to drive procedural change and increase efficiencies; maintenance of the Exhibits Website; input into the Exhibit Manager's Course; and Managing (Drug/General) Exhibits Workshop; the incorporation of all existing organisational arms of exhibit management under FSG as a single master is desirable.

On the 15 January 2013 detailed discussions occurred in a meeting between the Commander, MEIG, Assistant Commissioner Clarke; and the Commander, FSG, Assistant Commissioner Loy. Agreement was reached that a recommendation for structural realignment of FSG to enable execution of an acceptable governance model within the field of exhibits management was appropriate. Each recommendation involving FSG was considered and accepted by Commander Loy including assignment of responsibility for the Metropolitan Exhibits and Property Centre from MEIG to FSG. In this way FSG is empowered to control all recommended systems that support processes of change. Corporate ownership of exhibit management will promote consistent exhibit handling messages from a common source with a proven track record of creating efficiencies within other areas of forensic exhibit management.

11.4 Recommendations

32. **Acknowledge the interim strategy requiring police prosecutors to apply for judicial directions under S39E of the Drug Misuse and Trafficking Act surrounding the disposal of drug exhibits at the earliest opportunity for matters within the criminal jurisdiction.**
33. **Acknowledge the strategy agreed with by the NSW State Coroner to make judicial directions surrounding the disposal of drug exhibits at the earliest opportunity for matters within the Coronial jurisdiction.** (Refer Attachment 23)
34. **Endorse the Ministerial submission from Police Prosecutions Command in conjunction with the Project Team seeking legislative change** to allow a safer regime of hazardous substance management and better align Work, Health and Safety obligations with evidentiary requirements. (Refer Attachment 24)
35. **Endorse the existing Forensic Science Services Governance Model and Service Level Agreement between NSW Health and NSW Police Force** to drive procedural changes and increase efficiencies within both agencies in relation to exhibit management. (Refer Attachment 36)
36. **Approve structural realignment of the Metropolitan Exhibits and Property Centre, Potts Hill from MEIG to FSG,** given earlier recommendations for FSG leadership of exhibits management strategy and concurrence of both Commanders.
37. **Endorse the recommended practice of applications under Confiscation of Assets legislation to access corporate compensation for storage and handling of pre-cursor chemicals attracted under current Chemsal contractual arrangements.**

12. CONCLUSION

The Project Team sought to address two broad themes within the field of drug exhibit management. The primary notion centres upon aspects of worker safety as a driving force behind the first four Project objectives, all applicable to improvements within the current operational environment. The second thematic examines the current legislative landscape and identifies practical deficiencies before recommending changes to reduce risks associated with managing drug exhibits into the future.

Objectives of this Project have been addressed by a diverse Project Team of professional senior police officers and unsworn personnel. Various activities and experiences underpin Project recommendations with many resources developed to support and improve upon current drug exhibit management practices that populate attachments to this report. If accepted, some recommendations will require further projects to complete work in an ever evolving environment. For the opportunity to examine and analyse the drug exhibit environment within the NSW Police Force with scope to recommend improvements and increase operational acumen, the Project Team collectively express our gratitude.

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