

ALLEN POLICE DEPARTMENT		STANDARD OPERATING PROCEDURE	
SUBJECT: NARCOTICS ENFORCEMENT		NUMBER: 2020.003	
EFFECTIVE DATE: 10-21-2008		REVIEW DATE: 10-2010	
AMENDS/SUPERSEDES:		APPROVED: <u>Robert Flores</u> Deputy Chief of Police	
CALEA STANDARDS: –			

NOTE: This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

Index Words:

Buy Money	Search Warrant
Contraband	Seizure
Forfeiture	Surveillance
Informant/Confidential Informant/Cooperating Witness	Undercover officer
Narcotic Buy	

I. PURPOSE

The purpose of this SOP is to establish uniform procedures to ensure that officers who are assigned to the Narcotics Enforcement Unit are responsible for the investigation of criminal offenses primarily involving narcotics and vice related crimes. Also included are asset forfeiture, nuisance abatement and responsibility of surveillance equipment and vehicles. Assigned personnel are non-uniformed officers who may work in an undercover capacity.

II. POLICY

A. It is the policy of the Allen Police Department that all officers will actively seek, arrest and prosecute those persons responsible for the infiltration of illicit drugs into the City.

III. DEFINITIONS

- A. Buy Money – United States currency utilized by narcotics investigator in an undercover capacity.
- B. Contraband – Any property which is unlawful to produce or possess. Inclusive of proceeds of criminal activity or items used to facilitate criminal activity.
- C. Forfeiture – Something to which the right is lost by the commission of a crime and awarded to a government entity pursuant to a court order.
- D. Informant/Confidential Informant/Cooperating Witness – Any person who provides information to law enforcement personnel regarding the criminal conduct of another.
- E. Narcotic Buy – The purchase of narcotics by an informant or undercover officer with the objective to identify and arrest the offender, seize drugs, to identify the supplier and to determine possible civil forfeiture cases.
- F. Search Warrant – A written order, issued by a magistrate and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate.
- G. Seizure – Means the restraint of property by a peace officer under Article 59.03 (a) or (b) of the Code of Criminal Procedure, pursuant to a search warrant or other lawful means.
- H. Surveillance – Police investigative technique involving visual or electronic observation or listening directed at a person or place. Its objective is to gather evidence of a crime or merely accumulate intelligence about suspected criminal activity.
- I. Undercover Officer – An officer who makes contact with suspected criminals without disclosing his role as a police officer. He/she gathers evidence of criminal activity which may later be used at trial of the criminal.

IV. PROCEDURES

- A. GENERAL RESPONSIBILITIES
 - 1. To detect, identify, and apprehend criminal offenders and the recovery of narcotics and contraband.
 - 2. Conduct initial investigations, follow-up or initiate narcotics intelligence report on assigned or reported patrol cases, including information reports.

3. Coordinate activities and information sharing with CID and Patrol, as well as other agencies.
4. Obtain information from informants, witnesses, and citizens and submit required information or narcotics intelligence reports.
5. Interrogate suspects, obtain confessions, and document any debriefings.
6. Prepare, obtain, and execute search and arrest warrants.
7. Establish surveillance utilizing various audio and video equipment.
8. Maintain up-keep on surveillance vehicle.
9. Keep supervisors updated on all cases in progress.
10. Provide testimony as required by the courts.

B. INVESTIGATORS STATEMENT OF PURPOSE

The purpose of a narcotics investigator is to properly investigate and document work assigned to that investigator. The guidelines and procedures established by this order should ensure that investigations are conducted in an efficient, professional, ethical and legal manner.

C. PRELIMINARY INVESTIGATIONS

An investigator involved in the initial investigation is responsible for:

1. Maintaining and protecting the crime scene.
2. Fully observing and accurately recording all conditions and events.
3. Locating, identifying and interviewing witnesses and complainants.
4. Locating, identifying and arranging for the collection of evidence.
5. Locating, identifying, interrogating and arresting suspects.

D. INVESTIGATIVE PROCEDURES

1. Respond to call outs and crime scenes when necessary.
2. Review and analyze all reports in the investigation.

3. Contact any necessary person in order to gain additional information as needed.
4. Conduct surveillance, interviews, and interrogations as needed.
5. Review information reports and generate narcotics intelligence reports.
6. Submit evidence to the laboratory for analysis and review results.
7. Plan, organize and conduct necessary search warrants.
8. Attempt to locate individuals involved in criminal activity.
9. Complete probable cause affidavits and complaints.
10. Prepare warrants and arrest suspect(s).
11. Prepare the case for the proper prosecuting authority.
12. Testify in court.

E. NARCOTICS ENFORCEMENT UNIT EQUIPMENT

The Narcotics Unit is unique among other police operations in that specialized equipment is used to accomplish certain tasks associated with investigations. Some of this equipment is issued directly to the individual investigator, while some is maintained at a central location for use by all investigative personnel. This equipment, with few exceptions, must be checked out in person by the officer requiring its use. Should a defect in the mechanics or appearance of this equipment be noticed, or if the equipment is damaged while in use, it will be the officer's responsibility to notify the Narcotics Unit supervisor of its condition. Otherwise, all equipment should be returned in good working condition. Equipment will not be checked out for overnight use without first having supervisory approval. Equipment will not be left in an unattended vehicle unsecured for long periods of time. Requests to use equipment by officers from other Divisions must be approved by the Narcotics Unit supervisor.

Any equipment, including vehicles used for special assignments, or for other than routine use, will be inspected on a monthly basis and documented.

1. Surveillance Equipment

- a. Personnel of the Narcotics Unit who utilize any electronic surveillance equipment or viewing devices during the course of criminal investigations will do so in a manner that is lawful and consistent with all State and Federal statutes. The use of electronic surveillance equipment and/or viewing devices will be utilized in a manner that will not violate the Forth Amendment right or the legitimate or reasonable expectation of privacy of any person.
- b. This equipment is intended to be used for the purpose of affecting different methods of investigations through surveillance. Officers should avoid displaying this equipment in a conspicuous manner during an investigation and should avoid making arrests while it is in their possession. This equipment will not be used in the presence of a confidential informant without prior approval of the Narcotics Unit supervisor.
- c. It is the responsibility of the officer checking out or using this equipment to replenish any and all supplies necessary for its operation.

2. Surveillance Van

- a. The surveillance van is assigned to the Narcotics Enforcement Unit and is maintained by Narcotics Unit personnel. The van will be stored in an area away from the Police Department and will not be brought to the PD building. All maintenance will be done by non-City employees and in such a manner that it will not be identified as a police vehicle.
- b. The van will not be utilized for any takedown, except in an extreme emergency (i.e. shots fired, officer down). Nor will support or tactical personnel enter/exit the van while on the surveillance site.
- c. Routine maintenance (oil & filter) will be performed by an outside private service center. The charges will be paid in cash utilizing buy money. A voucher will be filled out and submitted with the receipt to the Deputy Chief for reimbursement.

d. Each year it will be necessary to submit an application to the Texas Department of Transportation, Division of Motor Vehicles, signed by the Chief of Police. This registration allows for an alias name and address to appear on the registration to protect the identity of the vehicle. These forms will be maintained with the file for the van. Proof of liability insurance will be obtained and kept in the vehicle. A State vehicle inspection site will perform and provide the MVI. The charges for the MVI will be paid in cash utilizing buy money. A voucher will be filled out and submitted with the receipt to the Deputy Chief for reimbursement.

3. Raid Jackets and Raid T-shirts

The raid jacket, raid t-shirt, and raid body armor vest is designed for officer safety through the means of officially identifying the wearer as a police officer. Each Narcotics Unit member will be assigned a raid jacket, raid t-shirt and raid body armor. It is the responsibility of each officer to ensure that his/her raid jacket, raid t-shirt and raid body armor remains in a serviceable condition and available at all times. The raid jacket, raid t-shirt or raid body armor will be worn at times of arrest and execution of search warrants. Exceptions must be approved prior to the operation by the Narcotics Unit supervisor.

4. Body Armor

Body armor is available for the protection of officers and they are directed to wear it on buy-bust, street takedowns, search warrants and other potentially high risk situations.

5. Portable Radios

Each officer will be assigned a portable radio. The radio, 12 volt DC adapter and spare battery shall be maintained at all times for extended field operations.

F. Other Equipment

All members of the Narcotics Unit will be assigned a digital pager, cellular telephone, tape recorder, and binoculars.

G. Lease Vehicles

Each Narcotics Unit member is responsible for maintaining their assigned vehicle. Monthly vehicle inspections will be conducted to ensure that vehicles are kept clean. All lease vehicles will fuel at the City service center. Any damage or required maintenance will be reported to the Narcotics Unit supervisor prior to any service.

H. Weapons

Officers will, while on duty, have access to a department approved sidearm. It is not always practical to carry the larger department issued sidearm, during an undercover assignment. Officers may carry smaller approved sidearms if the officer has qualified with the weapon and the weapon has been inspected by the Range Master. Only ammunition issued by the Range Master shall be used on duty in either weapon.

VI. HANDLING OF CONTRABAND AND EVIDENCE

- A. A high level of care will be maintained in the handling, control, and final disposition of narcotics, money and seized property. These guidelines are set in place to protect the officer's integrity and to create a professional and positive influence on the prosecution of a defendant.
1. For the purpose of maintaining the chain of custody, an officer who discovers narcotics or any other items of evidentiary value will maintain complete control of it from the time it was discovered until it is turned over to the inventory officer. The inventory officer will take possession of all contraband and evidence. The inventory officer will maintain a written log listing the description of the items found, the date and time the items was located, the name of the officer(s) locating the items and the location where the items was found.
 2. In all instances in which a search warrant or consent to search has been executed, the inventory control officer will provide the person in control of the property a copy of the search warrant and copy of the Evidence Inventory Log (APD 267) when applicable. In cases in which the person is not present, the documents will be left in a conspicuous location.
 3. The inventory control officer will bring each item of evidentiary value to the Narcotics Unit offices. Upon his arrival at the Narcotics Unit offices, the inventory control officer will ensure that all-necessary logs, evidence tags, packaging, as well as any other required documentation, is completed prior to placing the items into evidence. He will then provide the case agent with the necessary documents to assemble the case.

4. In some instances, it is not possible to immediately place evidence and/or contraband into evidence. During these circumstances, the officer may place the items in a locked storage area of the C.I.D or Narcotics office. In this situation the items should not be left more than 24 hours accepting weekends and holidays, in which case it shall be removed the following workday. Under no circumstances will contraband be left in a vehicle, in the open office area of Narcotics, or in an investigator's office unsecured.
5. An officer who makes an undercover drug purchase will follow the procedures as outlined above.
6. All non-evidence controlled buys, introduction buys, prove up buys will be designated for destruction on the evidence sheet before being placed into the evidence vault.
7. Recovered stolen property will be tagged and placed in evidence. All recovered property will be listed in a Police Department Property Report. In cases where a large amount of stolen property is involved, a C.I.D supervisor should be notified to determine if an alternate disposition is required.

VII. NARCOTIC BUYS

- A. When making purchases of narcotics, the main objective is to identify and arrest the offender(s), seize drugs, to identify the supplier of those drugs when possible, and to determine possible civil forfeiture cases.
 1. There are two basic types of buys
 - a. Informant buys
 - b. Undercover Police Officers
 2. When working with an informant on a buy, it should be with the objective of getting to a main source of supply. If an informant is used to make a buy, then the below procedure will be followed:
 - a. Prior to contacting a suspect and making a buy, the informant will be thoroughly searched. Informants will be searched by officers of the same gender. The vehicle the informant is going to use will also be thoroughly searched. In an effort to ensure the safety of the informant and the integrity of the case, the informant will be under surveillance by the investigator(s) during the duration of the transaction. Officers shall be able to testify they saw the informant enter a specific house, trailer, apartment, or building, etc.

- b. The informant will be given only enough money to make the buy.
 - c. After the transaction is made, the informant and vehicle used will be searched again.
 - d. This procedure will be utilized when the informant's controlled buy is used as probable cause for securing a search warrant. If the informant may have to testify a statement should be taken from the informant prior to release by the investigator or as soon as possible, detailing the transaction. The serial numbers of the currency given to the informant for the transaction will be documented and/or a copy of the currency will be made by an investigator.
3. All undercover police officer buys must serve some investigative purpose, i.e., to make an initial case on an offender, to set up a larger buy bust, to lead to another offender, etc. Additional buys from the same offender will be permitted at the discretion of the Narcotics supervisor.
- a. Buys from an unknown offender should not be made unless there is a means to make a positive identification. If the offender can not be identified, other alternatives such as a buy-bust or securing a search warrant should immediately be pursued.
 - b. It is not reasonable to set an arbitrary limit on the amount of funds to be spent on any one transaction. Each case must stand on its own merits. However, as a general rule of thumb, only the minimum amount of funds necessary to accomplish the purpose of the buy should be spent. For example, two ounces of an illegal substance should not be purchased if one ounce would serve the same purpose.
 - c. Buy money will not be provided to an offender unless the offender is within view of the investigator at all times. Deviation from this procedure will only be at the discretion of a Narcotics supervisor who will have approved a definite plan of action to be followed in such situations.
 - d. In order to protect the undercover officer's physical safety, his integrity, and to prevent the loss of buy money, there must be cover officers on surveillance to cover any buy.
 1. Direct eye contact- when the undercover agent is visible at all times or when the backup agent is within close proximity to be aware of a dangerous situation and can respond immediately.

2. Electronic device- the undercover agent is monitored by a body bug or other device.
 3. Undercover buys should be video and audio taped whenever possible to enhance prosecution.
 4. Except for unusual circumstances, a Narcotic supervisor will approve any planned undercover buy, its location, and the name of the offender if known. If the Narcotic supervisor is not available, his designee will approve the buy.
- e. Narcotics officers will never place themselves in a situation where they will sample any controlled substance for any reason. Any officer who finds himself in such a situation will decline and if necessary, terminate the investigation.
 - f. No officer will have on their person or under their control any controlled substance, except while enroute to the Department for proper disposition, under Drug Enforcement Administration (DEA) certification, medication prescribed to the officer, or in cases involving reversals.
 - g. No officer will personally destroy any controlled substance without proper authorization.

VIII. VICE OPERATIONS

- A. Vice investigations may include gathering information and conducting follow-up undercover, covert investigations on the following types of offenses.
 1. Prostitution and promotions of prostitution, including reverse stings.
 2. Public lewdness, including Sexually Oriented Business.
 3. Gambling and gaming activities.
 4. Organized criminal activity.
 5. Other criminal activity as directed.

- B. Narcotics officers are cautioned, when working in an undercover capacity, they will not participate in any conduct that could be shown that the agent became an active participant in the violation being enforced. Such as sexual contact by the investigator with a prostitute, or exposure of the investigator's genitals to the prostitute in the interest of making a case.
- C. The audio/video recording equipment will be used to enhance the prosecution of such cases and to protect the integrity of agents against false claims.
 - 1. All cases made against prostitutes will be taped.
 - 2. When working known prostitution areas the undercover agent will have another officer in the vicinity to maintain loose surveillance.
 - 3. If possible, the surveillance officer will have the electronic recording equipment to monitor the conversation between the undercover agent and the prostitute.

IX. SEARCH WARRANT/RAID PLANNING

- A. It may become necessary to secure a search warrant in order to obtain evidence of criminal activity. Narcotics officers will seek grounds for issuance of the search warrant in accordance with State of Texas Code of Criminal Procedure 18.02. The prepared search warrant will contain the warrant of search, affidavit establishing probable cause and may additionally request an order to arrest. All warrants will be reviewed by a supervisor prior to being submitted to a District or Federal Judge for authorization.
- B. Prior to running a narcotics search warrant, the case agent will properly research the targeted location and surrounding area to develop a raid plan. The case agent will provide as much information as possible to the tactical team if a team is being utilized. Each operation will be fundamentally sound as set out in a written raid plan approved by the Narcotics and Tactical supervisors. Contingency plans will also be prepared and approved by the Narcotics and Tactical supervisor. Once the operational plans have been established, undercover officers should not deviate from them without first advising through some pre-arranged method or signal. Raid/Operational plans will be maintained by the Narcotics Unit supervisor in a file for two years.
- C. The case agent will be responsible to make necessary assignments for all Narcotics Unit personnel. This is to include inventory officer, search teams, etc.
- D. The case agent will see that the return, listing seized items of evidence from the search warrant is presented to the issuing Judge pursuant to the State of Texas Code of Criminal Procedure 18.10.

X. ILLEGAL INVESTMENT/REVERSAL

- A. The Narcotics Unit may conduct undercover reversals as set out in the Health and Safety Code, Section 481.126.
- B. Before any narcotics are utilized in a reverse sting operation, guidelines from the HSC 481.159 will be followed. A district court must have ordered the forfeiture of the controlled substance, property, or plant used.
- C. In order to ensure that a controlled substance, property, or plant is not diluted, substitute, diverted, or tampered with while being used in the investigation, the following measures will be implemented.
 - 1. Employ a qualified individual to conduct qualitative and quantitative analysis of the property or plant before being used in an investigation.
 - 2. Maintain the property or plant in a secure storage area such as Evidence Room or Narcotics Office when the investigation is ongoing.
 - 3. Document in report and on Evidence report date of issue and date of return and officer.

XI. INFORMANTS

The following guidelines are given to ensure there is no compromise of investigative integrity or subversion of the professional relationship between an officer and a confidential informant.

- A. An informant is any person who provides information to law enforcement personnel regarding the criminal conduct of another. Informants range from anonymous informants to criminal informants who testify against their accomplices for monetary consideration and or mitigation of criminal offenses.
- B. Types of Informants
 - 1. Anonymous
 - 2. Citizen
 - 3. Investigator/officer
 - 4. Paid
 - 5. Criminal
 - 6. Represented by counsel

7. Unwitting informant
- C. Confidential informant files will be maintained in the Narcotics section on each current and past C.I. Informants shall not be used or paid until a Confidential Informant form has been completed, reviewed by a Narcotics Unit supervisor, and signed by the cooperating individual and the controlling agent. These files shall not be removed from the Narcotics Unit offices unless the Chief of Police grants prior approval. These files will include, but are not limited to the following.
1. Signed informant agreement.
 2. Code number for each informant and master log.
 3. Photograph of informant.
 4. Criminal history/personal history.
 5. Record of payments, including defendant name and case number.
 6. Debriefing of informant after an agreement has been reached and notation of any activity.
 7. Documentation why a CI has been dismissed.
- D. Juvenile informants will not be used to purchase contraband. Juveniles may be used for information, which can be incorporated into the investigators search warrant. Narcotics agents will not actively recruit juvenile informants.
- E. Narcotics officers will not establish contacts with CIs of the opposite gender, except during the course of their official duties and then with a partner, or direct eye contact surveillance.

XII. INFORMANT PAYMENTS AND NARCOTIC FUND MANAGEMENT

- A. This fund shall consist of money that is allocated to purchase evidence, make payments to informants and operational expenses. This fund is used primarily to support the vice and drug operations of the Narcotics Unit. This fund shall not be used for anything outside the scope of the following:
1. Purchase of evidence - This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms, stolen property, etc., required to determine the existence of a crime or establish the identity of a participant in a crime.

2. Purchase of Information - This category includes the payment of money to an informant for specific information. All other informant expenses shall be classified as purchase of services.
3. Purchase of Services - This category includes travel or transportation cost incurred by an officer or informant; meals, beverages, entertainment and similar expenses for undercover purposes within reasonable and objective limits. This category further includes maintenance of the surveillance van.

B. Responsibilities

1. The Narcotics Unit supervisor shall be responsible for disbursement of funds and maintaining the accounting records. Timely and accurate entries of such disbursements and expenditures are made and updated weekly. Funds shall be maintained in the safe located in the Narcotics Enforcement Unit's office. Only the Division Deputy Chief and Narcotics Unit supervisor will have access to the safe.
2. When there is an extended absence of the Narcotics Unit supervisor, the Division Deputy Chief will designate an officer to maintain entry into the safe and to be responsible for all disbursements and accounting transactions.
3. Narcotics Unit investigators will be provided with funds to keep in their possession. A cash expenditure report will be completed documenting the allocated funds. The expenditure of these funds shall only be made under the guidelines set out in this policy. The receiving investigator shall be responsible for maintaining an accurate record of all expenditures.
4. The Narcotics Unit supervisor will review all cash expenditure reports on a monthly basis.
5. When a payment to an informant is expended, a cash voucher report will be filled out and signed by the informant and witnessed by two investigators.
6. When an expense is incurred, including the payment of money to an informant, the investigator shall be responsible for the proper entry on the cash expenditure report; purchase of evidence, purchase of information, purchase of services. The entry shall include:
 - a. Description of item purchased, to include weight.
 - b. The exact amount spent.
 - c. The date of the expenditure.

- d. The service number.
 - e. When utilizing an informant, the informant number.
 - f. When purchasing services, such as gas or other items, a receipt will need to be presented during the monthly review.
7. The exchange of disbursed monies between investigators is acceptable only on a restricted basis, and only with prior approval of the Narcotics Unit supervisor.

C. Informant Payments

1. Prior to making payment of money to an informant, an informant file will be prepared.
2. Officers shall obtain prior approval from the Narcotics Unit Supervisor before making any payment of money to a confidential informant.
3. The amount of payment of money should be commensurate with the value of services and/or information provided. Payments for information leading to a substantial seizure should be held to a minimum. Payments should be based on the following factors;
 - a. The level of the targeted individual, organization, or operation.
 - b. The amount of the actual seizure, and
 - c. The significance of the contribution made by the informant to the desired objective.
4. A voucher for payment of money shall be submitted with the exact amount paid to the informant. Cumulative or anticipatory receipts are not permitted.
5. Informants are required to acknowledge by signature any payment made to them. If available, there should be at least one witness to such payment, who will also sign the voucher.

D. Miscellaneous Purchases

It is not the policy of the Department to furnish officers per diem when working within the Metroplex area, except in unusual circumstances, and only when approved by the Narcotics Unit supervisor.

1. Stolen property purchases - expenditures for stolen property are handled in the same manner as narcotics purchases.
2. Other expenditures - receipts for food, alcoholic and non-alcoholic beverages, cover charges, motel rooms, etc. shall be attached to the cash expenditure report during monthly review. The only possible exception to this policy is when obtaining the receipt would jeopardize an undercover operation. The expense will still be documented on the cash expenditure report.

E. Narcotics Flash Roll

The purpose of showing a drug trafficker money during any undercover investigation is to assure him/her that the undercover officer is financially capable of purchasing the narcotics being offered for sale. An undercover officer may be called upon to produce money for this purpose on short notice. The flash roll has been established for these occasions. The following procedures shall be used:

1. The Chief of Police, or his designee, will approve the appropriation of the flash roll.
2. Prior to any investigator using any portion of the flash roll, the Narcotics Unit supervisor shall first obtain oral approval from the Division Deputy Chief.
3. A ledger shall be maintained by the Narcotics Unit supervisor and will document the following.
 - a. Name/signature of the officer using any portion of the flash roll.
 - b. Name/signature of the supervisor releasing any portion of the flash roll.
 - c. Date/time monies are checked out; date/time monies are checked back in.
 - d. Service number/type of operation.
 - e. Amount of monies checked out; amount of monies checked back in.
4. In the event an officer from another section requests and receives approval from the Division Deputy Chief to use the flash roll, his supervisor shall accompany that officer on the operation.

5. Money used from the flash roll shall be xeroxed and a copy submitted to the Narcotics Unit supervisor before using the money. This money shall not be used to supplement the confidential fund.
 6. No portion of the flash roll shall be loaned to any other law enforcement agency without prior approval from the Deputy Chief. If such approval is granted and money is loaned to another agency, an APD narcotics investigator shall accompany that agency on the investigation.
 7. Money used from the flash roll shall be returned to the Narcotics Unit safe within twenty-four hours. If a valid operational necessity exists to keep the money checked out for a longer period, the officer or his/her supervisor will contact the Deputy Chief for approval. If approved, the monies will be kept in the actual possession of Narcotics Unit personnel or under lock and key in a secure location. A motor vehicle shall not be considered a secure location.
 8. All operations requiring the display of a flash roll shall be done in an objective and reasonable manner, and the planning of such operations will insure that the tactical advantages and security measures are weighted in favor of the undercover officer in order to avoid violence, theft, or the attempted theft of the flash roll by the targeted individuals.
- F. An audit of the Narcotics funds or flash roll may be conducted at any time at the direction of the Chief of Police or his designee. An internal audit will be completed quarterly by the Narcotics supervisor and the Deputy Chief of the Criminal Investigations Division, or his designee.
- G. Any loss of money from the Narcotics fund or flash roll shall be reported immediately to the Narcotics Unit supervisor, who will notify the Division Deputy Chief. A detailed written memorandum shall be submitted to the Chief of Police.

An appropriate Internal Affairs and/or criminal investigation may be conducted as required by the Chief of Police.

XIV. ALCOHOL CONSUMPTION

The use or consumption of alcohol will be permitted only during the following types of investigations, and only upon the approval of a Narcotics supervisor.

- A. Undercover assignments, where consumption or the appearance of consumption would aid in the agents undercover role.
- B. Surveillance/information gathering, such as vice operation inside license premises.

- C. The level of consumption can not be to the extent that would impede the officer's judgment or ability to react during or after that specific operation.

XV. SEIZURE/FORFEITURE OF CONTRABAND

The following guidelines are set out to assist personnel in completing a forfeiture case. The controlling authority in all forfeiture cases is found in Chapter 59 of the C.C.P.

A forfeiture case is a civil case unlike the criminal case that led to the seizure of the questioned property. Because of this, the rules of evidence are different. The State has only thirty days to file a lis pendens or notice to the defendant from the date of arrest.

In order to win a civil forfeiture case, the State must show the nexus or the connection between the seized property and the criminal act. This is done by the case agent (arresting officer) who prepares a sworn affidavit in probable cause format showing why they believe the seized property was used in the commission of a crime.

It is important that officers are prepared to develop information at the crime scene or at the time of arrest to establish probable cause showing this Nexus. Because the rules of evidence are different, verbal statements can be used from the defendant(s). The Miranda warnings are not required, because it is not a criminal case. It is critical this point is understood. If a defendant(s) invokes his Miranda rights, you know you can't ask any questions concerning the criminal case. You can continue to ask questions concerning the civil forfeiture case. Your reports should reflect this.

Below is a flow chart on how to prepare and submit a forfeiture case to the District Attorney's Office.

- A. Two completed cases within two weeks of arrest.
 - 1. Criminal case
 - 2. Civil case
 - 3. Both cases will be delivered to the specified Assistant District Attorney in charge of handling forfeiture cases.
 - 4. If drugs are involved, submit for early lab results.
 - 5. Affidavit – sworn affidavit by officer showing the nexus.

6. Schedule A-description of seized monies, all other property or vehicles.
 - a. License number
 - b. Vehicle Identification Number
 - c. Registration return
 - d. Description of vehicle
 - e. Make
 - f. Color
 - g. Model
7. If U.S. Currency; description of all denominations seized.

B. Seizure Case Files

1. The Narcotics Investigator filing the forfeiture cases will prepare a case file on each seizure case. This case file will contain:
 - a. Copy of criminal case.
 - b. Copy of Affidavit.
 - c. Copy of Schedule A or Schedule B if required
 - d. Copy with DA's office receipt of case
2. The Narcotics officer assigned to work seizure cases shall audit pending seizure files monthly to ensure their status is kept current.
 - a. The officer shall contact the Assistant DA handling the case at the expiration of 90 days if the case is still pending.
 - b. Any case still pending at the expiration of 180 days shall be forwarded to the Narcotics Supervisor. The Narcotics Supervisor will discuss the case with the District Attorney to determine why the case is being held up or impeded.

3. Disposition of Property Pending State Seizure.
 - a. Currency will be delivered to the CID secretary for deposit into the seized funds interest bearing account, and a receipt will be obtained and kept in file.
 - b. Property, such as telephones, scanners, jewelry, etc. will be tagged as evidence and placed into evidence.
 - c. Real Estate, such as buildings, houses, and land. If possible and occupancy agreement will be completed between the defendant and the City.
 - d. Vehicles will be parked at a secure location determined by Deputy Chief.
4. Disposition of Property Pending Federal Seizure.
 - a. Currency – will be released to the participating federal agency unless it was seized under the authority of a State search warrant. If seizure was under state warrant a release must be obtained from the District Attorney’s Office, and from the Magistrate with authority to direct safekeeping of the property, per CCP 18.10 and 18.11.
 - b. Property such as jewelry, electronic equipment, etc. – shall be released to the participating federal agency in keeping with CCP 18.10 and 18.11.
 - c. Real Estate – Management of real estate will be handled by the U.S. Marshal’s Service, after all the requirements of CCP 18.10 and 18.11 are fulfilled.
 - d. Vehicles – will be released to the appropriate federal agency, in keeping with the provisions of CCP 18.10 and 18.11.
5. Disposition of Property on which Seizure is not awarded
 - a. Currency – Pursuant to a State seizure, the respondent or their attorney will receive a check for the amount of the seizure and interest earned from the City of Allen. Pursuant to a Federal seizure, the respondent or their attorney will receive a check for the amount of the seizure and interest earned from the U.S. Marshall’s Service. A copy of the court order or Administrative report will be placed in the seizure file.

- b. Property – Pursuant to a State seizure, the property will be returned to the respondent or their attorney by Allen Police Department Property and Evidence personnel. Pursuant to a Federal seizure, the property will be returned to the respondent or their attorney by the U.S. Marshall’s Service. A copy of the Court Order, Administrative report, and all receipts will be placed in the seizure file.
 - c. Real Estate- Will be awarded back to the respondent or their attorney by the Court or by the U.S. Marshall’s Service. A copy of the Court order or the Administrative report will be placed in the seizure file.
 - d. Vehicles will be returned to the respondent or their attorney by Narcotics Unit personnel and a property release form and receipt will be signed by the respondent and the narcotics investigator. The receipt will be placed in the seizure file. Vehicles under Federal seizure will be returned to the respondent by the U.S. Marshall’s Service.
6. In the event that a respondent is unaware that the seizure case has failed and they do not appear to claim their property the procedures outlined below shall be followed.
- a. Currency – The Narcotics officer and the City Attorney will work together to send out a ten day abandonment letter to the respondent’s last known address, and also cause notice to be placed in a newspaper of general circulation. Money that is unclaimed after the lapse of the required time period will be deposited to the Police forfeiture fund.
 - b. Property – Evidence personnel will send out an abandonment letter to the respondent’s last known address. Unclaimed property will be declared abandoned at the lapse of the required time period and the property will be marked for sale in the next available auction and proceeds will be deposited to the Police forfeiture account.
 - c. Vehicles – The case agent assigned the forfeiture case will send out a ten day abandonment letter return receipt requested to the respondent’s last know address. If the respondent has not contacted that agent within eleven days after the receipt or letter is returned, the agent will then cause the vehicle to be impounded and advise the Division Deputy Chief or the vehicle’s status so that the vehicle can be sold at next auction.

7. Once forfeited property has been awarded to the police department, the following actions will be taken.
 - a. Cash award- the Narcotics officer assigned to the forfeiture case will notify the Narcotics supervisor. The copy of judgment will be stamped with the date and time.
 1. The Division Deputy Chief or his designee will then present the check to the Finance Department at City Hall. The check will be deposited into the State or Federal forfeiture account.
 2. A deposit receipt will be gained and brought back to the Narcotics office for filing in the appropriate seizure case file.
 - b. Vehicle- a determination will be made, by Division Deputy Chief, if the vehicle would be serviceable as an undercover vehicle. If it is determined that the vehicle is not serviceable it should be scheduled for auction (State seizure). Vehicles seized under federal guidelines must be kept and used for law enforcement purposes for at least two years before they may be sold at auction.
 1. The Division Deputy Chief will be informed by memorandum that the vehicle is to be included on the City fleet roster, either for maintenance purposes or available for the next auction. The location and status of the vehicle will be recorded and the Seizure Control Sheet in the Seizure file.
 2. Risk Management will be informed if the vehicle is to be used by police personnel.
 3. The Narcotics Unit sergeant will ensure that all auction vehicles are paper ready at auction time and coordinate efforts with the Division Deputy Chief.
 - c. Property - items of contraband that can be used by CID personnel will be listed on the appropriate inventory list. Unusable items will be stored, offered to other units within the police department, or saved for the City Auction as above. The location and status will be recorded on the Seizure Case Control Sheet in the seizure case file.
 - d. Real Estate - awards of houses, buildings and land will be handled on a case-by-case basis, as determined by the Chief of Police.

V. EFFECTIVE DATE

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this S.O.P.
- B. If any section, sentence, clause or phrase of this S.O.P. is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this S.O.P.
- C. All training on this S.O.P. will be in accordance with General Order 100, Written Directive System, Chapter VIII, and Training.
- D. The effective date is stated in the header block of this S.O.P.