



San Diego Community College District Police Department Policy and Procedures

3.06 NARCOTIC ENFORCEMENT PROCEDURES

EFF. 10/01/19

I. PURPOSE

This Department procedure establishes guidelines on the enforcement of narcotic violations and the handling of narcotics and related evidence.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. PROCEDURES

- A. An investigation shall be made of all reported or suspected violations of State and Federal narcotic laws.
- B. Most narcotic investigations are conducted by field officers as a result of traffic stops, field interrogations, citizen's information, and personal observations. These are investigations, which normally take a short period of time are within the scope of a field officer's duties.
- C. If a field officer becomes involved in a narcotics investigation, he or she must contact a supervisor to determine if College Police Investigators or the SDPD Narcotics Section should be notified. The Narcotics Section should be contacted in all of the following circumstances:
 1. Sales;
 2. Possession for sales;
 3. Manufacturing;
 4. Cultivation;
 5. Multiple suspects;

6. Extensive follow-up;
7. Large amounts of money;
8. Drug-related crimes (robberies, kidnappings);
9. Narcotic-related confidential informant issues;
10. Pharmaceutical and prescription fraud investigations; and,
11. Guidance on other narcotic-related issues.

It will be the decision of a SDPD Narcotics Section supervisor whether or not to respond to assist with the investigation.

D. Should College Police officers and investigators conducting follow-ups enter areas believed to contain clandestine drug laboratories, they should immediately:

1. Take the necessary action to protect public safety.
2. The scene should be isolated and contained and the SDPD Watch Commander's Office notified.
3. It shall be the responsibility of the SDPD Watch Commander to notify the Narcotics Task Force (NTF) Lab Team, so action can be taken safely.

IV. ENFORCEMENT PROCEDURES/DISPOSITION OF NARCOTICS EVIDENCE

A. Marijuana (including marijuana concentrates and edibles)

1. Medical Marijuana - During the initial narcotics investigation, if an individual is in possession of, or cultivating marijuana and claims it is medical marijuana, the officers will follow procedures outlined in DP 3.16, Medical Use of Marijuana Enforcement Procedure. If it is determined the marijuana or person does not qualify under medical marijuana laws then the officer should then determine if the person can legally possess it as non-medical marijuana under the Adult Use of Marijuana Act (Proposition 64). If not, then the appropriate enforcement should be taken.
2. Non-Medical Marijuana - As of November 9, 2016, any adult age 21 or over can legally possess and cultivate certain amounts of non-medical marijuana. If he or she is in violation, the appropriate enforcement should be taken. Anyone

under 21 is not legally allowed to possess non-medical marijuana.

3. All marijuana that is illegal shall be weighed and impounded as narcotic evidence. Legally possessed marijuana in the possession of a suspect being booked into jail on other charges shall be weighed and impounded at SDPD Headquarters Property Room under a separate bar code as bulk/personal property and a property release form shall be provided to the owner. The marijuana should be placed in a sealed narcotic envelope and placed in the narcotic bin. Marijuana will not be thrown away or destroyed, except in accordance with applicable laws.

B. Felony Offenses

1. All persons who are in violation of the felony narcotics laws shall be taken into custody.
2. If circumstances exist which prevent an immediate arrest, the narcotic evidence shall, in all cases, be impounded and a police report made by the investigating officer.
3. This report will serve as the basis for determining whether a warrant of arrest may be issued.

C. Misdemeanor and Infraction Offenses

1. All persons who are in violation of misdemeanor or infraction narcotic laws shall be cited or arrested depending on the charge and circumstance.
2. In all cases, the narcotic evidence shall be impounded and the proper documentation shall be made by the investigating officer.

D. It is not within the scope of a police officer's authority to decide not to take enforcement action, even though the controlled substance is, in the mind of the officer, not a "usable amount."

1. "Usable amount" can be generally defined as any narcotic substance saved for later use, and could include a partially smoked marijuana cigarette or a single pill.
2. The courts and prosecuting agency, not the police officer, have the responsibility to determine whether the amount of the narcotic evidence impounded in each case is considered a "usable amount."
3. An exception to this would be random debris, residue or a useless trace, obviously not being saved, which might be found on the floorboard of a vehicle,

the bottom of a shirt pocket, in an ashtray, etc.

4. Such particles are good corroborative evidence to support a charge based on other evidence, but will not support a charge alone.
- E. California Health and Safety Codes (Sections 11472 through 11479.5) govern the seizure and disposition of controlled substances. All controlled substances and unlawful paraphernalia coming to the attention of any officer shall be seized and ultimately turned over to the State for destruction, whether or not an arrest is made or a trial held.
- F. Officers who seize controlled substances from persons who are not placed under arrest, or who recover found controlled substances, shall document the incident on an ARJIS-9 (Officer's Report) Form. The report shall contain accurate detailed facts concerning the circumstances surrounding the seizure or recovery, and shall be approved by a supervisor. A copy of the ARJIS-9 report shall be forwarded to the appropriate SDPD area command narcotics investigator.
- G. Destruction of any amount of a controlled substance in any manner other than prescribed by law is prohibited.
1. All narcotic evidence, including paraphernalia, coming into the possession of a police officer shall be impounded without exception.
- H. In some instances involving small quantities of pills that are not readily recognizable as controlled substances, officers may impound the pills and submit appropriate reports without making a physical arrest. In these cases, complaints will be obtained at a later time if the evidence warrants.
- I. Do not make notes in the report questioning the legality of the stop, search or statements. The prosecuting agency will decide if the facts, as indicated in the report, justify the issuance of a criminal complaint.

V. **ACCESS TO THE SAN DIEGO LAW ENFORCEMENT COORDINATION CENTER (SD-LECC)**

The San Diego Law Enforcement Coordination Center (SD-LECC), formally the Narcotics Information Network (NIN), and the Western States Information Network (WSIN) are State-run clearing houses for narcotic investigations. The purpose of SDLECC and WSIN is to enhance officer safety throughout San Diego and Imperial Counties, reduce duplication of efforts among law enforcement agencies, and promote the exchange of information crucial to multi-jurisdictional investigations.

A. Business Hours Access

1. Field officers conducting narcotics investigations shall call College Police Investigations prior to performing any search warrants or fourth waiver searches on subjects and/or specific target locations (i.e., residences) connected to narcotics investigations. It is mandatory that the SD-LECC system be checked prior to any narcotics investigation; this responsibility lies with the field officer initiating the investigation. This can be accomplished by the field officer calling SDLECC or, in the event College Police Investigations is contacted, the detective should contact SD-LECC.
2. The SDPD Narcotics Section detectives are on duty from 0700 to 1700 hours on weekdays. They should be contacted for assistance before any work is started on a complaint of narcotics trafficking. The Narcotics Section has access to the various computer systems and maintains a log of all complaints under investigation and received by the San Diego Police Department.
3. SDPD Narcotics Section personnel will execute any narcotics-related search warrant initiated by College Police and will assist with narcotic investigations or any requests for intelligence information from the SD-LECC or WSIN computer system. They must be contacted as early into the investigation as possible.

B. After-hours access should be coordinated with College Police Investigations.

VI. “WHISPER STOPS” AND “WALL CASES”

- A. “Whisper Stops” and “Wall Cases” are cases in which a confidential informant is legally denied to the defense. Such cases are used by law enforcement agencies when involved in complex narcotic investigations related to large trafficking organizations. The purpose of such an investigation is to separate the smaller components of the organization for prosecution without jeopardizing the overall investigation, or revealing the informant, or undercover operative. This is considered building a “wall” between the two cases.
- B. If a patrol officer is contacted by an outside agency regarding a “Whisper Stop” or “Wall Case,” they should immediately contact a supervisor.
- C. The supervisor in charge will coordinate the “Whisper Stop” or “Wall Case” and act as a liaison with the requesting unit. Uniformed officers will initiate the contact with the designated subject and activate their body worn camera in accordance with Department Procedure 1.23. Officers shall ensure confidential communication with the supervisor and/or requesting unit is not recorded.