



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

November 2017



Field Testing of Narcotics

Situation

In August, 2017 the In-Service Training Unit published a training bulletin warning of the dangers of Fentanyl and Carfentanil. Over the past year San Diego County has seen a large increase in seizures of fentanyl and its analogues as well as overdose deaths caused by fentanyl, carfentanil and other analogues. Additionally, there have been a large number of fentanyl exposures to law enforcement personnel in 2017, nationwide. Due to these concerns, deputies are directed to cease the field testing of any controlled substance or narcotic drug.

Warning

Fentanyl, Carfentanil and other analogues have been found mixed with methamphetamine, heroin, cocaine, and other substances used to "cut" the Fentanyl. In May of 2017, San Diego Sheriff's detectives purchased a street level amount of suspected heroin from a local dealer. It had the appearance of heroin, but after testing was found to have no heroin at all and was actually fentanyl. The majority of fentanyl and its analogue seizures and submissions to the San Diego Sheriff's Crime Lab have been in the form of pills. These pills are very realistic replicas of actual prescription drugs, but in fact are fentanyl. The DEA Southwest laboratory has analyzed pills with a fentanyl concentration of .6mg-6mg (2-3mg of fentanyl is a lethal dose). The most common fentanyl pills seized in San Diego County are Oxycodone 30mg, Alprazolam and Xanax replicas. However, there have been many other prescription replicas seized containing fentanyl.

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Warning continued

Carfentanil, which is 100 times more powerful than fentanyl has been seized in San Diego County. It has also been present in the toxicology results of an overdose victim on three occasions in 2017. In most cases, one cannot tell the difference between cocaine, fentanyl, carfentanil or some other fentanyl analogue. One cannot estimate the purity or potency of suspected fentanyl either. Fentanyl that has been "cut" or mixed with other narcotics seized in San Diego County has an average purity of 6-9%, but other fentanyl seized has revealed a purity of over 95% pure. Fentanyl and its analogues have been found on blotter tabs, stickers that could appeal to children, and even in small gelatin squares.

Issues with Field Testing Narcotics

On various occasions over the past few years fentanyl has been placed into ampule type field test kits under the assumption the substance was cocaine or heroin. Many times the presumptive results were a false positive for cocaine or heroin. During those instances law enforcement personnel were lucky to have not been exposed to the fentanyl. Exposing fentanyl or its analogues to open air to conduct a field test greatly increases the risk of exposure. The chance of spilling fentanyl is also increased as fentanyl is taken from its original container and placed into the field test kit.

Deputies now risk exposure to fentanyl or its analogues when conducting field tests on suspected methamphetamine, cocaine or heroin due to the mixing or concealing of fentanyl in those substances. **Because of this risk, deputies are directed to cease the field testing any controlled substance or narcotic drug.** The substance should be photographed in place, collected by a deputy wearing proper personal protective equipment (PPE), placed into a proper k-pak evidence bag, and submitted for lab analysis.

Personal Protective Equipment

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Deputies should wear two pairs of nitrile gloves during collection of any narcotic. The outer pair can be taken off if the evidence collection is interrupted while the inner pair will continue to protect the deputy's hands. A new outer pair should be put on once evidence collection resumes. Deputies should try to cover all exposed skin while searching for and collecting narcotics. A N-95 (at a minimum) or a P-100 (best protection) dust mask should also be worn. Goggles that create a seal around the eyes should be worn as well. Naloxone/Narcan should be nearby with a cover deputy in case of accidental exposure. The cover deputy should also have gloves and a mask on in case they have to render aid to an exposed deputy.

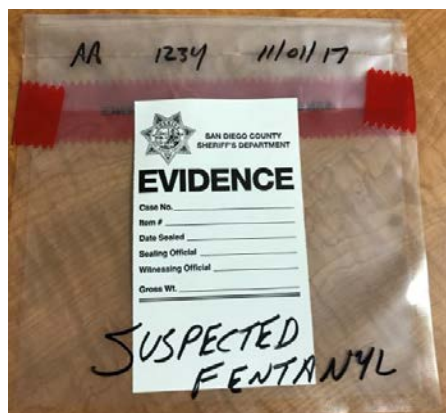
Evidence Procedures

Overall photos of the vehicle or scene should be taken to give the issuing Deputy District Attorney a better understanding of the case. All narcotics should be photographed in place and preferably with a ruler next to the item to indicate the size of the substance. Those photographs will help the issuing Deputy District Attorney get an understanding of the size of the suspected narcotic. Also photograph all paraphernalia, indicia of narcotic sales, and text messages on the suspect's phone if it can be searched legally at the time of the arrest.

Only suspected fentanyl should be placed into two separate k-pak evidence bags. Both k-paks should be sealed and the outer bag should have "SUSPECTED FENTANYL" written on the label to warn all county employees who come in contact with that evidence bag. If deputies locate paraphernalia that is suspected of being used to inhale, ingest or inject fentanyl it should be placed into two separate k-paks as well to protect evidence and laboratory personnel. If collection of suspected fentanyl is not practical or too dangerous for patrol deputies, the patrol sergeant can communicate with the on-call narcotics sergeant to evaluate having a narcotics team respond to conduct the evidence collection.

Transporting an unsealed k-pak with suspected fentanyl is not recommended and should be avoided. The Sheriff's Department's Fentanyl Working Group is currently researching different evidence bags and transportation containers. In the meantime, deputies can fold the k-pak over at the top and place a red evidence sticker label temporarily sealing the k-pak for transportation. Once at a station, the k-pak should be heat sealed above where the red evidence sticker was placed.

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Exposure to Fentanyl

If a Sheriff's employee is exposed to fentanyl or an opioid and exhibits signs of distress, Naloxone or Narcan should be administered promptly. Depending on the drug's purity and potency, multiple doses of Naloxone or Narcan may be required. Assisting deputies or employees should don PPE (gloves and mask at a minimum) before administering aid to protect themselves from exposure. EMS should be notified as well and the employee should be taken to a hospital for evaluation. If an employee is exposed to fentanyl but shows no signs of distress they should wash the affected area with soap and water and be evaluated by EMS personnel in case the drug has not taken effect yet. **DO NOT use alcohol based cleaners as they may increase the rate of absorption.** If fentanyl is spilled or has contaminated a work space, San Diego County Hazmat should be notified for clean-up/decontamination.

Probable Cause Declarations and Report Writing

If the arrestee is cited for misdemeanor possession of a controlled substance or narcotic drug, the court date should be set for 6-8 weeks from the date of arrest to allow the crime lab enough time to analyze the substance. If the arrestee is booked into an intake facility a probable cause declaration must include specific details about the deputy's training and experience in narcotics, the substance the arrestee is being charged with possessing, and the arrestee's statement regarding the suspected drug. Examples include:

1. Experience with narcotics in the academy, field training, on patrol, and any training that strengthened a deputy's experience with narcotics. Deputies should include past

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narcotic arrests and instances where they identified a drug in the field and confirmed that identification with a field test kit.

2. Color, texture, and packaging (are these consistent in the deputy's experience)
3. Presence of drug paraphernalia
4. Location substance was found (was it hidden to prevent detection by law enforcement)
5. Furtive movements by the suspect (possibly to get rid of or hide the substance)
6. Demeanor of the suspect
7. Area where the arrest was made (high narcotics/crime area)
8. Past arrests or knowledge of the suspect's drug habit
9. K-9 alert or detection
10. Large unexplained amounts of currency
11. Statements by the suspect regarding what they believe the substance to be and their history of drug use.

Probable Cause Declarations and Report Writing Continued

12. If the suspect's phone can be legally searched, include text messages, photos and videos related to narcotics.

Some Sheriff's stations have made sample drug charts that have a non-illicit substance in different sized baggies to replicate what a specific weight looks like in those baggies. It is recommended that stations make these to assist deputies in writing probable cause declarations and arrest reports by comparing example weights to the substance(s) seized during an arrest.



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(see attached document to assist in writing probable cause declarations and arrest reports)

Case Issuance and Detective Follow-up

Currently the San Diego County District Attorney's Office may not issue narcotics arrests without a presumptive test. Also, Judges may reject a case without a presumptive test. The Sheriff's Department and the DA's Office are working together to come up with a solution that will keep deputies safe while adhering to legal and judicial requirements. If a case is rejected and a Complaint Request Evaluation (CRE) is sent to the detective unit, the assigned detective should ensure the narcotics have been sent to the lab for testing. If a positive result for narcotics is returned to the detective, an arrest warrant should be prepared for the suspect.

The Sheriff's Department is working with the San Diego Sheriff's Crime Lab to find a solution to obtain presumptive test results for the suspected drug that can be forwarded to the DA's office prior to arraignment. The Sheriff's Department's Fentanyl Working Group will have more guidance in the coming weeks and months.

Detective Booher (HIDTA) has been attending patrol briefings and providing training to Sheriff personnel on the dangers and trends surrounding fentanyl. If you would like to request briefing training or have any questions, please email him at Jacob.booher@sdsheriff.org

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