

CHAPTER 1
DRUG PROGRAMS ADMINISTRATION
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CHAPTER 1

DRUG PROGRAMS ADMINISTRATION

1. PURPOSE. The purpose of this chapter is to define the Department's role in programs developed to counter the impact caused by illegal drugs on California's residents and those who utilize the state's highway transportation system. Areas covered in this manual include programs developed to combat drug use, possession, manufacturing, cultivation, and transportation.

a. This chapter will outline objectives and establish program responsibilities for departmental personnel who, while in the course of their regular duties, encounter individuals suspected of drug manufacturing, possession, cultivation, and transportation.

b. This chapter will also outline responsibilities for all levels of command relating to departmental involvement in Drug Task Forces and the Asset Forfeiture Program.

2. DEPARTMENTAL POLICY.

a. It is the policy of the California Highway Patrol (CHP) that CHP officers shall not conduct traffic enforcement stops for the primary purpose of drug interdiction in the absence of probable cause or reasonable suspicion to believe the motorist or an occupant of the vehicle is involved in illegal drug-related activity.

b. The primary purpose of the CHP is traffic safety and CHP officers should enforce the Vehicle Code with the goal of ensuring and maximizing the safety of the thousands of motorists on California roads and highways everyday. Officers shall not stop individuals for the primary purpose of drug interdiction unless they have probable cause or reasonable suspicion of drug-related activity. The officer must have specific and articulable facts to support this determination; a mere suspicion or "hunch" is not sufficient.

c. After a stop has been made, an officer shall not extend the stop beyond the time necessary to address the traffic violation unless an officer has reasonable suspicion or probable cause of criminal activity.

d. Consistent with departmental policy as outlined in Highway Patrol Manual 100.68, Traffic Enforcement Policy Manual, CHP officers shall not engage in racial profiling or racial discrimination of any kind. Racial profiling and racial discrimination are prohibited by the Department and will not be tolerated.

e. Personnel involved in programs whose procedures are outlined in this manual shall strictly adhere to the aforementioned policies as well as all other departmental policy requirements. For the purpose of implementing the programs covered in this manual, the definitions and procedural requirements outlined in paragraph 5. of this chapter shall be controlling and representative of departmental policy.

3. OBJECTIVES. Departmental participation in these programs is intended to achieve the following:

a. Highway Criminal/Drug Interdiction. Train officers whose responsibilities encompass regular road patrol to detect individuals involved in criminal activity including those involved in the use, possession, transportation, manufacturing, or cultivation of controlled substances.

b. Assistance. Provide support to allied agencies involved in counter drug enforcement.

c. Prevention. Actively participate in public awareness education.

4. PROGRAM RESPONSIBILITIES.

a. Office of the Commissioner. The Office of the Commissioner is responsible for establishing departmental drug program policy.

b. Assistant Commissioner, Field. Assistant Commissioner, Field (ACF), is responsible for ensuring that field Divisions accomplish program objectives and comply with policies and procedures contained in this manual.

c. Assistant Commissioner, Staff. Assistant Commissioner, Staff (ACS), will forward recommendations and information from Enforcement and Planning Division to ACF regarding funding, training, and operational issues.

d. Enforcement and Planning Division. Enforcement and Planning Division shall oversee training, initiate training audits, evaluate reports, and recommend to ACS corrective action necessary to correct problems encountered pursuant to its program responsibilities.

e. Office of Primary Interest. Field Support Section is designated as the Office of Primary Interest for all drug programs outlined in this manual.

f. Management. Management shall ensure drug enforcement efforts are consistent with the Department's primary mission of providing traffic safety to motorists utilizing the highway transportation system and that personnel involved in

criminal or drug enforcement efforts are in strict compliance with applicable laws and departmental policy.

g. Supervisors. Field supervisors must maintain a high level of knowledge in all aspects of the Department's drug programs. Furthermore, field supervisors must be directly involved in ensuring compliance with applicable laws and policies and ensuring that the proper focus of the program centers on enforcement efforts intended to achieve the Department's mission of providing for a safe and efficient highway transportation system.

h. Officers. Field officers shall conduct all operations in strict compliance with all departmental policies including those outlined in paragraph 2. of this chapter. Consistent with those requirements, officers who in the course of their normal enforcement duties encounter evidence of criminal activity, including the use, possession, cultivation, or transportation of drugs, shall conduct a thorough investigation and take the appropriate enforcement action required by law and departmental policy. Officers should be cognizant of the inherent officer safety risks associated with these types of crimes and take all reasonable steps necessary to ensure their personal safety.

5. DEFINITIONS AND PROCEDURAL REQUIREMENTS. In order to ensure program consistency, the following definitions and procedural requirements will be applied to the interpretation of the contents of this manual and strictly adhered to by departmental personnel in the performance of their duties.

a. Search. A search is defined as the physical intrusion into one's person or property to seek potential evidence or contraband that may be concealed. Merely looking at that which is open to view is not a search.

b. Probable Cause. Probable cause (to search) exists when there are enough facts, training, knowledge, etc., (totality of the information) to provide a fair probability the object being sought will be found in the location to be searched; it is enough information to lead an ordinary, intelligent person, with similar training and experience, to arrive at the same conclusion.

c. Reasonable Suspicion. Reasonable suspicion is the belief that (1) something related to a crime has just happened, is happening, or is about to happen; and (2) the vehicle or the person in the vehicle stopped, detained, or contacted (or the pedestrian detained or contacted) is connected with that activity.

d. Consent to Search. All consent searches shall be in compliance with General Order 100.91, Search and Seizure Policy.

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