98-006 Narcotic Evidence Booking Procedures

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

NARCOTIC EVIDENCE BOOKING PROCEDURES

PURPOSE

The purpose of this Field Operations Directive is to amend the Department Manual of Policy and Procedures as it applies to the booking, storage, and security of narcotic evidence.

BACKGROUND

In 1991, Penal Code Section 1417.3(b) was passed stating that any evidence which is an object or substance found by a chemist to contain any drug or narcotic described in the California Health and Safety Code as a restricted substance, shall not be permitted in any courtroom. This law was passed in order to facilitate a safer environment for those persons who work within the courts.

The Sheriff's Department, in an effort to create a safer work environment for employees, has implemented new procedures for storing narcotics evidence. These procedural changes affect the Narcotics Bureau, and the Field Operations Regions.

Previously, narcotics evidence was stored at the patrol station where the evidence was booked. The new procedure as outlined in this directive requires that all narcotic evidence booked at a station be transported as soon as possible to Scientific Services Bureau for a chemical and physical analysis of the materials. This procedure will eliminate the need for a field (Wells) test of narcotics which was performed by station narcotics personnel. Narcotic evidence is then transported to the Central Property and Evidence Unit at the Sheriff's Training and Regional Services Center (S.T.A.R.S.). The Central Property and Evidence Unit is responsible for security, storage, maintenance, and disposal of all narcotics evidence.

Additionally, when deputy personnel retrieve narcotic evidence for a preliminary hearing or trial, instead of the actual narcotics, deputies receive a photograph of the narcotic evidence along with an analysis report of the evidence to be presented in court. The photograph of the evidence and the analysis report will satisfy the "best evidence" requirement for prosecution pursuant to Penal Code Section 1417.3(b) (Exhibits, Toxic in Nature).

NEW PROCEDURES

Deputy Personnel Responsibilities

Deputy personnel who recover narcotics evidence in the field shall place the evidence in a transparent plastic narcotic evidence bag. Current procedures for completing the property label and narcotic evidence bag

documentation remain unchanged. **Note**: Narcotics not appearing to be of the same type shall be packaged separately (i.e., heroin shall be packaged separately from cocaine).

Prior to sealing a narcotics evidence bag, deputy personnel shall complete the first four (4) lines of a Narcotic Evidence Booking Identification Card (Uniform Report Number, Description of Evidence, Reporting Deputy Name/Employee Number, and Seizing Deputy Signature/ Employee Number) and place it inside the bag along with the narcotics. Once this has been completed, the evidence bag should be sealed. After sealing, the deputy packaging the evidence SHALL write his/her initials across the red seal onto the evidence bag. So as to prevent the smearing or removal of initials, deputy personnel shall only use a permanent "Sharpie" marker for this procedure. Scientific Services Bureau personnel will place the Narcotic Evidence Identification Card next to the narcotics to be photographed. This is essential for identification purposes later when the photograph is introduced in court.

Deputy personnel shall complete a Criminalistics Laboratory Receipt (SH-CR-126) and staple it to the narcotic evidence bag (**Note**: it is imperative to press hard when completing the receipt so that all copies are legible). Each narcotic evidence bag requires a separate Criminalistics Laboratory Receipt. Criminalistics Laboratory Receipts are a serialized form and shall be kept in the Watch Sergeants office for tracking purposes. If for some reason deputy personnel need to void a Criminalistics Laboratory Receipt, it shall be brought to the attention of the watch sergeant. The watch sergeant shall make a determination as to whether or not the receipt shall be voided.

> **Note**: Narcotic paraphernalia does not require a Criminalistics Laboratory Receipt. This includes paraphernalia which deputy personnel believe contain narcotics. Narcotic paraphernalia will not, in most cases, be stored at the Central Property and Evidence Unit. Narcotic paraphernalia will be stored at the station under the management of the station narcotic unit. If deputy personnel believe a piece of paraphernalia contains narcotics, the narcotics must be removed from the paraphernalia and appropriately packaged. The narcotics and paraphernalia shall then be placed in separate narcotic evidence bags.

Biohazards

With the increase in submissions of unknown liquids to Scientific Services Bureau for analysis, there is a critical need to identify the source of the liquids on all narcotics packages containing such substances. On many occasions, these substances are "biohazards" and must be labeled as such. In the past, analysts were expected to analyze "wet" or liquid evidence without any knowledge as to what the material was or where it came from. Due to the extreme risks associated with analyzing this type of evidence, all 'wet" or liquid evidence shall be packaged in a clear "K/PAC" plastic container and clearly marked "BIOHAZARD" along with a brief description as to why it is considered such (e.g., BIOHAZARD-syringe contents, BIOHAZARD-rectal stash, etc.). Both the K/PAC container and lab receipt should be marked. The following examples are considered biohazardous materials:

- All bodily liquids (e.g., blood, urine, saliva, fecal matter, etc.)
- Body cavity stashes (e.g., rectum, vagina, etc.)
- Syringe contents
- Materials found inside toilets or urinals
- Any unidentified liquid or apparent biological material

When entering narcotic evidence information into the master property ledger, deputy personnel shall include the serial number of the Criminalistics Laboratory Receipt. This information shall be placed under the "Description of Evidence" portion of the ledger.

When it becomes necessary to physically transport narcotics evidence into court for a preliminary hearing or trial, the deputy responsible for presenting the evidence shall make arrangements with the station narcotics unit to obtain a photograph of the evidence and analysis report. The station narcotics unit shall prepare a Narcotics Bureau Court and Evidence Disposition form (SH-CR-559) in duplicate and obtain the signature of the transporting deputy on the form. The original copy shall accompany the photograph of the narcotic evidence to court. If the narcotic evidence photograph is not introduced in court, it shall be returned to the station narcotic unit with the SH-CR-559, with the court disposition section of the form completed. If the evidence photograph is introduced in court, the transporting deputy shall complete the court disposition section of the form and obtain the court seal and signature of the court clerk prior to returning the form to the station narcotics unit.

> Note: All outside law enforcement personnel whose agencies contract with the Sheriff's Department for narcotic investigations shall be mandated to use the same procedures as described in this Field Operations Directive.

Watch Sergeant Responsibilities

The Watch Sergeant is responsible for ensuring that all evidence booked at a station by deputy personnel is done so accurately. It is essential the Watch Sergeant, or other supervisor, ensure that all narcotics evidence be packaged properly and that all the necessary forms are complete. Narcotics evidence that is not packaged properly could affect the outcome of a case and/or cause the release of a suspect. Suspect releases often occur when an investigator presents evidence to the District Attorney which has been improperly packaged or, the "Chain of Custody" of evidence has not been accurately documented.

Criminalistics Laboratory Receipts are a serialized form. It is imperative these receipts be maintained in sequence and kept in an area where misappropriation of the forms will be prevented.

If the Watch Sergeant determines a Criminalistics Laboratory Receipt should be voided, the watch sergeant shall write "void" across the receipt. The Watch Sergeant shall provide his/her signature on the voided receipt and document the reason for the void. The voided receipt shall then be placed in the narcotics evidence storage depository.

The Watch Sergeant shall ensure the integrity of Criminalistics Laboratory Receipts and supervise the distribution to those deputies booking narcotic evidence.