

	STANDARD OPERATING PROCEDURE <small>State Form 39870(R/S-06)</small>	Reference Number INV-012
	Subject Drug Interdiction and Seizure of Other Contraband	
	Special Instructions Replaces INV-017 dated February 1, 2012	Effective Date January 15, 2015

I. PURPOSE

Establish the Department's guidelines for performing drug interdiction and conducting searches that have and have not been authorized by a judicial agency.

II. POLICY

All Department police employees shall utilize a thorough and exhaustive traffic enforcement policy and proper investigative techniques to interdict drugs and other contraband, in compliance with applicable state and federal laws and Departmental procedures. Personnel of the Special Investigations Command (SIC) should be utilized when an interdiction stop/seizure leads to additional areas of investigation.

III. PROCEDURE

A. Departmental drug interdiction efforts shall be based upon a thorough and exhaustive traffic enforcement policy and/or proper investigative techniques.

Vehicle stops shall be based upon:

1. Violations of law involving motor vehicles; and/or
2. Probable cause or reasonable articulatable suspicion that a crime has been committed or is about to occur.

B. Stops shall not be based upon profiles.

1. "Spotlighting" of passing vehicles is not authorized for acquiring drug interdiction activity.
2. Observed violations shall be properly documented, e.g., UTT, written warning. Violations authorizing the stop shall be documented in a criminal incident report or a field arrest report when required.

C. Detention of a vehicle and occupant(s), beyond a reasonable amount of time to complete duties normally associated with a traffic stop, shall be justified by articulatable facts including, but not limited to the officer:

1. Detecting/establishing probable cause of a crime; and/or
2. Developing probable cause or reasonable articulatable suspicion of criminal activity.

D. The length of the detention of a vehicle and occupant(s) shall be justified by the continuing development of facts that a crime has occurred or is occurring, e.g., a positive criminal history of an occupant(s), conflicting stories, etc.

E. Absent consent, a vehicle and occupant(s) shall be released when procedural requirements listed in Section III. D above are not met or the length of detainment can no longer be justified by nonexistence of facts relating to criminal activity.

F. A search of a motor vehicle may be conducted if there is probable cause for reasons stated in Section III. D above and the situation comes within the Carroll Doctrine. The Carroll Doctrine

allows an officer to search a vehicle without a judicially issued search warrant if the vehicle's mobility makes it impracticable for a search warrant to be obtained.

G. All vehicular searches shall follow the guidelines of SOP LEG-005 (Warrantless Searches).

H. An enforcement officer shall adhere to the guidelines of this section when a consensual search is sought following the completion of a traffic stop and the driver's license and vehicle registration have been returned:

1. The person in control of the vehicle shall be clearly asked for "consent to search" the vehicle. This request shall be documented by;

a. The Department authorized, "Consent to Search/Advise of Rights" form, (English version, State Form 3932/R or Spanish version, State Form 47299) shall be completed. The form shall be signed by the person in control of the vehicle, or

b. A recorded conversation or a recording on audio/video tape with the person in control of the vehicle and submitting to the search.

NOTE: If a consent to search has been documented by audio or audio/visual means, that audio or audio/visual recording tape shall be placed into evidence until all stages of prosecution and appeals have been exhausted.

2. Sufficient probable cause or articulable suspicion must exist prior to asking for consent.

3. The search shall stay within the scope of the consent to search given. It shall cease if the consent to search the vehicle becomes withdrawn and no probable cause to continue the search has been found.

NOTE: An indication by a trained and certified drug detection canine provides sufficient probable cause to perform a search without a "judicial search warrant" or a "consent to search" by the person in control of the vehicle. It is always better to obtain a written and signed consent to search or a valid written judicial search warrant before performing any search.

4. Any delay in obtaining a canine must be reasonable.

5. If a Department canine is not readily available, canines from another agency may be requested; and

NOTE: Employees shall be mindful of the recommended judicial procedure(s) required by the county prosecutor's office and if it is applicable and authorized for that specific situation and that specific county of venue.

6. Every effort shall be made to avoid damage to the vehicle being searched and other property owned or controlled by the driver or occupant(s) in the vehicle during the search; realizing that contraband may not be found.

a. Following an unsuccessful search, every effort shall be made to restore the vehicle and contents to its condition and location prior to the search;

b. If damage has been done, a "State of Indiana Tort Claim" form shall be provided to the person in control of the vehicle; and

c. The officer who initiated the stop shall inform the applicable district duty officer so information can be entered into Interact Mobile; additionally, the officer's immediate supervisor shall be notified of any damage that had been done or accusation that damage had been done, in memorandum form, within three working days from the date of the incident.

I. If an El Paso Intelligence Center (EPIC) pipeline check has been conducted a return call shall be made to EPIC by the applicable district telecommunications center personnel advising the results of the stop. If a significant amount of drugs has been located without prior contact with EPIC, they should be called and alerted to the seizure.

NOTE: A positive EPIC response does not create probable cause to search a vehicle.

J. The following must exist when making an interdiction stop before contacting SIC for assistance:

1. The occupant(s) have a significant amount of controlled substance in their possession;
2. The controlled substance is in a quantity that obviously reflects a drug courier or drug operation, as opposed to personal use; and
3. The occupant(s) of the vehicle are willing to cooperate with authorities in an attempt to make a controlled delivery.

K. If all requirements in Section J above are present, the officer making the seizure of a controlled substance(s) shall notify the appropriate district of the situation.

L. The district duty officer shall contact the:

1. District commander and district investigative commander (DIC).
2. If assistance is requested from the Drug Enforcement Section (DES), a DES supervisor should be contacted and a DES detective will be assigned to assist.

M. If the seizure is one that meets the federal thresholds and federal participation would help facilitate a controlled delivery or further the investigation, the appropriate federal agency should be contacted.

N. If the case will be prosecuted at the state level:

1. Contact the appropriate prosecutor's office in the county of venue (county where the seizure took place) and seek approval in making a controlled delivery.
2. Develop an operational plan to facilitate the delivery.
3. Receive approval by a supervisor prior to implementation. The operational plan shall contain:
 - a. The best way to transport the drugs,
 - b. Identification information of the cooperating defendant(s),
 - c. Information about the vehicle used to transport the controlled substance(s), and
 - d. The number of personnel required to complete the investigation.
 - e. The contents of the shipment shall be photographed.
 - f. A prosecutable sample of the contraband shall be removed and maintained as evidence.

g. A supervisor shall be present during the operation and shall ensure that all times the contraband is accounted for and under constant surveillance, and shall be responsible for the contraband until the conclusion of the detail.

O. Out of State Deliveries: The assigned officer shall complete the following when seizing an out-of-state controlled substance(s) delivery that is of such a sizable quantity that federal prosecution is warranted and the controlled substance(s) is being transported to another state:

1. Contact the appropriate federal agency to assist. In most cases, this will be the Drug Enforcement Administration (DEA) Indianapolis office 317- 226-7977.

2. Advise the federal agency the suspect's name and the amount, type, and alleged final destination of the seized controlled substance(s); and

3. After the completion of the controlled delivery of a controlled substance(s), complete a supplement to the initial case report. The report shall contain, at a minimum;

- a. The names of the participating agencies in the follow-up investigation,
- b. Location where the follow-up investigation took place,
- c. Name(s) of additional suspect(s),
- d. Charge(s) for additional suspect(s),
- e. Additional drug or money seizures, and
- f. Amount of time spent on the follow-up investigation.

P. The designated supervisor shall complete the following when controlled substances are seized that are allegedly to be delivered out of state:

1. Review the operational plan submitted by the assigned officer, ensuring that all steps and necessary information have been accumulated;

2. If the receiving federal agency accepts the controlled delivery, coordinate with them for all arrangements associated with the delivery of the controlled substance(s);

3. If the receiving federal agency declines the controlled delivery, contact the appropriate out-of-state law enforcement agency in the state where the delivery is allegedly destined and ascertain if they have an interest in the case and seek their assistance in the controlled delivery;

4. If the out-of-state law enforcement agency in the state where the delivery is allegedly destined agrees to accept the case, the assigned supervisor shall contact the prosecutor's office in the county of venue (county where the seizure took place) and seek approval of making the out-of-state delivery;

5. If the out-of-state law enforcement agency in the state where the delivery is allegedly destined declines to accept the case, discontinue efforts to make the out-of-state delivery.

6. If requirements in Sections P. 1 or P. 3 above are in compliance, seek and receive final approval for the controlled delivery by the SIC Commander.

Q. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.