

-OFFICIAL PUBLICATION OF-

# THE COALITION

THE NATIONAL NARCOTIC OFFICERS ASSOCIATIONS COALITION

He who justifies  
the wicked  
and he who  
condemns the  
just, both are  
an abomination  
to the Lord. -  
Proverbs 17:15



IN THE  
SERVICE  
OF  
MANKIND

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**The Coalition**

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*United  
 We  
 Stand!*

*Engage  
 in the  
 dialog.*

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# President's Message

By Bob Bushman



August, 2020

Historically, when issues that may have a big impact on law enforcement have come to the forefront, we have seen them approaching and we have had some time to prepare. Now in 2020, like an unexpected storm, we have been hit with two major, unforeseen events – COVID and nationwide civil unrest. And, not unlike a big, unexpected storm, the damage is widespread.

Since the COVID shutdowns began in March, business as usual has disappeared. In order to provide fewer opportunities for the COVID virus to spread, there is social distancing, daily use of PPE and masks, reductions and/or elimination of in-person meetings and trainings, and even changes in law enforcement responses. Eventually, the shutdown of the economy – with its subsequent loss of sales tax, income

tax and property tax revenues to local, state and federal governments – has created a void that will impact law enforcement and public safety for many years to come. Layoffs, unfilled vacancies, and budget deficits are already affecting many agencies. Task force officers have been recalled to their home agencies, resulting in reductions in drug law enforcement and proactive policing efforts. In the meantime, we are seeing increases in drug use and drug-related deaths.

I had hoped that, by now, the COVID pandemic would have passed so we could begin to get back to our normal course of business. Instead, it looks like we will be dealing with COVID restrictions for the foreseeable future. The impact of the financial crisis caused by COVID is not yet fully determined, but I assure you that it will not be good. Governments at all levels will have to make some hard decisions. Law enforcement agencies will have to re-evaluate and reset their priorities and will also have to be very creative in trying to provide comprehensive and effective law enforcement services.

If that wasn't enough, the Memorial Day death of George Floyd in Minneapolis threw law enforcement and our Country into utter turmoil. Neither I, nor anyone that I know, condone any unnecessary deaths at the hands of law enforcement. They shouldn't happen. But we also shouldn't condone the violence, the destruction, or the hatred

aimed at law enforcement that many people, including political leaders, are spewing. Even worse, the blatant disregard for our laws and the refusal of some leaders and law enforcement officials to hold rioters accountable, or to protect citizens, private and public property is disgraceful.

Now, although law enforcement is suffering as the scapegoat for the failures of many others involved in the criminal justice system, some of those folks need to be held accountable, too. Failures in other parts of the system lead to many offenders being back out on the street, unsupervised, unrehabilitated, and still engaging in criminal activities that result in calls for help from the police. And, when officers respond to those calls, force will often not be necessary if suspects will just simply comply with the lawful directions from the officers. When suspects don't comply, tragedy sometimes occurs.

During the ensuing social unrest and rioting, law enforcement officers across the nation have been put on the front lines, forced to confront violent mobs and criminals who have been passing themselves off as peaceful protesters. Many of our law enforcement brothers and sisters have been injured, some mortally, trying to quell the violence. With the help of the media, law enforcement has been turned into the enemy. Yet, as murders and violent crimes have increased significantly in



President Bob Bushman

## Uncertain Times, cont.

many cities, few people outside of law enforcement even acknowledge the violence or make any attempts to hold those criminals accountable. Instead, they continue to vilify the cops.

I will admit that law enforcement needs to shoulder some of the blame. For many years, while social justice groups, criminal justice reform advocates, and some elected officials have made it their mission to demonize law enforcement and our justice system, law enforcement has remained silent. Although we discuss these issues with our law enforcement partners, we have failed to make it a priority to speak up publicly with a bold, unified voice to demand that all of the facts regarding the impact of crime and the consequences of poor social engineering policies be considered. We've given in to elected officials, policy makers, and reform advocates who are just plain wrong. We are paying a big price for that now.

No one knows better than the police about what causes crime and who the perpetrators are. We can prove that drug abuse and drug trafficking are the catalysts for much of the crime that plagues our country. We know that repeat offenders are responsible for many of the crimes that victimize our citizens. Years of data prove that effective enforcement, aggressive prosecution, and tough sentencing help to reduce drug use and violent crime. Yet, because law enforcement has failed to stand firmly behind those facts and has allowed successful crime reduction strategies to be ignored, drug crimes and many other offenses are becoming normalized and acceptable, putting more of our citizens and their families in peril.

As a result, drug traffickers, violent criminals, and repeat offenders are given early releases along with apologies; law enforcement budgets and agencies are being decimated; and unsubstantiated charges of systemic racism by law enforcement are going unchallenged. Meanwhile, many of our cities are being destroyed, drug abuse and drug-related deaths are increasing, and many young black men (some children) are dying at the hands of others in unfettered street violence. And, other than the dedicated men and women of law enforcement, few of our leaders are doing anything about it. Some of them are just too busy trying to defund the police and apologizing for perceived social injustices that have little factual merit. There will be some severe consequences for making decisions based upon what is politically popular rather than acknowledging and accepting the truth and upholding the rule of law.

Reducing violent crime must be a national priority. We must return order to so many of our communities that are plagued by violent crime, much of which is fueled by drug abuse and drug trafficking. Politicians have taken their eye

off of the ball and have allowed misguided social agendas to make victims out of criminals and drug law violators, and they have neglected their responsibility to protect our citizens who are currently at the mercy of criminals, predators, and violent gangs that profit from drug dealing. Our politicians and law enforcement must re-commit to making drug enforcement a high priority. Then, we will see violent crime and drug deaths decline, and we can finally deliver some much-needed order and relief to communities across the nation.

Due to the uncertainties of the COVID situation and current precautionary restrictions in Washington, DC, we have decided to cancel the 2021 NNOAC DC Delegates Conference scheduled for February 2021. The US Capitol Complex and House and Senate Offices are closed indefinitely, and many speakers are unable to make commitments to attend. This being an election year, most legislative activity is at an impasse. Rest assured that the NNOAC Board, along with our partners, is still working to address relevant issues as they arise.

As we come out on the other side of the COVID situation, we may be able to schedule events on a regional basis, and we will contact our members if there is a need to make some targeted legislative visits or meetings. One example is the regional conference calls that the NNOAC facilitated between our State Association Presidents and State Agency Members with recently named DEA Acting Administrator Tim Shea and his Executive Staff. It was a great opportunity for AA Shea to introduce himself and for our members to discuss some current and emerging drug enforcement issues with the DEA leadership. Even through the COVID restrictions, the NNOAC is finding ways to keep our members informed and engaged.

These are some strange times, the likes of which we have never seen. We will get through this. In spite of it all, please keep your heads up. There is a supportive, silent majority of people in our country who appreciate your hard work and who are thankful for your service. I wish you and your families good health as we wade through the uncertainty, impatiently waiting for 2021.



Scales of Justice tilted  
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***Please take care of yourselves.***

# NNOAC Members and Friends,

I hope that this finds each of you doing well and coping with the many unusual circumstances, both personal and professional, that we are all experiencing during this unprecedented and uncertain pandemic situation. I was hoping this would pass quickly, but right now it looks like we're in it for the long haul. Like the Kennedy assassination and Sept 11th, we will all likely remember the impact of COVID 19 for the rest of our lives.

During these uncertain times, I recall the many stories that my parents, grandparents and older acquaintances told me about hard times during the great depression during the 1930s, as well as how the country was affected during the two World Wars. While this COVID-19 hasn't yet approached the magnitude of those crises, I recognize some similarities. Sudden unemployment, stock market crashes, shortages of goods and long lines for groceries and essentials, just to name a few. Some panic and fear among our citizens, too.

There will certainly be a negative impact on many peoples' livelihoods, to our nation's economy and to our personal well-being and retirement savings. Many people will succumb to the COVID-19 virus - some mildly, and unfortunately, some are dying. I believe that our leaders are trying their best to figure just how to mitigate this disease and its effects. As we all know, even the brightest minds and science don't hold the immediate answers to everything. As a parent, I even find myself at a loss to answer some of the questions my own children have

about the present and the future. As human beings, it is natural to fear the unknown.

I have no doubt that we will survive this. We are Americans, and as history has proven, over and over again, our jobs will come back, our economy will recover and our country will be stronger. And if there is a silver lining to this cloud, I believe that this pandemic is making people in our country think about the things that are really important. We've all become a little soft and somewhat spoiled.

Until this pandemic appeared, life has been pretty good for many. Now, while most people are primarily focused on the negative consequences of the COVID-19 situation, I think that it has also created an opportunity for many people, especially our younger generations, to realize that they must learn to make critical decisions, to understand that they will hear "No", and the importance of learning to really rely upon themselves. Realizing that money, a good job, large social networks and that your parents can't protect you from everything is a good lesson too, and may be a reason for them to be thankful for what they have, and to think about the less fortunate who struggle everyday without things many people take for granted. And there is a lesson here about the importance of having good leaders, and why it is important to learn about and participate in the political process to ensure that we elect the right people to lead our states and nation in times of crisis like this.

Now to our profession. In spite of all of the negative news and criticism that has been constantly aimed at law enforcement, I am hearing genuine concern from many corners about the fate of the men and women who continue to answer calls and take personal risks to serve their communities. Several people have told me that they wouldn't (couldn't) do the

job, and they can't understand why a person would risk their health and life like so many in our profession do.

That really says it all. Most law enforcement officers, as well as other first responders and medical professionals, have the heart and courage to serve, and not just when the risk is minimal. Aside from the COVID 19 pandemic, our cops and first responders have been risking their lives and their health, daily, to keep our communities safe from a long list of serious and dangerous threats. Murderers, sex offenders, drug dealers, violent repeat offenders, drunk and impaired drivers, domestic abusers, the mentally disturbed and addicted - the list is long and it does not end. And every day, in addition to COVID 19, our folks are risking it all for people who don't want to do the dirty work that is necessary to protect us. I'm thinking that there will be more appreciation for our profession when this is over.

For many, this is a reality check. When this pandemic finally passes, I hope that people in our Country are stronger, more resilient and less fickle, and better prepared for another similar, future crisis. And, if people have a better understanding of what is really important, and how much they really have to lose, maybe our profession and other first responders will get the support and appreciation they really deserve.

I hope that this finds each of you, your families and friends, safe and healthy. As for me and mine - except for some cabin fever, we're all fine. I look forward to the re-opening of America and the opportunities that will bring for all of us to serve our communities. I think that the COVID-19 pandemic has proven, once again, that America can rely upon their law enforcement professionals and first responders to do whatever it takes to keep our people safe. All of you, our NNOAC members

and partners, prove that every single day. Keep up the great work!

I look forward to the opportunities we will have soon to resume our normal courses of business.

Bob Bushman, President  
National Narcotic Officers'  
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455 Massachusetts Avenue NW, #112  
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## NNOAC Members and Friends, cont.

Due to the uncertainty and the current and pending restrictions caused by the COVID-19 situation, ***the NNOAC Board has decided to CANCEL the upcoming NNOAC DC Delegates Conference scheduled for January 31 - February 3, 2021.***

As we began our conference planning, it was apparent that getting commitments from some of the vendors, sponsors and speakers will be difficult because of COVID concerns. In addition, the Capitol Complex and House and Senate offices are closed indefinitely, making it impossible to schedule Hill visits and many of the speakers we invite are not making public appearances in the foreseeable future due to COVID restrictions. The NNOAC Board believes that, if we cannot plan our Hill visits or confirm speakers for our meeting agenda, we just cannot accomplish the important work we need to get done during our annual NNOAC DC Conference.

COVID has also had a major impact on the hotel and conference industry throughout the country and in Washington, DC, too. As you all know, most associations, organizations and agencies have had to cancel or postpone their conferences, meetings and training this year, some already into next year. At this point, we plan to move ahead with our 2022 DC Delegates Conference in Washington, DC, scheduled for Sunday, Jan 30 - Wednesday, Feb 2, 2022.

We want to assure you that throughout the COVID crisis, the NNOAC, along with the staff at Brooks Bawden Moore is still working every day to monitor and address the many issues that, in the absence of meetings and the normal course of business, are still affecting our members. In spite of the lack of in-person meetings, conferences and the implementation of social distancing practices, we are still constantly talking and working with our partners and our associates on issues that impact you. We have not let COVID get in the way of working hard for all of you - the NNOAC is still taking care of business.

As the COVID concerns and restrictions begin to ease in the future, the NNOAC will be prepared to schedule some meetings or briefings with staffers and elected members when necessary. We will reach out to you for your input and to join us when those opportunities arise.



NNOAC Legislative Update  
August- 2020



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## LLC

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When we met in Washington, DC in February, the 116th Congress was transitioning to its 2nd Session, and the 2020 presidential campaign was likely going to result in gridlock on major legislative issues. Additionally, we expected congressional committees to be busy conducting oversight on issues impacting America's narcotic officers and law enforcement in general. Some of those oversight hearings began to occur, then COVID-19 hit, followed by civil unrest, and demands for radical policing reforms.

Now more than ever, the voice of NNOAC needs to be heard to ensure that law enforcement has the resources to protect the communities they serve, and that our nation's criminal justice system continues to work to keep our communities safe. Protests demanding policing reforms have changed the agenda and priorities of Congress, state legislatures, and many local governments in a way that could dramatically change the law enforcement profession. COVID-19, along with demands for "defunding the police," has resulted in intense strains on police department budgets.

In response to demands for police reforms, the House and Senate considered competing policing reform proposals. The Democrats, spearheaded by Congresswoman Karen Bass (D-CA), pushed a more expansive bill called the Justice in Policing Act, whereas legislation led by Republican Senator Tim Scott (R-SC), called the JUSTICE Act touched on many of the same topic areas, but was more restrained and provided more resources to law enforcement to meet certain

requirements and standards.

These bills covered a number of reforms to policing, including mandatory independent investigations for officer involved shootings, mandatory use-of-force reporting, transparency in officer misconduct records, training requirements, accreditation standards, ban on no-knock warrants, restrictions to the 1033 program, and changes to qualified immunity. Under the Justice in Policing Act, provisions directly affecting the drug enforcement community, included the prohibition of the use of no-knock warrants in drug cases and rescinding approved transfers of surplus military equipment under the Department of Defense 1033 program for counterdrug activities. Additionally, the legislation would mandate many of these provisions by tying compliance with the Byrne JAG and COPS grants. Jurisdictions that failed to comply would either lose grant eligibility altogether or would reduce a percentage of their grant funds.

The House passed its Justice in Policing Act almost exclusively on a party-line vote, while the Senate was unable to overcome procedural hurdles to consider amendments and move its bill through the Senate. While there has been intense pressure to do something on policing reform at the national level, there is no clear path forward on these issues this year.

With COVID-19, deep partisan divisions, and the upcoming elections, the fiscal year 2021 appropriations process has been slow to get started and continues to be



bogged down over partisan disagreements on funding priorities and policy riders. Funding priorities for key programs such as the Byrne JAG program, RISS, and HIDTA continues to be an advocacy focus for NNOAC. The House approved ten of the twelve FY 2021 appropriations bills before they left for its August break. Despite passage, these bills have no path forward due to the partisan policy provisions. The legislation included many of the policing reform provisions contained in the Justice in Policing Act. Despite these provisions, funding for key NNOAC priorities, including the Byrne JAG and COPS, RISS, and the HIDTA program received relatively level funding. Most significantly, Congress continues to recognize the importance of keeping the HIDTA program within ONDCP. The Senate has not released its draft appropriations bills. It is likely that the House and Senate will ultimately consider a Continuing Resolution in September, which could potentially last through the remainder of the year.

Marijuana policy continues to be a hot topic on the Hill, gaining more and more bipartisan interest for changes to current laws. As we wrote in the previous edition of The Coalition, legislation to permit marijuana industry access to banking services, legislation to remove marijuana from the federal Controlled Substances Act and provide for the expungement of certain marijuana-related offenses, and other proposals continue to be a priority in the House. Included within the House recently passed FY 2021 appropriations package were provisions allowing the marijuana industry access to banking. Marijuana policy is expected to be a very hot-button issue in the next Congress and will likely be a focus of potential future criminal justice reform proposals.

Intense scrutiny of law enforcement use of certain investigative technologies has come in the crosshairs more so than ever, given the spotlight on policing actions and techniques. Multiple bills have been introduced in Congress that would target facial recognition technology, including legislation that would outright ban the use of the technology by Federal agencies and prohibit the use of federal funds, including grant funds for its purchase. We have noticed throughout the debate, a general misunderstanding of how the technology is actually being used by law enforcement. The NNOAC continues to play an active role in pushing back against these proposals.

With regards to law enforcement access to digital evidence, there have been multiple bills introduced in the Senate that moves the dialogue emphasizing the growing difficulty law enforcement encounters with encrypted devices and applications. Senator Lindsey Graham (R-SC), Chairman of the Senate Judiciary Committee introduced legislation that would ensure law enforcement investigators can obtain access to digital evidence if a search warrant is



issued by a judge. Additionally, he introduced legislation that would seek to improve the ability of online platforms to deter, detect, and report exploitive content by targeting the Section 230 shield. These efforts have continued to advance the discussion among Federal, state, and local law enforcement to push for a solution to this continuing challenge. While we continue to believe that we face an uphill battle, the efforts by the Senate has helped to level the playing field as we continue our discussion among the Hill and stakeholders.

The upcoming 2020 elections will have the potential to shape the law enforcement profession and the criminal justice system in dramatic ways like never seen before. It has been made clear that reform advocates within Congress are prepared to wait until 2021 for legislation to ultimately be signed into law on policing reform and continued expansive criminal justice reform priorities because of potential optimal outcomes in November. The laws and programs that you have come to rely on to do your jobs to keep your communities safe are under attack, and the time to push back and counter these misleading narratives targeting drug enforcement is NOW. Without your input, policy makers are quickly considering drastic changes without you, the experts at the table. We encourage you to write to your local, state, and Federal representatives to express the importance of the programs that you have come to rely upon. Please reach out to us if you would like more information on messaging or key contacts. □



# OF VIRTUES AND VALUES

By Attorney Timothy C. Moynahan

I believe in the spiritual symbolism of the American eagle – an olive branch in one talon and a bundle of 13 arrows in the other – overall, the representation of peace and liberty through strength. Anything that saps our strength is intolerable, under whatever guise it presents.

I have been reading books by Gertrude Himmelfarb of late, and they have suggested to me a post that constitutes an appeal to our common interests rather than an advocate's polemic. It arises from a wellspring of hope and a sense that, out of our rancor and eviscerating divisions, it is possible to detect, barely, a persistent strain of good will; it is that which will muster us to courageously change course, to make what must be a Herculean effort to forgo our deepest and often well-founded grievances to come together and, in so doing, to create a more virtuous nation. Somehow we must find it in ourselves – enough of us, anyway – to “forgive us our trespasses,” beginning by recognizing that, once again, we are at a pivotal and dislocating historical juncture. It helps to recognize we have been here before; that the wars between capitalism and socialism are hoary with age; that neither, in its most extreme form, has a superior claim to purity; that, as taught by the ancient Greeks, what we are to strive for is a reasoned moderation; and that all things in decent proportion ought to be our governing principle. It is a concept appearing as early as the Delphic Maxim “nothing in excess” and subsequently emphasized by Aristotle as the Golden Mean – the desirable between two extremes, one of excess and the other of deficiency.

However differently we express our aspirations, no matter how diverse the solutions we propound and pursue, we share an abhorrence of the inequities that beset our nation. In fact, they are not unlike those that arose out of the early stages of the aptly named Industrial Revolution: extremes of wealth and poverty, class distinctions, social prejudices, abuses of authority, restrictions, and hindrances of all sorts. But if we examine our antecedents microscopically, we can derive encouragement from the response to those evil consequences; the harsh realities of life engendered a “moral reformation” that, in turn, stimulated a variety of social and humanitarian reforms. That period of massive social and economic changes brought forth a degree of civility and humaneness that was the envy of the world.

As it occurred in England then, so it must take hold in America today. It is the long twilight call pulsating within us, that still serves our hearts and minds; it is a feast for our

intellects and the flow of our souls; it is the essential meaning behind the better inclinations of our nature; it will be the motivating factor compelling us not to mere concessions or an uneasy and fragile cessation of hostilities, but to the full-throated engagement characterized by the respectful clashes and confrontations of our opposing beliefs; and it will persuade us to finally unite to make America great and good.

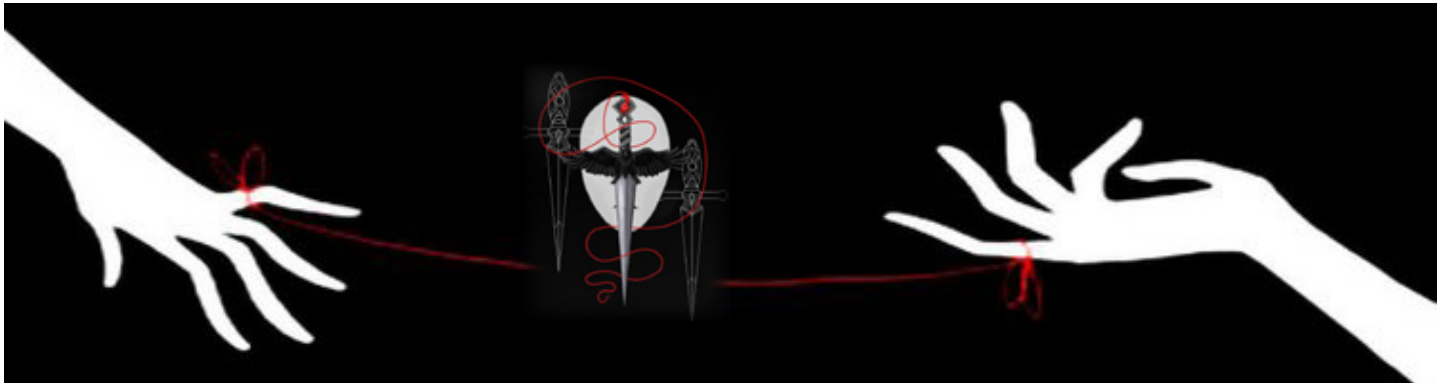
It would be a fruitless pursuit to even imagine that our values can be reconciled, because what we identify as values – mine and yours, us and them – have become mired in the social realities of our era. So it is then, that when we interpret “values” opposed to our own, we identify in them aspects of another's depravity, we find them wanting, even as blatant evidence of cruelty, misery, drudgery, squalor and ignorance. This is why our discussion of modern AMERICAN values – confusing moral values with the social realities of our lives – has been beyond the point.

Rather than values – which are subjective and transient – my respectful insistence is for a return to virtues – which are permanent. They are the beacons from which we have strayed, to our profound detriment; for only by rerooting ourselves in that fertile soil can we become whole once again.

Instead of being overwhelmed by our irreconcilable values and continuing to be ensconced in the distinctive embittered militancy of adversarial camps whose occupants are enduringly committed to either flying our flag or stomping on it, we must learn to be allies. A nation as divided as ours cannot continue to exist anymore than could a nation, 250 years ago, continue to be half slave and half free. I have a modest proposal, and it is founded on the propositions of two world leaders – Margaret Thatcher and Bill Clinton – an improbable alliance, as superficially unlike as are we; but both spoke of the bedrock necessity of virtues as the crying need of their age – all ages – and now ours. Both are quoted in Gertrude Himmelfarb's book, *The De-moralization of Society: From Victorian Virtues to Modern Values* (1996). Allow me to reintroduce you and ask that you heed their admonitory advice. This is the way to our salvation.

Margaret Thatcher, in a 1983 interview, on having been raised by her Victorian grandmother:

*“We were taught to work jolly hard. We were taught to prove yourself; we were taught self-reliance; we were taught to live within our income. You were taught that cleanliness is next to godliness. You were taught self-respect. You were taught always to give a hand to your neighbour. You were taught tremendous pride in your country.... These things are perennial values.”*



Bill Clinton, at Mason Temple Church, November 13, 1993:

...when President Clinton, on the anniversary of his election, spoke in the church in Tennessee where Martin Luther King, Jr., had delivered his last sermon. Inspired by the place and the occasion, he made one of the most eloquent speeches of his presidency. **What would King have said, he asked, had he lived to see this day?**

*“He would say, I did not live and die to see the American family destroyed. I did not live and die to see thirteen-year-old boys get automatic weapons and gun down nine-year-olds just for the kick of it. I did not live and die to see young people destroy their lives with drugs and then build fortunes destroying the lives of others. This is not what I came here to do.*

*“I fought for freedom, he would say, but not for the freedom of people to kill each other with reckless abandon; not for the freedom of children to have children and the fathers of the children walk away from them and abandon them as if they don’t amount to anything. I fought for people to have the right to work, but not have whole communities and people abandoned. This is not what I lived and died for.”*

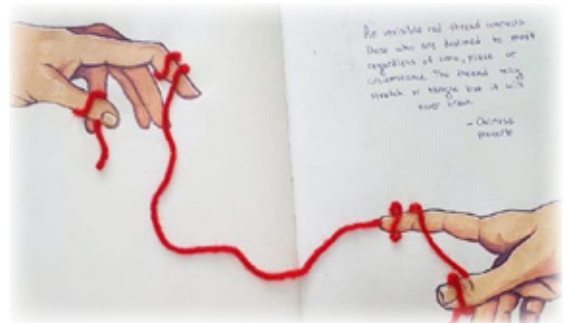
*After describing what his administration was doing to curb drugs and violence, the President concluded that the government alone could not do the job. The problem was caused by “the breakdown of the family, the community and the disappearance of jobs,” and unless we “reach deep inside to the values, the spirit, the soul and the truth of human nature, none of the other things we seek to do will ever take us where we need to go.”*

Thatcher and Clinton – most often seen as polar opposites – expressed the shared fundamentals upon which we can all concur. If they did, so can we. I cannot state more clearly or emphatically the clarion call to virtue than that which they

propounded separately. What they enunciated is what we have in common. Apart from the bombast, we are very much alike. It is incumbent upon us to return to core principles from which we can draw sustenance, to acknowledge that we are torn, and to draw upon virtues that will bind our wounds and heal us.

I will assume poetic license to compare virtue to the Red Thread of Fate, originating from Chinese legend, which is an invisible red cord tied by the gods around those that are destined to meet in a true situation as they are “their true life.” But its meaning is broader than that; it is a string that’s red but also invisible at the same time. It is tied to the pinky finger of every person on earth; it can get very tangled but never break. Let’s pledge to tug on it together – not disparately, not at odds as in a test of strength, but as a manifestation of gentility, to pull it tenderly to make the crooked straight and the rough smooth. Let’s rethink who we are, to despise not each other but abjure what we have become, and resolve to become exemplars for each other and the world. □

**Timothy C. Moynahan** is the CEO and owner of Moynahan Partners, which offers business development consultancy, identifying strategic business partnerships and funding sources. He founded and heads the Moynahan Law Firm, Waterbury, Connecticut, and is “of counsel” to the Jin Law Group at 200 Park Avenue in New York. He is a sought-after and successful trial lawyer, earning the Super Lawyer of New England and Connecticut awards from 2009 to 2012 and Best Criminal Defense Attorney accolade in 2013.





# Reflections on Police Week

**BY Ronald E. Brooks, Founder and Principal,  
Brooks Bawden Moore LLC**

On October 15, 1991, President George Herbert Walker Bush spoke at the dedication of the National Law Enforcement Officers Memorial in Washington, DC. While standing on that hallowed ground, where more than 22,000 law enforcement heroes are now memorialized, the President said,

*"They gave much and asked little, they deserve our remembrance. Here in America's Capitol, for as long as these walls stand, they will be remembered. Not for the way they died, but by how they lived."*

Each year since the original dedication of our nation's law enforcement memorial, thousands of law enforcement officers, surviving family members, and grateful citizens have gathered in our Nation's Capital during Police Week to honor those officers who have made the ultimate sacrifice and to offer thanks to the more than 800,000 law enforcement officers who go to work each day to serve and protect our communities.

Unfortunately, this year – a time when the support and appreciation offered by the Police Week ceremonies may be needed more than any time in the history of America – the

Covid-19 pandemic has made it unsafe to travel and gather. I have attended the Law Enforcement Officers Memorial ceremonies almost every year since 1995. While I always took strength and solace from the Candlelight Vigil at the National Law Enforcement Officers Memorial and the Memorial Services hosted by the National Fraternal Order of Police on the steps of the United States Capitol, I had begun to take those events for granted. That is until this year, when this global pandemic prevented me from gathering with my fellow cops to remember and honor our sisters and brothers in blue. Not being able to join with so many others to recognize service and sacrifice left a hole in my heart.

On May 8th, freedom-loving people from around the globe celebrated VE (Victory in Europe) Day, the date in 1945 when the United States and its allies declared victory over evil – the defeat of Nazi Germany. Unfortunately, May 8th is significant in my life for a different reason; on that date in 1981, while serving as a Redwood City, California Police Detective, I was involved in a gunfight where my good friend, Detective Sergeant George Leon Garrett, Jr., was shot and killed by a bank robber and another great friend, Detective Bob Peele, was wounded.

That May morning started like any other workday. We were assigned to the narcotic enforcement unit, and I had just finished making an undercover drug buy. We were in the parking lot of the police station getting ready to go to



lunch when we monitored a radio call of a bank robbery in progress that was close to our location. Our sergeant, George Garrett, who was a close friend and mentor, told us to load up and respond to that call. With George, duty always came first. Our team – George Garrett, Dale Switzer, Bob Peele, and I – raced to the bank. Within minutes, we encountered the armed robber, Raleigh Porche, a drug smuggler who had been returned to the United States from prison in Mexico in an exchange brokered by President Jimmy Carter. We later learned that Porche had been on a bank robbery spree to raise capital to go back into the drug-smuggling business. Within seconds of our arrival at the bank, George Garrett was mortally wounded by Porche. Bob Peele was also wounded and would later retire as a result of his injuries. Porche was also killed in the exchange of gunfire. At just 28 years old, I learned the tough lesson that life is fragile and that police officers are not invincible.

At the time of his murder, George Garrett's wife, Kathy, was pregnant with their first child. Nineteen days later, Kathy gave birth to Nicole, a beautiful baby girl. Nicole, now a beautiful woman, is a wife, mother, and school teacher who is married to a federal law enforcement officer. Her father would be very proud of Nicole, and I am, too. Nicole went on to become extremely active in C.O.P.S. – Concerns of Police Survivors – and has attended National Law Enforcement Memorial events many times. As I think back on George Garrett and a life cut far too short, I realize what a great role model he was. George was dedicated to his community and to being the best police officer possible. George was smart, funny, brave, fair, tough, and committed. His integrity was beyond reproach, and he truly believed in the importance of serving, especially in drug enforcement; he felt that drugs were a threat to the health and safety of our Nation's most precious resource, our young people. Had he lived, George Garrett would have thrived in his chosen profession and would have gone on to do great things as a law enforcement leader and mentor. He would have remained a loving and dedicated husband to Kathy and a great father to Nicole. I think of George often and I am thankful for the short time I had to work with him. The lessons that I learned from Sergeant George Garrett have served me well throughout my career.

Since becoming a police officer in 1974, I have worked with or personally known more than sixteen police officers killed in the line of duty. And I have known far too many who have suffered serious, often life-changing, injuries while serving and protecting. As a career narcotic officer, I have seen several other friends – including Rick Oules, Pat Dillon, Lupe Baker and Dale Switzer (who was at that bank shooting with me) – die as a result of cancer from exposure to carcinogenic chemicals found at meth labs.



Countless other friends and colleagues have taken their own lives or succumbed to the ravages of mental illness as a result of the PTSD from the cumulative stress of being on the front lines as they serve and protect their fellow citizens. That stress resulted from facing mortal danger far too often; witnessing the ravages of life on the streets, including child abuse, family violence, depravity, drug abuse, poverty; and seeing far too much death at every kind of scenario imaginable, from accidents to suicide to murder.

It was the murder of George Garrett and the deaths of other friends and colleagues that made me realize how important it is to remember their service and to tell the ongoing story of the sacrifice and commitment of America's police officers.

On January 13, 1982, Air Florida Flight 90 took off from Washington's Reagan National Airport in freezing conditions. Due to icing, the aircraft crashed into the Potomac River at the 14th Street Bridge. There were initially six survivors in that icy water. A U.S. Park Police Helicopter arrived on scene and dropped a lifeline, which was caught by one of the survivors, Arland Dean Williams, Jr. Mr. Williams passed that line to a fellow survivor. Three times, in fact, the line came to him and he passed it on to fellow survivors. In all, he was credited with assisting five persons to survive that crash before being dragged underwater by the sinking aircraft. Arland Williams sacrificed his life to save people that he didn't even know.



That is what police officers, firefighters and paramedics do each day. They run to danger while others are running away. They are willing to keep passing that lifeline, even if it means sacrificing their own lives.

That commitment to duty and service, the unwavering willingness to face danger head-on while others are fleeing to safety, is on display vividly on the nightly news. We saw that disregard for personal safety on 9/11 at the Twin Towers and the Pentagon; during the horrific bombings at the Boston Marathon; in the response to the attacks at the County Center in San Bernardino; at the ambush of police officers in Dallas; and at the response to the Pulse nightclub massacre in Orlando. We also witness it each day as police officers don face masks to face the invisible killer, COVID-19. But these well-publicized occurrences are not rare events. Scenes like those are repeated every day in towns and cities across America – usually without fanfare or recognition.

America's streets are safer than most of the world. That is no accident. More than 800,000 local, state, tribal, and federal law enforcement officers keep us safe. They are ordinary men and women, from small towns and big cities across this great nation. These officers are fathers, mothers, brothers, sisters, sons, and daughters. Every day around the clock they leave for work, prepared to walk directly into harm's way – so that the citizens they are sworn to protect won't have to. Carved into the wall at the entrance to the National Law Enforcement Officers Memorial is a quote from Proverbs 28:1 that describes the importance of police officers in fighting evil and wrongdoing. "The wicked flee when no man pursueth: but the righteous are as bold as a lion."

*My father, wife, daughter, and son-in-law are cops, and it was my honor to wear the badge for 38 years. Altogether, our family has protected and served our communities for a total of 124 years and counting.*

The hope for safe communities requires strong advocacy by every citizen. The story must be told and repeated as often as possible: police officers matter and the dangerous and difficult work by law enforcement officers is worth the investment of precious tax dollars and the backing of our elected and appointed leaders. That is why it is so important for us to support the efforts of the National Fraternal Order of Police, which sponsors the annual Law Enforcement Officers Memorial service event on the steps of the United States Capitol. We must support the tireless advocates for public

policies that support and promote a safer environment for law enforcement officers and our citizens. We must support the National Law Enforcement Officers Memorial Fund, which built and maintains our nation's Law Enforcement Memorial and Museum and hosts the annual Memorial Candlelight Vigil. And we must support Concerns of Police Survivors (C.O.P.S.), which supports the survivors of the heroes who have given the final measure. We must work with them and all of the other great law enforcement associations to ensure that we never forget the heroes who have made the ultimate sacrifice, or the survivors they have left behind. We must increase our commitment to the officers that make up that Thin Blue Line – officers who each day stand between good and evil – and who protect each of us, without reservation, even during these dangerous times of a global pandemic.

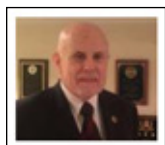
I am particularly fond of a quote by William J. Bennett, former Secretary of Education and later Director of the Office of National Drug Control Policy, from an address that he made at the United States Naval Academy in 1997. Secretary Bennett said,

*"Honor never grows old, and honor rejoices the heart of age. It does so because honor is, finally, about defending those noble and worthy things that deserve defending, even if it comes at a high cost. In our time, that may mean social disapproval, public scorn, hardship, persecution, or as always, even death itself. The question remains: What is worth defending? What is worth dying for? What is worth living for?"*

I know that from the time of our Nation's first police officers until as far as we can see into the future, America's law enforcement officers will live up to Secretary Bennett's question, "What is worth defending? What is worth dying for? What is worth living for?"

During Police Week 2020 – a time of remembrance and reflection – and every day that we remain free and protected, please keep police officers, firefighters, paramedics, and other first responders in your thoughts and prayers.

*May God bless each of them and their families, and may God bless the United States of America.*



## The Objectively Reasonable Officer

By John M. "Mike" Callahan, Jr.

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### EIGHTH CIRCUIT: Judges fail to comprehend threat rifle bearing subject poses to police

*Many federal judges are uniformed regarding the threat posed to officers by persons holding a firearm*

June 5, 2020

Four years ago I wrote an article for PoliceOne that was highly critical of a Ninth Circuit Federal Court of Appeals decision in *George v. Morris*. [1] This case resulted in a 2-1 decision in which the majority judges ruled against law enforcement officers and failed to comprehend the danger they faced from a subject holding a firearm and refusing to drop it. [2] Now federal judges from the Eighth Circuit, citing *George* as persuasive authority, have compounded the Ninth Circuit's uninformed mistake in a new decision titled *Cole v. Hutchins*. [3]

#### GEORGE V. MORRIS

In *George*, officers from the Santa Barbara (California) Sheriff's Office responded to a call from the subject's wife that her husband had a gun and was distraught because of serious illness. Officers found him in the back yard holding a semi-automatic firearm. An officer told him to drop the gun, but George refused. George was holding the gun pointed at the ground. An officer said he raised the gun and pointed it directly at him. Three officers fired at George and he was killed. A firearm containing hollow-point bullets was recovered next to his body.



Scientific evidence establishes beyond question that an officer who waits for a gun to be pointed at him or her can be shot before they can react. (Photo/Pixabay)

The lower court in the lawsuit that followed refused to grant the officers summary judgment based on qualified immunity. The judge, following pre-trial procedural rules, declined to accept officer testimony that George raised and pointed the gun before they shot him. Instead, the court accepted as true George's wife's claim that George was too weak to raise the pistol from his side. [4]

The lower court ruled that if the officers shot a man holding a gun pointed toward the ground after telling him to drop it, they violated clearly established Fourth Amendment rights. The two-judge appellate majority agreed with the lower court and ruled, "If the deputies indeed shot the sixty-four old decedent without objective provocation ... with his gun trained on the ground, then a reasonable jury could determine that they violated the Fourth Amendment." I said in my 2016 article that the Ninth Circuit judges were wrong and cited a scientific study, titled "Reasonableness and Reaction Time" (Blair Reaction Time Study) to prove my point. [5]

#### **BLAIR REACTION TIME STUDY**

The Blair Reaction Time Study was conducted by Dr. J. Pete Blair, executive director of the Advanced Law

continued on next page



### 8th Circuit, cont.

Enforcement Rapid Response Training (ALERRT) Center and criminal justice professor at Texas State University. The study involved 30 college students who played the role of suspects and 24 experienced police SWAT team members. Each SWAT team officer was told they were responding to a man with a gun call and to individually approach 10 different “suspects,” one at a time, who were placed in separate areas of a building. They were told to approach each suspect with their Glock training pistols (which fired marking cartridges) up and pointed at each suspect from a distance of 10 feet. Each suspect had a similar pistol either pointed at their own head or down at their side pointed at the floor. The suspects were told to shoot the officer after being ordered to drop the gun. [6] The officers were told to shoot as soon as each suspect made a move to shoot at them.

The suspects with the guns at their sides were able to raise and fire at the officers in an average of .36 of a second. The officers were able to fire their up and pointed pistols in an average of .38 of a second. The suspects with guns at their heads were able to lower, point and fire in an average of .38 of a second. Officers fired back in .38 of a second. The study proves that once the suspects started movement with the gun from down at their sides or away from their heads, the officers would be shot, regardless of their attempts to return fire. [7] This raises the rhetorical question, were the officers in immediate danger of death or serious bodily harm when the suspects had the guns pointed down at their sides or at their heads? Were the officers in the George case in a life-threatening situation when George held the gun at his side and before George pointed his gun at them?

### COLE V. HUTCHINS

Now Eighth Circuit judges in the newly decided *Cole v. Hutchins* case have erroneously adopted the Ninth Circuit’s unscientific approach in *George*. In *Hutchins*, Officer Hutchins of the Little Rock (Arkansas) Police Department, responded to a 911 call from neighbors that there was an altercation in the front yard of the Underwood residence.

Darrell Underwood and his nephew Roy Richards became involved in a physical altercation on Underwood’s front lawn around midnight. Before arriving, officer Hutchins was told that Richards was armed with a long gun. Hutchins and a second officer parked a short distance away from the house and approached on foot because of their concern for the gun. A neighbor saw the officers approach and informed the combatants who were still fighting that the police had arrived.

From here the facts are disputed. However, the lower court in the lawsuit that followed this incident was required

by pre-trial procedural rules to assume the truth of the plaintiff’s version of the facts. [8] In that version, the fight continued for about 10 seconds before stopping by mutual consent. Underwood walked toward his front porch while Richards walked to his vehicle parked in the driveway.

Richards grabbed what appeared to be a rifle from the driver’s side of his vehicle. [9] Underwood walked up the steps of the front porch and Richards walked around the back of his car holding the gun vertically and approached the porch. Richards started up the steps, but Underwood entered the home and slammed the front door. Richards walked back down the steps and started back toward his vehicle. According to Underwood roughly five seconds after he closed the front door, he heard five shots. Those shots were fired by Hutchins at Richards and he was killed. [10] It is alleged that Hutchins fired without warning Richards to drop the gun.

Cole, the personal representative for Richards’ estate, sued Hutchins and the City of Little Rock in federal court pursuant to 42 U.S.C. §1983 for allegedly violating the Fourth Amendment for using excessive force on Richards. The trial judge rejected Hutchins’ summary judgment motion based upon qualified immunity grounds. He ruled that the law was clearly established at the time of the shooting that an officer “could not use deadly force against a person who posed no immediate threat to cause serious physical injury or death.” Hutchins appealed to the Eighth Circuit, which affirmed the trial judge’s ruling.

The Eighth Circuit stated that police use of deadly force is objectively unreasonable “absent probable cause ... to believe the suspect poses an immediate threat of death or serious bodily injury to others.” The court stated that a suspect’s mere possession of a firearm is not enough to establish probable cause that he/she poses an immediate threat of death or serious bodily harm. Instead, the court opined that “the suspect must also point the firearm at another individual or take similar menacing action.” The court ruled that Hutchins’s shooting of Richards was not objectively reasonable because “Richards, with his gun pointed either toward the ground or the sky, retreated down Underwood’s front steps and ... turned away from his front door.” The court failed to mention or discuss that while the immediate threat to Underwood had lapsed, Richards still presented a deadly immediate threat to Hutchins and his fellow officer. To support its decision, the court cited an earlier Eighth Circuit opinion in which the court declared a police shooting unreasonable and not an immediate threat when the suspect held a gun to his head and began to move it away from his head when shot by police. [11]

The court was also critical of the failure of Officer Hutchins to warn Richards before firing at him. The court observed that a warning is necessary “when feasible” before an officer uses deadly force. The court explained that “while the failure to warn when feasible does not automatically render use of deadly force unreasonable it does exacerbate the circumstances and militates against finding use of deadly force objectively reasonable.”

### CONCLUSION

The Eighth Circuit’s decision ignores the danger Richards posed to the on-scene officers during this incident. The court’s focus was on the cessation of a deadly threat to Underwood when he entered his home and slammed the door. The fact that seemed irrelevant and inconsequential to the judges was that Richards was still in possession of what appeared to be a rifle and was walking toward his vehicle, a location that was about to give him the tactical advantage of cover behind the engine block or a vehicle pillar. Moreover, the opinion erroneously takes the position that in order for a suspect holding a firearm to be an immediate threat to an officer or others, he must point it at them or make a similar menacing action (whatever that is?).

This opinion and the earlier opinion of the Ninth Circuit in *George* demonstrates just how uninformed and out of touch many federal judges are regarding the threat posed to officers by persons holding a firearm, pointed at innocent persons or not, due to the “deadly reactionary gap.” In fact, Richards would still be a deadly threat to the officers before he reached cover behind his vehicle. He can decide to fire at the officers, rapidly turn, point the gun and fire so quickly that the officer will not be able to react in time. Reaction time studies show that once a decision to shoot is made and the firearm is pointed, a round can be fired in .3 tenths of a second. [12] This means that once the suspect points the weapon approximately four shots could be fired at the officer in 1.06 seconds.

Regarding the issue of a warning before an officer can fire. The Supreme Court in *Tennessee v. Garner* [13] made

clear that warnings should be given if feasible. Common sense tells us that it is not feasible to warn if a reasonable officer believes it would place him in greater danger to warn. If the officer is standing without cover in the open in close proximity to the shooter raising or pointing a firearm, a warning is not feasible. If the suspect has his back to the officer but is holding a firearm, a warning may not be feasible.

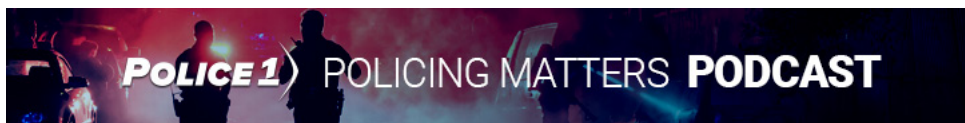
In cases like this, it is imperative that attorneys representing accused officers present expert affidavit testimony to enlighten and educate the court in summary judgment motions and appeals concerning the “action v. reaction” concept, aka “the deadly reactionary gap.” [14] Moreover, scientific evidence from studies on the deadly reactionary gap, like the findings from the “Blair Reaction Time Study” and the many reaction time studies conducted by Force Science Institute Executive Director Dr. William J. Lewinski [12] establish beyond question that an officer who waits for a gun to be pointed at him/her can be shot before they can react. This scientific factual evidence must be communicated to all judges involved in cases of this kind.

Police chiefs associations should endeavor to be invited to speak about these matters at federal and local judicial conferences so that skeptical judges are apprised of scientific developments before becoming involved in similar matters.

### ABOUT THE AUTHOR

*John Michael Callahan served in law enforcement for 44 years. His career began as a special agent with NCIS. He became an FBI agent and served in the FBI for 30 years, retiring in the position of supervisory special agent/chief division counsel. He taught criminal law/procedure at the FBI Academy. After the FBI, he served as a Massachusetts Deputy Inspector General and is currently a deputy sheriff for Plymouth County, Massachusetts. He is the author of two published books on deadly force and an upcoming book on supervisory and municipal liability in law enforcement.*

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**References**

1. 736 F.3d 829 (9th Cir. 2013).
2. Callahan M. What the Ninth Circuit got wrong in *George V. Morris* (and why it still matters now). PoliceOne.Com.
3. (No. 19-1399). (8th Cir. 5/28/20).
4. After the shooting Mrs. George told the police that before they arrived, she tried to physically take the gun out of her husband's grasp but was unable to do so. This contradicted her claim that he was too weak to raise the gun. The court apparently ignored this information by limiting itself to the plaintiff's set of facts.
5. Blair P. Reasonableness and reaction time. *Police Quarterly*, Vol. 14, Issue 4, pp. 323-343.
6. Eighty percent of the suspects were told

in advance to fire and the remainder were told in advance to surrender. The officers were not told how the suspects would react to the order to drop the gun.

7. This assumes accurate shot placement. From a distance of 10 feet, accurate hits are highly probable.

8. When a defendant in a civil rights lawsuit files a pre-trial motion for summary judgment, asking the judge to decide the case on legal or qualified immunity grounds without permitting a jury trial, the legal procedure requires the judge to accept as true for purposes of deciding the motion, the plaintiff's version of material facts when those facts are disputed by the parties.

9. "All witnesses believed [it to be] a rifle"

but later learned it was a pellet gun after the incident was over.

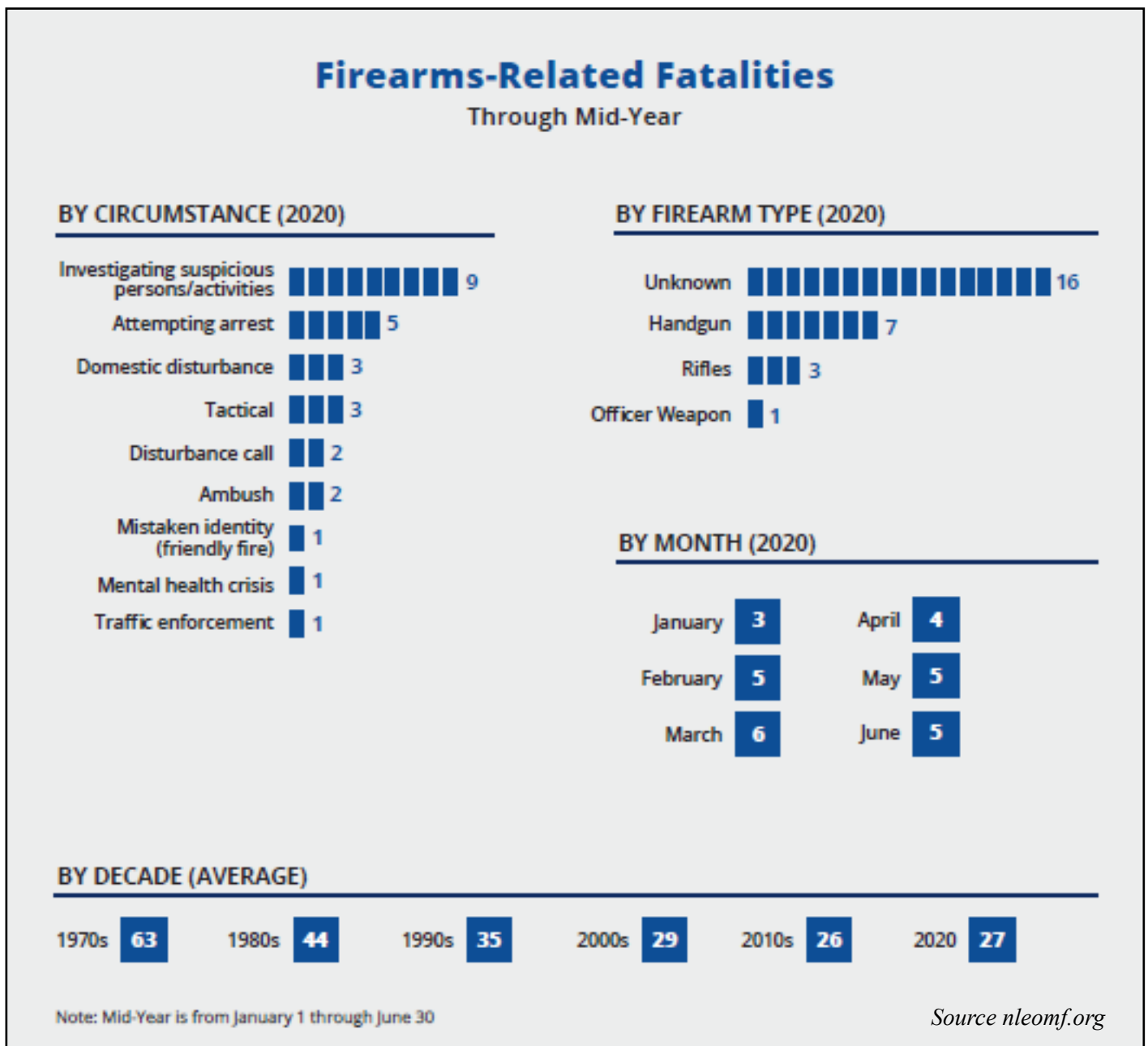
10. Hutchins fired with his patrol rifle.

11. See *Partridge v. City of Benton*, 929 F.3d 562, 565-567 (8th Cir. 2019).

12. Lewinski W, Hudson W. Time to start shooting? Time to stop shooting? The Tempe study. *The Police Marksman*, Sept-Oct 2003 edition. According to a later Lewinski study, every subsequent shot will be delivered in .25 of a second intervals.

13. 471 U.S. 1 (1985).

14. Even if the court refuses to officially consider the scientific study testimony at the pre-trial stage because of legal procedural rules, the judge will nonetheless receive important education on this critical topic.





# SAMPLING STUDY CBD PRODUCTS

## to Ensure Consumer Protection and Clear Guidance for Law Enforcement

### REPORT TO THE U.S. HOUSE COMMITTEE ON APPROPRIATIONS AND THE U.S. SENATE COMMITTEE ON APPROPRIATIONS

#### Sampling Study of the Current Cannabidiol Marketplace to Determine the Extent That Products are Mislabelled or Adulterated

#### *Report in Response to Further Consolidated Appropriations Act, 2020 U.S. Food and Drug Administration Executive Summary*

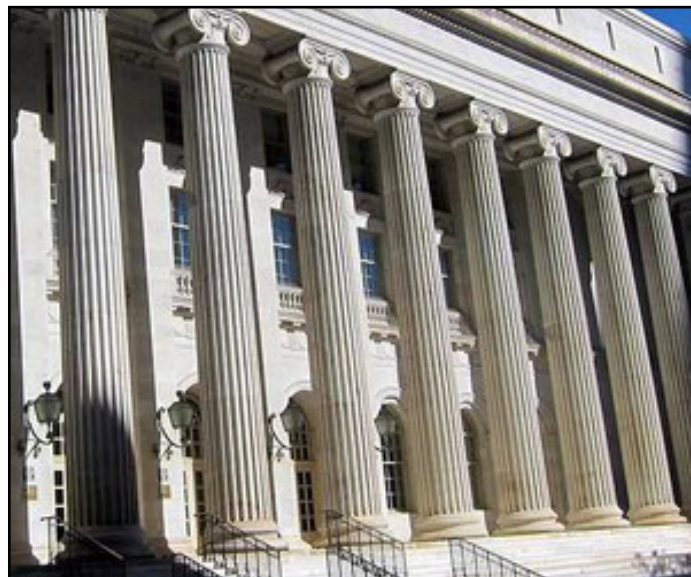
On December 20, 2019, the Further Consolidated Appropriations Act, 2020 (P.L. 116-94), which provided the U.S. Food and Drug Administration (FDA or the Agency) with appropriations under Division B, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2020, for the fiscal year ending September 30, 2020, was enacted into law. The accompanying Joint Explanatory Statement directed FDA to conduct a sampling study of the current Cannabidiol (CBD) marketplace to determine the extent to which products are mislabeled or adulterated and report to the Committees within 180 days of enactment.

This report fulfills the above requirement by providing an update on the Agency's sampling study of the current CBD marketplace and efforts to determine the extent to which products are mislabeled or adulterated.

#### **Introduction**

On December 20, 2019, the Further Consolidated Appropriations Act, 2020 (P.L. 116-94) (2020 Appropriations Act), which provided the U.S. Food and Drug Administration (FDA or the Agency) with appropriations under Division B, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2020, for the fiscal year ending September 30, 2020, was enacted into law. The accompanying Joint Explanatory Statement included the following Congressional Directive regarding Cannabidiol (CBD):

“The FDA is further directed to perform a sampling study of the current CBD marketplace to determine the extent to which products are mislabeled or adulterated and report to the Committees within 180 days of enactment of this Act.”



In response to this directive, FDA has prepared the following report.

#### **Background**

FDA recognizes the significant public interest in CBD products. However, there are many questions about the characteristics of currently marketed CBD products because the Agency lacks significant information on what CBD-containing products are on the market and there are little data available on those products themselves.

In recent years, FDA has conducted some sampling (see section III of this report) and has sought to review studies and other information on marketed CBD products from third parties in several ways, including through outreach to domestic and foreign regulatory partners and academic research institutions; through a May 31, 2019 public hearing<sup>1</sup> and its accompanying open docket;<sup>2</sup> and through a search of publicly available information.

These efforts have yielded useful information and raised concerns about the characteristics of currently marketed CBD products, including whether the actual CBD content in these products has matched the content described in these products' labeling and whether these products have contained other cannabinoids<sup>3</sup> (such as delta-9 tetrahydrocannabinol (THC)) or contaminants (such as heavy metals and pesticides). For example, during the public hearing, specific concerns were raised and data was shared regarding contaminants including heavy metals in marketed products<sup>4</sup>.

**Table 1. Historical (2014-2018) Testing Results of Marketed CBD Products<sup>a</sup>**

	2014	2015	2016	2017	2018
<b>Products Tested</b>	23	23	22	4	6
<b>Containing CBD<sup>b</sup></b>	16	21	21	4	5
<b>Containing THC<sup>c</sup></b>	9	19	15	1	2
<b>Containing Other Cannabinoids<sup>d</sup></b>	6	12	10	1	2

<sup>a</sup> Table includes products where the analyzing laboratory reported the presence of CBD, THC or Other Cannabinoids.

<sup>b</sup> CBD was considered present if either CBD or cannabidiolic acid (CBDA) were detected.

<sup>c</sup> THC was considered present if either delta-9-tetrahydrocannabinol (THC) or tetrahydrocannabinolic acid-A (THCA) were detected.

<sup>d</sup> Other Cannabinoids: CBC, CBG, CBN, and MMB-FUBINACA

However, these efforts have been limited in scope and have not provided for a comprehensive understanding of the marketplace. For example, many existing CBD product studies, which were performed by external parties and reviewed by FDA, included a limited number of samples (often performed on fewer than 30 products) or had study descriptions which lacked important information, such as the sample selection method, product specifications, and the actual levels of detected contaminants. In addition, it is not clear whether the studies that reported variability of CBD product characteristics (i.e., product composition and impurities/contaminants) were more likely to be presented, published, or submitted to FDA’s public meeting docket (i.e., publication bias) than studies that did not demonstrate widespread product characteristic variability. These uncertainties leave questions about how these findings should be interpreted and whether they can accurately be extrapolated to the CBD marketplace in the United States, which makes it challenging for FDA to determine the variability in CBD product characteristics. FDA believes that understanding the characteristics of marketed CBD products is critical to making informed decisions about how best to protect public health in the current marketplace. As such, pursuant to the language in the Joint Explanatory Statement, FDA has undertaken its own CBD product testing to better understand the contents and characteristics of currently marketed CBD products. This report (1) discusses the CBD product testing conducted by FDA both before and after the passage of the Agriculture Improvement Act of 2018 (P. L. 115-334) (2018 Farm Bill)<sup>5</sup> and (2) outlines the Agency’s plans for more comprehensive product sampling (a process that is currently ongoing pursuant to the Joint Explanatory Statement). Together, this information will provide the Agency with a better understanding of product

characteristics in the current CBD marketplace and will help protect and promote public health.<sup>6</sup> III. Historical (2014 – 2018) Testing Results Prior to the enactment of the 2018 Farm Bill, FDA tested cannabinoid content of 74 CBD products that were sold for human use and four CBD products that were sold for consumption by pets (total number, n = 78).<sup>7</sup> The products marketed for human use<sup>8</sup> included products marketed as oils, tinctures, capsules, tablets, gummies, vape liquids, conventional foods (candy, coffee, juice), and topicals (salve, balm, gel); the products marketed for animal use included products marketed as pet treats and capsules. Several factors were considered when selecting products for laboratory analysis:

- ▶ Products that made serious disease claims.
- ▶ Products that were produced or sold in several states to reflect interstate variation.
- ▶ Products that were readily accessible to consumers and available for online purchase.
- ▶ Products that were the basis for consumer complaints or adverse event reports.

Because the decision to test particular products was based on particular risk factors, the Agency does not know the extent to which the body of this testing work was representative of the overall market during this time period. Of the 78 products tested (from 2014 to 2018), cannabinoids were detected in 69 (88 percent) of them, and 67 (86 percent) of them were found to contain CBD (see **Table 1**). Two products were referred to the Drug Enforcement Agency (DEA) because of the controlled substances they contained – *a CBD oil capsule with an average of 16 mg/g THC and a CBD gummy found to contain the synthetic cannabinoid, MMB-FUBINACA,<sup>9</sup> at 1.9 mg/gummy.* A report of the 23 products analyzed in 2014 was prepared by FDA regarding

consistency in labeled cannabinoid content. Only eight products (35 percent) were consistent with the labeled amount of CBD. In addition, many of the products contained THC and/or other cannabinoids.<sup>10</sup>

#### IV. 2019 Testing Results

In 2019, FDA identified 34 CBD products for the testing of certain characteristics, including cannabinoid content and certain elements,<sup>11</sup> by reviewing consumer and industry complaints submitted to the Agency and by conducting online surveillance. Products identified for testing included products marketed with disease claims and products intended for vulnerable populations, and were marketed as tinctures/oils, capsules/powders, edibles, beverages, and products marketed for pets (see Table 2). Again, because FDA's decision to test particular products was based on particular risk factors, the Agency does not know the extent to which the body of this testing work is representative of the overall market during this time period.

All 34 products<sup>12</sup> were analyzed for elements such as arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), manganese (Mn), nickel (Ni), copper (Cu), zinc (Zn), selenium (Se), molybdenum (Mo), antimony (Sb), barium (Ba), cobalt (Co), lithium (Li), tin (Sn), and vanadium (V). The levels found in these 34 products did not raise significant public health concerns<sup>13</sup>. Because two of the products

were vape related and outside the scope of this study, and one product did not contain enough sample to analyze for cannabinoids, FDA analyzed 31 of the products for 11 cannabinoids, including a quantitative determination of total CBD and total THC<sup>14</sup> (see Table 2). Of the 31 products tested for cannabinoids, 21 products specified the amount of CBD in the product (e.g., CBD amount per serving). Of these 21 products, seven products (33 percent) contained CBD within 20 percent of the amount indicated. Of the 10 products that did not indicate the amount of CBD included in the product, six contained CBD and four did not. In addition, 15 of the 31 products (48%) contained THC. The results obtained for these 34 products is from a limited sample size and cannot be used to draw definitive conclusions and further testing is warranted.

Also, FDA has been working with the University of Mississippi to develop a method to detect and quantify hemp ingredients in cosmetic products. As part of this process, a total of 109 hemp and/or CBD-containing cosmetic products were selected<sup>15</sup> for testing the presence and levels of CBD, THC, and five other marker cannabinoids.<sup>16</sup> Of these 109 cosmetic products, 41 of them (38 percent) indicated the product contained CBD, and the remaining 68 of them (62 percent) claimed to contain hemp ingredients but did not specifically claim to contain CBD. Results showed that all 41 products that indicated CBD was present in the cosmetic

**Table 2. CBD and THC Results for Non-Cosmetic Marketed Products**

	Tincture/ Oil	Capsule/ Powder	Edible	Beverage	Pet
<b>Products Tested</b>	16	1	7	4	3
<b>Products with CBD Amount Indicated on Label</b>	10	1	4	4	2
<b>&lt;80% of CBD Amount Indicated</b>	6	0	2	2	0
<b>± 20% of CBD Amount Indicated</b>	4	1	0	0	2
<b>&gt;120% of CBD Amount Indicated</b>	0	0	2	2	0
<b>Containing THC<sup>a</sup></b>	11	1	1	0	2

<sup>a</sup> These products contained THC or THCA above the limit of quantitation (LOQ).



were found to contain CBD. Of those 41 products, 12 also contained THC,<sup>17</sup> although the products did not indicate the presence of THC. In addition, of the 41 products that indicated CBD was present, 14 indicated a specific amount of CBD on the label. Of those 14 products, eight products contained less than 80 percent of the CBD amount indicated, four products contained within 20 percent of the CBD amount indicated, and two products contained greater than 120 percent of the CBD amount indicated. The 68 cosmetic products tested claiming to contain hemp ingredients, but not specifically claiming to contain CBD, did not contain any measurable cannabinoids<sup>18</sup>.

### V. 2020 Testing: Near-Term Sampling Plan and Results

Given the extensive data gaps regarding the current CBD marketplace, the results from previous product testing, and in response to the congressional directive from the Joint Explanatory Statement, FDA is undertaking a more extensive CBD product sampling effort. To obtain useful and comprehensive information going forward, FDA has developed a sampling plan that is divided into two phases: near- and long-term. Near-term results will inform the long-term sampling plan. For the near-term sampling plan, FDA generated a list of 500 marketed CBD and hemp products. Only products available on-line were captured in this initial phase of testing. Firms selling CBD and hemp products were

identified from several public sources, including from (1) internet searches (using terms such as “CBD,” “cannabidiol,” “hemp,” “hemp extract,” “Best CBD”), (2) searching on-line distributors, (3) firms that had previously been issued warning letters, (4) industry event participants, and (5) advertisers in trade journals. This list included products that appeared to contain CBD, hemp, or hemp extract as an ingredient, though it was not a requirement that the products on the list explicitly indicated the presence of CBD (either on their label or on their on-line product description). The products were divided into seven categories (see Table 3). Two hundred products were randomly selected for testing proportionally from each category based on the total number of products in that category. Tincture/oils/gel caps represent approximately half of the products selected (n = 83). All products were analyzed for 11 cannabinoids,<sup>19</sup> including a quantitative determination of total CBD and total THC.<sup>20</sup> Quantitative analysis for the elements As, Cd, Hg, and Pb was also performed. A subset of products, based on the product type, will be analyzed for pesticides, residual solvents and microbial contaminants (Salmonella and Listeria monocytogenes). Of the 200 products purchased, testing for cannabinoids was completed on 147 of them (see Table 3).<sup>21</sup> Of the 147 products tested, 138 products (94 percent) contained CBD. Of the samples that did not contain CBD (n = 9), seven either did not indicate CBD or clearly indicated “zero CBD” on the label. Two products

**Table 3. Summary of Total CBD and Total THC Results (Number of Products)**

	Tincture/ Oil	Capsule/ Powder	Gummy	Edible	Beverage	Pet <sup>a</sup>
<b>Products Tested</b>	82	1	17	17	8	22
<b>Products with CBD Amount Indicated on Label</b>	56	0	14	14	6	12
<b>&lt;80% of CBD Amount Indicated</b>	6	n/a <sup>c</sup>	5	3	2	2
<b>± 20% of CBD Amount Indicated</b>	25	n/a	7	6	3	5
<b>&gt;120% of CBD Amount Indicated</b>	25	n/a	2	5	1	5
<b>Containing THC<sup>b</sup></b>	54	1	5	3	0	9

<sup>a</sup> The pet products purchased were tinctures, oils and drops sold for consumption by pets.

<sup>b</sup> Contained THC or THCA above the LOQ.

<sup>c</sup> n/a – Not applicable

that listed CBD on the label were not found to contain CBD. For products that indicated a specific amount of CBD, those amounts were compared to the testing results. Of the 102 products that indicated a specific amount of CBD, 18 products (18 percent) contained less than 80% of the amount of CBD indicated, 46 products (45 percent) contained CBD within 20 percent of the amount indicated, and 38 products (37 percent) contained more than 120 percent of the amount of CBD indicated. THC levels in the products tested ranged from below the LOQ to 3.1 mg/serving, with 72 products (49 percent) found to contain THC or THCA at concentrations above the LOQ (see Table 3). Of the 147 products analyzed for cannabinoids, 133 products<sup>22</sup> were also analyzed for the elements As, Cd, Hg and Pb. Of the 133 samples analyzed, 132 of them did not contain As, Cd, Hg, or Pb at levels that represent a health concern and one product, a tincture, had a Pb concentration that requires additional evaluation, which is currently ongoing. It is noted that the 133 products tested are from a limited sample size and cannot be used to draw definitive conclusions regarding the prevalence of these elements in marketed products.

## VI. Future Testing:

### Long-Term Sampling Plan

FDA has developed a sampling methodology to create a representative, random sample of the current CBD product marketplace. The Agency is purchasing data on brands, product categories, and distribution channels for CBD products. FDA is also in the process of developing its own comprehensive list of brands operating in the CBD market space by assembling data from targeted internet searches and analytics. FDA intends to leverage both data sets to randomly sample products across brands, product categories, and distribution channels, while favoring products with a higher market share. FDA expects the sampling protocol to include most, if not all, of the following product categories:

- ▶ Tinctures, oils, and extracts
- ▶ Capsules and powders
- ▶ Gummies
- ▶ Water and other beverages
- ▶ Other conventional foods
- ▶ Leave-on cosmetic products, like face and body lotions
- ▶ Device and combination products, like personal lubricants, tampons, and suppositories
- ▶ Vape cartridges
- ▶ Products sold for consumption by pets

As was done in the near-term study, all products will be analyzed for 11 cannabinoids,<sup>23</sup> including a quantitative

determination of total CBD, total THC, and the elements As, Cd, Hg, and Pb. The testing methods will be equivalent to those used in the near-term study. Additional analyses, including pesticides, residual solvents, and microbial testing will be performed on a subset of products. The specific number and type of testing will be determined based on product type and the results from the near-term study. Product sampling and testing will be conducted by a third party and FDA expects this long-term study to be initiated in 2020.

## VII. Conclusion

This report outlines the Agency's approach toward the requirement of the Joint Explanatory Statement to perform a sampling study of the current CBD marketplace to determine the extent to which products are mislabeled or adulterated. In addition to providing the plan for a long-term sampling study, FDA has, in this report, provided a summary of previously completed sample testing and described the methodology as well as some preliminary results from a smaller 2020 near-term sampling study (n = 147). Again, these preliminary data are from a limited sample size and cannot be used to draw conclusions about the marketplace and supports the need for the long-term study, which will capture multiple retail sources (on-line and brick and mortar) and a greater number of products. The results from the planned sampling study will help the Agency gain insight into the characteristics of representative products in the current CBD marketplace. FDA will report again on the results from both the near- and long-term studies when complete data sets are available.

*1 See <https://www.fda.gov/news-events/fda-meetings-conferences-and-workshops/scientific-data-and-information-about-products-containing-cannabis-or-cannabis-derived-compounds>*

*2 See <https://www.regulations.gov/docket?D=FDA-2019-N-1482>*

*3 The term "cannabinoids" refers to a class of more than 100 different chemical compounds that occur naturally in the Cannabis sativa L. plant. The most commonly known cannabinoids are THC and CBD, but many others (e.g., cannabinal (CBN), cannabigerol (CBG), cannabichromene (CBC)) exist. Some of these cannabinoids were analyzed and quantified by FDA on the products described in this report.*

*4 A transcript of the public hearing is available at <https://www.fda.gov/media/128593/download>*

*5 Among other things, this law changed certain federal authorities relating to the production and marketing of hemp. These changes included removing hemp from Schedule I of the Controlled Substances Act, which means that cannabis plants and derivatives that contain no more*

than 0.3 percent THC on a dry weight basis are no longer controlled substances under federal law. However, the 2018 Farm Bill also explicitly preserved FDA's authority to regulate products containing cannabis or cannabis-derived compounds under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and section 351 of the Public Health Service Act.

6 As directed by Congress, this report addresses FDA's sampling activities. FDA has separately, and on numerous occasions, articulated its position regarding the legality of CBD in different types of commodities regulated by the Agency. For purposes of this report, FDA describes products using terminology that best reflects how these products might appear to an ordinary consumer. Nothing in this report is intended to change or otherwise alter FDA's prior statements regarding the legal or regulatory status of products containing CBD.

7 "n" represents the total number of samples tested. Some testing results are available on the FDA website: <https://www.fda.gov/news-events/public-health-focus/warning-letters-and-test-results-cannabidiol-related-products>

8 The CBD product sampling described in this report often included products marketed as dietary supplements; however these products are not described as such because CBD products do not meet the definition of a dietary supplement under section 201(ff) of the FD&C Act (21 U.S.C. 321(ff)).

9 This indazole-based synthetic cannabinoid is classified as DEA Schedule I drug; N-[[1-[(4-fluorophenyl)methyl]-1H-indazol-3-yl]carbonyl]-L-valine, methyl ester; also known as FUB-AMB.

10 A. Ruth, C. Gryniewicz-Ruzicka, M. Trehy, N. Kornspan, G. Coody, 2016, Consistency of Label Claims of Internet-Purchased Hemp Oil and Cannabis Products as Determined using IMS and LC-MS: A Marketplace Survey, *Journal of Regulatory Science*, 3: 1-6.

11 Per the May 31, 2019, public hearing, multiple stakeholders expressed concerns over heavy metal poisoning and other potential contaminants.

12 In 2019, one additional sample was obtained outside of the selection and testing process described above. FDA received an adverse event report for a product marketed as a dietary supplement labeled to contain CBD. Although the product was labeled to contain 50 mg/capsule of CBD, it was found to contain 70 mg/capsule. In addition, the capsules were found to contain 1.6 mg THC and 0.3 mg CBN.

13 The results yielded one product containing As, one product containing Cd, four products containing Pb, and four products containing Cu, but levels did not raise public health concern.

14 Total CBD was calculated as the sum of CBD and



CBDA. Total THC was calculated as the sum of THC and THCA.

15 These 109 products were selected from public databases for products that claimed to contain hemp-derived ingredients.

16 These five cannabinoids are CBDA, CBG, cannabigerolic acid (CBGA), CBN, and THCA.

17 Levels ranged from below the LOQ to 0.0294 percent.

18 Of these 68 products, 53 of them were labeled to contain cannabis sativa seed oil and 15 of them were labeled to contain hemp/cannabis sativa oil in their list of ingredients.

19 These 11 cannabinoids included CBC, CBD, CBDA, cannabidivarin (CBDV), CBG, CBGA, CBN, THC, Δ8-tetrahydrocannabinol (Δ8-THC), THCA, tetrahydrocannabivarin (THCV).

20 Total CBD was calculated as the sum of CBD and CBDA. Total THC was calculated as the sum of THC and THCA.

21 Products were tested as they were received, but testing was paused due to the COVID-19 (SARS-CoV-2) pandemic. Testing of the remaining products will continue once normal operations are resumed.

22 Products were analyzed for cannabinoids prior to analysis for toxic elements. Products were tested as they were received, but testing was paused due to the COVID-19 (SARS-CoV-2) pandemic. Testing of the remaining products will continue once normal operations are resumed.

23 These cannabinoids will include CBC, CBD, CBDA, CBDV, CBG, CBGA, CBN, THC, Δ8-THC, THCA, and THCV.





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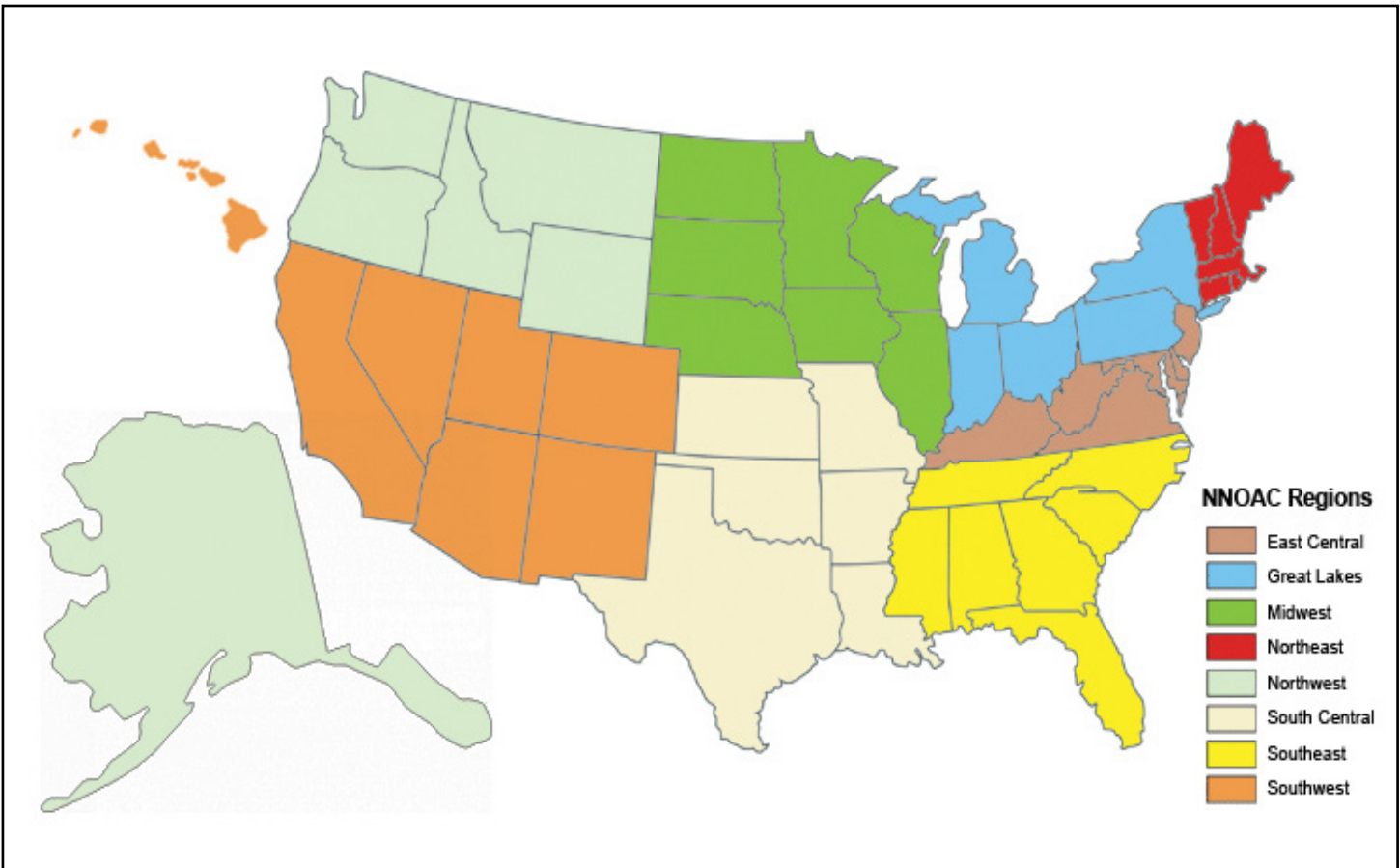


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# NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION

## REGIONAL DIRECTORS' REPORTS

**Northeast Region - William Butka, Jr.**  
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*This is an editorial commentary from Bill Butka under the Northeast regional report.*

Who would have guessed that in the year 2020 law enforcement would be portrayed as the enemy? The way this assault occurred is suspicious. Anarchists appear to have exploited and hijacked what began as peaceful protests in response to a terrible incident in Minneapolis.



Law enforcement has trained and adapted over the years to counter lawlessness. Examples: Community policing reduced crime in the neighborhoods needing a police presence to begin with. School resource officers interacted with our youth and fostered mentoring relationships, and they were a deterrent to school shootings. Drug enforcement was initiated to try to rid neighborhoods of the damaging drug abuse that is at the root of domestic abuse, joblessness, human trafficking, prostitution, theft, violence, armed robberies, and homicides. Law enforcement responded to an increase in active shooter calls and trained to enter immediately upon arrival of the call, in hopes of engaging the shooter and saving lives. Terrorism within our borders increased dramatically and, once again, law enforcement addressed terrorism and trained to counter terrorism. Body camera usage began and continues to increase throughout the country. Body cameras have helped reduce false claims against police and have saved jurisdictions monetary losses.

These are just a few of the many skills and changes that a law enforcement officer is required to train for and respond to. In this ever-changing atmosphere, law enforcement did reduce crime.

On June 25, 2020, the NNOAC conducted a telephone conference call with drug enforcement officers throughout the United States, with the participation of Tim Shea, the new

acting DEA administrator. This is the first time that a DEA administrator met with local and state drug enforcement officers. During the call, it was evident that every section of the United States has reported record drug overdoses and an increase in violent crime.

Now, in enforcing our laws, it seems that legislators and citizens want our law enforcement officers to ignore a certain class of citizens. Now, law enforcement officers are told that the very skill sets they adapted to respond to and reduce crime are no longer needed. Now, police officers will become criminals for doing their jobs will be subjected to civil litigation.

What I find incredible is that the very politicians who passed criminal justice reform laws claim that these reforms are just to get rid of the "bad cops", along with imposing some restrictions. The politicians succumbed to a minority of individuals who get their false information from social media or who want to destroy the very foundation of the United States. The false claims are further fueled by a complicit media eager to gain viewership/readership. The media's intentional suppression of the violence in communities is unimaginable and inexcusable.

There are consequences to actions taken by our legislators, I believe cannot be reversed. It is too late and will not be corrected by additional legislation. All the advances in community relations and trust with the citizens are destroyed, permanently.

A total divide now exists between law enforcement and its citizens. What is so appallingly unreal is that law enforcement is expected to pretend like nothing is happening and maintain law and order within total chaos.

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**Northwest Region - Rich Wiley**  
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**Washington State:** Law enforcement here struggles, as in most of the country, with a lack of support and threats in the major cities to cut or defund the police. Police budgets are under significant stress, and officers are being pulled

from specialty units throughout the state, resulting in a reduction in the number of officers focused on narcotics enforcement. The entire criminal justice system is under significant stress due to COVID-19 and the events that have transpired since the death of George Floyd.



The biggest threats facing Washington State are the Fentanyl-based, counterfeit prescription pills found statewide. They sell on the street for between \$12 and \$30 dollars a pill. These pills, which are commonly involved in multiple overdose deaths in communities throughout the state, are smoked by young people and have killed many; individuals will smoke up to 10 of these a day, which presents a significant risk of overdose. Recently a teenager required nine doses of Narcan administered by law enforcement to bring them back from an overdose.

In a recent case, a drug trafficking organization was taken down with two Kilos of Fentanyl powder they wanted to have pressed into pills. This is a common issue, with

tableting labs popping up in different communities.

As methamphetamine supplies have diminished, the price has gone up. An ounce now goes for between \$700 and \$1,000. Meth is still the biggest threat facing the state and statistically is responsible for the largest percentage of deaths. It appears the restrictions at the border due to COVID-19 have had a positive effect in our state.

Oregon: Law enforcement is struggling with the lack of support, the apparent acceptance of Antifa, and the destruction that has plagued Portland. COVID-19 has likewise provided significant challenges, causing law enforcement to reinvent how it does business.

Oregon has two measures which are anticipated to be on this year's fall ballot. One would legalize the use of Psilocybin mushrooms, which would be made available at certain use sites around the state. A second measure would legalize the use of all drugs.

Drugs trends remain the same, with Fentanyl-based counterfeit prescription pills being found statewide, resulting in a significant number of overdoses. Methamphetamine and heroin are also still significant threats statewide.

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**C**COVID-19 and civil unrest have caused disruptions to normal operations across the region. Re-assignments of investigators to deal with the increase in violence in many areas, as well as modifications to normal police services, have left major gaps in the ability to investigate major drug trafficking organizations. Many agencies have had to limit investigators coming into government buildings, and social distancing requirements have caused difficulties for pro-active units in conducting their operations.

Methamphetamine continues to plague most of the region as the number-one drug choice, and the main method of transport continues to be the use of personal motor vehicles. We continue to see an increasing use of mail service from source states to ship parcels containing larger quantities of methamphetamine. Mexican DTOs control the majority of the delivery and distribution of meth that arrives in the region. Closures at the southwest border have caused a decrease in the overall availability of methamphetamine to the region; but with the decrease in availability, we have seen methamphetamine prices increase to more than double in some areas. Partnerships and cross-state investigations

by federal, state, and local law enforcement continue to identify and investigate mid- to upper-level dealers and importers of methamphetamine coming into the region.

During the past year, the region had seen a small decrease in the overdose death rates from heroin but an increasing number involving synthetic opioids, such as fentanyl. During the pandemic, however, we have seen an increase in overdoses across the region, many involving fentanyl. Law enforcement agencies throughout the region have seized synthetically produced fentanyl in blue pill form; these counterfeit pills, which are being sold on the street as oxycodone pills, have caused a number of overdose deaths. Local, state, and federal law enforcement are continuing to work collaboratively to identify the sources of supply, and multi-state investigations have been conducted to identify the distribution chains of this deadly drug. The retail sellers and unsuspecting users often are not aware that the substance contains fentanyl. Some states in the region that had seen little to no heroin or fentanyl are now seeing dramatic increases.

We continue to see increases in the amounts of cocaine being seized and the number of people entering treatment. Over the past several years in the region, there has been an alarming trend of increases in the availability and seizures of cocaine. As cocaine availability and use increases, we are seeing a rise in the number of overdose deaths related to cocaine, as well. Laboratory analyses of samples of cocaine continue to show that some of the cocaine is being





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laced with fentanyl. This makes it even more dangerous to the unsuspecting user and to law enforcement personnel who encounter it.

Although the 2018 Farm Bill may have been written as a research-centered endeavor, there is no question that the 34 - 40 states with industrial hemp pilot programs are not all using or enforcing the rules the same way. In fact, Colorado does not have a pilot program and is not compliant with the Farm Bill. Colorado passed its industrial hemp laws in 2013 – one year before the initial Farm Bill language was created. Yet DEA has not intervened with their program – in fact, it assists them with import/export issues. To date, no federal Departments – Justice, Agriculture, or Food and Drug Administration – have done any significant enforcement on any of this legal/illegal industrial hemp (or medicinal CBD, for that matter) activity in the United States. All of this patchwork of laws and rules causes confusion and difficulty for law enforcement who encounter these products during investigations. A number of these issues have been raised by law enforcement in our region, as well as on the national level. States want a federal decision made on this so that a consistent national enforcement policy can be used instead of every individual state trying to adopt their own way of doing things. Currently, what one lab does in the way of testing in one state may be completely different in another; but a product is labeled based on the lab that did the test in the state of origin.

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This article typically finds the Association preparing for our Annual Conference in the nation's capital. This yearly meeting is an important component of the mission that the National Narcotics Officers Association's Coalition (NNOAC) embarks on to serve its member associations, as it seeks to further drug law enforcement. The speakers that we command at the conference, as well as

the Hill visits to our local Members of Congress, are invaluable tools in helping to succeed in our common mission.

This year, however, due to the COVID-19 pandemic, NNOAC leadership has wisely decided to cancel the Washington, DC, meeting. The likelihood of Washington being fully open in February is not favorable. Add to that the potential absence of key speakers that we have always enjoyed; the Congress working remotely; and the possible complication of travel restrictions in our respective states, and the decision was made to cancel.

We are living in unprecedented times. Not only has the COVID pandemic presented challenges to our enforcement efforts, but the civil unrest that has gripped the nation has further restricted our abilities to do our jobs. With the economic shutdowns that have resulted from the pandemic, many jurisdictions are suffering the loss of tax revenues, which adversely affects our enforcement budgets. Coupling that with the resources many agencies have had to pull from drug investigations to quell the above-mentioned unrest has further strained our drug enforcement efforts.

Speaking of the civil unrest currently occurring across many parts of the country... I never believed that I would witness law enforcement ordered to stand by and watch a police precinct burned down. Not since 2016 – with the ambush and murders of police officers in Dallas, Texas, and Baton Rouge, Louisiana – has police morale been this low nationwide. The “defund the police” movement, along with anarchists, violent rioters, and record violence on our streets – seemingly operating with impunity and no consequences in many areas – contribute to this decline in morale.

My prayer is that President Trump and leaders at the federal, state, and local levels will commit to – and re-establish – the rule of law. Our country and our way of life depend on it. In the interim, rest assured that your officers and Board of the NNOAC will continue to work on our members' behalf. And hopefully we will be back to a normal meeting in February 2022.

## Southwest Region - Bob Cooke

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I never thought our profession would have things this bad. We are not safe, and it will be some time before our law enforcement brothers and sisters find a sense of civility and compassion for our profession. Is this the product of one incident or of long-time planning by groups trying to change this country?

Just a bit of info for when you are talking with your investigative teams about any operations they are doing in the Los Angeles, San Bernardino, Riverside, or Orange County areas: Due to the shortage of cocaine and methamphetamine, the demand for contraband from out-of-state dope dealers has resulted in local investigative teams changing their methods of investigations. Most, if not all, of the major narcotic teams there have been involved in many reverse sting cases; within a 2- to 3-month time span, these have resulted in seizures of millions of dollars and well over 250 arrests. The COVID-19 situation has resulted in greater border security, and a lot of dope was backed up waiting to cross the border into America. Some of the Mexican Drug Cartels are seizing on this and trying to drive up the cost of drugs by holding back on smuggling across the border, too.

In Southern California, Meth is selling for as much as \$2,800 to \$3,000 per pound and Cocaine is up to \$30,000 per kilo. People are coming in from all over the U.S. with cash in hand. The amount of money being seized there is pretty incredible: One team is up to \$4 million in seizures on reverses and another team just hit a target with \$6 million. I strongly urge use of the RISSafe Deconfliction centers when planning operations and beginning investigations.

Due to COVID-19, many of our state's associations have had to cancel their training events and annual Training Conferences. I am pleased, however, that the California Narcotic Officers' Association is still planning to hold their 2020 Training Institute from November 21-24 in beautiful San Diego, at the Manchester Grand Hotel. Many state associations from outside of California also attend CNOA's annual Training Institute. I hope to see you there!

### And from our friends in Hawai'i:

The Hawai'i Narcotic Officers Association (HNOA) is made up of retired and active law enforcement personnel from all levels who are dedicated to drug-related issues within the State of Hawai'i.

The organization was primarily established with the following objectives:

- Conduct training for ALL law enforcement personnel, private industries, schools and the general public
- Track narcotics-related legislation and laws
- Take notice of new drug trends in narcotics and drug abuse
- Engage in ALL other professional, cultural and community related interests to illegal narcotics

Hawai'i, spread across more than 6,000 square miles of the Pacific Ocean, is unique and is geographically isolated – it is roughly 2,500 miles from the U.S. mainland. According to recently published figures, Hawai'i is home to more than 1.4 million residents but gets more than 10.4 million visitors annually. Additionally, Hawai'i serves as a gateway between the U.S. mainland and the rest of the Pacific Rim, Asia, and Australia.

In early 2020, co-founding member and President Kyle Numasaki voluntarily stepped down from the HNOA Executive Board; he remains a member and supporter, and we are grateful for his leadership during our initial years. We congratulate Kyle on his recent promotion to the rank of Captain (Honolulu PD).

HNOA's leadership, updated as of early 2020, is as follows:

- *President, Sergeant Kanamu Akana (Hawai'i Sheriff's, former HNOA Vice President)*
- *Vice President, Supervisory Investigator Michael Hartsock (Hawai'i State Narcotics Enforcement)*
- *Secretary, Supervisory Special Agent Reyn Yoshinaga (HSI, Honolulu)*
- *Treasurer, IA Jason Pa (HI-HIDTA Analyst, Retired Special Agent HSI, Honolulu)*
- *Sergeant At Arms, Special Agent Frank Bru (DEA, Honolulu)*
- *Training Coordinator, Ken Tano (WSIN Coordinator-Hawai'i, Retired Major Honolulu PD)*

Like many other organizations, HNOA cancelled their 2020 training conference (originally scheduled for the first week of August) due to COVID-19-related issues and restrictions. We are planning for a conference in early August 2021 (exact dates yet to be determined) and invite all to join us next year in Honolulu. The annual conference will begin with a one-day training open to all public safety personnel, security, private industry and community groups. The following three days are for law enforcement personnel only. Additionally, networking and Hawaiian cultural activities are also planned.

*continued on next page*



# NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION

## REGIONAL DIRECTORS' REPORTS



HNOA is grateful for the continued support and mentorship from numerous individuals, NNOAC, NOAs and Counter Drug Training Programs.

HNOA remains committed to addressing the serious impact that narcotics are having in local communities and quality of life throughout Hawai'i and the Pacific. Additionally, HNOA will provide training to all of law enforcement and the community on drug related enforcement and concerns.

**“ ‘A’ohe Hana Nui Ke Alu ‘Ia “  
(No Task Is Too Big When Done Together)**

**Aloha**

*(Thank you to Ken Tano, fellow WSIN Law Enforcement Coordinator, from Hawai'i for submitting the above information on behalf of the HNOA.)*

Our safety has never been more at risk. Never have so many people rioted, even though facts and evidence do not support their narratives. These violent groups are well funded by people and organizations that want to change America. They claim to be enlightened, educated, and literate. As a lawful immigrant, I am disgusted by their attitudes and actions.

In no event is it fair or accurate to negatively categorize a profession based upon the actions of a few. Every profession has a few bad apples; but when it involves law enforcement, we get scrutinized nationwide. Every year, you see and read of doctors making significant mistakes that result in people losing their lives. But has there ever been a nationwide movement against all doctors?

Now we have a lot of so-called experts that want to entirely reform law enforcement. Yale, Harvard, the University of Maryland, and Michigan State have completed studies on use of force and racial disparity. And despite these scientific studies resulting in definitive, data-driven analysis, no one has seen their results mentioned in the mainstream media. It doesn't surprise me that these studies tell a different story than the news that we see day after day.

Law enforcement is not perfect, and reforms and policy changes are continually being made. That is why policy and procedural manuals are written on paper and not carved into granite. I hope that we see more people come out and support the police.

As we meet with our local, state, and federal lawmakers, we must remind them that they are responsible for making sure the truth gets attention. After all, “The Thin Blue Line” is all we have to keep America safe.

*The world is a dangerous place to live; not because of the people who are evil, but because of the people who don't do anything about it. – Albert Einstein*

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**Southeast Region - T. Gene Donegan**  
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The Southeast region is made up of North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Tennessee. The majority of the areas are being plagued with the same drug issues, although some areas are being hit harder with specific drug problems that other areas.

I don't believe we can get an accurate account of the ongoing drug trends found around the country in the same manner as we have in the past. Due to the COVID pandemic, many of the narcotic investigations have fallen to the wayside. A large number of departments have refused to allow officers to continue investigations due to the pandemic, and with good reason. Our officers have been put in a difficult situation, as well as being reassigned to other assignments, as drug dealers/users continue to flourish as if nothing is going on. But we have the dilemma of putting our officers at risk of infection by sending them into homes to conduct search warrants or by conducting investigative stops. I am personally aware of several locations where officers became infected due to conducting search warrants to try to finalize a particular investigation. Regardless, we will continue the fight to slow the flow into our country of





drugs that are taking lives and further infecting our society.

We continue to see a large increase in methamphetamine in rural areas of the Southeast and a steady increase in heroin in larger cities.



### ***Heroin***

The Southeastern region continues to see heroin being shipped into the area; and, for a short period of time during the COVID onset, we were seeing a price increase. But it would appear that the price is steadily going back down. We are seeing a trend to ship larger amounts of drugs rather than the traditional interstate individual courier. In August 2020, several kilos of heroin being shipped to the Chicago area were intercepted at a trucking company.

So as you can see, drugs are still flowing from across the border despite the pandemic spreading across the United States. This is an example of four kilograms of 100% pure heroin hitting the streets of Chicago. The Southeastern

region are still seeing fentanyl and carfentanil being shipped in individually or mixed with heroin. These drugs continue to plague our society and are responsible for deaths across the United States.



### ***Crystal Methamphetamine***

The Southeastern region, as well as other parts of the country, continues to see a steady drop in the homegrown/one pot methamphetamine labs that have previously plagued the areas. The cheaper price has led the selling of crystal methamphetamine by groups that have never previously dealt in this type of drug. We are seeing dealers crossing over to crystal meth due to the ease of obtaining the drug, as well as the cheap price. So, it goes without saying that we are seeing more crystal methamphetamine than ever before. As I mentioned in the fall report last year, we continue to see an increase in the methamphetamine conversion labs. These are large labs that are designed not for production but for converting liquefied methamphetamine back to crystal methamphetamine. These conversion labs have been seized in several states in the Southeastern region. This form of smuggling across our southern border by the cartels is growing – and will continue to grow, necessitating the need for conversion labs.

### ***Hemp vs. Marijuana***

We continue to see high-grade marijuana being shipped in from source states such as California, Colorado, Oregon, and Washington. But the problem becomes even more convoluted as we are seeing marijuana mixed in with hemp in an effort to throw off law enforcement. I discussed this problem last year, but I want to remind everyone of some the issues that law enforcement is dealing with each day.

Most of the Southeastern region is dealing with hemp, CBD hemp, hemp being sold on the streets in marijuana-



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type joints (pre-rolls), and many other hemp products. I know that in the Tennessee region we are constitutently bombarded by calls to law enforcement about shipments of hemp being transported, as they do not want to be stopped by the police, thinking it is marijuana.

Last year, the state of Tennessee had 226 growers; this year, we have grown to 3,769 growers on over 51,000 acres. We have asked the state legislature to control several aspects of hemp use, but most are very vague and easy to work around. For example: "Smoking hemp" means hemp that is offered for sale to the public with the intention that it is to be consumed by smoking and that does not meet the definition of a vapor product. Many state laws prohibit the sale or distribution of smoking hemp to, or the purchase of smoking hemp on behalf of, persons under the age of eighteen years. But anyone under the age of 18 may buy loose hemp flower as a tea, which can be smoked.

We have seen the results from vaping CBD and or marijuana. Unfortunately, there aren't enough regulations for these types of products. Then we deal with hemp being used as animal feed – any effect on humans??

### ***Hemp vs. Marijuana***

Hemp and Marijuana are both from the plant Cannabis Sativa

Generally, they look the same – even under a microscope – and they smell the same

Hemp, like marijuana, will fail a color test

The difference comes down to one factor – THC content: Hemp = 0.3% THC or below, and Marijuana = more than 0.3% THC

### ***Cannabis Trends (Marijuana and Hemp)***

- Significant increase in the use of Cannabis products
- Vaping (Not Recommended by FDA, CDC and numerous Health Journals) –According to CDC and FDA, approximately 80% of vaping illnesses and deaths are related to products containing THC. Of those involving THC, there are 2 primary categories: chemical-related burn (pesticides, herbicides, rodenticides, etc.) or air-related fungus
- Food/Edibles & Dietary supplements ( Not Approved by FDA)
- Medicinal\*\* (FDA approved Prescription ONLY)

Levels of Marijuana use are higher than those of any other drug, particularly among adults

Domestic production is increasing nationally

*Source: CDC, National Drug Intelligence Center, DOJ, National Drug Threat Assessment 2016*

### ***Challenges for Law Enforcement***

There is widespread confusion about how to positively identify legal hemp and to differentiate it from illegal marijuana.

In March 2019, WKRN reported that an officer with the St. Joseph (TN) Police Department stopped a driver who had in his possession a container labeled "Green Lyfe", CBD hemp flower. The officer noted that the plant looked and smelled like marijuana. The driver finally admitted that it was illegal marijuana that he had put in the jar in order to pass it off as hemp.

These are just a few of the issues that officers on the street have to deal with on a daily basis. So we, as law enforcement, need to remain aware that trends are constantly changing.

The fact is that it is getting more difficult to be in law enforcement today. I have been in law enforcement for over 38 years. During that time, I have seen changes, good and bad, and the same attitudes toward law enforcement, both good and bad. But I would remind the young ones: this is a job where you have to love to help people; we are in it not for the money, but to protect the weak.

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### **East Central Region - Tommy Loving**

**Kentucky, West Virginia, Virginia, District of Columbia, Delaware, Maryland, New Jersey**

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**F**atal overdoses in Kentucky had been increasing from year to year until 2018 – when a 15% decrease was noted – but statistics from last year show an upward trend. The State Office of Drug Control Policy attributes the rise in deaths to an increase of fentanyl and its analogues in the illicit drug supply. The widespread availability of inexpensive methamphetamine of high purity also significantly drives the number of deaths, the report said.



Fentanyl was present in 759 overdose deaths last year in Kentucky, more than any other drug.

Statewide, the presence of meth and oxycodone were seen in a greater number of cases last year than in 2018, while heroin-related overdoses decreased in Kentucky. “We continue to see heroin decline, and that’s not necessarily a user’s choice but a cartel choice of replacing the opioid of heroin with fentanyl, which is 10 times more potent than heroin,” said Van Ingram, director of the Kentucky Office of Drug Control Policy.

In Kentucky, the regional drug trafficking issue really depends on the county where one is located, as the drug of choice varies by county and region. While heroin is present in the South-Central Kentucky illicit drug supply, meth appears in more significant amounts and is posing more of a danger to users than it did a decade earlier.

The meth that agents and detectives are seizing is largely coming from Mexico, and it is a stimulant that is high in purity compared to the meth that was produced by the small

meth labs that inundated the region at the beginning of the previous decade.

Ten years ago we didn’t have meth overdoses at all in South-Central Kentucky, but I believe that meth and fentanyl are the main drivers behind the increase in overdose deaths in our region of Kentucky. For the most part, we have pretty good state criminal laws to deal with drug traffickers; but I think some of these drug traffickers need to be in prison longer and not be given so many chances on the front end when they’re dealing significant amounts of meth, heroin and fentanyl.

The Kentucky Narcotic Officers’ Association (KNOA) decided that, because of the ongoing global pandemic and the civil unrest (riots) in Louisville, it is unable to hold its 2020 KNOA Annual Training Conference that was scheduled for September 9-10-11, 2020.

An official announcement from Steve Cobb, President of KNOA, stated: “After careful consideration, the officers and executive board, unfortunately, feel it is in the best and safest interest of our membership to cancel our Annual Conference this year because of the COVID-19 pandemic and the ongoing civil unrest in Louisville.

## Why the opioid epidemic is worsening in the COVID-19 era

By Curtis Hill, Indiana’s Attorney General



*The United States of America is in a crisis.  
Actually, multiple crises.*

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The coronavirus pandemic is the obvious one. There have been more than 4 million confirmed cases in the U.S. alone, and the deaths of 145,000 Americans have been attributed to the virus. Indiana is inching closer every day to 3,000 COVID-19 deaths.

Government reaction to the virus has led to an economic crisis. It has forced workers to file jobless claims at an unprecedented rate and has caused many small businesses nationwide to permanently close their doors. The National Bureau of Economic Research said the U.S. began a recession in June.

COVID-19 has jeopardized our health, our economy and our overall sense of faith in a way we have never experienced before.

On top of the pandemic, racial and social tensions in our nation are at their highest levels in 50 years. Protests and riots exploded across the country after a Minneapolis police officer knelt on the neck of 46-year-old George Floyd for nearly eight minutes. Floyd, who was black, was killed after allegedly passing a counterfeit \$20 bill at a local grocery store. Four Minneapolis police officers have been appropriately charged in connection with Floyd’s horrific and preventable death.

America is enduring an unprecedented combination of emergencies. We are all hurting, even if we are not directly connected to these situations. The time to come together and solve our collective woes is now.





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But as we work together to heal our country, we cannot allow this pandemic and this unrest to deter us in our fight against another merciless scourge that has long-plagued our citizens: the opioid crisis.

There were 67,367 drug overdose deaths reported in the United States in 2018, according to the National Institute on Drug Abuse. Roughly two out of three of those overdose deaths involved opioids.

In Indiana, the numbers are strikingly similar. There were 1,626 drug overdose deaths in 2018, according to data from the Indiana State Department of Health. Again, roughly two out of three of those deaths involved opioids.

Preliminary data for 2019 shows that while total overdose deaths in Indiana fell, overdose deaths involving opioids rose. And though COVID-19 and ongoing racial discord will dominate newspaper headlines and TV news segments for the foreseeable future, preliminary outlooks show that 2020 could be our worst year yet for opioid misuse.

While official data regarding drug overdoses in 2020 is not yet available, preliminary data shows a significant jump compared to 2019. In May, suspected overdoses – both fatal and nonfatal – increased 42% compared to May 2019, according to a report from The Washington Post. And preliminary data from the Centers for Disease Control and Prevention shows that the U.S. saw a record high in fatal drug overdoses in 2019.

To break a record for fatal overdoses again in 2020 would be disastrous for our country.

Experts say the social conditions created by the COVID-19 pandemic are contributing to these early yet concerning figures. The American Medical Association says social distancing, an increase in unemployment and widespread economic troubles have created feelings of isolation and anxiety, which are common triggers of misuse.

Treatment access has also been limited during the pandemic. Many treatment centers were forced to temporarily close their doors as part of social distancing mandates and efforts to prioritize care for COVID-19 patients.

Indiana has taken action to ease the pain of the opioid crisis. Since taking office in 2017, I have sued drug-maker Purdue Pharma, prominent individuals within the company, and opioid distributors Cardinal Health, McKesson Corp. and AmerisourceBergen Drug Corp. With these lawsuits, we seek

to hold those who perpetrated this unprecedented crisis accountable and provide relief to the Hoosiers who have been victimized by the perpetrators' actions.

It is no secret that COVID-19 is the most urgent health issue facing our nation today. But as

we do our part to limit the spread of the virus and keep our peers safe, we must not forget that opioids continue to do catastrophic damage to our citizens.

The pandemic is also not the only force working against our efforts to contain the opioid crisis. Misguided efforts to “defund the police” have coincided with the onslaught of COVID-19.

In a broad sense, “defunding the police” is the idea of taking money away from police departments and putting that money somewhere it is perceived as more needed. Some who are in favor of “defunding the police” have said police department money should be redistributed toward drug treatment programs.

To some, this may sound like a worthy reallocation of resources. “Defunding the police” would not just put Americans in danger, but the concept also dismisses the role law enforcement play in responding to immediate drug crises. In many situations, police are the first to respond to suspected drug incidents, and are often the difference between life and death when someone overdoses.

Think about it: Who do you call when you suspect someone has overdosed? The police.

We should all agree that more resources need to be directed toward treating individuals with drug issues, but those resources should not be taken from police budgets. We cannot put ourselves in a situation where we take one step forward and two steps back in our fight against drug misuse.

There is a long uphill climb ahead for our country to get back to “normal.” We must be willing to buckle up and solve our immediate issues without compromising the ones that lurk ominously in the background.

We cannot choose to fight either COVID-19 or the opioid crisis. Rather, we must continue to fight battles on multiple fronts for the good of all Americans.



Lilly W.  
Actual Patient



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To learn more, visit [www.GreenwichBiosciences.com](http://www.GreenwichBiosciences.com).

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# NEW DIRECTOR OF MAGLOCLN

## Douglas J. Burig

### Career Highlights

- MAGLOCLN Executive Director
- 25 years of law enforcement experience with the PSP
- Member of the RDA and the RNPG
- Chair of the ROC

*Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network*



**D**ouglas Burig is the Executive Director of the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN), one of the six Regional Information Sharing Systems (RISS) Centers. RISS is a congressionally funded program and receives its funding through grants awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance. RISS provides secure information and intelligence sharing, investigative support services, and officer safety deconfliction to thousands of law enforcement and criminal justice agencies across the country.

As the MAGLOCLN Executive Director, Mr. Burig is responsible for the overall operations and management of the center, strategic development, regional partnerships, staff development, policy board relationships and coordination, and a host of other center-specific, regional, and nationwide responsibilities.

Prior to Mr. Burig's appointment as Executive Director, he was a member of the Pennsylvania State Police (PSP) for 25 years, where he served as Director of the Bureau of Criminal Investigation. He was responsible for statewide oversight of the investigative programs and specialized investigative resources for his agency, including intelligence and counterterrorism, drug enforcement, organized crime, domestic security operations, computer crime, marine

operations, and criminal investigation assessment. Prior to this position, Mr. Burig served in numerous disciplines within the PSP, including patrol; criminal investigations; criminal investigation assessment; the AMBER Alert Program; analytical intelligence as the commander of the state's primary designated fusion center, the Pennsylvania Criminal Intelligence Center; and as Director of the Intelligence Division. In addition, he served on the state's Type III All Hazards Incident Management Team for seven years.



Mr. Burig is a member of the RISS Directors Association, Inc. (RDA) and the RISS National Policy Group (RNPG). The RNPG is the governing body for the RISS Program and consists of the six RISS Directors and the chair of each center's policy board. Mr. Burig serves as the Chair of the RISS Outreach Committee (ROC). The ROC consists of staff from the six RISS Centers, the RISS Technology Support Center, and other appropriate participants. The ROC is responsible for executing the tenets outlined in the RISS Outreach and Education Plan.

Mr. Burig earned a master of science degree in the administration of justice and homeland security from Wilmington University and a bachelor of arts degree in political science from Salisbury University. He is also a graduate of the 255th Session of the Federal Bureau of Investigation (FBI) National Academy. In 2018, Mr. Burig completed the one-year FBI International Leadership in Counterterrorism Program.

Mr. Burig is a member of the DOJ Criminal Intelligence Coordinating Council, the International Association of Chiefs of Police (IACP) and the IACP Police Investigative Operations Committee. He formerly served on the Pennsylvania Coroner's Education Board, the Anti-Defamation League's Law Enforcement Advisory Committee and as the Vice President of the Association of State Criminal Investigative Agencies (ASCIA). Since 2017, Mr. Burig has been a regular presenter at the FBI National Academy. □



# Stop the Lying

## Higgins: Enough of the lying – just look at the data. There’s no epidemic of racist police officers killing black Americans.

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**A**nti-police rhetoric is spreading across the country faster than the coronavirus, because disinformation about racist police shootings fuels its transmission.

Last month, the horrific murder of George Floyd ignited protests across the country, and despite the involved officers being charged and most Americans agreeing racism and police brutality are wrong, public outrage soon expanded to condemn all police.

The shootings of Breonna Taylor, Tony McDade, and Rayshard Brooks have become symbols of racist police killings, regardless of the facts. The false narrative surrounding police shootings has caused law enforcement officers to be demonized, assaulted, and murdered.

The data is clear: There is no epidemic of racist police officers shooting and killing black Americans.

While every life is valuable, the number of blacks unjustifiably shot and killed by police is microscopic. Numerous scientific studies have proven that when behavioral, demographic, and other contextual factors are controlled, the racial disparity in police shootings disappears.

Despite these facts, politicians, activists, and the media continue to misrepresent the facts.

***It’s time to stop the lying and set the record straight.***

### The Numbers

It’s rare for police to kill anyone. A black man is more likely to be killed by lightning than by a police officer. In 2019, police shot and killed 1,003 people in the US, according to the Washington Post’s Fatal Force database. Of those, 250 were black and 405 white. Police shot and killed 55 unarmed suspects, including 25 whites and 14 blacks.

Shooting an unarmed suspect can be justified if a suspect makes a furtive movement, attacks an officer, or tries to take the officer’s firearm.

Of the 14 incidents of unarmed black men shot and killed by police in 2019, several involved high-speed car chases, fights with officers, or had weapons recovered at the scene.

Every shooting needs to be evaluated on its own merits,

and only one of the involved officers has been charged with murder, but for this analysis, assume all involved excessive use of force.

According to the FBI’s Uniform Crime Reporting (UCR), there were 686,665 sworn police officers in the United States in 2018. That’s one unarmed black male shot and killed for every 49,047 sworn police officers.

In 2018, police made 10,310,960 arrests, according to the FBI, and the race was known for 5.6 million offenders.

Of them, 1,548,690 (27.4%) were black. There were 229 black males shot and killed by police that year, according to the Washington Post, for a ratio of one out of every 6,762 black offenders. The ratio of unarmed black men shot and killed (23) in 2018 was one out of 67,334 black men arrested.

In 2015, about 53.5 million people had at least one contact with police, and 95% of those contacts involved traffic stops, according to the Bureau of Justice Statistics (BJS).

According to a BJS special report, 91% of whites and 85% of blacks contacted by police during traffic stops said police behaved properly. Of citizens contacted during street stops, 81% said police acted properly. Only 2% of all citizens contacted by police experienced force, or the threat of force.

After the Ahmoud Arbery murder in Georgia, LeBron James tweeted:

“We’re literally hunted EVERYDAY/EVERYTIME we step foot outside the comfort of our homes!”

That sentiment has been repeated during the recent protests, but does it reflect reality?

According to the US census, in July 2019, an estimated 328,239,523 people resided in the US. Blacks comprise 13.4%, or 43,984,096 people. That means police shot and killed one unarmed black male out of every 3,141,721 black Americans. Does that sound like an epidemic of police murders?

The numbers of unarmed blacks shot and killed by police are so low, most Americans recognize their names. Comparatively, every year police kill a larger number of unarmed whites, but almost no one knows their names.

Why does the media ignore these shootings?

It’s true the relative percentage of blacks killed is

higher than with whites, but the press does not cover the shooting of whites to the same extent, probably because it contradicts the narrative of racist police. Shootings later determined to be justified are still trumpeted as proof of racism—as with the 2014 death of Michael Brown in Ferguson, Missouri.

Even in bad shootings, there is often scant evidence of racism, because it's difficult to determine internal motivations. It's bad science to assume racism based solely on the disparate numbers between racial populations.

For example, a study of police shootings in 2015 showed suicidal whites were more likely to be killed by police. Are police racists against whites? Of course not.

***Of the 250 blacks shot and killed by police in 2019, six were female.***

Can one assume misandry is to blame for the gender disparity? Other variables need to be considered when determining causation, such as the fact men commit most violent crime.

The media correctly report descriptive statistics showing the disparity between the percentages of blacks and whites shot and killed by police, but journalists err in their statistical analysis by ignoring confounding variables and assuming causation.

## **Confounding Variables**

A 2019 National Academy of Sciences study found that “people of color face a higher likelihood of being killed by police than do white men and women, that risk peaks in young adulthood, and that men of color face a nontrivial lifetime risk of being killed by police.”

The study concluded that blacks are 2.5 times more likely to be killed by police than whites, but the study's findings do not tell the whole story, because it fails to account for confounding variables.



If any group engages in more violent crime, they will have more contact with police and a higher chance of being shot, and the black population in the US has a higher crime rate than the white population.

It's important to note that metadata for populations does not apply to individuals within that group and can only analyze populations as a whole.

According to the FBI UCR, there were 1,186,742 incidents of violent crime in 2018, and of them, 14,123 were homicide victims.

***Blacks comprised 54.9% of all homicide offenders, compared to 42.4% for whites. Blacks are 13.4% of the US population, yet they accounted for more than half of all homicides.***

According to the FBI's National Incident-Based Reporting System, 61.5% of all offenders were male, and according to the FBI UCR for 2018, 87.7% of murder offenders were male. That means approximately 6% (black males) of the population committed approximately half of the murders.

Homicide is not the only crime where the black population offends at higher rates.

According to the FBI UCR, of 7,710,00 arrests reported in 2018, blacks comprised 27.4%. Approximately 28.6% of people arrested for rape were black, 54.2% of robbery arrests, 33.7% of aggravated assault arrests, 29.4% of burglary arrests, and 30% of arrests for larceny-theft.

Black arrest rates for violent crimes are also correlated with victim descriptions of offender race. Higher crime rates within the black population increases contact with police and therefore the chance of police shootings within that community.

Median age is another confounding variable. Young men commit the vast majority of crimes.

According to the FBI UR, in 2018, people under the age of 25 accounted for large percentages of those arrested for murder (42.8%), rape (38.6%), robbery (53%), and aggravated assault (27.8). The black population in the US is younger than the white population.

According to Pew Research, in 2018, the median age for whites was 44 and the median age for blacks was 34. The most common age (mode) for whites was 58 and 27 for blacks.

Poverty is also correlated with crime. In 2018, 11.8% of US was in poverty, according to the US Census. The real median household income in 2018 was \$63,179, but \$70,642 for whites and \$41,361 for blacks.

Another variable to consider when assessing racial disparities is single-parent homes. In 2017, 65% of black

households had a single parent, compared to 24% of white households.

The more interaction a child has with a father, the less likely they are to commit a crime, according to the Minnesota Psychological Association. Children from single-parent homes are four times more likely to be in poverty and three times more likely to end up in jail by age 30.

One must also consider urban versus rural populations. Cities have significantly more crime than rural areas, with urban crime rates as much as 74% higher. According to Black Demographics, relying on 2013-2017 US Census data, most cities have black populations higher than 13.4%. Considering police concentrate in high-crime areas, the higher percentage of blacks living there may affect the rate of blacks shot by police.

## Interracial crime

While blacks commit the majority of homicides, they are also the group with the highest percentage of homicide victims. According to the 2018 FBI UCR, there were 6,460 known-race homicide victims, of which 3,315 were white and 2,925 were black.

Whites were 51% of known race homicide victims and 76.5% of the total US population, while blacks were 45% of known race homicide victims, but only 13.4% of the US. That means the homicide rate for blacks was 3.35 times their percentage of the US population, making them over five times as likely to be homicide victims.

And who is mostly responsible for murdering these high percentages of blacks? It's not police—it's other blacks. Most crime is intraracial, where both victims and offenders share the same race, but when violent crime is interracial, blacks commit a far higher percentage than whites.

According to a Bureau of Justice Statistics 2018 study, 15.3% of crimes against whites were committed by blacks

for a total of 547,948 crimes. In contrast, whites committed 10.6% of crimes against blacks for a total of 59,777 crimes.

Despite being 13.4% of the population, blacks committed nine times more interracial crimes against whites than whites committed against blacks. If racism is the cause of interracial violence, white cops are not the problem.

## Scientific Studies

A 2019 research article, published by the Proceedings of the National Academy of Sciences, detailed the findings of a study by David J. Johnson. The study analyzed fatal police shootings in 2015 and confirmed blacks, which were 12% of the population, accounted for 26% of those shot and killed by police.

But when violent crime was used as a benchmark, the anti-black disparity disappeared. The study found officers were more likely to shoot suspects of the same race, and more importantly, the number of police shootings could be predicted by race-specific violent crime rates.

The Collaborative Reform Initiative studied deadly force used by the Philadelphia Police Department from 2007 through 2013. The study determined 59% of officers involved in shootings were white and 34% were black.

In these shootings, 80% of suspects were black, and the majority were young males. Unarmed suspects were 15.4% of all people shot by police, but 25% of white suspects and 15.8% of black suspects were unarmed.

The study found the shooting of unarmed suspects was most often caused by threat perception failures or physical altercations.

With black suspects, white officers had a 6.8% threat perception failure and the rate for black officers was 11.6%. The study found no significant threat perception failures among different suspect racial groups.

A 2016 National Bureau of Economic Research study by Harvard Economics Professor Roland Fryer, analyzed racial differences in police use of force. It concluded that blacks and Hispanics were 50% more likely to experience non-lethal police use of force, but when controlling for contextual factors, the study found no racial disparity in the use of deadly force in police shootings.

The study also debunked prior claims that implicit bias affected shooting decisions.

A 2014 study in the Journal of Experimental Criminology, by Dr. Lois James, used laboratory simulations to test racial and ethnic bias in police shootings. Previous research had suggested blacks were more likely to be perceived as having weapons.

This study flashed images of people and objects, and test subjects were required to decide whether to shoot.





Out of 827 scenarios, 588 of which required deadly force, unarmed subjects were shot 47 times.

Unarmed white suspects were shot 46 times and unarmed blacks were shot only once. Subjects also waited longer to shoot black suspects. The study found that “subconscious associations between race and threat exhibited by participants are not linked to shooting behavior.”

## Unintended Outcomes

The myth of racist police shootings has many unintended outcomes. Hundreds of police officers have been injured or and killed, and many more have expressed their desire to quit.

This negative environment will likely lower the number of applicants to police academies and degrade the quality of applicants, which could result in higher levels of police criminality. Police may become less proactive, creating the “Ferguson effect.” A 2020 study questioned this theory, but that was before the recent protests and riots.

***If the Ferguson effect is sustained, it will disproportionately affect minority neighborhoods.***

The portrayal of police as racist thugs has increased racial tensions and distrust. The breakdown of the rule of law may lead to vigilantism, and if civil unrest continues, businesses and residents may leave cities.

Rioting in the 1960s is largely believed to have caused the phenomenon known as “white flight” from urban areas. The Kerner Commission Report, which analyzed urban riots from 1965 to 1968, warned of racial polarization. If businesses abandon urban areas, the resulting economic hardship will disproportionately damage minority communities.

The widely believed lies about racist police have also fueled an effort to defund or abolish police departments, despite only 16% of Americans agreeing with cutting financial support for police.

Many politicians define the “defund movement” as reallocating police funding to other social services, but US Representative Ilhan Omar tweeted about disbanding the Minneapolis Police Department, and Representative Alexandria Ocasio-Cortez suggested “decarceration & prison abolishment.” The Minneapolis City Council has vowed to dismantle and abolish the city police.

## Conclusion

Everyone agrees excessive use of force should be eliminated. On June 6, 2020, Congress introduced H.R. 7120– Justice in Policing Act of 2020 to deal with police misconduct.

The bill lowers the standard to convict police officers for misconduct, limits qualified immunity against civil action, provides additional tools to investigate patterns of discrimination, creates a national misconduct registry, and creates a framework to prohibit racial profiling at all levels.

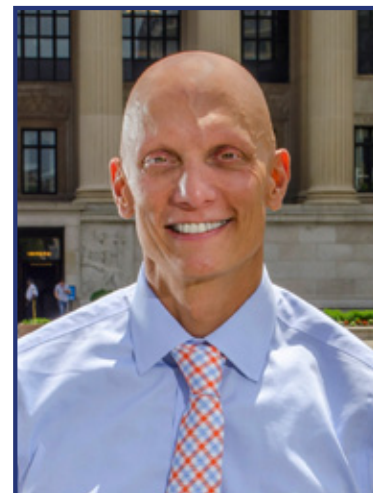
Other constructive solutions include: Improving officer training and standards, increasing transparency and the timely release of information, enhancing shooting investigations, reevaluating carotid restraint standards, and studying the effects of both public sector unions and civilian review boards. Since each shooting must be evaluated on its own merits, the mandatory use of body cameras could provide valuable evidence.

The media and protesters claim the violent actions of a few rioters do not represent most of the peaceful group, yet they argue the actions of one bad officer represents the whole. This faulty reasoning needs to stop. People need to forgo emotional arguments for rational analysis, stop confusing correlation with causation, and understand the impact of confounding variables.

For too long, the demonstrably false narrative about racially motivated police shootings has been propagated by politicians, activist groups, the media, and Hollywood. The data proves when contextual variables are considered, the racial disparity in police shootings disappears. It is time for the public to overcome their cognitive dissonance and discover the truth.

## **ABOUT THE AUTHOR**

*Jeffrey James Higgins is a retired DEA supervisory special agent and former Hillsborough County Sheriff's Office deputy, with 25 years of law enforcement experience. He has a Master of Science in Criminal Justice with a focus on research. Read his articles at <http://JeffreyJamesHiggins.com>.*



# DEFUNDING THE POLICE, SYSTEMIC RACISM AND THE RISE OF SOCIAL UNREST

by Peter F. Boyce

George Floyd's death was at best an absolute act of brutality by a police officer. It was not a rash act or a mistake in judgement. Eric Gardner in 2014 died in part because police used force when de-escalation was far more appropriate response for selling cigarettes on the street. The looting, rioting, vandalism, and gunfire that resulted in Ferguson after the death of Michael Brown has now become the response to nearly every use of force by police officers towards people of color. Is there systemic racism in policing? Is there systemic racism in all segments of our society? Can anyone honestly assert that racism does not exist whether you are white, black, brown or mixed?

Have we now come to the point in our society where entire portions of cities become police free zones, where buildings are burned, police stations occupied and vandalized, where riots led by roving bands of remorseless criminals are accepted? Does society truly want to defund the police or is the real issue that must be addressed is how can our multicultural society work together to resolve the poverty, crime, drug abuse, educational system shortfalls and joblessness that are the root causes of the social unrest we are experiencing today. Just look at Chicago that has been under federal court supervision for some time. With all that is occurring today, I feel very certain that de-policing is a major factor in the 80 people shot in drive by shootings on one recent weekend. What happened in the state of Washington or in my city of Atlanta when the police withdrew in response to unrest, people died because remorseless criminals took control of the area.

Covid 19 certainly adds to the pressure everyone is experiencing today. Yet just like the civil rights movement in the 1960's, there is a groundswell movement to remake our society into one that sees no color differences, enhances educational and job prospects, treats the mentally ill, and drug abusers while offering opportunities to all no matter one's ethnic background or other constitutionally protected interest. A majority of our citizens of every race want crime reduced and a safe environment to live and prosper.

As someone who has had the opportunity for nearly 20 years to teach and learn from police officers from throughout the country, I know that the vast majority of police officers are dedicated, underpaid, underappreciated public servants. Police officers made nearly 375 million citizen contacts with our citizens in 2019 and yet the media wants only to

highlight the very few instances where an officer commits an act that should never have occurred. Should those officers face the consequence of their actions both in a civil court and sometimes criminally? The answer is yes. Law enforcement like any other profession has a few who should not be part of such an honorable life's calling.

What needs to be done? Rather than defund the police, let us provide the resources they need. No officer wants to be responsible for taking a mentally ill or drug crazed naked guy running down the street to jail, but they have little choice. In the 1970's we closed virtually every state mental health institution in the country. Officers do not need to be handling most domestic calls, homelessness, neighbor disputes, dogs running loose and the myriad of other calls that often consume their daily shift. Let's provide facilities and professional resources to respond to and resolve these issues. More social workers, drug programs child intervention specialists, dog catchers, community workers trained to mediate disputes are needed. With the proper resources the law enforcement profession can respond to criminal activity.

Officers do need more training. I am sometimes shocked when I teach a class on profiling or constitutional policing that some officers in the class think it's okay to stop a vehicle driven by a non-white because it's in an all-white area and not because that driver is doing anything remotely suspicious. Many states and departments have mandated de-escalation training and that training should fully be funded along with training in racial bias, constitutional policing, and profiling.

A comprehensive program needs to be developed on the state and local level to recruit minority qualified applicants for the law enforcement profession. As much as feasible, applicants should have some college if not a college degree.

Give some flexibility for departments working under labor contracts to terminate the occasional officer who commits acts in violation of policy and procedure on multiple occasions.

Pay officers a fair wage commensurate with their education, experience, and performance, taking into account that the profession of law enforcement requires that each officer puts their life on the line every day and they should be paid at a rate that allows for the essential and dangerous work they do to protect everyone.

# NARCS: A VIEW FROM WITHIN

By Jeffrey B. Stamm

Like terrorist organizations, drug traffickers adapt to and exploit the openness of free societies, harness the latest technologies in communications and transportation, and parasitically tap into the mechanisms of global trade and finance. Most importantly, though, transnational criminal organizations are able to employ tactics such as violence and intimidation that those responsible for stopping them are quite properly incapable of practicing in a democratic republic. So, too, drug traffickers are entirely unconstrained by the countless “bureaucratic” requirements placed upon law enforcement organizations that demand legal and institutional transparency, accountability, and respect for the rule of law, thus enabling them to be infinitely more flexible and surreptitious. Because of these distinct “tactical” advantages enjoyed by the dope dealers, America’s drug agents, according to some, have been “pawns in a rigged game, played in the dark . . . with their hands tied behind their backs.”<sup>1</sup>

Perhaps.

Yet American law enforcement officers in general and narcotics investigators in particular are intensely averse to sacrificing the hallowed institutional and political values that define us as a society.<sup>2</sup> We are rightly unwilling, as a nation, to engage in tactics—however more effective they might be—that do not comport with our liberal democratic principles of constitutional loyalty and respect for liberty, peace, and justice. For the enforcers of our drug laws, adhering to such principles unquestionably handicaps their collective efforts against those who willingly and habitually embrace barbarity as a normal course of business; yet such legal—and moral—limitations, however frustrating, are willingly endured, for they are undeniably what separate the guardians of civilization from the enemies within the gates. The pedants, the dilettantes, the cynical elites who reflexively and dogmatically mock and vilify the “drug warriors” for their inability to “win” the “drug war” would do well to understand and remember this not-so-inconsequential nuance.

A strategic advantage that we do enjoy in defending ourselves against those who wish to harm us—or at least introduce the means with which to harm ourselves—is a deep and abiding tradition of professionalism and dedication within the ranks of our nation’s police forces, who, as “the unsleeping sentinels who guard the outposts of society,” in the words of G.K. Chesterton, recognize that it is they,

representing and reflecting their society, who must be the agents of social justice and order in a predatory and chaotic world. Though imperfect, our law enforcement officers are possessed of not solely a duty, but a disposition to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression, and the peaceful against violence.<sup>3</sup> In placing themselves in harm’s way on behalf of others, they embody our nation’s experiment in maintaining order and protecting liberty.

Counterdrug law enforcement is a highly specialized form of police activity that requires knowledge of state, federal, and international laws and treaties, drug pharmacology and manufacturing methodology, criminal investigation, informant handling, telecommunications and other technologies, money laundering techniques, concealment and distribution methods, and drug trafficking networks, among other things. To be effective, drug agents must learn how to identify and target distribution cells, gather and share intelligence from a variety of human and other sources, plan and execute undercover operations and surveillance activities, write comprehensive reports, provide convincing testimony in criminal proceedings, and conduct a host of related activities, all without violating an assortment of laws and bureaucratic regulations that define acceptable standards of professional behavior.<sup>4</sup>

But for narcs, whose counterdrug law enforcement function requires improvisation and adroit dexterity and responsiveness, it is ingenuity that is absolutely the most essential requirement. Owing mostly to an institutional culture that favors initiative, curiosity and on-the-job training, dope cops and agents develop it in spades as they must continually adjust their investigative methods and activities in response to a constantly evolving adversary.

Were one to describe narcs in only one word, it would be “agile.” In reacting to perpetually shifting threats presented by the ebb and flow of transnational criminal organizations and changes in the drug trade itself, drug enforcers must continually develop and perfect numerous investigative and strategic “innovations” in their operations.

Yet each time the good guys prosecute a case, federal and state rules of criminal procedure permit the traffickers to learn, through the discovery process, how the new, pioneering methods enable law enforcement to penetrate their organizations. So they, too, adapt, thus necessitating further counter-adaptations and innovations by the narcs in a complex and laborious dialectical struggle between good and evil. This is a new Great Game played out not only in





Colombia and Honduras, but in Columbus and Honolulu.

Drug enforcement culture values initiative, curiosity, audacity, and collegiality, all while not simply advocating but manifesting the ideals of democratic governance and respect for human rights. Narcs recognize that their efforts and sacrifices in combating illegal drugs cannot completely solve the problem.<sup>5</sup> They understand that their mission is not to reform American society single-handedly, but to put forth their best effort to enforce the law, maintain order and peace, and safeguard the public, with honesty, patience, courage, and determination, even when the job seems overwhelming and many of their fellow citizens oppose them. They also comprehend, with cocksure humility, that law enforcement does not, nor will it ever lead to the complete suppression of illicit drug use and trafficking or other forms of organized crime. Yet dope cops and agents also understand that protecting the citizens from the dangers and predations of dope will continue to necessitate their role, as an indispensable part of our comprehensive social and governmental efforts against this unceasing menace.

As has been said, drug law enforcement is a specific subset of police work in general. Furthermore, as has also been said, the social inevitability of policing, per se, is triggered solely because some faction, some few recalcitrant members of the social order, cannot, or will not, police themselves. Just as law enforcement, no matter how robust their violent crime initiatives may be, cannot stop the ageless propensity of some humans to commit assault and murder; or despite their efforts at enforcing traffic laws cannot stop all speeders; so, too, are narcs forced to concentrate their finite resources against the most significant, dangerous, and immediate threats to the populace.

Given that the illegal sale of drugs is normally a consensual act that produces no complainant and, thus, no indication to law enforcement that a crime has been committed, a drug agent cannot simply “detect” and reactively gather evidence to prosecute criminal acts. This is especially true in the case of the higher-level drug traffickers who rarely do business

in public places or do it only episodically, unpredictably, and secretly.<sup>6</sup> Because of the limitations of typical detective work involving “observational” strategies, and because drug investigators are members of an agency that has the mission of bringing to justice “those organizations, and principal members of organizations involved in the growing, manufacture or distribution of controlled substances appearing in or destined for the illicit traffic in the United States,” the dominant strategy of these investigators is not that of detecting or randomly observing a crime but of instigating one under controlled circumstances.<sup>7</sup>

The term “instigator,” though, should not be misunderstood. It is not the practice of entrapment by inducing a person to commit a crime to which he is not already predisposed. Rather, in the words of James Q. Wilson, it is “a legally neutral term referring to a law enforcement officer who, by assuming the role of a criminal, provides an opportunity to commit a consensual crime for a person who is ready, willing, and seeking an opportunity to do so.”<sup>8</sup> In further defining their role as provocateurs, Wilson understood that the critical skill of a narcotics agent is “the ability to persuade a person involved in crime” to supply information that is “not ordinarily to his advantage to reveal” or to engage in a transaction that is “not in his interest to consummate.” The skills required to acquire the information or complete the transactions are related but somewhat different. For the former, the agent must be “dependable, making and keeping promises, and supportive”; for the latter, he must be “devious, dissembling, and artful.” The witting informant “must be able to trust his agent,” while the unwitting dealer must “believe he can trust him.” To the former, the agent must make credible his ability to influence the threats and opportunities that collaboration with the law entail, while to the latter, he must make convincing his portrayal of a street hustler knowledgeable in the idiom and manner of traffickers. To achieve this last goal, Wilson observed with an amusing accuracy, “the agent must appear and dress in the style of the street: narcotics agents, unlike [other] agents, will dress flamboyantly, have long hair, beards, and mustaches, and speak the language of the underworld.”<sup>9</sup>

For over one hundred years since the passage of the Harrison Narcotics Act of 1914, our drug law enforcers have done a remarkable job of bringing to justice those drug traffickers and drug trafficking organizations that prey upon American citizens. In doing so, they have helped to keep the ever evolving and expanding profusion of dope beyond the mainstream. They have not been perfect. They, like any collection of human beings, make mistakes. Yet they continue to strive for effectiveness and excellence in all that they do. Excellence, however, does not mean “winning” some supposed “war” but, rather, demonstrating unceasing

perseverance and impact in disrupting and dismantling the most predatory and dangerous transnational drug trafficking organizations by enforcing legitimate state, federal, and international laws that provide both the limits and the motivations for an ordered society.

While limited resources demand innovation and audacity in executing their mission, narcs must always remain mindful of the constitutional, legal, and diplomatic frameworks within which they are not only required to operate, but to uphold and strengthen. Such zealous adherence to the rule of law unquestionably confers distinct advantages on the traffickers, who remain unencumbered by such constraints. As one Colombian official put it, “There are norms and parameters the police have to obey, which isn’t necessarily bad, but when the competitor doesn’t have to obey them, he has the advantage.”<sup>10</sup> Before lamenting this arrangement, however, we should remember, as Michael Kenney points out, that “constitutional safeguards, criminal laws, and bureaucratic procedures” regulating contemporary law enforcement “arose over several centuries of evolution in Western jurisprudence and democratic institutions.” Their purpose is “both noble and necessary: to protect citizens’ political rights and civil liberties and hold authorities accountable to the rule of law.” These rights and protections are “indispensable features of contemporary liberal democratic states.”<sup>11</sup> And they are revered and respected by narcotics agents and officers all across the land. The shrill wailings of the pro-drug cabal about the drug laws and their enforcers being responsible for constant and horrific violations of our citizens’ rights are wickedly and offensively wrong. This is sophistry of the worst kind that impugns the motives and integrity of every law enforcement officer in this country who conscientiously and courageously protects the rights and liberties of the many over the selfish desires of the few.

Enduring constant attacks, hindrances, and restraints, our stalwart guardians of the public good continue to face their persistent and malevolent enemy with courage, wisdom, character, and, yes, compassion. In recognizing that there are truly evil people in the world who wish only to enrich themselves by doing great harm to others, our agile and resourceful counterdrug specialists will remain entirely indispensable in maintaining safety and order in our democratic society. We know that liberty follows from order, not the other way around. We also know that civilization depends upon people committed to civility and decency; that is, certain behavioral limitations willingly—and primarily—placed upon themselves.

There will, however, always be individuals who, lacking the indispensable inner control, require—with all necessary force—a secondary source of restraint. It is, as G. K.

Chesterton so perceptively observed, the perpetual state of human nature and activity. He understood that, while it is the constant tendency of man to “rebel against so universal and automatic a thing as civilization, to preach departure and rebellion,” the romance of police activity “keeps in some sense before the mind the fact that civilization itself” is the “most sensational of departures and the most romantic of rebellions.” Observing the “unsleeping sentinels who guard the outposts of society,” reminds us that “we live in an armed camp, making war with a chaotic world, and that the criminals, the children of chaos,” are nothing but the “traitors within our gates.” The romance of the police force is thus “the whole romance of man.”

It will always be thus. □

### ABOUT THE AUTHOR

*Jeff Stamm is a 34-year law enforcement veteran, having served as a Deputy Sheriff in Sacramento County and a Special Agent in the U.S. Drug Enforcement Administration. He is currently the Director of the Midwest HIDTA based in Kansas City, Missouri and is also the author of “On Dope: Drug Enforcement and The First Policeman.”*

### Endnotes:

1 Foreword by Kris Millegan, Publisher to Douglas Valentine, *The Strength of the Pack* (Walterville, Oregon: Trine Day Publishing, 2009), iv.

2 Michael Kenney, *From Pablo to Osama* (University Park, PA: Pennsylvania State University Press, 2007), 226.

3 From *The Law Enforcement Code of Ethics*, reprinted in Edwin J. Delattre, *Character and Cops: Ethics in Policing* (Lanham, MD: University Press of America, 1989), 31.

4 Kenney, *From Pablo to Osama*, 80—81.

5 Delattre, *Character and Cops*, 136.

6 James Q. Wilson, *The Investigators* (New York: Basic Books, 1978), 39—40.

7 *Ibid.*, 42.

8 *Ibid.*, 22.

9 *Ibid.*, 47—48.

10 Cited in Kenney, *From Pablo to Osama*, 130.

11 Kenney, *From Pablo to Osama*, 129.





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# WHEN SMALL TOWNS AND DEA PARTNER TO TACKLE DRUG TRAFFICKING

## DEA TASK FORCE OFFICER PROGRAM IN RURAL AMERICA

*By Andree B. Swanson, Drug Enforcement Administration St. Louis Division*

**T**wenty hours west of New York City is Manhattan... Kansas, a place so different from its metropolitan namesake that it's surprising to learn that 54 drug traffickers were indicted there in just one 2019 case.

Not surprising, the Drug Enforcement Administration was a driving force behind the operation. But it was a county police officer from the DEA's Task Force Officer Program who masterminded the partnership.

The Riley County Police Department in Manhattan has an agreement with the DEA's St. Louis Division, like more than 80 other departments across the region that makes up the DEA St. Louis Division's area of responsibility. DEA uses Task Force Officers, or TFOs, as a force multiplier in carrying out its mission to disrupt and dismantle drug trafficking organizations. TFOs work full time with DEA, and are deputized – granted federal authority – by the DEA. As with their DEA Special Agent counterparts, TFOs are expected to conduct high level, multi-jurisdictional, drug and money laundering investigations. These investigations may take TFOs across town, across the state or half-way around the world in an effort to disrupt and dismantle drug trafficking organizations who inflict harm in communities across America, no matter where they operate.

"Our region stretches from the western border of Kansas to the southeastern border of Illinois, and we rely on formalized partnerships with state and local agencies to expand our drug trafficking investigations," stated Special Agent in Charge William J. Callahan, III, who heads the St. Louis Division, one of 23 domestic DEA Divisions across the United States. "More than 120 TFOs provide local expertise that is invaluable in addressing local trafficking threats. The reach they provide into rural areas would be impossible to duplicate."

Officially called the DEA State and Local Task Force

Program, the program seeks to develop highly successful drug investigations by combining federal expertise with TFOs' investigative talents and detailed knowledge of their communities, businesses and geography, along with the relationships these officers have developed.

TFOs are found throughout DEA, in big cities, like New York, and in little cities, like Manhattan. They are sometimes deputized only for a specific case or, they can be designated full-time and typically serve for a four-year assignment. However, many are reauthorized to serve longer.

"This is a mutually beneficial relationship because in places like here, we are kind of isolated," noted Dennis Butler, director of the Riley County Police Department in Manhattan. "DEA is often involved in investigations that have tentacles. One investigation ends up leading to another organization that they knew about, but didn't know it was connected."

The Manhattan case began when a Kansas State University student died of a drug overdose in 2017. The investigation into this death led to a connection with a group that the police department was already investigating. With the existing partnership, it was easy for the Riley County TFO to bring the full power of the DEA into the investigation.

"Having the resources and the weight of the federal criminal judicial system when someone gets convicted is really attractive to us," Butler said. "We prefer cases like this go federal, because we know DEA wants cases that get the most significant drug traffickers off our streets. We know they will go to federal prison and that makes our community safer."

Located in southeastern Missouri, the Poplar Bluff Police Department is another participant in the St. Louis Division's expansive TFO program.

"The value of additional manpower and resources, as



*Left: A Task Force Officer from the Columbia, Illinois, Police Department with his dog Blu investigates a vehicle they pulled over. DEA has agreements with local police departments who have drug dogs and call on them when investigators suspect drugs may be present during investigations. Above: U.S. Attorney Stephen McAllister announcing the indictments of 54 individuals in Operation Chicago Connection in August 2019 during a press conference. Standing behind him to his left is Special Agent in Charge William J. Callahan, head of the Drug Enforcement Administration St. Louis Division, and Director Dennis Butler, chief of the Riley County, Kansas, Police Department.*

well as increased successful prosecution rates, results in removing major players from the game in our community for longer periods of time,” agreed Poplar Bluff Police Chief Danny Whiteley. “Complex investigations also take a considerable amount of money, in paying informants and buying contraband, which makes it more difficult on smaller rural department’s funding capabilities.”

One of the Poplar Bluff PD TFOs who has been working with DEA since 2012 offered his perspective of the value. “This program is extremely important in departments in rural areas due to their lack of resources to investigate drug trafficking organizations operating in their communities,” he said. To protect their ability to investigate, TFO names are not published publically.

The Poplar Bluff TFO recalled a 2018 DEA investigation where he was involved in tracking methamphetamine distribution in his community back to its sources. When the investigative team received information that one of their targets was involved in a local murder, they were able to help the local major case squad charge the DEA suspect with murder at the state level. That same investigation resulted in the federal indictments of 15 individuals on drug trafficking charges.

When thinking about rural communities, the DEA’s Garden City, Kansas, office comes to mind, as it sits in the middle of America’s largest prairie, the Great Plains. The DEA re-established their presence last fall to address the drug threat facing western Kansas, particularly methamphetamine trafficking.

“DEA is important to all communities, whether rural or urban,” said a TFO from nearby Finney County Sheriff’s Office, who recently signed on for a second term as a TFO in the DEA Garden City Post of Duty office. “Agencies that don’t have the ability to dedicate manpower to drug investigations gain the most benefit from the relationship.”

“Sharing intelligence information by local departments, coupled with advanced investigative techniques and federal databases shared by federal agencies, vastly improves the successful prosecution and dismantling and disrupting of many major drug trafficking organizations,” added Whiteley.

Such relationships occasionally produce dramatic results as they did in the August 2019 case in Manhattan. What started as the overdose death of a university student led to a three-year, joint investigation into a fentanyl and heroin ring with origins in Chicago. The case culminated in U.S. Attorney Stephen McAllister announcing the indictments of

*continued on next page*



*Right: William J. Callahan swears in two new Task Force Officers in April 2020, observing social distancing during coronavirus. Chief Aaron Jimenez from the St. Ann, Mo., Police Department watches his officers become federally deputized.*



## RILEY COUNTY POLICE DEPARTMENT

54 defendants in Operation Chicago Connection in August 2019.

“It’s one of the largest operations we’ve ever conducted through the U.S. Attorney’s Office in the state of Kansas, and certainly one of the largest, if not the largest, takedown we have ever conducted,” McAllister said at a press conference in Manhattan.

“When we deal with organizations like we did in ‘Chicago Connection,’ people die, and other property and violent crimes are committed during the course of drug trafficking,” explained Butler. “When it becomes a federal investigation, it just opens up a much bigger toolbox of techniques you can use to build your case.”

Callahan summarized the impact of the division’s TFOs and their influence on investigations, “It’s hard to put a value on the TFO program and the relationships we develop as a result of having local law enforcement officers in our ranks. But if we did, it would be in the major quantities of drugs taken off our streets, the countless drug traffickers these enforcers have helped DEA put behind bars, the many lives impacted by these actions, and the gains in keeping our communities safe.”

For additional information about the TFO program, visit <https://www.dea.gov/task-forces>. □



*A Task Force Officer from the Monroe County, Illinois, Sheriff’s Department talks to a driver during a traffic stop. TFOs play a significant role in policing the Midwest highways and rural roads, frequently arresting drug couriers before they can deliver their products.*





*We thank the Swedish Narcotics Officers Association for the use of their articles in this issue.*

*Photo Lennart Karlsson*  
Chair of the Swedish Narcotic Officers' Association (SNPF)

*Article and Translation by Jonas Hartelius,*  
Member of the Swedish Narcotics Officers Association



*Editor's Note: This article was submitted by our counterparts from the Swedish Narcotics Officers Association*

## Ice & Chemsex, A case study from Sweden

A 33-year-old man, who had run a large sales operation of crystal methamphetamine and other narcotic drugs to homosexual men, was sentenced to six years imprisonment by the Stockholm District Court in March 2020.

The use of crystal meth has increased and become normalized within the part of the Stockholm gay community involved in chemsex, which is worrying to the RFSL Stockholm [Stockholm Section of the Swedish Federation for LGBTQI Rights] and to Venhälsan [Special health services devoted to the needs of homosexual and bisexual men].

Thursday night, June 27, 2019, as usual, the energetic street surveillance team at Södermalm [the southern part of the city center of Stockholm] were out looking for drug dealers. Travelling along Långholmsgatan [street] they caught sight of two men who did not seem to fit together and who were walking briskly. One of the men looked disheveled, the other one more dapper. However, following their intuition and experience, they decided to follow them. They approached the couple and asked some “control questions”. And they got the “wrong” answers. The answers, however, were the “right ones” to serve as a reason to carry out body searches. They found both cocaine and a small bag with white crystals.

The team leader decided to make a house search at the lodgings of the suspected seller, who resided in a nearby street. They entered a small apartment, which was cluttered up with things and furniture. Quite soon they found narcotic drugs. It was not possible to have many people in the apartment in order to carry out searches. After some hours, however, they had found big white crystals in several packages. There were also crystals with a slight yellow hue, which turned out to be MDMA. Indeed, there were drugs everywhere.

Found among all the clutter was a contract which indicated that, four days earlier, the tenant had rented a storage space at Kungsholmen [borough]. A police search of the storage unit led to more seizures of white crystals and bags and cans and more yellow crystals. Cash in the amount of SEK 200,000 [approx. USD 20,000] was also found wrapped up in vacuum plastic. No doubt, the suspected seller was arrested.

### Biggest seizure of ice so far

When I got to the office Friday morning, I had the case file on my table. The file included long lists of seized property to peruse. The surveillance officers on the spot had, in an exemplary fashion, taken many photos, which I perused.

Quite soon, it was clear to us that the white crystals must be crystallized methamphetamine, so-called “ice”. If so, then this must be the biggest seizure of ice done by the Swedish police so far.

I have had some earlier cases involving ice, but the seizures then had involved only small amounts. In those cases, the suspects had described how rapidly they had become dependent on ice and how strong the substance is. Having this as a background, we understood that currently, we had a very exciting case. We asked ourselves, what can we get out of this inquiry?

We knew that ice has been common in, e.g., the U.S. We had seen frightening pictures on the internet where people went through a change in their appearance for the worse

after having taken ice. Now, we had a very large seizure of ice in Stockholm. Many things started to spin in my head.

Friday afternoon, I questioned the suspect, but it did not produce much. He denied any crime and stated that if there had been any drugs in his apartment or storage, someone else must have put them there. The suspect was very thin and looked much “harrowed”. He also stated that he had a very poor memory.

After that, I left for my vacation. When I returned after two weeks, IT forensics had been successful in emptying the phone belonging to the suspect. Of course, they were curious about any possibility of the telephone revealing any evidence of any handling of drugs.

Oh, indeed there was. There were, e.g., 850 chat threads with more than 1,000 messages. Some chats were in clear language. There were also several thousand pictures to look through.

After a week or so, my colleague Nettan Fridlund returned from her holidays. Both of us were “caught up” by the emptying of the phone and started identifying obvious buyers. Clear language had been used in chats, connected to Swish payments [a direct payment system developed by Swedish banks], after the buyers had received the bank account information of the seller.

### **Narcotic drugs of various kinds**

As this occurred during the summer and vacation periods, the analyses at the Swedish National Forensic Center took a bit longer time than usual. When the results came in, we were a bit scared of the total volume of narcotic drugs which had been seized and that there were so many types of narcotic drugs besides methamphetamine: amphetamine, cocaine, ecstasy, heroin, the anesthetic ketamin, the general anesthetic GHB, 3-MMC, and various benzodiazepines. And Viagra.

We also found 530 grams of crystalized methamphetamine, also called ice or “Tina”. It was the biggest seizure of ice made in Sweden. Furthermore, it was 98 percent pure.

Based on our experience and knowledge, we know that in court cases ice is being regarded as equally dangerous as standard amphetamine. The amount necessary to be sentenced for a gross drug crime is 500 grams. We discussed if it would be possible to have the court lower the amount [weight] necessary to result in a gross crime as it related to ice, as this substance is immensely dependence-producing and very potent.

After a while, we got a new prosecutor to lead the investigation. Mr. Carl Mellberg, who earlier had worked in the Stockholm City area, now was serving the Western parts of Stockholm. Earlier, he had also been posted for a number

of years to the National Prosecution Service Development Center, entrusted with analyzing drug issues. Some years ago, Carl, together with some members of the surveillance team, got a travel stipend to go to the Czech Republic in order to meet police and prosecutors to address in particular issues involving ice. In the Czech Republic, the production of ice was big.

Now, we had the best imaginable leader of the inquiry. The question then became, how could we proceed to prove to primary and to appeals courts that ice is as dangerous as we say?

### **Buyers**

Quite soon, it became clear to us that almost all the buyers were from the gay community. After a short while, we had listed more than 70 suspected buyers. Most of them had high-profile professions, and there were also a number of well-known media people.

We had meetings with the surveillance teams at Södermalm [Southern District of the City] and Norrmalm [Northern District of the City] in Stockholm. Would they be able to assist in bringing in suspected buyers and in making house searches? What did we want to extract from the interviews with the suspects?

We agreed that we wanted to know why they took ice, how they became dependent upon ice, and why they took various drugs such as cocaine, standard amphetamine, MDMA, ketamin, GBL, etc.

After having met the first buyers, we heard an expression which we never heard before – CHEMSEX. It means that “men having sex with men are taking narcotic drugs at sex meetings”.

We were successful in finding and reporting 27 buyers. Many told us of how rapidly they became dependent upon ice and that they very rapidly made a drug abuser career. After having taken ice, all inhibitions disappeared – not just when having sex but also in not using protection. Thus, many had acquired HIV or other sexually transmitted diseases.

This thing about chemsex is not only a phenomenon in the Stockholm gay community; it also occurs in many large European cities, such as London, Berlin, and Barcelona, and on the Canary Islands.

The RFSL initiated a chemsex project in September 2019. Venhälsan at the Södersjukhuset [hospital] has seen a major increase of new HIV patients in recent years.

The buyers made a very rapid career as drug abusers, as they were often taking drugs during the weekends and needed to “come down”. Before going to work Monday morning, they went to doctors and had benzodiazepine



prescriptions written for them. They told the doctors that they were exhausted from work and felt stressed up. In this way, a number of persons also developed a substance abuse problem with benzodiazepines.

The material from the inquiry included information on rape, prostitution, procuring, buying of sexual services from a child, conspiracy to rape of a child or children, and child pornography.

In September 2019, the street surveillance team at Norrmalm were trying to get hold of a buyer who was appearing a lot in chat conversations. They were successful in entering the apartment at the same time as a man was coming for a visit. There were a lot of narcotic drugs and similar drugs, such as ice, amphetamine, cocaine, MDMA, and others. In total, the man had 550 filled packages to sell to buyers.

This man and the drugs were also connected with chemsex. In December 2019, the man was sentenced to three years and six months of imprisonment for gross narcotic drug crime.

## The trial

The trial started in February 2020 in the Stockholm District Court. The prosecutor charged the seller and seven buyers, who were all tried at the same hearing.

The seller was charged with possessing with the intent to sell the following amounts:

532.15 grams crystallized methamphetamine; 22.99 grams methamphetamine; 6.5 ml methamphetamine in liquid form; 229.14 grams 3-MMC; 84.4 grams cocaine; 81.91 grams of MDMA; 62.38 grams of amphetamine; 2.19 grams of heroin, 184 tablets of ketamin; 21.58 grams of powdered ketamin; 4.26 grams mixture of amphetamine/cocaine; 0.25 grams mixture of amphetamine/cocaine/ methamphetamine/ ketamin; 1.17 grams mixed heroin/ketamin; 0.44 grams mixed amphetamine/cocaine/3-MMC/ketamin; 441 tablets etizolam; 79.5 tablets alprazolam; 0.69 grams alprazolam; 78 tablets oxycodone; 58 tablets oxazepam; and 56 tablets zolpidem.

He stated that his memory was so poor because of a heavy abuse of drugs that he could not confess or deny having sold narcotic drugs. All the buyers stated that they had been buying narcotic drugs from the seller on a number of occasions.

At the trial, Professor Fred Nyberg from Uppsala University and Head Physician Erik Lindeman from the Swedish National Poisons Information Center testified at the request of the prosecutor. The purpose was to have them describe crystallized methamphetamine and to explain how potent and dangerous this drug is. Erik Lindeman compared standard amphetamine with crystallized methamphetamine

by saying that it would be to compare the taking of a glass of regular [non-export] beer with a glass of hard liquor.

When questioned during the trial, the seller explained that a friend of his blew ice-smoke into his mouth. He explained that he got a wonderful euphoria and thus got stuck in ice abuse. There is an expression to describe this experience, i.e., to get a “Tina kiss”.

The prosecutor stated that, in consideration of the dangerousness of the preparation, the narcotic drugs crimes as they related to crystallized methamphetamine should require a heavier sentencing than has previously been expressed by courts when sentencing. He requested the seller to be sentenced to six years of imprisonment.

When the presiding judge said that the trial had reached its end, the seller raised his hand and told the chair that he wanted to say something. This was granted. The seller stood up and looked at me and my colleague Nettan and said:

– Thomas and Anette. I just want to thank you for your work you have done. Thank you for saving my life.

On Friday the 13th of March 2020, the seller was sentenced to six years of imprisonment for gross narcotic drugs crime. He also had 200,000 SEK [approx. 20,000 USD] forfeited. The buyers, who were wealthy men with high incomes, were sentenced to fines proportional to their income, in some cases up to 80,000 SEK [approx. 8,000 USD].

## Punishment issues related to crystallized methamphetamine

The Stockholm District Court (Crime case no. B 9055-19) noted the following in its verdict:

“Based on the information provided by Fred Nyberg and Erik Lindeman, as a summary the conclusion may be drawn that methamphetamine differs from amphetamine in certain respects. Among them is that the first mentioned preparation also in its crystallized form is clearly more dependence producing than standard amphetamine and that the crystallized form which is being consumed by smoking has a stronger effect than other forms of methamphetamine. On the other hand, the use of crystallized methamphetamine does not seem to cause as many cases of fatal overdoses as other similar preparations. What has been presented to some extent supports the view that methamphetamine and particularly its crystallized form in certain respects (but not in others) should be regarded as more dangerous and thus having a higher punishment value than amphetamine.

The inquiry which has been presented is, however, not of such a nature that it permits the quite far-reaching conclusion that the crystallized form of methamphetamine in regard to its dangerous properties is to be regarded differently from





to fines totaling 685,800 SEK [approx. 68,000 USD]. Five buyers are awaiting indictment. Neither the seller nor the buyers were known to the police previously. Most of the suspects have thanked us police officers afterwards for having found them out and saving their lives. A majority of them have asked us to thank the police officers who arrested them or brought them in for questioning for their nice behavior in spite of the experience itself being traumatic. Several of them have also stated that we must continue fighting against narcotic drugs and against chemsex. Several have mentioned that there is an epidemic going on in Stockholm.

By this article we also want to warn people about crystallized methamphetamine/ ice/Tina. We must help each other so that this particularly dangerous drug doesn't get a foothold in Sweden.

**Big thanks to everyone who participated in this inquiry.  
Thomas Hessius Ekman (Eka)  
Stockholm City Precinct, Major Crimes Section,  
together with the officers Nettan, Ullis and Malla.**

amphetamine and to be assigned a higher punishment value than cocaine when sentencing. Neither is any such distinction being made in the report by the [Swedish] Prosecution Service] Åklagarmyndighetens RättsPM 2016:1 (updated October 2019) Narkotika –Preperatbeskrivning. [Narcotic Drugs –Descriptions of Preparations]

This means that the District Court thought it to be too early to change established sentencing practice. The background material was not substantial enough to change the limit for gross crime.

Now, we need to find a “good” ice case to bring to court in order to get a new sentencing practice established. If we do so, then I think we may be successful.

### **Final words**

By joining forces and sharing knowledge, we can change human lives for the better. Sixteen buyers were sentenced

*Translated by Jonas Hartelius. From the members' Journal of The Swedish Narcotic Officers' Association (Svenska Narkotikapolisföreningens Tidning, no. 2-2020). (www.snpf.org)*

#### **Notes by the translator:**

1. The phrase “narcotic drug” is used in this translation for the Swedish word “narkotika”. According to Swedish law, this category covers all substances and preparation under control of the 1961 and 1971 U.N. Drug Conventions, and additional preparations undersimilar domestic control. It does not cover hormonal doping compounds.

2. The series RättsPM (“Judicial Memoranda”) is a report series by the [Swedish] Prosecution Service, having the purpose of summarizing and advising prosecutors on precedent cases, current sentencing practice, etc. The report on narcotic drugs (2016:1 with updates) does not cover in depth the biomedical facts of specific preparations.

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# Who are the most pitiable individuals in the drug misery?

*A Swedish article*

**W**hen the drug problem in Sweden in 1965 made it to the top of issues under public discussion, a central topic was about drug abusers being pitiable, really pitiable. Op-ed articles stated that society must “Save the addict from the police!” The police were to

stop arresting them for drug crimes; instead, they were to be given treatment and medically prescribed narcotic drugs.

Those experiments did not turn out to be successes. Today the prolific medical prescription of opioids constitutes an important mortality factor among Swedish drug abusers.

Now, the sight seems to be turning backwards more than

50 years. Now, a new round of the public debate has started about drug addicts and drug abusers being pitiable, as they are being chased by the police. Now, according to the most highly profiled opinions, drugs are to be legalized, i.e. be accepted as intoxicating goods. Any possible damages are to be handled by treatment. The current control system, with police intervention against personal consumption (in Swedish called “illicit use”), is regarded as causing damages to the abusers, who are being regarded as the most highly exposed of all people affected by the drug misery.

Here, two serious oversights appear. First, most of the drug abusers have, by themselves, worked diligently at continuing their consumption of drugs and thus risking developing dependence. Many are, indeed, initially exposed to peer pressure; nevertheless, to them it is possible to reject any offer of taking drugs. Second, their taking of drugs often has serious effects on relatives, friends, acquaintances, neighbors, road-users, and many other people. In practice, these people have no or limited possibilities to defend themselves against the rampaging of the drug abusers.

Those who have suffered the consequences of drug abuse at close range can tell how it feels to have one’s own existence, ranging from family and social life to economy and peace of mind, profoundly affected. It is a matter of not being able to relax during an evening when the young person is out on the town, out of fear of him or her getting into trouble. It is a matter of always being forced to re-adjust one’s schedules in order to consider whatever mischief junior can cause. It is a matter of oneself being threatened by violence in order to contribute money to the buying of drugs. But, it is to the same extent also a matter of seeing a young relative succumb to drug abuse, turn psychotic from hashish smoking, or die from an overdose.

A consistent factor in events and threats of these kinds is that the risks are being caused by drug-intoxicated individuals. They have the possibilities of influencing the turns of events, e.g., by choosing the doses and frequencies of their drug intake. External people who are being affected have few or no possibilities of influencing the risks for themselves. Their lot is to suffer the slings and arrows of outrageous fortune.

In addition to this, social workers many times behave as defenders of the drug abuser and thus also of the drug-taking behavior. Parents must “understand”, and there are always “deeper” causative factors to be taken into consideration. As an affected parent you may sometimes feel that everything is your own fault and that the drug abuser is free from all personal responsibility. Paradoxically, it may often be the case that the only way of reestablishing the contact with a son or a daughter who has succumbed to drug abuse can

be to meet them in jail. During that stay, they are rapidly made drug-free and, to the joy of the parents, also possible to contact.

*The self-help movement has given us the concept of “enabling”. It encompasses all measures causing the drug abuser to feel secure in their drug-taking. When a large part of the external world lines up in order to uncritically support a continuation of drug abuse, the situation for relatives rapidly becomes untenable. Any hope of getting help to release a son or a daughter from drug abuse rapidly turns out to be an illusion.*

So, when people talk about the drug abusers being the most exposed or pitiable group in the drug misery, then people disregard the fact that this to an even higher degree is true for relatives.

### **Katarina Cnatingius Gun Nordin**

*The authors have for many years been active in Swedish self-help groups and in NGOs shaping public opinion for a restrictive drug control policy.*

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*A note by the translator: The concept “drugs” is here used in the same sense of substances scheduled internationally or domestically. In this context, it does not cover alcohol, tobacco, or volatile substances. J.H.*



# IS MEDICAL MARIJUANA REALLY MEDICINE OR JUST A MISNOMER?

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Since passage of California's compassionate care act of 1996, intended to allow terminally ill patients to use marijuana for its purported ability to prevent wasting and reduce nausea, many states have passed similar legislation allowing physicians to recommend medical marijuana for a large number of conditions despite having no evidence to support such recommendations. This glaring dearth of clinical evidence is further reflected in the lack of consensus among states as to what constitutes medical marijuana and which conditions qualify a patient to use it.

Before a drug can be indicated to treat a given condition, its chemistry must be known and reproducible.<sup>1</sup> Whole plant marijuana contains over 400 active compounds, including 70 cannabinoids that are found in varying ratios according to strain.<sup>2</sup> There are currently no regulations in place to ensure uniform chemical composition across medical marijuana plants nor is there any oversight to ensure that they are free from dangerous pesticides, bacteria, or mold—an important consideration since marijuana is routinely recommended to patients with compromised immune systems. In addition, marijuana smoke contains over 30 known carcinogens and is associated with lung disease.<sup>3-5</sup>

In order to protect the public health, the Food and Drug Administration requires that the efficacy and safety of a drug be proven and replicated in adequate and well-controlled studies.<sup>1</sup> The evidence for marijuana as a treatment for chronic non-cancer pain does not satisfy this criterion. Although the National Academy of Sciences (NAS) reported that there was substantial evidence that marijuana was effective in treating pain (evidence mostly limited to neuropathic pain),<sup>6</sup> this conclusion largely rests upon on a 2015 meta-analysis in which 37% of subjects treated with cannabinoids reported a subjective improvement in pain compared to 31% in the placebo group—a mere 6% difference that was not statistically significant.<sup>7</sup> It is important to keep in mind that compared to a placebo, almost any psychoactive substance would offer some degree of short-term pain relief. For example, alcohol has been shown to subjectively improve pain compared to placebo.<sup>8</sup> Moreover, a large population-based study performed more recently in Australia found that marijuana did not improve pain nor did it reduce the need for opioids.<sup>9</sup>

While there is some evidence that isolated cannabinoids are moderately effective in treating multiple sclerosis spasticity symptoms, severe epilepsy, and specific types of neuropathic pain,<sup>6</sup> the effects of these pharmaceutical products cannot be extrapolated to whole plant marijuana, especially when the route of administration makes accurate dosing impossible as is the case with smoking or vaporizing. Also, there is insufficient evidence to suggest that cannabinoids may be an effective treatment for autism spectrum disorder. Research on this subject is limited to animal studies,<sup>10</sup> anecdotal case reports,<sup>10</sup> and a single observational study that did not utilize a randomized controlled trial design, the gold standard of clinical research.<sup>11</sup>

In contrast to the lack of evidence regarding marijuana's effectiveness as a medical treatment, the risks and adverse effects are well established.<sup>12-14</sup> Marijuana use is associated with psychosis, cognitive impairment, worsening of PTSD symptoms, cardiovascular disease, acute pancreatitis, cannabinoid hyperemesis syndrome, and increased risk for





occupational injuries and fatal traffic crashes.<sup>12-14</sup> Previous research also indicates that implementation of medical marijuana laws increases the prevalence of marijuana use among pregnant women at the population level, which is linked to a wide range of negative outcomes that cascade throughout the life of prenatally exposed children.<sup>15</sup>

There is no current evidence for validity of marijuana as a medicine. Drugs approved to treat medical conditions typically consist of one or two active compounds with a specified dosage and mechanism that have been rigorously tested for safety and efficacy. This is done in order to ensure that people are not harmed by ineffective or dangerous treatments. This standard must apply to any substance proposed as treatment for a medical condition, especially when that substance has so many documented and well-established risks at both the individual and population levels.

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## MARIJUANA USE

*is associated with psychosis, cognitive impairment, worsening of PTSD symptoms, cardiovascular disease, acute pancreatitis, cannabinoid hyperemesis syndrome, and increased risk for occupational injuries and fatal traffic crashes.*<sup>12-14</sup>

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## Federal Probation and Supervised Release Violations

### **FEDERAL PROBATION AND SUPERVISED RELEASE VIOLATIONS**

**F**ederal Probation and Supervised Release Violations presents data on approximately 108,000 violation hearings that occurred between 2013 and 2017. The report examines the prevalence, types, and locations of federal supervision violations as well as the characteristics of more than 82,000 violators. The report also compares supervision violators to the population of federal offenders originally sentenced to probation or a sentence including a term of supervised release during the same time period. (Published July 28, 2020)

United States Sentencing Commission

July 2020



*The full report is posted on our web site, [www.nnoac.com](http://www.nnoac.com)*



## Key Findings

Nationally, the number of individuals under supervision was relatively stable during the study period, ranging from 130,224 to 136,156 during the five years. Half of the individuals under supervision, however, were concentrated in only 21 of the 94 federal judicial districts.

Nationally, the rate of violation hearings for individuals on supervision also was relatively stable, ranging from 16.2 to 18.4 percent during the five years, with an overall rate of 16.9 percent. The prevalence of supervision violations, however, varied considerably among the federal judicial districts.

Violations accounted for more than one-third of individuals on supervision in the Southern District of California (42.1%), District of Minnesota (37.4%), Western District of Missouri (34.3%), District of Arizona (33.7%), and District of New Mexico (33.4%). In contrast, violations accounted for less than five percent of individuals on supervision in the Districts of Connecticut (4.5%) and Maryland (4.7%).

Supervision violators tended to have committed more serious original offenses than federal offenders whose original sentence was probation or included a term of supervised release during the same time period.

For example, the rates of supervision violators originally sentenced for violent and firearms offenses (7.9% and 20.4%, respectively) were approximately twice as high compared to offenders originally sentenced during the study period (3.7% and 12.8%, respectively), a finding which is consistent with prior Commission recidivism research.

Drug offenses were the most common primary offense type for both supervision violators and federal offenders whose original sentence was probation or included a term of supervised release during the same time period. There were, however, notable variations by drug type.

For example, crack cocaine offenders accounted for only 9.9 percent of drug offenders whose original sentence was probation or included a term of supervised release, but they accounted for almost one-third (32.1%) of supervision violators, a greater proportion than any other drug type. The disproportional representation of crack cocaine offenders among supervision violators is consistent with prior Commission recidivism research. On the other hand, drug offenders who received the safety valve at their original sentencing were underrepresented among supervision violators (19.1% compared to 30.7%), a finding that also is consistent with prior Commission recidivism research.

Supervision violators tended to have more serious

criminal histories than federal offenders whose original sentence was probation or included a term of supervised release.

Approximately one-quarter (24.6%) of offenders with supervision violations were in the lowest Criminal History Category (CHC I) at the time of their original sentencing compared to almost half (44.9%) of offenders whose original sentence was probation or included a term of supervised release during the study period. On the other end of the spectrum, 18.3 percent of offenders with supervision violations were in the highest Criminal History Category (CHC VI) at the time of their original sentencing compared to 9.9 percent of offenders whose original sentence was probation or included a term of supervised release during the study period. This pattern is consistent with prior Commission recidivism research.

The majority of supervision violations were based on the commission of an offense punishable by a term of one year or less or a violation of another condition of supervision not constituting a federal, state or local offense (Grade C Violation).

More than half (54.9%) of violations were Grade C (the least serious classification), nearly one-third (31.5%) were Grade B, and 13.6 percent were Grade A (the most serious classification).

Offenders who were originally sentenced for more serious offenses tended to commit more serious supervision violations.

For example, over four-fifths of the Grade A violations were committed by offenders originally sentenced for drug offenses (52.0%), firearms offenses (24.5%), or violent offenses (6.3%).

Offenders who violated their conditions of supervision typically did so within the first two years.

On average, 22 months elapsed from the time supervision commenced to the commission of the supervision violation, but the elapsed time was notably longer for Grade A violations (the most serious) at 33 months.

The majority of supervision violators were sentenced in accordance with the Chapter Seven Revocation Table.

More than half (59.8%) were within the applicable range, just over one-quarter (29.1%) were below the range, and 11.1 percent were above the range. Courts tended to impose sentences within the applicable guideline range less often for more serious supervision violations. For example, for Grade A violations (the most serious classification), 39.4 percent were sentenced within the applicable range, and 54.2 percent were sentenced below the range. In contrast, for Grade C violations (the least serious classification), 63.6 percent were sentenced within the range, and 22.1 percent were sentenced below the range. □

*“Upon the conduct of each depends the fate of all.”*



Blessed are the peacemakers,  
for they shall be called  
the children of God.

Matthew 5:9



*What ever is worth living for  
is worth dying to protect.*