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CLANDESTINE LABORATORY MANUAL OF INSTRUCTION AND PROCEDURE

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State of California
DEPARTMENT OF JUSTICE
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CLANDESTINE LABORATORY MANUAL, 1987

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DIVISION OF LAW ENFORCEMENT

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INTRODUCTION

GOALS AND OBJECTIVES

The goal of the California Department of Justice in establishing this manual, is to insure the safest possible investigation of clandestine laboratories through the avoidance or reduction of chemical exposure to known acceptable levels of risk. Safe clandestine laboratory investigations are accomplished through phased investigatory procedures, information gathering and evaluation, and the proper selection and use of personal protective equipment.

The Division of Law Enforcement recognizes that successful prosecution of illicit drug manufactures and the safety of its personnel require a coordinated and symbiotic relationship between the needs of the Bureau of Narcotic Enforcement to identify and apprehend criminals and the Bureau of Forensic Services to evaluate and analyze evidence of chemical processes. The procedures set forth in this manual will standardize the investigations of clandestine laboratories participated in by the Department of Justice.

The Clandestine Laboratory Manual of Instruction and Procedure is the Division of Law Enforcement's hazard communication program required by California Administrative Code, Title 8, Chapter 4, Section 5194(e) for the workplace involving clandestine laboratory investigations.

BACKGROUND

The recent and phenomenal growth of illicit drug manufactures in California caused a reevaluation of our enforcement practices with respect to toxic chemical exposures. During 1986, a clandestine laboratory safety committee was established to develop procedures to minimize health risks associated with these investigations. Participants included law enforcement and forensic personnel within the Department of Justice and scientific personnel from local agencies representing the California Association of Criminalists. Through a process of information gathering via, (1.) training received from the California Department of Health Services Toxic Substances Control Division, (2.) attendance at seminars and conferences with representatives from the National Institute for Occupational Safety and Health and the Drug Enforcement Administration, and (3.) safety committee meetings with invited guests from California's Occupational Safety and Health consultation service and the University of California, Davis Medical Center's Occupational and Environmental Medicine Clinic; technical information was evaluated and molded to fit practical field application and to conform with regulations in California Administrative Code. This manual is the result of that collective process.

I. DEFINITIONS

- A. **Attorney General** - A constitutional officer of the State whose duties include the investigation, detection, apprehension, prosecution and the suppression of crime.
- B. **Bureau of Forensic Services (BFS)** - A bureau within the Division of Law Enforcement that identifies, collects, analyzes and interprets physical evidence of criminal activity. Bureau programs include criminalistics, latent prints, audio/visual, questioned documents and toxicology.
- C. **Bureau of Narcotic Enforcement (BNE)** - A bureau within the Division of Law Enforcement assigned to enforce California's Uniform Controlled Substances Act. Bureau programs include clandestine laboratories, regional task forces, special operations units, drug diversion, asset forfeiture/seizure, triplicate prescription and chemical precursor reporting.
- D. **Case Agent** - A peace officer in charge of an investigation, and the person responsible for execution of the search warrant.
- E. **Clandestine Laboratory** - An illicit operation consisting of a sufficient combination of apparatus and chemicals that either have been or could be used in the manufacture/synthesis of controlled substances. These operations may be considered to be a "hazardous waste facility" under Health and Safety Code Section 25117.1.
- F. **Clandestine Laboratory Coordinator** - A BNE Special Agent Supervisor responsible for the Clandestine Laboratory Program in BNE and to act as that Bureau's safety coordinator.
- G. **Criminalist** - A BFS scientist, Drug Enforcement Administration chemist or a local criminalist trained in chemical and comparative analysis of physical evidence. Criminalists assigned to clandestine laboratory investigations have specialized experienced and/or training in illicit drug manufacture.
- H. **Division of Law Enforcement (DLE)** - one of five Divisions within California's Department of Justice (DOJ) whose Chief Executive Officer is the Attorney General.
- I. **Hazard Appraisal Recognition Plan (HARP)** - A preprinted package of forms to document information during the course of phased investigatory procedures.
- J. **Hazardous Waste Disposal On Public Land** - "Any city, county, or state agency which, as owner, lessor, or lessee, knows or has probable cause to believe that a disposal of hazardous waste which was not authorized pursuant to this chapter has occurred on, under, or into the land which the city, county, or state agency owns or leases shall notify the department. Upon receiving that notice, the department shall determine if there has been a disposal of hazardous waste which is not authorized pursuant to this chapter" Health and Safety Code Section 25242(a.).

- K. **"Hazardous Waste Facility"** - "Any structure, other appurtenances, and improvements on the land, and all contiguous land, used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste" Health and Safety Code Section 25117.1.
- L. **"Hazardous Waste Property"** - Is a specific designation made by the Department of Health Services. A hazardous waste facility (clandestine laboratory site) may be designated as hazardous waste property pursuant to application to the Department of Health Services by the owner of the property or by the city or county where the land is located (25221 Health and Safety Code).
- M. **Health and Safety Code (H&S)** - That part of California law administered by the **Department of Health Services (DHS)**.
- N. **Industrial Hygienist** - An individual trained in the practice of industrial safety including hazard recognition, measurement, evaluation and methods of personal protection.
- O. **Lab Teams** - State DOJ/DLE, federal (**Drug Enforcement Administration - DEA**) and local law enforcement personnel who have received all specialized training necessary to implement and follow the procedures and policies required in this manual.
- P. **Narcotic Task Forces (NTF)** - BNE field offices with Special Agent Supervisors assigned to supervise and coordinate city and county narcotic enforcement groups. Traditional services have included the management of multijurisdictional, interagency, inter-task force major investigations, collecting and disseminating information and intelligence, minimizing duplication of enforcement efforts and contributing appropriate resources otherwise unavailable.
- Q. **NTF Special Agent Supervisor** - The commander (manager) of a BNE narcotic task force.
- R. **On-Call Industrial Hygienist** - An individual contracted with the Department of Justice to provide industrial hygiene information to lab teams.
- S. **Penal Code (PC)** - That part of California law administered by the Criminal Justice System.
- T. **Phased Investigatory Procedures** - Discrete stages of an investigation with specific procedures that are completed in the following order: PLANNING, ENTRY, ASSESSMENT and PROCESSING.
- U. **Safety Officer** - A DLE "rank and file" employee assigned specific unit safety related tasks in addition to normal job duties.
- V. **Search Warrant** - "A search warrant is an order in writing in the names of the people, signed by a magistrate, directed to a peace officer, commanding him to search for personal property, and bring it before the magistrate." PC 1523.

W. **Site Safety Officer (SSO)** - A lab team member assigned by the Case Agent to act as the safety officer for a particular clandestine laboratory site investigation.

X. **UNIT** - A individual DLE section, office, laboratory or facility having assigned personnel who use or maintain safety equipment utilized at clandestine laboratory investigations.

1530 PC - "A search warrant may in all cases be served by any of the officers mentioned in its directions, but by no other person, except in the aid of the officer on his requiring it, he being present and acting in its execution."

1531 PC - "The officer may break open any outer or inner door or window of a house, or or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance."

1536 PC - "All property or things taken must be retained by the officer in his custody, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property or things taken is triable."

II. PERSONNEL DUTIES

A. Bureau of Narcotic Enforcement (BNE)

1. Case Agent

- a. Assigns and directs a Site Safety Officer for the particular investigation.
- b. Initiates and develops the PLANNING phase of the clandestine laboratory investigation.
- c. Directs the ENTRY phase.
- d. Assists the Criminalist(s) or chemist during the ASSESSMENT phase and directs overall evidence gathering by local personnel and clandestine laboratory response teams.
- e. Insures that the provisions of this manual are adhered to during the PLANNING, ENTRY, ASSESSMENT, and PROCESSING phases; and the disposal of contaminated wastes at the clandestine laboratory site.
- f. Resolves conflicts between employees regarding issues of safety and scene processing. Insures that NTF or other personnel not part of the lab team remain sufficiently off site to avoid chemical exposures.

- g. Documents employee noncompliance to the instructions and procedures described in this manual as personally observed or reported by the Site Safety Officer. Attaches reports of employee noncompliance to the Hazard Appraisal Recognition Plan (HARP) that will be submitted to the Clandestine Laboratory Coordinator at BNE headquarters.

2. Safety Officer

Each BNE unit, BFS regional Laboratory and the Special Forensic Sections shall designate one person as a Safety Officer. The duties of the Safety Officer shall include, at least, these areas of clandestine laboratory concern:

- a. Performs minor maintenance of all personal protective equipment.
- b. Insures that adequate supplies of disposable personal protective equipment are available.
- c. Conducts and documents monthly checks of personal protective equipment for defects, i.e., rubber boots, respirators, and nylon raid-gear.
- d. Makes recommendations to their respective BNE or BFS safety coordinator involving safety.
- e. Acts as a "conduit" of safety information between unit employees, the Clandestine Laboratory Safety Committee and their respective bureau safety coordinators.
- f. Reports and/or documents employee noncompliance of the instructions and procedures described in this manual. Noncompliance shall be reported to the Case Agent if it occurs in the "field." Noncompliance shall be documented and provided to the employee's supervisor if it occurs at the "office." Reports of "field" noncompliance shall be provided to the employee's supervisor by the respective bureau safety coordinator.

3. Site Safety Officer

The Case Agent shall appoint one lab team member to act as a Site Safety Officer (SSO) for each clandestine laboratory raid. The SSO should be the unit safety officer if available. The duties of the SSO shall include:

- a. Transports the monitoring equipment to the site.
- b. Compiles HARP PLANNING documentation including pre-raid intelligence information, the emergency evacuation and medical treatment plan. Briefs involved personnel on all known hazards associated with the particular clandestine laboratory, prior to the service of a search warrant.

- c. Continues compilation of HARP documentation subsequent to the ENTRY phase and briefs the ASSESSMENT Team of observations made during entry.
- d. Insures that two individuals with full protective clothing and Self Contained Breathing Apparatus (SCBA) are standing by and prepared to enter the scene in an emergency.
- e. Insures that communications between the On-Call industrial hygienist and the field investigation team can be established if necessary.
- f. Coordinates and implements the emergency evacuation plan for the particular site in accordance with the written PLANNING phase. The SSO may modify the emergency evacuation and medical treatment plan after consultation with the Case Agent and the Criminalist.
- g. Insures that emergency first aid equipment and replacement personal safety equipment are available for immediate use e.g., first aid kit, eye wash, respirator cartridges, protective clothing and decontamination gear.
- h. Continues compilation of HARP documentation subsequent to the ASSESSMENT phase. Records chemicals and processes indicated at the site. Reviews Material Safety Data Sheets (MSDS's) for chemicals of concern at the site so that he/she can provide relevant safety information, as needed, during the course of the investigation. Briefs the PROCESSING team and waste hauler with available chemical information.
- i. Insures that personnel using respirators (air supplied or air purified) have received training in the use of that equipment and that the equipment is being used in accordance with the investigatory phased procedures described in Section III. Reports employee (individual) refusal to follow prescribed protocol and/or use of personal protective equipment to the Case Agent. The Case Agent may document the noncompliance (see l.g.) or direct the SSO to document the incident.
- j. Insure that contaminated disposal equipment is provided to the waste hauler and that nondisposable equipment is decontaminated or packaged for transfer to another site for decontamination.
- k. Continues compilation of HARP documentation during the evidence PROCESSING phase. The SSO should record unusual incidents, accidents or other relevant information called to his/her attention by the Case Agent, Criminalist, or other lab team personnel.

1. Subsequent to field investigations, insures that all original documentation for the Hazardous Appraisal and Recognition Plan (HARP) is completed and submitted to the Clandestine Laboratory Coordinator (BNE Headquarters Office). And that, only copies of the site general documentation (see section VIII) are forwarded to the records section for participating units within BNE and BFS.
4. BNE Narcotic Task Forces
- a. BNE Task Forces shall not attempt to seize a clandestine laboratory without the assistance of a BNE lab team.
 - b. BNE Task Force Commanders shall request a clandestine lab team for assistance in the seizure and dismantling of a clandestine laboratory. This notification should be made prior to any briefing so that lab team agents, criminalists, latent print personnel, etc., can attend.
 - c. Whenever a DOJ lab team responds to a clandestine lab investigation by a BNE Task Force, the lab team shall be responsible for the handling of the evidence in areas where chemical exposure may occur. All other evidence that is not contaminated and outside the areas of potential chemical exposure shall be handled by the originating Task Force under its normal evidence collection procedures.
 - d. The BNE Task Force Special Agent Supervisor shall insure that officers under his/her command are briefed on and understand the policies and procedures set forth in this manual.

B. BUREAU OF FORENSIC SERVICES (BFS)

1. Criminalists

- a. Whenever possible, no less than two Bureau of Forensic Services Criminalists shall respond to a clandestine laboratory location. At least one of the criminalists shall be versed in chemical procedures, common synthetic routes for the region, and potential safety hazards associated with illicit drug manufacturing and the handling of chemical reagents.
- b. The Criminalist(s) shall coordinate with the Case Agent and the SSO before dismantling or sampling controlled substances and hazardous materials. Sampling shall be in accordance with Sections 11479, 11479.1, and 11479.2 of the California Health & Safety Code.
- c. The Criminalist(s) shall, in consultation with the Case Agent and/or the SSO and the On-Call industrial hygienist, make evaluation of the health and safety hazards of the clandestine laboratory site and recommend downgrading from

the ASSESSMENT phase to the PROCESSING phase including the selection of proper personal protective equipment and the necessary and appropriate chemical safety procedures to be used at the clandestine laboratory site.

2. Latent Print Analysts

- a. Latent Print Analysts shall be responsible for the processing of the clandestine laboratory scene for latent prints during the PROCESSING phase.
- b. Latent Print Analysts shall not process any clandestine laboratory scene or storage facility unless a Criminalist or chemist experienced in clandestine laboratory techniques as described above (1.a.) is present. A non-BFS Criminalist and/or chemist shall be conversant with and adhere to the requirements of this manual.

3. Photographers

- a. When available, Bureau of Forensic Services Photographers shall be responsible for the photographing of evidence during the PROCESSING phase.
- b. Photographers shall not photograph any clandestine laboratory site or storage facility containing clandestine laboratory apparatus or chemicals unless a Criminalist or chemist experienced in clandestine laboratory techniques as described above (1.a.) is present. A non-BFS Criminalist and/or chemist shall be conversant with and adhere to the requirements of this manual.

III. PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment shall be provided to DOJ lab team personnel. Equipment identified as the minimum level of protection for ENTRY and ASSESSMENT phases shall be provided and worn at all times during that phase. The PROCESSING phase may be "downgraded" from the requirements of the minimum level of protection as described in the paragraph below.

Respirators shall be worn by all personnel, during the ASSESSMENT and PROCESSING phases whenever "bulk" or otherwise unprocessed chemicals are on site other than the small volume samples collected and stored as evidence. If and when the ASSESSMENT team determines that air purifying respirators are not necessary for the PROCESSING team, the logical basis for that conclusion shall be documented as part of the HARP. Protective clothing shall be worn by all personnel handling, processing or physically near in proximity to where chemicals are stored, being moved or processed. The test for the removal of protective clothing is: "If and when there is no longer a potential of contact exposure as the result of accidental breakage, spillage or trace contamination from the site."

All lab team members who may respond to clandestine laboratory investigations shall receive training on the use, limitations of use, maintenance and sanitation of respirators.

A. Minimum Personal Safety Equipment for the ENTRY team.

1. Eye protection: a. non-vented, non-fogging goggle or b. plastic "flip-up-down" face shield.
2. Nylon belt, holster, ammunition holders and handcuff cases.
3. Law enforcement identification clothing patches
4. Emergency egress package with 5 minute escape air supply.

Optional Personal Safety Equipment for the ENTRY Team.

5. Hand protection: gloves or hand chemical resistant hand cream.
6. Respiratory protection: Air purifying respirators.
7. Foot protection: disposable boot covers with a tread sole bottom.
8. Body protection: Sarnex coated tyvek material, full coverage overall suits.
9. Voice amplification communicator if using respirators.

The Case Agent has the authority to require the use of one or more of the optional personal safety equipment (items 5-9) as needed in a particular raid.

B. Minimum Personal Safety Equipment for the ASSESSMENT Team

1. Self-contained breathing apparatus (SCBA).
2. Body protection: Sarnex coated tyvek material, full coverage overall suits.
3. Foot protection: a. chemical resistant rubber boots, or b. disposable boot covers with a tread sole bottom.
4. Hand protection: chemical resistant neoprene or nitrile coated gloves.

Optional Personal Safety Equipment for the ASSESSMENT team.

5. Voice amplification communicator.
6. Nomex coveralls worn under Sarnex exposure suits.

C. Minimum Personal Safety Equipment for the PROCESSING Team.

1. Eye protection: a. non-vented, non-fogging goggle for half face air purifying respirator users, or b. full face air purifying respirators.
2. Body protection: Sarnex coated tyvek material, full coverage coverall suits.
3. Foot protection: a. chemical resistant rubber boots, or b. disposable boot covers with a tread sole bottom.
4. Hand protection: chemical resistant neoprene or nitrile coated gloves.
5. Respiratory protection: a. half face air purifying respirators, or b. full face air purifying respirators.

D. Clothing Restriction.

No synthetic clothing will be worn under the exposure suit by any personnel involved in a clandestine laboratory crime scene investigation, other than Nomex coveralls.

IV. SECURING OF CLANDESTINE LABORATORY CRIME SCENE

A. PLANNING Responsibilities

While a BNE Task Force may have developed sufficient investigatory information for an enforcement action, the BNE lab team shall coordinate and/or oversee the enforcement aspects of the investigation.

1. This is the initial phase of any clandestine laboratory enforcement action. This phase specifically involves documenting intelligence information relating to chemical safety issues, development of the emergency evacuation and medical treatment plan, and the commensurate resource management and coordination of personnel and material.
2. The Case Agent has overall enforcement and chemical safety responsibility for responding personnel. The Case Agent shall coordinate service of the search warrant, notification of allied agencies, initiate HARP documentation, and insure participants are briefed regarding issues of safety and procedures.

B. ENTRY Team and Responsibilities

1. The entry team will be comprised of BNE Special Agents and/or a combination of BNE and Federal/Local officers who are properly trained and equipped.
2. To secure the clandestine laboratory scene, arrest and remove suspects to an uncontaminated location.

3. To report any scene observations that were made during the 3-5 minutes of ENTRY regarding chemicals, processing equipment, stages of process, odors etc. to the SSO for documentation, evaluation and to appraise the ASSESSMENT team of conditions.
4. Personal protective safety equipment should not hamper mobility, restrict or reduce breathing efficiency, speech, or reduce dexterity needed for effective firearm usage. The choice of personal safety equipment shall be made based on individualized case information. Protective eye and body equipment (goggles and exposure suits with police identification patches and boot covers), along with an escape egress package shall be worn at a minimum.
5. If a local agency SWAT team is used for ENTRY, the Case Agent and SSO shall attempt to debrief SWAT team members for the information described in No. 3 above.

C. ASSESSMENT Team and Responsibilities

1. The ASSESSMENT team will be comprised of one qualified Criminalist or chemist and one Special Agent (preferably the Case Agent).
2. To determine the explosivity limits, common toxic gases or vapors, and the oxygen levels by utilizing an explosivity/oxygen meter and Draeger detector tubes. And, to report measured levels of gases monitored to the SSO.
3. To deactivate and ventilate the laboratory as needed.
4. To inform the SSO (and the Case Agent if he/she is was not part of the ASSESSMENT team) of all known chemicals and observed hazards associated with the clandestine laboratory scene.
5. To determine when the evidence PROCESSING team may begin. To select the appropriate air purifying cartridge for use by the PROCESSING team if chemicals are on site.
6. To determine when the minimum level of personal protective equipment for the PROCESSING phase may be further reduced and to document the logic for that further reduction.

V. LABORATORY DISMANTLING PROCEDURES

- A. Dismantling is intended to be part of the PROCESSING phase. The ASSESSMENT team shall attempt to reduce chemical vapor levels by deactivating active chemical synthesis processes and ventilation.
- B. Photographs of the inside of the clandestine laboratory site should be taken prior to dismantling. If the site cannot be "downgraded" in the use of personal safety equipment from SCBA to air purifying respirators, photographs shall be taken by the ASSESSMENT team.

- C. Necessary items of evidence shall be removed to a well ventilated area for photography and latent print examination if the laboratory environment cannot be "downgraded" to the use of air purifying respirators.
- D. Dismantling the chemical synthesis process shall be done at the direction of the Criminalist or chemist.

VI. EVIDENCE HANDLING AND STORAGE PROCEDURES

A. PROCESSING Team and Responsibilities

- 1. The PROCESSING team is comprised of lab team personnel who have been trained in the use of respirators. Because use of SCBA equipment increases metabolic stress, and the duration of this investigatory phase averages between 8-13 hours, air purifying respirators are intended to be used after the ASSESSMENT phase whenever possible.
- 2. To identify, document and collect evidence of criminal activity.

B Handling and Storage Procedures

- 1. The Criminalist(s) or chemist(s) shall be responsible for sampling controlled substances and hazardous chemicals.
 - a. All sampling shall be conducted under environmental conditions conducive to safety and with adequate personal protection against toxic exposure.
 - b. Under no circumstances shall lab team personnel use their sense of smell to identify hazardous materials during ASSESSMENT and PROCESSING phases.
 - c. Samples shall be placed in suitable sealed containers (such as glass bottles with teflon lined caps) and sealed in impervious containers (such as Kapak bags).
- 2. Photographs shall be taken of all samples with the original containers and numbered as such for evidence.
- 3. All chemically contaminated evidence shall be sealed in Kapak bags at the scene and marked with **CAUTION/WARNING** labels, i.e., hazardous material, clandestine laboratory evidence.
- 4. Chemically contaminated evidence shall not be transported in the passenger compartment of a vehicle, stored in an "evidence vault" or submitted as evidence for analysis unless sealed in Kapak bags.

5. Latent Print Analysts shall not process any contaminated surfaces, or items that are covered with residue. Latent Print Analysts should not process any leaking containers or any open containers which do not have a secured lid.
6. All latent print lift cards or any other items to be submitted to the latent print laboratory shall be sealed in Kapak bags or other appropriate containers at the scene.
7. Photographs shall be taken of any evidence items to be removed from the laboratory scene.
8. Photographs should be taken of any item from which latent prints were lifted.

VII. AIR MONITORING EQUIPMENT

Air monitoring equipment shall consist of two separate instruments. First, a combination meter capable of detecting and warning of explosive levels of organic vapors and, providing a quantitative measurement of oxygen. The second instrument is a hand held Draeger bellows pump with selected sample tubes for detection and quantitative measurement of specific vaporous chemicals.

VIII. EXPOSURE RECORDS AND REPORTING

- A. Site General Documentation is provided via the written Hazard Appraisal and Recognition Plan (HARP) which provides a chronological compilation of hazardous and chemical information as it is developed through the course of the investigation. The HARP lists the chemical process believed to be possible or operational, names of chemicals found, quantitative measurements from monitoring and the logical basis for any variations in the level of personal protective equipment defined by this manual of instruction and procedures. The HARP also includes written documentation of unusual incidents, and employee safety concerns and resolution.

HARP documentation serves three primary purposes. First, it provides generalized chemical information that must be provided to the DHS pursuant to H&S 25220 "Request for information" to assist them in a determination of designating the clandestine laboratory site as hazardous waste property. Secondly, it documents the employee's work duties for the particular site and, that information may become useful for future medical evaluation and/or epidemiologic research. Lastly, the HARP documentation in combination with medical surveillance parallels the DHS HARP program for their employees who respond to toxic waste sites where unidentified chemicals are present and material safety data sheets are not available or useful because of the unknown situation.

A HARP documentation package shall be generated for each clandestine laboratory investigation. The original HARP documentation shall be maintained by the Clandestine Laboratory Coordinator in BNE headquarters. Because the HARP documentation contains on site chemical information and identifies employees involved in the particular investigatory phase, the completed packages shall be maintained for the length of employment of the employees plus 30 years. The employee shall have full access to his/her site specific information (defined immediately below) and the generalized HARP information.

- B. Site Specific Documentation is provided via the Clandestine Laboratory Exposure Report (CLER) and the State Employer's Report of Occupational Injury or Illness report (form No. 3067). The CLER is tailored to clandestine laboratories, should be filled out in the field, and provides more specific exposure information for the individual. Form 3067 has state wide application for any occupational injury or illness that results in lost time beyond the day of injury, where medical treatment other than first aid is required, or other serious injury as described on the form, and is completed by the employee's supervisor. Both reports (CLER and 3067) shall be completed for any incidents of exposures to chemical vapors or physical body (tissue) contact which results in perceived or observed abnormal health reactions. Without perceived or observed abnormal health reactions, there is no specific need to complete the exposure report.
1. The CLER shall be completed by the SSO in the field. The case agent shall attempt to verify the factual basis of the conditions that resulted in the chemical exposure, or to report the conditions as he/she knew them to be and cosign the report. The role of the SSO and case agent is in fact finding and reporting information as accurately as possible.
 - a. If significant abnormal health reactions occur, in the field, that require the attention of a physician, a CLER shall be completed and provided to the attending physician as information. The physician may retain a copy of the CLER as part of the patient's medical records. The original CLER shall be provided to the employee's supervisor for their assistance in completing the 3067 form.
 - b. If significant abnormal health reactions occur in the office subsequent to the field investigation, both reports (CLER and 3067) shall be completed by the employee's supervisor. Information regarding the extent of an injury and its cause is the responsibility of the supervisor who may interview the injured employee or any other witnesses, if any.
 2. Both exposure reports (CLER and 3067) shall be forwarded to the Clandestine Laboratory Coordinator, BNE headquarters. CLER's that have not been reviewed and cosigned by the Case Agent where

the exposure is believed to have occurred may be referred to the Case Agent for verification of the reported factual basis. Exposure reports shall be reviewed by BNE and BFS safety coordinators. The purpose of the review process is to evaluate reported exposures to determine if they were preventable and to recommend action, as necessary, to avoid future similar exposures. A copy of the CLER will be attached to and remain a part of the original HARP documentation package. All personal identifiers i.e., name, social security number, addresses etc. that identify the exposed employee shall be removed from the copy of the CLER before inclusion as part of the HARP documentation.

3. Original exposure reports (CLER and 3067) shall be forwarded, by the Clandestine Laboratory Coordinator, to the DOJ, Administrative Services Division (ASD), Personnel Transactions Unit for processing and storage.
- C. Sick Leave Reporting and Prompt Medical Treatment. The PLANNING phase of the investigation details specific procedures for prompt medical attention in the field. However, by the nature of some chemical exposures, delayed effects may be felt or observed several days after initial exposure. In the office, the employee's supervisor is responsible for assuring prompt medical treatment and the reporting of sick leave.
1. If abnormal health effects are reported or observed at the employee's unit subsequent to field operations, the employee's supervisor shall authorize sick leave. Sick leave shall be reported on the 634 "Absent Request Form" as SX if the employee has sick leave accrued and wishes to use it. If the employee chooses to use vacation or compensating time off credit, the supervisor shall use VX or TX respectively. If the employee has no available time credits to use, the supervisor shall use LX for the sick leave. If it is determined, by the State Compensation Insurance Fund, that the illness is work related the authorized leave time will be recorded as 4800 time for peace officers or as Industrial Disability Leave for non-peace officers, and the time used as leave time shall be credited back to the employee's account.
 2. If the employee(s) believes that the illness resulted from a prior chemical exposure at a clandestine laboratory investigation and requests a medical examination or treatment, the supervisor shall determine if the employee wishes to be seen by his/her designated physician or the departmentally contracted physician.
 - a. If the departmentally contracted physician is selected the supervisor shall immediately advise the Clandestine Laboratory Coordinator to arrange for the examination through the University of California, Davis Medical Center, Occupational and Environmental Medical Clinic.

- b. If the employee selects to be seen by his/her personal physician, the supervisor shall insure that the physician is provided with the following documents, (1.) a copy of the CLER prepared by the supervisor, (2.) a copy of this Clandestine Laboratory Manual of Instruction and Procedure, (3) a copy of urgent care medical instructions, prepared by U. C. Davis Medical Center (see appendix A.) and, (4.) the address of the DOJ, Labor Relations Office, listed below, where the Medical Test Results (defined in "C." below) are to be sent:

California Department of Justice
Office of the Attorney General
Labor Relations Office
1515 K Street
Sacramento, CA 95814

An employee selecting to use their personal physician shall make full payment of all associated medical costs. The employee shall forward all medical bills to the Labor Relations Office (address listed above). The Labor Relations Office shall forward all bills to the State Compensation Insurance Fund (SCIF) for review and processing. If SCIF determines that the injury is job related, they will reimburse the employee for any medical costs.

- c. If the supervisor determines that the employee(s) medical need requires urgent medical care, he/she shall obtain transportation for the employee(s). The supervisor shall provide a copy of urgent care medical instructions, prepared by U. C. Davis Medical Center (see appendix A.) to the attending medical staff. The issuance of medical results and associated billing shall be in accordance with both "b." and "C." (immediately above and below respectively).

C. Medical Test Results. Detailed test results are confidential and privileged between the employee and the medical staff. Both Federal and proposed State regulation [29 CFR Part 1910.120(f), and Title 8, Section 5192(f) respectively] require the employer to obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

1. The results of the medical examination and tests.
2. The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health.
3. The physician's recommended limitations upon the employees assigned work.

4. A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

A copy of the written physician opinion sent directly to the labor relations office by the employee's personal or urgent care physician shall be provided to the employee's bureau safety coordinator who shall provide the copy to the employee's supervisor who shall, in turn, provide the copy to the employee.

- D. The Official Toxic Exposure Record is a separate and distinguishable record folder from the employee's official personnel record folder. The employee's official toxic exposure record is a folder containing restricted access information, for individual employees, that is managed and maintained by the DOJ, ASD, Personnel Transactions Unit in accordance with State Administrative Manual sections 2590 and 2590.1. The folder shall include at least the following information:

1. The name and social security number of the employee.
2. Original documentation of site specific exposure information.
3. Original physicians' written opinions.
4. A copy of this Clandestine Laboratory Manual of Instruction and Procedure.

IX. HAZARDOUS WASTE DISPOSAL

- A. All chemicals not retained as evidence and other toxic waste shall be packaged, hauled, and stored by a licensed hazardous waste hauler in accordance with all applicable federal, state and local regulations, i.e., Title 22, Chapter 30 California Administrative Code and U. S. Toxic Substances Control Act.
- B. All hazardous materials and disposable equipment including protective clothing, respirator cartridges, used Draeger tubes, fingerprint brushes and powder shall be provided to the waste hauler at the site.
- C. Nondisposable equipment should be decontaminated at the site. Waste water will be provided to the waste hauler. Equipment items that cannot be decontaminated at the site shall be placed in a plastic bag and sealed. Decontamination shall be performed by the user of the equipment as soon as possible.
- D. A departmentally contracted hazardous waste hauler shall be notified as soon as possible as to the type of clandestine laboratory and the amount and nature of hazardous waste to be disposed of.

- E. The Case Agent shall assign a special agent to maintain scene security and the personal protection of non-employees until all items to be disposed of are packaged and the waste hauler is ready to leave the crime scene.

X. ASSISTING OTHER AGENCIES

This manual of instructions and procedures provides for a coordinated response by BNE and BFS to meet the needs of law enforcement agencies in the safe investigation and handling of clandestine laboratories. When assisting local and/or federal agencies, the policies and procedures set forth in this manual shall be strictly adhered to by all California DOJ personnel.

Law enforcement requests for BFS services only shall be addressed as follows:

- A. Local law enforcement agencies requesting assistance from BFS criminalistics laboratories shall be referred to the regional BNE lab team. BFS latent print or photography sections may respond to local and/or federal law enforcement agency requests for assistance, where a DEA-chemist or non-BFS Criminalist has been asked to participate, without referral or notification to the regional BNE lab team. The agency requesting latent print or photography assistance shall be informed that all "field" operational requirements in Sections II through VII and IX of this manual of instructions and procedures shall be followed and that any variation from this protocol is cause to halt any processing and return to the "home" office.
- B. BFS employees are specifically directed not to provide "field" instruction, personal safety equipment or advice that would reduce or substitute the requirements of this manual such that "field" operations could continue. It is the responsibility of the local and/or federal agency to be conversant with and to adhere to the requirements in this manual.

XI. NOTIFICATION OF TOXIC WASTE HAZARDS

- A. The question of abatement (cleanup) responsibility is a complex problem that is currently the subject of litigation between State and local authorities; additionally, there is proposed 1987 legislation (AB 870 by Sher) for the State to recover cleanup expenses when using public funds to improve private property. The question of notification of local or state authorities subsequent to an enforcement action involving the transfer, storage or disposal of hazardous waste is however clear. If local authorities need assistance in administrative direction regarding additional abatement, they should be referred to the DHS Toxic Substances Control Division.

- B. Written notification to responsible parties for potential nuisance abatement (cleanup) shall be provided by the Special Agent Supervisor who has regional jurisdiction over the clandestine laboratory investigation. The communication shall notice parties of (1.) the criminal investigation and subsequent enforcement action, (2.) observations made incident to the enforcement action "indicating the transfer, storage and/or disposal of hazardous chemicals" at the investigation site, (3.) Governmental seizure and removal of "bulk" chemicals and other hazardous materials has occurred, and (4.) because there may still be significant chemical contamination at the property, copies of this notification are being sent to local and/or state authorities concerned with environmental toxic contaminations.
1. If the investigation site is on privately owned land, the notification letter shall be addressed to the property owner of record and copies sent to the local Board of Supervisors and the local health officer pursuant to Division 20, Section 25180.7 of the Health and Safety (H&S) Code. Section 25180.7 requires notification to local authorities within 72 hours.
 2. If the investigation site is on public land owned by a city, county or State agency, the notification letter shall be addressed to the State Department of Health pursuant to Division 20, Section 25242 of the H&S code. Copies of the notification letter shall be sent to local Board of Supervisors and the local health officer pursuant to H&S Code Section 25180.7. Section 25242 describes unauthorized disposal of hazardous waste on, under or into the land.
 3. If the investigation site is on privately owned land where there is reasonable cause to believe that chemical contamination has occurred onto adjoining privately owned property, through a public sewage system or onto public land, the notification letter shall be addressed to the property owner of record where the source of chemical contamination originated and copies sent to the local Board of Supervisors, local health officer and the Department of Health Services pursuant to H&S Code Sections 25180.7 and 25242.

XII. PRISONER HANDLING

- A. The following personal protective safety equipment shall be provided to a suspect in the event the clothing is deemed to have been contaminated:
1. Paper coverall suits
 2. Paper booties.
- B. Correctional facility and transporting officers shall be notified of any prisoners who are contaminated.

XIII. MEDICAL SURVEILLANCE

Medical surveillance is a departmentally sponsored, voluntary, program in which employees are strongly urged to participate. Three services are provided:

- A. The basic medical service or "base-line" includes a review of the patient's medical history and chemical testing of blood and urine to establish clinical parameters that can be monitored through time for abnormal variation. Blood and urine testing is performed yearly.
- B. The determination of respiratory fitness is a medical evaluation that is performed yearly.
- C. A personal examination by the departmentally contracted physician(s) may be requested by the employer and/or employee upon failure of "base-line", respiratory fitness determination or subsequent to field chemical exposure.

XIV. TRAINING

Department and local agency personnel assigned to clandestine laboratory investigations shall be provided training in: (1.) the California Worker's Right-To-Know law and hazard recognition, (2.) Clandestine Laboratory Manual of Instruction and Procedure, (3.) HARP documentation and (4.) the Division's written respiratory program .

Training shall be provided through a coordinated effort between BNE and BFS technical experts, the Division of Law Enforcement's Advanced Training Center (ATC), and the BFS California Criminalistics Institute (CCI).

Specialized training in the use of monitoring equipment shall be provided to employees assigned to the ASSESSMENT team.

XV. MANUAL REVIEW

A process of information feedback, through employee recommendations, concerns and/or complaints, for improving the instructions and procedures required by this manual shall be made available to all DOJ and/or Lab Team personnel. Employee information feedback forms shall be made available to all eligible personnel. The forms may be completed anonymously and submitted from the "field" or the "office." If the form is completed in the "field", it should be given to the SSO who will attach it to the HARP documentation. If it is completed in the "office", it can be submitted to either the Clandestine Laboratory Coordinator or to a member of the Clandestine Laboratory Safety Committee.

The Clandestine Laboratory Safety Committee shall convene periodically to review employee feedback information, and recommend modifications to this manual of instruction and procedure.

**EMPLOYEE FEEDBACK INFORMATION
CLANDESTINE LABORATORY OPERATIONS**

NAME _____ Employee BFS ___ BNE ___ NTF ___
(Name is optional) (Check one)

DATE _____ Assigned Unit _____
(Date submitted) (Assigned unit is optional)

INSTRUCTIONS: Please provide specific detail regarding your suggestion, concern and/or complaint regarding clandestine laboratory operations. When completed, this form should be submitted to the SSO, a member of the clandestine laboratory safety committee or mailed to: California Department of Justice, Bureau of Narcotic Enforcement, P.O. Box 161089, Sacramento, CA 95816-1089, attn. Clandestine Laboratory Coordinator.

If more space is needed, please use the back of this form.

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