

MEETING DATE: February 26, 2007

AGENDA ITEM : Police Department's participation in a regional methamphetamine narcotics investigation and prevention effort by establishing one police officer position to be funded via reimbursement by the Cal-MMET Task Force Grant Program.

ATTACHMENTS

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OPERATIONAL AGREEMENT

**CALIFORNIA MULTI-JURISDICTIONAL
METHAMPHETAMINE ENFORCEMENT TEAM**

Cal-MMET

OPERATIONAL AGREEMENT

(1) PURPOSE

This Operational Agreement is entered into by the undersigned participating law enforcement agencies to document the policies and procedures for the operation of the California Multi-Jurisdictional Methamphetamine Team (Cal-MMET), established by the Los Angeles County Sheriff's Department (LASD) through a grant from the California Office of Emergency Services (OES). This Agreement is solely an operational agreement. It does not establish, and is not intended to establish, a joint powers authority or any other legal entity or governmental body.

The goals of the Cal-MMET task force are as follows:

- A. Target methamphetamine manufacturers and traffickers who produce or sell significant quantities of methamphetamine, including precursor trafficking.
- B. Disrupt and dismantle clandestine labs and organizations that manufacture and distribute methamphetamine.
- C. Arrest and incarcerate those responsible, and use state and/or federal law to identify and seize assets related to the manufacture and distribution of methamphetamine.
- D. Focus on the safety and well-being of children by coordinating activities to ensure that the child's needs are not overlooked; assist children who have been endangered by exposure to illicit drug environs and its associated hazardous lifestyle, including but not limited to methamphetamine, its precursors, or toxic byproducts; and remove children from these toxic environments. Hold accountable those individuals who willfully create a situation and/or environment where the life or limb of a child may be endangered or his health injured.
- E. Gather and report intelligence data relating to manufacturing, distributing and trafficking methamphetamine, including precursors.
- F. Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the team activities will result in effective prosecution before the courts of the United States and the State of California.

(2) ADMINISTRATION

LASD will oversee the management of Cal-MMET.

(3) AMENDING THE OPERATIONAL AGREEMENT

This Operational Agreement may only be amended upon recommendation by the Sheriff or his designee, or by recommendation from a participating agency Police Chief. Any amendments shall be in writing and shall be effective only upon execution by the Sheriff and all participating agency police chiefs or their designees.

(4) PARTICIPANTS

Each of the participating agencies agree to assign the following personnel to participate in the Cal-MMET task force. LASD also will provide administrative and clerical staff positions which will be grant funded.

Los Angeles County Sheriff's Department	(4) Investigators
	(2) Sergeants
	(1) Lieutenant (Not grant funded)
	(1) Operations Assistant II
	(1) Sheriff's Clerk
Culver City Police Department	(1) Investigator
Glendale Police Department	(1) Investigator
Glendora Police Department	(1) Investigator
La Verne Police Department	(1) Investigator
Cal/DOJ Bureau of Narcotics Enforcement	(2) Investigators (Not grant funded)

(5) AGENCY PARTICIPATION AND TERM OF AGREEMENT

This Operational Agreement shall be effective upon execution by the Sheriff and the Chief of Police of each participating agency. This Agreement shall terminate automatically upon the termination of grant funding for Cal-MMET. An individual participating agency may withdraw from participation in the Cal-MMET task force by providing written notice to the Sheriff as provided below. During the term of this Operational Agreement, the participating agencies shall retain all responsibilities for the employment, salary, benefits and terms and conditions, including discipline and ultimate supervision of their members, during the period in which the Cal-MMET grant is effective.

Withdrawal from participation shall become effective 60-days following the giving of written notice of withdrawal of participation by the participating agency to the

Sheriff. This 60 day period will provide for the timely transfer of assignment and selection of replacement personnel.

In the event of unforeseen emergency or disaster requiring reassignment of personnel or resources, this agreement may be canceled without prior written notice.

(6) DISTRIBUTION OF ASSETS SEIZED

The Cal-MMET task force shall, as it constructs its case investigations, maximize (as possible) the identification of assets for forfeiture. The Cal-MMET task force, when constructing their case investigations, shall use both civil and criminal forfeiture statutes in the seizure of assets. State and Federal asset seizure programs will be utilized by the LASD. Assets will be divided on a basis of the participating agencies' respective contribution of personnel applying the following formula:

- A.** One hundred percent (100%) of all assets seized will be divided among the participating member agencies. For purposes of distribution of assets, the Cal-MMET task force will consist of ten investigators and two supervising sergeants. The current formula for distribution or percentage allocated to each investigator or supervisor, will be a basic formula of 100% of remaining assets after administrative costs are deducted by the appropriate federal or state agency involved in the forfeiture proceeding, divided by the number of team members, including supervisors. Using this formula, the percentage allocation to each participating agency member is 8.33%.
- B.** The disbursement of assets will be based upon the existing participation at the time the seizure takes place. A claim for funds must include, in addition to a reference to the LASD case in question, a statement stipulating that the asset or property will only be used for law enforcement purposes. Adherence to this procedure is necessary for LASD to provide an audit trail which will show that the assets seized are being disbursed and used in accordance with applicable state and federal law.

(7) STRUCTURE

The Cal-MMET task force goals will be implemented by two teams staffed with five investigators and one sergeant each. Both teams will be overseen by one lieutenant, and will have the support of one Operations Assistant II and one Sheriff's Clerk.

The Los Angeles County Sheriff's Department Narcotics Bureau headquarters staff shall be responsible for the administrative operation of the Cal-MMET program.

Each investigative team shall be responsible for enforcement activities within Los Angeles County. Boundaries shall be determined by LASD and shall include all incorporated and unincorporated areas within the County of Los Angeles.

Investigative team boundaries shall not restrict or prohibit the necessary case follow up, investigation, or assistance outside of the County of Los Angeles; however, the case must have a nexus to support "out of county" investigations.

(8) SUPERVISION

Each Cal-MMET team will be supervised by a supervisor of the rank of sergeant. An LASD lieutenant shall be responsible for the leadership and management of both Cal-MMET teams and the support staff.

Team sergeants are responsible for the direct supervision of personnel assigned to their respective teams, and for the tasks assigned to their teams.

Team members assigned to the Cal-MMET program will work full time under the direct daily supervision of the lieutenant and team sergeants. The lieutenant and team sergeants will be under the supervision of LASD and all members will follow required LASD policies, procedures, and guidelines.

Should any of the aforementioned policies, procedures, or guidelines conflict with the policy, procedures, guidelines, training or tactical guidelines of the participating parent agency, the individual member will immediately bring the conflict to the attention of a supervisor. The individual member shall abide by the directives of the parent agency until such conflict is resolved. LASD shall ensure that the appropriate action to resolve the conflict is initiated without delay.

(9) PERSONNEL SELECTION

Participating agencies shall nominate experienced investigators for assignment to Cal-MMET. All investigative positions shall be filled by sworn personnel only.

Final personnel selection decisions will be made by LASD, in consultation with the participating agency heads. Selection may involve an interview process.

Based on the expertise required to conduct major narcotic investigations, a one year minimum assignment is strongly recommended for Cal-MMET personnel. Nothing in this agreement prevents an individual from returning to the participating parent agency for any reason based on agreed upon procedures.

Personnel may be terminated from Cal-MMET and returned to their respective agencies for failure to adhere to policies and procedures at the discretion of LASD, in consultation with participating agency heads.

Personnel suffering injury or illness resulting in extended absence, will only be grant funded for a 30 day period, per OES policy (refer 2117.3 (b) 2006 OES Recipient Handbook). After 30 days, affected personnel may be evaluated and returned to the participating agency at the discretion of LASD, in consultation with participating agency heads.

(10) CASE PRIORITIZATION

Case priorities will be determined by, but not limited to, the sophistication of the enterprise, community impact, personnel and/or equipment availability, and workable investigative leads. Proactive enforcement will be the primary activity of Cal-MMET Teams and will include suspect and location identification, investigation, surveillance, search and seizure, report preparation, suspect arrest and prosecution, and the seizure of assets related to methamphetamine trafficking, distribution and manufacturing. All manner of methamphetamine manufacturing, distribution and trafficking will be targeted, but emphasis will be placed on dismantling drug trafficking organizations.

(11) DRUG ENDANGERED CHILDREN (DEC) / MULTI-AGENCY RESPONSE TEAM (MART) REQUIREMENTS

Clandestine methamphetamine manufacturing and distribution has created a public health and safety crisis for residents of Los Angeles County, especially children. Despite increased law enforcement efforts, the manufacture of methamphetamine in clandestine laboratories continues to pose an alarming danger to children who are found at these locations. The Los Angeles County Interagency Drug-Endangered Child (DEC) Protocol, which meets the requirements of the California Drug Endangered Child Protection Act (*Penal Code Section 13865 et seq.*), shall be followed in all cases where a child is found at a clandestine methamphetamine lab, or where significant methamphetamine is being stored or used.

The Los Angeles County Sheriff's Department Narcotics **Bureau Order #5-11** shall be followed by all members of the Cal-MMET task force. The order states, in part, that the Department of Children and Family Services (DCFS) Multi-Agency Response Team (MART), shall be notified on all search warrants, probation/parole searches, and other investigations where it is known that children are or will be present. MART personnel shall also be notified when it is discovered that children are present during any of the above operations, and it is determined that their safety may be in jeopardy.

(12) ADMINISTRATIVE GUIDELINES

During the period of assignment, the participating agency's investigator(s) will follow all LASD policies, procedures, and guidelines, including those relating to conduct, LASD property, reporting systems, and all clerical functions. Failure to adhere to LASD guidelines and procedures shall be grounds for dismissal from the Cal-MMET Enforcement Team.

LASD shall provide all members assigned to the Cal-MMET program, appropriate training on, and/or explanations of, and/or physical copies of all policies and procedures referenced.

In addition, participating agency members will also have the responsibility to follow all policies and procedures set forth by their home agency. In the event of a policy and/or procedural conflict, the Cal-MMET team sergeant shall be immediately advised.

(13) REPORTING FORMAT

Investigative reports will be completed in a timely manner and will describe activities fully, exactly and plainly. Copies of all case reports will be kept in the respective Cal-MMET team office under an in-house investigative file number until completion of the case, at which time reports will be maintained in a centralized records retention file, managed by LASD, pursuant to standardized document destruction procedures. Original copies of case reports will be forwarded to the involved participating law enforcement agency for required distribution and record keeping. All appropriate information will be entered into the LARCIS system.

Report forms used to document case activities will be those employed by the Los Angeles County Sheriff's Department. All Cal-MMET team members shall follow Informant Management Procedures as outlined by LASD Narcotics Bureau Orders. All Cal-MMET team members shall follow Money Handling Procedures as outlined by LASD Narcotics Bureau Orders.

(14) RELEASE OF INFORMATION

Large scale investigations are sensitive. Protection of sources of information and managing information about areas of criminal activity are absolutely essential. Dissemination of information and reports will be done on a "need-to-know/right-to-know" basis in compliance with existing state and federal laws. Questions about the appropriateness of releasing case information will be referred to LASD, who will coordinate the dissemination of information.

Cal-MMET will cooperate with the news media to assist them in obtaining information on matters of public interest. However, certain information must remain confidential in order to protect the Constitutional rights of the accused, to avoid interfering with a Cal-MMET investigation, or because it is legally privileged. LASD shall be responsible for the dissemination or coordination of press releases. All participating agencies will be notified, time permitting, prior to any media releases. Notification will be made in all cases prior to any formal press briefing.

(15) ACTIVITY REPORT

Cal-MMET team sergeants will prepare monthly activities reports detailing team activities for the Cal-MMET program lieutenant. These activities reports will be forwarded to the appropriate command staff at LASD and will serve as the basis for quarterly reports to the Sheriff and the Office of Emergency Services (OES). LASD will submit a quarterly operational report within 15 days of the close of a calendar quarter. Copies of the quarterly report will be forwarded to all participating agencies.

(16) DOCUMENT SECURITY

All reports and records will be designated CONFIDENTIAL. This material will be secured under lock and key when unattended. Access to files will be on a "need-to-know/right-to-know" basis. Case files being actively worked will be kept under the direct control of Cal-MMET until the investigation is concluded. Cases with no workable leads, or cases that have not been worked after one year will be handled pursuant to lawful standardized document destruction procedures. At no time will official reports or evidence be kept or stored anywhere but the designated offices of Cal-MMET or the evidence room or records section of the

involved participating agency. The management of information will always be done in strict accordance with applicable local, state, and federal laws.

Monthly Activities Reports and other such similar Cal-MMET materials are prepared specifically for LASD, participating agency heads, and the Office of Emergency Services and shall be considered and marked CONFIDENTIAL. Statistics and other progress reporting for public dissemination will be completed at the direction of the program director and distributed as necessary.

(17) MULTI-AGENCY CONCERNS

A. Citizen Complaints

Any complaint from an individual alleging misconduct by personnel of Cal-MMET will be directed to the Cal-MMET team lieutenant for immediate assignment and preliminary fact finding.

The lieutenant will immediately notify the appropriate command staff at LASD. LASD will notify the concerned officer's participating agency head and provide them with all available information regarding the incident. Final determination of investigative responsibility will be made following discussion with the parent agency. Disciplinary action will be recommended and approved solely by the concerned participating agency.

B. Employee Evaluation

The Cal-MMET lieutenants and team sergeants will assist appropriate participating agency supervisors in completing fair and objective evaluations for rating periods involving task force assignments. The participating parent agency's evaluation form will be used, and all final decisions regarding evaluations remain with the parent agency at all times.

C. On Duty Traffic Collisions

1. Collision Investigations

If a Cal-MMET team member is involved in a traffic collision while on duty, the team lieutenant shall notify the appropriate command staff at LASD, the appropriate supervisory staff from the involved officer's participating agency and any concerned investigative agencies, (e.g. CHP). Appropriate reports will be completed in compliance with legal requirements, LASD and participating agency policy.

D. Employee Injury or Death

1. If a Cal-MMET team member is involved in an incident which results in injury or death, the team lieutenant will notify the appropriate level LASD command staff who will immediately notify the participating agency's Executive Officer or designee. An involved participating agency supervisor will be notified and procedures will be followed as required by the concerned participating agency. In case of an emergency, the officer will receive immediate medical attention in the most expedient manner. In order to assist the lieutenant in ensuring an officer's injury is treated without delay, every officer assigned to Cal-MMET will supply a supervisor with medical emergency notification information that will be maintained at the Cal-MMET team office.

E. Use of Force Reporting

1. Use of force incidents will be investigated and reported utilizing existing LASD forms and procedures. Any additional reporting and/or notifications required by the participating agencies will be followed by the Cal-MMet supervisory staff.

F. Officer Involved Shooting/Use of Deadly Force

1. Officer involved shooting incidents require the following:
 - (a) The immediate notification to the appropriate level LASD command staff who will immediately notify the Sheriff and, following the appropriate chain of command, will notify:
 - (1) The Chief or designee from the involved officer's participating agency.
 - (2) A supervisor from the agency/jurisdiction in which the incident took place.
 - (3) The LASD Homicide Bureau.
2. Investigative and reporting responsibility will be determined following consultation with involved agency representatives and will comply with all participating agency guidelines. Nothing in this agreement precludes concurrent investigations by involved agencies. The District Attorney's rollout team will be notified if the participating agency of the involved officer requests it. If there is a

conflict between participating agency policies when multiple jurisdiction officers are involved, the District Attorney's rollout team will be notified.

3. Non-hit Shooting/Accidental Discharges

- (a) Any non hit shooting or accidental discharge shall immediately be reported to the Cal-MMET team lieutenant for preliminary investigation. The lieutenant will respond and notify the appropriate command staff at LASD who will notify the supervisor from the involved officer's participating agency. Investigative and reporting responsibility will be determined following consultation with the involved participating agency representatives and will be in compliance with all participating agency guidelines.

G. Firearms

- 1. Every officer assigned to Cal-MMET will carry a firearm in accordance with his/her department policies and procedures. Applicable participating agency policies concerning the use of firearms shall apply. Any firearms carried by Cal-MMET officers must be approved by the concerned participating agency. Cal-MMET officers shall comply with their respective participating agency firearms qualification requirements.

H. Liability/Indemnification

- 1. Each participating agency shall be solely liable for any and all damages, including attorney's fees, resulting from the sole acts or omissions of its own employees, including those employee assigned to Cal-MMET, and agrees to indemnify, defend, and hold harmless each other participating agency for said acts and omissions.

I. Workers Compensation

- 1. Each participating agency is responsible for any worker compensation, sick, injured on duty, or similar benefits incurred by or due its employees, (subject to grant coverage as specified in section (9), paragraph 4).

(18) TRAINING

All required participating agency training shall be attended by assigned personnel. The team sergeant shall be notified of scheduled training as soon as possible. Cal-MMET will schedule additional training consistent with Cal-MMET's stated mission and goals.

(19) EQUIPMENT, SUPPLIES, AND SALARIES

Participating agency personnel will be provided with necessary assets, supplies, and equipment, including communication equipment and technical tools by the Sheriff from funds received from the OES.

- A. Expenditures for Cal-MMET task force field personnel, including salary, benefits and overtime will be reimbursed to participating agencies at the following funding/staffing levels, as set forth more specifically in Memoranda of Understanding between the Sheriff's Department and each participating agency:
 - 1. 100% for LASD personnel
 - 2. 100% for participating agency personnel:
 - Culver City Police Department
 - Glendale Police Department
 - Glendora Police Department
 - La Verne Police Department
 - 3. Salary expenditures for State of California, Bureau of Narcotics Enforcement personnel are not eligible for reimbursement through the grant. However, overtime expenditures for assigned BNE personnel that receive the prior approval of the Cal-MMET Lieutenant will be reimbursed.
 - (a) No overtime will be allowed unless by prior approval of the Cal-MMET lieutenant.
 - (b) All personnel will, as required, work beyond their normal work day or respond to call outs as deemed necessary by the Cal-MMET lieutenant or team sergeant.
 - (c) The Cal-MMET Program will not provide vehicles to assigned personnel. Participating agencies agree to provide vehicles that are in serviceable condition and are suitable for undercover/covert operations. Vehicles should be properly equipped with safety and emergency equipment.

Participating agencies agree to provide their own vehicle maintenance, fuel, and liability/hold harmless coverage pursuant to established participating agency procedures.

(20) SPECIAL FUNDS

LASD shall establish and control a special fund, to which members of Cal-MMET may charge expenditures, including but not limited to informant fees and investigative fees as necessary in the performance of the duties herein. The fund will not be grant funded.

Special funds expenditures are those authorized expenditures by Cal-MMET personnel incurred while working undercover or on a surveillance and must be directly related to informant fees and/or investigative expenses. LASD shall maintain this fund in the amount of \$2,500 throughout the year. Expenditures shall have the prior approval of the Cal-MMET lieutenant. LASD policy, per Narcotics Bureau Orders 4-2: Expense Fund/Informant Fees and 4-5: Crew/Team Special Appropriations Funds, shall be followed at all times.

(21) LOSS OF MONIES

In the event monies are lost, stolen, or otherwise not accounted for, LASD will immediately initiate an investigation.

(22) GRANT FUND ADMINISTRATION

The OES grant fund will be administered by the Los Angeles County Sheriff's Fiscal Services Office.

- A. Day to day fiscal management, accounting, and record keeping will be handled by the Sheriff's Department Fiscal Services Office.
- B. Participating agencies shall maintain current and accurate records of account of all obligations and expenditures for respective assigned personnel. Agencies seeking reimbursement for Cal-MMET activities shall submit a detailed statement of expenses in a prescribed format to LASD for actual expenditures incurred on a monthly basis and in arrears, on or before the 5th of each month. Only basic salary, benefit and related overtime costs (at time and one half) will be reimbursed by the Cal-MMET grant. Upon approval by LASD, a claim for reimbursement will be forwarded to the Los Angeles County Sheriff's Fiscal Services Office for payment within 30 days.

Requisitions for materials and services related to Cal-MMET must have the prior approval of LASD. Approved expenses will be forwarded to and paid by the Los Angeles County Sheriff's Fiscal Services Office.

(23) PARTICIPATING AGENCY CONTACTS

The Sheriff's Department contact will be:

_____.

The Culver City Police Department's contact will be:

_____.

The Glendale Police Department's contact will be:

_____.

The Glendora Police Department's contact will be:

_____.

The La Verne Police Department's contact will be:

_____.

The State of California / BNE contact will be:

_____.

IN WITNESS WHEREOF, the Los Angeles County Sheriff's Department and the Cal-MMET participants have executed this Operational Agreement through their duly authorized officers effective upon execution of each agency.

CITY OF CULVER CITY
Police Department

COUNTY OF LOS ANGELES
Sheriff's Department

____ Date: _____
DON PEDERSON
CHIEF OF POLICE

____ Date: _____
LEROY D. BACA
SHERIFF

CITY OF GLENDALE
Police Department

____ Date: _____
RANDY G. ADAMS
CHIEF OF POLICE

CITY OF GLENDORA
Police Department

____ Date: _____
CHARLES MONTOYA
CHIEF OF POLICE

CITY OF LA VERNE
Police Department

____ Date: _____
SCOTT PICKWITH
CHIEF OF POLICE

STATE OF CALIFORNIA,
BUREAU OF NARCOTICS ENFORCEMENT

____ Date: _____
JOHN GAINES
CHIEF