

Methamphetamine Reporting Act

Michigan State Police Methamphetamine Investigation Team

Introduction

This report is pursuant to MCL 28.193 which requires the Michigan State Police to report to the Michigan Legislature trends in methamphetamine manufacture, use, and distribution and to provide recommendations of possible solutions to methamphetamine problems.

Trends in Methamphetamine Manufacture

The most common method used in 2015 was the “one-pot” method of manufacture, in which ammonia is extracted from either ammonium sulfate or ammonium nitrate during the manufacturing process. The ease of manufacture with this method has caused the method to replace the prevalence of other production methods, and is responsible for the apparent decrease in other types of meth lab seizures. In 2015, only one dumpsite was discovered from a Red Phosphorous Lab and only three Anhydrous Ammonia Meth Labs were investigated. The one-pot method poses additional dangers due to the increased possibility of explosion or fire from volatile precursor materials combined in one container.

The manufacturing of methamphetamine in Michigan is also a financial burden on law enforcement. There are over 450 specially trained law enforcement officers in Michigan. The training is costly. The equipment required for each responder is over \$2,000 due to the special chemical and respiratory personal protective equipment needed to safely enter into the hazardous waste environment. In addition, disposable supplies and wages average approximately \$600 per response incident.

Drug Endangered Children

Drug Endangered Children (DEC) are children under age 18 found in homes: (a) with caregivers who are manufacturing controlled substances in/around the home (“meth labs”), or (b) where caregivers are dealing/using controlled substances and the children are exposed to the drug or drug residue (“meth homes” and/or “drug homes”).

The most critical issue with the production of methamphetamine by small labs is the harm it causes to the numerous DEC throughout the state. The production of methamphetamine poses significant hazards such as toxic waste, explosions, and exposure to chemicals that can result in serious harm or death. The children affected and/or injured are required by law to endure decontamination and medical evaluation including urine testing, forensic interviewing, and photographs. The children’s personal items that were also at the scene of the methamphetamine lab are considered contaminated and the items will not be returned to the child. The residence will be condemned.

Data for DEC is not included in this report. The Michigan Department of Health and Human Services is the appropriate organization to report data on the effects of methamphetamine manufacturing on children.

Hazardous Material Cleanup

In calendar year 2015, there were 1,180 methamphetamine related incidents requiring hazardous material cleanup by law enforcement. This is an increase of 25 percent compared to 887 incidents in 2014. Methamphetamine related incidents tracked include those that require hazardous waste material clean-up such as laboratory dump sites and chemical/glassware component seizures.

When law enforcement officials seize a clandestine drug laboratory site such as a methamphetamine lab, the agency seizing the laboratory becomes the hazardous waste generator under federal law, and is required to provide the hazardous waste clean-up.

In 2011, Michigan implemented the Authorized Container Storage (ACS) System provided by the Drug Enforcement Administration (DEA). The program allows state and local law enforcement to remove chemicals and waste from small labs, and to temporarily store the chemicals/waste in a safe and secure location pending final removal by a DEA hazardous waste vendor. This system reduced the costs of the clean-up. The following is a table showing how many methamphetamine incidents (crime scenes) that law enforcement agencies collected hazardous waste materials from and deposited in the waste containers provided to Michigan by the DEA. There were ten DEA provided hazardous waste containers throughout Michigan in 2015. Most methamphetamine response seizures in Michigan are in the southwest part of the state. However, the Upper Peninsula has increased from 48 responses in 2014, to 85 responses in 2015, and the region served by the Lansing site has increased from 44 to 121 responses. The Bridgeport container serves Genesee County and has nearly doubled from 91 to 178 methamphetamine lab seizures.

ACS Container Site	CY 14	CY15
Lansing	44	121
Jackson	56	85
Taylor	10	5
Bridgeport	91	178
Paw Paw	154	157
Coldwater	44	63
Kalamazoo	271	309
Ionia	72	90
Houghton Lake	97	87
Negaunee	48	85
TOTAL	887	1180

National Precursor Log Exchange (NPLEx)

On July 15, 2011, the State of Michigan enacted legislation which requires real-time electronic tracking for retail sales of products containing ephedrine or pseudoephedrine. NPLEx is the system utilized and is provided at no cost through the National Association of Drug Diversion Investigators. Michigan retailers were required to implement real-time electronic tracking beginning January 1, 2012.

During 2015, there were 461 registered users across 176 law enforcement agencies, narcotics teams, corrections departments, and parole/probation offices actively utilizing NPLeX. Using the system, those agencies conducted 79,133 searches, ran 31,600 queries, and had 20,177 active watch hits. The following table represents sales information for pseudoephedrine.

	2013		2014		2015	
	Purchases	Blocked	Purchases	Blocked	Purchases	Blocked
Sales	2,491,094	47,695	2,329,715	46,311	2,249,083	59,076
Grams	5,194,160	157,414	4,972,677	153,919	4,894,039	199,045
Boxes	2,585,940	61,382	2,408,783	58,986	2,331,899	74,804

The real-time electronic tracking database is having little effect on the availability of pseudoephedrine to methamphetamine lab operators. Evidence indicates that “smurfing” has significantly increased since NPLeX legislation was passed. Smurfing is the term used to describe individuals who make multiple purchases of products containing pseudoephedrine from multiple retailers and then either sell that product to the methamphetamine cook or trade it for drugs. Smurfers frequently use fraudulent or stolen identities to make these purchases. This makes real-time electronic tracking ineffective in stopping the statewide illegal manufacture of methamphetamine.

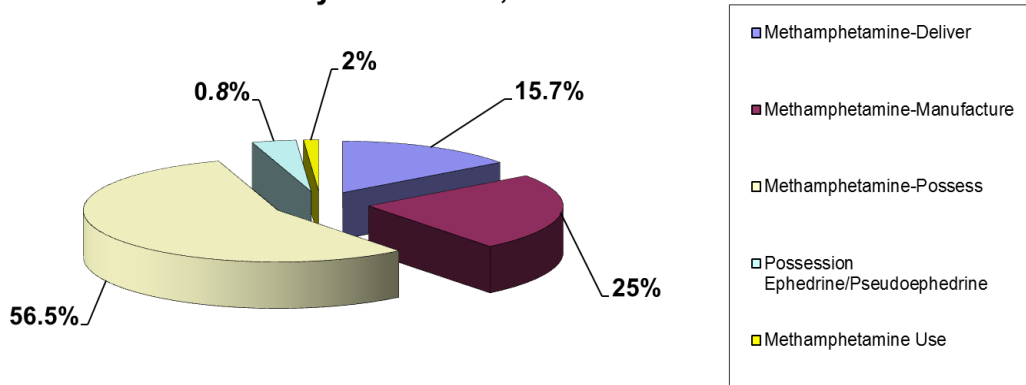
Trends in Methamphetamine Use

Methamphetamine use data is the most difficult reporting category to quantify since proof of use requires either individual drug testing or witnessing of drug use by law enforcement personnel. The Michigan Incident Crime Reporting (MICR) system arrest codes for methamphetamine use are seldom utilized since use is difficult to prove in court. Most potential use charges are filed as possession in order to assure prosecution. Thus, MICR data is an unreliable indicator of use trends in Michigan.

The Criminal Justice Information Center (CJIC) maintains records of arrest codes in MICR. When a subject is arrested for a drug crime, the crime is assigned a code designating the type of crime charged. There are specific charges for methamphetamine crimes including methamphetamine delivery, methamphetamine possession, methamphetamine manufacture, operating/maintaining a methamphetamine lab, operating/maintaining a methamphetamine lab involving hazardous waste, operating/maintaining a methamphetamine lab in the presence of a minor, and operating/maintaining a methamphetamine lab near a specified place, such as a church or school.

Virtually any of these arrest codes may include the presence of methamphetamine at the crime scene, and it is possible that methamphetamine possession charges may be included under possession or manufacture of synthetic narcotics charges. It is therefore difficult to accurately isolate specific methamphetamine possession charges in 2015; however, MICR data shows 668 arrests for methamphetamine possession in 2015, 468 in 2014, and 501 in 2013. The total number of all methamphetamine arrest MICR codes reported by CJIC in 2015 was 1,198, up from 798 in 2014. The chart below shows 2015 MICR code methamphetamine charges by type.

Michigan Methamphetamine Arrests by MICR Code, 2015

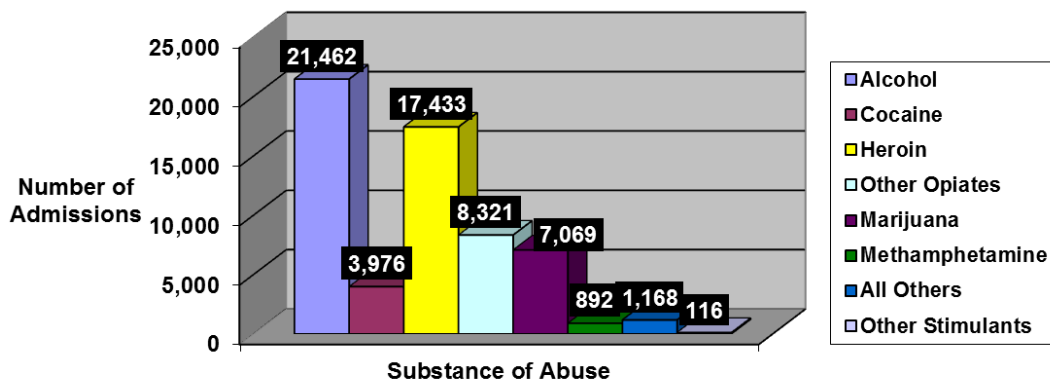


Individual drug testing only occurs among specific populations which are not always a good indicator of abuse trends among the general population. Many abusers only seek treatment when ordered to do so after arrest and sentencing and a large percentage of the abuser population seek treatment in privately funded drug abuse treatment facilities. Michigan drug abuse treatment facilities that are privately funded are not required to report statistics on treatment admissions, but publicly funded treatment facilities keep and report admission data to the Michigan Department of Health and Human Services (MDHHS).

The MDHHS reports that in publicly funded drug treatment facilities in Michigan in 2015, there were 892 admissions for methamphetamine as primary drug of abuse. In 2014, there were 688 admissions for methamphetamine as primary drug of abuse, while in 2013, there were 910.

According to the MDHHS, methamphetamine admissions in 2015 represented less than two percent of drug abuse admissions overall, where methamphetamine was the primary drug of abuse. The following table shows 2015 publicly-funded drug treatment admissions by primary drug of abuse. Many abusers are poly-drug users; they will use methamphetamine along with other legal and illegal drugs.

2015 Publicly-Funded Substance Abuse Treatment Facility Admissions by Primary Substance of Abuse



Trends in Distribution

Most methamphetamine laboratories in Michigan are considered “personal-use” labs, based on the limited production capacity of the labs and the one-pot method of manufacture. Subjects involved with such labs produce methamphetamine for their own consumption or for limited distribution among close associates. Another type of methamphetamine is smuggled into the state for sale from large-scale methamphetamine distribution operations in the western United States and Mexico. This methamphetamine is a highly-pure form known as “crystal methamphetamine” or “ice.” Crystal methamphetamine is often described as having the appearance of ice chips or shards of glass which differs significantly in appearance from the granular, powdered methamphetamine produced in local Michigan methamphetamine labs. Crystal methamphetamine is considered more pure and has a higher potency than methamphetamine produced in small methamphetamine operations. The DEA laboratories define the purity thresholds for identifying crystal and test methamphetamine samples for purity. Michigan State Police 2015 incident reports indicate subjects arrested for the sale of crystal methamphetamine acquired the drug from both local and out of state sources. Metropolitan areas in Michigan have higher incidents of drug trafficking organizations importing crystal methamphetamine and fewer one-pot methamphetamine lab seizures.

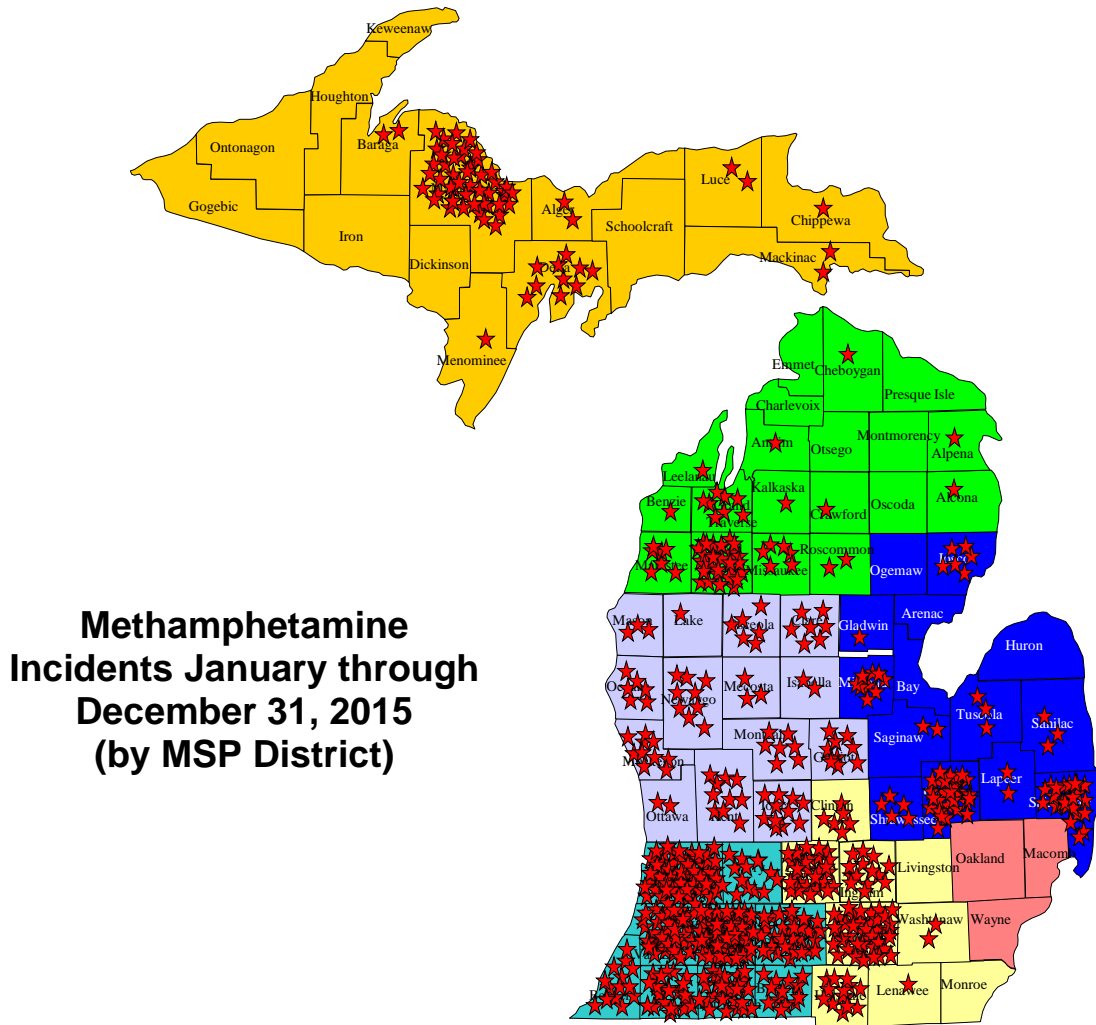
Overview and Recommendations

Early (2005) methamphetamine initiatives had a positive effect on older methods of local methamphetamine production in the state, as evidenced by the significant decrease in the number of anhydrous ammonia style laboratories, near elimination of Red Phosphorous laboratories (once a popular manufacturing method), and the necessity of manufacturers to change production methods and precursor acquisition strategies. The “one-pot” method of manufacture is an indication of the evolution of methamphetamine manufacturing methods in response to law enforcement pressure.

Implementation of real-time electronic tracking (NPLEx) has failed to relieve the state of the methamphetamine manufacturing problem. Methamphetamine laboratory seizure data obtained from the ACS reports indicate that one-pot manufacturing is consistently increasing each year. From 2013 to 2014, there was an increase of 28 percent, and from 2014 to 2015, the increase was 25 percent. This is indicative of the methamphetamine manufacturer’s ability to adapt, via smurfers, to the challenges of acquiring precursor pseudoephedrine despite the real-time electronic tracking for retail sales of products containing ephedrine or pseudoephedrine.

The majority of one-pot labs are no longer just in the southwest corner of the state; lab seizures are widespread over numerous counties throughout the state. In recent years, Michigan has seen laboratory seizures spread around the state, particularly throughout northern Michigan and now across the Upper Peninsula and the thumb region. Many crystal methamphetamine seizures occur in the Detroit metropolitan area where there is a low number of one-pot lab seizures. It may be that established drug trafficking organizations in metropolitan areas are able to successfully sell crystal meth in the populous region displacing the user’s need to make methamphetamine.

The following map shows approximate locations of methamphetamine labs seized in 2015.



The enforcement of methamphetamine laws in Michigan includes: investigation, seizure of evidence, processing and removal of gross contamination at methamphetamine laboratories, and handling of DEC. Numerous children are affected and require medical evaluation. Numerous fires/explosions have been reported. Manufacturing methamphetamine produces hazardous gases, cancer causing liquids and solids, and injuries from fires and explosions. The manufacturing of methamphetamine continues to be a rising problem in Michigan, endangering children, law enforcement, and citizens of Michigan.

Michigan's ACS Program became operational on October 1, 2012. An eleventh container was ordered in 2015. During calendar year 2015, Michigan's ACS program processed 1,180 labs/dumpsites/chemical component seizures totaling over 10,000 pounds of waste. According to the DEA, Michigan used \$306,505 in federal remediation funds during FY15.

Public drug abuse treatment statistics show that methamphetamine abuse treatment falls behind other drugs of abuse including: alcohol, cocaine, heroin, other opiates, and marijuana as a drug of choice. This is understandable since methamphetamine abusers are less likely than other drug abusers to seek treatment.

The number of children injured, affected, and at risk of fire and explosion is increasing as methamphetamine manufacturing increases. MDHHS, in conjunction with a team of local administrators, is responsible for the on-scene and follow up care of DEC.

Recommendations

Early methamphetamine initiatives had a positive effect on older traditional methods of local methamphetamine production in the state, as evidenced by the significant decrease in the number of anhydrous ammonia style laboratories, near elimination of Red Phosphorous laboratories (once a popular manufacturing method), and the necessity of manufacturers to change production methods and precursor acquisition strategies. Methamphetamine cooks still diversify their efforts to obtain the drug by importing from outside sources due to law enforcement pressure. In addition, methamphetamine manufacturers continue to find ways around pseudoephedrine laws by utilizing smurfers to purchase cold medicine from multiple pharmacies around the state. Violators of pseudoephedrine laws frequently use false names on pharmacy purchases. This makes real-time electronic tracking of limited use to investigators and does not serve as a deterrent to lab operators.

Lawmakers should continue to support legislation aimed at closing loopholes in current policies and monitor trends in the manufacture, distribution, and possession of methamphetamine to determine whether recent legislative changes are effective.