

<b>JOPLIN POLICE DEPARTMENT</b>	<b>9-04 STANDARD OPERATING GUIDELINE</b>
<b>SUBJECT: Narcotics Enforcement</b>	<b>REVIEW DATE: Annually - September</b>
<b>EFFECTIVE DATE: March 17, 2008</b>	<b>ACTION DATE:</b>
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## I. POLICY

The department's interest in stemming the flow of illegal narcotics reflects the general attitude of the community and the assumption that illegal drugs contribute to a wide range of illicit activities. The department will investigate and enforce narcotics and dangerous drug violations at all levels. Vigorous enforcement enriches the quality of life in our community by reducing drug trafficking and related crime through a cooperative effort with our citizens. This order broadly outlines the responsibilities of all officers in enforcing narcotics laws and offers specific guidance on handling criminal investigations and narcotics evidence.

## II. PURPOSE

To provide investigative guidelines regarding narcotics and dangerous drug cases.

## III. PATROL PROCEDURES

### A. General

Patrol officers are more likely to become involved in possession and street-dealing cases than large-scale sales and distribution incidents. Officers shall be especially mindful of the relationship between offenses commonly observed during patrol activities (such as DWI cases) and narcotics violations. A person who violates narcotics laws may commit other kinds of criminal acts.

### B. Elements of successful investigations

Although specific rules on the handling of all cases is not possible, successful prosecutions involve the following elements:

1. A thorough incident report, not only for cases involving illegal narcotics, but also those involving the seizure of contraband without an arrest being made. A thorough report attests to the proper chain of custody of evidence.
2. Specific offenders are targeted, and their habits, associates, vehicles, property thoroughly investigated with surveillance, as necessary. (43.1.5)

### C. Directed patrol

The department practices directed patrol as the primary narcotics-control strategy. Directed patrol is distinguished from normal enforcement efforts by its focus on specific problems.

### D. Vehicle checkpoints

The Joplin Police Department will not conduct vehicle checkpoints for the purpose of detecting general criminal activity such as the possession or transportation of controlled substances, which the Supreme Court considers to be "ordinary criminal wrongdoing."

E. Intelligence gathering

The cornerstone of vigorous anti-drug efforts by patrol personnel is the development of intelligence. Intelligence is gathered chiefly by observing and talking. Officers shall diligently record the presence of suspicious persons and vehicles in particular places by completing field interview cards.

1. Informants

The cultivation and handling of informants is a complicated but essential part of patrol work and is particularly important in narcotics enforcement.

2. Schools

Substance-abuse problems exist among both juveniles and adults. School liaison programs are normally a function of specialized units such as D.A.R.E., however, patrol officers are expected to work closely with school officials on a wide variety of safety and security issues, including narcotics violations. Officers shall develop contacts with local public-school administrators to obtain intelligence on the nature and extent of drug problems within schools.

F. Surveillance and arrest (43.1.5)

The department encourages surveillance of locations where narcotics trafficking has been severe, particularly where open-air transactions are conducted. Controlling trafficking may mean making arrests for even minor misdemeanors committed in the officer's presence (such as littering) to disperse possible criminal activities and to learn identities of people.

G. Indicators

Frequently, stops of citizens based on reasonable suspicion that criminality may be occurring lead to seizures of narcotics and arrests. Indicators, sometimes called profiles, refer to a cluster of characteristics that, when taken together, suggest criminality. These characteristics are used to pick a suspect so that he or she can be watched or approached. The department expects officers to detect criminality by deploying all legal investigative strategies, but officers are cautioned not to borrow a third-hand indicator of a drug courier to substitute for good judgment. Reasonable suspicion that criminality has occurred or is occurring depends on facts known to the officer at the time of the stop or arrest. A legitimate indicator, sanctioned by the department, is a very specific attribute that is only valid for a limited time and under limited circumstances. These attributes or indicators can only be established based on considerable training and experience about drug trafficking. In any event, **officers shall not consider race or national origin in determining whether to stop a person for a field interview.**

H. Street strategies

The department encourages all legal means of reducing drug trafficking. Several strategies have proven successful in obtaining important information leading to criminal investigations. Officers shall remain mindful of the following strategies during patrol.

1. Use non-coercive conversations with possible suspects to create investigative opportunities. Without a show of authority or application of force, no constitutional issues arise that require the use of *Miranda* rights or search warrants.

2. Employ consent searches where and when appropriate.
3. With the considerations outlined under G above, officers may develop indicators of sellers and buyers appropriate for specific locations within officers' patrol areas. Indicators must be based on the officer's observations and knowledge of his or her patrol beat, not on generalized third-hand information. A well-constructed profile can yield reasonable suspicion for a stop.
4. Always bear in mind the requirements for reaching reasonable suspicion and the legal avenues that can be explored with reasonable suspicion as the basis. A reasonable suspicion that drug trafficking has taken or is taking place may include flight or panic at the sight of a law enforcement officer, lying while being questioned, or a display of extreme or unusual nervousness in the presence of the officer.
  - a. In formulating reasonable suspicion, rely on observations of people and things that are exposed to public view or are in public places.
5. Employ drug-sniffing dogs to establish probable cause.
6. Inspect property abandoned by the suspect: no warrant requirements exist for this kind of search. Also, search adjacent areas thoroughly near the suspect: dealers may stash drugs nearby to avoid carrying them on their persons.
7. Exercise pat-downs or frisks **if** the officer suspects that the suspect may be armed. Absent a suspicion of danger, the officer may still ask for consent to frisk.
8. Use traffic stops to gather intelligence and develop reasonable suspicion or probable cause. Traffic stops, however, must be based on the observation of a motor vehicle violation or on an articulable reasonable suspicion.
9. Patrol officers should try to identify unfamiliar persons who are routinely observed on sidewalks and street corners. Officers should engage in consensual conversation, photographing, or records checks when appropriate, to identify these persons. Dealers from other jurisdictions thrive on anonymity.

#### IV. INVESTIGATIONS

##### A. Narcotics Unit

The Narcotics Unit is a part of the police department's Investigations Bureau and officers assigned to the unit are responsible for the investigation of narcotics and dangerous drug violations within the city limits of Joplin. These officers may also participate in cases being investigated by area regional task forces with the authorization of the Investigations Bureau Commander.

1. Officers who are assigned to the narcotics unit shall receive a respiratory physical when they are initially appointed to the unit and then yearly until they are rotated out of the unit. The narcotics officer in charge will ensure that the physicals are completed each year. The physicals should be coordinated through Human Resources.

##### B. Ozarks Drug Enforcement Team

The department participates as a member of the Ozarks Drug Enforcement Team. The task force exists to provide law enforcement agencies within Jasper County with combined and coordinated resources to address a regional drug problem and to provide the ability to conduct cross-jurisdictional investigations through a regional network of information and intelligence on drug trafficking.

1. Officers assigned to the task force shall work under the immediate supervision of the commanding officer of the Ozarks Drug Enforcement Team.
2. For purposes of indemnification of all personnel assigned to the task force and their respective agencies against losses, damages, or liabilities arising out of the activities of the task force, the personnel assigned by any jurisdiction shall be deemed to be continuing under the employment of that jurisdiction and its law enforcement agency.
3. Any sworn officer, while assigned to the task force and working under its commanding officer, shall have the same powers, duties, privileges, and immunities as are conferred upon him or her as a law enforcement officer in his own jurisdiction and in any participating jurisdiction.

C. Controlled buys

Arranging buys of illegal narcotics through informants is a key investigative strategy. Investigators using this method shall ensure that the informant (and his vehicle) is searched before the buy, and again searched after the buy to ensure that the person is not concealing a portion of the illegal substance. Investigators shall thoroughly debrief the informant after a buy to determine all circumstances that might affect the safety of officers during the service of a search warrant or other police action and to obtain additional details useful for later prosecution. Investigators shall maintain active or deactivated files on all informants. These files shall be strictly controlled.

D. Confidential funds (43.1.3, 17.4.2, 42.2.7 E)

1. All confidential funds shall be disbursed according to city fiscal management guidelines from the account where the funds are budgeted.
2. The chief shall designate a confidential funds custodian (who may be an investigator) to maintain records and audit reports. The confidential funds custodian shall:
  - a. Conducts a monthly audit of the confidential funds. (17.4.2 F)
  - b. Conduct random audits of the confidential funds. (17.4.2 F)
  - c. Maintain a secure file of all transactions (with restricted access) and purge records as legally required.
3. The narcotics officer, who receives their funds in the form of a check directly from finance, shall only disburse funds for the following purposes (17.4.2 B, 17.4.2 C, 17.4.2 E):
  - a. Payments to informants.
  - b. Purchase of illegal drugs, contraband, or other evidence to advance an investigation.
  - c. Expenditures for authorized undercover operations.
  - d. Flash money.
  - e. Purchases of food and beverages for an informant.
  - f. Other operational expenses as approved by a supervisor.
4. Documentation

- a. Officers who receive confidential funds shall prepare an expense report to account for all money withdrawn from the account. The report shall include:
    - i. Informant identification for which funds were expended.
    - ii. Date and place of the expenditure.
    - iii. Type of investigation.
    - iv. Case number.
  - b. The officer holding confidential funds shall prepare the expense report as soon as practicable monthly and submit it along with any unexpended funds to the custodian. When practicable, the informant shall initial receipt of funds on the expense report. (17.4.2 A, 17.4.2 D)
5. The Bureau Commander is responsible for ensuring that an internal audit of the confidential funds is conducted monthly.

E. Undercover operations (43.1.5)

The nature of undercover operations requires officers to maintain professionalism and integrity while operating in a compromising environment. Officers are assigned to undercover work based on the needs of the department.

1. The supervisor in charge of the operation shall consider the need to employ false identification in the event identity of the officer could become a problem. At the conclusion of the operations and when an arrest is anticipated, the undercover officer would have some article that identifies him as a police officer.
2. Use of alcohol/drugs while on assignment  

Undercover officers may find themselves in situations where drinking alcoholic beverages may be necessary. Officers shall keep alcoholic consumption to a minimum and must remain mindful that department policy forbids carrying a firearm when the officer consumes alcoholic beverages. Under no circumstances will an officer consume illegal drugs in any way unless forced to do so in a life-threatening circumstance. In such a case, the officer shall notify the supervisor as soon as possible.
3. Testing of undercover officers for substance abuse  

City of Joplin employee policy provides for drug testing of personnel during pre-employment physical examinations, regular physical examinations after employment, or upon reasonable suspicion. Officers working undercover assignments are subject to drug testing.

F. Surveillance Operations (43.1.5)

1. Surveillance operations shall begin with consideration of an analysis of:
  - a. Organized crime or activities involved.
  - b. The suspect offender.
  - c. Associates of the Offender.

- d. Patrons of the Offender
  - e. Vehicles owned and operated by the suspected offender.
  - f. The method of operation employed to further the activity.
  - g. Potential operational problems or dangers, such as weapons possessed by individuals.
2. All officers assigned to the surveillance operations shall be familiar with the area to be observed, to include the type of neighborhood, low income housing, middle class, or upper class housing, business community, industrial park etc., and frequency of complaints or criminal activity.

G. Special equipment

Narcotics investigations often require special surveillance and recording equipment. The Investigations Bureau Commander holds the responsibility for determining equipment needs, inventorying and monitoring the use of specialized equipment, ensuring the timely reporting of damage or loss, and ensuring that all specialized equipment is in working order.

1. An equipment log sheet will be maintained to reflect which equipment was used and the officer using it. At the conclusion of the investigation, the equipment will be returned to the Bureau Supervisor and/or Commander to be secured and noted on the log sheet.  
(43.1.4)

H. Intelligence and crime analysis

Intelligence gathering and crime analysis perform mutually supportive roles in narcotics investigations. Patrol personnel and investigators shall diligently document the intelligence they have gathered, investigations undertaken, informants developed, and any other information of relevance. This information is crucial to crime analysis, which determines the selection of targets and supports planning. When compiling intelligence files, officers shall at least record the following information:

1. The frequency of occurrence by type of crime;
2. Geographic factors;
3. When targeted activities occur;
4. Descriptions of targets, their associates, and their methods of operation;
5. Descriptions of vehicles.

I. Search Warrant Raid (43.1.5)

The supervisor in charge of the raid shall contact the Bureau Commander to advise him/her of the operational plan for the raid. Raid planning includes outlining procedures for warrant procurement, tactical team use, officer in charge, deployment of personnel, officer safety, communications procedures, and collection of evidence. Special planning must be done for raids involving suspected drug-producing laboratories because of the dangers posed by hazardous chemicals. Raid planning may include participation by other governmental agencies such as fire and health authorities. When use of the S.W.A.T. Team is desired, the supervisor shall contact the S.W.A.T. Operational Commander or the next in the chain of command if the Operational Commander is unavailable and brief him on the incident. That S.W.A.T. member will then take responsibility for the conduct of the activation. (See also S.W.A.T. policy SOG 10-04).

## V. EVIDENCE PROCESSING

Procedures specific to narcotics cases are listed below.

### A. Seizures and forfeitures

All seizures and forfeiture actions shall be conducted in accordance with either federal or state guidelines per department policy.

### B. Handling narcotics evidence (84.1.1 E)

1. To the extent practicable, all drugs/narcotics shall be stored in clear plastic bags, bottles, or other containers to allow the contraband to be visible, thus reducing the need to break seals to examine or verify the evidence and thereby damage the chain of custody.
2. Seized drugs should only be field tested using the “TruNarc” device.
3. All drug evidence shall be submitted to the laboratory for examination (except for City misdemeanor cases, or when no charges are sought in connection with the narcotics). The request is made by completing a 4-11 form and attaching it to the evidence.
4. Each time narcotics property is removed from evidence, on return; the package or container shall be inspected for tampering.

### C. Destruction of narcotics

1. Contraband drugs shall be destroyed according to this order.
2. The Chief of Police shall designate an investigator to monitor the destruction of drugs.
3. The destruction monitor shall:
  - a. Monitor the loading and moving of items to be destroyed and observe the destruction.
  - b. After destruction, complete a report giving the date/time/location of destruction, and inventory of items destroyed, a list of witnesses, and the result of the random tests made before and after the destruction.

## VI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin’s Personnel Rules or the Joplin Police Department’s Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

## VII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee’s civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee’s legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.