



SUPREME COURT

POLICY REGARDING THE ENTRY, HANDLING, AND PRESENTATION AS EVIDENCE OF FENTANYL, CARFENTANIL, AND ALL DERIVATIVES OF THE FOREGOING IN COURT PROCEEDINGS

MARCH 2025

1. Authority

Pursuant to G.L. 1956 §§ 8-15-4(b) and (c), the State Court Administrator, under the direction of the Chief Justice, is vested with the duty “to perform all necessary functions relating to the administration of the courts” and “to act upon all administrative matters affecting the operation of the Judiciary.” The responsibility for carrying out the terms of this Policy, under the direction of the State Court Administrator, is vested in the Facilities, Operations, and Security Department.

2. Purpose

The intent of this Policy is to consider the risks posed to judicial officers, court personnel, jurors, court users, and the public by the entry of fentanyl and carfentanil into a courthouse environment. Accordingly, this Policy: (1) addresses the toxicity and lethality of the drugs fentanyl, carfentanil, and all derivatives of the foregoing; (2) establishes a general ban on the entry of these substances into courthouses, including a ban on the admission of such substances into evidence; and (3) outlines protocols to reduce the potential for accidental exposure and for response to incidents where the presence of these substances in the courthouse environment is suspected.

3. Scope

This Policy applies to all courthouses and judicial facilities and all proceedings conducted within the Rhode Island Judiciary and includes all individuals entering any courthouse or judicial facility, including but not limited to all judicial officers, court personnel, court security personnel, law enforcement agency personnel, members of the Rhode Island Attorney General’s Office, members of the Rhode Island Public Defender’s Office, attorneys, and the public.

4. Fentanyl and Carfentanil

Fentanyl and carfentanil are extremely potent and toxic synthetic opioids that are used as adulterants in heroin and other controlled substances or passed off as pure heroin. Fentanyl can be

up to fifty (50) times as potent as heroin, while carfentanil can be up to five thousand (5,000) times as potent. Both substances come in a variety of forms, including powder, pills, capsules, liquid, or contained on blotter paper. The substances can be absorbed into the body orally, through mucous membranes, through the skin or eyes, or inhaled. Research has shown that approximately two (2) to three (3) milligrams of fentanyl – the equivalent of five (5) to seven (7) individual grains of table salt – can induce respiratory depression, arrest, and possibly death. If a person ingests fentanyl or carfentanil, resulting in an opioid overdose, naloxone (commonly known as “Narcan”) may reverse an opioid overdose. Depending on the drug’s purity and potency, multiple doses of naloxone may be required to stabilize the victim.

5. Procedure

Given the danger that even a small amount of these substances poses, this Policy requires the following procedures:

- a. A general ban of substances containing any amount of fentanyl or carfentanil from being brought into any courthouse or judicial facility, except as provided in subsections **b**, **c**, and **d**, below. This general ban includes substances that have been collected as evidence and which would otherwise be entered into evidence at a hearing or trial. Parties who seek to present evidence of substances containing fentanyl or carfentanil to a factfinder must do so through means other than introduction of the actual substance, such as by stipulation, photographs, video, or witness testimony.
- b. Exceptions to the general ban of fentanyl, carfentanil, and all derivatives of the foregoing from being entered as evidence in a court proceeding may occur **only** at the discretion of a judicial officer when a determination has been made by the judicial officer that admission of the substances as evidence is necessary for a prosecuting party to prove the party’s case or when necessary to protect a defendant’s constitutional right to a fair trial.
 1. If the judicial officer determines that permitting a party to bring banned substances into a courtroom is necessary, the substances shall be packaged and handled in a manner approved by the federal Drug Enforcement Administration. At no time shall the packaged substances be removed from the approved packaging or displayed or presented outside of the approved packaging. Further, the substances shall be handled in the courthouse, including presentation of the substances as evidence, only by individuals who have been trained to handle fentanyl and carfentanil. The substances shall not be permitted to be handled by jurors, witnesses not trained to handle fentanyl and carfentanil, or other court personnel. The substances shall immediately be removed from the courthouse after presentation as evidence unless a judicial officer determines that the keeping of the substances in the courthouse for further proceedings is necessary. (See subdivision **3** below.)
 2. Under no circumstances shall the substances be accepted for safekeeping by court personnel or stored in the courthouse.

This Policy, or any portion thereof, may only be amended or rescinded by the State Court Administrator, with the approval of the Chief Justice.

Approved on 3/17/2025

By: /s/ Paul A. Suttell
Paul A. Suttell
Chief Justice

Approved on 3/17/2025

By: /s/ Julie P. Hamil
Julie P. Hamil
State Court Administrator