

California Department of Justice - Bureau of Narcotic Enforcement

**TESTIMONY OF PATRICK A. LUNNEY
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DIVISION OF LAW ENFORCEMENT**

THE LITTLE HOOVER COMMISSION

9:00 A.M., September 26, 2002, State Capitol Room 437

Good morning! My name is Pat Lunney and I am the Director of the Attorney General's Department of Justice Division of Law Enforcement. Greetings from Attorney General Lockyer. The Division of Law Enforcement is made up of the Bureau of Narcotic Enforcement (BNE), The Bureau of Investigations (CBI), The Bureau of Forensic Services (BFS), The Mission Support Branch (MSB), The California Anti-Terrorism Information Center (CATIC), and the Western States Information Network (WSIN). Thank you for the opportunity to appear before the Little Hoover Commission today. The challenge of effectively dealing with drug abuse in our communities is daunting. Equally challenging is how best to protect and serve all members of our communities. The problems of drug abuse demand a constant evaluation of all programs in prevention, treatment and enforcement to best determine what works and what it costs. With increasing budget constraints, this evaluation has become essential.

How do we measure the success of our position of our prevention, treatment, and enforcement programs? In law enforcement, we commonly use statistical data. Once this data is collected, analyzed, and evaluated a conclusion is drawn as to whether the projected goals have been met.

It is our position that if prevention, treatment, and enforcement could decrease the nation's cocaine consumption from six hundred and sixty-six (660) metric tons to two hundred and fifty nine (259) metric tons, and decrease the number of cocaine users from 3.9 million individuals to 2.7 million individuals over a 12 year period, that this would qualify as a successful endeavor.

It is also our thought that if prevention, treatment and enforcement could decrease the consumption of heroin from 14.6 metric tons to 13.3 metric tons, and decrease the number of heroin users from 1,341,000 to 898,000 over a 12 year period, this too could be considered a very successful venture.

That is exactly what statistics released by the Office of National Drug Policy (ONDCP) show. Their statistics indicate that between the years 1988 and 2000, prevention, treatment and enforcement had accomplished just that. The ONDCP statistics are based on national statistics that includes California's data as well.

Based on statistical data the synergistic approach of prevention, treatment, and enforcement does work. However, each component is required in this endeavor if we want to maintain a powerful, effective, balanced and most importantly, successful partnership. Weakening any of these components has the effect of weakening the overall capacity for the success of this collaborative approach.

Redirecting enforcement resources would undoubtedly lead to increased availability of illicit drugs into our communities. Increased availability of illicit drugs into our communities would undermine prevention programs and would tax already strained resources. Increased availability of illicit drugs into our communities would significantly increase the number of individuals needing treatment and tax the already strained resources of treatment.

Conversely redirecting resources only to enforcement would have like consequences. Prevention, treatment, and enforcement are components bound together with a common goal. Weaken one component and you weaken the other components ability to achieve the goal.

Therefore it is imperative that we advocate for a strong partnership between prevention, treatment, and enforcement to meet this goal of our communities: The decrease of drug abuse and its resulting consequences.

BNE supports, "The California Master Plan to Reduce Drug and Alcohol Abuse," report which calls for a "new spirit of cooperation." Developed in 1991, "The California Master Plan to Reduce Drug and Alcohol Abuse," recommends collaboration between prevention, treatment, and enforcement. It does not advocate an adversarial relationship between components competing for dwindling resources.

BNE concurs with, "The California Master Plan to Reduce Drug and Alcohol Abuse," report which recommends a new framework of organization. "The California Master Plan to Reduce Drug and Alcohol Abuse" recommends services within each of the four major systems: Health, Social Services, Education, and Criminal Justice. Each of these service systems is to actively participate in a collaboration of prevention, treatment, enforcement, evaluation, research, planning and public policy strategies. This policy mirrors the National Drug Control Strategy, published annually by the Office of the National Drug Control Policy – Copies of both documents are readily available in your handouts.

BNE supports and recommends a recommitment to "The California Master Plan to Reduce Drug and Alcohol Abuse" which was developed in 1991 and has been a proven, effective and successful model of prevention, treatment, and enforcement.

Now, let me share with you what role BNE plays in this comprehensive strategy to reduce drug and alcohol abuse in our communities. BNE is a state level law enforcement agency providing leadership, coordination, and support to local law enforcement agencies in combating the drug problem in the State of California. The role of BNE is to enforce California controlled substances laws and investigate and apprehend violent criminals who utilize illegal weapons in the commission of their crimes. BNE's objective is to use its resources to combat the complex problems associated with arresting and prosecuting **major drug traffickers**, violent career criminals, clandestine drug manufacturers, and violators of prescription drug and chemical control laws.

This morning I am going to discuss six key areas:

- I. Overview of Federal, State, and Local Drug Enforcement**
- II. Brief History of BNE and California's Drug Control Policies**
- III. Overview of BNE and Its Programs**
- IV. Effectiveness of Each Program**
- V. Key Role of Law Enforcement in the Success of Prevention and Treatment Programs**
- VI. Asset Forfeiture**

I. Overview of Federal, State, and Local Drug Enforcement

Law enforcement in the United States operates on three basic levels; federal, state and local. Federal law enforcement officers enforce federal statutes. Except in some rare instances, federal law enforcement officers cannot enforce state laws. State laws must be enforced by local and state law enforcement officers.

The federal government has concentrated most of their drug enforcement efforts within the Drug Enforcement Administration (DEA). DEA's primary mission is to arrest and prosecute members of large drug trafficking organizations (DTOs) that smuggle narcotics into the United States, distribute drugs within the country, or manufacture drugs within the U.S. DEA does not investigate mid-level drug organizations.

A significant amount of DEA's resources are also devoted to controlling the diversion of pharmaceutical drugs into the illicit market and the control of chemicals used in the manufacture of narcotics and dangerous drugs. Since the United States Customs Service is responsible for the enforcement of our laws at the border, they have overlapping duties with DEA of laws related to smuggling drugs into the country.

All of the 50 states have state level law enforcement officers who enforce their individual state laws, but usually restrict their investigations and enforcement activity to crimes of statewide significance, or specialized units such as narcotic law enforcement, medical fraud, consumer affairs and highway patrol. State law enforcement officers also provide assistance and coordination to local agencies when investigations are so large or complex that they would drain the resources of the local agencies or when the investigations cross jurisdictional boundaries.

In all of the 50 states, local agencies such as police and sheriffs have primary responsibility for the enforcement of all state and municipal law violations committed within their individual jurisdictions. In California, local law enforcement officers' police powers are restricted by the Penal Code to crimes committed within their agency's jurisdiction or to crimes committed in their presence.

An example of this would be a murder committed in Yolo County. Law enforcement officers from Sacramento County would be prohibited by law from investigating this crime unless there was a related criminal act committed within Sacramento County. Another example would be a group manufacturing methamphetamine in Amador County and distributing the drug statewide. Sacramento city police or the sheriff's department could not investigate this group or their drug lab unless they could show a directly related crime having occurred in Sacramento County.

Some states, such as California assign statewide narcotic investigations duties to the Attorney General's office, while others assign these duties within the state police or highway patrol agencies. But in all cases, the states recognize the need for a state-level drug enforcement effort to coordinate the role, responsibility and capabilities of local law enforcement efforts.

In California, the state coordination role is especially important because there are over 500 local law enforcement agencies with some part of the overall responsibility of the enforcement of state drug laws.

Many times, their actions have statewide implications but they are limited by the boundaries of their city or county jurisdictions.

The California Department of Justice is committed to accomplishing its mission by conducting investigations of intrastate, multi-jurisdictional criminal organizations or individuals trafficking in controlled substances; conducting and assisting in investigations of violent career criminals who possess or use illegal weapons, firearms, and explosives; conducting investigations of clandestine drug laboratories; and monitoring and investigating persons licensed to dispense prescription drugs, and persons permitted to deal in restricted chemicals.

We have a long history of development, innovation and expertise in these areas and many of our original program ideas have been replicated in other states. I'd like to take a moment to briefly share some of our progress with you.

II. BRIEF HISTORY OF BNE AND CALIFORNIA'S DRUG CONTROL POLICIES

- BNE is recognized as the oldest, most experienced, and progressive narcotic enforcement bureau in the United States. In 1927, the Division of Narcotic Enforcement was legislatively created as part of the State Board of Pharmacy. In 1944, the Department of Justice was established under the Office of the Attorney General, and the Division of Narcotic Enforcement was transferred to this new department.
- In 1953, the name of the Division of Narcotic Enforcement was changed to the Bureau of Narcotic Enforcement (BNE). BNE derives its statute of authority from Chapter 7, §11450 of Division 10 of our H&S Code and § 830.1(b) of the California Penal Code.
- Since its inception in 1927, BNE has evolved from operating under a general narcotic enforcement philosophy aimed at street level users to its current policy of directing efforts at the sophisticated, organized, and well-financed drug trafficking organizations operating in California today.
- Drug trafficking organizations today operate much like many other mainstream businesses in that they are concerned with turning a profit and maintaining their customer base. As well, the drug problem today is much different than it was in 1927, in that the types of drug and substances available for abuse are much more varied than ever thought possible and the profits are greater. However, unlike mainstream businesses, drug trafficking organizations are not bound by regulations, laws, or societal concerns. Drug profits are pure and no social responsibilities are present.
- BNE has evolved from street and mid-level drug investigations of the 20's to the 60's to the dismantling of major drug trafficking organizations. Since the 1970's, BNE's specific area of concern and expertise is in the areas of clandestine drug labs, drug trafficking organizations, diversion of pharmaceutical drugs, and violence suppression.

- In 1993, the State Legislature added to BNE's duties, the investigation and apprehension of violent repeat criminal offenders and those who possess or use illegal weapons, firearms, or explosives during the commission of a crime.
- From an agency that had a one time high of 552 sworn/non-sworn employees, under the 2001-2002 State budget, BNE was allocated 430 total sworn/non-sworn employees. Of the 430 employees, 314 are sworn law enforcement personnel (Special Agents). With the current state budget restrictions, our actual agent count is 281. That is less than one state narcotics agent for every 90,000 persons residing in California.
- Although enforcement is the primary function of BNE we have traditionally supported the theory of working in concert with prevention, treatment and educational professionals. California's drug control policies cover three equally important areas of prevention, treatment, and enforcement. **If prevention and treatment were solely successful, the enforcement components would not be necessary.** This is not the case. All three components are necessary to provide a united, cohesive, and comprehensive strategy that ensures the safety of all our citizens.
- Many studies have been completed which verify that addiction is a chronic, recurring health issue, a disease every bit as real as diabetes or heart disease. Yet vehicular manslaughter, driving under the influence, child neglect and abuse, environmental pollution, destruction of property, homicide, theft, and prostitution are not the by-products of diabetes or heart disease. They are the results of chronic drug abuse and the trafficking necessary to support it. That is when chronic drug abuse becomes a criminal justice problem.
- BNE's policy is to enforce state controlled substances laws and investigate and apprehend violent criminals who utilize illegal weapons in the commission of their crimes. BNE's objective is to use its resources to combat the complex problems associated with arresting and prosecuting major drug traffickers, violent career criminals, clandestine drug manufacturers, and violators of prescription drug and chemical control laws.
- BNE most often investigates **major drug traffickers and manufacturers** who are not amenable to prevention or treatment because they are **financially, not addiction driven**. We have attached a list of significant cases that depicts the type of major drug traffickers, manufacturers, and violent offenders arrested by BNE agents. Attachment 1.

- During the year 2002, only 0.4% of BNE's arrests were of individuals considered to be only users of controlled substances. These types of arrests would occur when individuals were present at a search warrant location and had an outstanding arrest warrant issued for them. BNE focuses on investigating major drug traffickers, manufacturers, and violent offenders, not users.
- Although substance abusers are not an established priority for BNE investigations, it is acknowledged that they often do not access and participate in the treatment they need until they come to the attention of law enforcement, most commonly as a public nuisance or public danger, and are arrested by law enforcement and referred to treatment by the court system.

I wanted to present this progress and philosophy of the California Department of Justice Bureau of Narcotic Enforcement to give you a perspective, and help you understand the role and responsibility of the California Department of Justice Bureau of Narcotic Enforcement. BNE acts daily in coordination with other drug reduction strategies to reduce the availability of drugs in our communities. The California Department of Justice Bureau of Narcotic Enforcement bears the responsibility of working toward the goal that all citizens of California can live on safe streets and in crime free neighborhoods devoid of the violence and ancillary crimes caused by drug trafficking.

II. OVERVIEW OF BNE AND ITS PROGRAMS

BNE provides leadership and coordination in the planning, development, implementation, and evaluation of comprehensive statewide investigation procedures. BNE sets this standard by implementation of its five-year plan, task force manuals, clandestine laboratory manual, clandestine supervisor manual and regional office and task force inspection manuals.

It is our mission to provide expert services in narcotic investigations, criminal investigations, intelligence, and training. Our mission can best be achieved by working in collaboration with local, state and federal law enforcement agencies. Justice under the law and the highest ethical standards is the focus of all BNE's activities.

Our mission includes the responsibility for ensuring that Californians are safe from the ramifications of illegal drug trafficking through our eleven programs.

Clandestine Laboratory Enforcement Program (CLEP)
California Methamphetamine Strategy (CALMS)
Precursor Compliance Program (PCP)

Violence Suppression Program (VSP)
Special Operations Unit
CrackDown
Regional Task Forces, Special Task Forces
Campaign Against Marijuana Planting (CAMP)
Financial Investigations Program (FIP)
Diversion Program
Triplicate Prescription Program (TTP) and Controlled Substance
Utilization Review and Evaluation System (CURES)

Over the last five years, BNE has endured a sharp decline in staffing. In 1998, BNE had 399 allocated positions of sworn agents. In 2002, BNE has 314 allocated positions but only 281 actual agents staffing those positions. BNE's total staffing is 430. Attachment 2, 2a.

BNE carries out its responsibilities through its Headquarters office in Sacramento and nine regional offices located in Redding, Sacramento, San Francisco, San Jose, Fresno, Los Angeles, Riverside, Orange, and San Diego. BNE works in partnership with federal, state, county, and city governments.

BNE total 2002 budget was \$60,040,430. The FY 01/02 General Fund allotment was \$36,342,390. In FY 02/03 BNE's budget dropped to \$50,740,086. Attachment 3, 3a, 3b, 3c.

During the year 2001, BNE was still able to open 3,929 investigations, seize 831 weapons, arrest 2,566 criminals, and remove the following dosage units of drugs from the community. Attachment 4.

26,776,920 dosage units (5,898 pounds) of cocaine,
2,751,240 dosage units (606 pounds) of MDMA,
93 gallons of GHB,
213,380 dosage units (47 pounds) of heroin,
1,154 dosage units of LSD,
37,433,662 joints (16,675 pounds) of marijuana,
65,778 marijuana plants,
26,245,740 dosage units (5,781 pounds) of methamphetamine,
220,700 dosage units (5 pounds) of PCP,
6 gallons of PCP, and
761 clandestine methamphetamine laboratories capable of producing
18,160,000 dosage units of methamphetamine.

BNE accomplished its mission with a staff of 281 special agents statewide

- **Clandestine Laboratory Enforcement Program (CLEP)** – The CLEP program was started pursuant to Health and Safety Code Section 11641 and established BNE as the lead agency to assist local law

enforcement in clandestine laboratory enforcement. Counties and cities throughout California rely on BNE's regional offices for expertise in this area. Each of the nine regional offices has at least one clandestine drug laboratory team.

- Our successful drug strategy has met the Occupational and Safety Health Administration (OSHA) regulations for safe processing of clandestine laboratories by standardizing our clan lab training, recertification, and annual health testing. BNE has assumed a leadership role in the state by offering this standardization to the local law enforcement communities. Approximately 15 % of seized drug labs are found by explosion or fire. Without BNE's leadership role in the training and dismantling of drug labs, these labs could explode or burn while untrained personnel are present.
- BNE follows the state Drug Endangered Children protocol when discovering children under dangerous, neglected, and abusive living conditions. Children found at clandestine laboratory sites are provided additional medical and social services unique to that type of abuse and neglect.
- **The California Methamphetamine Strategy (CALMS)** – CALMS was implemented in 1998 with federal funding. CALMS focuses on investigations of “superlabs” (labs that produce over ten pounds of methamphetamine per batch) and “rogue chemical companies,” (companies diverting chemicals to the illegal manufacture of methamphetamine).
- An additional aspect of CALMS is the **Prevention and Education Program**. Nine special agents are assigned throughout the state to participate in local drug prevention coalitions and provide training and education in the area of methamphetamine and clan lab recognition.
 - Our successful drug strategy has been to provide specialized investigative and safety training to Clan lab assigned agents so that cities and counties that are unprepared or under funded to deal with the proliferation of clandestine laboratories within their communities have a resource. Clandestine laboratories are toxic and dangerous and require that responding personnel have an expertise in this area.
 - The CALMS program also investigates Middle Eastern Pseudoephedrine Traffickers operating in California. These individuals fund their terrorist activities through the drug trade. Currently a major Middle Eastern organization has been

identified as operating out of sixteen counties within the State of California. Through BNE's CALMS program, Precursor Compliance Program, and Financial Investigation Program an investigation is on-going to further identify members of this organization.

- **Precursor Compliance Program (PCP)** – The PCP is a regulatory and enforcement support program under the direction of the Clandestine Laboratory Enforcement Program Coordinator/Safety Officer. The program operates from BNE Headquarters and acts as the state regulatory authority, as directed by Article 1, Chapter 3 of the Health and Safety Code, over businesses providing or receiving precursor chemicals, (chemicals used in manufacturing controlled substances that remain as part of the finished product), lab glassware, apparatus, reagents, and solvents.
 - The Precursor Compliance Program is the only regulatory and enforcement program in the State of California that holds business accountable for the diversion of precursor chemicals to illegal drug laboratories. This program is the only program that tracks chemicals shipped into California that have a likelihood of being purchased by methamphetamine, MDMA, PCP, or GHB manufacturers.

- **Violence Suppression Program (VSP)** – In 1999, VSP was designed at the request of the Governor's Office and the California Office of Criminal Justice Planning (OCJP). VSP provides statewide leadership, coordination, expertise, and resources to combat the growing problem of violent crimes being committed by suspects using illegal weapons. This program forms partnerships with and provides assistance to local, state, and federal law enforcement agencies.
 - VSP is one of the most innovative programs in all 50 states to combat repeat violent offenders. Special agents assigned to the Violent Suppression Program receive several hundred hours of special tactical training so they can safely arrest repeat violent offenders.
 - The VSP program offers support to agencies throughout the state that may not have the resources to pursue violent offenders.

- **CrackDown Program** – CrackDown became operational in October 1989. The mission of the program is to provide a coordinated statewide law enforcement program directed at the Colombian drug cartels and California street gangs engaged in the trafficking of cocaine and related money- laundering activities in California.
 - The CrackDown program was developed to allow law enforcement to concentrate on major cocaine smugglers and traffickers that were not bound by territorial limits such as city, county or state lines. These major traffickers use sophisticated methods of operations such as electronic counter surveillance, money wire transfers, and commercial conveyances, which necessitate manpower and resources not available to city and county agencies. BNE acts as a liaison agency between federal and local agencies that have these types of offenders entrenched in their communities. In addition BNE provides teams of special agents to assist local police agencies in high violence drug trafficking areas.

- **Special Operations Units (SOU)** - Special Operations Unit provides the foundation by which BNE fulfills its state-level responsibilities for combating intrastate drug trafficking. SOUs develop sources of information that identify the structures and members of intrastate drug trafficking organizations. The SOUs evaluate and validate this information by examining financial records and conducting field surveillances to identify methods of operation as well as supply and distribution networks. **Emphasis is placed on defining appropriate investigations to ensure the elimination of the organization itself, rather than the random arrest of easily replaced members.**
 - Like the CrackDown program, the SOU program was developed to allow law enforcement to concentrate on major offenders such as commercial marijuana smugglers, multi-pound methamphetamine distributors, and other major drug violators.

- **Regional Task Forces Program** – the need for a partnership among local jurisdictions to coordinate and concentrate efforts against drug traffickers, caused many California Chiefs and Sheriffs to request that BNE initiate a regional task force program in the mid – 1970s. BNE assigns a Special Agent Supervisor to act as the commander of the Task Force and local agencies provide officers and additional resources. Two Special Agent Supervisors supervise larger task forces. A council made up of the local chiefs, sheriffs, district attorneys, chief probation officers, and the BNE Special Agent in Charge in whose region the task force

operates governs each task force. The scope of the task force concept has recently been expanded to include the protection of Drug Endangered Children. Local task forces have partnered with child protective services to ensure that immediate service is provided to neglected and abused children who are often encountered in drug labs or arrest situations. In 2001, BNE removed 259 children from clandestine laboratory environments and turned them over to Child Protective Services.

The units currently supervised under a Memorandum of Understanding by BNE Supervisors are listed below:

Alameda County Narcotic Task Force	Southern Alameda County Narcotic Enforcement Team
Allied Riverside Cities Narcotic Enforcement Team	South Bay Methamphetamine Task Force
Butte Interagency Narcotic Task Force	Santa Barbara Regional Narcotic Enforcement Team
Central Contra Costa Narcotic Enforcement Team	San Bernardino County Westend Narcotic Enforcement Team
San Joaquin County Narcotic Task Force	Santa Cruz County Narcotic Enforcement Team
Coachella Valley Narcotic Task Force	Santa Clara County Specialized Enforcement Team
Humboldt County Drug Task Force	Siskiyou Countywide Interagency Narcotic Task Force
Imperial County Narcotic Task Force	Shasta Interagency Narcotic Task Force
Kings County Narcotic Task Force	South Lake Tahoe/El Dorado County Narcotic Enforcement Team
Los Angeles Interagency	San Luis Obispo County Narcotic Task Force
Metropolitan Police Apprehension Crime Task Force	Solano County Narcotic Enforcement Team
Lake County Narcotic Task Force	Tehama and Glenn Methamphetamine Enforcement Team
Madera County Narcotic Enforcement Team	South Santa Clara/San Benito Narcotic Enforcement Team
Mendocino Major Crimes Task Force	West Contra Costa Narcotic Enforcement Team
Merced/Mariposa Narcotic Task Force	Yolo Narcotic Enforcement Team
Yuba/Sutter Narcotic Enforcement Team	
Napa Special Investigations Bureau	
Placer County Narcotic Task Force	
Palo Verde Valley Narcotics Task Force	
Southern Alameda County Gang Violence Suppression Task Force	

- **Special Task Force Program** - During the late 1980's, in addition to the above listed task forces, there were a number of special task forces established to combat specific drug problems that did not fall within BNE'S established criteria for either regional task forces or clandestine lab task forces. Special Task Forces are enforcement units created to combat a specific community problem or specific drug problem.
 - Inland CrackDown Allied Task Force (INCA)
 - Fresno HIDTA
 - Bay Area HIDTA
 - San Diego HIDTA
 - Southern California Drug Task Force (HIDTA)
 - San Diego Financial Task Force
 - San Diego International Airport/Harbor Narcotic Task Force
 - Los Angeles County Regional Criminal Information Clearinghouse
 - Operation Alliance Task Force
 - Omega Task Force

- **Campaign Against Marijuana Planting (CAMP)** – CAMP was created in 1983, to help the local sheriff's departments combat the proliferation of drug trafficking organizations utilizing public and private lands to cultivate marijuana. CAMP is a multi-agency law enforcement task force organized expressly to assist smaller local sheriff's departments in their efforts to eradicate marijuana cultivation and drug trafficking in California. CAMP is one of the largest marijuana enforcement and eradication task forces operating in the United States. CAMP's primary objectives include: reducing the availability of domestic marijuana by eradicating crop sites; increasing public and environmental safety by removing marijuana growers from public and private lands; investigating indoor growing operations; deterring potential growers, and promoting public information and education on marijuana.

- **Financial Investigations Program (FIP)** – The FIP provides coordination, training, information, and investigative assistance to departmental and other state and local law enforcement agencies involved in money laundering/financial investigations and asset forfeiture activities.

- It is primarily an analytical unit that provides information and support for financial, money laundering, narcotic and other investigations. FIP provides this information to state and local law enforcement agencies.

- FIP is the designated State Coordinator for the U.S. Treasury's Financial Crimes Enforcement Network (FinCEN). State and local law enforcement agencies go through FIP to obtain Bank Secrecy Act (BSA) information available through FinCEN. FinCEN provides FIP analysts access to financial, commercial, and law enforcement databases to assist law enforcement in their criminal investigations.

- FIP carries out the Department of Justice’s responsibilities under state money laundering and currency transaction reporting statutes that became effective January 1, 1987. Pursuant to these states, the FIP collects and analyzes reports submitted by financial institutions of cash transactions exceeding \$10,000 and reports possible money laundering violations to the appropriate criminal justice agencies.

- **Diversion Program** – BNE is required by the Health and Safety Code, Division 10, Uniform Controlled Substances Act, to investigate doctors, pharmacists, nurses, and “patients” who divert pharmaceutically produced controlled substances from legitimate channels to the illicit market. Most Schedule II drugs listed in the California Health and Safety Code have a high potential for diversion into illegal channels because of their similar effects to illegal narcotics. Many of BNE’s investigations involve “patients” that visit one doctor after another to obtain more than the legally prescribed amount of narcotic drugs, or “patients” that forge or steal prescriptions to obtain drugs illegally. Occasionally, BNE’s cases involve physicians that routinely prescribed irresponsibly and as a result patients die. Our San Francisco, Sacramento, and San Diego regional offices have agents assigned to work in a coordinated effort with local law enforcement and the Department of Consumer Affairs to stop the diversion of pharmaceutical drugs into illegal markets.

- **Triplicate Prescription Program** – Created in 1940, the California Triplicate Prescription Program (TPP) is the oldest, and longest running multiple-copy prescription program in the nation. The Triplicate Prescription Program tracks the prescribing of Schedule II pharmaceuticals from physician to pharmacy.

- The Triplicate Prescription Program is responsible for monitoring the distribution of Schedule II controlled substances statewide. This is done through the issuance of serialized triplicate prescription forms; receipt and review of the filled triplicate prescription forms for incomplete or erroneous information; review, validation and analysis of the triplicate prescription information; response to inquiries from law enforcement and regulatory boards; and forwarding of investigative leads to Bureau of Narcotic Enforcement and local law enforcement field diversion units and regulatory boards in an effort to prevent the diversion of prescription drugs into the illegal market, without interfering with legitimate prescribing practices.

- The Triplicate Prescription Program directly supports the Bureau of Narcotic Enforcement’s responsibilities and efforts relative to violators of prescription drugs laws in California. The Schedule II prescription information maintained by the Triplicate Prescription Program supports both criminal and regulatory diversion enforcement efforts. As stated, the program provides concrete leads to sources of drug diversion.

- BNE’s Triplicate Prescription Program is a model for other states in the nation. Since its inception in California, 17 other states have adopted this prescription-monitoring program.

II. EFFECTIVENESS OF EACH PROGRAM

Each of our programs evolved and developed from specific needs of California’s communities that were not being met by local or federal law enforcement. BNE deals solely with drug manufacturers, dealers, and importers. Our investigations disrupt and dismantle illegal business enterprises. All of our programs are geared toward that goal. We judge the success of the programs by drug availability at the wholesale level, the amount of violence in the community, and the number of drug trafficking organizations operating within a community.

- **BNE Budget/Funding FY 02/03**

Total Budget FY 02/03	50,740,086
General Fund	28,694,289
Reimbursement (Federal Grants)	13,799,017
Asset Forfeiture - Federal (Spending Authority)	4,489,564
Federal Asset Acct. Beginning Balance July 1, 2002	2,385,473
Asset Forfeiture – State (Spending Authority)	466,272
State Asset Acct. Beginning Balance July 1, 2002	648,123
Federal Trust (Grants)	3,290,944

- **The Clandestine Laboratory Enforcement Program (CLEP)**, - CLEP provides a standardization of clandestine laboratory investigation and safety not met by local or federal agencies. This program provides training, guidance, and expertise to agencies and communities ill-equipped to deal with the dangers, hazards and environmental contamination of clandestine laboratories.

The California Laboratory Enforcement Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	1,311,833
General Fund FY 02/03	1,311,833
Grant FY 02/03	0
Total Positions	18
Sworn – filled	17
Vacancies	1

BNE has the primary role of responding to clan labs at the request of local agencies that are untrained and unprepared to deal with the site. BNE has trained the majority of narcotic officers in California in the basic recognition of methamphetamine laboratories. Because of this training there have been few

officers injured at drug labs. California has become the lead state in the nation in providing training on Meth labs. We have included photographs of the destructions caused by methamphetamine laboratories in your handouts.

According to the DEA's National Clandestine Laboratory Seizure System, in 2001 over 2,023 children were found present in drug labs nationally. 700 of these children tested positive for toxic levels of chemicals. In California, BNE has turned over 259 Drug Endangered Children to Child Protective Services.

- **California Methamphetamine Strategy (CALMS).** CALMS focuses on investigations of superlabs and rogue chemical companies. Since its inception, CALMS teams have conducted 1,936 investigations, made 2,392 arrests, and seized over 123,996,480 dosage units (27,312 pounds) of methamphetamine. Additionally, over \$3 million has been spent to fund local law enforcement salaries and overtime.

Since local agencies do not have the resources or expertise to investigate superlabs, or rogue chemical companies operating in their communities, BNE assumes that responsibility.

BNE, through its Prevention and Education Program, has actively participated in four "The Drug Store" prevention events. "The Drug Store" is a week-long community event held through out the year, in which over 4,000 fifth and six grade students attend presentations relating to drug abuse and its consequences.

The California Methamphetamine Strategy Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	10,522,032
General Fund FY 02/03	8,408,000
Grant FY 02/03	3,000,000
Total Positions	63
Sworn – filled	55
Vacancies	8

The DEA Southwest Regional laboratory states that the quality of the methamphetamine seized has dropped from 80% purity to 30% purity within the last four years. The price of methamphetamine has risen from \$4,000.00 per pound to \$7,000.00. The smaller labs seizure numbers have decreased but the larger Drug Trafficking Organizations (DT0) labs have increased, indicating that the control of precursor chemicals on the local level has been effective. Attachment 5.

BNE believes that the combined investigative efforts through the regional offices and the Precursor Compliance Program has effectively lowered the number of clan labs in California especially for the smaller neighborhood methamphetamine clan lab group because BNE has successfully barred local manufacturers from

access to necessary chemicals. The DTO's normally obtain their chemicals by smuggling them across the borders of Canada or Mexico. The smaller lab operators must obtain their precursor chemicals from local sources: sources that have been now cut off by enforcement.

In 2000, BNE seized a total of 923 meth labs. In 2001, BNE seized a total of 768 meth labs. Therefore the amount of labs found in California is decreasing. There are two types of clandestine methamphetamine laboratories that are problems to the state: the small quantity manufacturers and the large Drug Trafficking Organizations (DTO'S). Attachment 6.

- **Precursor Compliance Program (PCP)** The PCP is the state regulatory authority, as directed by Article 1, Chapter 3 of the Health and Safety Code, over businesses providing or receiving precursors (chemicals used in manufacturing controlled substances that remain as part of the finished product), lab glassware, apparatus, reagents, and solvents. The PCP has successfully held businesses providing precursor chemicals accountable for the distribution of chemicals that subsequently ended up in methamphetamine laboratories. The PCP has been instrumental in the successful federal and state prosecution of these cases.

The California Precursor Compliance Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	324,095
General Fund FY 02/03	324,095
Grant FY 02/03	0
Total Positions	7
Support – filled	7
Vacancies	0

BNE believes the drop in seizures of the small neighborhood methamphetamine laboratories indicates that the Precursor Compliance Program has been successful in denying local drug manufacturers access to precursor chemicals.

- **The Violence Suppression Program (VSP)** – VSP was established at the request of the Governor's Office and the California Office of Criminal Justice Planning (OCJP) because of a growing problem of violent crimes being committed by suspects using illegal weapons.

The Violence Suppression Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	5,164,823
General Fund FY 02/03	4,446,876
Grant FY 02/03	1,600,000
Total Positions	58
Sworn – filled	50
Vacancies	8

BNE measures the success of the Violence Suppression Program by noting that in 2001, VSP opened 443 investigations, and arrested 554 violent offenders for crimes such as homicide, robbery, kidnapping, and rape. Drug trafficking/abuse often was the motivational factor in the commission of these crimes.

- **The CrackDown Program** was designed to coordinate statewide law enforcement efforts toward the Colombian drug cartels and California street gangs engaged in the trafficking of cocaine and related money-laundering activities in California. No other law enforcement agency within California deals with this problem on a statewide platform. No other California agency is capable of crossing all 58 county lines, collecting criminal intelligence information on gang and cocaine trafficking, and interacting with local law enforcement agencies. To cut this program and stop the investigation of major cocaine traffickers would allow major drug traffickers to operate with virtual immunity within the borders of California.

The CrackDown Program was funded in FY 01/02 by:	
FY 01/02 (Expenditures)	12,968,201
General Fund FY 02/03	6,434,000
Grant FY 02/03**	9,726,000
Allocated	47
Support –filled	44
Vacancies	3

** Grant amount includes funding for the Mission Support Branch (\$1,213,000) and the Bureau of Forensic Services (\$540,998) in support of the CrackDown Program

Crack cocaine was epidemic in the inner cities of California from approximately 1986 through 1993. Successful local and state enforcement efforts have greatly reduced the street corner sales and violence resulting from the sales of crack cocaine. Our current on-going investigations are preventing a resurgence of the epidemic. In 2002, the CrackDown program seized 1,652,560 dosage units (367 pounds) of cocaine, and made 187 felony drug trafficking arrests.

- **Special Operations Units (SOU)** - SOU provides the foundation by which BNE fulfills its state-level responsibilities for combating intrastate drug trafficking. SOUs develop sources of information that identify the structures and members of intrastate organizations. The SOUs evaluate and validate this information by examining financial records and conducting field surveillances to identify methods of operation as well as supply and distribution networks. Emphasis is placed on target selection to ensure the elimination of the organization itself, rather than the random arrest of easily replaced members. This is an area of investigation unique to state level law enforcement and not provided by any local or federal agency. The Special Operations Unit Program was funded in FY 01/02 by:
- | | |
|-------------------------|-----------|
| FY 01/02 (Expenditures) | 1,023,358 |
| General Fund FY 02/03 | 1,023,358 |
| Grant FY 02/03 | 0 |
| Allotted Positions | 23 |

Sworn – filled	12
Vacancies	11

The success of the Special Operations Unit is based on the service it provides local agencies to address current drug trafficking trends. The SOU responds to request for services through out the state. The SOU program made 139 arrests and seized 100,788 joints (222 pounds) of marijuana, and 276,940 dosage units (61 pounds) of methamphetamine

- **BNE’s Task Force Program** reflects the concept of several agencies combining personnel into one investigative unit as a way of controlling costs and maximizing the effect from limited resources. Each task force is formed through a Memorandum of Understanding (MOU) signed by each participating law enforcement agency. Task force priorities are set by its governing council, which is comprised of the heads of the agencies participating in the task force. This approach allows BNE to provide policy, training and standardization of services in enforcement techniques and methodology. This allows local law enforcement to access statewide resources, and network with over 500 city and state agencies, that are a part of this program. We therefore consider this an essential program for the safety of the people of California.

The BNE Task Force Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	7,727,836
General Fund FY 02/03	7,727,836
Grant FY 02/03	0
Total Positions	73
Sworn – filled	69
Vacancies	4

One of the most successful programs operated by BNE is the Local Agency Task Force Program. Most law enforcement agencies within California are relatively small. They are unable to afford a full time narcotics unit. The concept of several agencies pooling manpower into the investigation of specific crimes is a time proven way of controlling costs and having enough personnel to accomplish the mission. BNE presented the task force concept to local police and sheriff’s departments as an effective way of combating drug sellers for agencies unable to afford sufficient personnel equipment and office space.

In order to be effective a narcotics unit must have a level of expertise that does not exist in most police agencies. BNE provides this level of expertise by providing a Special Agent Supervisor to operate and manage the local agency task forces. This also allows BNE to draw upon resources in every area of the state for help in conducting investigations into large drug organizations.

- **The Campaign Against Marijuana Planting (CAMP)** is funded by BNE, DEA, Bureau of Land Management, and the Office of Criminal Justice Planning. CAMP is a multi-agency law enforcement task force organized expressly to assist smaller local sheriff's departments in their efforts to eradicate marijuana cultivation and drug trafficking in California. CAMP targets the major drug traffickers operating within the borders of California. Without CAMP most local sheriff departments would not have the resources to effectively eradicate marijuana production within their counties.

The Campaign Against Marijuana Planting was funded in FY 01/02 by:

FY 01/02 (Expenditures)	846,506
General Fund FY 02/03	381,506
Grant FY 02/03	465,000
Sworn – filled	1
Vacancies	0

Since the recently released Substance Abuse and Mental Health Services Administration (SAMHSA) report states that early initiation to marijuana use is in fact associated with later use of other drugs and with greater risk of illicit drug dependence or abuse, the task to cut the supply of illegal marijuana into the community takes on an even greater significance. Especially since the SAMHSA report also states that children are abusing marijuana at an earlier age.

On September 21, 2001, the nineteenth consecutive Campaign Against Marijuana Planting (CAMP), eradication season concluded. CAMP 2001 consisted of three teams operating for an eight-week season. For the second time in CAMP's nineteen-year history, CAMP 2001 broke the 300,000 plant count. CAMP 2001 operated three weeks shorter than 2000. In 2001 CAMP accomplished the following:

313,776	Plants eradicated	
1.2	Billion dollar wholesale value	$313,776 \times \$4,000.00 = \$1,255,104,000$
20	Arrests	
70	Agencies participated	

In the past three years. CAMP has experienced drastic changes in the methods of marijuana drug trafficking. Marijuana is no longer produced only in the northern California counties. It is produced all over the state of California. Growers are less likely to be owner-operators, and more likely to be Mexican Nationals, recruited by drug cartels to live in modest campsites on private and public lands. These individuals are heavily armed with assault type weapons.

The drug trafficking organizations operate marijuana production in the state of California much like a legitimate business. Today the cost of one pound of California Marijuana is \$4,000.00 per pound. Each marijuana plant grown in

California will conservatively yield one pound of Marijuana. Last year after the dismantling by BNE of a large drug organization in the central valley, it was determined the organization was using methamphetamine profits to fund its more profitable marijuana operations.

The Financial Investigations Program (FIP), FIP is funded by asset forfeiture funds and its purpose is to coordinate and support asset forfeiture/money laundering/financial investigative operations of the Bureau’s regional offices, task forces, and local law enforcement agencies.

The California Financial Investigation Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	778,749
General Fund FY 02/03	0
Grant FY 02/03	0
Asset Forfeiture – State FY 02/03	466,272
Asset Forfeiture – Federal FY 02/03	335,588
Total Positions	11
Sworn – filled	0
Support –filled	10
Vacancies	1

BNE considers this an effective support program designed to enhance drug investigations. This is a self-supported program. In 2001, FIP created 526 Gateway cases through FinCEN with a total of 1,066 subjects. These investigations not only support the California Department of Justice but other state and local law enforcement investigations in California.

- **The Diversion Program** was legislated through the Health and Safety Code, Division 10, Uniform Controlled Substances Act. BNE is required to investigate doctors, pharmacists, nurses, and “patients,” who divert pharmaceutically produced controlled substances from legitimate channels to the illicit market. California does not seem to be experiencing the severe diversion of Oxycontin that is rampant in other states. BNE attributes the continued enforcement and monitoring efforts of the Diversion Program and Triplicate Prescription Program as preventative programs

The California Diversion Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	940,143
General Fund FY 02/03	940,143
Grant FY 02/03	0
Total Positions	11
Sworn – filled	11
Vacancies	0

The Triplicate Prescription Program regulates and monitors the distribution of Schedule II controlled substances through the use of state issued triplicate prescription forms and the maintenance of CURES, an automated monitoring system. Schedule II controlled substances are listed under California Health and Safety Code 11055 and have a high propensity for abuse and addiction. They are the most stringently regulated legal controlled substances. The program's objective is to assist in the reduction of pharmaceutical drug diversion without affecting legitimate medical practice and patient care. This program is frequently utilized to identify physicians that are prescribing illegally. Currently two doctors are under investigation for the deaths of six to seven patients because of their prescribing practices. Without this program, these physicians would be virtually unidentifiable. With the growing concern of Oxycontin abuse in states without the triplicate prescription monitoring, this program is essential to continued enforcement efforts.

The Triplicate Prescription Program was funded in FY 01/02 by:

FY 01/02 (Expenditures)	790,445
General Fund FY 02/03	483,068
Grant FY 02/03	307,377
Total Positions	11
Sworn – filled	0
Support –filled	8
Vacancies	3

In 2001, the Triplicate Prescription Program monitored 2,277,357 Schedule II prescription transactions. The program responded to 221 law enforcement/regulatory requests for triplicate information. During 2002, the Triplicate Prescription Program made 15 diversion investigative referrals to law enforcement.

IV. KEY ROLE OF DRUG LAW ENFORCEMENT IN THE SUCCESS OF PREVENTION AND TREATMENT PROGRAMS

- Law enforcement plays a unique and vital role in today's current treatment community in that an individual must first be arrested to be eligible for the treatment offered by the funding of Proposition 36. If law enforcement efforts are deterred because of budget cuts and redirection, drug addicted individuals will be relegated to a public nuisance problem with no avenues to treatment besides voluntary commitment -- voluntary commitment that does not often occur. Not only is this detrimental to the individual, but it also affects the quality of life afforded the surrounding community.
- BNE supports prevention and treatment by recognizing that law enforcement's vital role is to ensure that when a fifteen year old walks ten blocks from drug treatment to home or school making an honest effort to stay clean, ten houses along the way are not occupied by drug dealers. Children

walking from home to school should not be exposed to drug trafficking. Backyards play areas, and public parks should not be drug lab chemical dump sites.

- BNE supports prevention and treatment through the drug courts, recognizing that an individual often must first be arrested before recognizing and his need for treatment.
- BNE targets major drug traffickers. Major drug traffickers are motivated by money, not by drug addiction, and are therefore not usually amenable to treatment. In the near term, prevention and treatment programs can do little to lessen the workload of BNE, because BNE deals with major drug dealers, smugglers, money launderers, drug manufacturers, and narco-terrorists, not drug abusers.
- Therefore, BNE views its role in prevention, treatment, and enforcement as the necessary enforcement component, tasked with the elimination of drug supplies, preservation of public safety, support of drug prevention programs through its Prevention and Education Program, and suppression of narco-terrorism.
- BNE is committed to the removal of major drug traffickers, manufacturers, smugglers and narco-terrorists from entrenching, operating, and existing unchecked within our California communities.

V. ASSET FORFEITURE

- State Authority for asset forfeiture is documented in California Health and Safety Code Sections 11369-11495. These sections state the authority for civil asset forfeiture of the proceeds of illegal narcotic trafficking.
- The distribution of funds (H&S Section 11489) are as follows: 65% to the state, local or state and local law enforcement entities that participated in the seizure. 15% of this amount is to be deposited in a special fund maintained by the county, city or city and county of any agency making the seizure or seeking an order for forfeiture. This 15% requirement is not available to state agencies. 10% to the prosecutorial agency which processes the forfeiture. This shall not be used to supplant any state or local funds.
- Effective January 1, 1995, 24% of adjudicated asset forfeiture shall be deposited in the General Fund in an amount not to exceed ten million dollars. These funds shall be made available for school safety and security, upon appropriation by the Legislature.

- 1% of adjudicated asset forfeiture shall be directed to a private nonprofit organization composed of local prosecutors for the purpose of providing training for prosecutors and law enforcement officers.
- According to the Budget Act of 1985, all funds allocated to the Department of Justice for state forfeiture, shall be deposited into the Department of Justice Special Deposit Fund-State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Health & Safety Code Section 11493.
- All funds distributed to the state and local governmental entity as noted above, shall no be used to supplant any state or local funds that would, in the absence of the Health and Safety Code, be made available to support the law enforcement and prosecutorial efforts of the agencies.
- Currently, the perception that there are large sums of money available from asset forfeiture. BNE's share of **state** asset forfeiture averages approximately \$217,250 per year. Under current state law, asset forfeiture funds cannot be used for drug treatment. The attached chart shows BNE's asset forfeiture seizures.
- See attached charts for total state and federal asset forfeiture years 1998-2002. Attachment 7, 7a, 7b, 7c, 7d.

CONCLUSIONS/RECOMMENDATIONS

BNE is committed to actively participating as a responsible and supportive advocate of prevention, treatment, and enforcement applied in a balanced responsible manner. It is an agreed upon ideal of all three components that prevention and treatment are the preferred alternatives to incarceration. Yet to weaken enforcement efforts and not make criminals accountable for their actions, (and drug trafficking is a criminal act), would not only be detrimental to the drug addicted individuals and their family members, but would be unfair to the law abiding community who truly are the innocent victims of chronic drug abuse.

The question that this commission has asked BNE framed by the construct of our programs, is what area of major drug trafficking can our community afford to ignore: major international cocaine traffickers that utilize their profits to purchase weapons and fund narco-terrorism; major methamphetamine manufacturers that saturate our communities with methamphetamine, pollute our environment and cause the neglect and abuse of our young children; commercial marijuana cultivators that entrench their illegal enterprises on our public, recreational, and agricultural lands; money brokers that launder millions of drug dollars through our community; businesses that make millions of dollars while turning a blind eye to the fact that the chemicals they sell are poisoning our youth, our land and our society? We are of the belief that we cannot afford for one moment to ignore any of these illegal enterprises.

Prevention and treatment are programs to help drug addicted individuals. BNE investigates and prosecutes criminal drug enterprises. If prevention and treatment programs can deter the demand for drugs in the community and BNE can deter the supply of drugs to our communities, the State of California may one day realize its goal of a near drug free society.

General law enforcement within the United States has three distinct levels of responsibility. A similar model exists for drug enforcement. The federal government, represented by the Federal Bureau of Investigation, Drug Enforcement Administration, and other agencies, is responsible for interdicting major foreign cartels and inter-country transshipments of drugs. Local police departments and sheriffs' offices respond to local community complaints, and provide those visible and day-to-day services expected by their citizenry within their respected jurisdictions. State governments are responsible for bridging the gap between the two levels of law enforcement responsibility. This is an area of responsibility for which the Bureau of Narcotic Enforcement (BNE) was designed. BNE provides needed resources to those counties unable to deal with the fluid and transitory nature of drug trafficking. **The twelve largest and most resourceful local law enforcement agencies in the state are devoting only approximately 2% of their total resources to interdict the problem of the drug trafficking.** Attachment 8, 8a.

BNE therefore provides resources for those investigations that travel across city and county lines, and at times, all the way across the 58 counties of the state.

Further, BNE provides up to date and state of the art training to law enforcement across the state, ensuring consistency and continuity in legal and operational matters.

BNE has also demonstrated its effectiveness of dealing with the two most visible victims of the drug trafficking trade, and they are: the children as victims of drug manufacturing parents; and the environmental devastation created by the flourishing methamphetamine clandestine laboratory trade that infects California, particularly in the Central Valley, from which much of the state's agriculture is produced.

As has been pointed out throughout this testimony, BNE is able to measure success by such quantitative statistics as arrests, drug seizures, current drug prices, purity levels, load sizes, new methodologies for importation, and drug use rates. But there are intangibles that we intuitively and anecdotally understand, but can't prove in a quantitative way. For instance, it is well known that a patrol car patrolling a neighborhood has an impact on interdicting and preventing crime. But how do we measure crime that does not occur? We can prove that the patrol car has an impact by simply removing that patrol car from a sector of a neighborhood, and in time watching the crime rate increase. The mere fact that there is an absence of enforcement on a particular criminal act will in itself allow that criminal act to flourish. Narcotic enforcement operates under the same premise. We know that enforcement of drug laws prevents many crimes from occurring, but there are few ways to quantifiably capture those drug crimes prevented by the existence of BNE.

To that end, the Bureau is committed to supporting what has become to be known as the “three-legged stool” approach to the drug abuse problem, the clearly-defined strategy of prevention, treatment, and enforcement. The removal of any leg, or shortening thereof, causes the stool to wobble or, without one of the legs, simply fall over and cease to function effectively as a stool. The drug problem, or drug strategy, has been defined for years as needing this entire approach to be effective. The problem is that while the strategy is clearly defined and understood, it has rarely been effectively coordinated and implemented. Hence, BNE stresses and supports the use of a statewide strategy utilizing all three of the drug reduction models under a single, coordinated plan.

BNE recommends not only that we look to the future for our answers, but also that we look to the past for well-defined strategies such as the California Master Plan to Reduce Drug and Alcohol Abuse, which to put it simply, has not yet been sufficiently implemented. In 1991, the plan was prepared by the Department of Alcohol and Drug Programs (ADP) in which a “California Master Plan to Reduce Drug and Alcohol Abuse” was developed and submitted for public review. The objective of this California Master Plan was to promote among government agencies in the communities that were served, a system of coordinated drug and alcohol service planning to “guide service delivery.” As is needed now, the plan at that time attempted to implement and coordinate the “three-legged stool” approach – prevention, treatment, and enforcement – in a cohesive and committed political environment.

The California Master Plan, at that time, called for “a new spirit of cooperation.” It would be BNE’s stance that this spirit of cooperation needs to be regenerated and **prevention priorities, treatment and recovery priorities, major enforcement and intervention priorities, evaluation and research priorities, and public policy development priorities** are developed in partnership with a broad-based community involvement to ensure that the service systems are coordinated and implemented in a clearly-defined and effective strategy. To that end, the following recommendations intended to integrate BNE into the larger scope of drug enforcement, prevention, and treatment would be recommended:

- I. **A drug policy council** developed under the guidance of the State Legislature, the Governor, and the Attorney General’s Office’s that establishes a statewide drug policy that will coordinate enforcement, treatment, and prevention people working in a concerted and coordinated effort to improve the quality of life for all Californians effected by drug traffickers.
- II. Continued support for the Department of Justice, Bureau of Narcotic Enforcement, particularly in the area of those programs directed towards the investigation and interdiction of inter-state, multi-jurisdictional criminal organizations trafficking drugs; violent crime-based gangs and individuals; methamphetamine laboratories that wreak havoc upon environmental and agricultural communities; and, most importantly, enforcing programs

devoted to the protection of children, whether it be from victims of drug-abusing parents, victims of drive-by shootings, or neglected children of drug traffickers consumed by their involvement in the drug trade. BNE is committed to integrating quicker delivery of **treatment on demand** to persons contacted by law enforcement, particularly upon those using drugs who may be subjected to AIDS.

- III. Expand and support the utilization of Drug Courts. Study after study has proven that coercive treatment, that is, a concept where there is individual responsibility of the drug user to respond to treatment when faced with possible sanctions if treatment is refused or neglected. A joint program by BNE and San Francisco Police Department, known as the Campaign Against Drug Abuse (CADA) has research that clearly shows that drug-addicted individuals are more willing to accept offered treatment when there are sanctions.
- IV. Expand drug treatment awareness and training for all law enforcement in the area of prevention and treatment coordination, particularly in the area of dual diagnosed individuals who may have emotional as well as drug-abuse problems. This can be accomplished by integrating training through the state's Police Officer Standards and Training (POST) Program.
- V. Expand continued support for inmate substance abuse treatment and "after release" service research in order to reduce the use of substances by prisoners and parolees, and coordinate parole and probation services with treatment, health, and law enforcement agencies.
- VI. Revise and renew the California Master Plan, integrating all 58 counties, in an effort to coordinate local, as well as federal, enforcement, treatment, and prevention services.
- VII. Establish an agreed-upon methodology in which the effectiveness of each individual service – law enforcement, treatment, and prevention – can be measured individually and as a whole in order to better understand future trends, programs, and needs.**

This concludes my testimony today. I want to thank you for your attention and welcome any questions you might have.

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