

# SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

*GANGS/NARCOTICS DIVISION*



**Division Manual**

Rev. 12/2019

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# **VOLUME**

**1**

**VOLUME 1**  
**GENERAL PROVISIONS**  
**1.000.**

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### **1.100. Gangs/Narcotics Division Operational Manual**

The rules and regulations outlined in the Gangs/Narcotics Division Procedural Manual are guidelines for the actions of members assigned to the Division. They are an aid in interpreting the department policy as it relates to this Division.

Under no circumstances will the contents of this manual supersede the rules and regulations as written in the San Bernardino County Sheriff's Department Manual.

This manual intends to address and clarify situations that are unique to the Gangs/Narcotics Division. Therefore, the information contained in the Department Manual will generally not be duplicated herein.

Employees of the Gangs/Narcotics Division are expected to be familiar with the contents of the Departmental Manual and this Division Manual and are responsible for acting according to their policies and procedures.

A hard copy shall be maintained in the Administrative Sergeant's Office.

#### **1.100.1. Department Policy Manual Changes**

The members shall be familiar with the Department and Division policies, rules, and procedures (section 1.216). Also, supervisory personnel shall alert their personnel of any changes in the department and or Division policies.

##### *Procedures*

The Gangs/Narcotics Division Commander will review changes in the Department and or Division policy. Upon review, Division lieutenants will be informed of the new policy changes.

Once Division policy changes have been approved per the procedures outlined in this manual, the administrative sergeant will update his copy of the manual and forward them to the Technical Services Division, for an update in Starlink.

#### **1.100.2. Division Procedure for Alerting Personnel**

Each team sergeant will:

1. Review changes with his representative personnel.
2. Provide "in service" training for new changes.
3. Document the review of policy changes (policy review log).

### **1.101. NUMBERING SYSTEM**

The numbering system used in this manual is identical to that used in the Department Manual. Example:

1.2.34  
Volume = 1  
Chapter = 2  
Section = 34

### **1.102. MAINTENANCE OF DIVISION MANUAL**

The Gangs/Narcotics Division administrative sergeant will be responsible for keeping the Division Manual current. He will review the manual during the first quarter of each year, checking for any areas that should be deleted or updated.

### **1.103. ADDITIONS OR AMENDMENTS TO THE DIVISION MANUAL**

A memo will direct proposed additions or amendments to the Division Manual to the captain. These changes will either be approved immediately by the captain or presented in the staff meeting for discussion.

Upon approval, the captain will initial the memo and it will be typed with the manual section number assigned to it and will be presented to personnel as a directive from the captain.

The assigned personnel will make the necessary changes in the applicable manual section covered by the directive and make a copy of these and forward them to the Administrative sergeant's copy of the Division Manual. Each team sergeant will:

1. Review changes with his respective personnel.
2. Provide necessary "in service" training for new changes.
3. Document the review of policy changes by having all employees initial the directive memo.

The directive memos will be maintained in the directive memo section volume 6 of the manual in date order as received.

### **1.104. COMPUTER ACCESS TO MANUAL**

This manual is available by accessing a computer on the department network through the intranet under the following:

- Starlink
  - Manuals
    - Gangs/Narcotics-Operations

Employees, task force members, and the public can access this manual on the Sheriff's Department website.

# **VOLUME**

**2**

**VOLUME 2**  
**MANAGEMENT PROCEDURES**  
**2.000.**

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## **2.100. CHAIN OF COMMAND**

Defined lines of authority must be drawn to delineate a working relationship between each employee and the Division commander to ensure the unity of command. Each employee must be aware of his relative position within the Division, to whom he is responsible and those persons who are accountable to him. Each employee should strive, always, to operate within the Division's chain of command. Refer to the Gangs/Narcotics Division Organizational Chart.

Generally, the captain maintains an "open door" policy regarding all matters concerning the Division. The captain is normally available either in person or by phone to any member of the Division. This policy is not meant to discourage employees from bringing matters of concern to their immediate supervisors or the Division lieutenants.

The chain of command for the Gangs/Narcotics Division is as follows:

1. Sheriff
2. Undersheriff
3. Assistant Sheriff, Criminal Operations
4. Deputy Chief, Special Operations Bureau
5. Captain, Gangs/Narcotics Division
6. Lieutenant, Gangs/Narcotics Division
7. Sergeant, Gangs/Narcotics Division
8. Detective, Gangs/Narcotics Division
9. Deputy, Gangs/Narcotics Division

Note: In the absence of a sergeant, a detective or deputy with a title of "Acting Supervisor" will act as the team leader assigning on-scene responsibilities on criminal investigations. The acting supervisor cannot assume the administrative responsibilities of a sergeant and should call the lieutenant when in need of assistance.

## **2.101. DIVISION RESPONSIBILITIES**

For Division responsibilities, there shall be three separate designation terms used to identify segments of the Division.

1. Gangs/Narcotics Division is under the span of control of a captain.
2. Details, under the span and control of a lieutenant.
3. Units/Teams, under the command of a sergeant.

The span and control of each area are defined below and includes some major responsibilities.

### *GANGS/NARCOTICS DIVISION*

Under the command of the Captain, the span and control encompass the entire Division.

### *NARCOTICS OPERATIONS*

Under the command of a lieutenant, the span of control encompasses units assigned to investigate narcotics enforcement and or task force operations and clerical staff assigned to those details. The units within this detail are described below:

#### *Inland Regional Narcotic Enforcement Team (IRNET)*

Under the command of a lieutenant, IRNET is a major narcotics investigation team which is comprised of various San Bernardino County law enforcement officers and is spearheaded by the Sheriff's Department. This team is also composed of several Federal and State investigators. By its diversity alone, IRNET has numerous resources that make it a premier investigation unit within the Southern California area.

#### *Marijuana Eradication Team (MET)*

Under the command of a sergeant, with the responsibility for investigating major outdoor and indoor marijuana grow; as well as the regulation of marijuana dispensaries and sales of spice and synthetic marijuana within the County.

#### *High-Intensity Drug Trafficking Area (HIDTA)*

Sheriff's personnel, under the command of a sergeant, assigned to the national task force with responsibility for high-level drug investigations. This personnel is assigned to DEA. They are under the responsibility of a HIDTA sergeant.

#### *DEA Task Force*

Sheriff's personnel, under the command of a sergeant, assigned to the national task force with responsibility for high-level drug investigations. This personnel is assigned to DEA. They are under the responsibility of a DEA Task Force sergeant.

#### *Asset Forfeiture Team*

This team is under the command of a sergeant with the responsibility for investigation of financial assets subject to seizure in criminal investigations initiated throughout the Division.

#### *Parcel Interdiction Team*

Under the command of a sergeant, the Parcel Interdiction Team is responsible for the interdiction of incoming and outgoing parcels containing narcotic-related contraband within the County of San Bernardino.

#### *Viper*

Under the command of a sergeant, the Viper Team is responsible for the interdiction of incoming and outgoing narcotic-related contraband within the County of San Bernardino on the roadways.

#### ***GANG AND SELECTIVE INVESTIGATION OPERATIONS***

Under the command of a lieutenant, the span of control encompasses units assigned to investigate gang and specialized crime activity and or task force operations and clerical staff assigned to those details. The units within this detail are described below:

#### *Gang Intel Team (GIT)*

Under the command of a sergeant, assigned to an in-depth gang and organized crime intelligence gathering and investigations.

#### *Valley Gang Team (VGT)*

Under the command of a Sergeant, assigned to the monitoring, documentation, and suppression of street gang members and criminal activity in the Valley/Mountain jurisdictions.

### *Desert Gang Team (DGT)*

Under the command of a Sergeant, assigned to the monitoring, documentation, and suppression of street gang members and criminal activity in the Desert jurisdictions

### *SANCATT*

Sheriff's personnel, under the command of a sergeant, assigned to a countywide task force with the responsibility of assisting other agencies in the investigation of auto theft crimes.

### *Human Trafficking Task Force (HTTF)*

Under the command of a Sergeant, is a multi-agency task force assigned to the monitoring and suppression of Human-trafficking activity.

### *High-Tech Crimes Detail*

Under the command of a Sergeant, the High-Tech Crimes Detail is comprised of investigators and specialized equipment to provide investigative support to all units of the Department as well as to other agencies as appropriate.

## **2.102. TIMELY NOTIFICATIONS**

All personnel is required to make timely notifications to a respective supervisor or the on-call sergeant of any event of interest to the command staff; this includes weekend call outs, noteworthy arrests, or any other event that might be of interest to the Executive Staff.

It is the responsibility of each sergeant to notify his lieutenant or the Captain of the Gangs/Narcotics Division, either personally or by leaving a message at the appropriate location, as soon as possible after the event. If there is any question as to the timeliness, a personal notification should be made.

## **2.103. DIVISION KEY CONTROL**

It will be the administrative sergeant's responsibility to ensure that the key control is maintained properly. If an employee needs a spare key, a sergeant or the Division SSS will furnish the employee with a spare key from the control box. A note should be left for the Administrative sergeant with the reason for the key removal (i.e., unit repair, key left at home, etc.) The key shall be returned as soon as possible.

All personnel will return their assigned keys to the administrative sergeant when departing the assignment from the Division. In the event of a lost, damaged, or stolen key(s), the person assigned to that key will contact the administrative sergeant explaining the circumstances of the loss or damage to the key and request replacement.

## **2.104. VACATION POLICY**

To properly plan for vacation scheduling, a vacation list will be circulated prior to the start of the next calendar year. This list will be used for planned vacations, which extend from one week to four weeks in duration. The list will be passed on to employees on a seniority basis (based on time, grade, and time on the department). A

separate list will be circulated for clerical personnel, deputies, detectives, and sergeants. Employees may split their vacations. However, everyone will be allowed to list their first choice before circulating lists for splits.

Impromptu or short-term vacations consisting of four or fewer days may be cleared through their immediate supervisor. However, each request will be considered on an individual basis, depending on the needs and workload of the team and the Division.

Additionally, only one detective or deputy will be allowed vacation from each team at any given time.

Generally, only one clerical employee will be allowed vacation at any given time.

### **2.105. INSPECTION MATRIX**

The Gangs/Narcotics Division has adopted the Department Inspection Matrix. It has been modified to meet our specific needs. The matrix will be used for the following:

1. Ensure compliance with Departmental policy inspection procedures.
2. Ensure timely notifications of lost or missing property.
3. To aid in maintaining a functional, safe, and clean working environment for all employees.

#### *PROCEDURE*

Designated individuals will be provided a copy of the Inspection Matrix as an ongoing worksheet for their designated areas of responsibility.

The administrative sergeant will keep the Master Inspection Matrix. The master copy will be brought to staff meetings, where each supervisor will indicate with their initials that their area of responsibility was inspected.

If for some reason, there is no staff meeting scheduled for that week, it will be the responsibility of the administrative sergeant to contact all supervisors during the inspection period to keep the matrix updated. If the administrative sergeant is absent, another supervisor will be assigned.

All supervisors are to familiarize themselves with the entire inspection matrix form, as areas of responsibilities are subject to change with rotation of assignments.

### **2.106. MANDATORY TRAINING/MEDICAL**

To comply with the Federal Department of Labor Occupational Safety and Health Administration rules and regulations about hazardous waste and emergency response operations; the Administrative sergeant will assure the following:

1. Every investigator assigned to the investigation of narcotics within the Division shall complete an eight (8) hour-training course that meets the minimum requirements of a First Responder Operations Level. This course is available at the Advanced Officer Training at the Academy and instructed by members from County Fire Haz-Mat personnel. The name of the course is *Clandestine Laboratory Safety*.

2. Every investigator/supervisor and one Division sheriff service specialist assigned to a clandestine lab response team will attend a Clandestine Laboratory Investigation/Safety School. They will be assigned to attend this school as soon as possible. Each investigator/supervisor shall only attend a 40hour program that complies with Federal or State regulations regarding hazardous waste operations and emergency response. Also, to attending the above school, annually all Clandestine lab response teams members shall attend an 8-hour refresher training course.
3. In addition to the above-described training, every investigator/supervisor assigned to the investigation of narcotics within the Division will receive a medical surveillance screening (baseline physical) upon entering into the Division and a medical exam (medical update) annually.
4. Additionally, a medical exam (medical update) will be provided to every investigator/supervisor who leaves the Division and has not received a medical exam (medical update) within the past six months.
5. Additionally, the administrative sergeant shall maintain records of all employees completed all required training and medical surveillance screening examinations for a minimum of three years. The County will maintain the original employee medical records for a period outlined in the California Code of Regulations.

#### **2.107. DIVISION CLANDESTINE LABORATORY TRAINING COORDINATOR**

The commander will designate one investigator assigned to the Gangs/Narcotics Division as the Narcotics Operations Clandestine Laboratory Training Coordinator. This position is to be held by a highly motivated individual who is familiar with both State and Federal laws about clandestine laboratories.

The Narcotics Operations Clandestine Laboratory Training Coordinator will maintain training records on all investigators/supervisors assigned to Narcotics Operations, and schedule, assist and provide training courses such as:

1. Clandestine Laboratory Investigation/Safety School.
2. Supervised Clandestine Laboratory Safety/Investigations.
3. Clandestine Laboratory Re-certification Course attended annually.

In addition to scheduling, providing, and assisting with training courses, the Clandestine Training Coordinator will also be responsible for the following:

1. Review WSIN lab cards monthly and send notification letters to chemical suppliers/manufacture's in cases where evidence related to such businesses was found at a clandestine laboratory site/crime scene.
2. Maintain copies of all notifications letters sent to chemical suppliers/manufacturers.
3. Forward a copy of all notifications letters sent to chemical suppliers/manufacturers to the Department of Justice Precursor Unit.

4. Attend bi-monthly Methamphetamine Initiative meetings and attend annually the National Methamphetamine Chemical Initiative conference.
5. Will act as a liaison between the DEA diversion teams and BNE diversion teams.

## **2.108. ON-CALL PROCEDURES**

Due to the law enforcement needs in the county, it is important to have on-call personnel to deal with the gangs and narcotics concerns. These procedures have been established:

The Gangs/Narcotics On-Call List shall be divided into separate units designated as "Gangs/Narcotics On-Call." The "Gangs/Narcotics On-Call" shall alternate weekly between the sergeants assigned to the division. They will handle all gang and narcotic related calls for assistance generated by the dispatch centers, stations, divisions, and all allied agencies requesting assistance. The "Gangs/Narcotics On-Call" sergeant will designate who will respond during off-duty hours, weekends, and holidays. All on-call personnel will be immediately available by telephone for the week they are designated as on-call. If no previous arrangements have been made with the on-call sergeant, the only excuse for not responding will be if the individual is working at the time the call-out is made and he/she is unable to break away. If an individual is going to be unavailable for any reason other than approved vacation, they will have the responsibility to find someone to take their place, and they will notify the on-call sergeant and their team sergeant for approval. In the event a particular group of personnel is working a special assignment after hours or on the weekend, it will be the team sergeant's responsibility to notify the primary on-call sergeant of the unavailability of his team.

The Lab Team sergeant will be listed on every weekly call list. The Lab Team sergeant will be responsible for responding to known or suspected labs when requested.

The Marijuana Eradication Team (MET) sergeant shall be on call for marijuana-related call-outs. The gang team call-outs shall rotate between the three regional gang teams.

The call-out period shall commence at 0800 hours on Monday and conclude at 0800 hours the following Monday. The clerical staff shall prepare the callout list and be disseminated at least three days before the list is effective. This list shall be distributed to all personnel within the Division, and the administrative sergeant or his designee will be responsible for changing the on-call sergeant with dispatch every Monday.

The "Gangs/Narcotics On-Call" sergeant shall be the contact person for dispatch and will be contacted first on all gangs or narcotics call-outs. This sergeant will evaluate all call-outs during off duty hours and will assign personnel as needed, keeping in mind the need to limit overtime. Once on scene, the assigned personnel will assess the situation, and if additional workforce or resources are needed, they will notify the on-call sergeant of their assessment. The on-call Sergeant will notify the on-call Lieutenant of all requests for assistance.

Whenever any investigator from the Gangs/Narcotics Division is sent to assist patrol, any Division or another agency in response to a call-out (i.e., lab found by patrol, assist another agency, etc.) the investigator shall immediately, upon arrival at the scene,

complete a check through LA Clear. Appropriate notification should be made by an investigator and or agency that have an interest in the location and or subjects under investigation.

#### **2.109. STATISTICAL REPORTS**

Each sergeant assigned to the Gangs/Narcotics Division will be required to submit a weekly statistical report by Monday of each week, which will cover the preceding week's activities. These reports will be forwarded to the administrative sergeant.

#### **2.110. RADIO FREQUENCY USE**

To avoid confusion and interference associated with the use of the department radio system, the appropriate frequency, and tactical frequencies shall be used as assigned by dispatch for the appropriate area in which the operation is being conducted.

During the service of a search warrant and or other programs, dispatch shall be notified. Dispatch will assign the frequency that will be monitored during this period.

When a special event or special operation is planned, a dispatch supervisor shall be notified as far in advance as possible so that dispatchers and frequencies can be made available.

# **VOLUME**

**3**



**VOLUME 3**  
**ADMINISTRATIVE PROCEDURES**  
**3.000.**

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<a href="#"><u>3.115.</u></a>	INFORMANTS IN THE GANGS/NARCOTICS DIVISION OFFICES
<a href="#"><u>3.115.1.</u></a>	USE AND MANAGEMENT OF INFORMANTS

### **3.100. TRAINING RECORDS**

The administrative sergeant is designated as the Division Training Sergeant and will be responsible for ensuring that a copy of all formal division related training is placed in the employee's personnel file and one copy sent to the Training Center. Documentation of training should be submitted to the Administrative Sergeant on a timely basis.

### **3.101. PERSONAL APPEARANCE AND DRESS**

It is understood that by the very nature of assignment to this Division, certain dress and grooming standards established by the Department do not apply. However, all personnel assigned to this Division are expected to dress and maintain grooming neatly and acceptably consistent with their specific assignments.

#### **CLOTHING**

Personnel assigned to narcotics enforcement and selected other details are authorized to wear civilian attire consistent with contemporary styles and good taste. Slacks, Levi's or jeans, sport shirts, shirts with collars, T-shirts in good repair and taste and or designer type shirts are acceptable for normal duty, while lieutenants and the captain should wear proper business attire. The wearing of shorts (of any kind), sweat suits, thongs, tank tops, and shirts with inappropriate logos or attire otherwise deemed offensive and non-professional are prohibited for general duty use.

The unit sergeants will regulate the unit member's attire when involved in surveillance or during unusual investigative work. In this type of activity, personnel is authorized to wear whatever clothing is necessary, considering the circumstances to accomplish a mission or goal. However, when involved in surveillance or unusual investigative work, all personnel will keep clothing available to them that is acceptable for duty if they may have to change into said clothing if it becomes necessary to report to different or other assigned duties.

When personnel is appearing in court for reasons other than jury trials, civilian attire consistent with contemporary styles are permissible (slacks, jeans, sport shirts, shirts with collars, T-shirts in good repair and taste, and or designer type shirts). When personnel is appearing in court for jury trials, a uniform or suit and tie shall be worn.

All personnel will maintain, readily available at all times, a department-approved raid jacket, body armor, duty belt, and equipment (i.e., handcuffs, asp/baton, HT). Those items will be used during the service of all search warrants, raids, and other Division details, which would require immediate identification for safety reasons. Additionally, all personnel assigned to the Division will maintain a "Class A or Field Uniform" at their assigned duty locations, or at a location where it is immediately available to them on short notice for wear in certain situations, or as required.

#### **GROOMING**

Personnel assigned to the Gangs/Narcotics Division shall adopt grooming standards concerning their particular assignments. Longer hair, longer mustaches, and other facial hair are acceptable for those employees working vice, narcotics, gang, and fencing operations and investigations; however, their appearance shall be neat and clean when performing duties that require them to spend time at their assigned duty location.

### **3.102. UNDERCOVER IDENTITY/DOCUMENTS**

The use of documents to support or enhance undercover operations may be issued to investigators. The procurement, utilization, and control of these documents will be such as to assure that they are properly accounted for at all times and are used only for authorized purposes.

Should an investigator be required to assume a covert identity, a memorandum must be presented to the Gangs/Narcotics Division Commander for approval. If authorized, arrangements will be made to issue the investigator with the appropriate documents.

The Gangs/Narcotics Division Commander will maintain records and copies of all identities issued to investigators. These documents shall only be used while the investigators are on duty and working in an official capacity, and the use of the covert identity is required in the furtherance of the case.

The need for any of these items will be evaluated on a case-by-case basis and once the undercover documents are no longer needed, or the investigator leaves the division, the undercover documents shall be returned to the Division Commander.

### **3.103. UNDERCOVER INVESTIGATIONS**

#### *SWORN PERSONNEL*

Generally, undercover buys of either controlled substance and or property should be approved by a sergeant before the transaction. However, in situations where transactions are made without the benefit of prior approval, the sergeant should be advised as soon as possible. It is the responsibility of each team and or unit member to keep his supervisor abreast of all ongoing investigations.

#### *NON-SWORN PERSONNEL*

Purchases of controlled substances and or property by non-sworn personnel and informants must be supervised by the investigative staff that will ensure the integrity of the operation.

All buys of controlled substances and or property shall be conducted under surveillance by the investigative staff. A search warrant may also be used to corroborate the buy if investigative funds and or controlled substances are seized.

#### *VICE OPERATIONS*

Investigations involving sworn and non-sworn personnel shall be recorded if the investigation involves prostitution and or soliciting for a lewd act. The only exception to the policy shall be those on-site investigations of lewd conduct in a public place in which two investigators are involved (book stores, public restrooms, etc.) Whenever possible, all vice arrests should be made by two officers. However, it is recognized that this cannot always be accomplished because of the nature of the investigation.

### **3.104. REVERSE STINGS AND IRNET**

#### *NARCOTICS SAFE INVENTORY CONTROL*

All reverse sting operations shall be conducted with prior approval of the Division Commander or Lieutenant. All reverse sting operations shall be conducted in compliance with the guidelines and policies set down by the District Attorney's Office. Major sting operations should be conducted with a Deputy District Attorney's knowledge and involvement.

#### *INVENTORY CONTROL*

Once a year, before the annual inspection, the Department's Inspection Team Lieutenant (who is not assigned to the Gangs/Narcotics Division Division), shall perform a complete inventory of the IRNET/Narcotics safe with the assigned SID Personnel. The results will be compared with the ongoing inventory check-out logs to ensure that the two documents match. A memorandum outlining the results of the inventory shall be forwarded to the Gangs/Narcotics Division Captain before the annual inspection.

In addition to the above annual inspection, an audit will be completed, and the combination to the safe will be changed whenever any of the sergeants or lieutenants with access to the safe leave the Division.

### **3.105. OUTSIDE AGENCY REVERSE STINGS**

If another law enforcement agency requests narcotics for a reverse sting, prior approval of the Gangs/Narcotics Division Commander shall be obtained. If approved, the outside agency shall be responsible for obtaining a Court Order for the release of narcotics from the Scientific Investigation Division (SID), along with submitting a request letter to the Sheriff's Gangs/Narcotics Division Commander on their agency's letterhead outlining the reverse sting operation and which officer will be authorized to check out the narcotics. The letter will also include a statement about the narcotics, other than a small sample, never being allowed to "walk" with the suspect or informant. This letter shall be signed by the outside agency's unit commander (Lieutenant or above).

Once the Court Order is obtained, and the outside agency's letter completed and signed, a Sheriff's Narcotics/IRNET Sergeant authorized to open the safe and or container at SID will obtain the narcotics with the assistance of SID personnel. The narcotics shall be checked out by the Sergeant, and SID personnel following the policy and procedures as outlined in section 3.109 of this manual. The narcotics will be turned over to the officer from the outside agency that has been given the authorization to receive them.

The Sheriff's Narcotics Sergeant and the other agency officer shall both sign a memo to the Gangs/Narcotics Division Commander which indicates the transfer of the narcotics to the outside agency. A copy of this memo, the Court Order, agency request letter and a copy of the outside agency's officer's credentials will be kept on file with the Gangs/Narcotics Division Commander.

After the outside agency's reverse sting operation, and within seven calendar days, the outside agency shall submit a letter to the Commanders of Gangs/Narcotics Division and SID outlining their reverse sting operation and the

disposition of the narcotics that were checked out. The narcotics shall be either returned to the narcotics safe or booked into evidence in their new case.

### **3.106. CONTROLLED DELIVERIES**

A controlled delivery is used when a shipment of controlled substances is detected and allowed to go forward under the control and surveillance of investigators in furtherance of narcotics investigations and protection of confidential informants.

Controlled deliveries present special concerns for investigators in regards to the security of the controlled substances. The objective of controlled deliveries is to apprehend more suspects and seize more evidence. The following policies and procedures will assist narcotics investigators in conducting controlled deliveries:

1. All controlled delivery investigations shall have prior approval from the Division Commander.
2. Controlled delivery investigations shall require the completion of a detailed Operational Plan reviewed by a supervisor and or lieutenant.
3. Investigators will ensure that all reasonable measures are instituted to secure the controlled substances before and during the operation.
4. Narcotics investigators shall make prior notifications to LA Clear.
5. The controlled substance will be under constant surveillance throughout the controlled delivery, and every precaution will be taken to ensure the controlled substance is not lost.
6. Controlled delivery investigations may require that the investigation be transferred to an outside law enforcement agency, or out of state agency in the furtherance of the narcotics investigation and or protection of the informant.

### **3.107. WSIN LAB CARDS**

To properly record the statistical information on the investigation and safe removal of clandestine labs, the case agent of each clandestine lab investigation must complete a WSIN clandestine lab/seizure report form.

The completed clandestine lab/seizure report will be submitted to the sergeant of their detail for review.

Each month the unit sergeant will compile all of the clandestine lab/seizure report forms provided to him and check this information against the actual number of clandestine labs investigated that month.

Butane Honey Oil lab cards shall be submitted to the Marijuana Enforcement Team SES; all other lab cards shall be submitted to the Division SSS. All lab cards shall then be forwarded to LA Clear.

### **3.108. SPECIAL EMPLOYEES**

Because of the nature of the work performed by the Gangs/Narcotics Division, it is often necessary to retain special employees to accomplish the overall mission. Generally, these special employees will be classified into two categories: temporary

sworn staff (salaried and non-salaried reserve deputies, special deputies, etc.) and non-sworn staff (salaried extra-help excluding clerical staff). General guidelines exist that address both classifications, as follows:

Temporary sworn staff may participate at the level of their training to perform any normal function of the Division with the sergeant's approval and at the direction of a regular member.

Generally, sworn staff will adhere to all policies governing regular employees, to include range qualification and training.

A Division information file will be maintained on every temporary sworn member and will include the following minimum information:

1. Memo describing hiring circumstances
2. Applications like background sheet
3. CII and FBI rap sheets
4. Approval memorandum from Division commander
5. Weapons memorandum
6. Semi-annual evaluations
7. PC832 Certificate and all training information
8. Personal information (driver's license, CPR card, etc.)
9. Any other pertinent information.

Temporary sworn staff will be referred to by name and title (reserve deputy, special deputy) in all reports. Temporary sworn staff will only be hired after successful completion of a background check and polygraph examination.

#### *NON-SWORN STAFF*

Non-sworn salaried personnel and extra help employees will be assigned at the discretion of the Division commander.

Non-sworn salaried personnel and or extra personnel will be referred to in reports by name or as a confidential informant; not as a special employee or extra help employee.

Under no circumstances will employees in this classification be authorized to carry weapons.

Personnel in this classification will be used exclusively in covert investigations under the direction and supervision of a sworn deputy. Generally, they will not participate in arrests, search warrants, surveillance, interviews, report writing, or any other overt police activity; nor will they supervise, control, or direct any informants.

Personnel in this classification shall not keep any Division equipment without the approval of their sergeant, and unless they are under the direct supervision of a member of the investigative staff.

All non-sworn salaried and extra help personnel must read, understand, and sign a confidentiality agreement and consent form before performing any tasks for the Division.

The sergeants will be responsible for ensuring that non-sworn salaried personnel understands their responsibility to the Sheriff's Department and that they are properly supervised so that their conduct will not jeopardize the integrity of the Division or cause embarrassment to the Sheriff's Department.

Under special circumstances, it may be necessary to itemize certain conditions of the agreement of non-sworn salaried personnel; this may be accomplished using a service agreement memo from the Division commander. Non-sworn salaried personnel must read, understand, and sign the memo, which will be maintained in their I-file.

The sergeant utilizing non-sworn salaried personnel will maintain an I-file on the Employee and follow the same procedures as those for informants (Refer to informant procedures).

### **3.109. SAFETY EQUIPMENT**

Members of the Gangs/Narcotics Division perform several duties. These range from undercover investigations to the service of search warrants. When investigators are undercover, the use of equipment associated with law enforcement could endanger the deputy and jeopardize the investigation they are conducting. It is during these times that tactics replace equipment to ensure the safety of our personnel.

By contrast, when members are conducting enforcement actions, the need to be identified as peace officers is critical. Additionally, in recognition of the increased violence toward law enforcement, the use of safety equipment to control others and defend ourselves is self-evident.

When a member of the Gangs/Narcotics Division is acting in an enforcement capacity, that member shall use (wear) their assigned safety equipment, including an "identification jacket or vest." At any time a Division member plans to identify himself as a peace officer, safety equipment shall be used.

Below is a few examples of times when safety equipment shall be worn are:

1. During the service of a search warrant.
2. During a "knock and talk" contact.
3. An operation is having a threat of personal safety.

The team supervisor may authorize exceptions to this policy when, in his opinion, the discovery of such equipment would endanger the employee. Investigators may not take it upon themselves to choose when to wear safety equipment without first obtaining the specific approval from their supervisor.

Personal safety equipment is identified as visible identification jacket/vest with police insignia, concealed body armor, handcuffs, OC, asp/baton, tape recorder, range-approved holster, and a handgun, along with bold identification on a shirt or jacket.

### **3.110. INVESTIGATIVE FUNDS**

#### *CONTROLLED BUYS/INFORMANT FUNDS*

Certain funds have been set aside to be used during the investigation of criminal endeavors under the direction of the Gangs/Narcotics Division. The funds are administered and controlled by the commander and distributed to Division sergeants as the need arises. Generally, the funds may be expended on expenses incurred in the suppression of criminal activity, and expenses incurred in the preservation of the peace.

Generally, each sergeant will be given a predetermined team fund. Each sergeant will be responsible and held accountable for that money issued to him/her; therefore, it is incumbent on each sergeant to keep an accurate accounting of all money expended from their fund. When requested by a superior, the individual sergeant shall produce on-demand, money, and money expenditure reports, which equal the total amount issued to him.

A team sergeant may approve up to \$1,000.00 expenditure for any single investigation or to pay an informant. Lieutenants may authorize up to \$2,000.00 in expenditure for the purchase of evidence or information. The authorization of any greater amounts must come from the Division Commander. All requests for reimbursement shall be accompanied by a numbered money expenditure report filled in by the investigating officer.

Additionally, each sergeant will be responsible for maintaining a monthly "fund expenditure" record, which will document to whom money was issued, the amount, the date, and the employee's signature. The individual sergeants shall maintain these forms for accounting and auditing purposes. Generally, sergeants shall submit reimbursement slips to their respective lieutenant during staff meetings; however, the reimbursement slips may be submitted at any time as the need arises. The sergeant will be reimbursed as the slips are submitted.

In the event a team sergeant is transferred to a new team or from the Division, the entire amount of investigative funds will be collected and turned in to the Division Lieutenant. The Division Lieutenant will, in turn, verify the amount and reissue the funds to the incoming team sergeant.

#### *FLASH MONEY*

Sums of up to \$100,000.00 are available from the Sheriff's "money market" revolving account for "flash money" and may be accessed by check, by approval of the lieutenant

and or the commander. These checks will be written to the supervisor in charge of the investigation, and sole responsibility for the money will rest with that supervisor.

Certain guidelines should be followed when flash money is being used in an investigation, as follows:

1. The supervisor in charge shall be personally responsible for ensuring that proper cover tactics are utilized and that control of the money is maintained at all times.
2. Generally, flash money shall not be controlled or handled by informants.



3. Serial numbers of all flash money will be recorded before use and if used, maintained in the case file.
4. Before the use of flash money, a briefing will be conducted with the commander and or lieutenant, in which a documented plan for providing cover for the money and the operators will be submitted and approved as submitted or modified.
5. The use of flash money over \$25,000.00 will necessitate the notification of the bureau deputy chief and the presence of a lieutenant and or the commander during the operation.
6. Supervisors requesting flash funds shall notify the commander as soon as possible to ensure that the bank can provide the funds.

### **3.111. INVESTIGATIVE FUNDS REIMBURSEMENT PROCEDURE**

To receive reimbursement for funds spent, employees must complete an expenditure report form. The expenditure report form is an NCR form consisting of three pages: one white (original), one yellow (informant file copy), and one pink (sergeant's copy).

The officer incurring the expense will fill out the form and take it to the sergeant for reimbursement.

The sergeant will be issued a series of three number tags similar to evidence tags. These tags can be obtained from the lieutenant overseeing narcotics investigations, who will maintain a record of them. The sergeant will attach one tag to the original form and one tag to the pink form (sergeant's copy) and one tag to the yellow form (informant's copy).

The sergeant will maintain a file folder with the pink copy as his record of the transaction. If an informant has received funds, the yellow copy will be placed in their file along with an IOM from the case agent documenting the payment – *refer to Division Procedure 3.253*.

The lieutenant will maintain the originals until they are ready to be entered into the computer for account reconciliation and reimbursement.

### **3.112. USE OF INTOXICATING BEVERAGES/DRUGS**

Division personnel shall not use or possess any intoxicating beverages before reporting for duty or while on duty except under very limited circumstances when in an undercover capacity. It is recognized that when necessary to accomplish a police purpose in an undercover capacity, it may occasionally be necessary to consume alcoholic beverages while on duty. In such a situation and whenever possible, approval should be given by a superior before the consumption. In any event, Division personnel shall not consume any alcoholic beverages while on duty to such a degree that their judgment may be impaired; nor shall any Division personnel drive a vehicle after such assignment until they are completely sober. If an employee consumes alcoholic beverages, they shall notify their supervisor before the completion of their assignment. Supervisors will notify their lieutenant. Generally, the consuming of alcoholic beverages by employees is discouraged.

Division personnel shall be responsible for all operatives under their control and shall ensure that operatives who have been using any intoxicant can perform their task without becoming a danger to themselves or others. Division personnel shall also ensure that all operatives under their control have read and understood the provision in the confidentiality agreement form that applies to the use of alcohol, drugs, and narcotics.

No employee (sworn, non-sworn, or informant) shall maintain drugs or paraphernalia for their use or provide paraphernalia for use; nor shall any Division personnel (sworn or non-sworn) use any narcotic or drug unless a life-threatening situation is involved. A life-threatening situation can be classified as those situations, wherein the best judgment of the employee, failure to use a drug or narcotic could result in death or serious injury. In such a situation should an employee use any drug or narcotic, a supervisor shall be notified immediately after the use. The employee shall be transported to the nearest medical facility for examination. A complete "under the influence" report shall be completed on the employee specifying the circumstances in which the use was required. The documentation shall be submitted to the Division commander with the appropriate memoranda by the involved employees, and the "under the influence" report shall be included with the case file for full discovery.

Generally, simulation of the use of any controlled substances is discouraged. However, during the course of some covert investigations, it may become necessary to simulate the use of a controlled substance, such as simulating the smoking of marijuana or the inhalation of stimulant drugs. In such a situation, and as soon as possible thereafter, the employee should be examined by a supervisor to verify the lack of effect by the simulation. The information will be documented in the case file for discovery purposes. If in the opinion of the supervisor, the simulation resulted in any extent of intoxication and or effect, a complete "under the influence" investigation will be completed as outlined above.

No employee (sworn, non-sworn, or informant) shall furnish or supply anyone with any controlled substance. The only exception to this shall be in situations where "reverse stings" are in effect. In such circumstances, all guidelines outlined above regarding sting operations shall be followed.

### **3.113. EQUIPMENT**

The Gangs/Narcotics Division has a wide variety of equipment available to personnel. The administrative sergeant will have the responsibility for control and maintenance of this equipment.

The administrative sergeant has the responsibility, control, and maintenance of the equipment. This does not relieve employees from those duties normally associated with maintaining the proper order of any items assigned to them or to the Division. Vehicles, radios, cell phones, and other equipment are generally assigned directly to an individual employee, who shall assume the responsibility of ensuring that the set of equipment is maintained, serviced, and or repaired in a timely manner.

This will be completed under the direction of either the administrative sergeant or the team sergeant. The administrative sergeant should be consulted and advised with regard to service or repair of any equipment. To alleviate any potential problems with

other Divisions within the County, the lieutenant or the administrative sergeant will act as the representatives from this Division concerning equipment.

Generally, all equipment not assigned to an individual employee will be stored in the equipment storage room. Access to this room will be limited to the supervision staff and Division SSS.

When equipment is taken from the equipment storage room, the person removing the equipment from the room shall contact the administrative sergeant or Division SSS assigned to equipment either in person or by leaving a message advising him of the equipment removed. Any piece of equipment found not to be properly functioning should not be returned to the storage room without first notifying the administrative sergeant so that necessary repairs can be accomplished.

Employees assigned equipment shall maintain equipment in good order or be responsible for ensuring repairs. Additionally, employees shall have access to equipment at all times and store needed equipment in the Department vehicle.

#### *VEHICLES*

Generally, vehicles will be assigned to all sworn personnel within the Division according to the need and assignment. It will be the individual employee's responsibility to ensure that routine service and repairs are completed in a timely manner. The following are general guidelines established with reference to Division vehicles:

1. Some vehicles assigned to the Gangs/Narcotics Division are not emergency equipped as enumerated in the California Vehicle Code and are not to be operated as emergency vehicles.
2. With the exception of "buy cars," all vehicles shall be properly equipped with first-aid kits and flares.
3. Team sergeants shall inspect vehicles assigned to their respective personnel on a quarterly basis to ensure that the vehicles are properly equipped and in good running order. A complete inspection shall be noted in the inspection matrix.

Occasionally, the use of "insurance vehicles" or other temporarily assigned vehicles are used in the Division. Generally, those vehicles will not be assigned on a routine basis. Their use should be limited to need as determined by the unit sergeants.

Generally, the Division has vehicles available designated as "undercover buy cars" and "loaner vehicles." It is the responsibility of those employees using these vehicles to ensure that the vehicles are maintained in good proper working order and that prior to returning these vehicles, the vehicles shall be filled with gas and the interior and exterior of the vehicle shall be clean.

Generally, non-sworn personnel will not operate vehicles unless specifically authorized by the commander.

#### **3.114. Division Policy: Use/Auditing of the County Voyager Credit Card**

Every vehicle purchased by Sheriff's Automotive placed into the Gangs/Narcotics Division's fleet is issued a County Voyager credit card. When the Division receives the

vehicle from Automotive, the Division's automotive officer shall verify the vehicle came equipped with a gasoline logbook and a Voyager credit card.

The Division's automotive officer shall ensure each vehicle in operation has the correct corresponding credit card. Under the direction of the administrative sergeant, and after verifying the vehicle and the credit card, the automotive officer will assign the vehicle to an investigator to be used during their assigned duties. During the Division's yearly inspection, these credit cards shall be verified, ensuring they correspond to the assigned vehicle.

Each investigator is responsible for entering every fuel purchase and carwash purchase into the gasoline logbook. Once a month, the logbooks shall be submitted to an office assistant who will ensure they correspond to the spreadsheet distributed by automotive. This information is audited, monthly, by the office assistant and the administrative sergeant.

Monthly, an office assistant or sheriff's service specialist will upload the vehicle mileage into a fleet management mileage entry link. This database is located on the Sheriff's Fleet Management System under the Starlink website.

The above policy is written in conjunction with the Undersheriff's mandated fuel purchase procedures, which were outlined in his memo dated September 3, 2008, requiring all county vehicles have a fuel logbook and confirm all information be entered into the new fleet management program. Each fuel purchase must be scrutinized to ensure conformity, compliance, and to detect any abuse.

### **3.115. INFORMANTS IN GANGS/NARCOTICS DIVISION OFFICES**

Informants will not be brought into the office area of the Gangs/Narcotics Division or any location considered to be an undercover law enforcement building. This shall be especially true for criminal informants or those informants in custody. Interviews and or debriefings should be conducted in the interview room at a Patrol Station in the prospective or actual area being worked.

#### **3.115.1. USE AND MANAGEMENT OF INFORMANTS**

The Gangs/Narcotics Division is authorized to use criminal informants in their efforts to accomplish the goals and objectives established for the Division.

# **VOLUME**

**4**

**VOLUME 4**  
**INVESTIGATIVE PROCEDURES**  
**4.000.**

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#### **4.100. USE OF OPERATIONAL PLAN/THREAT MATRIX**

The Gangs/Narcotics Division has established the use of two operational plans, one being the Gangs/Narcotics Division Operation Plan, and the second being the Sheriff's Department Threat Matrix. Both plans have a specific use and shall be used by employees as outlined below:

##### **1. Gangs/Narcotics Division Operation Plan**

The Gangs/Narcotics Division Operation Plan shall be completed prior to making contacts at residences, businesses, etc., for the purpose of arrest warrants, knock and talks, probation/parole searches, etc. (excluding search warrants). All operational plans shall be saved and maintained in the appropriate shared file system.

The form is self-explanatory and should provide all the essential information needed to conduct briefings to all participants prior to conducting any operations.

##### **1. The Sheriff's Department Threat Matrix shall be used for all search warrants.**

The Gangs/Narcotics Division Master Game Plan consists of a three-page self-explanatory form containing all the essential information needed to document and conduct briefings to all participants prior to conducting such operations.

At any time, the case agent or supervisor deems necessary, the Gangs/Narcotics Division Threat Matrix may be used in lieu of the Gangs/Narcotics Division Operations Plan. However, the Gangs/Narcotics Division Operation Plan shall not be used in lieu of the Gangs/Narcotics Division Threat Matrix.

See the attached document of Gangs/Narcotics Division Operation Plan and Gangs/Narcotics Division Threat Matrix.

#### **4.101. INVESTIGATING CLANDESTINE DRUG LABORATORY POLICY PURPOSE**

The purpose of this policy is to provide guidance and directives to investigators assigned to the investigation and removal of clandestine laboratories. Nothing in this policy is meant to supersede applicable federal, state, or local laws or any policy currently in force as authorized by the Sheriff.

##### ***IDENTIFICATION OF KEY PERSONNEL AND THEIR ASSIGNMENTS***

Case agent is responsible for the following:

1. Development of criminal investigation.
2. Completion of LA CLEAR checks prior to the investigation or as soon as possible after arriving on scene to a call out initiated by another Division.
3. Preparation of investigative reports.
4. Coordination with the Scientific Investigations Division (Crime Lab).
5. When necessary, notification of the Department of Toxic Substances Control (DTSC) and coordination with the Hazardous Waste Contractor.
6. Coordination and filing with the District Attorney's Office or United States Attorney's Office.
7. Coordination with other agencies (i.e., fire department, local law enforcement, and or other agencies as necessary). If a federal prosecution

is contemplated, the Drug Enforcement Administration should be contacted immediately to assist in preparing the case for the United States Attorney.

8. Development of the operational plan.
9. Assignment of duties to other team members.
10. When necessary, assist the Scientific Investigations Division with hazard appraisal and evidence processing.
11. Assist in the completion of the CLUE sheet for the DTSC

The site safety officer is responsible for the following:

The site safety officer shall be a member of the Division who has attended a clandestine laboratory investigation and safety school, or who have received training equivalent to that prescribed in the San Bernardino County Health and Safety Standards. That training shall include hazards communication, respirator and SCBA protection, personal protective equipment, confined space entry, and illness/injury prevention. Case agents shall contact a clandestine laboratory certified member to act as the safety officer. If an appropriately trained member is not available, the site safety officer shall be designated by the sergeant. The site safety officer may be relieved by the on-scene supervisor if the laboratory poses a minimal hazard, and the certified member is needed elsewhere. The site safety officer will not be the case agent.

1. Ensuring that adequate supplies of disposable personal protective equipment are available.
2. Ensuring that proper personal protective equipment is being utilized, based on the conditions at the clandestine laboratory site.
3. When necessary, designating appropriate decontamination zones.
4. Ensure all safety procedures are adhered to during the securing and processing of the laboratory.
5. Ensuring that proper decontamination of officers and, if necessary, disposal of clothing.
6. Ensuring proper decontamination of prisoners and, if necessary, disposal of clothing.
7. Ensure completion of exposure report forms by each member of the team.
8. Limit access into and out of the laboratory scene, restricting access to only necessary personnel who are wearing appropriate personal protective equipment. The site safety officer shall have complete authority to control access at the site, regardless of rank.

The chemist is responsible for the following:

The Scientific Investigations Division may be called upon at any time to provide guidance and assistance at any stage of a clandestine laboratory investigation. Nothing in this policy is meant to conflict with existing policies currently established by the Scientific Investigations Division regarding the investigation of clandestine laboratories by their members.

1. There will be an appraisal of health and safety hazards at the site, a recommendation as to the level of protection to be utilized, and safety procedures to be employed, and disposal of the laboratory. The appraisal



should only be conducted by SID personnel after the initial narcotics team 's entry and assessment.

2. I am providing technical support to the case agent and hazardous waste disposal company to ensure proper disposal of hazardous items and chemicals.
3. The Scientific Investigations Division is responsible for the collection of chemical samples, analysis, and the rendering of expert opinions regarding the manufacture of controlled substances.

Supervisor:

The on-scene (or on-call) narcotics supervisor (usually the team sergeant or their designee) is ultimately responsible for all actions of members under their direction.

1. When a supervisor receives notification of a clandestine laboratory investigation, either through dispatch or from a member under his direction, the supervisor will request the assistance of a clandestine laboratory certified member to assume the role of a site safety officer. If a supervisor has no certified members on his team, he shall notify a certified member from another team to act as a site safety officer.
2. When personnel is required to respond to a clandestine laboratory scene, the on-call supervisor shall notify one certified member to respond and act as a site safety officer. A minimum of two members of the Division will respond to a clandestine laboratory unless circumstances require more workforce.

#### *CLANDESTINE LABORATORY PROCEDURES*

The interdiction of a clandestine laboratory is conducted in four stages. These stages are as follows:

##### *PLANNING STAGE*

Responsibilities:

1. The case agent will develop an operational plan that will be reviewed by the sergeant and site safety officer prior to briefing and execution.
2. Assisting/affected agencies and or Divisions will be notified. This may include the Scientific Investigations Division, local law enforcement, and fire department.
3. The Communications Division responsible for the operational area shall be notified prior to the operation. It shall be provided with the names, call signs, and other necessary information for all team members.
4. The case agent will brief all participants and, when appropriate, representatives of the assisting/affected agencies and or Divisions. The case agent will make all team assignments.
5. The site safety officer will inspect all personal protective equipment.

## *ENTRY STAGE*

### Responsibilities:

1. Securing of clandestine laboratory scene.
2. The arrest of suspects present.
3. The removal of suspects and other persons to a non-contaminated location.
4. A minimum level of personal protection:
  - a. Eye protection-goggles or face shield.
  - b. Ballistic vest.
  - c. Flashlight.
  - d. Handcuffs.
  - e. Weapons-including ASP baton and OC spray.
  - f. Radio.
  - g. Any other equipment as appropriate or required by policy.
  - h. Nitrile gloves.
  - i. Air-Purifying Respirators (APRs) shall be worn if the seizure or presence of a clandestine laboratory is anticipated.

## *ASSESSMENT STAGE*

### Responsibilities:

1. After the entry has been completed, the next phase is the assessment stage. The assessment team will consist of a case agent and a site safety officer and any other members who are qualified.
2. When assigning assessment team members, due regard must be given to the equipment required to safely enter the site (SCBA, APR, etc.). Only members who have received DEA clandestine laboratory or equivalent OSHA training in the use of SCBA's may utilize them.
3. If SCBA's are used, members will enter the site in pairs. A third member in an SCBA should be available outside the scene in case of an emergency.
4. Special consideration should be given to enclosed spaces (attics, crawl spaces, etc.) and underground areas. SCBA's should be used in these situations.
5. The level of personal protective equipment to be used shall be determined by the site safety officer. The site safety officer may raise or lower the level of protection to be used.
6. The deactivation of the clandestine laboratory.
7. The ventilation of the clandestine laboratory site.
8. Appraisal of hazards of the clandestine laboratory environment.
9. Advising/updating the site safety officer of all known chemicals and hazards associated with the clandestine laboratory at that time.
10. Recommendation of the level of protection to be utilized and safety procedures to be used by the processing team.

## *PROCESSING STAGE*

Upon completion of the assessment stage, the next phase is the processing stage.

1. The processing of the clandestine laboratory site is primarily the responsibility of the Scientific Investigations Division.

2. Members of the narcotics team will assist in the collection, processing, and fingerprinting. The case agent (or his designee) is also responsible for the collection of non-chemical related evidence.
3. The case agent shall consult with the Scientific Investigations Division in order to prepare the CLUE worksheet for DTSC, if necessary.
4. The site safety officer shall be responsible for the appropriate level of protection to be used by members during the processing stage.

### *DECONTAMINATION*

During all stages of a clandestine laboratory investigation, proper decontamination is the responsibility of the site safety officer. The site safety officer shall be responsible for ensuring the decontamination of all members, suspects, and equipment.

1. All disposable personal protective equipment will be disposed of at the laboratory scene and collected by the hazardous waste contractor or Scientific Investigations Division as appropriate.
2. The decontamination of personal protective equipment (APR's, goggles, and other non-disposable items) shall be the responsibility of the member to which it is issued.
3. Transporting officers will be advised of any prisoner they are transporting who may be contaminated. All prisoners shall be decontaminated before they are transported.
4. When suspects are decontaminated, it will be noted in the remarks section of the booking application form.
5. The site where the clandestine laboratory was located shall be posted, warning that hazardous chemicals may still be present at the site.
6. The site safety officer will coordinate with the hazardous waste contractor to ensure that proper site cleanup is performed.

### *DISPOSAL*

Disposal is the final consideration in a clandestine laboratory investigation. The decision to notify the DTSC and request a hazardous waste contractor should be made after the investigating officer/case agent has surveyed the entire scene. An experienced case agent should be able to make the determination to contact the DTSC. If there are any questions during the contact with the DTSC, the case agent should consult with the Scientific Investigations Division.

1. All hazardous materials including glassware, chemicals, and other items not determined to be evidence shall be turned over at the laboratory site to the hazardous waste contractor or Scientific Investigations Division for disposal/destruction.
2. The transportation or storage of chemicals and other contaminated items is generally discouraged, however permissible under the following circumstances:
3. The member(s) collecting the chemical or contaminated item is currently certified to work clandestine laboratory investigations.
4. The liquids to be collected have a total volume of fewer than 5 gallons.
5. Any collection of chemicals or contaminated items shall require the approval of the on-scene Sergeant and or Lieutenant.

If the circumstances exist to collect chemicals, a sample generally should be taken prior to transporting it from the scene. The sample shall be placed in a sealed container, to be a 5-gallon sealable bucket containing vermiculite, with the original chemical. Investigators transporting the chemicals and or contaminated items shall comply with Title 22 CCR § 66263.43 – *Exemption for Emergency Response Transportation* and Title 49 CFR Part 172 Subpart C - *Shipping Papers*. Copies of the required Bill of Lading will be stored in the clan lab response vehicle.

The container shall be transported to the Scientific Investigations Division (Crime Lab) for analysis and disposal. Prior to transportation to the Crime Lab, notification shall be made to ensure SID personnel are available to accept delivery. In the event the chemical and or contaminated item is collected after normal business hours, it shall be secured in the locked Conex box until the following business day.

**DOCUMENTATION:**

The case agent is responsible for completing the following documentation:

1. All criminal reports
2. Operations plan
3. WSIN Clan lab cards
4. CLUE worksheet
5. Paperwork required by the hazardous waste contractor

The site safety officer is responsible for the following documentation:

1. Personnel exposure report for all personnel on scene excluding Crime Lab personnel.

**4.102. FUNDING FOR CLANDESTINE DRUG LABORATORY REMOVAL ACTIONS**

In order to receive funding and access funds from the Department of Toxic Substance Control (DTSC), illegal drug lab cleanup account and interim funds from the Hazardous Substance account, the following procedures and guidelines shall be used when it is necessary that a contractor responds to the scene for cleanup. These steps must be followed in order for the Department to be reimbursed for lab cleanup by the Department of Toxic Substance Control (DTSC).

1. Respond to the location of the clandestine lab and determine the type of illicit drug being manufactured. Assess the situation and contact the Crime Lab for a response.
2. With the assistance of the Crime Lab personnel (if required), determine if a contractor will be needed to remove hazardous material located at the clandestine lab site.
3. If a contractor is needed, the investigating officer, with the assistance of Crime Lab personnel (if required), shall complete the clandestine laboratory incident report (CLIR); the form must be filled out completely and accurately.

The clandestine laboratory incident report should include a comprehensive inventory of all hazardous substances, including container type, size, and respective quantity inclusive of label information. The clandestine lab operators and the property owners should be identified by name, driver's license number, Social Security number, date of birth, car registration, address, and phone numbers, if available.

Upon completing the CLIR, contact the DTSC duty officer by telephone. During normal working hours, (Monday through Friday, 8:00 am to 5:00 pm) the duty officer can be contacted at 1-800-260-3972. After hours, (including weekend and holidays), the DTSC duty officer can be contacted at 1-800-852-7550. The duty officer will request information from the Clandestine Laboratory Incident Report. The Department of Toxic Substance Control duty officer will then issue a CLUE number and EPA identification number to be included on the Clandestine Laboratory Incident Report. The duty officer will also contact a contractor for a response to the lab site and cleanup.

Upon the arrival of a contractor, a Clan Lab Clean Up Work Log must be completed. The Department of Toxic Substance Control uses the work log control to verify the invoice charges by the contractor. The work log must be filled out completely and accurately. Crime Lab personnel may be utilized to assist in completing the Clan Lab Clean Up Work Log.

Ensure that the Hazardous Waste Manifest is filled out completely and accurately. Obtain a copy of the manifest to accompany other reports.

Within 10 days, a copy of the Crime Lab Incident Report, Clan Lab Clean Up Work Log, and the Hazardous Manifest must be mailed to the DTSC

Department of Toxic Substance Control (DTSC)  
Site Mitigation Branch  
Clandestine Drug Lab Unit  
P.O. Box 806  
Sacramento, CA 95812-0806

#### **4.103. DEPARTMENT OF TOXIC SUBSTANCE CONTROL FUNDING POLICY**

This policy establishes funding criteria and procedures set forth by the Department of Toxic Substance Control in order to access funds from the DTSC, Illegal Drug Lab Clean Up Account and the interim funds from the Hazardous Substance Account.

Effective July 1, 1995, the DTSC commenced the Direct Administration of Removal Actions at clandestine drug manufacturing operations. However, the responsibility of the agencies with funding through contractor assistance is applicable only to the extent that sufficient funding is made available for that purpose.

To apply for DTSC funded removal actions, a request shall be made by a state or local enforcement officer or investigator acting prior to or during the execution of a planned enforcement action involving any suspected illegal controlled substance manufacturing operation. Planned enforcement action is defined as any action taken by a state or local enforcement agency or task force pursuant to the issuance of a search or arrest warrant for the manufacturing of a controlled substance. Hazardous removal action conducted in support of planned enforcement actions shall be conducted under the umbrella of the warrant issued by the respective law enforcement agency.

In addition to requesting funding from the DTSC for cleanup of hazardous substances at illegal drug laboratory sites, local agencies may also request funding for the stabilization or removal of off-highway abandonment of suspected illicit drug laboratory

waste. Request for the cleanup of abandoned drug laboratory waste shall be made by soliciting funding from the one-million-dollar annually funded Emergency Reserve Account (ERA) established pursuant to Health and Safety Codes.

#### *PROPERTIES NOT FUNDED BY DTSC*

The D.T.S.C will not fund assessments or cleanups on the property for which responsible parties are identified unless those parties refuse and are unable to meet their financial responsibility. Potentially responsible parties include the operators of the illicit drug laboratory and any property owners where the latter have contractual relationships, i.e., lease agreements, with the operators. If the property owners have no contractual relationship, verbal or written, with the operators of the illicit drug laboratory and have had neither concurrent knowledge of nor financial interest in the operation of the illicit drug laboratory, then the property owners shall be considered to be innocent victims and will not be deemed financially responsible pursuant to the funding criteria.

The DTSC will not fund assessments or cleanups on federal property or for incidents of enforcement actions for which a federal governmental agency is a responsible party, or otherwise has jurisdictional responsibility (i.e., the Drug Enforcement Agency) unless special circumstances exist, including immediate danger to the public health or the environment resulting from the release or threatened release of a hazardous substance. Similarly, the DTSC will not fund the costs of any collection, storage removal or disposal of any materials associated with evidentiary collection by any federal, state, or local agency.

#### *TO REQUEST FUNDING FROM THE DTSC*

##### *NORMAL WORKING HOURS:*

During normal working hours (Monday through Friday, 8:00 am to 5:00 pm), contact the DTSC directly at either (800) 260-3972 or (916) 323-3600, and request to speak to the daytime emergency response duty officer.

##### *AFTER-HOURS:*

After hours, weekends, or on holidays, all requests should be made through the Governor's Office of Emergency Services, (OES) Warning Control Center's 24-hour number: (800) 852-7550 or (916) 262-1621. Notify OES of the enforcement activity and that you are requesting state funding for the removal of hazardous substances from an illicit drug lab operation. Then request that the normal Warning Control Officer contact the on-call DTSC Emergency Response Duty Officer. The duty officer will contact the law enforcement agency representative on the scene as soon as he is notified.

Remember, no DTSC funding will occur if a DTSC duty officer has not made contact with you.

#### *ELIGIBLE LAB CLEANUPS*

For a drug laboratory cleanup site to be eligible for state funding from the DTSC Account, the following must occur:

1. The duty officer may authorize under certain circumstances a local contractor to do the cleanup. Any authorization by the DTSC of a local contractor is the D.T.S.C duty officer's discretion, and all work is undertaken

by the contractor must be done at the cost of less than \$5,000.00. The circumstances where the situation is stable, three competitive bids may be needed.

2. For removal actions where the response is expected to cost between \$5,000.00 and \$20,000.00, the duty officer will authorize a cleanup company currently under contract with the state (DTSC). Do not obtain the services of a cleanup contractor or modify the DTSC - the approved scope of work.
3. For incidents where the estimated response costs are expected to exceed \$20,000.00, the DTSC duty officer will contact the U.S. Environmental Protection Agency and notify it of the illicit drug laboratory site and request assistance on behalf of the originally requesting law enforcement agency

Remember, the DTSC will not pay for any work or actions where funding was not specifically authorized by the duty officer.

#### *INFORMATION PROVIDED TO DTSC*

Before requesting assistance, the law enforcement agency should conduct the following:

1. Determine the type of alleged illicit drug manufactured at the site.
2. Determine if the suspected materials at the site are hazardous substances. Have personnel from the Crime Lab assist in determining the hazardousness of the substances at the site if necessary.
3. Establish a comprehensive inventory by container type, size, and respective quantity, inclusive of label information. Have the Crime Lab personnel assist with this inventory if needed.
4. If a release has occurred, determine the type and quantity of materials spilled or released.
5. Have HAZCAT perform hazard characterization test to identify or categorize the hazards present by the substances on the scene. In order to qualify for state funding, the substances must be identified to show that they meet at least one of the following criteria:
  1. Explosive
  2. Flammability
  3. Reactivity to the air of water
  4. Corrosivity (PH of 12.5 or higher or a pH of 2 or less)
  5. Toxicity (a positive drug identification through the use of a NARCO test kit or similar field assessment test for the presence of illicit drugs, which will be deemed as meeting these criteria).

Remember the DTSC duty officer will not fund unknown substances.

The duty officer will not fund the removal of all hazardous materials, particularly those materials that may not represent illicit drug lab precursors, products, or waste residues. Unless there is otherwise acute human health or environmental threat, the Duty Officer will only fund cleanup and dispose of those hazardous substances which meet one or more of the above criteria. The cleanup will not include over the counter of household hazardous substances, (i.e., Drano, Muriatic acid, etc.) which are in small quantities.

Determine the location of the drug laboratory relative to waterways, public access, and nearest population.

Determine whether the property is publicly or privately owned. Remember that areas under federal agency control or jurisdiction will not usually be eligible for funding.

Make a reasonable effort to identify and locate the owners of the property where the illicit drug laboratory is located. If an owner has a lease agreement or other type of contractual relationship with the operators of the illegal lab but is not subject to any arrest in connections with the manufacturing of the illicit drugs, that person will be considered a responsible party with joint and several financial liabilities pursuant to CERCLA.

Determine whether the reporting party, if known, is able or willing to pay. Remember, DTSC funding may be denied unless the reporting party is unknown, cannot be contacted or has been contacted and is either unable to pay or refused to pay.

If radioactive materials are encountered at the site, call the State OES at (800) 852-7550 and request that the OES Warning Center call the State Department of Health Services Duty Officer, who will then contact the Department of Health Services Radiologic Health Branch.

#### *DOCUMENTATION*

As a condition for receiving funding from the Illicit Drug Laboratory Clean-Up Account or the interim fund, the law enforcement agency requesting funding is required to provide on-scene site security and contractor oversight, including documentation of the drug laboratory cleanup. Upon authorization of contractor assistance by the DTSC duty officer, a Clandestine Laboratory Unit Expenditure (CLUE) number will be assigned. This number must be referenced when submitting all required reports and documents.

#### *CLANDESTINE LABORATORY INCIDENT REPORT (CLIR)*

The Clandestine Laboratory Incident Report must be filled out completely and accurately. The contents of the report should include all relevant details, including the identification of the potentially responsible parties. Additionally, the report must certify that the response involved an illicit drug operation.

The Clandestine Laboratory Incident Report should be filled out with the assistance of Crime Lab personnel if needed prior to contacting the DTSC duty officer. This will facilitate the officer in providing all the pertinent information to the DTSC duty officer.

When law enforcement agencies conclude an investigation and responsible party information becomes available, that information should be included in the Clandestine Lab Incident Report or forwarded at an appropriate time to amend a previously submitted report.

Responsible party information should include as much of the following information as readily available, including the names of the illicit laboratory operators, the names, addresses and telephone numbers of property owners, tenants, leaseholders, assessor parcel numbers, vehicle license or identification numbers, name of registered owners, driver's license numbers and Social Security numbers.



### *CLAN LAB CLEAN-UP WORK LOG*

The Clan Lab Clean-up Work Log is used to verify the contractor's invoice charges. Therefore, arrival and departure times of the respective responding contractors, personnel and equipment and description of the materials used must be recorded.

### *HAZARDOUS WASTE MANIFEST*

In the absence of a field representative from either County Health or the DTSC, it is the responsibility of the requesting law enforcement agency to ensure the Hazardous Waste Manifest is properly and completely filled out and signed.

If there are no responsible parties to assume financial responsibility for the cleanup, the generator of the waste shall be the operator of the illicit drug lab and will be listed as such on the manifest, even though the DTSC is funding the cleanup. The law enforcement agency representative signing the manifest shall not be a responsible party as in accordance with California Health and Safety Code 254354.5 (c)(3).

The Clandestine Lab Incident Report, the Clan Lab Clean Up Work Log, a copy of the Hazardous Waste Manifest, and any other supporting documentation should be mailed to the DTSC within ten 10 working days of the initial funding request to the following address:

Department of Toxic Substance Control  
Site Mitigation Branch  
Clandestine Drug Lab Unit  
P.O. Box 806  
Sacramento, CA 95812-0806

If these reports and supporting documentation are not submitted, future funding may be jeopardized.

### *EPA IDENTIFICATION NUMBER*

Prior to the removal of hazardous substances for disposal, an EPA Identification Number, which identifies the generator of the hazardous waste, must be obtained on behalf of the operators of the illegal drug laboratory. When issued, the respective ID number will be used on the Hazardous Waste Manifest for removal by the DTSC contractor for the transportation and disposal of hazardous waste.

Upon confirmation of the dispatched DTSC contractor, the DTSC duty officer will have the authority to issue an ID number on behalf of the operator of the clandestine lab. However, information pertaining to the operators, inclusive of names, addresses, and property owners will be required prior to the issuance of an ID number. It will be the responsibility of the requesting law enforcement agency to secure and provide the necessary information to the DTSC duty officer prior to the dispatch of the DTSC contractor.

### *POLICIES REGARDING DTSC FUNDING*

All requests for illicit drug laboratory removal actions must be approved by the DTSC before funding will be authorized.

Remember, without prior authorization by the DTSC Emergency Response Duty Officer funding will not be provided. The DTSC will not make retroactive payments. The DTSC does not have a reimbursement program. The DTSC duty officer is the only person who can authorize a D.T.S.C-funded contractor to respond.

In instances where an illicit drug laboratory is encountered on the property where the owner is clearly not the perpetrator and has no contractual relationship such as a rental agreement or a business affiliation with the operator of the drug lab, DTSC funding may be requested.

The timely removal action shall be established by the relative threat the site poses to humans and or the environment. Priority considerations shall be extended to drug labs that pose a significant, immediate threat such as may be determined by the likelihood of public accessibility and /or the potential for fire, explosion, or human exposure to acute toxicity. For sites that pose a minimal threat of off-site mitigation of hazardous substances or opportunity for human exposure by direct contact, a cost-effective offer shall be considered. A case example would be delaying a removal action from a weekend to a normal workday to minimize overtime or premium contractor rates.

In situations involving responsible parties that are willing to pay, but the cleanup contractors require assurance, the DTSC may guarantee payment if the responsible party fails to pay the invoice.

Cleanup of the following materials that may be encountered at illicit drug laboratory sites will not be funded unless special circumstances exist that are concurrently determined by the DTSC to represent significant public health or environmental threat:

1. Permanent fixtures, apparatus or construction that comprises structure at or adjacent to the site where the laboratory is discovered
2. Uncontaminated Glassware
3. Motorized Vehicles or Trailers
4. Waste Oil
5. Petroleum Fuels, Diesel, or Gasoline
6. Radioactive Waste
7. Infectious Waste
8. Paint Products
9. Household-size Hazardous Substances

The DTSC does not handle radioactive materials. Radioactive waste is handled by the State Department of Health Services, Radiologic Health Branch. It should be contacted for assistance on an incident involving radioactive materials. The branch may be contacted Monday through Friday from 8:00 am to 5:00 pm at (916) 445-0931. After hours and on weekends, the Office of Emergency Services should be contacted at (800) 852-7550.

Infectious waste may be disposed of in ways other than at a Class I landfill. Infectious waste may be autoclaved and disposed of at an appropriately permitted landfill.

For mobile laboratories encountered on state highways or within the state highway right-of-way system, removal actions should be coordinated with the California Department of Transportation and the California Highway Patrol.

Explosives or chemicals that may be unstable and cannot be safely removed from the laboratory site should be dealt with by a qualified bomb squad. It will be the responsibility of the requesting law enforcement agency to arrange for specialized ordinance or explosive disposal teams.

Properties owned by or under the jurisdiction of the federal government will not be eligible for funding. The specific agency in control of the property will bear responsibility for the cleanup unless a clear emergency exists in which the responsible agency is unable to take immediate actions; then the drug laboratory shall be deemed to be under federal jurisdiction.

For incidents where the total response costs are expected to exceed \$20,000.00, the DTSC will contact and make the referral to the United States Environmental Protection Agency on behalf of the requesting agency.

The DTSC and the Illegal Drug Lab Clean Up Account are significant resources for the furtherance of an integrated emergency response capability at the state level. The program's objective is to mitigate the threat of the adverse impact on human health or the environment from the exposure to hazardous substances. The resource is extended to all state and local law enforcement agencies and should be utilized for removal actions at clandestine drug manufacturing operations.

#### **4.104. NOTIFICATION OF TOXIC WASTE HAZARDS**

Law enforcement notification to local or state authorities subsequent to an enforcement action involving the transfer, storage, or disposal of hazardous waste is required pursuant to Division 10, Section 11642(C)(2) of the California Health and Safety Code. Law enforcement is required by California Health and Safety Code section 11642(c)(2) to provide notification within 24 hours to the local health officer.

In order to comply with California Health and Safety Code in reference to the notification of toxic waste hazards, the case agent in charge of the clandestine laboratory investigation shall ensure that written notification letters are completed and sent to the responsible parties within 24 hours.

If the Crime Lab responds to the scene of a clandestine drug laboratory, the Crime Lab will complete the Notification of Hazardous/Toxic Chemical Contamination form and post it on the property where the drug laboratory was recovered. The Crime Lab will also photograph the posted notification and forward copies of the notification to the local health officer within 24 hours.

For cases where the Crime Lab does not respond to the clandestine laboratory site, the case agent of all clandestine laboratory investigations shall ensure the following:

1. Post the property where the clandestine lab was recovered with the Notification of Hazardous/Toxic Chemical Contamination form.
2. Photograph the notice at the posted location.

3. Fax a copy of the notice to the local health officials within 24 hours.
4. Retain a copy of the notice and the fax receipt indicating the date and time the notice was faxed with the report.

If the clandestine drug lab investigation site is on public land owned by a state agency, the Notification of Hazardous/Toxic Waste Disposal on Public Land Notification shall be faxed to the local health official and to the Department of Toxic Substance Control within 24 hours. For all drug laboratories recovered within the County, excluding the City of Victorville, the Notification of Hazardous/Toxic Chemical Contamination form shall be faxed to the following location:

The San Bernardino County Fire Agency  
Hazardous Materials Division  
385 N. Arrowhead, Second Floor  
San Bernardino, CA 92415-0153  
(909) 387-3080  
Fax (909) 387-4323  
Inter-Office mail code 0153

For all drug laboratories recovered in the City of Victorville, the Notification of Hazardous/Toxic Chemical Contamination form shall be sent to the following location:

Victorville City Fire Department  
14343 Civic Drive  
Victorville, CA 92392  
(760) 955-5229  
Fax (760) 55-1098  
Desert Communications Center (760) 245-5311

Notification letters for hazardous/toxic waste disposal on public land shall be sent to the local County Fire Agency Hazardous Materials Division and:

Department of Toxic Substance Control  
P.O. Box 942732  
Sacramento, CA 94234-7320  
(916) 323-3600  
Fax (916) 322-4597

See attached forms for Notification of Hazardous/Toxic Chemical Contamination and Notification of Hazardous/Toxic Waste Disposal on Public Land.

#### **4.105. NOTIFICATION OF LOCAL FIRE DEPARTMENT/HAZARDOUS MATERIAL UNITS DURING CLANDESTINE LAB INVESTIGATION**

When the investigation of a clandestine methamphetamine laboratory occurs within incorporated cities throughout the County of San Bernardino, the investigator should contact dispatch and have dispatch advise the local fire department of the clandestine laboratory investigation to determine whether or not that city's Fire Agency/Hazardous Materials Unit desires to respond.

In cases where the investigator at any clandestine laboratory site finds that there is chemical contamination (i.e., dumping of illicit chemicals in drains, septic, sewers,

ground, etc.), the investigating officer shall contact that city's Fire Department/Hazardous Materials Unit and the County of San Bernardino Fire Agency Hazardous Materials Division to advise at the following numbers:

Business hours Monday – Friday: (909) 387-3044

After hours, weekends or holidays-Valley Communication Center: (909) 356-3850

#### **4.106. NOTIFICATION OF DEPARTMENT OF PUBLIC HEALTH**

When the investigation of a clandestine laboratory occurs within or outside the County of San Bernardino, the Site Safety Officer assigned to the investigation will notify the County Fire/Hazmat Division and request an investigator to respond to the scene within the time frame that is required by law. It will be the Hazardous Materials investigator's responsibility to determine and survey the scene for contamination.

By law, the County Public Health officer is responsible for this survey and determination within 48 hours of the discovery of contamination, as a result of a clandestine methamphetamine lab. In San Bernardino County, the Public Health Officer has appointed the Hazardous Materials Division of County Fire as the investigative body to act on their behalf as prescribed by the law.

The Case Agent will then document that he has notified and complied with the statute (AB 1078) by indicating this in his criminal report. Even though the law only covers clandestine methamphetamine labs, all clandestine labs that result in visible contamination will fall under this Division policy.

#### **4.107. EVIDENCE**

Any time property, narcotics, or other items are seized as evidence in a criminal investigation; it is the responsibility of the case agent or investigating officers to ensure that the items are processed as evidence without unnecessary delay. Personnel is not authorized to store any contraband item in their unit, desk, briefcase, file cabinet, office, or home. Generally, processing evidence should not require more than one 10-hour workday to complete.

At no time will narcotics ever be returned to a suspect. If circumstances in an investigation should require narcotics to be returned or walk, in order to further the investigation, prior approval from the Special Operations Deputy Chief shall be obtained, and a Court Order may also be required.

The Sheriff's Gangs/Narcotics Division, as well as most Patrol Stations, has interim evidence storage lockers that are to be used for temporary storage only, pending delivery to the Crime Lab. Therefore, investigators placing evidence in the interim evidence lockers for more than one day must have the approval of their sergeant.

The interim evidence lockers are locked from the outside, and the investigator shall retain the key pending removal of the evidence. On occasion, evidence may be stored for a longer period of time (no longer than three days) within the Division storage locker. However, this will be considered on a case-by-case basis and must be with the approval of either the administrative sergeant or the lieutenant.

There is an evidence processing area set up with the necessary items for processing and packaging evidence. This area is for use by all Division personnel, and it is each member's responsibility to ensure that the area is maintained. If there is a shortage of any equipment and or materials, the administrative sergeant should be notified. All evidence and seized property shall be processed, packaged, and marked in compliance with Department policy (Volume 5, Department Manual).

Prior to any property being taken to the Crime Lab, the investigator shall ensure that the assigned personnel make the appropriate entries into the PETS system.

#### **4.108. ASSET SEIZURE POLICY**

##### *PURPOSE AND SCOPE*

This policy describes the authority and procedure for the seizure of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

##### *ASSET SEIZURE AUTHORITY*

Health & Safety Code 11470 provides for the forfeiture of any currency, and real and or personal property, which represents proceeds or was used to facilitate narcotics activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, and possession for sale, offer to sell, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code 11488 specifies that any peace officer having probable cause may seize all money, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code 11470 (e) or (f).

##### *ASSET FORFEITURE PROCEDURE*

###### *CASH SEIZURES:*

For state and local cases, the minimum amount is \$1,000.00 per person or seizure if narcotic evidence is located with the currency. If there are several people at the location, and they have \$1,000.00 or more, each seizure should be marked individually. For state and local cases with currency only and all federal cases, the minimum amount is \$40,000.00. The currency shall be sealed in a moneybag that will be signed by both investigators and the supervisor that is present during the seizure. If the currency is under \$1,000.00, and there is no other property (other currency, vehicles, boats, etc.) then the money should be either placed into evidence by the case agent or if the suspect is arrested, given to the booking officer to be placed into the defendant's property.

The case agent shall submit the criminal report and all necessary documentation to the asset forfeiture assigned deputy district attorney within five (5) days of seizure.

### *PROCESSING, BAGGING AND TAGGING THE CURRENCY*

Do not allow the suspect or any other non-witnessing investigator to handle the currency or reach into the drawer, closet, etc. to retrieve it.

1. Immediately photograph the money in its exact location to show where the currency was found and how it was concealed and packaged.
2. When possible, the money will be processed for evidentiary value (i.e., narcotic detection dogs, retention of packaging materials and wrappers, etc.).
3. Place the money into the SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT CURRENCY BAG in the presence of another investigator. The currency bag is to be sealed in the presence of the witnessing investigator, and the serialized strip is to be removed and retained by the case agent to be referenced in the report.
4. All property seized will be inventoried and documented on a Receipt for Seizure of Property Subject to Forfeiture (H&S 11488) and or a Search Warrant Receipt (when applicable) and given to the suspect from whom the property was taken. If the property was not taken from any person or the person disclaims ownership, the receipt should be given to the owner of the premises from where it was taken. If no one is present when the seizure is made, the receipt must be left in a prominent place at the premises.

### *TRANSPORTING AND SAFEGUARDING THE CURRENCY*

All currency will be transported and placed into the Asset Seizure locker located at the Gangs/Narcotics office without delay by the team sergeant. Under no circumstances will the currency be transported to any other locations, including a deputy's residence or other off-duty location. Storage in a secured vehicle is not authorized.

### *FINANCIAL INVESTIGATION – SEIZED CURRENCY*

If the Asset Seizure Unit Investigator responds to the scene, they will assume the responsibility of seizing the currency and conducting a financial investigation. In the event the Asset Seizure Unit Investigator is unable to respond, the case agent shall conduct a financial investigation. It is recommended that the "Financial Questionnaire Form" be utilized.

### *DISCLAIMER OF OWNERSHIP OF CURRENCY/PROPERTY*

It is not uncommon that when currency is seized, the person or persons present will deny knowledge or ownership of the currency. In such a case, all parties present shall be requested to sign a "Disclaimer of Ownership of Currency Form" for the currency located. The Disclaimer of Ownership of Currency Form is available in English and Spanish. The suspect's disclaimer/statements should be notated in the criminal report.

### *ASSET FORFEITURE LOG*

A computerized inventory of all asset forfeiture cases shall be kept by the Asset Seizure Unit. The inventory shall be maintained by the Asset Seizure Investigator and provided to authorized staff upon request.

### *PROCEEDS FROM FORFEITURE*

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and financial audits.

#### **4.109. VEHICLE SEIZURES**

A vehicle, vessel, or aircraft can be seized for two reasons:

1. It was used to transport specified amounts of narcotics for sale or used to facilitate the manufacturing of specified amounts of narcotics. The amounts are as follows:
  - a. 14.25 grams (.5 ounces) or more of heroin or a substance containing 14.25 grams or more of heroin; or
  - b. 28.5 grams (1 ounce) or more of a pure Schedule One substance except for marijuana, peyote, or psilocybin; or
  - c. 28.5 grams (1 ounce) or more of cocaine, a cocaine base, or methamphetamine substance; or
  - d. 57 grams (2 ounces) or more of a substance containing methamphetamine or cocaine or cocaine base; or
  - e. 10 pounds of the dry weight of marijuana, peyote, or psilocybin.
2. The vehicle was purchased with proceeds from drug sales. Note: this will require a financial investigation to prove that the vehicle was obtained through drug proceeds.

The vehicle, vessel, or aircraft must have an equity value of at least \$20,000.00. This minimum requirement is not absolute but will apply in most cases. The procedure to be used in the seizure and or transport of seized vehicles will be:

1. A forfeiture receipt must be given to the person/persons that it was seized from listing the license plate number and the vehicle identification number. If the legal owner of that vehicle is present, the forfeiture receipt shall be given to that person/persons.
2. Seized vehicles shall not be driven by Sheriff Employees. They will be towed to a secured Sheriff's facility.
3. The investigator seizing the vehicle, or his designee should contact a Sheriff's tow rotation company to have the vehicle towed to Sheriff's Headquarters; in the event Sheriff's tow is not available, the next available rotation tow in the geographical area should be contacted.
4. The case agent will release all personal items of no seizure value to the legal owner. The case agent will maintain the necessary vehicle keys and release all of the keys to the appropriate owner.
5. The case agent will contact the Asset Forfeiture Team and advise it of the vehicle seizure at the time of the seizure or the following day. The case agent will release the vehicle keys to the Asset Forfeiture Team at that time.
6. The case agent shall complete a C.H.P. 180 form, using storage authority California Health and Safety Code section 11470 (e). Care will be taken to document all damage to seized vehicles. The copy of the completed C.H.P. 180 form will be forwarded to the Asset Forfeiture Team by the case agent. The case agent will be responsible for ensuring that the proper teletypes are made for each vehicle seized.
7. The case agent will photograph any damage or lack thereof to the seized vehicle prior to driving and storage of the vehicle. An inventory of the vehicle will be completed, including types/brands of radios, phones, etc. as well as the type and location of any damage. The inventory list and photographs will be forwarded to the Asset Forfeiture Team by the case agent.



8. The case agent and the asset seizure investigator are responsible for the investigation interviews concerning the legal owners, pay off the balance, co-owners, and or uninvolved second or third parties. Note: Vehicles shall not be forfeited if there is a community property interest in the vehicle by a person other than the defendant, and the vehicle is the sole vehicle available to the defendant's immediate family.
9. The case agent will forward copies of all documents relating to the vehicle to the Asset Forfeiture Team as soon as possible (no later than 5 days after seizure).
10. The asset seizure investigator will comply with California Health and Safety Code section 11488.4(d) by sending notice to the legal owner of the seizure of the vehicle.
11. All interviews regarding the seizure will be documented and forwarded to the District Attorney's Office in the county in which the seizure occurred.
12. The Asset Forfeiture Team will make arrangements for the storage of the vehicle with the appropriate storage company.
  - a. Once the case is forfeited, the asset seizure investigator will send a certified copy of the court order to the appropriate storage company to sell the vehicle.
  - b. The proceeds from the sale of the vehicle will be deposited in the Sheriff's Trust account and a memo sent to the District Attorney's office requesting a distribution order for the sale proceeds.

#### *TOWING OF VEHICLE SEIZED FOR ASSET FORFEITURE*

All cases involving a vehicle being towed pending asset seizure will be coordinated through the Asset Forfeiture Unit. These vehicles generally should be towed to the Sheriff's facility pending notification from the Asset Forfeiture Unit as to the appropriate storage location. Refer to towing of asset seizure vehicles for towing/storage facilities.

#### **4.110. NOTIFICATION LETTER TO CHEMICAL SUPPLIERS/MANUFACTURERS**

Each month the Gangs/Narcotics Division's Clandestine Laboratory Training Coordinator will review the WSIN Laboratory Cards from each team, and in cases where evidence related to such business was found at a clandestine laboratory site/crime scene, a notification letter will be generated and sent to the prospective chemical supplier(s)/manufacture(s).

A copy of the notification letter will be maintained by the Division Clandestine Laboratory Training Coordinator, and one copy will be forwarded to the Department of Justice Precursor Unit.

#### **4.111. PROCEDURES FOR INVESTIGATION OF CHILDREN AT DRUG SCENES**

Employees will secure the site and take immediate steps to protect staff, children, and adults from toxic chemicals and explosion. Employees will gather evidence to be used for criminal and or juvenile court proceedings and provide hazardous/chemical information needed by DEC PHN for medical follow up and by the DCS Social Worker for Prima Facie and allegations.

Employees provide "First Responder" training to staff who participates in the program.

#### **4.112. INVESTIGATING INDOOR AND OUTDOOR MARIJUANA CULTIVATION PURPOSE**

The purpose of this policy is to provide guidance and directives to investigators in the Gangs/Narcotics Division assigned to the investigation and removal of indoor and outdoor marijuana cultivations.

Nothing in this policy is meant to supersede applicable federal, state, or local laws or any policy currently in force as authorized by the Sheriff.

#### *IDENTIFICATION OF KEY PERSONNEL AND THEIR ASSIGNMENTS*

Case Agent is responsible for the following:

1. Development of criminal investigation.
2. Completion of LA CLEAR checks prior to the investigation or as soon as possible after arriving on-scene.
3. Preparation of investigative reports.
4. Coordination and filing with the District Attorney's Office or the United States Attorney Office.
5. Coordination with other agencies (i.e., fire department, local law enforcement, and or other agencies as necessary). If a federal prosecution is contemplated, the Drug Enforcement Administration should be contacted immediately to assist in preparing the case for the United States Attorney.
6. Development of the operation plan.
7. Assignment of duties to other team members.

Site Safety Officer is responsible for the following:

The site safety officer shall be a member of the Division who has attended the marijuana cultivation safety instruction course or who have received instruction on the hazards associated with indoor and outdoor marijuana cultivation. The site safety officer will not be the case agent.

1. Ensuring the adequate supplies of disposable personal protective equipment are available.
2. Ensuring that proper personal protective equipment is being utilized based on the conditions at the cultivation site.
3. Ensure all safety procedures are adhered to during the securing and processing of the cultivation.
4. Ensure completion of exposure report forms (H.A.R.P.) for indoor marijuana cultivation. Ensuring the names of all investigators who participated in the processing and disassembly of the cultivation are written on the form.
5. Limit access into and out of the scene, restricting access to only necessary personnel who are wearing appropriate personal protective equipment. The site safety officers shall have complete authority to control access at the site, regardless of rank.

Supervisor:

When a supervisor receives notification of an indoor or outdoor marijuana cultivation investigation, either through dispatch or from a member under his direction, the supervisor will notify the Marijuana Enforcement Team supervisor for the purpose of

statistical tracking. If a supervisor has no members on their team that has received instruction on indoor marijuana cultivation safety hazards, he shall notify a member from another team that has received the instruction to act as a site safety officer.

When personnel is required to respond to an indoor or outdoor marijuana cultivation scene, the on-call supervisor shall notify one certified member to respond and act as a site safety officer. A minimum of two members of the Division will respond to indoor cultivation unless circumstances require more workforce.

### *MARIJUANA CULTIVATION TACTICAL OPERATION PROCEDURES*

The tactical steps of a Marijuana Cultivation Investigation are conducted in four stages. The stages are as follows:

#### *PLANNING STAGE*

The case agent will develop an operational plan that will be reviewed by the sergeant or on-scene supervisor and site safety officer prior to briefing and execution.

Assisting/affected agencies and or Divisions will be notified. This may include local law enforcement, fire department, DEA and local utility companies.

The Communications Division responsible for the operation area shall be notified prior to the operation. It shall be provided with the names, call signs, and other necessary information for all operation team members.

The case agent will brief all operation participants and, when appropriate, representatives of the assisting/affected agencies and or Division. The case agent will make all operation team assignments. The site safety officer will inspect all personal protective equipment.

Investigators should always be aware of heat exhaustion when hiking into an outdoor marijuana cultivation site. Medical aid should be summoned for anyone exhibiting symptoms of heat exhaustion, which may include excessive sweating, headache, weakness, nausea, or vomiting.

Investigators should be in good physical condition before participating in such a strenuous activity. They should stay well hydrated and have a sufficient amount of water with them.

#### *ENTRY STAGE*

Responsibilities:

Indoor cultivation:

1. Securing of cultivation scene.
2. The arrest of suspects present.
3. Removal of suspects and other persons to a safe location.

Outdoor cultivation

1. Accomplished by hiking in as a group or
2. Flown in by helicopter to remote locations.
3. The arrest of suspects present.
4. Removal of suspects to a safe location.

As needed, the level of personal protection may include:

1. Eye protection-goggles or face shield
2. Identifiable attire such as mesh vests with identification/patches
3. Ballistic vest
4. Flashlight
5. Handcuffs
6. Weapons
7. Radio
8. MET specific OD pants and shirt with a subdued badge, flag and shoulder patches may be worn during marijuana eradication missions with approval of MET team sergeant.
9. Other equipment as appropriate or required by Department policy.

### *ASSESSMENT STAGE*

#### Responsibilities:

After the entry has been completed, the next phase is the assessment stage. The assessment team will consist of a case agent and a site safety officer. When assigning assessment team members, due regard must be given to identifying the safety hazards to ensure a safe work environment in the cultivation. Special attention needs to be given to hazards such as live electrical wires, electrical panels, water on the floor, water tubs or water basins, low hanging lights with sharp metal edges, booby traps, firearms, outstanding suspects, and any hazardous chemicals being used at the site.

Special consideration should be given to the possible presence of CO<sub>2</sub> gas cylinders and generators. If CO<sub>2</sub> is present, gas cylinders shall be shut off so that CO<sub>2</sub> gas is not emitting into the structure. If CO<sub>2</sub> is present, proper ventilation of the structure shall be accomplished by opening windows and doors.

The level of personal protective equipment to be used shall be determined by the site safety officer. The site safety officer may raise or lower the level of protection to be used based upon the conditions of the site. Some sites that have been in operation for months or years will have a higher presence of mold than sites that have been operating for short periods of time.

1. Appraisal of hazards of the cultivation environment.
2. Advising/updating the site safety officer of all known plant nutrients and hazards associated with the cultivation at that time.
3. Recommendation of the level of protection to be utilized and safety procedures to be used by the processing/disassembly team.

### *PROCESSING/DISASSEMBLY STAGE*

Upon completion of the assessment stage, the next phase is the processing and disassembly stage.

The processing of the cultivation site is primarily the responsibility of the case agent. Members of the Gangs/Narcotics Division will assist in the collection, processing, fingerprinting, and disassembly. The case agent (or his designee) is also responsible for the collection of evidence.

Disassembly of the cultivation should be done in a sequence based upon the known

hazards. Electricity feeding the cultivation equipment shall be deemed safe before any disassembly occurs. If electricity feeding the equipment is deemed unsafe, the power to the site shall be turned off to avoid electrical shock during disassembly.

Generally, the plants will be removed first to create additional working space. During this process, five random samples of the plants, including the root-balls, will be taken as evidence. These samples will be sent to the Scientific Investigation Division after they have been properly dried.

Disassembly of lights, ballasts, fans, filters, pumps, and timers shall be done after power is shut down to the equipment to prevent electrical shock.

Plant nutrients SHALL NOT be taken as evidence or stored at any facility. These nutrients are inert and generally pose no risk unless they are spilled or mixed. If a spill occurs, proper ventilation and removal of personnel from the area shall be done.

Mold particulates are disturbed during the disassembly stage and become airborne. Personal protective equipment shall consist of eye protection, work gloves, work boots, and a half-mask respirator equipped with high-efficiency particulate air (HEPA) filters during the disassembly stage.

The case agent will coordinate with federal agents to determine the number of random samples of the plants, including the root balls, to be taken as evidence, when necessary. These samples will be sent to the Scientific Investigation Division after they have been properly dried. If federal prosecution is pending, the case agent will coordinate with federal agents to determine the number of samples required and all applicable procedures for evidence handling.

#### *DECONTAMINATIONS*

During all stages of a cultivation investigation, proper decontamination is the responsibility of the site safety officer. The site safety officer shall be responsible for ensuring the decontamination of all members, suspects, and equipment.

All disposable personal protective equipment will be disposed of at the cultivation scene.

The decontamination of personal protective equipment (APR's, goggles, and other non-disposable items) shall be the responsibility of the member to which it is issued.

Personnel shall practice good personal hygiene upon exiting marijuana cultivations, including the washing of exposed skin surfaces and properly laundering their clothing.

Disposal is the final consideration in a marijuana cultivation investigation.

The plants, with the exception of the five samples, will be taken and destroyed with the aforementioned equipment after a magistrate has signed a court destruction order. This process is to be done within twenty-four hours of the initial investigation unless prior approval has been given from the Narcotics Command staff.

All items will be taken to the County Land Fill and destroyed. The officer assigned to destroy items will remain at the landfill until all items are properly destroyed.

## *DOCUMENTATION*

The case agent is responsible for completing the following documentation and evidence processing:

1. All criminal reports
2. Operation plan
3. Plant samples
4. Photo's
5. Court Destruction Order
6. Ensure copies of reports are forwarded to the Marijuana Enforcement Team for Federal statistical purposes.
7. Coordinating with a member of the Marijuana Enforcement Team to utilize the marijuana locker for drying of plan samples properly.
8. The site safety officer is responsible for the following documentation:
  - a. Personnel exposure report for all personnel at the scene. This may be done by utilizing one exposure report form listing all personnel involved.
  - b. Completion of Division HARP forms for all indoor marijuana cultivation investigations.
    1. One copy to be maintained in the case file.
    2. Second copy forwarded to Civil Liabilities.

### **4.113. GANGS/NARCOTICS DIVISION CANINE UNIT POLICY PURPOSE**

The purpose of this policy is to establish guidelines for the management and use of canines assigned to the Gangs/Narcotics Division.

The use of a canine is an effective tool in the gang and narcotics enforcement. Therefore, the Gangs/Narcotics Division will maintain and operate canine teams trained in narcotics detection. The canine teams shall be used to aid and assist all Gangs/Narcotics units and Divisions of the San Bernardino County Sheriff's Department.

Canine Unit Supervisor Responsibilities:

1. Provide administrative support for Canine Unit training needs.
2. Oversee the Canine Unit budget for each fiscal year.
3. Ensure the maintenance and storage of Canine Unit activity records, canine medical records, training records, and training aid logs.
4. Ensure that required training occurs and is properly documented.
5. Inspect and supervise the personnel, canines, vehicles, and kennel facilities.

### ***CANINE OFFICER/HANDLER***

Appointment of a Canine Officer/Handler shall be made by the Gangs/Narcotics Division Commander and Bureau Deputy Chief.

Canine Officers/Handlers will be required to:

1. Be assigned to the Gangs/Narcotics Division as a deputy or detective.
2. Have maintained a satisfactory level of performance in all previous assignments.

3. Successfully complete an initial canine training program and any assigned additional training sessions.
4. Have a strong desire to work with canines as they relate to law enforcement; a willingness to care for and train a canine.
5. Commit to a minimum of five years as a Canine Officer/Handler.
6. Maintain a residence with sufficient space for the construction of a department provided and approved kennel.

Canine Officers/Handlers will be assigned a take-home department vehicle. The canine vehicle shall be used and cared for in accordance with existing policy governing department vehicles and property.

Each Canine Team member will use their assigned canine vehicle for routine investigations. Only Canine Unit dogs will be transported in canine vehicles. Canine Officer/Handler compensation will be determined by the current collective bargaining unit agreement (MOU).

### *TRAINING*

Canine Teams shall receive monthly formal training by a department-approved canine police trainer. These training sessions will be documented on the appropriate training forms and forwarded to the Canine Unit Supervisor after the training or within two calendar days.

When on duty, it shall be the responsibility of the Canine Officer/Handler to conduct daily training with their assigned canine. These training sessions shall be documented in the Officer/Handler's logbook and subject to periodic review by the Canine Unit Supervisor.

Canine Teams shall also be required to pass an annual re-certification through the California Narcotics Canine Association (CNCA).

It is the duty of the Canine Officer/Handler to report any problem with the performance of their dog immediately to the Canine Unit Supervisor.

### Training Aid (Controlled Substance) Procurement Procedures

Controlled substances used for drug detection training will be issued to Canine Officer/Handlers. The Canine Officer/Handler shall take the following steps to obtain the controlled substances from the Sheriff's Crime Lab:

1. Obtain a Court Order from a Superior Court Judge for the release of controlled substances to be used as a canine training aid.
2. Submit a signed memorandum from the Gangs/Narcotics Division Commander to the Crime Lab Captain requesting a Narcotics Canine Training Kit.
3. Controlled substances shall not be checked out from the crime lab for more than one (1) year.
4. The Canine Officer/Handler will be responsible for maintaining control of the training drugs. The department will supply locked storage containers to store the training materials. The Canine Officer/Handler will have sole possession of the lock key.
5. Training drugs may be checked, weighed, and logged periodically by the Canine Unit Supervisor. Any discrepancies will be noted in the Canine Unit Supervisor Log and reported to the Gangs/Narcotics Division Commander.

6. The Canine Unit Supervisor will maintain a Training Aid Log that will keep track of the narcotics issued out and also contain the Canine Officer/Handlers affidavit, Court Order and the memorandum requesting the Canine Training Kit.

#### Canine Officer/Handler Responsibilities

1. The Canine Officer/Handler is always responsible for the tactical use and control of their assigned canine.
2. Canine Officers/Handlers shall not carelessly or recklessly handle a department canine.
3. Be responsible for the care of the canine, including but not limited to seeking medical attention when necessary, maintaining current vaccinations, proper feeding/watering, and grooming and exercising. All bills for the care of the canine shall be submitted to the Gangs/Narcotics Division Secretary.
4. At home or in-house kenneling facilities shall be properly maintained and kept clean. Outdoor kennels shall provide the canine with protection from the elements. As a condition of assignment to the Canine Unit, Canine Officers/Handlers at-home kenneling facilities shall be subject to periodic inspection by the Canine Unit Supervisor or other supervisory authority.
5. The Canine Officer/Handler shall be required to maintain the health of their assigned canine.
6. The Canine Officer/Handler shall, as soon as practicable, advise the Canine Unit Supervisor of any illness or injury involving their assigned canine.
7. Each canine will be given an annual physical, to include all shots, heartworm check, and any maintenance medication. Canines shall only be examined by a designated veterinarian, except in the cases of an emergency. In cases of emergency, the Canine Unit Supervisor will be notified as soon as practical.
8. Canine Officers/Handlers shall be responsible for maintaining the security of their assigned canine and canine vehicle both on and off duty.
9. Canines shall not be maintained in vehicles for excessive periods of time. Canine Officers/Handlers are encouraged to take their canine out of the vehicle as frequently as possible. Canine Officers/Handlers shall maintain a proper ambient temperature for the canine anytime the canine is in the canine vehicle/kennel.
10. Canine Officers/Handlers shall always maintain control over their canines, whether on or off duty.
11. The Canine Officer/Handler shall always keep their canine on a lead or under complete control.
12. The Canine Officer/Handler shall ensure that unauthorized civilian or department personnel do not encounter their assigned canine.
13. Upon request by the Canine Unit Supervisor or other authorized supervisory authority, Canine Officer/Handlers shall ensure the availability of Canine Unit records as soon as practical.
14. Drug detection records shall be readily available to others who may need them when seeking search warrants or other information.
15. It will be the responsibility of the Canine Officer/Handler to give the Canine Unit Supervisor a written report of all behavior violations encountered with their canine. Behavior violations that consist of activities which are unusual or not normal for the animal such as unusually aggressive behavior, or any other activity by the animal that concerns the handler.



## *CANINE DEPLOYMENT AND PROCEDURES*

In accordance with their training, the Canine Team may be used for the following purposes:

### Narcotics/Drug Detection

The use of the Gangs/Narcotics drug canines in a drug detection capacity is authorized in the following situations and under the following conditions:

1. Random exploratory sniffing of luggage, parcel/packages, or inanimate objects may be conducted in public facilities.
2. Exploratory sniffing in these facilities shall be with advance knowledge and consent of the appropriate facility manager.
3. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.
4. Officers may reasonably detain specific related items for purposes of a canine sniff if reasonable suspicion exists.
5. When a drug detection canine alerts to luggage, containers, packages, or other related items, a search warrant or consent to search is required before it is opened unless exigent circumstances exist to conduct an on-site search.
6. The use of a drug detection canine to search a person for narcotics is prohibited.
7. Drug detection canines may be used to sniff the exterior of a motor vehicle when:
  - a. Pursuant to a lawful traffic stop and in compliance with all applicable case laws.

### Asset Forfeiture (Money Line-Ups)

A Canine Team may be summoned to sniff suspected drug money. The investigator initiating a forfeiture action will be responsible for ensuring that legal guidelines are followed. Asset forfeiture money line-ups are to be conducted in a department facility, not at the scene. An investigator from the requesting unit will be present when performing the money line-up and will ensure that all appropriate information as to the amount of money, and personnel present are documented in their crime report.

### Request for School Searches

Generally, narcotics detection canines are not to be used for school searches. Any requests by local school districts for the purposes of searching for and seizing controlled substances shall only be authorized after the following criteria have been met:

1. The requests by the School Administrator and or Principle must be authorized by the Gangs/Narcotics Division Commander.
2. Canine Unit – School Search Procedures
3. Body or person searches will not be performed on students/faculty.
4. Student lockers, hallways, public access areas, and school parking lots are areas wherein the canine can conduct a search.
5. The Canine Officer/Handler will mark lockers or areas where the canine gives indications for entering and seizing controlled substances by school officials. The Canine Officer/Handler will not pry into or open these areas or make arrests.

## Public Relations Demonstrations

1. Public relations demonstrations shall be permitted once the request has been authorized by the Canine Unit Supervisor.
2. Narcotic detection canines shall be utilized within their individual limitations with the safety of the public and the canine as the foremost concern.
3. During any public demonstration, Canine Officer/Handlers shall be required to exercise proper control over their canine.
4. Public relations demonstrations shall be documented in a memorandum, advising the name of the civic group and forwarded to the Canine Unit Supervisor.

## *Veterinarian Services, Kenneling, Sick and Vacation Leave Procedures*

Only approved veterinarian services will be used for Narcotic canines. In cases of emergency, the closest veterinarian services or animal emergency facility will be used to stabilize the injured/sick canine medically. Prior to any additional treatment, the Canine Unit Supervisor will be contacted.

### *Kenneling*

Canines will only be kenneled at department-approved kennel facilities. Kenneling agent shall not release a Narcotic Canine to anyone except the Canine Officer/Handler or Canine Unit Supervisor.

### *Sick Leave*

If the Canine Officer/Handler is sick or injured and neither the Officer/Handler nor their family can properly care for the canine, the canine will be transported to the department approved kennel facility by the Canine Unit Supervisor.

If the canine is sick or injured, the Department's approved veterinarian services will determine if the canine should be worked. The Canine Unit Supervisor shall be made aware of the canine's not fit for duty status. The Canine Officer/Handler will report for duty as assigned.

### *Vacation Leave*

The canine will be kenneled at the Department approved kennel facility if the Canine Officer/Handler is out of town, and their family cannot properly care for the canine. The canine shall not accompany the Canine Officer/Handler on any vacation without the approval of the Canine Unit Supervisor.

### *Unintentional/Accidental Canine Bite Procedure*

In the event of an unintentional and or accidental canine bite, whether in the line-of-duty, the Canine Officer/Handler shall:

1. Immediately summon the Canine Unit Supervisor to the scene.
2. Examine the affected area to determine the seriousness of the injury and obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury.
3. Photograph the affected area.
4. Make no statements as to fault or liability, except when responding to an inquiry into the bite incident by a supervisor.
5. The Canine Unit Supervisor shall make sure that the appropriate photographs and recorded statements from the other person have been

completed. The Canine Unit Supervisor shall notify the Civil Liabilities Division and County Animal Control.

6. As soon as practical, Canine Officers/Handler shall file a written report of the canine bites and any other injury or damage to a person's clothing or personal effects because of any action on the part of the canine. Copies shall be forwarded the Canine Unit Supervisor.

#### *Damage Resulting from Canine Team Action*

While carrying out the mission of the Narcotic Canine Unit, Canine Officer/Handlers shall take great care to prevent damage to the person or property of others. Any damage, whether visible or alleged, shall be documented by the Canine Officer/Handler by:

1. Contacting the Canine Unit Supervisor as soon as practical.
2. Obtaining recorded statements from the reporting party and photographs of any alleged damage.
3. The Canine Officer/Handler shall submit a memorandum and all related paperwork to the Canine Unit Supervisor.
4. As soon as practical, the Canine Unit Supervisor shall notify the Civil Liabilities Division concerning the damage.

#### *Replacement/Retirement of Narcotic Canine*

It will be the determination of the Gangs/Narcotics Division Commander, after consultation with the Bureau Deputy Chief, as to when to replace an on-duty Narcotics Canine. Reasons for replacement may include chronic or poor performance, old age, and or injuries which prevent the canine from performing further active duty.

A canine will be retired after it has surpassed its usefulness to the Department due to age or other circumstances, or upon the promotion transfer or reassignment of the Canine Officer/Handler to a position inconsistent with canine work and the Department decides not to retain the canine for another Officer/Handler.

Upon retirement, subject to the written authorization from the Office of the Sheriff, the canine may become the property of the assigned Canine Officer/Handler.

The Canine Officer/Handler will sign a written statement indicating that he/she will assume all responsibility, liability, and cost to maintain the canine. The Canine Officer/Handler will also agree not to use the canine for financial gain and that the canine will not be sold, or ownership transferred to another, for the life of the canine.

# **VOLUME**

**5**

**VOLUME 5  
IRNET  
5.000.**

5.100. IRNET MOU

**5.100. IRNET MOU**

The IRNET MOU is an agreement between all local, state, and federal partners attached to the Inland Regional Narcotics Enforcement Team. IRNET is a HIDTA initiative. A copy of the current IRNET MOU will be kept in the office of the lieutenant or captain that is the operation's manager for the task force.

# **VOLUME**

**6**

**GANG ENFORCEMENT  
6.000.**

- [6.101.](#) GANG TEAMS
- [6.102.](#) OUTSIDE AGENCY REQUESTS
- [6.103.](#) SMASH MOU



## **6.100. GANG TEAMS**

### *ENFORCEMENT TEAMS*

Consisting of Sergeants, detectives, and deputy sheriffs, these teams will be responsible for the suppression of street-level gang activity and organized crime.

The Desert team will be assigned the responsibility of the Desert Patrol Bureau and be housed at the Government Center in Hesperia. The Valley team shall be assigned the responsibility of the Valley/Mountain Patrol Bureau and be housed at the Gangs/Narcotics Division Building.

### *GANG INTEL TEAM*

The Gang Intel Team (GIT) is a multi-agency, federally funded Task Force. Utilizing physical and electronic surveillance methods, as well as confidential sources, GIT will primarily function in a covert, intelligence-based role. The gathered intelligence shall be utilized to strategically plan ways to effectively enforce current anti-gang legislation so that those identified as threats to the community's wellbeing can be investigated and incarcerated if deemed necessary

## **6.102. REQUESTS FROM OUTSIDE AGENCIES**

Department protocol dictates requests from other jurisdictions or departments, be made through the Office of the Sheriff. If contacted by dispatch or an officer from another agency to respond to investigate an incident for their department, the same procedure should be used as for a normal call-out, but it should be cleared with the unit commander prior to response. Ascertain from dispatch, or the agency from which the request is being made, who they are, what their authority is, and how they can be contacted. This information should be provided to the detail commander upon notification. Department protocol requires the request to be initiated from a Chief of Police or his designee. The unit Lieutenant will give direction upon confirmation with the Executive Staff.

## **6.103. SMASH MOU**

The GANGS/NARCOTICS DIVISION Division's Regional Gang Enforcement Teams shall participate in SMASH (San Bernardino County Movement Against Street Hoodlums) and adhere to the policies and procedures set forth in its Memorandum of Understanding (MOU). The current SMASH MOU will be kept in the office of the lieutenant overseeing the gang teams.

# **VOLUME**

**7**

**HUMAN TRAFFICKING UNIT  
UNIT SPECIFIC POLICY AND GUIDELINES  
7.000.**

7.100.

Human Trafficking Task Force MOU

## **7.100. HUMAN TRAFFICKING TASK FORCE MOU**

The Human Trafficking Task Force (HTTF) MOU is an agreement between all local, state, and federal partners attached to the the HTTF. A copy of the current HTTF MOU will be kept in the office of the lieutenant or captain that is the operation's manager for the task force.

# **VOLUME**

**8**

**VOLUME 8**  
**High-Tech Crimes Detail**  
**8.000.**

<a href="#"><u>8.100.</u></a>	EQUIPMENT
<a href="#"><u>8.101.</u></a>	SUBMISSION OF CASES
<a href="#"><u>8.102.</u></a>	PRIORITIZATION OF CASES
<a href="#"><u>8.103.</u></a>	EVIDENCE PROCESSING
<a href="#"><u>8.104.</u></a>	CASE ARCHIVE RETENTION
<a href="#"><u>8.105.</u></a>	CASE INQUIRIES AND REVIEW
<a href="#"><u>8.106.</u></a>	CONFLICTS OF INTEREST
<a href="#"><u>8.107.</u></a>	CALL-OUT GUIDELINES

### **8.100. EQUIPMENT**

Equipment assigned to personnel shall be maintained, cleaned, secured at all times and used in a manner for which it was intended at all times. It is the responsibility of all personnel assigned to the Detail to see that equipment designated for general assignment within the Detail is maintained, cleaned, secured, and used in a manner for which it was always intended.

### **8.101. SUBMISSION OF CASES**

Before presentation to the High-Tech Crime Detail, all evidence shall be submitted, processed, and charged out to the High-Tech Crime Detail through the originating station, Division, or agencies evidence process. The request for High-Tech analysis should then be made through the High-Tech submission portal; this does not apply to those instances where personnel from the High-Tech Crime Detail are conducting the processing and collection of evidence.

Department evidence will not be accepted without properly being tagged, placed into the department's Property Evidence Tracking System (PETS), and transferred to Sheriff's Scientific Investigations Division (SID). Once the property has been delivered to SID, High-Tech personnel shall retrieve it to begin processing.

Storage of original evidence at the High-Tech Crime Detail shall be limited to the time required to conduct the examination properly. Once the processing and examination are complete, the property will be delivered back to SID and made available for pick up by the submitting station/agency.

Evidence will not be accepted unless it is in a condition considered to be ready for immediate processing. The type of evidence, available holding space and the overall operation of the detail, does not allow for the holding of evidence while awaiting further information or requests.

The High-Tech Crime Detail should be apprised of all pending court dates and discovery agreements. Submitting stations, Divisions, and agencies should avoid binding the High-Tech Crime Detail to any agreement without prior authorization from the Detail Supervisor.

### **8.102. PRIORITIZATION OF CASES**

Request for assistance is prioritized according to current information presented at the time of the request based on the following criteria:

1. A threat to public safety, death or serious bodily harm
2. Cases involving Homicide, Crimes Against Children, and Internal Affairs Investigations
3. The immediate destruction of significant property
4. Pending court action in which the results of the assistance requested are essential
5. Cases with a significant community impact
6. Other felony offenses
7. All other offenses

Further consideration should be given to the number of victims, a number of victims, type of property, estimated value of the property, and will any delays result in further loss of evidence or investigative leads.

### **8.103. EVIDENCE PROCESSING**

Electronic devices and their storage media present unique issues in processing. The High-Tech Crime Detail makes every reasonable attempt to keep investigative and law enforcement personnel supported with current training, software, and equipment.

Although this effort is strongly supported, the detail and law enforcement, in general, is not able to keep up with the pace of the private industry. The rapid changes in technology require the detail at times to work with outside resources in an attempt to recover data/information.

Current best practices for processing potential evidence should be followed at all times, including in-house processing and during times when outside resources are sought for assistance.

### **8.104. CASE ARCHIVE RETENTION**

The various facets of the High-Tech Crime Detail create a digital work environment where information is gathered and is already in a digital format, or it will be placed into a digital format to allow for processing and examination. Copies are made of the original evidence in an effort to return the property to the owner(s) as soon as practicable to minimize any long-term effects it could have if left unavailable, e.g., business information, tax information, medical information, etc.

This archived media is referred to as a "Working Copy." The purpose is to allow for authentication and to create an environment that does not allow for altering. These "Working Copies" will be archived using write-once media and maintained by the High-Tech Crime Detail at the completion of processing, only under the following circumstances and timelines:

1. Unsolved Homicide – Indefinite Retention
2. Solved Homicide – Indefinite Retention (destroyed upon completion of sentence)
3. Felony Investigation – 7 Years Retention of ESD or media provided by victim/witness\*
4. Misdemeanor – 1 Year Retention of ESD or media provided by victim/witness\*
5. Officer Involved T/C or Shooting – 8 Years Retention

Note: Electronic Storage Devices or media from the suspect(s) shall be maintained by the agency/station that seized it until the case is adjudicated and does not require redundant storage by the High-Tech Crime Detail.

Archived media will be destroyed after the above timelines unless the High-Tech Crime Detail is notified in memorandum form or by court order as to the requested extension. Media destroyed shall be done in a manner that will not present the opportunity or give the ability for the information to be restored/used.



### **8.105. CASE INQUIRIES AND REVIEW**

Inquiries made to the Detail on cases shall be screened to verify the source so as not to allow information to be disseminated to unauthorized persons. Information, whether oral or written, shall only be provided to the case agent or their authorized designee. Prior approval must be given by the team supervisor.

Requests made for the review of case material and or evidence shall be made through the case agent and or prosecutor.

These requests may come in the form of a court order (request), letter, or verbal. It is preferred that the form of a written request be made so it can be compiled with the case for documentation purposes. The Detail will make every effort possible to comply with a valid request when properly made. Arrangements as to the date, time, and location are given great consideration as to the impact it will cause on the Detail's operation, personnel, and equipment. Instances may arise where it will be better suited for personnel to carry out the request at an off-site location, i.e., case agent's agency, District Attorney's office, or the courts.

In most cases, the Detail will provide a better environment for this event. This should be carried out in the Detail's Conference/Training Room unless equipment needs require the use of the appropriate laboratory. Personnel should prior to the meeting assess what the needs will be to appropriately prepare for the meeting so as not to cause any undue delays when the parties arrive. In the event of using a lab or other area, the following shall be ensured during this period no other work is to be conducted in the area, no unnecessary persons should be present, the area should be clean and presented in a professional manner.

No unauthorized copying, video, or audio recordings shall be made. Personnel is not to leave anyone unattended. In their brief absence as in the case of using the restroom, personnel may leave the case agent and or prosecutor in charge with direction as not to touch or operate any equipment in their absence.

Personnel should restrain themselves from discussions outside the scope of the review, i.e., operational procedures, security, equipment, personnel, etc.

### **8.106. CONFLICTS OF INTEREST**

Personnel may not engage in any activity, which, either in appearance or in fact, conflicts with their position in the High-Tech Crime Detail. Therefore, no participant shall conduct independent examinations of Electronic Storage Devices (Computer Forensics), Audio Enhancements, Video Enhancements, Cellular/Wireless Telephones, or Pagers. This prohibition does not apply to the teaching of topics or for assisting in the further research and development of technology and training in these areas.

### **8.107. CALL-OUT GUIDELINES**

Requests for assistance are prioritized according to information provided by requesting station/agency. Consideration should be given to the nature of the crime, the potential safety/danger implications, number of victims, potential number of victims, type of

property, and the estimated value of the property. In the event multiple calls are received with similar prioritization, the calls should be handled in the order received.

1. During Office Hours
2. Made directly through the High-Tech Crime Detail supervisor or an available investigator.
3. After-Hours
4. Contact should be made through dispatch to receive the Detail Supervisor or On-Call Investigator.
5. On-Call Scheduling

An investigative support member is assigned to on-call status. Investigators will maintain an active on-call status following the division's current policy.

In the event of multiple call-out requests and or the request for additional resources from the Detail, the detail supervisor or acting supervisor may request assistance from the investigator serving as a backup to the primary on-call investigator. Although investigators who are in a backup status are not designated on-call, if available they may be activated to an on-call status to respond to an incident.