Chicago Police Department

**Special Order S04-01-04**

# INVOLUNTARY DELIVERY OF A CONTROLLED SUBSTANCE

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| **ISSUE DATE:** | 10 September 2025 | **EFFECTIVE DATE:** | 10 September 2025 |
| **RESCINDS:** | 01 January 2017 Version | | |
| **INDEX CATEGORY:** | 04 - Preliminary Investigations | | |
| **CALEA:** | | | |

## I. PURPOSE

This directive:

A. informs Department members of the statutes governing crimes involving the involuntary delivery of a controlled substance, commonly referred to as a "date rape drug."

B. outlines procedures for the preliminary investigators, evidence technicians, and detectives for cases in which the victim may have been drugged.

C. *continues* the Illinois State Police Consent to Toxicology form (ISP 6-713):

1. *Option A: Consent to Toxicology Testing*;

2. *Option B: Hold Toxicology Evidence; and*

3. *Receipt of Evidence for Toxicology Screen*.

D. *continues* the Illinois State Police Toxicology Screening Information For Drug Facilitated Sexual Assaults: Patient Information Sheet (ISP 6-386).

## II. REFERENCES

The following sections of the Criminal Code of the Illinois Compiled Statutes (ILCS) apply to "date rape drugs":

A. Aggravated Battery, 720 ILCS 5/12-3.05(g)(1)

B. Aggravated Criminal Sexual Assault, 720 ILCS 5/11-1.30(a)(7)

C. Predatory Criminal Sexual Assault of a Child, 720 ILCS 5/11-1.40(a)(2)(D)

D. Aggravated Criminal Sexual Abuse, 720 ILCS 5/11-1.60(a)(7)

E. Aggravated Robbery, 720 ILCS 5/18-1(b)(2)

F. Sexual Assault Evidence Submission Act, 725 ILCS 202

G. Sexual Assault Incident Procedure Act, 725 ILCS 203

H. Sexual Assault Survivors Emergency Treatment Act, 410 ILCS 70/1.

## III. GENERAL INFORMATION

A. Although a "date rape drug" can be any controlled substance, the most common substances used include:

1. GHB (Gamma Hydroxybutyric Acid), also known as Liquid G or G; is a Schedule I controlled substance, which is usually found as a colorless, odorless liquid, but can also be found as a white powder.


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2. Rohypnol (Flunitrazepam), also known as roofies, is a Schedule IV controlled substance, which usually comes in one milligram, dime-sized tablets with a single score on one side and the name of the manufacturer, Roche, and the number 1 or 2 encircled on the other side.

3. Ketamine, also known as Special K, Vitamin K, K, and Cat, is a Schedule III controlled substance used by veterinarians as an animal tranquilizer, usually seen as a liquid but also marketed in powder or capsule form.

B. Although it may be difficult to determine if a victim has been administered a date rape drug based on the victim's account of events, indicators include:

1. appearance of intoxication disproportionate to the amount of alcohol consumption;

2. unexplained drowsiness and impaired motor skills;

3. dizziness, confusion, impaired judgment, and loss of inhibition;

4. amnesia, complete or partial; and/or

5. coma.

C. The best chance of obtaining a positive result from a urine test is when the specimen is obtained soon after the substance was ingested. Depending on the substance, the test can be reliable on urine collected as little as six to eight hours after ingestion.

D. The toxicology screen tests for the presence of alcohol and all controlled substances, including prescription medications and illegal drugs, such as cocaine.

E. When a victim provides a urine sample for a toxicology screen, the victim has *10 years* from the collection of the evidence or *10 years* from the age of 18, whichever is longer, to consent to testing.

F. *Hospitals will maintain a supply of the Illinois State Police Toxicology Screening Information For Drug Facilitated Sexual Assaults: Patient Information Sheet (ISP 6-386).*

G. *Hospitals will maintain a supply of Consent to Toxicology Testing forms (ISP 6-713) to document either the consent (Option A) or non-consent (Option B) of the victim. Law enforcement agencies will retrieve the evidence from the hospital staff and ensure the "Receipt of Evidence for Toxicology Screen" section is complete.*

**NOTE:** It is the hospital's responsibility to contact the Program Administrator of the Illinois State Police Crime Laboratory to obtain additional forms. Department members are not responsible for supplying the hospital with forms. *Illinois State Police forms are available at https://isp.illinois.gov.*

H. The below individuals may consent for the testing of evidence:

1. In the case of a victim who is a minor 13 years of age or older, evidence and information concerning the sexual assault may be released at the written request of the minor.

2. If the victims provide *only* verbal consent to law enforcement, *it must be followed up with written consent. The investigative detective should* verify this consent through email or fax.

3. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release.

4. If the victim is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services.


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5. If the survivor is an adult who has a guardian, health care surrogate, or an agent acting under a health care power of attorney, then the consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault.

6. A sexual assault advocate may deliver the written release to law enforcement.

I. *The Chicago Police Department's Office of Victim Services provides citywide supportive services to victims. Refer to the Department directive titled "* Crime Victim and Witness Assistance *".*

## IV. PROCEDURES

A. When conducting an investigation of a case in which there is reasonable cause to believe the victim has been drugged, in addition to the procedures outlined in the Department directive titled "Preliminary Investigations," preliminary and follow-up investigators will:

1. explain the need for medical evaluation and treatment (even if the crime occurred days/weeks prior to reporting);

2. identify/protect the crime scene including, but not limited to:

   a. physical evidence on the victim or victim's clothing;

   b. the location where the crime/assault occurred; and

   c. the location where the drug was administered (e.g., party or bar).

3. advise the victim about preserving evidence including, but not limited to:

   a. providing a urine sample for toxicology screening;

   b. drinking glasses or bottles that may have been used to administer a date rape drug; and

   c. medicines that might be overlooked in other types of cases.

4. if appropriate, follow the procedures outlined in the Department directive titled "Crime Scene Protection and Processing" to request an evidence technician to process the crime scene.

5. advise the victim about the availability of toxicology screening and describe the consent procedures as follows:

   a. The victim should provide a urine sample to emergency medical personnel as soon as possible, even if the victim is unsure whether or not to have the urine tested.

   b. The victim may provide written consent to the toxicology screen at the time the sample is given or at any time within *10 years* from the collection of the evidence or *10 years* from the age of 18, whichever is longer, by signing the Consent portion of the Consent to Toxicology form.

      **NOTE:** *The appropriate Bureau of Detectives Area will always be the victim/patient's first point of contact for information. The Forensic Services Division will serve* ***ONLY*** *as a backup.*

6. The preliminary investigator will:

   a. advise the victim that evidence can be collected at the hospital up to 7 days after the sexual assault or abuse, but the longer the victim waits the likelihood of obtaining evidence decreases;

   b. ensure that the victim has received the Illinois State Police Toxicology Screening Information for Drug-Facilitated Sexual Assaults: Patient Information Sheet (*ISP 6-386*);

   c. prepare the appropriate case report;


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d. enter the appropriate Offense/Incident Classifications and Offense Codes using the following table:

| Offense/Incident Classification | | I-UCR |
|---|---|---|
| **Primary Box** | **Secondary Box** | **Offense Code** |
| Battery | Aggravated—Other Dangerous Weapon | 0430 |
| Crim. Sexual Assault | Aggravated—Other Dangerous Weapon | 0264 |
| Crim. Sexual Assault | Predatory | 0266 |
| Sex Offense | Aggravated Criminal Sexual Abuse | 1562 |
| Robbery | Aggravated | 0330 |

e. indicate "possible involuntary delivery of controlled substance" and explain indicators in the narrative of the case report;

f. document in the narrative of the case report whether or not the victim provided a urine sample for the toxicology screen;

g. make the proper notification *via citywide 2 to the* Forensic Services Division to request an evidence technician to respond to the *scene* where the victim is located; and

h. make the proper notification to appropriate *Department* personnel.

i. leave the Consent to Toxicology form and urine sample with the hospital staff for the evidence technician to collect and inventory.

B. If the Department is notified of the completion of a sexual assault kit, an evidence technician takes custody of the kit as soon as possible, but no later than 5 days after the completion of the kit. The evidence technician will:

1. confirm that the Consent to Toxicology form was *correctly completed* in triplicate;

**NOTE:** One copy will be given to the evidence technician *along with a urine sample to be inventoried in the Forensic Services Division.* A copy will be given to the victim, and a copy will be *given* to the hospital.

2. sign and complete the *"Receipt of Evidence for Toxicology Screen*" section. The evidence technician will use:

a. star number for "*ID # and rank";*

b. the Forensic Services Division address for "Law Enforcement Agency"; and

c. the Forensic Services Division phone number for "Agency Phone."

3. accept the urine sample from hospital staff;

4. not place the urine sample in, or include it as part of, a sexual assault kit;

5. not place the urine sample in, or include it as part of, other items that are to be inventoried;

6. not place Consent to Toxicology forms inside sealed evidence bags;

7. hand deliver the urine sample *along* with a completed Consent to Toxicology form to the Forensic Services Division. Inventory the urine sample and *store it properly in the refrigerator; and*


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8. prepare a written report including the date and time the sexual assault evidence was taken into custody from the hospital.

C. Bureau of Detective personnel assigned to interview a victim at a hospital will:

1. ensure that the victim has received the Illinois State Police Toxicology Screening Information for Drug Facilitated Sexual Assaults: Patient Information Sheet;

2. ensure that the Consent to Toxicology is completed in triplicate;

**NOTE:** The assigned evidence technician will give one copy to the Forensics Services Division, one copy to the victim, and one copy to the hospital.

3. ensure that the victim's name, collection date, and time fields are completed at the top of the Consent to Toxicology form;

4. ensure *the appropriate option is selected* on the Consent to Toxicology form by the victim;

5. ensure an evidence technician was requested; and

6. review assigned case reports that denote "involuntary delivery of controlled substance" and determine if the Consent to Toxicology form was signed. If consent was not given and the 30-day period has not ended, the assigned investigator will make every reasonable effort to ensure that the victim is informed of the importance and nature of the toxicology screening.

D. The *Commander*, Forensic Services Division, will:

1. develop protocols for:

a. the submission of samples to the Illinois State Police Laboratory for testing;

b. the maintenance of copies of Consent to Toxicology forms that document victim consent.

## V. REQUESTS FOR TOXICOLOGY SCREEN AFTER THE CONCLUSION OF THE 10 YEAR PERIOD

A. Unconscious Victims

1. If an unconscious person is brought into the emergency room and emergency room personnel have reason to believe that the victim may have been given a controlled substance without consent, hospital personnel may take a urine sample from the victim.

2. Department personnel will follow the procedures outlined in Item IV-A-6.

3. If the victim becomes conscious within *10 years* from the collection of the evidence or *10 years* from the age of 18, whichever is longer, after the urine sample was taken, the victim may sign the consent form by contacting the *appropriate Bureau of Detectives Area.*

4. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, an investigating law enforcement officer may authorize the release.

B. Any Department member who encounters a victim wishing to provide consent after the conclusion of *10 years* from the collection of the evidence or *10 years* from the age of 18, whichever is longer (other than a victim described in Item V-A), will advise the victim that the allotted time periods have expired.

(Items indicated by *italics/double underline* were added or revised)

Authenticated by MWK

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