



2-96 CLANDESTINE DRUG LABORATORY AND INDOOR MARIJUANA GROW SITE INVESTIGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

Exposure Report Form

C. Other Resource(s)

NMSA 1978, §§ 26-2C-1 to 26-2C-42 Cannabis Regulation Act

D. Rescinded Special Order(s)

None

2-96-1 Purpose

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when investigating and handling clandestine drug laboratories and indoor marijuana grow sites.

2-96-2 Policy

It is the policy of the Department to investigate, dismantle, and render safe clandestine drug laboratories and indoor marijuana grow sites with consideration given to the safety of Department personnel and the community. The risk posed by illegal laboratories and grow sites requires the Department to have a safe and effective way to address them.

N/A

2-96-3 Definitions

A. Cannabis

A tall plant containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, with a stiff upright stem, divided serrated leaves, and glandular hairs. It is used to produce hemp fiber and as a drug.

B. Case Agent

The detective responsible for investigating and presenting the criminal case for prosecution. The Case Agent should be a certified clandestine drug laboratory investigator.



C. Certified Clandestine Drug Laboratory Investigator

A sworn officer who has completed an OSHA-approved training course and has been issued the proper certification. The certified sworn officer is authorized to enter, evaluate, and dismantle a clandestine drug laboratory.

D. Chemical Exposure

Any contact, including inhalation, between an individual's person and any potentially hazardous chemical resulting in the possibility of an adverse reaction to the hazardous chemical.

E. Clandestine Drug Laboratory

A location where there are sufficient chemicals and/or equipment to manufacture a controlled substance or demonstrate the intent to manufacture a controlled substance. A clandestine drug laboratory may also be known as a "clan lab", "meth lab", "drug lab", or "lab".

F. Clandestine Drug Laboratory Team

A team consisting of certified Clandestine Drug Laboratory Investigators to safely process and dismantle a clandestine drug laboratory. The team will be a minimum of three (3) people, which will include a Site Safety Officer and two (2) additional certified Clandestine Drug Laboratory Investigators.

G. Grow Equipment

Items that are used to enhance the growth of marijuana plants, including grow lights, fertilizer, pots, enhanced soil, or atmosphere enhancement equipment.

H. Indoor Marijuana Grow Site

A marijuana grow with one (1) or more plants that uses equipment to grow marijuana or has over twenty (20) mature marijuana plants in a structure.

I. Mature Marijuana Plant

A marijuana plant that is harvestable and is flowering or budding.

J. Medical Marijuana Grow Site

A site that is licensed by the State of New Mexico and is in compliance with the conditions to grow medical cannabis.

K. Personal Protective Equipment (PPE)



A Tychem or Tyvek suit and breathing protection that includes either an air purifying respirator (APR) or a self-contained breathing apparatus (SCBA).

L. Site Safety Officer

A certified Clandestine Drug Laboratory Investigator who has completed the Occupational Safety and Health Administration (OSHA) approved Site Safety Officer/Supervisor course and will act as the Incident Commander (IC) at the scene of a clandestine drug laboratory investigation.

6 2-96-4 Clandestine Drug Laboratory Investigations

A. Securing the Scene

1. When Department personnel locate or suspect they have located a clandestine drug laboratory, they shall:
 - a. Secure the location;
 - b. Establish a perimeter at a safe location at a minimum of five-hundred (500) to one thousand (1,000) feet away from the laboratory;
 - i. Sworn personnel shall adjust the size of the perimeter as they receive new information on hazardous materials.
 - c. Evacuate anyone within one-thousand (1,000) feet of the laboratory to a safe distance;
 - d. Notify their on-duty supervisor who shall be responsible for notifying the on-call Narcotics Section Detective; and
 - e. Obtain information and identification from individuals suspected of criminal activity and from witnesses.
2. Department personnel shall not enter a known functioning clandestine drug laboratory without the appropriate Level B PPE, including:
 - a. Positive pressure air respirator with emergency self-contained breathing apparatus (SCBA) that has been approved by the National Institute for Occupational Safety and Health (NIOSH);
 - b. Chemical-resistant gloves that are double layered;
 - c. Clothing that is resistant to chemicals; and
 - d. Chemical resistant steel-toed boots.
 - i. The boot shank, or the supportive structure between the insole and outsole, shall be steel.
3. Upon their arrival, the Narcotics Section Detective shall assume control of the investigation and scene and shall determine whether the on-call Clandestine Drug Laboratory Team shall be called out.

B. Chemical Exposure



1. If Department personnel are exposed to a chemical exposure at a clandestine drug laboratory and exhibit adverse effects associated with the exposure, they shall immediately report the exposure to the Site Safety Officer and their on-duty supervisor.
2. The on-duty on-scene supervisor or the Site Safety Officer shall be responsible for ensuring the exposed person(s) obtain medical attention as directed by the Site Safety Officer.

C. Case Agent/Site Safety Officer Responsibilities

1. The Case Agent/Site Safety Officer or their designee shall ensure that any exposure is thoroughly documented in a Uniform Incident Report or Supplemental Report and shall ensure that the officer completes an Exposure Report Form before they leave the scene unless a medical emergency requires an employee's immediate transport to a medical facility.
 - a. When the officer is unable to complete the Exposure Report Form, the exposed officer's supervisor shall provide an Exposure Report Form to the Case Agent/Site Safety Officer.

D. Case Agent Responsibilities

1. The Case Agent when they are not the Site Safety Officer shall complete the investigation and consult with the Site Safety Officer regarding charges.
2. The Case Agent when they are not the Site Safety Officer shall forward the case to the District Attorney's Office for review and consideration for prosecution.

E. Reporting Requirements

1. Case Agent/Site Safety Officer shall generate a Uniform Incident Report on all clandestine drug laboratory investigations.
2. All assisting Department personnel shall complete a Supplemental Report detailing their observations and activity.
 - a. Assisting Department personnel shall forward their Supplemental Report to the Case Agent before leaving the scene.
3. The Case Agent/Site Safety Officer shall be responsible for ensure the investigation is tracked in the EPIC National Clandestine Laboratory Seizure Report.



A. General Procedures

1. When Department personnel discover an indoor marijuana grow site that exceeds legal limits for cultivation, they shall secure the location and evacuate all persons.
2. Sworn personnel shall notify the on-duty supervisor and contact the on-call Narcotics Section Detective.
3. The on-call Narcotics Section Detective shall determine whether the marijuana grow site fits the criteria of an Indoor Marijuana Grow Site and call out other detectives if needed.
 - a. If other detectives are needed, the on-call clandestine drug laboratory detectives shall respond first to the scene.
4. If site is verified as being an Indoor Marijuana Grow Site, the on-call Narcotics Section Detective shall:
 - a. Be the Case Agent for the investigation;
 - b. Determine whether a search warrant is needed or whether they must obtain permission to search the site;
 - c. Determine the charges and who shall be charged; and
 - d. Determine which items need to be seized and tagged into evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property and which items need to be seized for destruction.
 - i. When evidence is seized for destruction and cannot be handled or accepted by Criminalistics Laboratory personnel, the Case Agent shall contact the City of Albuquerque Solid Waste Department to request a vehicle to be sent to the location.
 - ii. Items to be destroyed will be taken to a landfill for destruction and disposal.
5. Sworn personnel shall accompany the items to the landfill and oversee the destruction and disposal of the items.
 - a. The officer shall note the destruction of the items in their Uniform Incident Report.

6 2-96-6 Juveniles and Vulnerable Adults Present at Clandestine Drug Laboratories or Indoor Marijuana Grow Sites

- A. If juveniles and/or vulnerable adults are present at a clandestine drug laboratory or an indoor marijuana grow site that exceeds legal limits for cultivation, the following steps shall be implemented:
1. The responding officer shall request for emergency medical services personnel to respond to the scene to evaluate the juveniles or vulnerable adult's welfare;



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2. The Case Agent shall be responsible for notifying New Mexico Children, Youth and Families Department (CYFD) or Adult Protective Services personnel to assist in removing the juvenile or vulnerable adult from the environment;
3. The Case Agent shall be responsible for collecting appropriate documentation, evidence, and witness interviews to substantiate child abuse charges; and
4. Prior to releasing them from the scene, the Site Safety Officer shall decontaminate juveniles and vulnerable adults and shall provide them with new clothing.

REDLINED



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