

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Drug Enforcement	NUMBER: GO 2-16
EFFECTIVE DATE: November 7, 2016	REVIEW DATE: November 26, 2018
AMENDS/SUPERSEDES: GO2-16, July 1, 2003	APPROVED:  Sheriff
VLEPSC: OPR.03.01	

1 **INDEX WORDS**

- 2
- 3 Confidential funds
- 4 Controlled buys
- 5 Directed patrol
- 6 Drugs
- 7 Drug testing, law enforcement employees
- 8 Informants
- 9 Intelligence
- 10 Searches
- 11 Strategies, street
- 12 Task force operations

13

14 **POLICY**

15

16 The Sheriff's interest in stemming the flow of illegal narcotics reflects the general attitude of the

17 community and the assumption that illegal drugs contribute to a wide range of illicit activities.

18 The Sheriff's Office will investigate and enforce narcotics and dangerous drug violations at all

19 levels. Vigorous enforcement enriches the quality of life in our community by reducing drug

20 trafficking and related crime through a cooperative effort with our citizens. This order broadly

21 outlines the responsibilities of all deputies in enforcing narcotics laws and offers specific

22 guidance on handling criminal investigations and narcotics evidence.

23

24 **PURPOSE**

25

26 To provide investigative guidelines regarding narcotics and dangerous drug cases.

27

28 **PATROL PROCEDURES**

- 29
- 30 • General
- 31 ○ Patrol deputies are more likely to become involved in possession and street-dealing
- 32 cases than large-scale sales and distribution incidents.
- 33 ○ Deputies shall be especially mindful of the relationship between offenses commonly
- 34 observed during patrol activities (such as DUI cases) and narcotics violations.
- 35 ○ A person who violates narcotics laws in all likelihood commits other kinds of
- 36 criminal acts.
- 37
- 38 • Elements of successful investigations

- 39 ○ Although specific rules on the handling of all cases is not possible, successful
40 prosecutions involve the following elements:
- 41 ▪ Completing a thorough incident report, not only for cases involving illegal
42 narcotics, but also those involving the seizure of contraband without an arrest
43 being made. Note: A thorough report attests to the proper chain of custody of
44 evidence.
 - 45 ▪ Targeting specific offenders, their habits, associates, vehicles, and property;
 - 46 ▪ Conducting a thorough criminal investigation with surveillance authorized as
47 required.
- 48
- 49 ● Directed patrol
 - 50 ○ The Sheriff has implemented directed patrol as one of the primary narcotics-control
51 strategies.
 - 52 ○ Directed patrol is distinguished from normal enforcement efforts by its focus on
53 specific problems.
 - 54
 - 55 ● Vehicle check points
 - 56 ○ Checkpoints may be used in areas identified as having a heavy flow of narcotics-
57 related vehicular traffic.
 - 58 ○ DUI enforcement and routine license and registration checks are commonly used
59 rationales for checkpoints.
 - 60 ○ See GO [2-19, Traffic Enforcement](#) for guidance on constructing checkpoints.
61 Checkpoints for narcotics-detection purposes shall conform to legal guidelines and
62 are only conducted under direct authorization of the Patrol Commander and according
63 to a written plan.
 - 64
 - 65 ● Intelligence gathering
 - 66 ○ The cornerstone of vigorous anti-drug efforts by patrol personnel is the development
67 of intelligence.
 - 68 ○ Intelligence is gathered chiefly by talking and through observation.
 - 69 ○ Deputies shall diligently record the presence of suspicious persons and vehicles in
70 particular places by completing field interview modules in RMS.
 - 71
 - 72 ● Informants
 - 73 ○ The cultivation and handling of informants is a complicated but essential part of
74 patrol work and is particularly important in narcotics enforcement.
 - 75 ○ Refer to GO [2-11, Informants](#) for guidance on developing and handling informants.
 - 76
 - 77 ● Schools
 - 78 ○ Substance-abuse problems exist among both juveniles and adults.
 - 79 ○ Arrests of juveniles, in fact, constitute a large portion of all arrests for narcotics
80 offenses.
 - 81 ○ School liaison programs are normally a function of specialized units such as SRO or
82 DARE, however, patrol deputies are expected to work closely with school deputies
83 and officials on a wide variety of safety and security issues, including narcotics
84 violations.

- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100
- 101
- 102
- 103
- 104
- 105
- 106
- 107
- 108
- 109
- 110
- 111
- 112
- 113
- 114
- 115
- 116
- 117
- 118
- 119
- 120
- 121
- 122
- 123
- 124
- 125
- 126
- 127
- 128
- 129
- Surveillance and arrest
 - The Sheriff 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 deputy's presence (such as littering) in order to disperse possible criminal activities and to learn identities of people.
 - Indicators
 - Frequently, stops of citizens based on reasonable suspicion that criminal activity may be occurring lead to seizures of narcotics and subsequent arrests.
 - Indicators, refer to a number of characteristics that, when taken together, suggest the occurrence of criminal activity.
 - These characteristics are used to identify a suspect so that he or she can be watched or approached.
 - The Sheriff expects deputies to use good judgment in detecting criminal activity by deploying all legal investigative strategies.
 - Reasonable suspicion that criminal activity has occurred or is occurring depends on facts known to the deputy at the time of the stop or arrest.
 - A legitimate indicator 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.
 - Refer to [GO 2-3, Field Interviews Stop Frisk](#), for a discussion of investigative detention.
 - In any event, deputies shall not consider race or national origin only in determining whether or not to stop a person for a field interview.
 - Street strategies
 - The Sheriff encourages all legal means of reducing drug trafficking.
 - A number of strategies have proven successful in obtaining important information leading to criminal investigations.
 - Deputies shall remain mindful of the following strategies during patrol:
 - 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.
 - Employ consent searches where and when appropriate.
 - See [GO 2-1, Constitutional Safeguards](#), for a further discussion of the legal requirements.
 - With the considerations outlined above, deputies may develop indicators of sellers and buyers appropriate for specific locations within deputies' patrol areas.
 - Indicators must be based on the deputy's observations and knowledge of his or her patrol beat, not on generalized third-hand information.
 - Well-constructed indicators can yield reasonable suspicion for a stop.

- 130
- 131
- 132
- 133
- 134
- 135
- 136
- 137
- 138
- 139
- 140
- 141
- 142
- 143
- 144
- 145
- 146
- 147
- 148
- 149
- 150
- 151
- 152
- 153
- 154
- 155
- 156
- 157
- 158
- 159
- 160
- 161
- 162
- 163
- 164
- Always bear in mind the requirements for reaching reasonable suspicion and the legal avenues that can be explored with reasonable suspicion as the basis.
 - See GO [2-1, Constitutional Safeguards](#) and GO [2-3, Field Interviews Stop Frisk](#).
 - 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 deputy.
 - In formulating reasonable suspicion, rely on observations of people and things that are exposed to public view or are in public places.
 - Employ drug-sniffing dogs to establish probable cause.
 - Inspect property abandoned by the suspect:
 - ❖ No warrant requirements exist for this kind of search.
 - Search adjacent areas thoroughly near the suspect:
 - ❖ Dealers may stash drugs nearby to avoid carrying them on their persons.
 - Exercise pat-downs or frisks if the deputy suspects that the suspect may be armed.
 - See GO [2-1, Constitutional Safeguards](#) and GO [2-3, Field Interviews Stop Frisk](#).
 - Absent a suspicion of danger, the deputy may still ask for consent to frisk.
 - 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 articulable reasonable suspicion.
 - Patrol deputies should try to identify unfamiliar persons who are routinely observed on sidewalks and street corners.
 - Deputies should engage in consensual conversation, photographing, or records checks when appropriate, to identify these persons. Dealers from other jurisdictions thrive on anonymity.

INVESTIGATIONS

- 165
- 166
- 167
- 168
- 169
- 170
- 171
- 172
- 173
- 174
- 175
- General
 - The York-Poquoson Sheriff's Office operates a Special Investigations Unit (SIU) within the Investigations Division.
 - Deputies assigned to this section may be assigned to a regional drug task force.
 - The Investigations Commander is responsible for all operations and personnel within the Drug Enforcement Section.
 - He or she will routinely advise the Sheriff of significant vice, drug, or organized crime problems within the county and of all major on-going operations to combat such problems.

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221

- Drug task force
 - Upon approval by the Sheriff, the Sheriff’s Office may participate as a member of either a federal, state or regional drug, white collar, gang or fugitive apprehension task force.
 - The Sheriff’s Office will not participate in any task force where the efforts of assigned deputies does not directly benefit the county.
 - Regional task forces exists to allow law enforcement agencies within our region to combine and coordinate resources to address regional drug problems and to provide the ability to conduct cross-jurisdictional investigations through a regional network of information and intelligence on drug trafficking.
 - Deputies assigned to a regional task force shall work under the immediate supervision of the York-Poquoson Sheriff’s Office Criminal Investigations Division and the Commanding Officer of that respective drug task force.
 - For purposes of indemnification of all personnel assigned to drug task forces and their associated 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.
 - While assigned to a task force, deputies shall continue to have the same powers, duties, privileges, and immunities that are conferred upon them normally as deputy sheriffs in York County. Additionally, deputies may exercise additional authority as granted by the host task force agency when conducting authorized task force operations.
 - In any asset forfeiture cases, the memorandum of understanding signed by all participants to the task force outlines how assets shall be shared.

- Controlled buys
 - Arranging buys of illegal narcotics through informants is a key investigative strategy.
 - Deputies using this method shall ensure that the informant (and his vehicle) is searched before the buy, given recorded currency (if applicable), and again searched after the buy to ensure that the person is not concealing a portion of the illegal substance.
 - Deputies 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 law enforcement action and to obtain additional details useful for later prosecution.
 - Deputies shall maintain active or deactivated files on all informants.
 - These files shall be strictly controlled in accordance with GO [2-11, Informants](#).

- Undercover operations
 - The nature of undercover operations requires deputies to maintain professionalism and integrity while operating in a compromising environment.
 - The Sheriff shall assign deputies to undercover work based on the needs of the Sheriff’s Office.
 - See GO [2-27, Vice and Organized Crime](#).

- 222
- 223
- 224
- 225
- 226
- 227
- 228
- 229
- 230
- 231
- 232
- 233
- 234
- 235
- 236
- 237
- 238
- 239
- 240
- 241
- 242
- 243
- 244
- 245
- 246
- 247
- 248
- 249
- 250
- 251
- 252
- 253
- 254
- 255
- 256
- 257
- 258
- 259
- 260
- 261
- 262
- 263
- 264
- 265
- 266
- 267
- Use of alcohol/drugs while on assignment
 - Undercover deputies may find themselves in situations where drinking alcoholic beverages may be necessary.
 - Deputies shall keep alcoholic consumption to a minimum and must remain mindful of the incurred responsibility.
 - Under no circumstances will a deputy consume illegal drugs in any way unless forced to do so in a life-threatening situation. In such a case, the deputy shall notify the supervisor as soon as possible.
 - Upon notification the supervisor will immediately transport the deputy to the nearest medical facility emergency room for treatment.
 - The supervisor will ensure that all precautions will be taken to recover drug evidence as soon as practical.
 - The supervisor shall ensure that the incident is properly documented for the benefit of the deputy and the Sheriff's Office.
 - Testing of undercover deputies for substance abuse GO [2-35, Alcohol/Drug Testing](#) provides for drug testing of personnel during pre-employment physical examinations, regular physical examinations after employment, or upon reasonable suspicion.
 - Deputies working undercover assignments are subject to the requirements found in GO [2-35, Alcohol Drug Testing](#).
 - Periodic psychological testing may be ordered by the Sheriff or his designee.
 - 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, deputies shall at least record the following information:
 - The frequency of occurrence by type of crime;
 - Geographic factors;
 - When targeted activities occur;
 - Descriptions of targets, their associates, and their methods of operation;
 - Descriptions of vehicles.
 - Developing and maintaining intelligence files requires administrative controls on access, integrity of data, sharing of data, and purging of data.
 - Execution of Search and Arrest Warrant Operations
 - Drug arrest warrant and search warrant service operations shall be conducted upon the authorization of the Sheriff, Chief Deputy, Investigations Commander or his designee, or the commanding officer of an authorized drug task force (task force operations only),.

- 268 ○ The authorizing official shall approve a written operational plan for each operation.
- 269 ○ Operation planning includes:
 - 270 ▪ Outlining procedures for warrant procurement;
 - 271 ▪ Tactical team use;
 - 272 ▪ Deployment of personnel;
 - 273 ▪ Officer safety;
 - 274 ▪ Communications procedures, and
 - 275 ▪ Collection of evidence.
- 276
- 277 ○ The operational plan shall designate a single person as the supervisor/operational
- 278 coordinator.
- 279 ○ Special planning must be done for operations involving suspected drug-producing
- 280 laboratories because of the dangers posed by hazardous chemicals.
- 281 ○ Operation planning may include participation by other governmental agencies such as
- 282 fire and health authorities.
- 283 ○ See [GO 2-27, Vice and Organized Crime](#).
- 284
- 285 ● Confidential funds
 - 286 ○ See [GO 2-27, Vice and Organized Crime](#).

287 **EVIDENCE**

- 289
- 290 ● General
 - 291 ○ Refer to GO [2-15, Evidence Procedures](#) for general guidelines on the collection and
 - 292 processing of evidence.
 - 293 ○ Procedures specific to narcotics cases are listed below.
- 294
- 295 ● Seizures and forfeitures
 - 296 ○ All seizures and forfeiture actions shall be conducted in accordance with federal
 - 297 and/or state guidelines and per Sheriff's Office policy.
 - 298 ○ Refer to GO [2-36, Asset Forfeiture](#).
- 299
- 300 ● Handling narcotics evidence
 - 301 ○ To the extent practicable, all drugs/narcotics shall be stored in clear plastic bags,
 - 302 bottles, or other containers to allow the contraband to be visible, thus reducing the
 - 303 need to break seals to examine or verify the evidence and thereby damage the chain
 - 304 of custody.
 - 305 ○ The original containers of drugs/narcotics (such as film containers, prescription
 - 306 bottles) shall be packaged separately. Exception: Marijuana (not yet dried) should
 - 307 first be dried or placed in paper packaging material. This reduces mold growth and
 - 308 helps preserve the evidence.
 - 309 ○ All drug evidence, excluding suspected marijuana, shall be submitted to the
 - 310 laboratory, for examination, by the Property and Evidence Custodian as soon as
 - 311 possible or practical.
 - 312 ○ Evidence must be properly secured during this period.
 - 313 ○ A completed Request for Laboratory Examination must accompany all drug evidence.

- 314 ○ Deputies/Investigators may request assistance from the Property and Evidence
315 custodian in completing the RFLE.
- 316 ○ Marijuana evidence collected through the investigation of simple possession of
317 marijuana Section [18.2-250.1](#), Code of Virginia, shall be tested with an approved
318 field test kit and appropriate paperwork will be utilized.
- 319 ○ Each time narcotics property is removed; the package or container shall be inspected
320 for tampering and weighed.
- 321 ○ Destruction in excess of 10 pounds of controlled substances or marijuana are
322 addressed in Section [19.2-386.24](#), Code of Virginia.
- 323
- 324 ● Destruction of narcotics
- 325 ○ In cases of narcotics evidence obtained where no criminal charges will be brought,
326 deputies/investigators shall coordinate with the evidence custodian.
- 327 ○ Contraband drugs shall be destroyed according to this order and Section [19.2-58](#),
328 Code of Virginia.
- 329
- 330 ● The Sheriff shall designate the Property and Evidence custodian to monitor the
331 destruction of drugs.
- 332 ● The destruction monitor shall:
- 333 ○ Dispose of or destroy the narcotics in accordance with GO [2-15, Evidence Procedures](#)
334 and/or GO [2-17, Disposal of Non Evidentiary Property](#).