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THE COALITION

THE NATIONAL NARCOTIC OFFICERS ASSOCIATIONS COALITION

IN
THEIR
HONOR

Inside this Issue:
**Active Shooters, Police
Ambushes, Police
Prosecutions**

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The Coalition

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PRESIDENT'S REPORT

By Bob Bushman



President Bob Bushman

For our nation's drug law enforcement officers, there was little good news in 2015. Congressional and legislative initiatives around the country are poised to undermine the great work cops do every day. We've seen legislation aimed at decriminalizing and legalizing drugs, proposing to make it more difficult to use technology to investigate drug trafficking and terrorism, and seeking to release and reduce sentences for the worst criminals, those we worked so hard to prosecute and convict.

While preparing this message, I saw the list of another 95 criminals to whom the President and his Administration are giving early release or pardon for their crimes. They are rewarding criminal behavior and have joined the vocal minority of people who consider those convicted of serious and violent crimes the "victims". Meanwhile, little attention has been given to protecting the real victims of crime, our law-abiding citizens, who, in fact, will be forced to spend more on taxes to pay for the programs that will support these criminals, many of whom pled guilty to supplying the drugs that fuel the addictions and deaths of our young people and committing the violent crimes that are destroying our nation's neighborhoods.

In December, the Centers for Disease Control and Prevention (CDC) released the latest annual total number of drug overdose deaths, and it is at an alarming all-time high: 47,055 dead Americans. And yet, we hear that the people who sell those killer drugs are "non-violent offenders". Ask the families of those dead Americans how violent the drug trade is.

"The asset forfeiture program has proven to be one of the most powerful and effective tools available to disrupt and dismantle drug-trafficking organizations, violent gangs and organized crime."

And, in another display of lack of support for law enforcement, a provision in the 2016 Appropriations Bill passed by Congress resulted in the elimination of \$1.2 billion from the Asset Forfeiture Fund at DOJ (much of it money and assets obtained illegally from drug trafficking and criminal activity). Immediately following the bill's passage, the U.S. Department of Justice made a decision to suspend equitable sharing reimbursements that provide

critical support to many state and local law enforcement agencies that have worked so hard to interdict and seize criminals' illegal assets in the first place.

(DOJ informed us right before the year's end that it plans to resume equitable sharing payments when the Asset Forfeiture Fund is in better financial shape - hopefully during 2016. But we have heard encouraging things like this before from the federal government, only to be disappointed. The NNOAC will continue to work closely with our partners in law enforcement to make sure DOJ and Congress understand how important it is to make good on that commitment.)

The asset forfeiture program has proven to be one of the most powerful and effective tools available to disrupt and dismantle drug-trafficking organizations, violent gangs and organized crime.

While NNOAC and other law enforcement groups have been working diligently to preserve this program, Congress quietly disabled it by taking money from the DOJ Asset Forfeiture Fund to spare other areas of the budget. And, they did it without any debate. Although we have consistently emphasized the value and effectiveness of joint task forces between federal agencies and state and local law enforcement, as well as the importance of crafting laws that serve the best interests of our communities, it is apparent that law enforcement's input on public safety issues has been disregarded, again. The good citizens lose.

I say that because, if you look closely, you will have a hard time finding any meaningful legislation that makes our communities safer. Our lawmakers have passed very few laws that make life better for the hard-working, honest citizens who make positive contributions to our society. Flawed legislation often sails through our Congress and state legislatures with very little factual discussion or opposition, and some elected officials ignore warnings from law enforcement about the threats that pose dangerous risks to our citizens. Too much legislation is aimed at mitigating crime, not preventing it. And remember, many local governments, our country's leaders and even some law enforcement officials simply refuse to enforce existing laws that will immediately improve the quality of life in many

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of our communities. Why is so much attention given to those who disregard and break our laws, rather than to those who don't?

Over the years, I've attended many Congressional and legislative hearings and have listened to law enforcement policy "experts" and witnesses who have never worked a beat, investigated a crime, or made an arrest. Who have never responded to a shooting, made a death notification or tried to comfort a grieving family. Or, who have never worked undercover and heard the plans that shameless drug traffickers design with violent and intimidating tactics to protect the activities that line their pockets with money at the expense of thousands of lives. Those "non-violent" drug traffickers and convicted criminals are the ones that our leaders are now rewarding with early release from the prison sentences that they earned and deserve.

"..numerous investigations have cleared many police officers of alleged wrongdoing, those evidence- and fact-based outcomes do not satisfy the demands for accountability.."

The police profession is under fire. Although numerous investigations have cleared many police officers of alleged wrongdoing, those evidence- and fact-based outcomes do not satisfy the demands for accountability by the same people who refuse to hold criminals accountable for their crimes. And, in cases where police misconduct has occurred, those same people – not satisfied to wait for the investigations to be completed or for the justice

system to do its job -- demand instant vengeance. Many of those demanding justice and due process for their cause want to deny it to the police. In those cases, they seem content to have different sets of rules under one set of laws.

As one who spent my entire law enforcement career gathering evidence, and seeking, verifying and reporting facts, it is hard for me to understand why, in many circles – especially the media, educational institutions and politics – the facts no longer matter. The truth is sacrificed for political correctness. "Hands up, don't shoot", an inflammatory battle cry for something that didn't happen, is being promoted and accepted as an excuse for more lawlessness.

Sadly, many things we take for granted in our country – a place where everyone should matter – the rewards of honesty and hard work, the responsibility of citizenship and the safety and security that comes with it, and a better future for our families, are fading from sight.

As drug use, addiction and violent crime begin to increase again after years of steady decline due to strong anti-crime and anti-drug policies, respect for our laws and those who enforce them is decreasing.

"When you are sick, you seek advice from a doctor, someone educated and experienced in medicine."

There is also a void of elected leaders who are willing to speak against failing public safety policies or who – beyond mere lip service on

the stump – will publicly support those who enforce and prosecute the law. I often find myself wondering what is happening to our great nation. Even more worrisome, I hear many people asking that same question.

When you are sick, you seek advice from a doctor, someone educated and experienced in medicine. When your car doesn't work, you seek advice from a mechanic because he is trained and experienced in automotive repair. Why then, during discussions about the best strategies, programs and solutions that are needed to effectively address drug abuse, violent crime or other public safety issues, do our lawmakers seek the advice of people with little or no law enforcement expertise, rather than those who have the experience, provide the services and take the risks that are necessary to protect our citizens?

Even with the success law enforcement has demonstrated in catching and prosecuting drug traffickers, gang members and violent criminals, we find ourselves pretty much excluded from important policy discussions.

I am not telling you that we never have opportunities to voice our opinions. We do, and NNOAC does it with more vigor than most. Your NNOAC Board and I work hard to make sure your voices are heard; we do not hesitate, nor are we afraid, to weigh in on any issues that affect our members. We take every opportunity to educate those who will listen and to present and discuss our positions with anyone who will give us the time.

I have always said that the one thing that sets us apart from many other folks who are working Capitol Hill is that we have the facts on our side. I have learned, however, that, for many up there, the facts do not matter.▶

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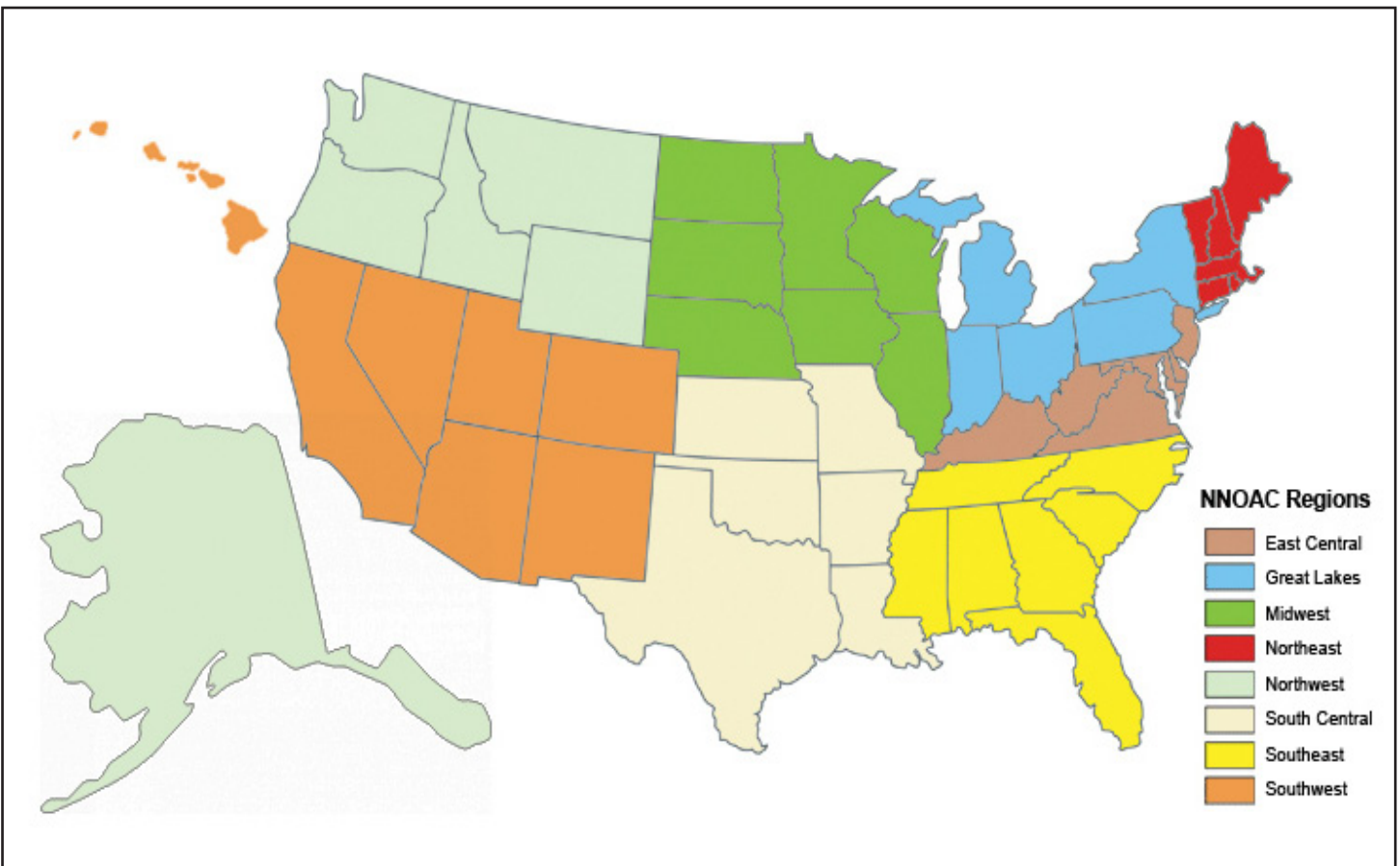


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NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION

REGIONAL DIRECTOR'S REPORTS

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I am responsible for coordination of seven (7) southwestern states that are members of the NNOAC. It is a rare opportunity for my states to gather, train or network together. I'm also fortunate to be a Past President of the California Narcotic Officers' Association (CNOA). The CNOA hosts the largest Annual Training Institute in the country. That event brings together more than 2,000 police officers from across this county. It is at this venue we are able to meet and discuss the issues of regional and national concerns. This year, CNOA hosted other coalition members from Utah, Colorado, Arizona, Hawaii, Nevada, Oregon, Washington, Oklahoma, Kentucky, Kansas, Minnesota and Sweden – yes, Sweden. The Swedish Narcotic Officer's Association has attended every CNOA Training Institute since about 1983. They also join the NNOAC in Washington, D.C., each February for our annual meeting.

During the four-day Institute, we had opportunities to attend training classes, network at social events, and discuss the future of public safety. Not only that, but other state organization members get a chance to meet instructors and lure them to faraway places to train their state associations' members. Sharing information and knowledge is paramount for us to succeed in enforcing our country's laws and developing training and investigative strategies.

Yeah, I'm a California lawman, a fact I have always been proud of. Other liberally governed cops from other states know the issues we deal with when our lawmakers are in favor of drug legalization, profess that marijuana is a healing drug, and want to take away the state and federal asset forfeiture program that puts cash into public safety and that benefits state and local anti-drug use programs. Law enforcement is also in fear of "going dark" in respect to electronic surveillance and monitoring. If we can't retrieve electronic data by using court-authorized orders, our nation is in serious jeopardy from many threats.

We need only look to our nearby states to observe the

consequences of marijuana legalization. According to the most recent report from Project SAM, the most comprehensive federal government drug use survey conducted in all 50 states and the District of Columbia, Colorado now leads the country in past-month youth marijuana use, after legalizing marijuana in 2012. The homeless population in the City of Denver, Colorado, has increased by 200%; the city's residents are calling the police every day to complain about the stench of burning marijuana smoke in public places. Is it too much for their city's residents to expect clean air for themselves and their children to breathe?

Last year, California voters were duped into voting for Proposition 47, which reduced many felony crimes to misdemeanors. This included possession of date rape drugs, as well as auto burglary and some residential burglaries, including thefts of firearms. The intent of this proposition was to empty the state prisons of 10,000 inmates who were there for non-violent crimes. Last month, I watched a San Francisco Bay Area news channel's story about the steep increase in auto burglaries in San Francisco. Some of the people interviewed told the news crew that they had been victimized 2 or 3 times in the last 12 months. Being a victim of auto burglary was "something you just have to get used to if you live in San Francisco". Seriously?! Does anyone have to *expect* they will be the victim of any crime? **That is outrageous!**

You can have a voice at the local, state and national levels of government. Many of us have spoken openly about the dangers of drugs and the crimes related to their sales, manufacturing, transportation, cultivation and use at schools, city council meetings, and county, state and national government forums. We have met with city council members, mayors, state assembly members and senators, and members of Congress. Each and every one of us must stand up and make a move to improve public safety. No one can tell the story better than the cops who see the underbelly of the beast; the parts of town where people don't want go; the places where drugs dealers and gangs prosper. You know how it is when you are at a social event and people find out you are a cop: They want to hear about the life experiences you have. A few will want to debate you on police practices, marijuana legalization and asset forfeiture, but most are interested in hearing what or how things really are in the

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other fragile communities. Be informed and don't back down from setting people straight.

Moving on: On October 7, 2015, Karen Aumond, Executive Director for the Western States Information Network (WSIN - the western states network for the national RISS centers) announced her retirement. Karen has been the Executive Director for 10 ½ years, after starting as a Criminal Intelligence Analyst more than 34 years ago. The western states will miss her leadership, vision and guidance.

The Regional Information Sharing System (RISS) newsletters are distributed to almost every law enforcement agency in the United States. It is to your advantage to read their intelligence and data regarding drug stats and problems in your geographical regions. RISS is a proven resource for law enforcement; it provides critical investigative and case support. You may access the RISS at <http://www.riss.net>. Look up your state and region for genuine factual data regarding criminal threats and services. You should also be aware of your region's HIDTA and Fusion Center. These Fusion Centers are set up across the country to enhance public safety; encourage effective, efficient, ethical, lawful, and professional intelligence and information sharing; and prevent and reduce the harmful effects of crime and terrorism on victims, individuals, and communities. Learn more at <https://nfcausa.org>.

The High-Intensity Drug Trafficking Area Program (HIDTA) is an important component of the President's National Drug Control Strategy which provides additional federal resources to those areas to help eliminate or reduce drug trafficking and its harmful consequences. Law enforcement organizations within HIDTAs assess drug trafficking problems and design specific initiatives to reduce or eliminate the production, manufacture, transportation, distribution and chronic use of illegal drugs, and money laundering.

You, the American Law Enforcement Officer, are the best-trained and informed police officer in the world. Pay close attention when you read the NNOAC talking points on the importance of drug law enforcement, asset forfeiture, incarceration, treatment and prevention programs that are funded by asset forfeiture and Byrne-JAG funds. It is to everyone's benefit to learn, inform and mentor for the future of safety in our communities.

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While the country is in the throes of a pending Presidential election, somewhere off in the future, we still labor with the constant battle against this country's insatiable demand for using illegal drugs. It seems that, in the past, each drug had its own "time" in the spotlight; and then a new drug and fad would emerge, leaving the old to fade away. In the Midwest, we were watching those fads on both the East and West coasts, knowing that what was happening there would reach us in due time, allowing us at least a small window of preparation time. Cocaine was used in affluent neighborhoods, heroin was mainly confined to certain areas and ethnic groups, and marijuana was the choice of kids. Mexican marijuana was the top choice, and people from all over the Central part of the country would pilgrimage to Northern Indiana to pick "ditch weed" that grew wild. Those were the good ole' days.

Now... not so much. Now all of those are in the limelight together, and available in quantity. Heroin use is now in middle schools and high schools with an ever-increasing overdose rate and a huge number of addictions. Crack cocaine is making a comeback in the Midwest. Methamphetamine is being home-produced and exported into this country by the Cartels. Prescription drug abuse remains the number one drug problem in the country. But then there is marijuana -- the plant that has started so many down the road of drug abuse and continues to do so. Those problems only manifested by a few with vast amounts of money, who have swayed people to believe that it is a medicine and poses no threat to public health.

Unfortunately, all these things are alive and well in the Midwest, during a time when increased incidents of violence and murders are occurring in every jurisdiction as a direct result of the illegal drug trade.

State and local budgets cannot meet the dollars needed to sustain law enforcement in its fight against this overwhelming problem. As I travel and talk with narcotics investigators around my state, neighboring states, and throughout the country, one thing remains constant -- their dedication to combating this evil every day by continuing to enforce the law and to work side-by-side with other entities such as social services, addiction specialists, and youth mentoring programs, to name a few. These are indeed tough times, and there are tough hills to climb when we operate with an Administration that chooses not to enforce certain federal laws, allowing states to openly pass laws in defiance of federal law.

In all this chaos, there is some good news. In Indiana, after several years of prescription monitoring, the legislature is proposing "Prescription Only" for pseudoephedrine,

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because our state has led the country for the past three years in the seizure of clandestine meth labs. And then there is Ohio, which soundly defeated the pro-legalizers and their marijuana initiative in the fall elections. That is a great boost to all of us, and a model for the country's future in defeating marijuana legalization. Let us hope that these small victories will snowball into something much greater for us all.

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The New England area continues to experience heroin-fentanyl-related deaths. There is a shift from heroin to fentanyl. All New England states are reporting record fentanyl deaths. The Connecticut Chief Medical Examiner's Office has reported finding a new form of fentanyl – acetyl fentanyl – and, from July 2015 to November 2015, reported nine acetyl fentanyl deaths.

I fully expect all New England states to attempt or pass recreational marijuana use, despite overwhelming evidence of the destructive health issues associated with recreational and alleged medical marijuana. The legislative bodies in most states ignore the scientific medical facts, preferring political correctness rather than upholding their constitutional mandates to protect all the public.

The United States, as a whole, continues its outright hostility towards law enforcement. This climate is fueled by special interest groups that are funded by wealthy individuals. Mainstream news stories about law enforcement are suppositions without facts, which fuel resentment and inflame the already-hostile public. This occurred in Ferguson, Missouri; Florida; New York City; and many other cities with false narratives. The Ferguson shooting incident was falsely reported on a national news station, fueling the riots. Law enforcement has seen this in the past, but not at the level being witnessed now.

Political bodies at the State and Federal levels continue to dilute the tools and methods law enforcement uses to curtail the criminal elements they encounter. One example is the federal government taking away armored vehicles and tactical equipment acquired under the Department of Defense giveaway program. Another effective tool is the asset forfeiture program; law enforcement has been successful in seizing the assets of criminals and using their money against them. (Have there been abuses? Of course, but not

to the extent that is alleged.) The release of “non-violent” criminals is an insult to the law enforcement officers who made the arrests for the crimes and to the criminal justice system professionals who prosecuted them. This makes a mockery of the laws that legislators enacted and asked law enforcement and the criminal justice system to enforce. This diminishes respect for the entire criminal justice system.

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According to the West Virginia Narcotic Officers' Association (WVNOA), moderate changes in drug trends have been observed throughout 2015. The largest seizure increase was seen with Crystal Methamphetamine, which doubled from 2014, yielding a total of approximately 4 kilograms seized in the Charleston area. Prices of crystal meth vary, with a gram in the Charleston area typically being sold for \$120.00, and ranging from \$100.00 to \$150.00; ounces from local suppliers are typically selling for \$2,000.00. Heroin seizures also increased by approximately 10%. Heroin in the Charleston area also sells for approximately \$120.00 per gram or \$1,500.00 an ounce. Although heroin seizures were slightly increased, there has been a 50% decrease in prescription pill seizures. Seizures in powder cocaine and crack cocaine also decreased significantly. Seizures of marijuana have remained steady. Finally, in the last half of the year, WVNOA members reported seeing fentanyl; however, the drug was marketed as heroin. Fentanyl seized in 2015 was less than 100 grams.

In June, the Kentucky Narcotic Officers' Association (KNOA) held its annual training conference once again, at the Hyatt Regency Hotel in downtown Louisville, Kentucky. Over 350 officers attended. KNOA elections were held, and Micky Hatmaker (Retired, Kentucky State Police), the training officer for Appalachia HIDTA, was named the 2016 President. This was the 10th annual conference for the KNOA and a milestone in the association's history. Sponsors for the conference included Appalachia HIDTA, the Kentucky Justice Cabinet, Office of the Attorney General, and Kentucky State Police, which provide financial support.

The KNOA will be advocating at the Kentucky state legislature in support of a state wiretap law and making trafficking in synthetic drugs a felony, and in opposition to so-called medical marijuana.

During the upcoming National Narcotic Officers' Association Coalition (NNOAC), Kentucky will be represented by at least 10 KNOA members. They will be strongly advocating for the restoration of asset forfeiture funding through the Department of Justice. The suspension of equitable sharing has been referred to in Kentucky as the "great asset forfeiture robbery" and has caused an outcry from law enforcement. This one action, if not corrected, will cause irreparable damage to drug enforcement across the country. KNOA will also be advocating for funding to HIDTA, Byrne/JAG, and RISS during this visit.

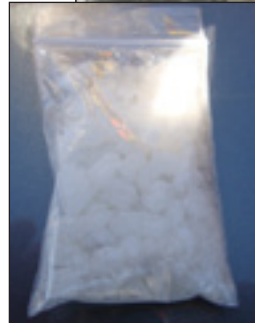
Kentucky is still seeing a steady flow of heroin in the major urban areas. Preliminary numbers in this state are indicating an increase of Fentanyl-related overdose deaths. It is believed the Fentanyl is being smuggled from China and into Kentucky's urban centers. Meth labs continue to decrease, but seizures of Mexican crystal meth have greatly increased. The good news in Kentucky is that, following the passage of House Bill 1 in 2012, with several mandates for physicians, the prescribing of hydrocodone has decreased by 20%. Synthetic drugs seem to rise and fall, with the Internet identified as a prime source.

When asked, "What is the primary drug issue in the region?" the answer is another question: What state are you standing in and – breaking it down even further – what county are you located in? The drug problem varies not only from state to state but also from county to county. Overall, the region seems to be experiencing an increase in heroin, fentanyl, crystal methamphetamine, and synthetic drugs, but the level of intensity varies by state and county.

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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 than other areas. The state of Florida is being inundated with the synthetic drug A-PVP, a form of bath salts that has taken over the street sales, much like crack cocaine. The drug was being sold in East Tennessee and other areas in the Appalachian Valley earlier last year; at that time, the drug was known on



Gravel = A-PVP aka
Flakka

the street as "Gravel" due to its appearance, which is similar to small gravel rocks. But as it moved into the Florida area, it has taken on a new name and is being called "Flakka." This Hispanic term means a "beautiful, elegant woman who charms all she meets." Although statistics are not yet in for cases submitted to the crime labs for 2015, there has been a dramatic increase in that area in the past three years reported. In 2012, there were two cases submitted; in 2013, the number of submissions rose to six; and, in 2014, there were over 576 cases. Overdoses and "Flakka"-related emergency room visits have increased, as well. The drug is being sold on the street for \$3-\$5 for 1/10th of a gram. The cheaper price is part of the allure of the drug and the reason that the drug is taking over the previous crack cocaine customers.

The Southeastern Region has seen a decrease in meth labs, but we are seeing an increase in crystal methamphetamine. This increase is particularly noticeable in rural areas and smaller cities with lesser law enforcement efforts. The increased crystal methamphetamine is being distributed by Hispanic DTO groups.

The Southeastern Region is experiencing a shift in the heroin trade, in that the Mexican-produced brown and black tar heroin has been replaced by the China white heroin and the newly released pill form of heroin. These heroin pills are being mass-produced and distributed throughout the Southeastern area and are stamped with the logo or name "Percocet". The China white and heroin pills have both produced several overdose-related deaths in these areas. Both the heroin pills and the China white heroin have been tested and found to contain high doses of fentanyl or, in

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many cases, are pure fentanyl being sold as heroin.

The Southeastern Region is still seeing an overwhelming amount of high-grade marijuana, which is either being shipped in by parcel carriers or being driven in from states that have legalized or medical marijuana. I know that, in the Nashville area, we have seized packages containing high-grade marijuana being shipped from California and Colorado. We have seen a shift in the method of shipment for the illegal drugs. The use of companies such as UPS and FedEx has dropped off somewhat, and we are seeing an increase in the use of United States Postal Service. I believe this is due to the necessity of a federal search warrant for the mailed packages versus a state search warrant for the other parcel services. The illegal shippers are aware of the increased difficulty in obtaining a search warrant for the postal service. The process for obtaining a federal search warrant is much longer than on the state side, therefore making it more difficult to deliver the package in a timely manner.

On a side note: the recent change in equitable sharing to state, local and tribal partners is going to be detrimental to the drug enforcement efforts in the United States. I know that there is talk of agencies pulling their officers back to their home departments. The smaller city and county agencies that supplement DEA with task force officers will begin pulling their officers back to their home agencies soon. The idea for a smaller agency to provide and pay the salary of an officer to work in another jurisdiction will not continue long. I think there has been a shift in the way government works – from the federal government assisting states and smaller cities, to the smaller cities providing money to the federal government. It won't be long before this concept will have a devastating effect on our narcotic enforcement efforts. ■

EDITOR'S NOTE

Included in this issue are several articles related to attacks on police officers. One article focuses on the growing threat of Islamic terrorists in the United States, and it outlines the historical threat and future safety of all public safety personnel in the United States. It has already happened in Philadelphia, San Bernardino, Boston, Chattanooga, and Fort Hood. The editor recently received the following information regarding the escalating threat to the United States: "ISIS launches a cyberwar magazine for wannabe jihadist hackers." <http://www.ibtimes.co.uk/isis-launches-cyberwar-magazine-jihadists-making-1536334>

THE CONTINUING THREAT OF TERRORIST ATTACK

By Mark Spicer, Sargent Major (Ret) British Army

It is often quoted that the threat of a terrorist attack against mainland USA is possible but that no real intelligence supports an immediate threat. I would disagree.



The definition of "immediate threat" would be the first area I would have to take issue with; it is clearly a matter of definition and, as such, it is open to all the normal politicizing we see in all manner of topical subjects. It is easy for a politician to stand in public view and state, quite honestly, that there is no "clear" intelligence to support a specific threat. I would suggest that, until an incident actually happens, no attack truly has specific intelligence; by definition, intelligence is actually a logical conclusion drawn from a multitude of intelligence sources and used to draw a list of possible meanings. This is then used to prioritize potential threats and distribute budgets and resources to them in order of the intelligence assessment. This does not, however, mean that other threats – possibly longer-term threats – can be ignored.

In order to assess the threat to the general public, you have to look at the country's foreign policy, world events and possibilities, public opinions towards this country, and historical aims and claims of those deemed a threat to this country's way of life. None of these can be tainted with political correctness – there, I said it – and political correctness has nothing to do with the defense of the citizens of this country. Politically correct, progressive, liberal, coexist or whatever other name you wish to label it clearly has a part to play in society, although I think it is much easier to define it as just "doing the right thing". In matters appertaining to defending against those who would see our way of life destroyed and replaced with a medieval equivalent, ***I believe we should heed President Roosevelt and "speak softly but carry a big stick".***

It should not be seen as a crime, racist, or a means of social division to admit that the main threat to this country and our way of life right now is from radical Islamists intent on war. That clearly does not mean all Muslims, as many Muslims are very strong and patriotic Americans; but, while it is fair to say that not all Muslims are terrorists, right now all terrorists are Muslim. To state that there is no immediate threat to this country is, in my opinion, quite wrong, and I will attempt to explain why.

Firstly, the world is a very complex and competitive place and not one that I am qualified to assess in its entirety. I can see, however, where strategic competitors, such as Russia and China, would see it an advantage to keep the US occupied with a multitude of issues and to then use that distraction to create positions advantageous to their goals. ***Two clear examples are the annexing of the Ukraine and the “land grab” going on with Pacific atolls being made into military island bases in the South China Sea.*** The reasoning behind both are articles in themselves and so can be surmised as invasion fears by the Russians with a perceived NATO expansionistic plan, and a need to protect vital sea lanes due to vast mineral and material needs of a growing China on the other. We then need to look at another strategic long-term planner – one that poses an immediate threat to the citizens of the United States – and that is Iran.

The Iranians are not Arabs, they are Persians. They are, in most cases, opposed to the traditional Arab nations by their definition of the Muslim faith, with Shia pitted against their regional strategic competitor, the Sunni Saudi Arabia. These two nations have been fighting each other by proxy for many years, and even a simple look at world terrorism finds them both behind most opposing sides and continuing the struggle against each other, with Syria being the latest and most obvious case.

The Iranians have known for some time that, in order to fully be able to match the Saudis, they would need to be a nuclear power, as the Saudis already are. It is not widely realized that the Pakistani nuclear program was funded almost entirely by the Saudis with the promise of nuclear weapons anytime they deemed they needed them, thereby avoiding world opinion and control, but making a statement to their regional adversaries. The Iranians also knew that it would be very difficult for them to have such weapons, as it would bring them into conflict with the United States -- if not directly, then by our support of Israel.

Enter Hezbollah, a known terrorist organization (although “army” would be a better description)



and proven proxy force of the Iranian high command. Trained, funded and, in some cases, led by Iranian soldiers, ***Hezbollah provides the method for attacking the US while retaining “plausible deniability”*** and limiting a US response. After all, if Hezbollah, a known terrorist group, carries out multiple attacks against US civilians, then it gives Iran the ability to play the “wasn’t me” card, which places the burden of proof firmly on the US. Wild speculation? Fantasist? I think not. A simple Google search of Iranian interests in South America or Hezbollah links to Mexican cartels will reveal a multitude of evidence, including footage of Congressional hearings considering the facts that Iranian “Quds” and Republican Guard forces are operational in this country already and have been established as working with cartels for a number of years. Ignoring the fact that assisting illegal activities within the US borders is a drain on our resources and creates social division, there is a much larger threat – one that I believe does constitute ***a very real and immediate threat – and that is the number of Iranian proxy forces already in this country and poised to attack.*** The key to this scenario is the Iranian nuclear program, as Iran must attain nuclear status to balance out Saudi Arabia; but if the Iranians are stopped, by either the US or Israel, then to not hit back could well be perceived by the Arab nations as a weakness and invite an all-out attack on Iran.

Iran is not stupid and knows that an open attack on the US would lead to a bloody, but ultimately losing, battle with the United States; as such, Iran must have plausible deniability, and Hezbollah provides that. A multi-pronged attack across the entire country or a single large-scale event causing large loss of life should be expected and would explain the pre-positioning of troops – by the Iranians via Hezbollah – for just such an eventuality. With Hezbollah being ***a very effective and well-trained force, combat-proved, and very well armed, this possibility should be taken very seriously*** by respective law enforcement departments across the country. An attack by a well-coordinated and professional organization would make past mass shootings look decidedly amateurish.

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This is but one clear and present danger and one that may well be placed on a strategic level considering the end game and world wide effect it could have, but it is by no means the only one.

Al Qaeda has been – and will remain – a threat to the American people, but at this time it may be a lower-level menace than either Hezbollah or the growing threat that ISIS has become. ***Whatever you call them – ISIS, ISIL or Daesh – the fact remains that they have grown rapidly among the ashes of the Arab Spring.*** They have proven their ability to do as they threaten, with attacks against Hezbollah in Beirut; Sunni ISIS against their Iranian-backed Shia foes; and attacks against the French in Paris and the Russians with the downing of an airliner. If you take into account the pledge of allegiance to ISIS from the San Bernardino couple prior to the murder of 14 American citizens, ***you could easily make an argument that they have attacked the USA as well***, albeit with a radicalized American. This level of fanatical devotion has not been seen since the Nazis. Indeed, ***Hezbollah admits that they base themselves on the Nazis***, even going so far as to adopt the Nazi salute and goose-stepping style of marching. ***ISIS has achieved another level of brutality and devotion, one that attempts daily to convert Americans*** via Inspire-type online publications and trained recruiters who work in our college and workplace environments (protected, thanks to our own crazy PC world, by our aversion to being called racist or accused of profiling). With our politicians clambering to accuse each other of anything they can and profess how “progressive” they are, the desire to protect the country by reporting suspicious behavior is being eroded through fear of accusation. Indeed, the neighbors of the San Bernardino couple have stated that they were suspicious but fearful of being called racist and so said nothing. ***This fear has to be washed away if we are to ever gain control of terrorism.*** Without the general public being educated about terrorism and, therefore, used to combat terrorism through situational awareness, we have no chance of ensuring the day-to-day safety of the American public.

It would seem to me, with minimal research, it is easy to find a clear and present danger to the way of life in the USA as both radical and “moderate” Muslims attempt to change our way of life; sections of society hate the police;

and fear of gun law changes and a general lack of belief in government add together to present a very real threat to stability. There has to come a point when enough is enough. While moderate Muslims will not resort to violence, they are very patient and so get themselves legally elected in Muslim-majority areas (such as they have in Detroit) and legally move to change laws to suit their goals, leaving an objecting US public with no recourse aside from expensive litigation and lobbying. ***If a courageous and honest government set that level or point in time, then it can be passive and well controlled;*** but if they lack the moral courage to do the right thing and to represent the people that they were elected to represent, fear will take hold and the point in time will be decided by a fearful population, with all the associated mayhem that will bring. If left to fear, otherwise law-abiding citizens will take matters into their own hands; and many innocents on all sides will be needlessly lost or harmed, leading to an even deeper division and possible break-up of the United States. This may seem far-reaching as a hypothesis. But if you ***consider that less than 10% of Germans were Nazis and add to that the current discord between elements of the American public and law enforcement***, the feeling of division, and the fear of terrorist attack, and it does not seem so far-fetched.

We need a strong government now more than ever, and one that will put the people and future of this country above their personal desire to be seen as a “progressive” or appeasement of those clearly using a perceived weakness in the United States right now to further their own agendas. ***The Iranian nuclear issue is bigger than many see it, as Saudi Arabia and Iran continue to use the world stage as a battleground for their proxy war.*** The expansion of Hezbollah from an “anti-Israeli” force to a global threat is of immediate concern, as they continue to move freely around this country with cartel support. The stated use of refugees to move their soldiers into this country, already proving to be more than idle talk, has to be addressed, with the defense of the United States paramount to our government. To continue to play the “no definitive intelligence” card is no more than a political word game that may cost a lot of “voters” their lives. It is time for American politicians to see Americans as more than voters and see them as fellow Americans who have trusted their representatives to protect them from all enemies, foreign and domestic. ►

Everyone against recreational drug use isn't the same.

By JR Denson

I've found—particularly on campus—the stereotypical archetype that has “Just Say No” on repeat is some combination of a condescending, out-of-touch, religious fundamentalist kill-joy. This “made up” person has never used drugs, never known anyone that has used drugs, and is intent on acting as the moral judge and jury. And as if that wasn't enough, this anti-drug individual or group also uses the criminal justice system to their advantage, seeking to destroy the lives of those who choose to just have a little fun from time to time.

The view of those opposed to drug use is undoubtedly exacerbated by the equally stereotypical belief about the drug *user*. Movies, TV shows, and news stations bombard the public with images of minorities trafficking and using illegal drugs. In terms of the general US population, Blacks and Whites actually use drugs at similar rates¹. Furthermore, the numbers become significantly disproportionate on college campuses as Whites college students are often more than twice as likely to abuse illicit substances as their Black counterparts².

In fairness, it is entirely plausible—even probable—that this aforementioned fictitious “Just Say No” caricature exists. That said, I've found that most

of my classmates tend to be surprised to learn that the majority of the African American community opposes the recreational use of psychotropic drugs³. 36% of Blacks consider drug abuse a national crisis compared to 32% of Whites, but both Blacks and Hispanics are significantly more likely to believe that even possession of a small amount of marijuana should warrant jail time⁴.

This information may be surprising to those who are in favor of relaxed policies and laws in regards to drug use in America. It is easy to assume that because African Americans do indeed make up a disproportionate percentage of the prison population⁵ that the whole of the African American community would be opposed to any and everything that could contribute to these numbers. This is an easy mistake to make for someone not actually a part of said community. Most Blacks (93%) are seriously concerned about the links between drugs and violent crime and would like to see national prevention interventions in place such as education programs for youth³.

When I was a kid growing up in the 90's, I wanted a Starter jacket. My mother refused to buy me one. Not because she was a mean parent or was unable to afford one, but instead was worried for my safety in a neighborhood in which even a kid could be killed for the jacket on his back or the shoes on his feet. Nearly a quarter of all violent and property is committed in order to obtain money for drugs⁶. Understanding this context makes it easy to see how and why Black families oppose drug use.

Years later, now a graduate student and living just down the road from the US Congressional official buildings in the shadow of Capitol Hill, I also live just four blocks from one of DC's five medical marijuana dispensaries.

Medical marijuana has been legal in the District of Columbia since 2010⁷ and legal for recreational use as of



November 2014⁸. Reading through the online reviews of some of these establishments, it doesn't take terribly long to notice that many of the patrons' primary concerns are not actually relief from some kind of malady, but rather the desire to get high. This mentality couldn't be further from where the majority of the African American community stands. As a part of said community, it saddens me to have such a place so close to my home.

To many of my classmates, drug use—particularly of marijuana—is seen as a fun weekend activity as innocuous as ice skating or binging on Netflix. Many of them don't personally know anyone who struggles with a serious addiction. To them, it's all in good fun.

To a person such as me who grew up in a neighborhood struggling with both direct and indirect consequences of substance abuse on a daily basis, marijuana is not merely a harmless alternative form of entertainment, but a vehicle for the deterioration of my community.

It is my hope that those who choose to champion marijuana legalization consider costs not just for themselves, but even for the stranger on the other side of the tracks.▶



JR Denson is a graduate intern at the Drug Free American Foundation. He is currently a master's student at American University studying Health Promotion Management and Drug Policy.

Digital Evidence *By Glenn Hickok*

This article first ran in Evidence Technology Magazine. Glenn Hickok is the President of MSAB Inc. a global leader in forensic technology in mobile device examination.

The number of mobile devices in use worldwide exceeds seven billion and is expected to continue to grow exponentially. A survey conducted by the Pew Research Center's Internet & American Life Project notes 91% of adults have a cell phone today, while The National Consumers League states 56 percent of children between the ages of eight and 12 have a cell phone.

The proliferation of mobile devices puts children at increasing risk of exposure to sexual predators. Virtual relationships are often established between predators and children. The child mistakenly perceives it is 'safe' to do so because of an apparent distance between the parties. New and enticing apps might seem to be benign tools but are actually calculated means of enticing vulnerable children by making them feel comfortable. According to a recent study, one in 25 children ages ten to 17 received an online sexual solicitation in which the solicitor tried to make offline contact.

As the use of personal devices extends to an ever-growing group of children, the risk from exposure to this technology continues to rise. However, the use of personal devices in these cases also affords law enforcement the ability to use digital forensics technologies to rapidly arrest, investigate and prosecute offenders.

Such was the case in Tehachapi, CA where a former Tehachapi official and city councilman received a ten year sentence for sex crimes involving minors after engaging in sex acts with a 13-year boy he lured using the Grindr

app. The conviction was due in large part to digital forensics tools used to decode and extract data present on the defendant's personal device from the Grindr networking app.

The Tehachapi case is telling for many reasons. The proliferation of smart phone devices around the world continues to explode, driving 102 billion app store downloads in 2015. As law enforcement grapples with challenges of a growing child exploitation investigation backlog, it is essential they have tools to extract data from apps, including the rapidly evolving number of chat apps. Many popular apps offer secure messaging as well as picture and video sharing through which senders may have the option to establish view times of sent content followed by deletion of the communication after a specified amount of time. Other apps add proximity features that allow users to determine how close other users are and strike up conversations with those nearby via the app.

As mobile technology evolves, so does the sophistication of apps and the associated database files locally stored on the mobile device. Each time a message is sent, or a picture "securely" stored, a database on the device records all activity. Messages thought to be deleted by the user typically remain in the app database as data is merely marked for deletion and hidden from the user when s/he uses the app. This data is still recoverable, and with the right tools, investigators can capture this key evidence.

Powerful tools exist to help law enforcement get behind most apps and tackle the backlog. The challenge is that tight budgets remain a significant barrier to effectively procuring those tools. In order to effectively operate in this fiscal and operational environment,

it is essential that law enforcement have tools to maximize their time and effort. The ability to extract data from several phones at a time is also a critically important feature for investigators. Additionally, the ability to securely decode and store extracted cellular information for use now and for later reevaluation allows investigators to capture even more information which could become relevant in the future as more applications are decoded. This can be of paramount importance in securing a conviction. The content of a case file from six months ago may benefit greatly from new releases of technology – as long as it's a clean and easy process.

Advanced tools also now allow for the establishment of "watch lists" comprised of known terms, file types, names, and other identifiers that can be flagged if identified on the device. This allows technology to act at the "first set of eyes" on the data and triage files that need a deeper analysis, saving countless hours by letting technology conduct the redundant processes and allowing for a more efficient use of the officer's time in getting the predators off the street. These tools can be game changers, but they must be in the hands of the right people to make a difference. Unless and until the proper mobile forensic tools are deployed to investigators, predators will remain at large because agencies simply don't have time to pursue them all.

A prominent federal law enforcement official recently noted the cell phone is the single most importance piece of evidence at most crime scenes. As such, investigators need effective tools to efficiently and securely capture and analyze the valuable data these devices hold. One instrumental program is the Internet Crimes Against Children (ICAC) Task

"Evidence" is continued on page 21

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COPS ~ LIVES ~ MATTER ~ TOO

BY Peter F. Boyce, J.D.

Social media, print media, TV talking heads and some advocacy groups have increasingly focused on the misconception that law enforcement is engaged in the system of targeting certain racial and ethnic groups. While there have been isolated cases of unconstitutional actions, the vast majority of officers have dedicated their lives to the law enforcement profession focusing on protecting the rights of all they serve no matter the race, ethnic background or other constitutionally protected group.

There is no question that black lives matter, Hispanic lives matter, white lives matter and all other ethnic and religious groups' lives matter. What seems lost in all the media rhetoric is the understanding that cops' lives matter too. Does society want a police force that turns and runs when confronted with danger? Have the media and T.V. cop shows convinced the public that an officer must first wait until a subject fires his weapon or commits a felonious assault before using lethal force?

Rather than blame cops for the societal problems associated with drugs, mental health issues, high power firearms and the erosion of the family unit; the media, politicians and various advocacy groups must focus their attention on solving these pressing social issues.

Ninety-two law enforcement officers died in the line of duty from January 1, 2015 to September 20, 2015. Twenty four were shot and killed in cold blood. According to the FBI, fifty-one law enforcement officers died as a result of felonious assaults in 2014, an 89% increase from 2013. Why doesn't the media report this alarming increase in law enforcement deaths? Don't cops' lives matter too?

A large percentage of cases involving suspects who died as a result of police intervention had multiple health issues and/or acute intoxication from drugs or alcohol and were actively fighting the police.

The FBI reports 461 "justifiable homicides" by police in 2013. They define "justified homicide" as the killing of a felon by law enforcement officer in the line of duty. These "justifiable homicides" were not the result of targeting. Nearly 56% of such encounters were originated by a 911 call. According to a Force Science Institute researcher who analyzed 125 cases during the first half of 2015, the data does not support the conclusion of systematic targeting by police of any ethnic or racial group. The Force Science Institute study found that a large number who died were white, and civilian witnesses when present, generally sided with police



The reality of policing today requires police to confront societal issues head-on that they have little ability to change.

accounts of the event.

Law enforcement has the responsibility to serve and protect. Cops are the guardians of the public's right to a safe environment. The reality of policing today requires police to confront societal issues head-on that they have little ability to change. Only when society comes to the realization that the leading cause of death among young black men is homicide by their peers, only when the politicians address mental health and substance abuse issues precipitating many police encounters, only when society recognizes the deterioration of the family unit as the root cause of many tragic deaths in all ethnic groups can we hope to begin the process to address and eventually resolve these societal issues.

Police alone cannot solve societal problems. However, they have the responsibility to attempt to exert a measure of control to assure society remains protected.

What we can do about it

The law enforcement profession should take a leadership role and become a credible force to correct misinformation decimated by the media. The profession should admit when they are wrong, take corrective action when necessary, but most importantly, the law enforcement profession must not abrogate its responsibility to protect and serve everyone disregarding racial or ethnic background. Media and advocacy groups must come to understand that cops' lives matter too. ►

Drug Law Trends in a Weird World

By *Calvina Fay, Executive Director,
Drug Free America Foundation, Inc.*

**“In the 1960s, people took acid to
make the world weird. Now the
world is weird, and people take
Prozac to make it normal.” ~Anon**

*Yes, the world is weird, and it seems
to be getting weirder every day.*

As we welcome in the New Year, most of us do so with heavy hearts and a certain amount of anxiety about what the future holds for us and our families as well as our jobs. Drugs used to be bad – now they are “good.” Those of us who oppose drug use were the “good” guys – now we are the “bad” guys. Members of law enforcement used to be good – now they are considered bad in the minds of many. We used to believe that our children would be better off than we were – now most of us believe that our children and grandchildren will not.

Already almost half of the country has legalized marijuana under the guise of medicine and the remaining states are under attack by the legalization advocates to add to this scam. An ever-growing, well financed marijuana lobby, not unlike the tobacco and alcohol lobbies, has formed. With a somewhat legal status, the marijuana industry has moved beyond the medical tactic and is pressing for full-blown legalization of marijuana. We saw efforts in 2015 to legalize pot for “recreational” purposes in at least 16 states (AZ, AR, CA, FL, GA, ID, ME, MA, MI, MO, MT, NE, NM, NV, OH, WY). Fortunately, we beat it back in Georgia, New Mexico, and Ohio and with actions still pending, several other states look like they will be able



to survive the assault. Additionally, at least two states are looking at rolling back their marijuana legalization laws.

Other trends that our nation has faced are the legalization of lower-level THC marijuana (commonly referred to as Charlotte’s Web or CBD laws), decriminalization of marijuana or civil citation programs, more of a “harm reduction” approach - less of a prohibition approach, synthetic drugs, prescription drug abuse, a steady increase in heroin use, and a growing movement to legalize drugs other than marijuana. Some of these developments will be devastating for public health and safety.

We may be getting close to sorting through the lower-level THC marijuana issue. A pure extract of CBD that is derived from cloned marijuana plants that have been specifically bred to eliminate the THC has been developed by UK-based GW Pharmaceutical and is moving through the Food and Drug Administration (FDA) process here in the United States. The drug, known as Epidiolex, has been granted an “Orphan Drug” and “Fast Track” designation. It is now in human clinical trial stage and a number of clinical trials exist (with more to come) across our nation. Additionally, a number of “expanded access” programs have been implemented to provide this drug in a controlled manner. These programs should soon provide answers to us about the efficacy of the drug in treating certain medical conditions as well as shed light on the potential negative side effects of it.

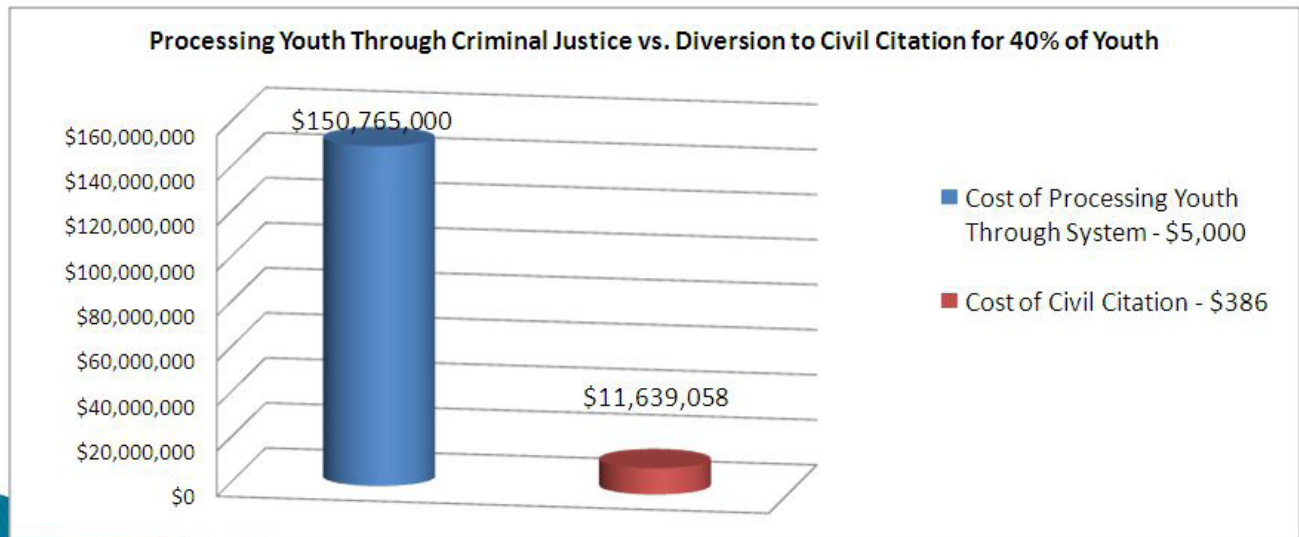
If approved by the FDA, it could be a powerful tool to stop efforts to legalize the cultivation and dispensing of artisanal marijuana by the marijuana industry that is



Civil Citation Program Benefits

▶ Civil Citation Programs Save Time & Money

- Costs of Processing Youth; reducing time spent by law enforcement, state attorneys, public defenders, probation, court personnel, etc.
- Frees up resources to focus on more serious and violent offenders.



harming rather than helping sick people.

Coupled with propaganda advanced across the country to excoriate law enforcement, is the crusade to “reform” our criminal justice system. Granted some of the reform is needed but, much of it being advanced is dangerous and we will reap some very negative consequences from it in the future if we are not careful. It is imperative that law enforcement take a lead role in this movement to shape it into something positive rather than negative.

One trend in the criminal justice reform is to decriminalize or reduce penalties for marijuana possession. We all know that first time offenders whose only crime is possession of a small amount of pot do not go to prison. In fact, many times law enforcement officers do nothing except maybe lecture the offender or perhaps require the destruction of the pot. So, it is not

particularly disturbing when laws are brought in line with actual practice.

There is legitimate concern that when personal possession of marijuana is treated like a minor traffic infraction (or completely ignored) that a golden opportunity is being missed for a meaningful intervention that could change that offender’s behavior. We all know that drug addicts do not typically roll over in bed one day and decide to go get help for their drug problem. They are almost always leveraged into treatment and many times that leverage is a brush with law enforcement. We also know that non-addicted drug users will likely develop a dependency if they continue to use without an incentive to stop.

Many U.S. states, approximately one-third¹, have shifted the way in which they deal with marijuana offenses by decriminalizing marijuana possession intended for personal use.

Decriminalization typically means amending state law to keep certain marijuana possession acts criminal, but make the acts no longer subject to prosecution. This means individuals caught with specifically defined amounts of marijuana for personal use won’t receive a criminal record or a jail sentence.

Each state law differs, but in many states minor possession by adults is treated similar to a minor traffic infraction. For example, California law states: Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).²

Several states still classify adult possession of smaller amounts of marijuana as a misdemeanor but eliminate the threat of any jail time and instead impose a fine. For example,

in Ohio the possession of up to 100 grams is considered a minor misdemeanor, which incurs a \$150 fine but no jail time, and does not become part of the defendant's criminal record.³ When not addressed at the state level, marijuana decriminalization is often adopted at the local government level.

A reasonable alternative to decriminalization is the establishment of civil citation programs which can relieve crowded criminal justice systems, avoid criminal records for first-time low-level offenders, but still hold offenders accountable for their actions. More importantly, these programs can help identify the root of the problem and instigate actions to help fix the problem.

For youth offenders, some states have passed civil citation programs that build in an accountability mechanism that ensures sanctions, interventions and services. In 2011, Florida required that a juvenile citation program be offered to youth in all Florida counties⁴ under the advisement of their respective Chief Circuit Judge, State Attorney, Public Defender and local law enforcement.⁵ The program is designed as an alternative to arrest and prosecution for youth at first contact with law enforcement for non-serious, nonviolent misdemeanors. Florida law requires that an intake assessment be performed, appropriate interventions be provided, and accountability sanctions be imposed. Failure of the offender to complete the requirements and sanctions of the civil citation program results in the young person being formally processed in the juvenile justice system, which could include arrest and prosecution.⁶

Of the 67 counties in Florida, 59 have some process in place for juvenile civil citations and all but one of those counties include misdemeanor drug possession as an eligible offense.⁷ Since implementation of the programs in Florida, 6,903 juveniles have been diverted from the criminal justice system and the programs show a recidivism rate of 6.6% compared to the 41% rate of residential facilities operated by the Department of Justice.⁸

Rather than decriminalizing adult marijuana possession, states should consider similar programs based on the model used in Florida for juvenile civil citations. Using Florida as an example again, Leon County implemented a pilot adult civil citation program for first-time low-level offenses including possession of less than 20 grams of marijuana and alcohol-related offenders.

The program uses a full needs assessment to determine individual needs that could include drug screening, community service, targeted behavioral change interventions, and other sanctions to address behavioral change. It uses in-person and online systems, allowing law enforcement and service-providing agencies to manage each participant.⁹ The intervention plan includes:

- Community service – 25 hours (case manager may increase)
- Online educational interventions (eLearning resources)
- Drug screening, AA or NA meetings
- Counseling sessions: Cognitive behavioral therapy and motivational interviewing (two at minimum but could be more as determined by assessment)
- Program fees (flexible payment system)

According to data collected by the Leon County, Florida civil citation program from January-December 2014, possession of marijuana represented 30% of adult civil citations issued and 85% of those successfully completed the program requirements.¹⁰ Initial results of an informal 24-month study reveal that approximately 80% of participants successfully completed program requirements. Of those, only 5% were arrested locally for a new offense during the 12-months following program completion.¹¹

Civil citation programs for first time youth and adult simple marijuana possession offenders (with no other serious offense), coupled with an assessment, services and sanctions allow for the opportunity to effect behavioral changes without jail time and criminal adjudication. The programs outlined above have high completion rates and low recidivism rates. These programs are examples of action items that were identified in the President's Task Force on 21st Century Policing where it was recommended that law enforcement agencies "should consider adopting preferences for seeking 'least harm' resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infraction."¹² Civil citation programs that include services and sanctions have the potential to quickly address the behavioral needs of first time offenders at first point of contact with the justice system.

Law enforcement has a vital role in reform - a role that can take the weirdness out of some today's drug policy trends and make them less nutty. Law enforcement should take a lead with civil citation programs to push for the inclusion of meaningful sanctions that can leverage drug users to change their behavior rather than just sweeping the issue under the rug with minor ticketing.▶

About the author:

Calvina Fay is the executive director of Drug Free America Foundation and Save Our Society From Drugs, national organizations that are leading the national efforts to push back against drug legalization and are advocating for saner approaches to drug policy.

(Endnotes on request.)

THE INFLUENCE WHICH LIVES IN THE GREEN

By Ernest Martinez
Director At-Large, NNOAC
Denver, CO.

I often receive calls from across the country on the status of marijuana legalization and sales of recreational and “medicinal” use of marijuana.

These discussions often barely touch the surface on the impacts to our state. This article is one of a series that will be published to give an ‘in the trenches’ view of the impacts to our communities.

We have experienced a manifestation of a culture shift which is a by-product of a well-organized marijuana lobby and social media blitz commenced in 2005 in Denver, Colorado’s capital city. Public opinion has been swayed to believe that marijuana is a benign drug that is a panacea for all medical and social ills. These manifestations are visible in our cities and towns in many ways. Back then, when our communities found an almost-overnight build-up of brick-and-mortar storefronts to sell marijuana for medical purposes, state officials as well as legislators found themselves with a huge dilemma. There was legislative intent to construct “bright lines” of regulation, knowing that full regulation is a very “Pollyanna” point of view. I know because I was there, representing the Colorado Association of Chiefs of Police and the Colorado Drug Investigators Association in legislative working groups, private meetings, and testimony at the local and state levels.

As the current wave of legalization efforts sweeps across our country, there must be total engagement in the education and processes of negating what has transpired in Colorado and our sister states. There are currently a few well-organized, grass-roots groups

of citizens and law enforcement working towards this noble goal; however, we continue to battle the social and traditional media optimization machine of the marijuana lobby. We must also be very cognizant of the marijuana lobby

in local and state legislative negotiations. When the early Colorado Senate and House bills were ultimately passed to legalize sales of marijuana for medicinal use, the lobby was very effective with constructing boundary language (with legislative support). This language forced the state agencies to promulgate rules within 90 days, fully knowing that it would be nearly impossible to enact a full-spectrum of regulations for a nascent industry. Fast forward a few years, and this same blueprint was enacted with recreational marijuana legalization – and to this day, there are many issues surrounding marijuana sales, production, and transport that are substantive concerns for not only first responders but also for our communities.

As amazing as it sounds, we still struggle with chemical and pesticide use for plant cultivation; although the state has identified many for non-use, it has, in fact, recently acquiesced from the original allowable chemical/pesticide list. I recall vividly that, in many stakeholder meetings that we had (I often found myself surrounded by 12 single-issue, full-time lobbyists with only 2-3 of us like-minded law enforcement types), we identified dangerous substances used for illegal production of marijuana on which the state should enact bans. Marijuana stakeholders always advocate for the least restrictive rules possible for the industry as a whole. I had informed the Colorado Department of Revenue since 2010 that marijuana was being produced with potentially dangerous chemicals/pesticides, but constant pressure from the marijuana industry and a cited “lack of guidance from federal authorities” (USEPA) subsequently led to a less restrictive regulation than what was requested. As a result, the City and County of Denver have been quarantining plants suspected of being cultivated with potentially dangerous substances, which seems to be a viable means of addressing this issue, albeit limited due to staffing of inspectors.

The landscape has changed: This past April, *High Times Magazine* conducted a recurring “Denver Cannabis Cup” – a three-day celebration of marijuana. It led up to the annual large “4/20 - Cannabis Day” in downtown Denver, in the shadow of the State Capitol. Participants and spectators wore their marijuana finest. The aroma of burning marijuana was very discernible as one walked throughout the complex north of Denver. A colleague of mine reported that, when he was walking through this event, it was a pure “stoner affair” – not the new image of the “cannabis consumer” that



the marijuana industry has been most successful in inventing. These “cannabis professionals”, who are now free to step out of the shadows, were nowhere to be seen.

Despite all of the legal strides made with marijuana, even in Colorado, the most permissive place for marijuana on Earth, public consumption remains illegal. A sore spot for advocates and the industry is that, even though one can possess, cultivate, process, and consume marijuana, the laws dictate that the law-abiding users may consume only in their residences. Although prohibited by state law, in Denver we have an initiative moving for limited “Pot Clubs”, where one can smoke a joint, take a hit off a bowl, or consume edibles. This has transpired due to threats to take this to the Denver voters; negotiations continue to address use in private/public venues for “Pot Tourists”, since smoking bans negate not only tobacco use, but marijuana, as well. This burgeoning industry is only going to get bigger, with much more influence.

Legalization campaigns by the marijuana industry argue that law enforcement should spend their time on real crime instead of pursuing marijuana users. This is a disingenuous talking point: As we all know, we are not ignoring a serious crime to pursue a weed smoker. The complicating factors are also an intended consequence of how ballot measures are being drafted by marijuana advocates with the objective of making it complex to investigate and prosecute marijuana cases. Unfortunately, the voters have become imbued with this narrative. In this post-legalization arena, the investigation and prosecution of marijuana crimes has become complicated – from jury nullification to policies on K-9 sniffs for marijuana and thresholds for prosecutions. Then there are the questions, due to ambiguous language and weak enterprise data query systems, of what individuals are allowed to possess: an ounce (or three) when you have a medical marijuana card on you? Who can transport plants? Who is allowed to grow and transport for their friends? We face an uphill trajectory in a gray area that has, in some circles, led to inaction or indifference on the part of law enforcement’s time and investment.

Often, this industry uses the Green Cross as a sign for marijuana, as a bright light signifying treatment, medical cures and the like; however, we have come to see this sign as an indelible mark of money-making influence at the expense of children and adults of our

great state. It is hard not to think that this industry is more than likely forever woven into the social and political fabric of our state. Even in the economic sense – albeit taxes and profits are well below industry estimates – far more money is allocated for marijuana regulation than ever. Further proof is the recent bill (H.R. 3629), just dropped by two Colorado Congress people, to amend the Controlled Substances Act to provide that Federal law shall not preempt state law. Stay tuned. &

“We have experienced a manifestation of a culture shift which is a by-product of a well-organized marijuana lobby and social media blitz commenced in the capitol city of Colorado (Denver) in 2005.”

Evidence, cont.

Force Program, which comprises a network of 61 coordinated Task Forces representing more than 3,000 Federal, state and local law enforcement and prosecutorial agencies. These agencies are engaged in a wide array of forensic investigations, and criminal prosecutions.

In addition to ICAC grants and local funding, federal grant programs such as the Paul Coverdell Forensic Science Improvement Grants Program and the Edward Byrne Memorial Justice Assistance Program are funding sources law enforcement can tap to acquire mobile digital forensics technology—if they apply. “Despite the availability of these grants, the right tools have not been fielded widely enough nationwide to empower law enforcement to impact the backlog in a meaningful way,” said National Fusion Center Director Glenn Archer. “This may be due to a lack of awareness of the availability of these grants for

Pt. III of “Evidence” is continued on page 32

AMBUSH

By Steven A. Rhoads, Ph.D.

New York City. Las Vegas. San Diego. Pennsylvania. Tacoma, WA. Atchinson, KS. The list goes on. Large cities, small cities, urban environments or rural counties – never in the history of this nation have there been such unprecedented numbers of ambushes of police officers.

While, historically, approximately 200 police officers are ambushed in citizen attacks each year, there have been dramatic increases in the incident rate of officers who had no contact with the suspect, were not known to the suspect, and were killed or significantly injured solely due to their profession. An ambush is defined by the IACP as either a “spontaneous” or “entrapment/premeditated” occurrence. A “spontaneous” ambush is one in which there is contact with the officer and, due to the emotions or circumstance of the moment, the suspect has attacked an officer. An “entrapment/premeditated” ambush is one in which no prior contact with the suspect has occurred. The National Police Memorial reports that entrapment/premeditated attacks were up 56% in 2014. And there has already been a 21% increase this year!

Just as there has never been such an outright attack on officers, there has never been such an unmitigated attempt by some to advocate violence toward the police. For several years now, certain rap music and fringe groups have glorified disrespect of authority and violence toward the police. At no time, however, have so many picked up this mantle. Rabble-rousers have attempted to turn any police use of force into a major conspiracy, not as a means of finding



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justice, but rather only to further their own political agenda. Protesters march down the street of NYC, yelling, “What do we want? Dead cops. When do we want it? Now!” Prosecutors and organizational heads have given in to this agenda, and prosecution of police for doing their duty has risen dramatically! (But that’s a topic for discussion at a later time.)

Narcotic officers must realize that, twenty years ago, it was somewhat understood that if you got caught selling drugs, it was part of the risk that was taken, a part of doing business. Now, certain cartels and gangs have no hesitancy in using violence to avoid capture or detection. Thus, the risks of undercover work have drastically increased, as well. Charlie Fuller, President/Founder of the International Association of Undercover Officers, reports that the last two undercover officers ambushed while conducting a narcotics operation were in Virginia Beach, VA, and Chandler, AZ. Narcotics officers and law enforcement in general, then, must be more diligent in officer safety and survival than ever. There are certain factors that must be considered in this regard

and that is the purpose of this article: an examination of Subconscious Communication® and its importance for officer survival.

Subconscious Communication® is defined as that communication that exists by capitalizing on the power of the subconscious mind and its interaction with conscious awareness. The conscious mind is that which allows us to knowingly evaluate our surroundings and respond to them. The subconscious is the storehouse of our life’s experiences that allow a course of action to be taken as necessary.

There are certainly a number of conscious factors that officers must be aware of, day in and day out, to protect themselves. Unfortunately, the vast majority of us tend to go through life unaware or preoccupied. One of the most significant factors that officers must be continually aware of is their situational or environmental awareness. In general, however, humans become complacent. It is far easier to be unaware or uninvolved than to be constantly on guard. We tend to start believing that everything went

well with the last several drug deals/ traffic stops/citizen encounters, so the next one has to be just as easy. In my opinion, complacency is the most common cause of a lack of awareness or alertness for all law enforcement officers.

In general, the most common distractions that cause a lack of situational awareness are likely to be:

Talking on the cell phone while on duty. There have been at least three documented instances where surveillance officers, tasked with protecting the undercover officer, were talking on the phone rather than actively watching the environment, leading to the ambush of the undercover officer. Officers driving down the road while on the phone fail to scan the environment around them, as they are preoccupied with the conversation taking place. Some of the worst offenders of this circumstance are officers doing side jobs (construction details, for example), where they sit – most often in a marked vehicle, in uniform – but are totally oblivious to vehicles, their occupants, or people in the area. This lack of awareness opens the door for a subject to approach without detection.

Parking in areas of restricted visibility while doing reports or engaging in other activities. The FBI reports that 82% of ambushes on police officers occur against single-officer circumstances. Sitting in the car, focusing one's attention on a report or mobile data entry distracts from being alert to the environment. As noted above, since most officers are in the vehicle alone, there is no one then watching their surroundings for danger. An even worse case scenario is ***parking and sleeping on duty.*** While I do not wish to embarrass the

officer or department, it is necessary to relate an incident to impress upon you the danger: a female officer was ambushed by a gang member while sleeping on a midnight shift in a school parking lot. Fortunately, she survived, but with significant injury! Sharply related to this is officers ***parking in a location with other patrol officers or supervisors engaging in a conversation with both officers in their own vehicles.***

This often occurs in isolated areas so as not to draw the attention of the general public, but it affords a suspect a great opportunity for ambush.

Lingering in fast food establishments, focusing on eating or conversation rather than an awareness of people entering or being in the building.

Many officers become creatures of habit: We patronize the same eating establishments and, in many cases, have a set time in which we visit. Anyone observing these patterns then has a much better chance of preparing an ambush on the officer. Very closely related to this phenomenon is ***walking into convenience stores or similar establishments without first scanning the environment for potential dangers.*** I am aware of four situations where an officer walked in on an armed robbery in progress and thus was ambushed by the offender. For undercover operatives, setting meetings with violators or agreeing to meet the violator in unfamiliar establishments or those in which they have no control increases the risk of attack. For the undercover officers, operating where they have authority, advantage, and CONTROL is paramount for survival.

There are certainly other distractions that should be considered but, in the interest of brevity, I believe the point has been made.

Regrettably, even when an officer is determined to be consciously alert, there are subconscious factors that inhibit this desire. These subconscious factors are both internal and external in nature. Internal influences are affected not only by past and present experiences but also by personal meanings and desires we attach to our perception of these experiences. Perceptions can be defined as a process by which we select, organize, and interpret sensory stimulation into a meaningful and coherent picture of our environment. Perceptions are most commonly influenced by subjective rather than objective factors. Thus, at any given time, we act on what we think the facts are, *not* what they actually are. Two officers walking into the same situation, be it a drug deal or call for service, will have different response as they approach: one officer subconsciously senses danger and his body starts to physiologically prepare for action; the other still approaches, fat, dumb, and happy, with no awareness whatsoever of any hazard. They both cannot be correct in their response. One perceives danger, while the other does not. While our conscious mind is easily distracted, our subconscious mind is diligent in its desire to protect us. As an overly simplistic explanation, our subconscious mind is a 360-degree radar, constantly scanning our environment for potential hazards or danger. In a great book, "The Gift of Fear", author Gavin De Becker places a title on what I have taught since 1981 in my Detecting Danger courses. God has given each of us this "Gift of Fear", a little voice or warning bell to alert us to jeopardy. The single greatest warning we can receive is when we hear that phrase "I don't like it" in our own mind or said by others. Sadly, when we hear this warning, we respond by stating, "I don't like it

BUT”; we find some justification to go forward in spite of risks or danger our subconscious mind has processed – “I don’t like it, BUT I want to get these guys”, “I don’t like it, BUT I can handle it”, or similar justifications. When the mind says, “I don’t like it,” or any other related subconscious warning, there can only be one response. Unless it is a life-or-death situation in which immediate action has to be taken, the only response to “I don’t like it” is: “I don’t like it, **AND** I am going to back away and reevaluate this deal or circumstance.” The only response we should have to “I don’t like it” is to never follow with BUT, but always with AND!

Other subconscious factors that hinder our alertness or situational awareness include:

Needs. It would be impossible to explore this topic without some examination of Maslow’s “Hierarchy of Needs”, those physiological items humans need for survival. When we are tired, hungry, thirsty, ill, or deprived of other basic needs, our ability to perceive or respond to danger is limited. This should be a concern to all department heads in which twelve-hour shifts for officers are becoming the norm. Only twelve hours might not be an issue, but it is not just the twelve hours the officer is working. There is preparation time to come to work; travel time to and from work; and, in many cases, arrests or other assignments that cause the officer to work past the scheduled quitting time. Adding family obligations, court appearances, and other demands on the employee, and the ability to perceive and respond is affected.

Intimately related to this are Emotions. Most people understand that, when we are in a bad mood or experiencing negative emotions,

our capacity to deal with situations effectively is hampered. We lack patience and tolerance that we might otherwise have, and our situational awareness decreases substantially. Most people fail to realize that, when we are in a really good mood or experiencing positive emotions, we suffer these same consequences. Two DEA special agents were ambushed and murdered where, I believe, their “good mood” significantly contributed to their deaths: One, having just received news of a highly coveted transfer to a desired location, and the other, with a wedding pending, were still sent to complete a drug transaction, only to be murdered by the suspects. It should, therefore, be the responsibility of every supervisor to be aware of and consider the emotions of their employees when making assignments.

Our Beliefs significantly impact perceptions and our recognition of environment or behavior. We behave in a manner consistent with what we believe to be true, *not* necessarily in a way consistent with existing facts. Once we have a belief, we then frequently seek out facts to support or justify our position/perception rather than accept the way things are. An officer who believes that he is in a safe neighborhood or responding to a minor call for service will minimize his situational awareness due to the belief that nothing violent happens in this circumstance. Narcotic investigators are the worst in this regard. They believe that the violator is good for the deal, and they ignore any warning factors that indicate the contrary. The violator may be late for the meeting, but they immediately start justifying the reason: “doper time”, “traffic is heavy”, etc. The violator never shows up! In this case, all that was lost was time; but if the belief is that the violator poses no danger, then the risk factors and the

possibility of ambush are certainly increased.

The next factor that inhibit our reactions is called Values. As people in general and law enforcement in particular, we value peer pressure, supervisor pressure, and, lastly, organizational values. Peer pressure is what occurs when we place more importance on what our peers or others may think of us than we do our own values. Peer pressure, perhaps more than any other circumstance, causes us to make decisions that produce difficulties or problems. We respond to situations in a manner consistent to what our peers may want us to do, rather than what we know is right to do. Supervisor pressure exists when assignments are given that allow for little or no discretion by the officer. When these demands are placed on the employee, the thought process shifts from situational awareness to the attitude toward the assignment, thus suppressing our responses in many cases. Lastly, organizational values have come to play a major role in law enforcement officers’ ability to avoid ambush. With officers being fired or prosecuted at historic levels, many employees have conceded that they are afraid to take action for fear of being caught on a video or, worse, being the victim of citizen statements that are contrary to the facts. It is unfortunate that many administrators and politicians place a greater value on the attitudes and wishes of groups within the community rather than those of the officer. A balance must be achieved which places an equal value on community values/concerns and the welfare of the employee. The fear that now exists within law enforcement – being second-guessed, having every action placed under a microscope with the hope of finding something that can be used against them, and the uneasiness that their

job or freedom may be jeopardized – causes hesitation in action and responses. Since conditional alertness has been impacted, this then increases the opportunity for ambush.

Lastly (for this article) is **Training: What have we been taught, how have we been taught, and how do we apply that training to our circumstance?**

It is lamentable that we have not trained our officers for ambush. An informal survey of students attending my training programs revealed that only about ten percent acknowledge practicing drawing their weapon while seated in a patrol car. When asked how many have actually practiced firing their weapon from the vehicle, the number drops to about one percent. The numbers are similar when asked about drawing or firing while seated behind a table. Magnifying this lack of training are firing practices. Few officers actually practice drawing a weapon that is secured in a manner consistent with that which occurs while on duty. The concern of slowing down the draw is more critical than developing muscle memory and habits that will come to play in real-life situations. Narcotic officers often carry multiple weapons in various holsters, based on the day and weather, yet show up at the range to qualify only with their uniform patrol duty belt. They *must* be required to shoot using the holsters and weapons that are used during their *actual* assignment. The FBI reports that the average officer only shoots twice yearly, and my informal surveys suggest that only about 20% actually practice drawing their weapon on a regular basis. Complacency and laziness in preparing for ambush!

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In conclusion, we must realize there is a real threat to the safety of law enforcement today. We must prepare mentally and physically for the reality of the possibility of ambush due solely to the fact that we have chosen to “protect and serve.” To attend training and utilize that training for the possibility of ambush and the response that is appropriate for our survival and wellbeing. We have a responsibility to respect the dignity and protect the constitutional rights of all people. We also have the obligation to ensure that we go home safely and alive at the end of every shift.▶

PREPARE

“The FBI reports that the average officer only shoots twice yearly, and my informal surveys suggest that only about 20% actually practice drawing their weapon on a regular basis. ”

About the Author

Steven A. Rhoads, Ph.D., is a retired police chief and the founder of Steven A. Rhoads, Ph.D., Inc. (www.spottinglies.com) Chief Rhoads is a 43-year police veteran with experience in Virginia, Colorado, and Illinois, and is currently working for the Pueblo County, Colorado, Sheriff’s Office. Dr. Rhoads is an internationally recognized expert in the field of Subconscious Communication® and has published several articles on the subject. For the past 35 years, he has instructed on the topics of Interview and Interrogation and Officer Survival. He has been utilized by several agencies to assist in the interrogation of suspects in major felony cases, and has been recognized for his success. His research in the field of behavioral science aids the student in obtaining a comprehensive view of the material from both an academic and practical perspective. Dr. Rhoads holds a Doctorate Degree in Behavioral Science from Union Institute & University and a Master’s Degree from the University of Colorado. He is a three-time Medal of Valor recipient.



Prevention, Enforcement and Rehabilitation; Working together solves the drug problem

*By Jason J. Grellner, Vice President
National Narcotics Officers' Associations' Coalition*

Listening to, and reading the transcript of, the “60 Minutes” interview of Michael Botticelli, Director of the Office of National Drug Control Policy (ONDCP), I felt betrayed. In response, I would tell Director Botticelli that the past 40 years of drug law enforcement hasn’t been “all wrong”. It has been hard work. As of late, it has been underfunded and, like most of law enforcement, underappreciated. Local, state and federal law enforcement have done their best to enforce the policies of his predecessors and the laws written by Congress. Those policies have had great success: until recently, drug use across the board was at the lowest levels since the 1970’s. Those policies were good, but here’s what we need now: Someone who understands the impact that prevention, law enforcement and rehabilitation can have if we join forces. Someone who understands that incarcerated addicts are a captive audience, and that completing an incarceration rehabilitation program could accompany early release from prison. A leader who understands how this would lower recidivism rates and save billions in the long run. Someone who realizes that drug courts and other alternative programs work for many but are not a one-size-fits-all, and that a 30-year addict with a criminal history of the same length needs intense therapy that will not be found in an outpatient program.

What I have learned is that citizens and victims of crime basically want two things: the criminal to pay for his crime and to not reoffend. In Missouri, we have around 30,000 prison beds, but less than 500 are rehab beds. If we know that more than half of all prisoners are addicts, shouldn’t the Director be looking at ways to fund more rehabilitation in our prison systems? We need programs which are fact-based and staffed with professional counselors who will help to



lower prison populations and recidivism rates. For those offenders who can’t or won’t complete these programs, prison is the only way we have found to keep them away from the society they prey on.

Even with these measures, rehabilitation isn’t the total answer. As the Director stated, “Substance use is one of the last diseases where we let people reach their most acute phase before we offer them intervention.” This is why prevention has such an important role to play in a drug strategy. Strong and robust educational programs, early intervention efforts, and targeting at-risk youth will hopefully help individuals to avoid the disease of addiction all together. Educating doctors to the warning signs of addiction and the risks of long-term use of opioid pain relievers will help to turn the tide in our country’s latest drug tragedy. Law enforcement will continue to do its part by identifying individuals who are at a critical point in their disease state by arresting them when they break the laws we swore to uphold. Sound drug policy will unite prevention, law enforcement and rehabilitation, not divide us and set us back decades.

Director Botticelli, in that “60 Minutes” interview, stated that “the old war on drugs is all wrong”. There are two phrases in the English language which just set me on fire: “war on drugs” and “medical marijuana”. We don’t use legislation to define medicine, we use science, research and reason, but that is for another day. A “War on Drugs” has never occurred – it is just a political phrase, not used by those in the business. American leaders know which countries are growing, manufacturing, researching, transporting and distributing drugs to Americans. Have we declared war on those countries? With current technology we can read a license plate on a ‘78 Ford truck from space. I know we can see every marijuana field in Central America,

Working Together, cont.

every coca plantation in South America, and every poppy grow around the world. We know where most, if not all, of the new synthetic drugs are manufactured in China and which countries are importing the ingredients for methamphetamine. Have we bombed their countries back to the Stone Age? Have we dedicated the full might of the American military fighting force to invade their homelands and burn every plant, destroy every manufacturing site and kill anyone who gets in our way? That's what a war looks like. What we have had, at best, is a police action, by very dedicated men and women who have worked tirelessly to save the lives of citizens and addicts, some to their last breath. The statement that it has been "all wrong" is a slap in their very tired faces.

When Director Botticelli said, "We can't arrest and incarcerate addiction out of people", he wasn't even half right. Warehousing people and hoping that the fear of being re-incarcerated will end their addiction is the definition of stupidity. So I agree with him that far; and I agree that drug addiction is a disease of the brain. In many cases, it is a self-inflicted disease, which is why many have little sympathy for those afflicted. Director Botticelli is right when he says, "You know, we don't expect people with cancer to stop having cancer", but we also believe that most people don't make a choice to participate in activities that give them cancer. Except for alcohol and tobacco use, both addictive substances, most people who end up with cancer didn't do anything to contract the disease. This cannot be said for substance abuse. By his own analogy, the "war on cancer" must also be a failure, because the disease still exists. For many dealing with the disease of addiction, getting arrested is the first time they are forced to acknowledge that they have a problem. Arrests, more times than not, lead people to their first contact with rehabilitation services. Director Botticelli knows this, because he lived it. His 1988 DWI arrest story highlights the fact that arrests lead to rehabilitation for many. After his arrest, Director Botticelli admits he was forced to ask himself, "How did I get to this point, you know, in my life?" He explains that a "very wise judge" gave him the option of finding a treatment program or criminal proceedings. He chose at that moment to enter a twelve-step program at a local church. The Director seems to forget that, without the arrest, he would never have been forced to make that choice. I wonder, would he have found sobriety, or would he be where he is today? How was this "inhumane" (as the Director describes it)? I can't count the number of people in my twenty years in drug law enforcement who have thanked me for saving their lives. Not for pulling them from a burning car. Not for stepping in front of a bullet aimed at them. For arresting them and helping them to find sobriety.

They know they would be dead without it.

You have to understand that there is no cure for the disease of addiction. We teach people to put the disease in remission and get their lives back on track. They will then spend the rest of their lives treating that disease with counseling, programs, and resilience. I have nothing but the highest admiration for people who find sobriety; it is a life-long struggle with a disease that wants to kill you. It is the hardest battle of all with one's own mind. I have spoken with many rehabilitation counselors and recovery community individuals, and they all say the same thing. They didn't go willingly into rehabilitation. Most were forced, by either law enforcement or family, to acknowledge the disease, because the disease has such a profound effect on the brain's ability to reason. That inability to reason is what leads to criminal behavior and continued drug use. If, as stated in the interview, "half of all federal inmates are in for drug crimes", I guarantee that many of the remaining half are wrestling with the disease of addiction. Ask any police officer with time on the job, out of all of his cases (besides minor traffic), how many involve an individual who is an addict, and they will tell you 80% to 90%. Law enforcement doesn't go out each day looking for addicts to arrest; they are our clients; many times, they are both suspect and victim. We don't do this to be "inhumane", we do it to help people and because it is our duty.

NARCAN and "Good Samaritan" laws are great for opium addiction when someone is dead or almost dead. They don't, however, treat addiction or prevent people from making poor decisions which will impact the rest of their lives. Opium prescription drug abuse is not the fault of the "medical community"; the blame belongs to the marketing and training provided to the medical community by the companies that manufacture these drugs. Again, another story for another day. All substance abuse has two components: greed and the disease of addiction. Someone is always making a profit from someone else's suffering. Greed can take the form of a local drug dealer, a drug cartel, a terrorist organization, a foreign company, or the U.S. pharmaceutical industry. No matter who they are – those causing this pain, this suffering, this great expense to government – those individuals deserve the full weight of the American judicial system. As Director Botticelli stated, the only thing worse would be local and state governments making this same profit in the form of taxes on marijuana, but greed has many forms.

There has been no war, so there has been no failure. The failure would be to not include all partners in a sound drug policy.▶

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While most law enforcement officers receive basic training for standardized field sobriety tests to identify alcohol impairment, often there is very little training regarding drug impairment.

The reality is that law enforcement, highway safety advocates, and lawmakers have worked well together to reduce drunk (alcohol impaired) driving over the last several years. This is evident in the most recent National Highway Traffic Safety Administration (NHTSA) National Roadside Survey (NRS), which indicated that the proportion of drivers with measurable alcohol levels declined by about 30 percent from 2007- 2014. Since the first survey in 1973, the prevalence of alcohol among drivers has declined by nearly 80 percent. The recent survey also showed that 20 percent of drivers tested positive for at least one drug in 2014, up from 16.3 percent in 2007. Of those positive tests, 15.1 percent were positive for “any illegal drug” while 4.9 percent tested positive for prescription and over-the-counter drugs.¹ Table 1

Table 1 – National Roadside Survey Drug Prevalence by Category

Drug Category	Number of drivers	Positive oral fluid and/or blood test
Any Illegal Drug	849	15.1 %
Only Medications (prescription and over the counter)	266	4.9 %

This increase in drug use is also documented in a 2014 study from the Centers for Disease Control and Prevention, which reported that a record 47,055 Americans died from drug overdose – more than died in auto accidents. Over 60 percent of overdoses involved opioids: heroin and prescription painkillers, including Vicodin®, OxyContin®, and Percocet®.

The recent legalization of marijuana for recreational use in four states (Arkansas, Colorado, Oregon, Washington) and legalization for medicinal use in 23 other states has also contributed to the increased number of positive drug tests. As

marijuana is becoming more readily available, law enforcement and lawmakers are struggling with setting the legal limits for the concentration of tetrahydrocannabinol, or THC, the psychoactive ingredient in marijuana. The challenge is to establish a quantitative level of THC similar to the 0.08 BAC standard that is used to identify alcohol impairment in all 50 states. Standard field sobriety tests and the ability to use a PBT in the field helps officers detect “drunk drivers.” For example, if a person fails their field sobriety tests and their breath alcohol test is a 0.10 BAC, probable cause exists to indicate that the driver was driving under the influence of alcohol. However, what if the driver failed their field sobriety tests and their breath alcohol test was a 0.00?



DrugCheck® onsite presumptive tests have been evaluated and endorsed by the California Narcotics Officers Association (CNOA). Express Diagnostics Int'l has partnered with CNOA and the National Narcotic Officers Association Coalition (NNOAC) to help promote their respective missions. More information and product videos can be found at www.drugcheck.com/nnoac.html.

DrugCheck®, cont.

This would likely require an officer that had been trained in Drug Abuse Recognition (DAR), Advanced Roadside Impaired Driving Enforcement (ARIDE), or is a certified Drug Recognition Expert (DRE) through the Drug Evaluation and Classification (DEC) Program. The officer would conduct a multiple-step evaluation to determine the classification of drug that was causing the driver's impairment. These evaluations are not limited to DUI investigations and can be helpful when contacting probationers or parolees that have a 'no alcohol or drugs' clause, or in those jurisdictions where it is a crime to be under the influence of illegal drugs.

In addition to utilizing drug recognition training to assess a person's level of impairment, many officers are also utilizing instant, onsite presumptive drug screening tests. Instant urine drug screening tests are great tools to determine if someone has used drugs in the past 2-3 days. Rapid oral fluid (saliva) tests, however, are becoming more popular with law enforcement as they offer a shorter window of detection that is more consistent with identifying impairment. Oral fluid and blood samples provide very similar information regarding recent drug intake, though oral fluid yields a higher detection rate than blood for one drug: cocaine. Oral fluid can be considered a reliable alternative drug screening test.²

The simultaneous collection of blood and oral fluid samples in two major studies allowed researchers to determine whether there was a correlation between the two in terms of drug detection. Data on drug positives correlated well between the tests. In one study (Gjerde et al, 2014)³:

- 182 impaired drivers were tested for several drugs
- THC measured at 1 ng/mL in blood had an equivalent average oral fluid concentration of 44 ng/ml (range 27-99 ng/mL)

This is an important correlation to consider as most legislation regarding drugged driving references a drug concentration in whole blood and not oral fluid. While whole blood tests are the generally accepted method for evidentiary toxicology testing, they often take weeks to obtain results. By comparison, onsite

(roadside) oral fluid presumptive screening tests provide results in minutes.

Officers that have used DrugCheck® SalivaScan™ instant oral fluid tests describe them as being similar to a "PBT for drugs." While these tests are not intended to replace agencies' current evidentiary (blood test) standards, they are extremely helpful in validating an officer's suspicion of drug impairment following an evaluation. For example, if after an officer completes their drug impairment evaluation and they suspect the person is under the influence of a central nervous system (CNS) stimulant, they could administer the SalivaScan™ test and validate their findings with a presumptive positive screen for a specific CNS stimulant, such as cocaine or methamphetamine.

DrugCheck® SalivaScan™ is an inexpensive tool for forensic use that can test for up to 10 different drugs in a matter of minutes without any specialized equipment. It can be customized to test any combination of the following 16 drugs: alcohol, amphetamine, barbiturate, benzodiazepine, buprenorphine, cocaine, cotinine, EDDP, ketamine, marijuana, methadone, methamphetamine, opiates, oxycodone, phencyclidine, and propoxyphene. SalivaScan™ is manufactured in the USA by Express Diagnostics Int'l in Blue Earth, Minn. ►

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Rich Strasser is retired from the El Dorado County Sheriff's Office (Calif.). He began his career in the drug testing industry in 1999 when he co-founded a drug testing TPA in California, where he was also working as a sheriff's detective investigating narcotics-related crimes. In 2004, Strasser co-founded Express Diagnostics Int'l (EDI) in Blue Earth, Minn., where they manufacture and distribute DrugCheck® point-of-care testing products. In 2012, after a 20-year career, he retired from the sheriff's office as a cold case homicide detective and assumed the role of chief operating officer at EDI.



Commentary

December 21, 2015

With Marijuana Legalization There Is More Marijuana Use and More Addiction While the Illegal Market Continues to Thrive

It comes as no surprise that the prevalence of marijuana use has significantly increased over the last decade.¹ With marijuana legal for recreational use in four states and the District of Columbia and for medical use in an additional 31 states, the public perception about marijuana has shifted, with more people reporting that they support legalization.² However, there is little public awareness, and close to zero media attention to the near-doubling of past year marijuana use nationally among adults age 18 and older and the corresponding increase in problems related to its use.³ Because the addiction rates for marijuana have remained stable, with about one in three past year marijuana users experiencing a marijuana use disorder, the total number of Americans with marijuana use disorders also significantly increased.

It is particularly disturbing that the public is unaware of the fact that of all Americans with substance use disorders due to drugs other than alcohol, nearly 60 percent are due to marijuana.⁴

That means that more Americans are addicted to marijuana than any other drug including heroin, cocaine, methamphetamine and the nonmedical use of prescription drugs.

Stores in Colorado and Washington with flourishing commercialized marijuana sell innovative marijuana products offering users record-high levels of THC potency. Enticing forms of marijuana, including hash oil used in discreet vaporizer pens and edibles like cookies, candy and soda are attractive to users of all ages, particularly those underage. The legal marijuana producers are creatively and

Established in 1978, the Institute for Behavior and Health, Inc. (IBH) is a 501(c)3 non-profit organization working to reduce illegal drug use through the power of good ideas. **IBH websites include:**

**www.IBHinc.org,
www.StopDruggedDriving.org, www.PreventTeenDrugUse.org, and www.PreventionNotPunishment.org**

avidly embracing these new trends in marijuana product development, all of which encourage not only more users, but more intense marijuana use.

Despite the expansion of state legal marijuana markets, the illegal market for marijuana remains robust, leaving state regulators two uncomfortable choices: either a ban can be placed on the highest potency – and most enticing – marijuana products which will push the legal market back to products with more moderate levels of THC, or the current evolution to ever-more potent and more attractive products can be considered acceptable despite its considerable negative health and safety consequences. If tighter regulations are the chosen option, the illegal market will continue to exploit the desire of marijuana users to consume more potent and attractive products. If state governments let the market have its way, there will be no limit to the potency of legally marketed addicting marijuana products.

The illegal marijuana market thrives in competition with the legal market by offering products at considerably lower prices because it neither complies with regulations on growth and sale, nor pays taxes on sales or their profits. Unsurprisingly, much of the illegal marijuana in the states

IBH Commentary continued from previous page

with legalized marijuana is diverted from the local legal marijuana supply. It is troubling that in response to the decline in demand for Mexican marijuana, Mexican cartels are increasing the production of heroin, a more lucrative drug.

When alcohol prohibition ended in 1933, bootlegged alcohol gradually and almost completely disappeared. Those who favor drug legalization are confident that the same will occur in the market for drugs; they argue that legalizing drugs will eliminate the illegal market with all its negative characteristics including violence and corruption. The initial experience with marijuana legalization shows that this is dangerous, wishful thinking. Why doesn't legalization now work for marijuana as it did for alcohol 80 years ago? One obvious reason is that there is little similarity between the bootleg industry of alcohol production that existed during prohibition and contemporary drug trafficking organizations. Today's illegal drug production and distribution system is deeply entrenched, highly sophisticated and powerfully globalized. Traffickers are resourceful and able to rapidly to adjust to changes in the market, including competing with legal drugs.

The legalization of marijuana or any other drug is making a bargain with the devil. All drugs of abuse, legal and illegal, including marijuana, produce intense brain reward that users value highly – so highly that they are willing to pay high prices and suffer serious negative consequences for their use. Marijuana users' brains do not know the difference between legal and illegal marijuana, but as with other drugs, the brain prefers higher potency products. Drug suppliers, legal and illegal, are eager to provide the drugs that users prefer.

The challenge of drug policy today is to find better ways to reduce drug use by using strategies that are cost-effective and compatible with modern values. Legalization fails this test because it encourages drug use. Most of the costs of drug use are the result of the drug use itself and not from efforts to curb that use. It is hard to imagine a drug user who would be better off with having more drugs available at cheaper prices. Supply matters. More supply means more use. Drug legalization enhances drug supply and reduces social disapproval of drugs.

Our nation must prepare itself for the serious negative consequences both to public health and safety from the growth of marijuana use fueled by both the legal and the illegal marijuana markets. ►

Robert L. DuPont, M.D.

President, Institute for Behavior and Health, Inc.

Former Director, National Institute on Drug Abuse (1973-1978) Former White House Drug Chief (1973-1977)

Endnotes on request.

Evidence, Pt. III



U.S. News - Philadelphia Officer Shot

digital forensics or may be due to the fact that there are too many competing concerns at the command level of each agency to make a concerted effort around acquisition of these important tools.”

Historically, policy makers have addressed high priority, high need areas by carving out specific categories within federal grant programs such as the Coverdell program. In the recent past, for example, a strategic need for increased capacity for forensic DNA testing was addressed by creating a specific category within the Coverdell grant portfolio. By creating a discreet category and dedicated funding, federal policymakers were able to significantly increase the capacity for DNA testing at the state and local level while raising the awareness level for applicants.

“Policymakers in Congress and at the Justice Department should act to create a specific category for digital forensics within the Coverdell grant program and other applicable programs such as the Bryne grants as they have done with DNA testing and body armor,” added Archer. “Doing so would help solve the backlog by ensuring that a greater number of law enforcement agencies get needed equipment and local and state agencies would become more aware that specific funding is available to help them.”

Though neither the Coverdell nor Byrne/JAG programs yet have specific digital forensics funding set asides, grants may still be awarded to eligible law enforcement agencies for this purpose. While the number of investigations, and the amount of raw data, continues to grow, there are a number of important resources that law enforcement can turn to today in order to secure the right digital forensics tools. Should Congress place a greater emphasis on digital forensics within applicable grant programs, experts say that an even greater impact can be made tomorrow to permanently turn the tide on the child exploitation investigation backlog in the United States. ►

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by Peter F. Boyce, General Counsel
National Narcotics Officers Association Coalition

USE OF FORCE TRAINING A NEW STANDARD FOR LAW ENFORCEMENT

The definition of Use of Force varies by state and often varies locally by agency. Amnesty International, in a 2015 study asserts that “all 50 states fail to comply with the international law and standards on the Use of Lethal Force.” Only two states (Georgia & Tennessee) provide for training of police on the Use of Force by statute.

According to the Department of Justice, Federal Law Enforcement may only use deadly force “when necessary, that is when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or another person.” Some in the media and on the left of the political spectrum advocate that lethal force (firearms) “may only be used when strictly unavoidable in order to protect life.”

Is pointing a firearm at someone a Use of Force or a Show of Force?

According to a Justice Department Settlement Agreement with Albuquerque, New Mexico in 2014, the Use of Force is “a physical effort to compel compliance by an unwilling subject above unresisted handcuffing including pointing a firearm at someone.” Does a taser point constitute a Use of Force? Can deadly force be used to prevent the escape of all felony suspects or only to prevent the escape of a felony suspect who presents an imminent danger? Some states allow deadly force to be used to prevent the escape of all felony suspects, while most states and the Federal government follow the holding in *Tenn v. Garner*

and require that the felony suspect must pose an imminent danger before deadly force can be employed.

Widespread media reports of police Use of Force over the last 18 months have raised significant questions regarding law enforcement’s Use of Force. Several police departments, police organizations and most notably the President’s Task Force on 21st Century Policing in 2015 sought to identify the best police practices and offer recommendations on how these practices can promote effective crime reduction.

Media scrutiny, civil lawsuits and huge financial judgments against officers and police departments have made continuous Use of Force Training an absolute mandate for all law enforcement personnel.

It seems inevitable that the federal government will mandate many of the recommendations of the President’s Task Force on 21st Century Policing and tie funding for state and local police to comply with training and reporting requirements of the Task Force’s recommendations.

The study commissioned by the President was extensive with input from a broad section of law enforcement as well as members from the private and legal communities. Some key components of the recommendations were that each officer receive Use of Force training on an annual basis. Training on de-escalating conflict and the need for special consideration for the mentally ill and emotionally disturbed should be a focus of continuous training.

According to the Task Force, community policing, as a way of doing business, is the cornerstone of the 21st century law enforcement. The report also stresses that officers have a guardian mindset not a warrior mindset, be trained to treat everyone they encounter with dignity and respect, be neutral and transparent in decision making, and always convey trust worthy motives. Proportionality, as it pertains to the Use of Force concept, needs to be reinforced as well as accountability for each substantive citizen encounter.

Standards for review of any serious Use of Force or other serious encounter likely will require that a Use of Force Investigation be conducted by an outside agency and that a Serious Incident Review Board be convened to address any serious Use of Force, injury, or meritorious complaint. Departments will likely be required to report the results of any such review including all lethal or serious injury Use of Force incidents to Department of Justice under the Violent Crime Control and Enforcement Act of 1994 which mandated the collecting and publishing statistics on all police Use of Force. To date, Department of Justice has not done so.

If your department or agency does not comply with the emerging new standards pertaining to the Use of Force and other policing encounters, you can expect not only a reduction in federal funds, but also potential of lawsuits alleging “failure to train” seeking to hold politicians and command staff responsible for inadequate training. ►

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