

Methamphetamine Reporting Act
Michigan State Police Methamphetamine Investigation Team and Michigan
Intelligence Operations Center

Introduction

Section 3 of the Methamphetamine Reporting Act, 2006 PA 262, requires the Michigan State Police to report to the Michigan Legislature the current trends in methamphetamine manufacture, use, and distribution, and to provide recommendations of possible solutions to methamphetamine problems.

Overview of Methamphetamine Manufacturing in Michigan

Michigan has two forms of methamphetamine prevalent across the state: (1) imported crystal methamphetamine and (2) product produced locally. This overview relates to the local manufacturing of methamphetamine known as the one pot method. Since 2005, Michigan has restricted the sale of over-the-counter (OTC) medications containing pseudoephedrine through the Federal Combat Methamphetamine Epidemic Act of 2005. This initiative mandated pharmacies to secure such medication either behind the counter or in a locked case, requiring customers to ask for assistance from pharmacy staff. In addition, anti-theft devices were placed inside packaging containing ephedrine or pseudoephedrine. Pharmacies were also required to keep a log of customers who purchased this type of medication and maintain it for a minimum of six months. The customer log is available to law enforcement upon request.

Initially, this approach showed signs of success as local methamphetamine production dropped slightly through 2008. However, the success was short-lived as determined methamphetamine producers found workarounds by applying techniques such as smurfing rings and the one-pot method. 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. By law, residents may only purchase up to 3.6 grams of pseudoephedrine per day, or 9 grams total per month. Individuals often use false identification in order to obtain more than the legal amount. They may also recruit others to assist them in buying the OTC medication. The pseudoephedrine can either be sold or traded for methamphetamine. Requiring customers to present identification and sign a pharmacy logbook at the point of purchase are both ways to deter smurfing. However, this deterrent method has not been as effective in recent years as individuals continue to use false identification and work in larger groups to obtain excess amounts of OTC pseudoephedrine.

In 2012, Michigan pharmacies and drug retailers were required to use a real-time electronic tracking system to track customers who purchase any OTC medication containing pseudoephedrine. These purchases are tracked using a web-based program called the National Precursor Log Exchange (NPLEx), which is overseen by the National Association of Drug Diversion Investigators (NADDI). Each time a customer purchases pseudoephedrine, they are required to provide proper identification and their information is transmitted to and saved in a law enforcement database. By utilizing NPLEx, law enforcement can identify habitual pseudoephedrine purchasers, which may eventually lead to identifying methamphetamine manufacturers. Habitual purchasers, more often than not, trade the product with the manufacturers for either finished methamphetamine product or other drugs, such as heroin and prescription opioids.

Methamphetamine continues to remain prevalent throughout the state. In 2017, law enforcement reported active/open investigations into the use, possession, distribution, and/or production of methamphetamine in 67 of 83 counties in the state. In Fiscal Year (FY) 2017, there were a total of 215 arrests and lab seizures in the state for methamphetamine manufacturing, a 56% decrease compared to FY16. This significant decrease is likely attributed to the significant increase in availability of crystal methamphetamine throughout the state in FY17. As a direct result, diversion and investigative efforts also shifted away from the traditional one-pot laboratories.

Manufacturing methamphetamine produces hazardous gases, cancer-causing liquids and solids, and injuries from fires and explosions. Manufacturing methamphetamine continues to be a problem in Michigan, endangering children, law enforcement, and citizens. However, the manufacturing of methamphetamine decreased in Calendar Year (CY) 2016 as well as CY17. Michigan's Authorized Container Storage (ACS) system became operational on October 1, 2012. During CY17, Michigan's ACS program processed 550 labs/dumpsites/chemical component seizures, a 37% decrease from CY16. The waste generated in CY17 totaled over 7,900 pounds. During CY16, Michigan's ACS program processed 866 labs/dumpsites/chemical component seizures, a 26% decrease from CY15. In 2017, the United States Drug Enforcement Agency (DEA) paid \$214,684 for disposal of the ACS waste on behalf of Michigan's container program.

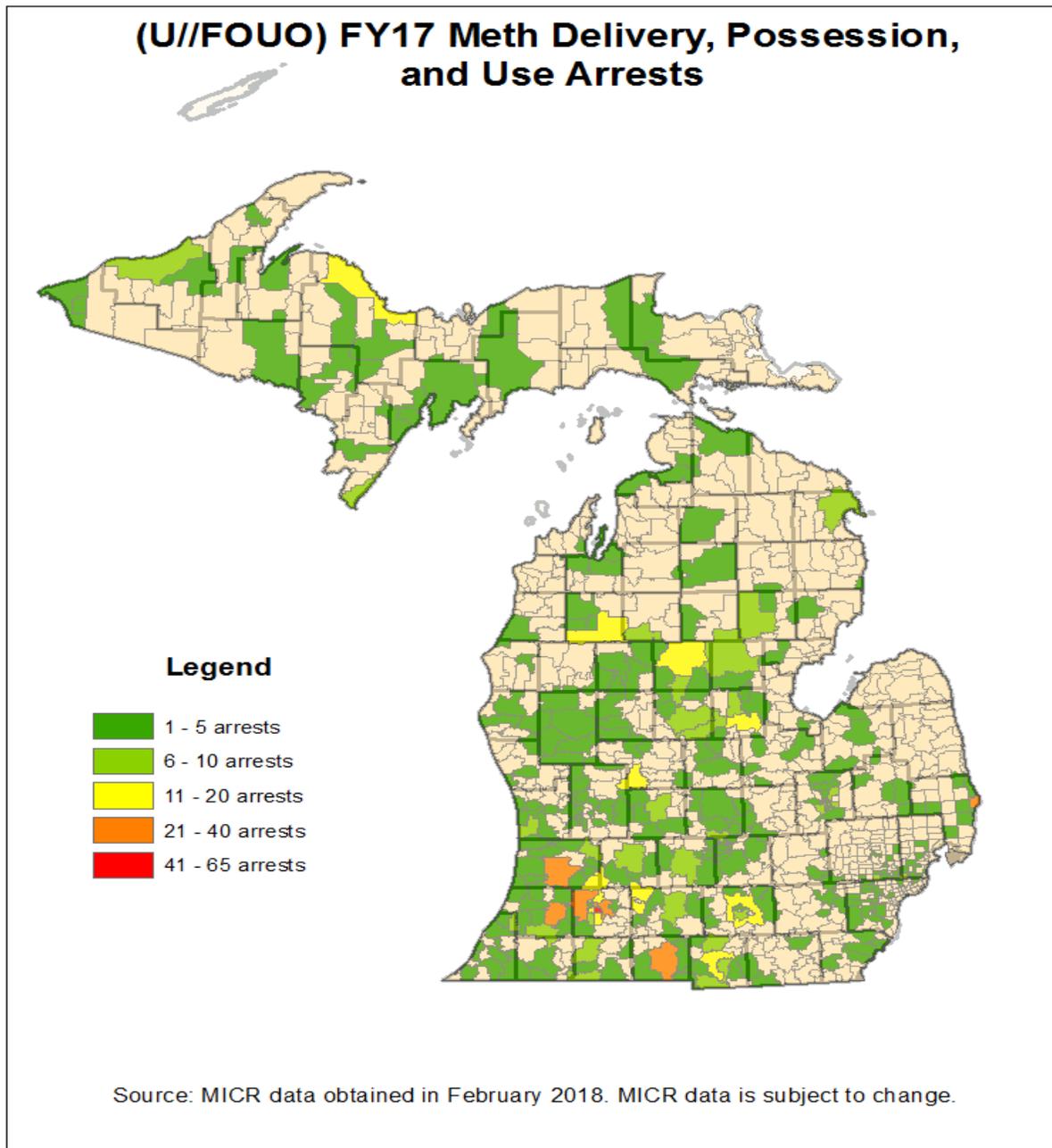
Public drug abuse treatment statistics show that there are fewer methamphetamine abuse treatment admissions than admissions for other drugs of abuse including alcohol, cocaine, heroin, other opiates, and marijuana. Methamphetamine users are less likely to seek out treatment for addiction. However, if arrested, they are often required to undergo treatment as part of their sentence. Statistics show there were an overall 20% increase in arrests from FY16 to FY17 for use, possession, and/or delivery, and a 28% increase in treatment admissions from FY16 to FY17.

Trends in Methamphetamine Delivery, Possession, and Use

The Criminal Justice Information Center (CJIC) maintains records of arrest codes in the Michigan Incident Crime Reporting (MICR) system. 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 manufacturing, 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.

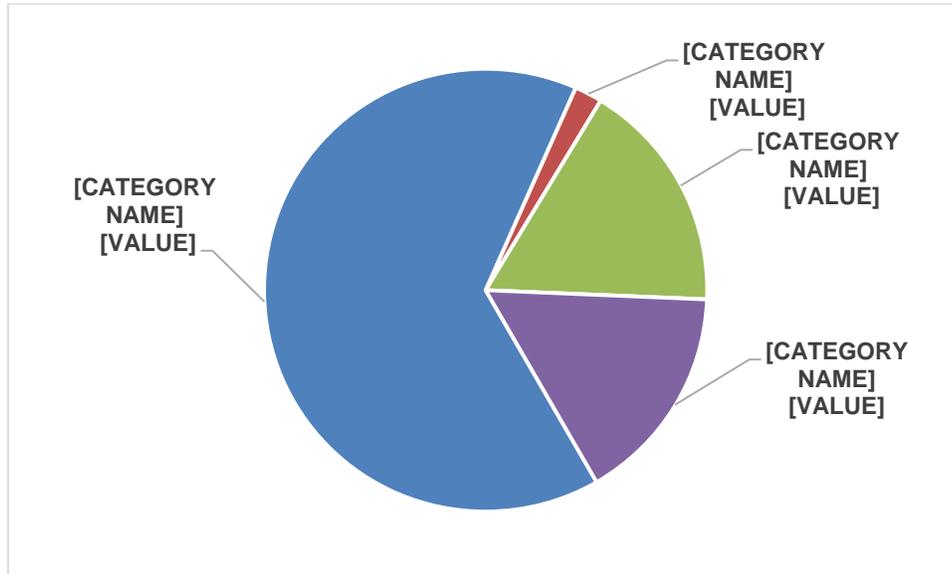
Methamphetamine use data is the most difficult reporting category to quantify since proof of use requires either individual drug testing or the witness of drug use by law enforcement personnel. The MICR system arrest codes for methamphetamine use are seldom utilized since use is difficult to prove in 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 map below depicts locations of methamphetamine delivery, possession, and use arrests by Michigan law enforcement (state and local) during FY17. The number of arrests is geographically depicted by zip code. MICR data shows that 1,204 methamphetamine delivery, possession, and use arrests occurred during FY17. This is a 6% increase from FY16 arrests (1,131).



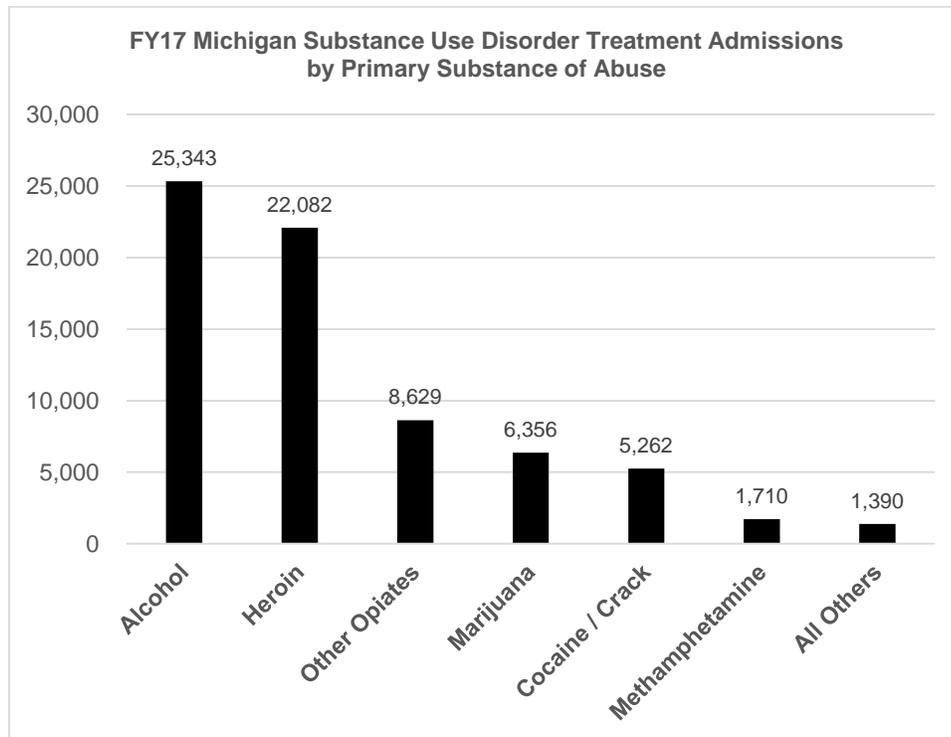
Virtually any of these arrests may include the presence of methamphetamine at the crime scene, and it is possible that methamphetamine possession charges may be included under manufacturing charges. The pie chart below shows FY17 MICR methamphetamine use, possession, manufacturing, and delivery arrest data:

2017 Michigan Methamphetamine Arrests by MICR Code



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. A large percentage of the abuser population seeks 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, however, publicly funded treatment facilities keep and report admission data to the Michigan Department of Health and Human Services (MDHHS).

According to the MDHHS, methamphetamine admissions increased 28% from FY16 (1337 admissions) to FY17 (1,710 admissions). The following table shows FY17 publicly-funded drug treatment admissions by primary drug of abuse:



Source: Michigan Department of Health and Human Services

All 2017 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 purer. While purer, crystal methamphetamine is not necessarily stronger, Michigan State Police 2017 incident reporting indicates that 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.



(U//FOUO) Photo courtesy of Eighth District CVED

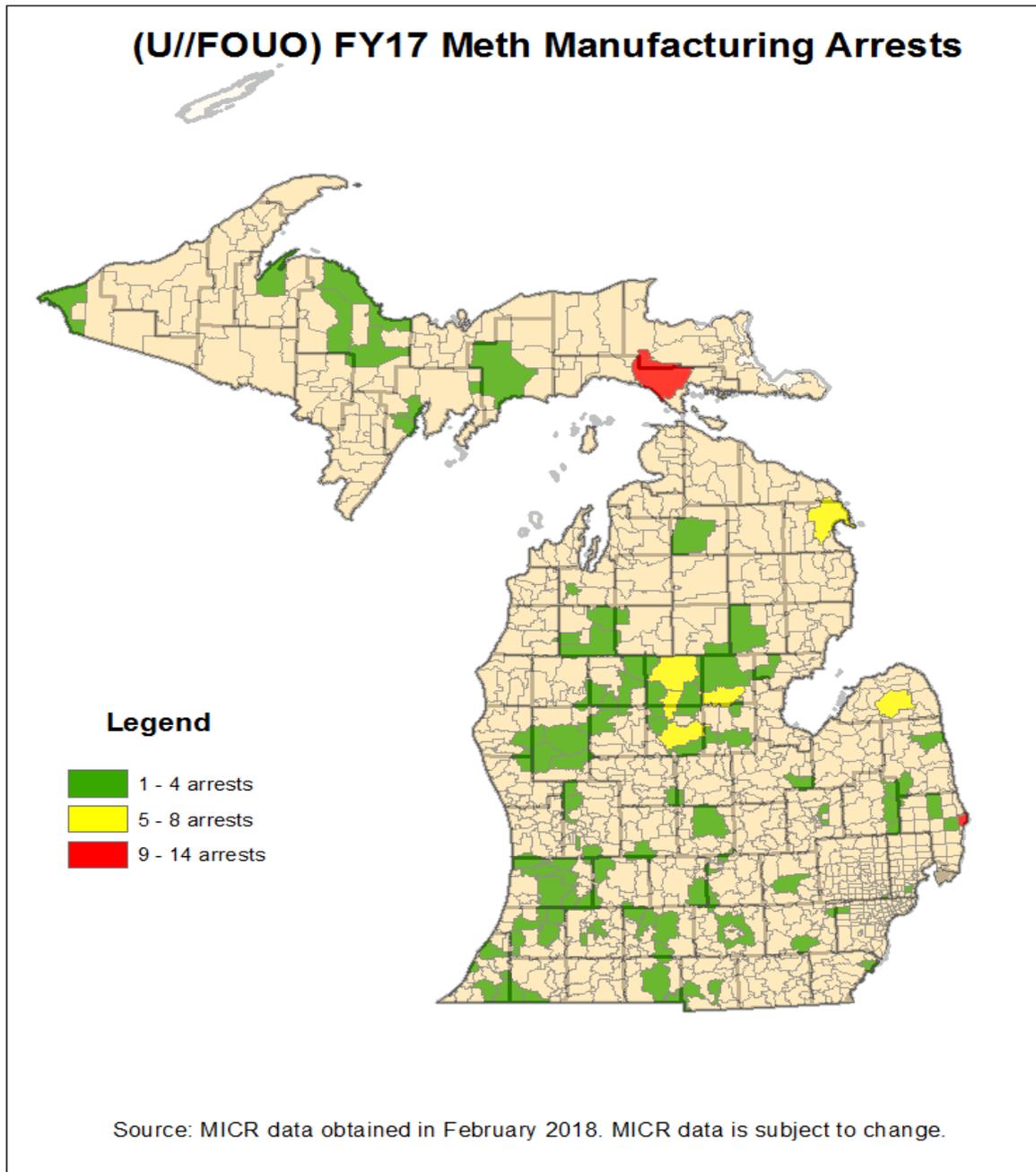
Trends in Methamphetamine Manufacture

The most common method used in 2017 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 methamphetamine lab seizures. The one-pot method poses additional dangers due to the increased possibility of explosion or fire from volatile precursor materials combined in one container.

In CY17, there were 550 methamphetamine-related incidents requiring hazardous material clean-up by law enforcement. This is a decrease of 37% compared to 866 incidents in CY16. Tracked methamphetamine-related incidents include those that require hazardous waste material clean-up such as laboratory dumpsites and chemical/glassware component seizures as well as active labs.

It is important to note that although ACS reports an 37% decrease in hazardous material clean-up, and MICR reports a 55% decrease in lab seizures, this does not necessarily result in an overall decrease of the availability of methamphetamine in FY17. The fluctuation can likely be attributed to an overall increase in crystal methamphetamine cases for FY17 when compared to FY16. Although MICR data does not delineate between different types of methamphetamine, analytic case studies throughout FY17 showed a significant influx in crystal methamphetamine arrests and seizures.

The map below depicts locations of methamphetamine lab and manufacturing arrests by Michigan law enforcement (state and local) during FY17. The number of arrests is geographically depicted by zip code. MICR data shows that 215 methamphetamine lab and manufacturing arrests occurred during FY17, which is a 56% decrease from FY16 arrests (495).



Hazardous Material Clean-up

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 materials for the hazardous waste clean-up. The clean-up must be conducted by certified law enforcement hazardous material specialists.

In 2011, Michigan implemented the ACS system provided by the 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 table shows how many methamphetamine incidents (crime scenes) Michigan law enforcement agencies collected hazardous waste materials from, and then deposited in the ACS waste containers. The DEA provided eleven hazardous waste containers in Michigan in CY17. Lab seizures decreased 37% from CY16 to CY17. Lab seizures decreased 26% from CY15 to CY16. The largest decreases from 2015-2017 were noted at the containers in Kalamazoo with an 85% decrease, Lansing with a 69% decrease, Negaunee with a 61% decrease, Paw Paw with a 59% decrease, and Bridgeport with a 58% decrease.

	CY15	CY16	CY17
BRIDGEPORT	176	115	74
COLDWATER	65	55	46
HOUGHTON LAKE	89	64	66
IONIA	94	84	73
JACKSON	80	87	61
KALAMAZOO	296	157	45
LANSING	124	79	39
NEGAUNEE	86	66	34
PAW PAW	157	122	65
ST. CLAIR	N/A	27	33
TAYLOR	5	7	12
DEA DIRECT	2	3	2
	1,174	866	550

During CY17, there were 404 registered users in Michigan across 230 law enforcement agencies, narcotics teams, corrections departments, and parole/probation offices actively utilizing NPLeX. Using the system, those agencies conducted 74,640 searches, ran 28,629 queries, and had 16,121 active watch hits.

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. Since smurfers often use fraudulent or stolen identities to make these purchases, this often makes real-time electronic tracking ineffective in stopping the statewide illegal manufacture of methamphetamine.

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 (methamphetamine labs), or (b) where caregivers are dealing/using controlled substances and the children are exposed to the drug or drug residue (methamphetamine 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 drug testing, forensic interviewing, and photographs. The children's personal items that were at the scene of the methamphetamine lab are considered contaminated and the items will not be returned to the children. The residence is also condemned.

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.