

## CHIEF OF DETECTIVES

### NOTICE 8.4

June 24, 2021

**TO:** All Department Personnel

**FROM:** Chief of Detectives

**SUBJECT:** OVERDOSE DEATH INVESTIGATIONS

This Notice provides direction to patrol and investigative personnel handling overdose death investigations. Additionally, this Notice expands investigative follow-up responsibilities to support prosecution of suppliers of illicit or prescription drugs, where criminal culpability can be proven.

### BACKGROUND

Overdose drug deaths have risen significantly across the United States over the last several years. The opioid epidemic has evolved into a problem more accurately described as an overdose crisis that involves illicit drugs, such as fentanyl and counterfeit pills, as well as illegal or over-prescribed opioid medication. Overdose deaths in the United States increased from 72,306 in 2017, to 90,000 plus in 2020. The most current information indicates there were 1,766 overdose deaths in Los Angeles County between January and October 2020, 67 percent of which were attributed to illegally distributed opioids and fentanyl.

In response, law enforcement and prosecutorial entities are developing options to target suppliers of drugs that cause death. While not every case has criminal prosecution potential, persons who illegally distribute illicit or prescription drugs proven to have caused death or great bodily injury (GBI) may be prosecutable under federal and California laws. In either case, successful prosecution depends on thorough investigation, detailed documentation and preservation of related evidence.

### PROCEDURES

Department personnel responding to or investigating apparent overdose deaths shall be guided by Department Manual Sections 4/201 (Notifications to Investigating Officers); 4/238 (Dead Bodies); 4/258 (Narcotics and Dangerous Drugs); 4/500 (Booking, Custody and Disposition of Property); and 4/709 (Deaths). Department personnel shall also be guided by Field Notebook Divider 18.37.01 - Death Investigations, Form 3.11.00; Field Notebook Divider 18.39.01 – Booking Property; and any other relevant publications.

Investigative responsibility for all cases involving death remains that of the corresponding bureau homicide investigator. Investigative responsibility for reports of narcotics activity remains that of the Narcotics Enforcement Detail (NED) of the geographical Area in which the involved activity occurred.

### **OFFICER'S RESPONSIBILITIES**

It is critical that certain steps be accomplished during the initial response to an overdose death investigation to meet the stringent requirements of a federal or state prosecution. These cases should be treated as a criminal death investigation. The goal of the initial investigation is to identify who supplied the narcotics to the decedent. Personnel assigned to respond to the initial report of an apparent overdose death shall, at a minimum:

- Follow established safety, investigative and reporting procedures;
- If appropriate, notify Emergency Services Division, Hazardous Materials Unit, or Gang and Narcotics Division (GND), Illicit Clandestine Lab Squad, via the Department Operations Center;
- Seek and follow the advice of homicide and NED/Specialized Investigative entities;
- Identify cell phones or other devices with possible electronic evidence/supplier contacts;
- Document passcodes, social media accounts and witnesses with this information in reports;
- Thoroughly interview witnesses, relatives, involved parties and document details/clues;
- Preserve devices in off-status (i.e. airplane mode) in accordance with established procedure;
- Book any drug, electronic or physical evidence the Coroner Investigator does not seize;
- Request the Coroner's Office place police holds on phones/devices at Coroner Property;
- Advise the Coroner Investigator that investigators will forward long-term evidence holds; and,
- Forward all approved reports to involved specialized investigative entities immediately.

### **INVESTIGATOR'S RESPONSIBILITIES**

- Verify proper safety protocols are being followed; and,
- Verify proper notifications have occurred, to include the watch commander and the concerned homicide detectives.

### **SUPERVISOR'S RESPONSIBILITIES**

Upon notification of an overdose death investigation, the advising investigator shall, at a minimum:

- Determine if a criminal investigation is warranted;
- Coordinate the response of investigative personnel or other necessary resources;
- Ensure evidence is properly identified, documented, seized and booked;
- Determine the need for warrants, orders, preservation letters, etc.;
- Direct investigative follow-up, witness/involved party interviews, etc.;
- Coordinate evidence holds with the Coroner's Office or other involved entities;

- Ensure preservation of Body Worn Video, or other discoverable materials; and,
- Notify GND High Intensity Drug Trafficking Area (HIDTA) Drug Enforcement Administration (DEA) task force of any high-profile investigations.

### **GANG AND NARCOTICS DIVISION, DRUG ENFORCEMENT ADMINISTRATION/ HIGH INTENSITY DRUG TRAFFICKING AREA TASK FORCE'S RESPONSIBILITIES**

The GND/HIDTA subject matter experts are available to provide advice to officers/detectives responding to overdose death incidents. The HIDTA task force officers can assist in directing assigned investigating officers regarding follow-up requirements for successful prosecution and to coordinate federal warrants, filing federal cases and liaison with established U.S. Attorney's Office or appropriate District Attorney's Office specialized overdose case prosecution sections.

### **REVERENCE FOR LIFE**

The growing overdose crisis affects all walks of life. Establishing the criminal nature of an overdose case and handling an investigation requires officers, supervisors, investigators and support elements to see overdose calls differently than they have been viewed in the past.

While the decedent or injured party may have ingested the substance(s) that caused their death or injury, they do not always do so knowingly, as in the case of counterfeit pills or over-prescribed medication. The tragedy is often driven by the burden of addiction created under a myriad of circumstances. In any event, a single overdose with criminal aspects is almost always connected to ongoing distribution of substances by culprits who could be responsible for many deaths or injuries. Department personnel should focus on the potential to target distributors, prevent deaths and reduce occurrence of other crimes often connected to these events. Other points to consider include:

- Illicit trafficking is often social media/App-based (Offer Up, Snapchat, Craigslist, etc.);
- Couriers may pose as ride services (Uber, Lyft, etc.);
- Counterfeit pills can look real; always consider fentanyl handling safety precautions;
- Cases involving medical professionals require special DEA handling coordinated by GND;
- Prosecution/enhancements apply to other dangerous drugs (cocaine, heroin, meth, etc.);
- Putting a decedent and source together via security video or phone GPS details is crucial; and,
- Prosecution is possible for GBI/hospitalization cases as well.

All Department Personnel

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Any questions regarding this Notice should be directed to Gang and Narcotics Division, at (213) 833-3700.



KRIS E. PITCHER, Deputy Chief  
Chief of Detectives

APPROVED:



DANIEL RANDOLPH, Commander  
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Office of the Chief of Police

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