OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 15 September 12, 2023

SUBJECT: **SEIZURES OF LARGE QUANTITIES OF CONTROLLED SUBSTANCES IN EXCESS OF THIRTY POUNDS NET WEIGHT – REVISED; SEIZURES OF EXCESSIVE QUANTITIES OF NARCOTICS – REVISED; SEIZURE AND DESTRUCTION OF EXCESSIVE QUANTITIES OF GROWING OR HARVESTED CANNABIS – ESTABLISHED; AND, DESTRUCTION OF NARCOTICS – REVISED**

PURPOSE: The purpose of this Order is to establish Department protocols regarding the seizure and immediate destruction of growing or harvested cannabis in excess of 200 pounds. The amendments denoted herein provide Department personnel with instruction on how to appropriately and immediately dispose of excessive quantities of cannabis.

PROCEDURE:

I. **SEIZURES OF LARGE QUANTITIES OF CONTROLLED SUBSTANCES IN EXCESS OF THIRTY POUNDS NET WEIGHT – REVISED.** Department Manual Section 4/540.75, *Seizures of Large Quantities of Controlled Substances in Excess of Thirty Pounds Net Weight,* has been revised. Attached is the Manual section with the revisions indicated in italics.

II. **SEIZURES OF EXCESSIVE QUANTITIES OF NARCOTICS – REVISED.** Department Manual Section 4/540.77, *Seizures of Excessive Quantities of Narcotics,* has been revised. Attached is the Manual section with the revisions indicated in italics.

III. **SEIZURE AND DESTRUCTION OF EXCESSIVE QUANTITIES OF GROWING OR HARVESTED CANNABIS – ESTABLISHED.** Department Manual Section 4/540.78, *Seizure and Destruction of Excessive Quantities of Growing or Harvested Cannabis,* has been established and is attached.

IV. **DESTRUCTION OF NARCOTICS – REVISED.** Department Manual Section 4/552.05, *Destruction of Narcotics,* has been revised. Attached is the Manual section with the revisions indicated in italics.

AMENDMENT: This Order amends Sections 4/540.75, 4/540.77, and 4/552.05, and adds Section 4/540.78 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 15, 2023

540.75 SEIZURES OF LARGE QUANTITIES OF CONTROLLED SUBSTANCES IN EXCESS OF THIRTY POUNDS NET WEIGHT. The following procedures must be followed for seizures of large quantities of controlled substances estimated to be in excess of thirty pounds net weight. When booking Phencyclidine (PCP) in a one-half gallon or larger container or when there is a total volume of one-half gallon or more of PCP, officers *shall* comply with Section 4/540.72 of the Department Manual.

Note: *When officers determine they have seized 200 pounds or more of growing or harvested cannabis with the use of a portable weighing scale or based on their training and experience, they shall be guided by Department Manual Section 4/540.78.*

Officer's Responsibili*ties*. Officers who seize quantities of a controlled substance in excess of thirty (30) pounds net weight, which are to be booked into Evidence and Property Management Division *(EPMD), shall*:

- Immediately notify the Officer in Charge, Complaint Filing Detail, Gang and Narcotics Division (GND), and the Hazardous Chemical Team, Forensic Science Division (FSD). When GND or FSD is closed, notification shall be made to *the* Department Operations Center (DOC);

  Note: *The Hazardous Chemical Team, Forensic Science Division, will not respond to the seizure of growing or harvested cannabis. Officers shall remove the minimum required five random samples for testing and shall weigh and package the controlled substance in accordance with Department procedures for packaging evidence.*

- Ensure that FSD responds to the scene and completes their responsibilities as detailed below under Forensic Science Division's responsibilities. The officers responsible for the seizure must maintain control of the evidence and book it into *EPMD*;

- Complete a Property Report in compliance with the following procedures:

  - If the controlled substance is found property with no follow-up investigation, and *the* GND Property Disposition Coordinator (PDC) Supervisor approves, then no samples will be taken and the controlled substance will be weighed, packaged, and authorized for disposal; *and if not, then,*
  - The first item(s) on the Property Report *shall* be a minimum of 10 pounds net weight of the controlled substance and the item will not exceed 30 pounds total weight;
  - The next item(s) on the Property Report shall be a minimum of five random samples from the total remaining suspected controlled substance items. It *shall* be clearly identified as samples, and if the suspected controlled substance is cannabis, the five random samples may include leaves or buds;

    Note: If the suspected controlled substance was recovered from multiple locations at the same address, the samples must be taken from a variety of locations (e.g., garage, bedroom, or living room). If the suspected controlled

substance was recovered from multiple addresses, the GND Property Disposition Coordinator Supervisor, after consulting with the Investigating Officer, must determine the amount of suspected controlled substance to be retained and the locations from which samples will be taken.

- The next item(s) on the Property Report will be the remaining suspected controlled substance items; and,
- The final item(s) on the Property Report will be the remaining non-narcotic items.

- Complete a Property Disposition/Update Request, Form 10.06.00, authorizing the disposition of the excess or found controlled substances while ensuring compliance with Section 11479 of the California Health and Safety Code, when applicable; and,

  Note: Commanding officers may request the retention of such evidence by submitting an Intradepartmental Correspondence, Form 15.02.00, to Evidence and Property Management Division within 10 calendar days of the date booked, detailing the rationale for retaining the evidence. The Commanding Officers of *EPMD* and GND will review the request and advise the requesting commanding officer of the decision.

- Submit the completed Property Disposition/Update Request to the Property officer at the time of booking the controlled substance.

Forensic Science Division and Technical Investigation Division Responsibilities. When *staff* from FSD *and Technical Investigation Division (*TID*)* are notified of the seizure of a controlled substance in excess of thirty (30) pounds net weight, which is going to be booked into *EPMD*, they will respond to the location where the narcotics are to be weighed and packaged. The seizure will be photographed by a TID *photographer* to reasonably demonstrate the total amount of the suspected controlled substance seized and to be destroyed.

Forensic Science Division personnel will remove the required number of samples for testing, when required and weigh and package the controlled substance in accordance with Department procedures for packaging evidence. The net weight of the suspected controlled substance must be determined either by weighing the suspected controlled substance or by estimating the weight after completing dimensional measurements of the total suspected controlled substance.

----------THE REST OF THIS SECTION REMAINS UNCHANGED----------

540.77 SEIZURES OF EXCESSIVE QUANTITIES OF NARCOTICS.

Excessive Quantities Defined. Excessive quantities of narcotics are those that exceed *100* pounds of *any narcotic substance of any* form *except growing or harvested cannabis, 200 pounds of growing or harvested cannabis* or more than one-half gallon of liquid phencyclidine (PCP). *Plant material shall not be placed in plastic bags before being placed into an Analyzed Evidence – Narcotics container (carton or package).*

Note: If any other chemicals or narcotic components are present at the location of the seizure, officers shall comply with *Department* Manual Section 4/212.49.

Officer's Responsibility. Officers who seize excessive quantities of a controlled substance which are to be booked into Department facilities shall immediately notify the Complaint Unit, Gang and Narcotics Division, and the Hazardous Chemical Team, Forensic Science Division (FSD). When either FSD or Gang and Narcotics Division is closed, notifications shall be made to *the Department Operations Center.*

Note: *The Hazardous Chemical Team, Forensic Science Division, will not respond to the seizure of growing or harvested cannabis. Officers shall remove the minimum required five random samples for testing and shall weigh and package the cannabis in accordance with Department procedures for packaging evidence.*

----------THE REST OF THIS SECTION REMAINS UNCHANGED----------

540.78 SEIZURE AND DESTRUCTION OF EXCESSIVE QUANTITIES OF GROWING OR HARVESTED CANNABIS.

Excessive Quantities of Growing or Harvested Cannabis Defined. *California Health and Safety (H&S) Code 11479 allows the chief of the law enforcement agency or their designee to dispose of excessive quantities of suspected controlled substances without a court order under specific circumstances. The Chief of Police has determined that an excessive quantity of growing or harvested cannabis is 200 pounds or more.*

Officer's Responsibilities. *Officers shall obtain a search warrant for all locations where growing or harvested cannabis is to be seized. Although 11479 H&S does not require a search warrant for the immediate destruction of growing or harvested cannabis under certain circumstances, when officers determine they have seized 200 pounds or more of growing or harvested cannabis (with the use of a portable weighing scale or based on their training and experience), they shall immediately dispose of it by completing the following:*

- *Immediately notify the Cannabis Support Unit (CSU), Gang and Narcotics Division (GND), and Technical Investigation Division (TID) of the seizure;*

  Note: *When either GND or TID is closed, notifications shall be made through the Department Operations Center.*

- *Ensure a search warrant authorizing the immediate destruction of the growing or harvested cannabis has been obtained. The search warrant must contain verbiage consistent with the requirements under 11479 H&S, subdivisions (a), (b), (c), and (d);*

Note: *In the event an excessive quantity of growing or harvested cannabis is seized in conjunction with a warrantless search, officers shall nonetheless obtain a search warrant, and the search warrant must contain verbiage consistent with the requirements under 11479 H&S, subdivisions (a), (b), (c), and (d), to authorize destruction.*

- *Obtain a suitable vehicle such as box truck to transport the seizure securely. The CSU will provide the investigating entity with the address and contact information for the disposal site.*

  Note: *If the contract disposal site is unavailable, the transport vehicle shall be kept at a secure police facility until arrangements can be made for destruction.*

- *Ensure the vehicle has a cargo area that can be locked and secured with a padlock;*
- *Padlock and secure the cargo area of the vehicle containing the seizure and ensure the key to the padlock is maintained in a secure location;*

  Note: *If the vehicle is secured at a geographic Area station, the keys to the vehicle may be given to the Area W/C in case the vehicle needs to be moved.*

- *Ensure the appropriate evidence seals are placed across the door seam of the secured vehicle cargo area (i.e., box truck door seam);*
- *Collect and book five random samples and submit a follow-up request for analysis with Forensic Science Division (FSD), Narcotic Analysis Unit (NAU). The NAU will conduct the analysis after booking during business hours;*
- *Collect and book a minimum of 30 pounds gross of the harvested cannabis to be booked in addition to the five random samples;*
- *Ensure that the truck is weighed on the truck scale before disposal and after disposal to obtain the gross weight of the cannabis;*
- *Indicate the gross weight of the destroyed cannabis in the original police report or on a Follow-up Investigation Report, Form 03.14.00;*

  - *Complete an Intradepartmental Correspondence, Form 15.02.00;*
  - *Attach all receipts from the disposal site; and,*
  - *Submit the form and receipts to the Commanding Officer, Evidence and Property Management Division (EPMD).*

    Note: *The CSU will provide the investigating entity instructions and the form template that is required by EPMD.*

- *Complete an affidavit (search warrant return) indicating the applicable information required by subdivisions (a), (b), (c), and (d). The affidavit shall also include the location where the cannabis was destroyed and the date and time of the destruction.*

Commanding Officer, Gang and Narcotics Division's (GND), Responsibilities. *Upon notification of a seizure of an excessive quantity of growing or harvested cannabis, the Commanding Officer of GND shall:*

- *Ensure a GND supervisor is notified of the operation;*
- *Ensure CSU personnel respond to the seizure location if requested; and,*
- *Ensure CSU personnel provide support, advice, and guidance to the investigating entity.*

Commanding Officer, Forensic Science Division's (FSD), Responsibilities. *When notified of the seizure of an excessive quantity of growing or harvested cannabis which is to be immediately disposed, the Commanding Officer of FSD shall:*

- *Ensure FSD personnel provide support, advice, and guidance to the investigating entity; and,*
- *Ensure FSD personnel test the random samples upon request.*

Commanding Officer, Technical Investigation Division's (TID), Responsibility. *When notified of the seizure of an excessive quantity of growing or harvested cannabis which is to be immediately disposed, the Commanding Officer of TID shall:*

- *Ensure personnel from TID respond to the location where the cannabis was seized to photograph and video the site to reasonably and accurately demonstrate the total amount of the cannabis to be destroyed.*

Commanding Officer's Responsibility. *The commanding officer of each Area/specialized division (or designated Area detective CO) shall ensure that their command is in compliance with Department policy and procedure as it relates to the seizure and destruction of excessive quantities of growing or harvested cannabis.*

552.05 DESTRUCTION OF NARCOTICS

Commanding Officer, Evidence and Property Management Division's (EPMD), Responsibilities. The Commanding Officer, Evidence and Property Management Division, shall be responsible for completing all budget requests and maintaining contractual agreements with narcotics disposal sites.

> ***Exception:*** *When the narcotic to be destroyed is cannabis and the quantity to be destroyed is determined to be 200 pounds or more of growing or harvested cannabis, officers shall be guided by Department Manual Section 4/540.78*

----------THE REST OF THIS SECTION REMAINS UNCHANGED----------