



Chief of Police

SAFETY GUIDELINES - CLANDESTINE LABS

A. POLICY STATEMENT

Clandestine drug laboratories present significant officer safety and long term health risks to personnel involved in their investigation and removal. The presence of these laboratories, in the community, present additional safety risks and will most likely lead to the decay of the neighborhood. The Concord Police Department is committed to actively investigating and removing these hazards from *our* community in a manner that provides for the safety of the personnel involved, and the community at large. We have adopted a procedure that provides *specific* guidelines from the time a laboratory is detected to the time all associated materials have been removed.

B. GENERAL

1. The purpose of this procedure is to provide safety guidelines for the investigation of clandestine drug laboratories. There are several long-term health risks associated with clandestine laboratory investigations. The intent of this Procedure is to minimize those health risk factors. The following procedures should be followed during the entry phase, search phase, and collection/destruction phase associated with clandestine lab investigations.
2. Special Investigation Bureau officers will be trained and equipped with the precautions and safety equipment necessary to safely conduct preliminary investigations of clandestine lab sites. We will continue to rely on the Federal/State Clandestine Lab Task Force, Environmental Health and County Crime Lab personnel to conduct detailed investigations, sampling and disposal of hazardous lab sites.

C. PLANNING AND PREPARATION

1. Whenever an investigation indicates that a clandestine lab or lab components and hazardous chemicals may be present at a specific location, careful tactical planning is essential to the safety of investigating officers and citizens.
 - .1 Whenever sufficient prior notice is available, Special Investigations Bureau will notify the Federal/State Clandestine Lab Task Force at the earliest practical point in any potential lab investigation.
 - .2 The timing of the service of any search warrant, at a potential lab site, will be planned following consultation with Lab Task Force representatives. A Lab Task Force Team will be present at the initial entry to the lab site.
 - .3 Where appropriate, related emergency services such as Consolidated Fire and Regional Ambulance should be given prior notice and asked to standby near a potentially hazardous location.

D. ENTRY PHASE

1. Initial entry into a suspected clandestine laboratory, during the service of a search warrant, should be made by a Lab Task Force Team. Special Investigation Officers should be used in a support role as necessary.
 - .1 Only Special Investigations Officers with training in Clandestine Lab investigations should be utilized in this support role for entries.
 - .2 Special Investigations Bureau detectives shall wear safety equipment that is comparable to that worn by initial entry teams performing comparable tasks for the State Bureau of Narcotics.
2. When a clandestine laboratory is discovered, all of the suspects should be taken out of the lab site area. All police personnel should also exit as soon as possible.

E. SEARCH PHASE

1. The initial search phase should be conducted by a Lab Task Force Team. Special Investigations Officers should be utilized in a support role.
2. If entry is made by a Special Investigations Officer/s, responsibility to require the wearing of protective clothing, gloves and full face respirators rests with the on scene Special Investigations Bureau Supervisor.
 - .1 The supervisor shall require the use of full face respirators and protective clothing whenever a **warning concentration** of any chemical is encountered.
 - .2 The **warning concentration** is that concentration in air, at which a person can detect the material either by its visible vapor or particles, odor, taste or skin irritation.
 - .3 Many chemicals have adequate warning properties but some associated with clandestine labs may not.
 - .4 The use of respirators and protective clothing is intended to be precautionary for Special Investigations Bureau officers.
 - .5 The on scene supervisor should not permit Special Investigations Bureau officers to work in an atmosphere containing **warning concentrations** of chemicals without supervision by the Contra Costa County Office of Environmental Health, Federal or State Lab Task Force, Sheriff's Office Crime Lab, or other recognized expert chemical disposal team.
2. After a single clandestine laboratory investigation is complete, lab suit, gloves, and boot covers should be destroyed by the responding chemical disposal company. Goggles and full face respirators should be washed in warm soapy water and then soaked in water before reuse. Canisters on full face respirators should be replaced after each investigation.

F. SAFETY EQUIPMENT

1. Special Investigations Bureau detectives shall be equipped with safety equipment that is comparable to that worn by initial entry teams performing comparable tasks for the State Bureau of Narcotics. Each Special Investigations Bureau detective anticipating exposure to a clandestine lab and/or chemicals and associated lab apparatus, shall be equipped with the following safety equipment.
 - .1 Full Face Respirator - Current model used by Lab Task Force Teams should be utilized
 - .2 Coveralls
 - .3 Evidence Pouches

- .4 P.V.C. Boot Covers
 - .5 Neoprene Rubber Gloves
 - .6 Eye goggles - Non-vented, Non-fogging
2. Training/Medical Limitations (Calif. Admin. Code, Title 8, Section 5144)
- .1 Each Special Investigations Bureau detective shall receive training in the need, use, sanitary care and limitations of the respiratory equipment he/she may have occasion to use. This training should be covered by attending the Department of Justice (D.O.J.) Clandestine Laboratory training class.
 - .2 Respirators shall be inspected before each use and shall not be worn when conditions prevent a good gas-tight face seal.
 - .3 Every respirator wearer shall be instructed in how to properly fit and test respiratory equipment and how to check the face piece fit. Each Special Investigations Bureau detective shall be provided the opportunity to wear respiratory equipment in normal air for an adequate familiarity period and to wear it in a test atmosphere.
 - .4 Special Investigations Bureau detectives shall not use respirators before a licensed physician determines that they are physically able to perform the work using respiratory equipment.

G. DISPOSAL PHASE

- 1. The Concord Police Department does not have space available to permit storage of "hazardous" or "contaminated" material associated with the unlawful manufacture of controlled substance (11479 H.S.) In addition, the department does not have access to a location away from the police facility capable of storing such hazardous and contaminated material.
 - 2. It is our intention to comply with statutory provisions of Health & Safety Code Section 11479 in disposing of hazardous and contaminated material.
 - 3. There are several private hazardous waste disposal contractors available in our area. The Contra Costa Co. Office of Environmental Health has asked that their office be allowed to screen requests for disposal contractors at hazardous waste sites. In some cases, Environmental Health will take financial responsibility for hazardous waste disposal. In other cases, cost recovery may be available from the State of California under provisions of Health and Safety Code Section 11642.
 - 4. Destruction of excess controlled substances and hazardous chemicals without a court order will comply with the following statutory guidelines (11479 H.S.)
 - .1 "Hazardous Chemical" is defined as any material that is believed by the chief of the law enforcement agency to be:
 - Toxic
 - Carcinogenic
 - Explosive
 - Corrosive
 - Flammable
- and that is believed to have been used or intended to have been used in the unlawful manufacture of controlled substances (11479 Health and Safety Code).
- .2 Destruction shall not take place until all of the following requirements are satisfied:

- .01 At least one 1-ounce sample has been taken from each container of a suspected hazardous chemical to be destroyed. (11479.5 H&S)

(Comment: This requirement makes no exception for containers that do not appear to have been opened and are still factory sealed. The Contra Costa County Crime Lab will not sample sealed ether containers because of the hazard to physical safety. Such fact should be reported by the investigating officer/criminalist.)

- .02 Photographs have been taken which reasonably demonstrate either:

- .001 Total amount of controlled substance to be destroyed; or

- .002 Containers of suspected hazardous chemicals to be destroyed as well as photographs of the samples taken.

(Comment: It is recommended that this requirement be accomplished in conjunction with that for arriving at the gross weight. For example, if the gross weight is being estimated from dimensional measurement, a photograph should be taken showing the substance (or container) and the measuring device.

- .03 The gross weight of the suspected controlled substance or hazardous chemical must be determined. This may be accomplished by either:

- .001 Actually weighing the substance;

- .002 Estimating such weight after dimensional measurement the total amount of substance or of the container of suspected hazardous chemical.

(Comment: This requirement becomes additionally important whenever over three gallons of liquid by volume of a suspected controlled substance in mixture or combination with hazardous chemical is going to be destroyed. 11379.8 Health and Safety Code specifies sentence enhancements that may be imposed whenever a controlled substance exceeds minimum weights. Without an accurate weight determination, before destruction, the District Attorney is unable to charge such enhancements. Whoever is responsible for complying with this requirement should also record for future reference whatever weight is determined.)

- .3 Controlled substances in excess of 10 pounds gross weight.

In addition to the four requirements listed in Section A (Hazardous Chemicals):

- .01 At least five random and representative samples must be taken from the total amount over the 10 pounds seized. If the controlled substance is growing or harvested marijuana the 10 pound sample may include stalks, branches, or leaves, the five representative samples must consist of leaves or buds.

(Comment: A representative sample must be of sufficient quantity to allow for qualitative analysis by both the prosecution and defense.)

- .4 Phencyclidine (PCP) or its Analog (11479.1 Health and Safety Code.

Destruction without court order shall not take place until all of the following requirements are satisfied:

- .01 A forensic chemist or criminalist must have identified the substance as phencyclidine or an analog thereof.
- .02 Representative samples in the following amounts must be taken:

If substance is:

Sample at least:

- | | |
|----------------------------|---------------------|
| (1) crystalline | (1) one gram |
| (2) liquid | (2) ten milliliters |
| (3) plant material | (3) two grams |
| (4) hand-rolled cigarettes | (4) five |

- .03 Photographs must have been taken which reasonably demonstrate the total amount of PCP or its analog to be destroyed.
- .04 The gross weight of the PCP or its analog must be determined by actually weighing the substance.

(Comment: Note that the destruction of phencyclidine (PCP) or an analog thereof has its own separate and distinct requirements.)

Whenever destruction of controlled substance has taken place in the above-described fashion, an affidavit must be filed, preferably at the same time as the criminal complaint, reciting the applicable information required, together with information establishing the location of the respective controlled substance, and specifying the date and time of the destruction.

All of the above requirements are statutory and may be found in Health and Safety Code sections 11479 *et. seq.* They are mandatory rules that must be followed whenever, what otherwise would be evidence, is to be destroyed without court authorization.