

## 3-6 Ex Parte Orders/Reverse Sting Operations

### NARCOTICS BUREAU

### DETECTIVE DIVISION

### LOS ANGELES COUNTY SHERIFF DEPARTMENT

Bureau Order Number: **3-6**

Subject: **EX PARTE ORDERS (Reverses / Flashes)**

Effective Date:	08/11/2008	Last Date Revised:	10/15/2019
Last Date Reviewed:	04/01/2021	Next Review Date:	04/01/2022

#### PURPOSE:

The purpose of this order is to establish procedures for the acquisition and use of narcotics, narcotics paraphernalia, ephedrine or any precursors for the purpose of conducting a reverse sting or flash operation. Compliance with this order will ensure the safety of our personnel and compliance with all laws and Departmental policies when narcotics are taken from the narcotics depository for field operations.

#### POLICY

##### I. USE OF NARCOTICS FOR REVERSE STING AND FLASH OPERATIONS

A. A reverse sting operation or flash operation is conducted to arrest and/or gather evidence against suspected drug dealers or users by offering to supply narcotics or other substances to them for their illegal activities.

B. All reverse and flash operations require the approval of the Zone Lieutenant, concurrence of the Unit Commander or designate, and the completion of a comprehensive operations plan.

C The reverse sale of narcotics is a useful tool for street level sting operations as well as mid and upper-level narcotics investigations, and are generally safer for the undercover officers when authentic substances are used rather than bunk or non-narcotic substances. Additionally, upper-level sale negotiations often require the “flashing” and sometimes the sampling of the product for testing by the buyer.

D. Narcotics or other substances, including ephedrine or pseudoephedrine, for reverse sting or flash operations shall only be obtained from those narcotics cases that have been adjudicated and only after obtaining a court order authorizing the utilization and/or sampling of the narcotics.

Narcotics may be created, repackaged or reprocessed by the Los Angeles County Sheriff's Department's Crime Laboratory. Narcotics created or reprocessed for street level reverse sales shall be of a sufficient potency as not to cause an overdose if immediately ingested.

## **II. REVERSE STINGS USING NON-NARCOTIC SUBSTANCES**

A. Facsimile type substances, such as macadamia nuts or powders, may be used without a court order, however, the local District Attorney's Office should be consulted for filing practices and the tactical safety issues involved must be closely scrutinized.

## **III. ACCOUNTABILITY**

### **5-04/060.00 PROPERTY/EVIDENCE ACCOUNTABILITY**

PRELIMS is the official chain of custody and accountability system for all evidence and property in the custody of the Department. All activity in PRELIMS is tracked. This activity is accessible by authorized Department personnel through an electronic audit trail in PRELIMS.

A. All controlled substances (ephedrine or paraphernalia etc), held by LASD as evidence, shall be kept in the custody of Central Property and Evidence. If needed for reverse or flash operations, it can be temporarily released for use by obtaining an "ex parte" court order.

The case investigator shall obtain a court order permitting the use of narcotics or narcotics paraphernalia for reverse sting and flash operations.

1. An expiration date of ten (10) days from the date the court order is signed shall be included in every court order requesting the use of narcotics or narcotics paraphernalia for reverse sting operations. In the event the tenth day falls on Friday, Saturday or Sunday, the detective will have until the following regular working day to complete the operation or write an extension to the court order.
2. The case investigator shall maintain the original court order in the case file and provide a completed copy to the Narcotics Bureau's Evidence/Operation's Lieutenant, when removal from evidence is requested.
3. Narcotics or other substances shall be identified by the type, quantity and originating case from which they were seized (including the case file number). If substances from two or more cases are combined to obtain a required amount needed for an operation, such occurrences shall be noted in the court order and the investigator's case file.
4. The Narcotics Section of Central Property and Evidence shall maintain custody of the substances for these operations until its use is needed. All substances shall be returned to Central Property and Evidence when the field investigation is completed - either by booking it under a new file number in the event of a new arrest or by return of the evidence with the removal records for placing back into storage under the original file number.
5. If the case is delayed, the Zone Lieutenant may authorize the temporary storage of the substances in the Narcotics Bureau Headquarters property room. The evidence shall be entered in the Narcotics Bureau Master Evidence Ledger under the current investigation's file number in the Narcotics Bureau Headquarters property room, and entry notations made for the entry and removal.

6. Removed evidence shall be returned to Central Property and Evidence before the expiration of the court order (10 days). In the event the tenth day falls on Friday, Saturday or Sunday the detective will have until the following regular working day to complete the operation or write an extension to the court order.

**IV. STARS CENTER - CENTRAL PROPERTY AND EVIDENCE NARCOTICS DEPOSITORY - NARCOTICS REMOVAL PROCEDURE**

A. Approving narcotics evidence, including ephedrine or narcotics paraphernalia, for removal from Central Property and Evidence to be used for reverse sting and flash operations shall be the responsibility of the Narcotics Bureau Operations Lieutenant and coordinated with the supervisor of the Narcotics Section of Central Property and Evidence.

1. A signed copy of the face page (the original and entire court order shall be maintained at Narcotics Bureau Headquarters), authorizing the use of narcotics or narcotics paraphernalia for reverse sting or flash operations shall be delivered by the case investigator to the Central Property and Evidence supervisor. All requests and tracking of any evidence removed from CPE shall be requested via PRELIMS. The detective requesting the evidence shall request the evidence by the file number and check the "Ex Parte" box/category and make any relevant comments in the comment section. The detective requesting the evidence shall also state the name of the authorizing Narcotics Bureau Operations Lieutenant. (Prior to the implementation of the PRELIMS, the form SH-CR 583 "Property Interim Removal Request" form was used.) Additionally, the evidence shall be placed in "will call" status so it is ready for pick up at CPE by the detective. During the pick-up process, the court order will be scanned into PRELIMS. The detective can, if he/she chooses to do so, scan in the court order a head of time during the initial request.
2. The Operations Lieutenant shall confirm the Zone Lieutenant's approval of the operation, before authorizing the release of any evidence.
3. A sworn member of the Narcotics Bureau, with the rank of Sergeant or higher, shall be present to witness the release of narcotics or narcotics paraphernalia in a reverse sting or flash operation.
4. The quantity of controlled substances or bulk ephedrine etc. removed shall be accurately weighed, (e.g., 1000 grams of methamphetamine) or counted (e.g., 4 jars of 1,000 tablets of pseudoephedrine) by Central Property and Evidence before being released to Narcotics Bureau personnel. Any discrepancies of the quantity shall be resolved before

any evidence is removed from Central Property and Evidence.

5. The case investigator and a supervisor shall transport controlled substances and bulk ephedrine to the Crime Lab, before and after the operation, for testing to confirm the weight and controlled substance removed from and returned to Central Property and Evidence. Pharmaceutical grade and packaged substances, such as pseudoephedrine tablets, will not require testing by the Crime Lab for removal or return. However, the quantity must be verified when removed and returned to Central Property and Evidence. (Bulk ephedrine will require testing for removal and return.) Any discrepancies in weight shall be documented in supplemental reports (i.e., sample given away).

6. Substances shall be returned to Central Property and Evidence when the operation is completed; either booked as evidence on a new case, or if not needed as evidence, returned to Central Property and Evidence for continued storage or destruction.

7. The PRELIMS shall be used to record and track the temporary removal and return of evidence to Central Property and Evidence under the court order. Removed evidence shall be returned to Central Property and Evidence prior to the expiration of the court order (10 days). In the event the tenth day falls on Friday, Saturday or Sunday the detective will have until the following regular working day to complete the operation or write an extension to the court order.

8. If the evidence is booked under a new case file number, the case investigator shall note and cross reference the new file number with the old file number in PRELIMS for proper tracking and notification to CPE regarding evidence status change and the chain of evidence.

**If another operation is initiated for an unrelated case or after the expiration of the court order on the current case and the substances are again needed, a new court order shall be obtained for removal of the evidence.**

B. Occasionally, other agencies request evidence from the LASD in order to conduct reverse or flash operations. The following procedure shall be used to release narcotics evidence to other agencies.

1. The requesting agency's department head or unit commander shall submit a written request on agency letterhead, to the LASD Narcotics Bureau Captain, identifying the quantity, substance and

purpose, e.g. reverse sting operation. The Captain shall evaluate the request and determine if the release of

evidence to other agencies for reverse or flash operations is appropriate.

2. The requesting agency shall obtain a court order allowing permanent removal of the evidence from the LASD's custody.
3. The requesting agency shall indicate in the court order that the evidence shall be maintained and the final disposition made by the requesting agency. The removed evidence will not be returned to LASD's custody.
4. The requesting agency shall deliver a copy of the court order to the Narcotics Bureau Operations Lieutenant. A LASD Narcotics Bureau detective shall be assigned to assist with the proper tracking and recording of the evidence into the PRELIMS. The approving LASD Narcotics Bureau lieutenant's name shall be noted in PRELIMS. The court order shall be delivered to Central Property and Evidence at the time of evidence. A copy of the agency's letter of request will also be delivered to Central Property and Evidence. Both documents will be scanned into PRELIMS by the CPE staff.
5. The evidence will be released by Central Property and Evidence to the requesting agency detective. The detective must be accompanied by one of his/her supervisors when the detective takes custody of the evidence.

**V. DISPOSAL OF NARCOTICS AND NARCOTICS PARAPHERNALIA UTILIZED FOR REVERSE STING AND FLASH OPERATIONS**

A. Narcotics for reverse sting and flash operations, shall be disposed of by either the normal destruction procedures, or those specific narcotics shall be considered "disposed" for purposes of possible future reverse sting operations when it is booked as evidence under a new case file number. That "new" evidence then becomes disposable according to standard procedures when the latest case is adjudicated.

B. When the use of specific narcotics or narcotics paraphernalia results in a seizure or arrest, the

evidence shall be recorded in PRELIMS under the new case file number.

C. When narcotics or narcotics paraphernalia are no longer needed or suitable for reverse sting operations, they shall be disposed of by normal destruction methods pursuant to Narcotics Bureau Order #3-3.

**ORIGINAL SIGNED**

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LOY L. MCBRIDE, CAPTAIN

NARCOTICS BUREAU

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