

IDAHO STATE POLICE PROCEDURE

08.03 CLANDESTINE LABORATORIES

I. GENERAL

The safest possible investigation of clandestine laboratories is achieved by avoiding or reducing chemical exposure to known acceptable levels of risk. Safe clandestine laboratory (clan lab) investigations are accomplished through phased investigatory procedures, information gathering and evaluation, and proper selection and use of personal protective equipment (PPE).

II. DEFINITIONS

- A. “Clandestine laboratory” or “clan lab” means an illicit operation consisting of a sufficient combination of apparatus and chemicals to indicate use in the manufacture and/or synthesis of controlled substances.
- B. “Lab team” means the Idaho State Police (ISP), Drug Enforcement Agency (DEA) and local law enforcement agency personnel assigned to secure and investigate a specific clan lab.
- C. “Regional Hazardous Materials Response Team” for each region means:
 - 1. RRT1 hosted by Kootenai County Fire covering Benewah, Bonner, Boundary, Kootenai, and Shoshone counties.
 - 2. RRT2 hosted by Lewiston Fire covering Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties.
 - 3. RRT3 hosted by Caldwell Fire covering Adams, Canyon, Gem, Owyhee, Payette, and Washington counties.
 - 4. RRT4 hosted by Boise Fire covering Ada, Boise, Camas, Elmore, and Valley counties and the following counties in Region 5—Blaine, Gooding, Jerome, Lincoln, and Twin Falls.
 - 5. RRT6 hosted by Pocatello Fire covering Bannock, Bear Lake, Butte, Bingham, Caribou, Franklin, Oneida, and Power counties and the following counties in Region 5—Cassia and Minidoka.
 - 6. RRT7 hosted by Idaho Falls Fire and covering Bonneville, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton counties.

III. PERSONNEL DUTIES

- A. ISP personnel participate only at a level consistent with the individual’s training and available equipment.
- B. Personnel must comply with all requirements of [OSHA 1910.120](#)
- C. The district Investigations Lt. designates an ISP district Investigations Safety Officer to:
 - 1. conduct and document monthly checks of PPE for defects;

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2. perform minor maintenance of all PPE;
3. ensure adequate supplies of disposable PPE;
4. relay safety information between the lab teams and the district Captain; and
5. make recommendations to the Operations Major regarding safety.

D. The case detective:

1. assigns and directs the Site Safety Officer for the particular investigation;
2. initiates and develops the planning phase of the clan lab investigation;
3. directs the entry phase and ensures entry officers are supported by rescue personnel equipped with Self Contained Breathing Apparatus (SCBA);
4. assists the criminalist(s) and/or chemist(s) during the assessment phase and directs the overall evidence gathering by the lab team from within or outside the scene; and
5. assigns photographers to photograph any site or storage facility containing clan lab apparatus or chemicals.

E. The Site Safety Officer:

1. compiles [Hazard Assessment Recognition Plan](#) (HARP) documentation throughout the operation including:
 - a. pre-raid intelligence information;
 - b. emergency evacuation, fire suppression and medical treatment plans;
 - c. observations made during the entry phase;
 - d. all chemicals and processes indicated at the site; and
 - e. unusual incidents, accidents or other relevant information about the operation;
2. briefs involved personnel including all assisting personnel and allied agencies on all known hazards associated with the clan lab prior to:
 - a. service of the search warrant; and
 - b. each phase of the operation;
3. notifies allied agencies and coordinates service of the search warrant;
4. contacts the Regional Hazardous Materials Response Team to ensure all safety related equipment is available during the processing of the clandestine lab.
5. modifies the emergency evacuation and medical treatment plans after consultation with the case detective and the chemist as appropriate;
6. coordinates and implements the emergency evacuation plan for the site in accordance with the planning phase documentation;
7. monitors compliance with this procedure, [OSHA 1910.120](#) and applicable training throughout the operation including:
 - a. necessary competency with equipment and procedures;
 - b. physical condition of personnel;
 - c. medical monitoring of personnel including heart rate, body temperature, respiration and blood pressure;
 - d. standby rescue personnel; and
 - e. other OSHA requirements;
8. reports noncompliance in the field to the case detective and the employee's supervisor;

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9. reports noncompliance at the office to the employee's supervisor; and
10. attaches a report detailing noncompliance to the HARP submitted to the district Captain and District Major.
11. resolves conflicts between employees regarding issues of safety and scene processing; and
12. ensures all original [HARP](#) documentation is completed and submitted to the Operations Major.

F. An ISP Forensic Services (FS) chemist may:

1. respond to a clan lab location when requested by the case detective;
2. consult with the case detective and the Site Safety Officer regarding assessment and processing phases of the operation;
3. evaluate the health and safety hazards of the site; and
4. recommend moving from the assessment phase to the processing phase when appropriate.

IV. SECURING CLANDESTINE LABORATORY CRIME SCENES

- A. Only ISP personnel who have successfully completed hazardous material training and demonstrated competency at the technician level are assigned to the entry, assessment or processing teams in accordance with [OSHA 1910.120](#).
- B. Planning is the initial phase of any clan lab enforcement action, beginning when information about a possible clan lab is received;
 1. [HARP](#) documentation is started;
 2. the case detective notifies the DEA-identified point of contact using the protocol outlined in section F. of this procedure.
- C. Additional intelligence is gathered and ISP entry into the clan lab becomes more likely;
 1. the case detective applies for a search warrant and a court order authorizing destruction of any toxic or dangerous chemicals, contaminated glassware and equipment found at the clan lab site pursuant to [I.C. § 37-2732 \(f\)\(2\)](#);
 2. the Site Safety Officer or designee requests that the Regional Hazardous Materials Response Team be activated by calling State Comm (1-888-575-2666).
 3. State Comm will contact a representative of the Idaho Office of Emergency Management and Homeland Security who will, upon his or her authorization of said request, dispatch the respective Haz Mat Team;
 4. The site safety officer and/or the case detective may contact Forensics Services, if needed, for a clan lab advice.
- D. Further intelligence is gathered and ISP decides entry will occur;
 1. the case detective notifies the DEA point of contact that an entry will take place and asks DEA to arrange for a disposal company;

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2. unless intelligence strongly indicates the clan lab will be boxed and there will be no detectable contamination, the Site Safety Officer schedules a planning meeting.
- E. A planning meeting is held with all anticipated participants to finalize the:
 1. entry plan;
 2. emergency evacuation plan;
 3. medical treatment plan; and
 4. coordination of personnel and resources.
- F. Although a detective or local officer may have developed sufficient investigatory information to justify the enforcement action, the entry team coordinates and oversees the enforcement aspects of the investigation.
- G. The entry team:
 1. serves the search warrant;
 2. secures the clan lab scene;
 3. arrests and removes suspects to an uncontaminated location; and
 4. reports any scene observations made regarding:
 - a. chemicals;
 - b. processing equipment;
 - c. stages of process;
 - d. odors; and
 - e. any other observed conditions;
 5. wears PPE as needed but the equipment should not:
 - a. hamper mobility;
 - b. restrict or reduce breathing efficiency;
 - c. impair speech; or
 - d. reduce dexterity needed for effective firearm usage.
- H. The assessment team is comprised of:
 1. the case detective or a clan lab qualified detective; and
 2. an ISP Hazmat Specialist unless the lab is boxed.
- I. The assessment team, using equipment provided and maintained by the Regional Hazardous Materials Response Team, samples and determines the explosivity limits, common toxic gases or vapors, and oxygen;
 1. deactivates active chemical synthesis processes and ventilates the clan lab as needed;
 2. reports the following to the Site Safety Officer and, if needed, the case detective:
 - a. environmental sampling results;
 - b. all known chemicals present; and
 - c. observed hazards associated with the clan lab;
 3. determines when the processing team may begin; and
 4. determines and documents when the level of PPE for the processing phase may be reduced.

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- J. The processing team identifies, documents and collects evidence of criminal activity:
- K. The Case Detective or chemist, when requested by the case detective:
 - 1. conducts field tests of suspected controlled substances, if appropriate;
 - 2. samples suspected controlled substances and hazardous chemicals (liquid samples must not exceed 500 milliliters in volume leaving adequate vapor space above the liquid to compensate for expansion);
 - a. place samples in suitable containers, seal the containers and mark according to ISP procedure [06.09 Evidence and Property](#);
 - b. place sealed and marked containers into impervious containers, seal, and label containers with “Hazardous Evidence” warning stickers;
 - c. place all properly sealed containers in a sturdy, leak-proof, non-metal container imbedded in an absorbent material;
 - 3. directs dismantling of the active chemical synthesis process;
 - 4. takes photographs of:
 - 1. the inside of the deactivated clan lab;
 - 2. all samples with the original containers and a marker showing the assigned exhibit number;
 - 3. any evidence items to be removed from the clan lab scene; and
 - 4. any item from which latent prints were lifted.
- L. Chemically contaminated evidence is:
 - 1. sealed in containers as noted above and marked with CAUTION/WARNING labels;
 - 2. transported in the passenger compartment of a vehicle, stored in an “evidence vault”, or submitted as evidence for analysis ONLY when sealed in containers; and
 - 3. kept sealed during all court proceedings.
- M. If the hazard level of the clan lab site cannot be downgraded sufficiently to allow use of air-purifying respirators instead of SCBAs:
 - 1. the assessment team photographs the inside of the clan lab; and
 - 2. necessary items of evidence are removed to a well-ventilated area for photography.

V. PERSONAL PROTECTIVE EQUIPMENT (PPE)

- A. PPE is provided to ISP lab team personnel and is reevaluated at each phase of the operation.
- B. Equipment appropriate to the known or suspected hazards but no less than the identified minimum is worn at all times.
- C. No synthetic clothing is worn under the exposure suit. Only natural fiber, such as cotton coveralls are acceptable clothing to wear under the exposure suit.

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- D. Undergarments should be of natural fiber such as cotton.
- E. Minimum PPE for the ENTRY team is:
 - 1. non-vented, non-fogging goggle or plastic “flip-up/down” face shield eye protection;
 - 2. nylon belt, holster, ammunition holders and handcuff cases;
 - 3. law enforcement identification clothing patches;
 - 4. protective ballistic vests and helmets;
 - 5. Cotton coveralls, gloves and hood;
 - 6. handheld radio with throat microphone (if available); and
 - 7. an emergency egress package with a minimum 5 minute escape air supply is optional.
- F. Minimum PPE for the ASSESSMENT team is Level B:
 - 1. SCBA;
 - 2. Saranex-coated, tyvek-material, full-coverage coverall suits;
 - 3. chemical-resistant rubber boots equipped with a steel toe and shank;
 - 4. chemical-resistant neoprene and nitrile-coated gloves, double layered;
 - 5. Cotton coveralls worn under the Saranex exposure suits;
 - 6. handheld radio with throat microphone (if available).
- G. Minimum PPE for the PROCESSING team prior to chemical and hazardous material stabilization and storage is:
 - 1. FULL-face, air-purifying respirators;
 - 2. Saranex-coated, tyvek-material, full-coverage coverall suits;
 - 3. chemical-resistant rubber boots equipped with a steel toe and shank or disposable boot covers with a tread-sole bottom;
 - 4. chemical-resistant neoprene and nitrile-coated gloves, double layered;
 - 5. Cotton coveralls worn under the Saranex exposure suits;
 - 6. handheld radio with throat microphone, if available.
- H. The case detective, district Captain, Investigations Lieutenant, Site Safety Officer, or the district Investigations Sergeant, may require the use of one or more of the following optional personal safety items for the entry team as needed in a raid and throughout the course of the actual lab assessment and processing:
 - 1. gloves;
 - 2. full-face, air-purifying respirators;
 - 3. disposable boot covers with a tread-sole bottom;
 - 4. Saranex-coated, tyvek-material, full-coverage coverall suits;
 - 5. portable radio.

VI. PROTOCOL FOR DEA INVOLVEMENT

- A. The ISP or a local law enforcement agency requests the use of clan lab cleanup funds through the DEA contact personnel, who is designated by the DEA Field Division.

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- B. ISP or the local agency notifies the on-duty contact of the anticipated clan lab operation and requests assistance with a methamphetamine laboratory investigation.
- C. If the contact determines DEA will actively participate in the investigation, the contact proceeds in the normal investigative manner.
- D. If the contact determines DEA will not actively participate in the investigation, if the Department of Justice requirements for use of Asset Forfeiture Funding are not met and if DEA approves, COPS funding may be used.
- E. The DEA contact:
 - 1. issues a "State/Local Cleanup ID Number" or "S" number to the case;
 - 2. completes Part 2 of the National Clandestine Laboratory Cleanup Program (NCLCP) form;
 - 3. faxes the partially completed NCLCP form to the requesting agency; and
 - 4. advises the requesting agency of the OSHA requirements regarding certification of officers present at the clan lab site as enumerated in the introductory portion of the NCLCP form.
- F. The requesting agency completes Part 1 of the NCLCP form and faxes it back to the DEA contact.
- G. The Site Safety Officer notifies the DEA contact when cleanup is needed.
- H. The DEA contact:
 - 1. dispatches DEA's hazardous waste cleanup contractor, providing them with the "S" number;
 - 2. contacts the requesting agency to confirm dispatch of the contractor and estimated time of arrival at the site.
- I. The requesting agency completes Part 3 of the NCLCP form and the [EPIC Seizure form](#) and submits the forms to the DEA contact and Headquarters Captain, respectively, by the end of the business day following the cleanup.
- J. If DEA funding is not available, alternate funding sources may be used.
- K. If there is an anticipated use of DEA managed funds for cleanup, refer to the flow chart on the last page of this procedure.

VII. DECONTAMINATION AND HAZARDOUS WASTE DISPOSAL

- A. Non-disposable equipment is decontaminated:
 - 1. by the user of the equipment as soon as possible;

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2. on-site whenever possible;
3. when on-site decontamination isn't possible, the item(s) are placed in a plastic bag and sealed; and
4. the waste hauler disposes of all wastewater.

B. Disposable equipment discarded at the site is handled as part of the hazardous materials to be disposed.

C. All chemicals and other contaminated materials not retained as evidence are packaged, transported and stored by a contracted, licensed hazardous waste hauler in accordance with all applicable federal, state and local regulations.

D. The case detective, district Investigations Sergeant, or district Investigations Lieutenant assigns a detective or other law enforcement officer to maintain scene security and provide protection until the waste hauler has packaged all items to be disposed and leaves the crime scene.

VIII. EXPOSURE TO HAZARDOUS MATERIALS

- A. Each clan lab operation is treated as a hazardous materials exposure.
- B. The HARP is used to document the incident. Completed HARP forms are forwarded through the chain of command to the Operations Major, who forwards the form to ISP Human Resources, who stores the form in each participating employee's personal Hazardous Materials Exposure file.
- C. The CLER (Clandestine Laboratory Exposure Report) is used to document potential hazardous exposure to each team member who entered, assessed, or processed the scene. Completed CLER forms are forwarded through the chain of command to the Operations Major, who forwards the form to ISP Human Resources, who stores the form in each employee's personal Hazardous Materials Exposure file.
- D. Reporting and follow-up are consistent with ISP procedure [05.01 Exposure to Bloodborne Pathogens and Hazardous Materials](#).

IX. ASSISTING OTHER AGENCIES

- A. When assisting other agencies, ISP personnel strictly adhere to this procedure.
- B. FS responds to requests from other law enforcement agencies:
 1. a latent print examiner may respond to a direct request for assistance where a DEA chemist or non-ISP criminalist will be participating;
 2. other FS employees direct requests for assistance to the District Investigations clan lab team for coordination.

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- C. ISP personnel must not provide “field” instruction, PPE or advice that would allow a non-qualified person to participate in clan lab procedures.
- D. Deviation from this procedure by any parties may result in immediate termination of ISP assistance.
- E. The ISP may decline to assist any agency involved in a clan lab investigation.

X. DECONTAMINATION

- A. In the event any person’s clothing is considered contaminated the person undergoes decontamination in the field if possible.
- B. The person is issued paper coverall suits and paper booties.
- C. Transporting and/or correctional facility officers are notified of the contamination.

XI. CHILDREN PRESENT

When child(ren) under the age of 18 years are present during a clan lab seizure, pursuant to [Idaho Code § 16-1605](#), the case agent shall report the situation to the Department of Health and Welfare (Family and Child Protective Services) within 24 hours.

XII. NOTIFICATION OF TOXIC WASTE HAZARDS

- A. The district Captain/designee sends written notification within 72 hours of the assessment regarding the potential need for nuisance abatement (clean up).
- B. The notification includes:
 1. a synopsis of the criminal investigation and subsequent enforcement action;
 2. observations made during the clan lab operation indicating the transfer, storage and/or disposal of hazardous chemicals at the investigation site;
 3. the seizure and removal of “bulk” chemicals and other hazardous materials; and
 4. mention that copies of the notification are sent to local and/or state authorities concerned with environmental contamination.
- C. If the investigation site is on privately owned land:
 1. the letter is addressed to the property owner of record; and
 2. copies are sent to:
 - a. Department of Environmental Quality Administrator, 1410 N. Hilton, Boise, Idaho 83706-1255;
 - b. Department of Health and Welfare, Indoor Environment Program Manager, PO Box 83720, Boise, Idaho, 83720-0036

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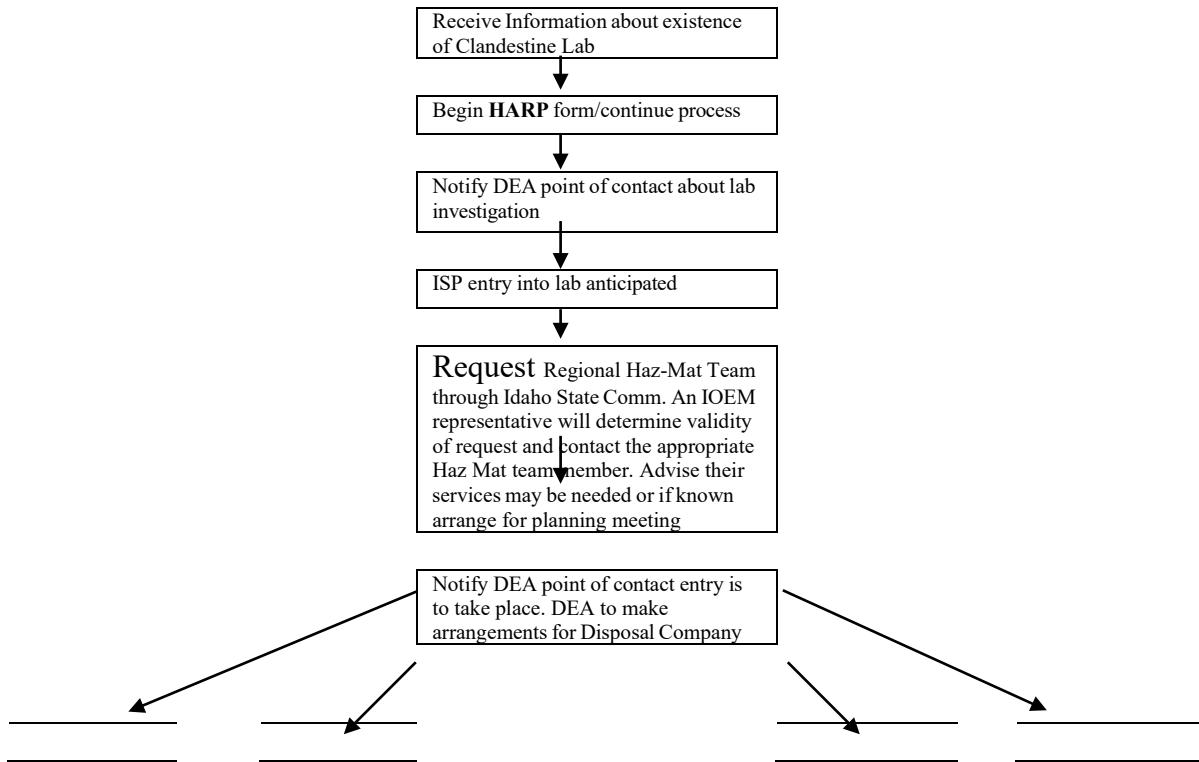
- c. the local county commissioners;
- d. the local county assessor; and
- e. the local health district.

D. If the investigation site is on public land:

- 1. the letter is addressed to Department of Environmental Quality Administrator, 1410 N. Hilton, Boise, Idaho 83706-1255;
- 2. copies are sent to:
 - a. Department of Health and Welfare, Indoor Environment Program Manager, PO Box 83720, Boise, Idaho, 83720-0036
 - b. the local county commissioners;
 - c. the local county assessor;
 - d. the local health district; and
 - e. the administrator for the public agency having stewardship of the land.

E. The district Captain/designee provides all requested information available to any company or individual representing the owner of the property in question. This information should relate to the type, quantity and location of chemicals discovered during the enforcement action.

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