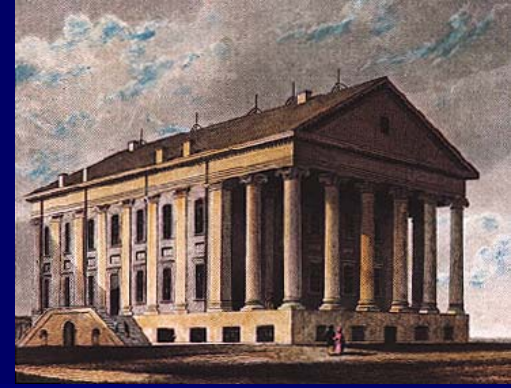


# Virginia State Crime Commission

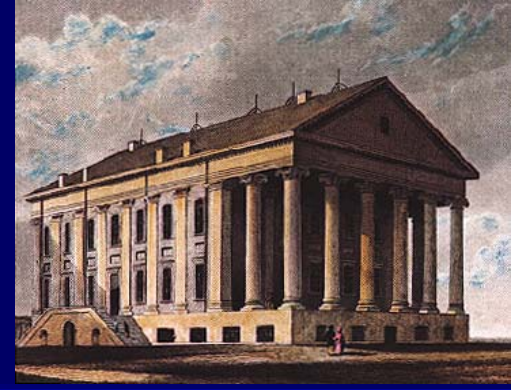
## Methamphetamine Crime in Virginia

December 13, 2007

# Agenda



- Methamphetamine & Other Illicit Drug Use
- Methamphetamine and Criminal Justice
- Drug Arrests in Virginia
- Clandestine Lab Seizures
- Drug Convictions
- VA Methamphetamine Statutes
- Legislative Proposals



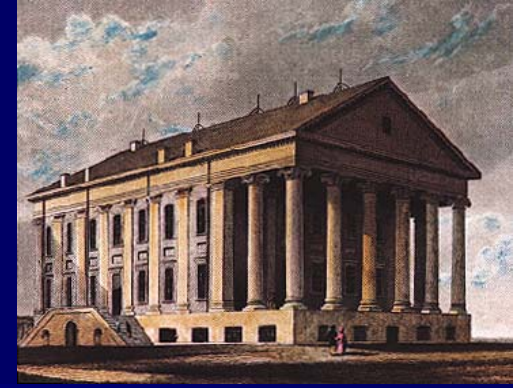
# Methamphetamine and Other Illicit Drug Use

# National Survey on Drug Use and Health

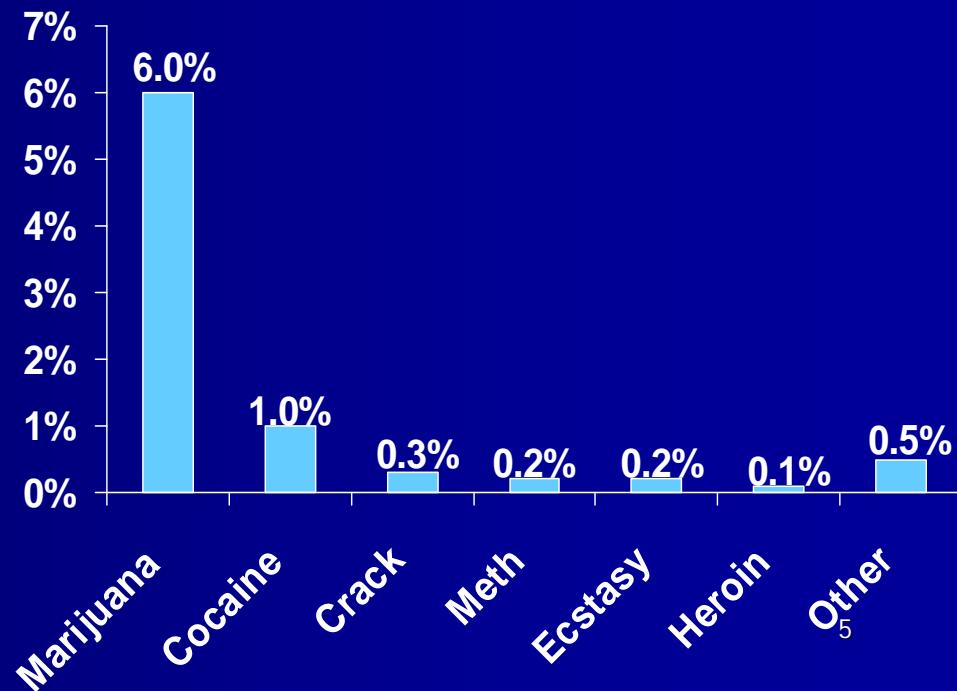


- U.S. Department of Health and Human Services - Substance Abuse and Mental Health Services Administration (SAMHSA) conducts large scale surveys on drug use in the U.S.
- The National Survey on Drug Use and Health (NSDUH) has provided information on the use of alcohol, tobacco, and illicit drugs by the civilian, non-institutionalized population since 1971.
- Interviews about 70,000, age 12 or older, over 12 months.
- Indicators of drug use for many drug types:
  - Ever used
  - Used in last year
  - Used in last month

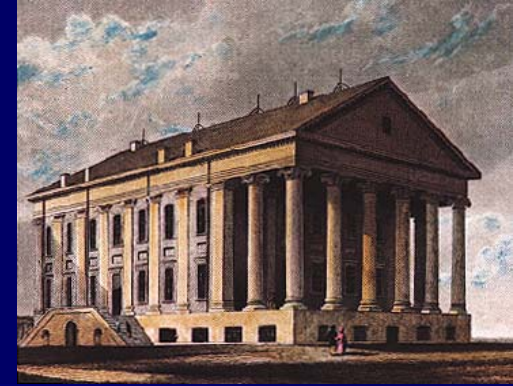
# Illicit Drug Use



- In 2005, roughly 19.7 million Americans age 12 or older (8.1%) used an illicit drug during the month prior to the survey interview (termed "current illicit drug users")
  - A small percentage (.2%) reported current use of methamphetamine
  - 6.0% used marijuana in the past month
  - 1.0% used cocaine
  - .3% used crack
  - .2% used ecstasy



# Drug Use Over Time



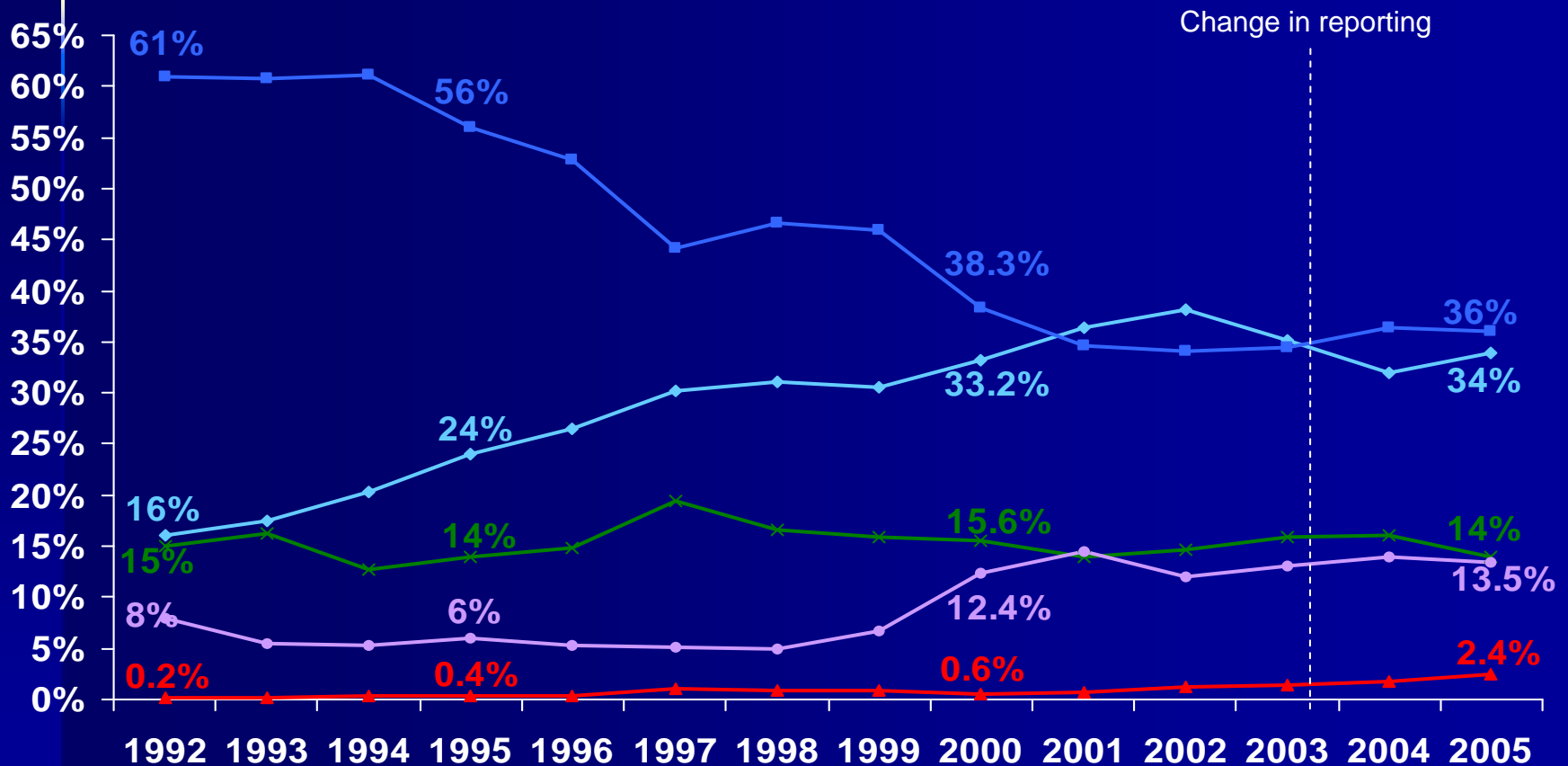
- Between 2002-2003 and 2004-2005, the percentage of respondents reporting past month illicit drug use decreased from 8.3% to 8%.
  - This change was mirrored by a similar decline in Virginia, from 7.7% in 2002-2003 to 6.8% in 2004-2005.
- There was a statistically significant decrease from 11.9% to 8.3% among respondents between the ages of 12 and 17 in Virginia
  - While this decline was also observed on the national level, the difference was only -1.2% for the same time period.

# Treatment Episode Data Set (TEDS)



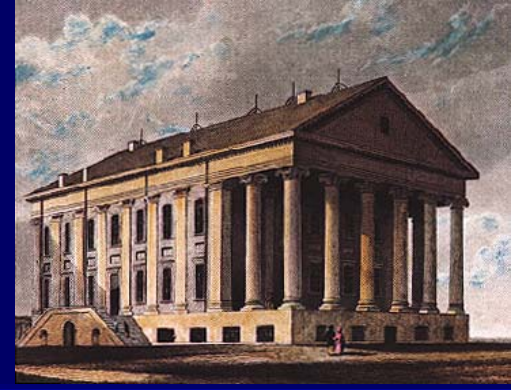
- Established by the US Department of Health and Human Services – Substance Abuse and Mental Health Services Administration (SAMHSA)
- Gathers demographic and substance abuse characteristics of admissions to substance abuse services from state administrative systems (DMHMRSAS in Virginia)
- TEDS data understates the number of admissions in Virginia since the information submitted to TEDS does not include emergency admissions
- Using Community Service Boards (CSBs), DMHMRSAS collects information from publicly-funded providers of mental health, mental retardation, and substance abuse services within the Commonwealth
  - Note that DMHMRSAS changed its method of data collection in 2004
  - Comparing raw numbers from before and after the change may be problematic
  - DMHMRSAS is not very confident in the validity of data from fiscal years 2004 and 2005, although the data is improving.

# Substance Abuse Admissions in Virginia by Primary Drug Type



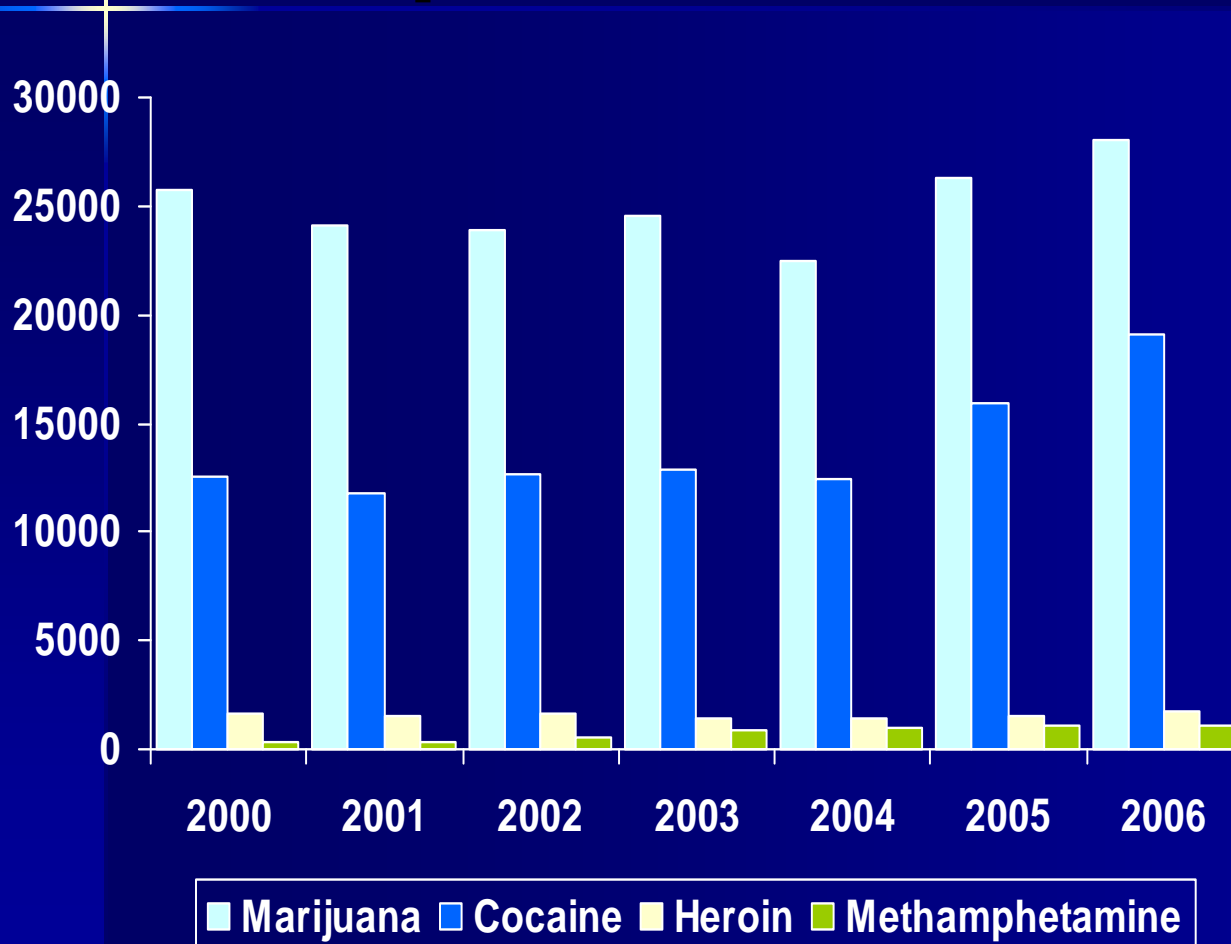
◆ Marijuana 
 ■ Cocaine/Crack 
 ▲ Methamphetamine 
 ✕ Heroin 
 ● Other Drugs

Source: Treatment Episode Data Set, Drug and Alcohol Services Information System (DASIS) U.S. Department of Health and Human Services - Substance Abuse and Mental Health Services Administration



# Methamphetamine and Criminal Justice

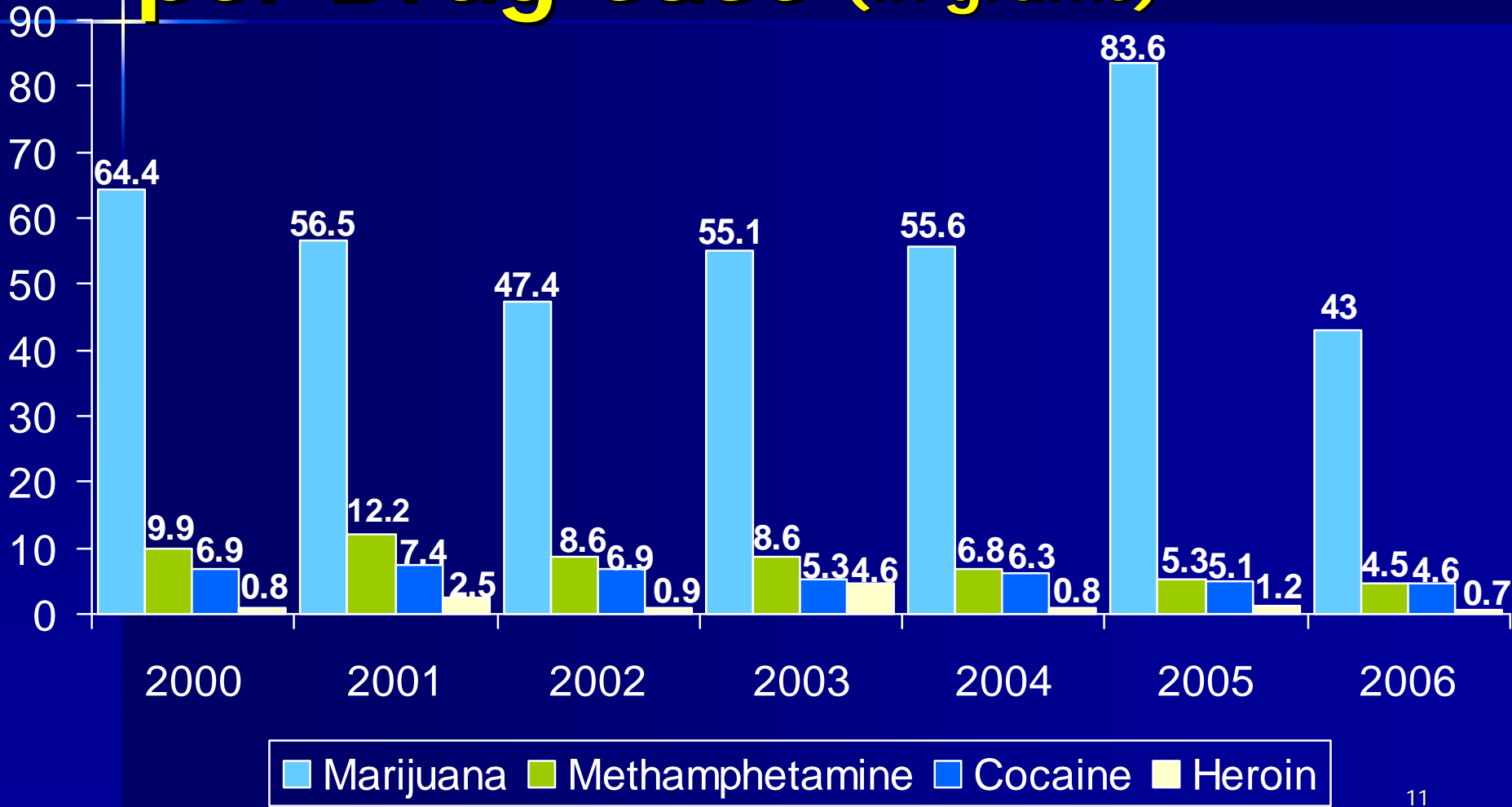
# Cases with Substances Sent to Dept. of Forensic Science



- The number of cases involving methamphetamine increased from 366 in 2000 to 1,084 in 2006
- Counting cases with multiple drugs as a single case, the total number of drug cases involving marijuana, cocaine, heroin, or methamphetamine increased from 40,085 to 43,268 from 2000 to 2006

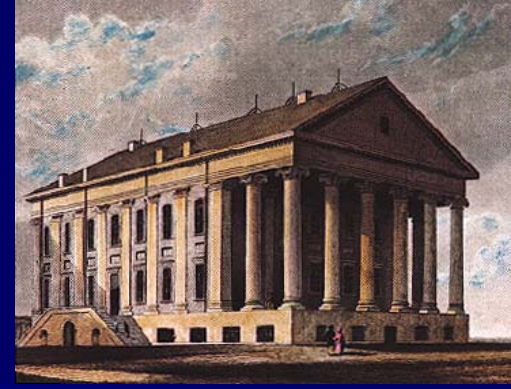
Note: Multiple types of drugs can be reported in each case.  
Source: Virginia Department of Forensic Sciences

# Average Weight of Drugs per Drug Case (in grams)



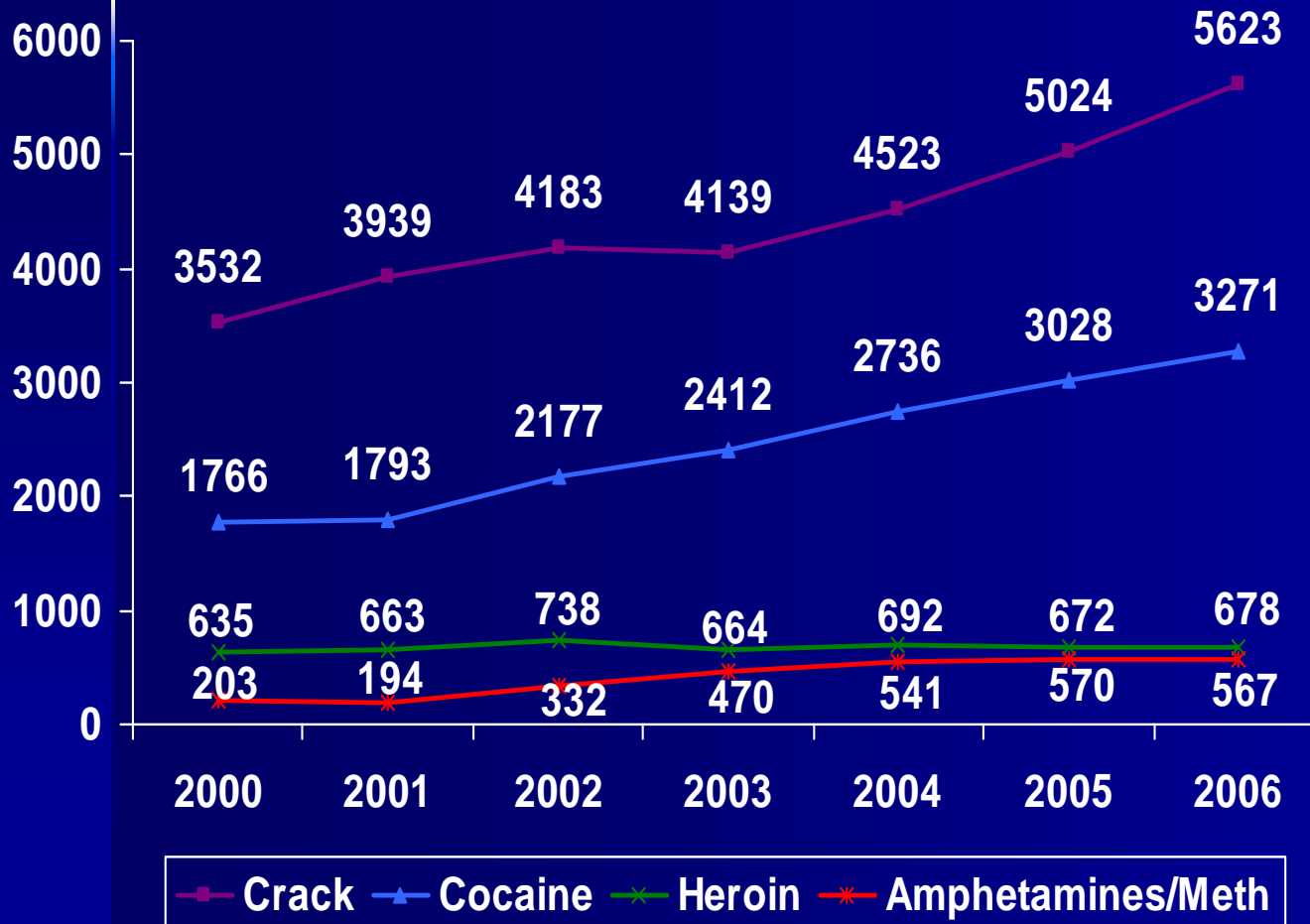
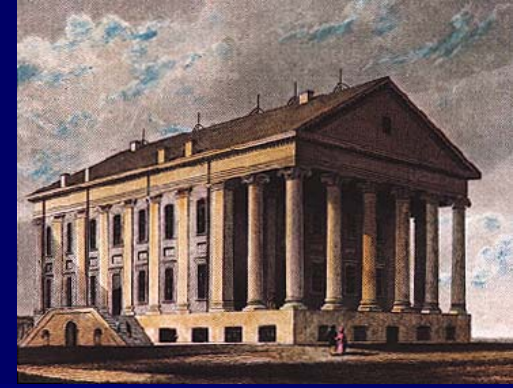
# Methamphetamine Seized by Federal Agencies by State (in grams)

2002			2006		
Rank	State	Quantity	Rank	State	Quantity
1	California	311,200	1	California	2,067,300
2	Texas	131,300	2	Arizona	669,300
3	Arizona	130,700	3	Texas	650,500
4	Georgia	105,300	4	Georgia	209,500
5	Florida	103,100	5	Kansas	73,800
6	Kansas	59,900	6	New Mexico	64,800
7	Washington	58,200	7	Nevada	54,600
8	New Mexico	50,800	8	Washington	51,800
9	Indiana	39,700	9	Hawaii	50,500
10	Oregon	37,000	10	Colorado	50,300
11	Virginia	32,500	21	Virginia	13,500
	Nation	1,356,500		Nation	4,371,800



# Drug Arrests in Virginia

# Drug Arrests in VA 2000-2006



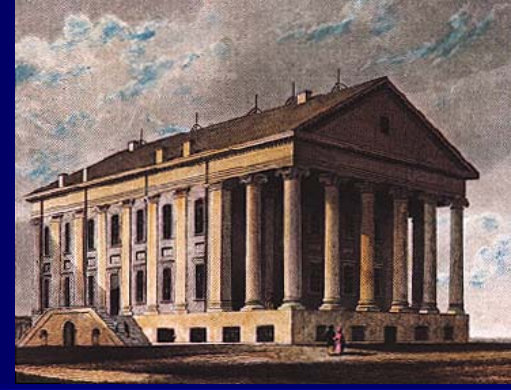
- Marijuana arrests increased from 13,559 arrests in 2000 to 16,569 in 2006
- The total number of drug arrests increased from 23,181 to 32,000 between 2000 and 2006

# Percentage of Arrests by Drug Type



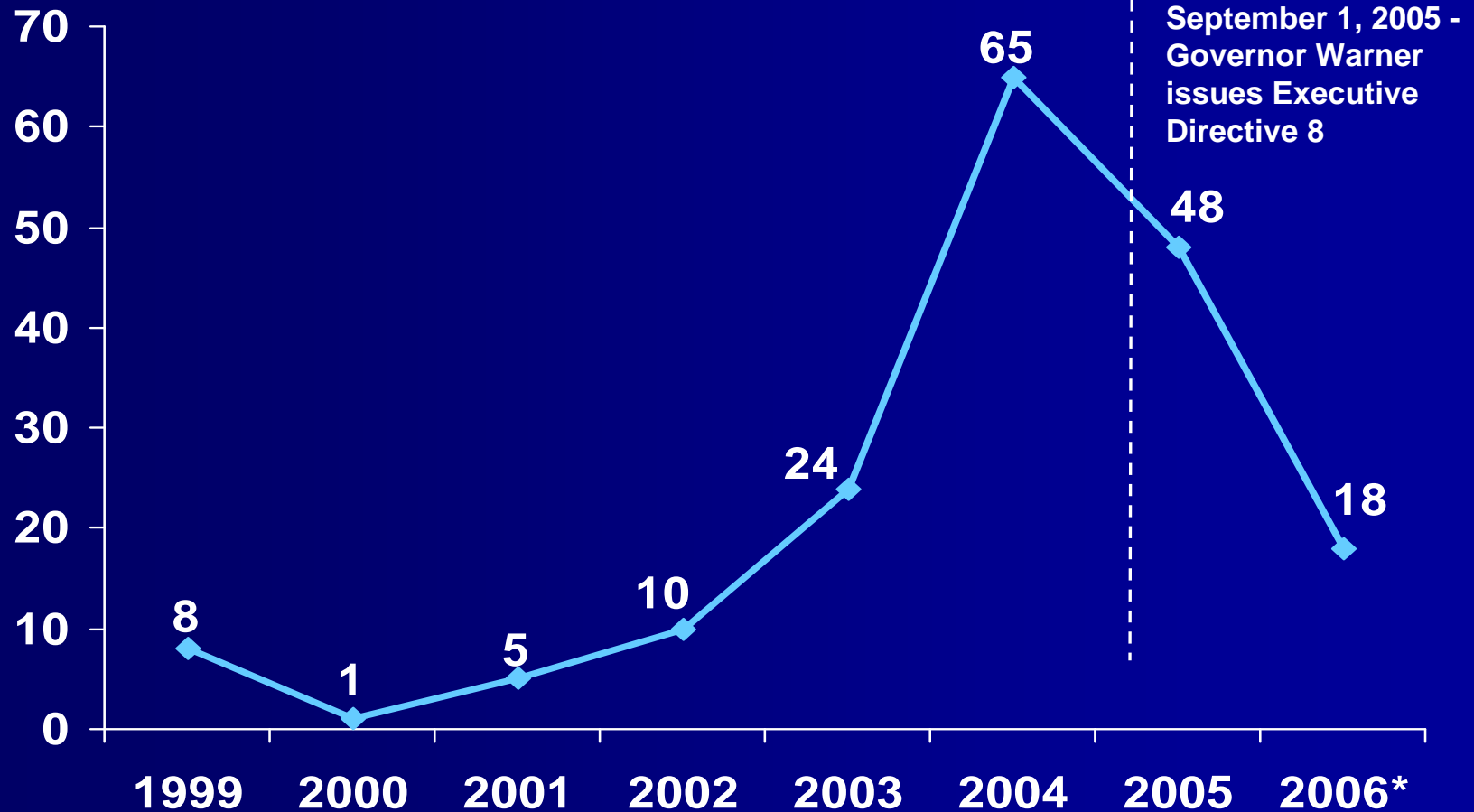
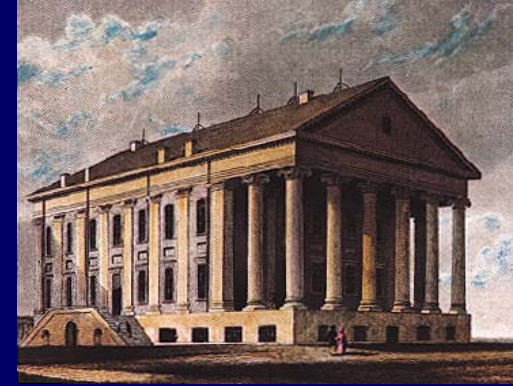
Type of Drug	Year						
	2000	2001	2002	2003	2004	2005	2006
Marijuana	58%	57%	57%	58%	54%	53%	52%
Crack	15%	16%	17%	16%	16%	17%	18%
Cocaine	8%	7%	9%	9%	10%	10%	10%
Heroin	3%	3%	3%	3%	2%	2%	2%
Amphetamines/Meth	1%	1%	1%	2%	2%	2%	2%
Other	6%	7%	4%	5%	5%	5%	5%
Unknown	9%	10%	9%	10%	11%	11%	12%

- As the proportion of drug arrests related to marijuana decreased from 2000 to 2006, the % of arrests related to crack, heroin, amphetamines/meth, and other drugs increased while the percentage for cocaine remained stable.
  - However, this pattern may be an artifact of the growth of missing data and the fact that the type of drug was missing from more than a 10<sup>th</sup> of drug arrests for the past 4 yrs.



# Clandestine Lab Seizures

# VA Meth Lab Seizures Reported by DEA

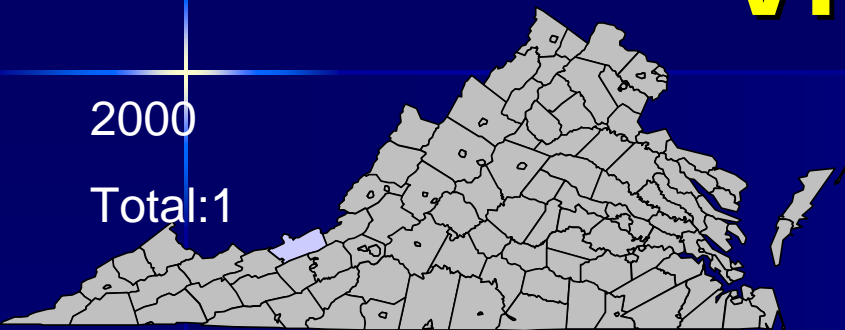


\* Data for 2006 are preliminary – Due to lags in reporting time, the number of seizures known to the DEA may change  
Source: Drug Enforcement Administration – El Paso Intelligence Center Clandestine Laboratory Seizure System

# Clandestine Lab Seizures in Virginia

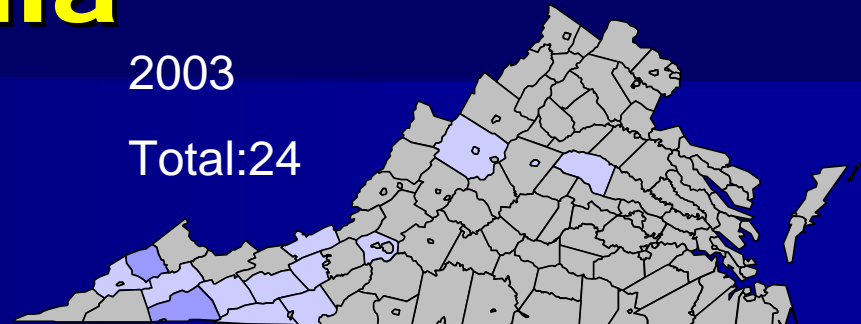
2000

Total:1



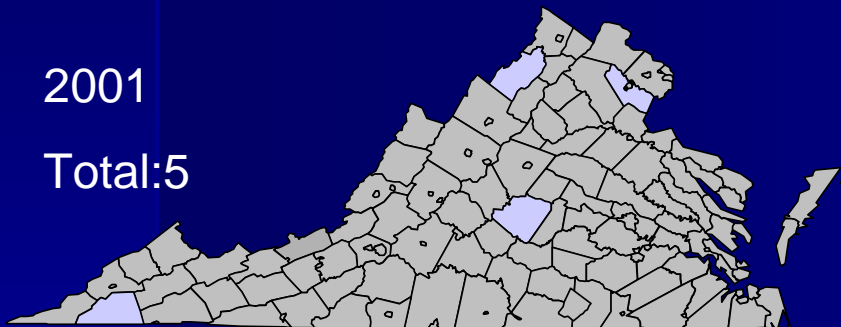
2003

Total:24



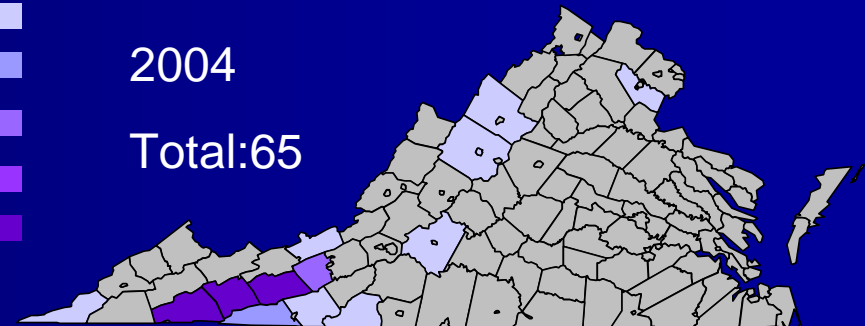
2001

Total:5



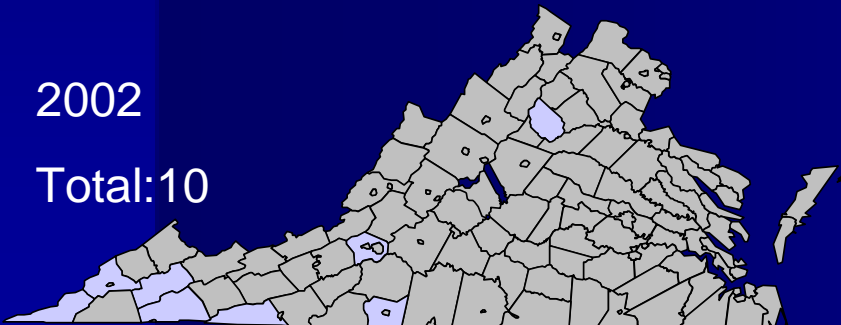
2004

Total:65



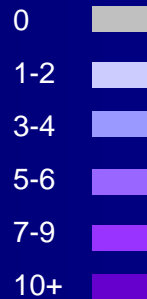
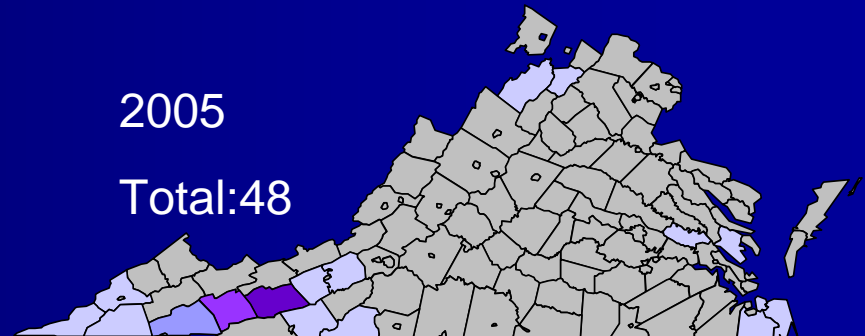
2002

Total:10

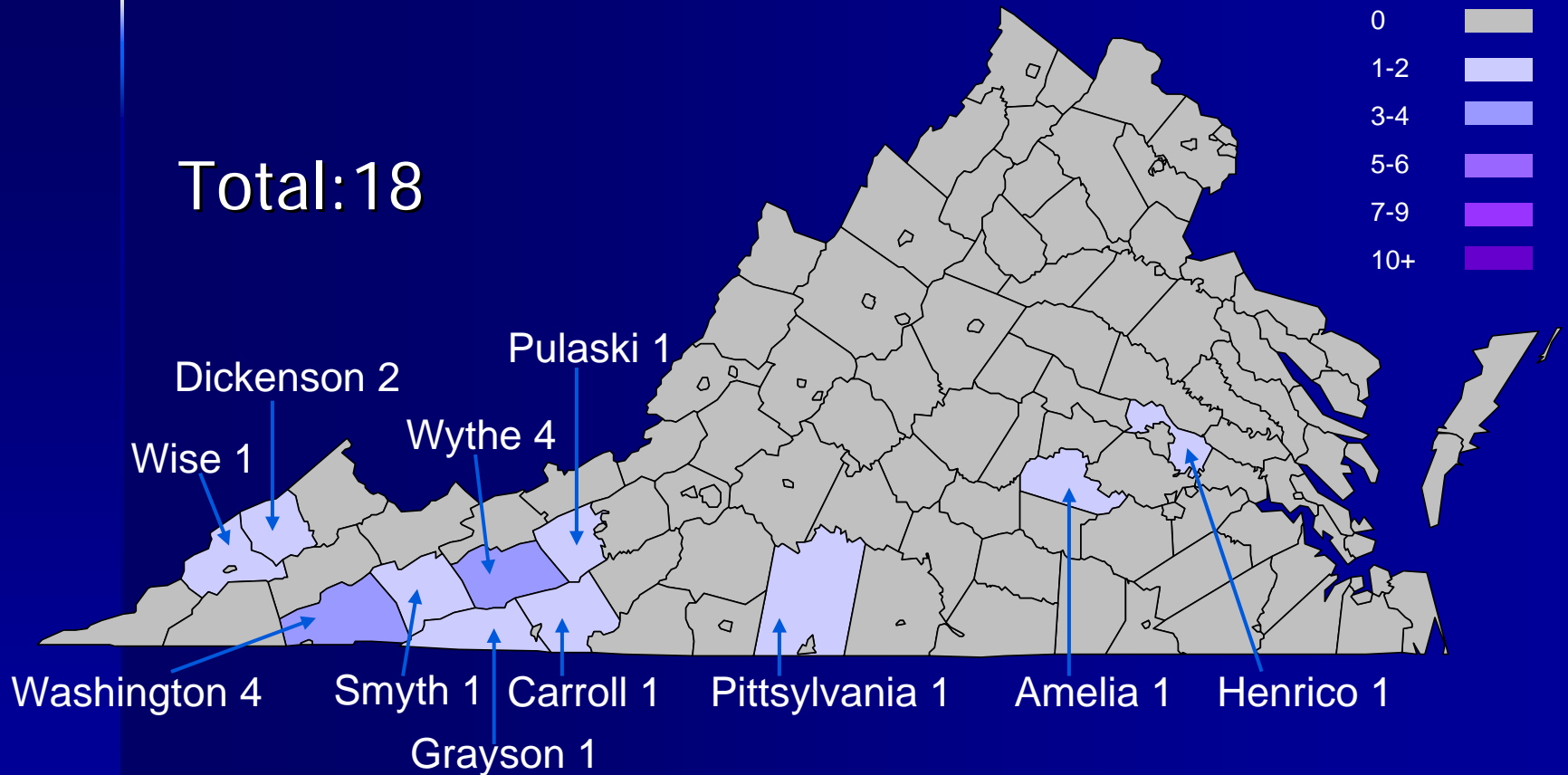


2005

Total:48



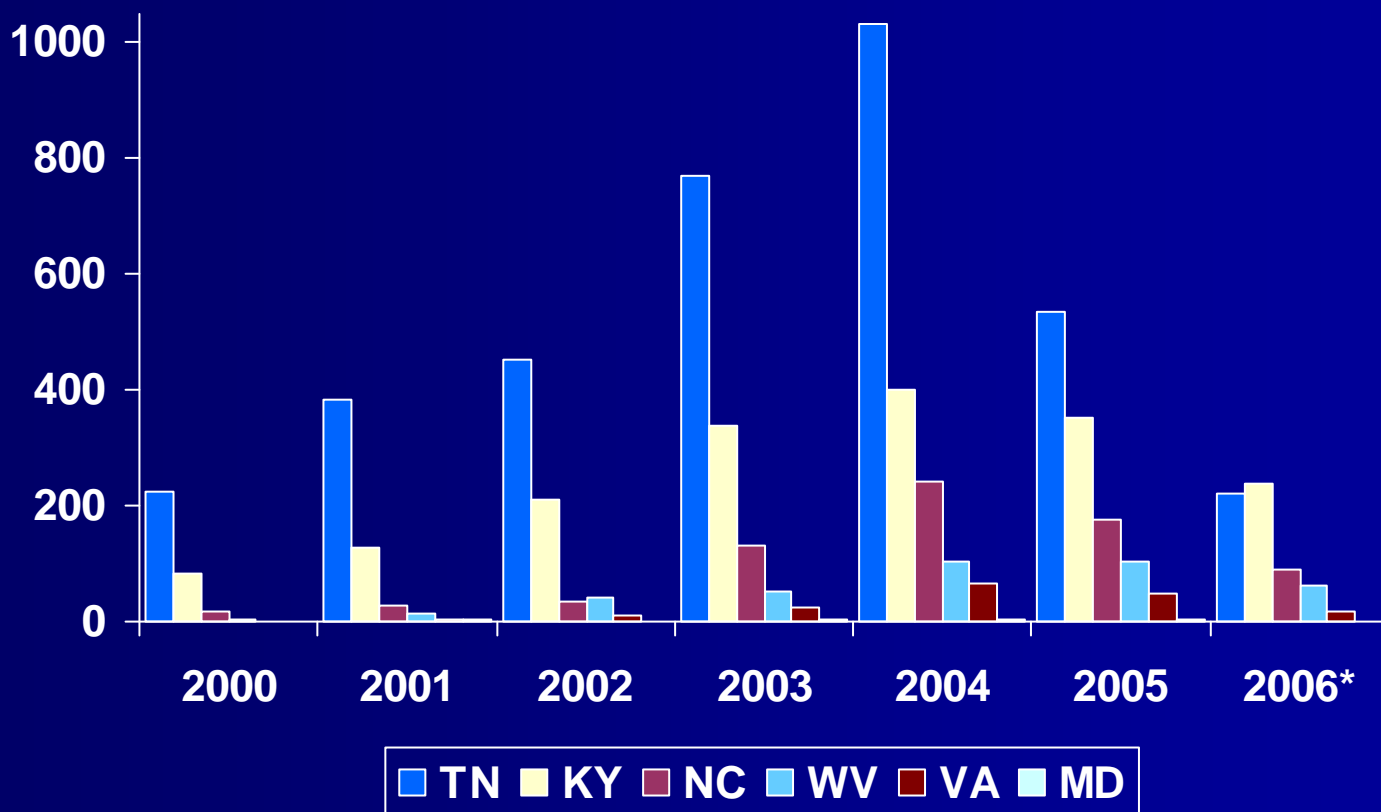
# Clandestine Lab Seizures in Virginia, 2006\*



\*Data are preliminary

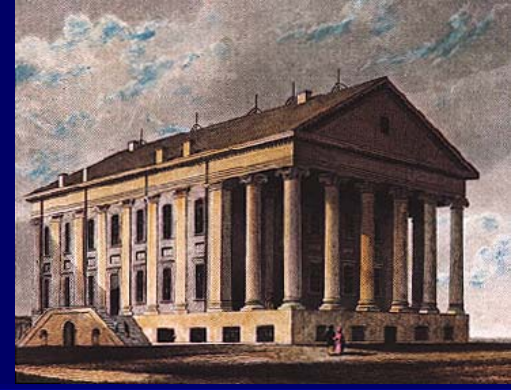
Source: Drug Enforcement Administration – El Paso Intelligence Center Clandestine Laboratory Seizure System

# Reported Clandestine Lab Incidents – Surrounding States



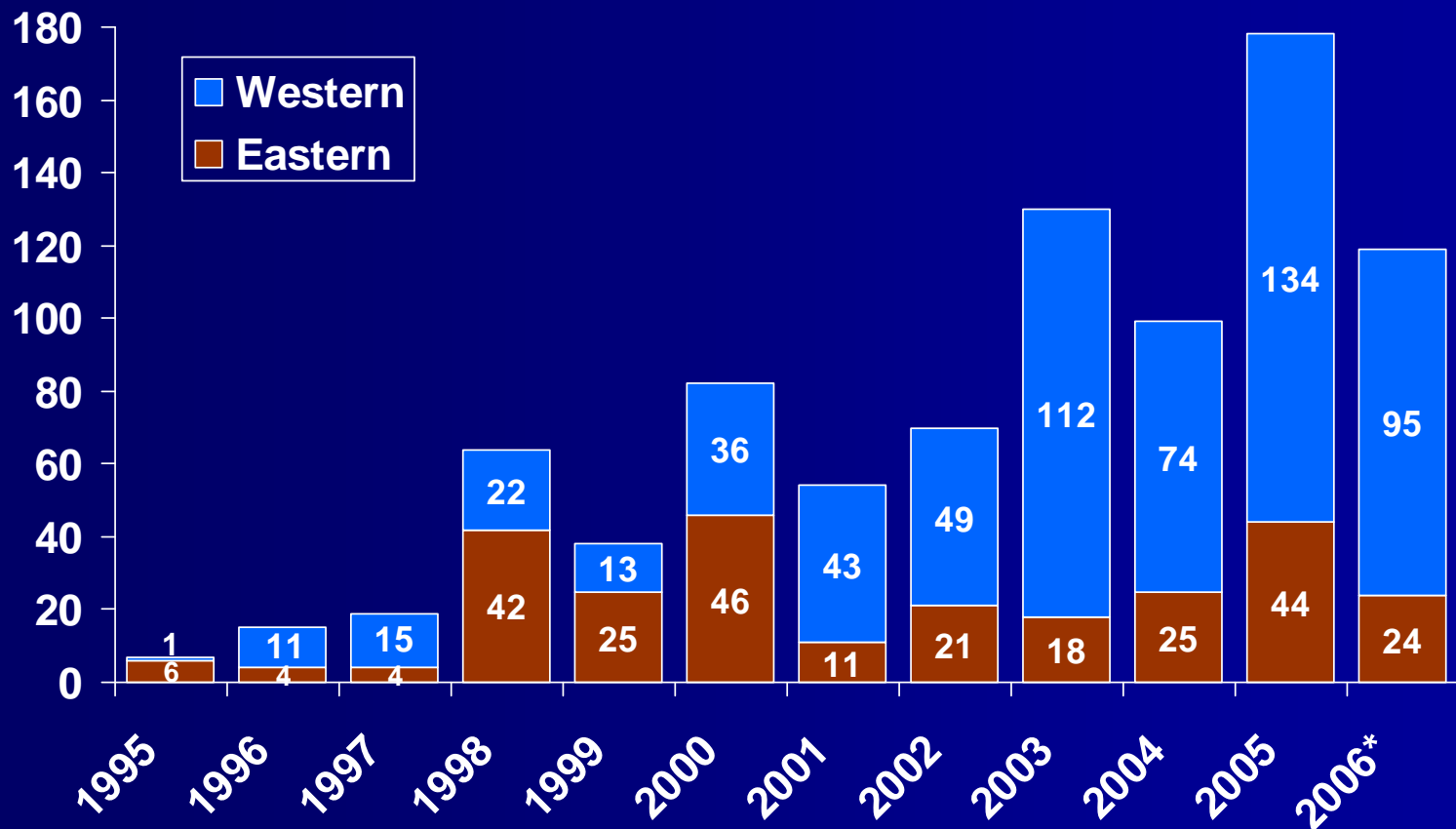
\*Data are preliminary

Note: Data for Maryland was not available for 2000 and data for Washington DC was only available for 2004 –available data shows 120 clandestine lab incident in Washington, DC in 2004. Source: Drug Enforcement Administration – El Paso Intelligence Center Clandestine Laboratory Seizure System



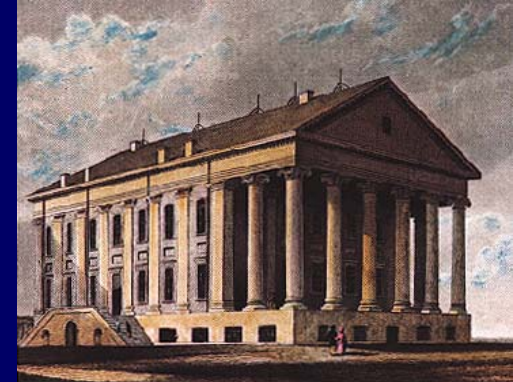
# Drug Convictions

# Methamphetamine Convictions in VA Federal Courts by District



\* Data are incomplete – through federal fiscal year 2006  
Source: United States Sentencing Commission Data Set

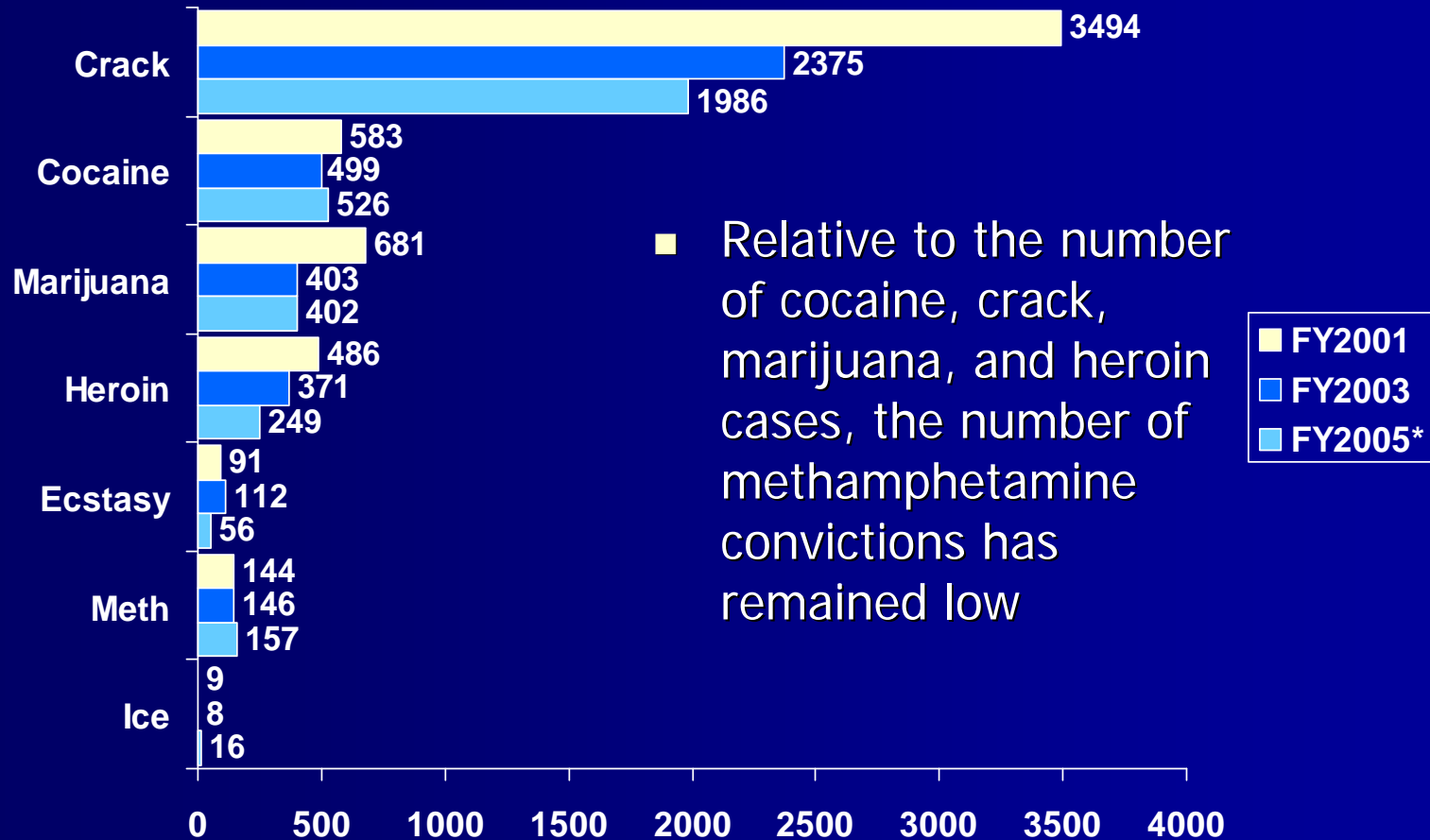
# Drug Convictions in VA Federal Courts



Year	Type of Drug						
	Crack	Cocaine	Marijuana	Heroin	Meth	Ice	Ecstasy
1997	464	168	126	43	17	0	0
1998	412	126	110	69	62	2	6
1999	388	88	136	62	38	0	4
2000	446	108	118	65	81	0	9
2001	422	168	160	77	52	0	23
2002	379	138	123	33	65	1	49
2003	523	145	167	104	119	3	23
2004	493	180	176	66	94	0	18
2005	565	179	169	38	160	9	15
2006	385	120	123	20	104	10	3
*							

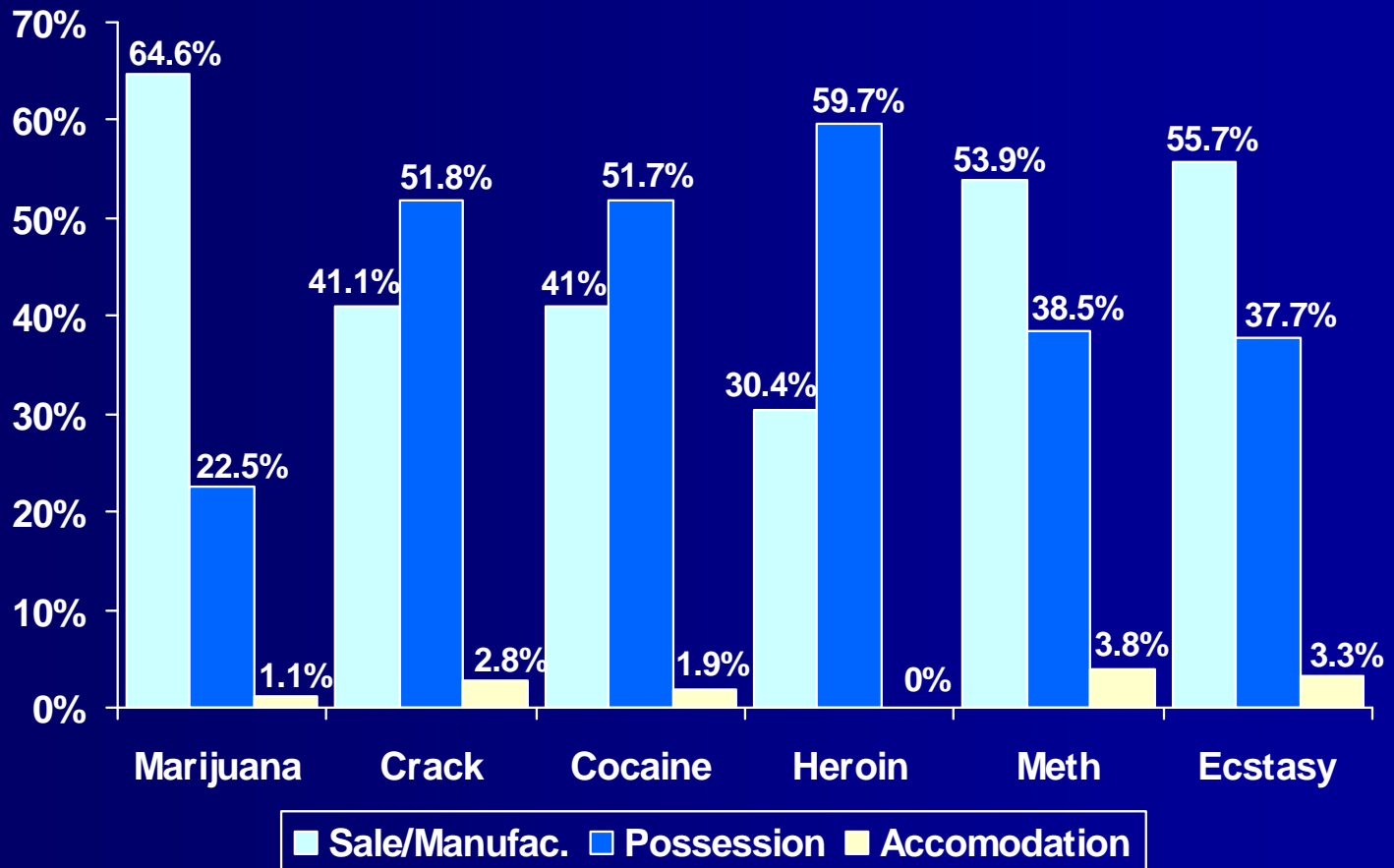
\* Data are incomplete  
 Source: United States Sentencing Commission Data Set

# Felony Drug Convictions in VA Circuit Courts by Primary Drug Type



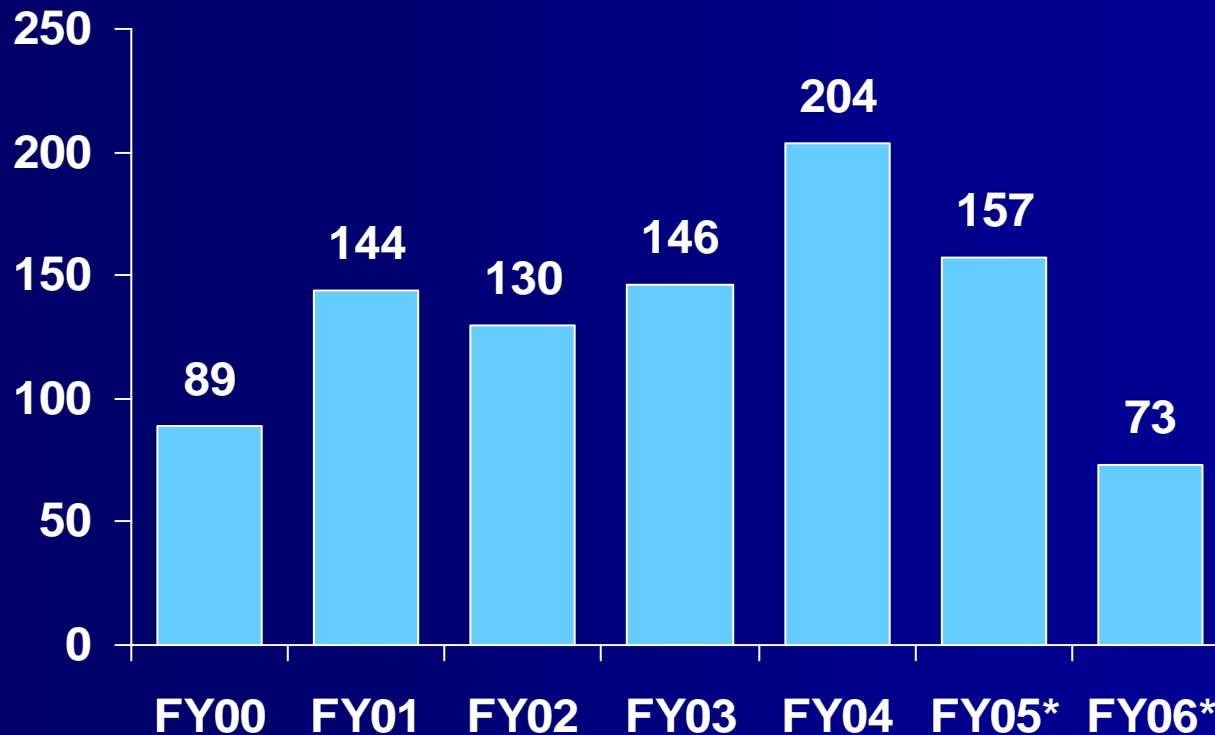
\* Data are incomplete. While the figures for prior years may increase slightly as post-sentence investigation (PSI) reports are submitted over time, figures for 2005 and 2006 should be considered incomplete and subject to greater increases as additional PSI reports are received. Source: Pre/Post-Sentence Investigation (PSI) Database, 1992-2006

# Type of Convictions by Percentage of Drug(s) Reported, FY2005\*



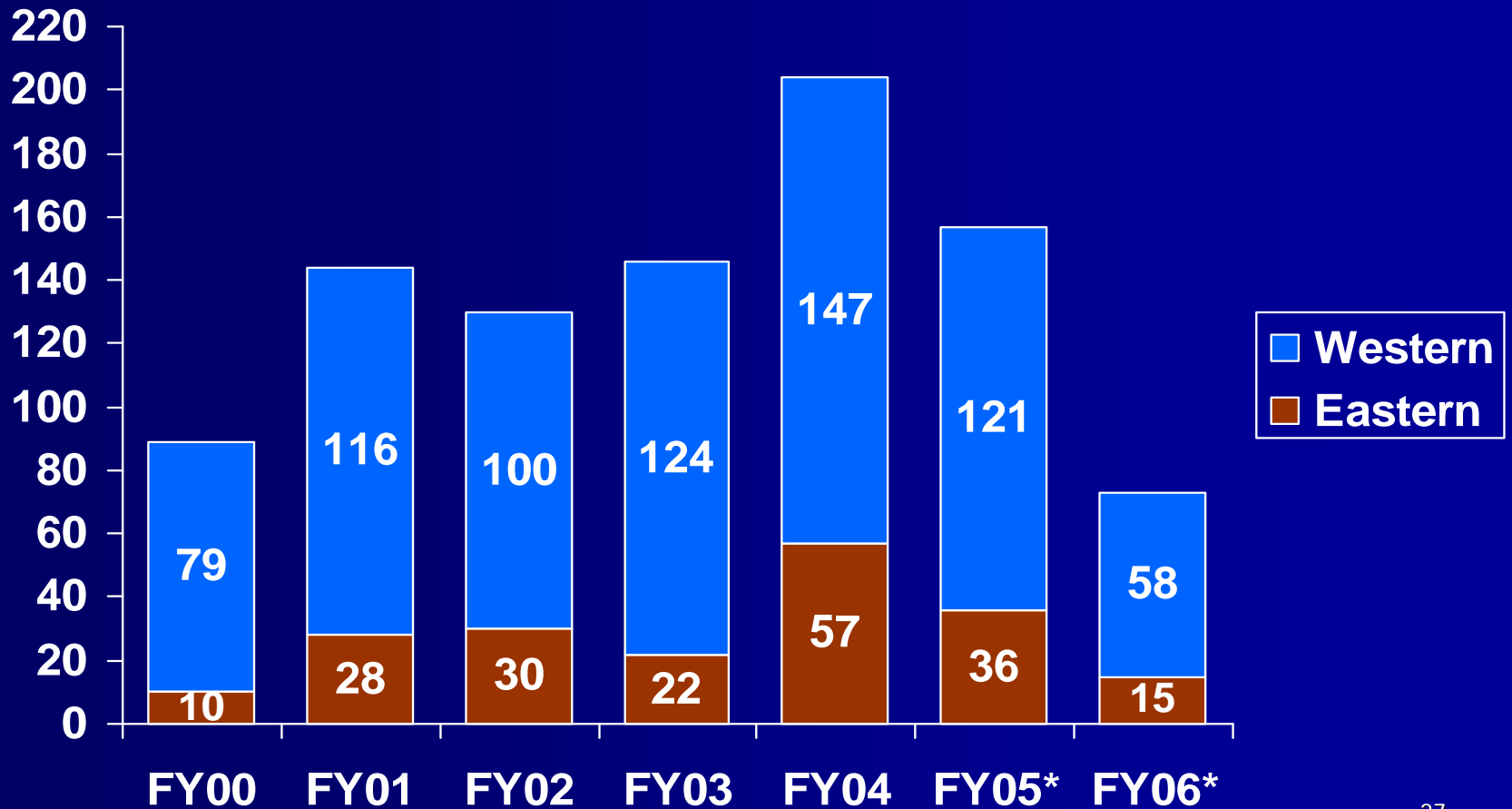
\*Data are incomplete. Source: Pre/Post-Sentence Investigation (PSI) Database, 1992-2006

# Methamphetamine Convictions in VA's Circuit Courts



- The most recent data available show a peak of 204 methamphetamine convictions in fiscal year 2004

# Methamphetamine Convictions in VA Circuit Courts by Region

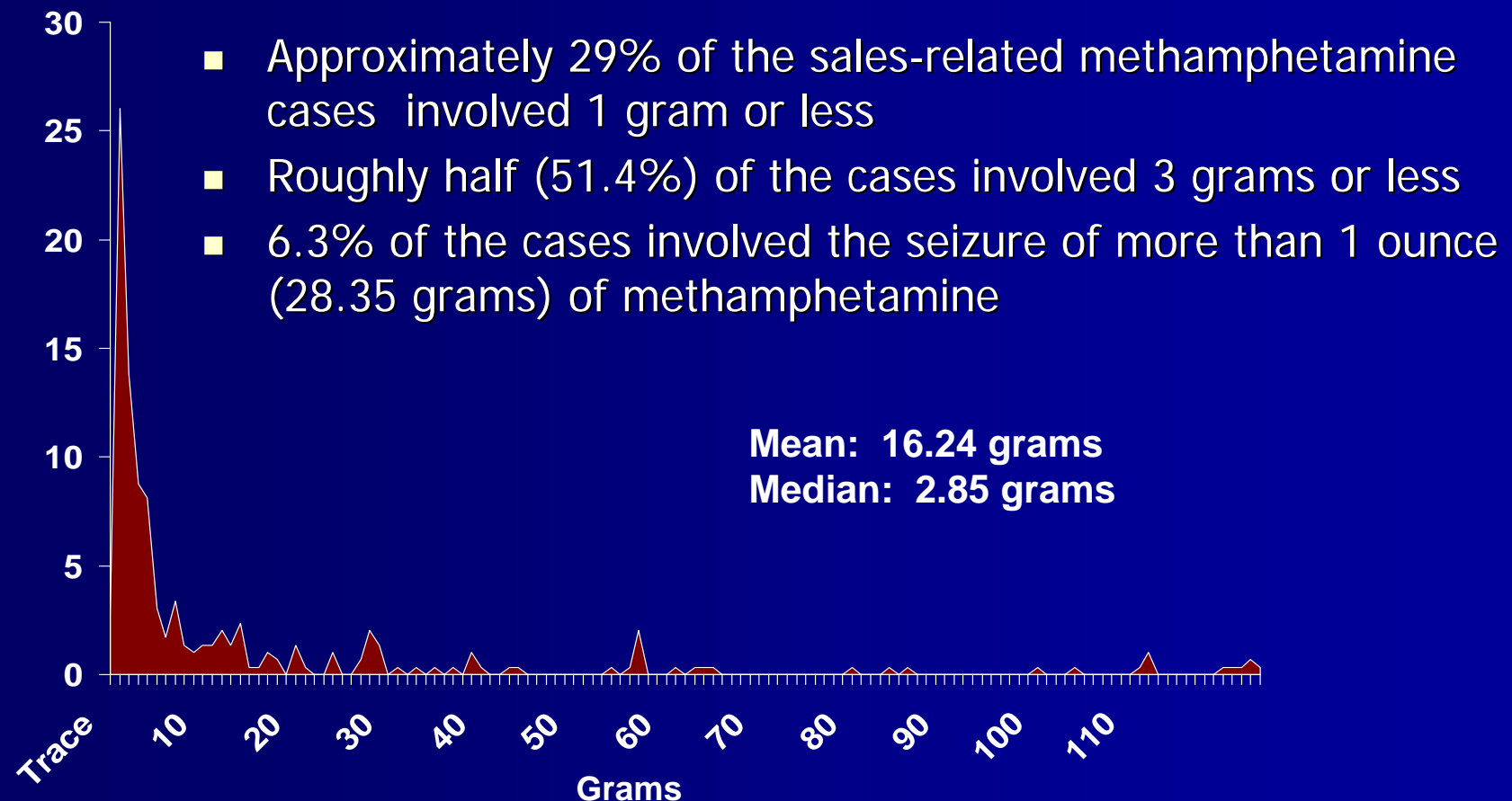


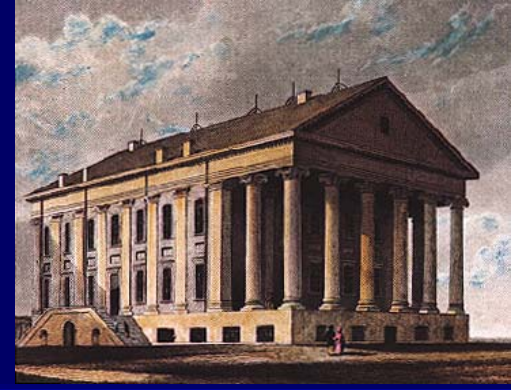
# Methamphetamine Convictions in VA's Circuit Courts by Judicial Region

Judicial Region	FY95	FY00	FY05*
Tidewater (1)	16.7%	2.2%	8.3%
Northern Virginia (2)	11.9%	3.4%	10.2%
Central Virginia (3)	23.8%	4.5%	3.8%
Southwest Virginia (4)	9.5%	9.0%	21.0%
Southside Virginia (5)	16.7%	10.1%	5.7%
Shenandoah Valley/ Piedmont (6)	21.4%	70.8%	51.0%
Number of Cases	42	89	157

\*Data are incomplete. Source: Pre/Post-Sentence Investigation (PSI) Database, 1992-2006

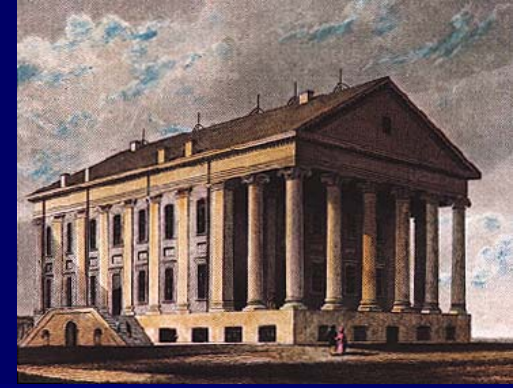
# Quantity of Drug in Methamphetamine Sale/Manufacture Cases, 1992-2006





# Virginia Criminal Statutes and Provisions Relevant to Methamphetamine

# VA's Meth Provisions



- § 18.2-248(C):
  - Selling, distributing, or possessing with the intent to distribute less than 10 grams of methamphetamine is a felony punishable by 5 to 40 years for a 1<sup>st</sup> offense; 5 years to life for a 2<sup>nd</sup> offense; a third offense is eligible for a mandatory minimum 5 years.
  - Selling, manufacturing, distributing or possessing with the intent to distribute 10 grams or more of methamphetamine or 20 grams or more of a methamphetamine mixture is a felony punishable by 5 years to life, with a 5 year mandatory minimum term of imprisonment unless certain criteria are met.
    - Created in 2005.
- § 18.2-248(C1):
  - Manufacturing (presumably less than 10 grams) of methamphetamine or less than 200 grams (presumably less than 20 grams) of a mixture containing methamphetamine is punishable by 10 to 40 years for the first conviction and 10 years to life for a second or subsequent conviction; a third offense is eligible for a 3 year mandatory minimum term.
    - Created in 2006.

# VA's Meth Provisions



- **§ 18.2-248(H):**
  - Selling, manufacturing, distributing or possessing with the intent to distribute 100 grams or more of methamphetamine or 200 grams or more of methamphetamine mixture is a felony punishable by 20 years to life, with a 20 year mandatory minimum. The mandatory minimum can be avoided if the defendant was not an organizer or leader of the offense, does not have a prior conviction for a violent felony, did not have a firearm or engage in violence at the time of the offense, and has cooperated with the Commonwealth.
- **§ 18.2-248(H1):**
  - As an organizer or leader of the criminal enterprise, selling, manufacturing, distributing or possessing with the intent to distribute at least 100 grams but less than 250 grams of methamphetamine or at least 200 grams but less than 1 kilogram of methamphetamine mixture is a felony punishable by 20 years to life, with a mandatory minimum of 20 years.
- **§ 18.2-248(H2):**
  - As an organizer or leader of the criminal enterprise, selling, manufacturing, distributing or possessing with the intent to distribute at least 250 grams of methamphetamine or at least 1 kilogram of methamphetamine mixture is a felony punishable by a mandatory minimum life sentence. The mandatory minimum can be reduced to a mandatory minimum of 40 years if the defendant has cooperated with law enforcement.

# VA's Meth Provisions



- § 18.2-248(D): Give, distribute, or possess with the intent to distribute methamphetamine as an accommodation (not for profit) is a Class 5 felony, punishable by 1 to 10 years imprisonment.
- § 18.2-250:
  - Possession of methamphetamine for personal use without prescription is a Class 5 felony, punishable by 1 to 10 years imprisonment.

# Addressing Meth Precursors in VA



- On September 1, 2005, Governor Mark Warner issued Executive Directive 8, mandating that:
  - The State Health Commissioner issue an order limiting quantities that can be purchased of precursor ingredients used to manufacture methamphetamine.
  - Further comprehensive educational efforts to help curb methamphetamine use be developed.
  - DMHMRSAS develop a plan for treatment of methamphetamine addiction.
- The emergency order became effective on October 1, 2005 and expired on July 1, 2006

# Managing Precursors



- **The subsequent Order, issued by the VA Dept. of Health, restricted the sale of meth precursors:**
  - **Retailers must collect and maintain records of purchases of ephedrine or pseudoephedrine.**
  - **Retailers cannot sell more than 9 grams of precursor ingredients in one transaction.**
  - **Retailers must keep products with ephedrine or pseudoephedrine as the only active ingredient behind a store counter.**
  - **Consumers must provide photo identification before acquiring precursors.**
  - **Consumers cannot obtain more than 9 grams of precursors in one transaction.**

# Actions by the Virginia General Assembly

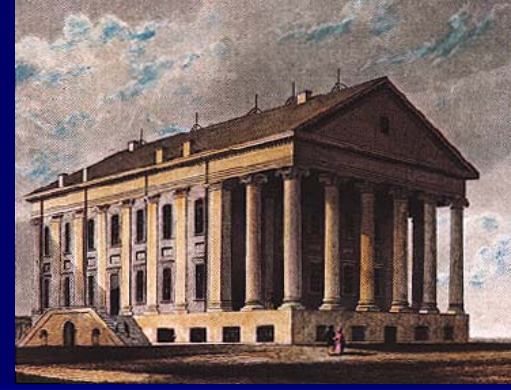


- In 2005, §18.2-248(J) of the Code of Virginia was added.
  - Any person who possesses two or more methamphetamine precursors with the intent to manufacture methamphetamine is guilty of a Class 6 felony
  
- §18.2-248.8 was created in 2006
  - Retail sales are limited to 3.6 grams of ephedrine or pseudoephedrine daily per customer.
  - Retailers keep products containing ephedrine or pseudoephedrine behind a store counter or locked container that is not accessible to consumers.
  - Retailers maintain a written or electronic log of purchaser and product identifying information unless the product contains less than 60 milligrams of pseudoephedrine.
  - Purchasers furnish government issued photo identification.
  - A willful violation of the statute is a Class 1 misdemeanor

# Child Endangerment & Clandestine Labs

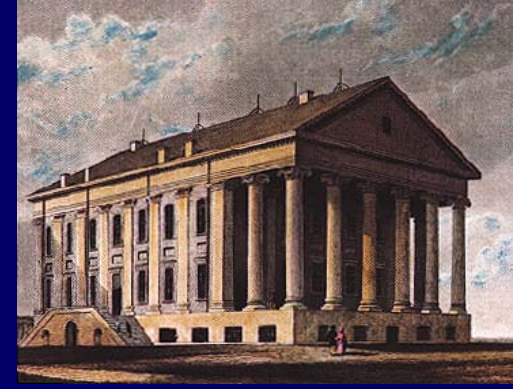


- §18.2-248.02 was added in 2005.
  - Any person 18 years of age or older who maintains a custodial relationship over a child and who knowingly allows that child to be present in the same dwelling, apartment, hotel unit, garage, shed, or vehicle during the manufacture of methamphetamine is guilty of a felony punishable by imprisonment for 10 to 40 years



# Legislative Proposal

# Addressing Meth Precursors in VA



- **Modify § 18.2-258.1 by adding methamphetamine pre-cursor chemicals, so that it would be a Class 6 felony to obtain them through the use of fraud, deceit, misrepresentation, embezzlement, or subterfuge.**

# Discussion