

PERFORMANCE AUDIT REPORT

Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
July 2001**

Legislative Post Audit Committee

Legislative Division of Post Audit

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July 19, 2001

To: Members, Legislative Post Audit Committee

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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts*.

This report includes several recommendations for strengthening Kansas' enforcement efforts against methamphetamine manufacturing and use. We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

The report also contains appendices showing a summary of survey responses from local law enforcement officials and prosecutors.

If you would like a copy of the full audit report, please call our office and we will send you one right away.

A handwritten signature in black ink that reads "Barbara J. Hinton". The signature is written in a cursive, flowing style.

Barbara J. Hinton
Legislative Post Auditor

EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

Question 1: What Are the Costs Associated With Methamphetamine Manufacturing and Use in Kansas?

Although no one knows exact costs, we estimate that at least \$21 million was spent last year to combat methamphetamine in Kansas. *We estimated those costs by surveying local law enforcement officials and prosecutors, and we interviewed officials from the Highway Patrol, the National Guard, the KBI, the FBI, the Drug Enforcement Administration, and the Department of Health and Environment.* page 8

These costs probably are understated because not all law enforcement agencies responded to our surveys, and we didn't attempt to estimate the costs of the agencies that didn't respond. Also, the FBI and the federal Drug Enforcement Administration didn't reveal how much they spend.

Costs of law enforcement and prosecuting suspects: \$16.5 million. Local law enforcement agencies spent more than half of that total, and local prosecutors accounted for \$3 million of it. This cost category also included spending by the KBI's anti-drug unit and its chemistry lab, as well as spending by the National Guard, the Highway Patrol, and by various anti-drug task forces. page 8

Costs of cleaning up meth manufacturing sites: \$1.7 million. For every pound of meth produced, 5-6 pounds of toxic waste is left behind to contaminate soil, water, buildings, and building contents. Law enforcement agencies have 3 options for handling cleaning up a meth site: call the Drug Enforcement Administration, call the KBI, or do it themselves. page 10

Costs of incarcerating those convicted of manufacturing meth: \$1.7 million. During fiscal year 2000, 89 people were convicted and imprisoned in Kansas correctional facilities for manufacturing an illegal substance. Based on our testwork, it's likely that all 89 were meth manufacturers. We estimated incarceration costs by multiplying 89 by the average cost to house one prisoner for one year. page 11

Costs of treating users: \$1.1 million. Most meth addicts seeking treatment in Kansas receive State-funded outpatient services. In the past 5 years, the amount SRS has spent to treat meth addicts has more than doubled. page 11

Most of the money spent came from local sources. *Of the \$21 million spent to combat meth in 2000, local law enforcement agencies and prosecutors spent about 61%. Of the moneys that locals spent, 87% came from local sources, and 6% came from 3 types of federal grants, including High Intensity Drug Trafficking Area moneys, Byrne grants, and local law enforcement block grants .* page 13

In addition to the quantifiable costs associated with methamphetamine, there are a number of social costs which really can't be measured. *Among those social costs are increases in crimes related to meth use, including domestic violence, robbery, burglary, and theft. Three of 5 law enforcement agencies that returned our survey said more than 10% of the crime committed in their jurisdictions is related to meth use. Meth use also is associated with increased vehicle accidents, dependence on public assistance, and need for special education services. The effects of meth on the user's body and mind also increase medical and insurance costs.* page 14

Question 2: How Much Progress Is Being Made Against Methamphetamine Manufacturing and Use in Kansas, and What Opportunities Exist To Strengthen Current Enforcement Efforts?

The number of methamphetamine labs has shown explosive growth over the **past few years.** *The number reported by the KBI jumped from 189 in 1998 to 702 in 2000, but not all labs are being reported to the KBI. Law enforcement agencies that answered our survey reported 1,209 labs in 2000, and we estimate they could find more than 2,000 this year. Because not all of those labs are reported to the KBI and the number of labs is important in the distribution of federal funding, it's possible Kansas isn't getting as much federal funding to fight meth as it might. Labs have been found across the State, but they seem to be concentrated in parts of eastern and southern Kansas. The counties with the most labs aren't necessarily the most populous counties.* page 15

Despite the increases in the numbers of labs, most law enforcement officers told us Kansas is making progress against meth. *That's because the public is more aware of the problem and of what to look for and report, and officers are better trained, so more labs are being found. It's also because some offenders are in jail and therefore are unable to continue manufacturing meth or teaching others to make it. However, about 1 in 4 law enforcement officers told us Kansas hasn't recognized the extent of the problem and isn't getting manufacturers off the streets soon enough. Most law enforcement officers rated their coordination with the various agencies involved in anti-meth activities as good or excellent. Law enforcement officials also told us that task forces are good ways to combat illegal drugs, and we identified 15 such task forces during this audit.* page 18

New legislation passed in 1999 was a step in strengthening methamphetamine enforcement efforts. page 20
The Chemical Control Act created a system to track the distribution of bulk-regulated chemicals, made it unlawful to possess drugs to be used to make meth, and established a fund to help with cleanup and with meth education programs. However, law enforcement officials told us, these provisions plus strict penalties don't do any good if prosecutors can't get lab reports from the KBI in a timely manner. The backlog at the KBI lab has been a problem for several years, and the rapid increase in meth manufacturing makes it worse. As a result, suspects aren't being charged, or charges are reduced or dismissed. In addition, the KBI doesn't have staff to follow up on tips from the public, from retailers, and from sellers of bulk-regulated chemicals. A new federal grant will allow the KBI to hire one analyst to begin following-up on such tips.

Law enforcement officials told us they need more resources to fight meth. page 22
With the continuing increase in meth labs, and the fact that labs are becoming more portable and difficult to find, local law enforcement officials told us they need more officers, more specialized training, and the specialized equipment necessary to keep law enforcement officers safe. Educating the public also is a priority for law enforcement officers. We identified a number of additional opportunities to strengthen current enforcement efforts, including these: providing funding for KBI analysts who would follow up on tips, modifying the evidentiary process, increasing the regulation of chemicals used to make meth, and obtaining better data about health problems related to meth.

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APPENDIX C: Survey of Kansas County or District Attorneys page 35

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This audit was conducted by Laurel Murdie, Jill Shelley, and Lisa Hoopes. Leo Hafner was the audit manager. If you need any additional information about the audit's findings, please contact Ms. Murdie at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call us at (785) 296-3792, or contact us via the Internet at LPA@lpa.state.ks.us.

Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts

Methamphetamine, commonly referred to as “meth,” is a powerful and illegal drug that targets the central nervous system. Meth’s ease of manufacture, high profit potential, and addictiveness have helped fuel a meth epidemic in the Midwest. According to information from the Kansas Bureau of Investigation, seizures of meth labs in Kansas increased from 4 in 1994 to 702 in 2000. The Koch Crime Institute reports that the region’s meth epidemic stems from both the steadily increasing importation of meth into the region by organized trafficking groups, and clandestine manufacturing of meth by hundreds of users/dealers in small “mom and pop” labs.

The 1999 Legislature passed new legislation aimed at combating meth manufacturing in Kansas. Among other changes, the new legislation made possession of meth ingredients illegal in certain circumstances, increased the minimum sentence length for a meth manufacturing conviction, authorized law enforcement agencies to enter into multi-jurisdictional agreements, and brought the Department of Health and Environment into clean-up efforts because of the environmental hazards of meth production.

Legislators have expressed concern about whether enforcement efforts are having an impact on meth manufacturing, and about what additional steps could be taken to further control meth production and use. This performance audit answers the following questions:

- 1. What are the costs associated with methamphetamine manufacturing and use in Kansas?**
- 2. How much progress are Kansas law enforcement agencies making against methamphetamine manufacturing and use in Kansas?**
- 3. What opportunities exist to strengthen current methamphetamine enforcement efforts in Kansas?**

To answer these questions, we surveyed all county sheriffs and prosecutors, as well as police chiefs for towns and cities with populations of 2,000 or more. In addition, we interviewed officials from the Kansas Bureau of Investigation, the Federal Bureau of Investigation, the Drug Enforcement Agency, the Department of

Health and Environment, the Department of Corrections, the Kansas Highway Patrol, the Adjutant General, the Koch Crime Institute, the Kansas Attorney General's Office, the Kansas Sentencing Commission, and the Kansas Sheriffs' Association. We also interviewed 2 medical doctors with expertise about effects of meth use, and one private landowner who had to bear some of the cost of cleaning up a meth lab.

A copy of the scope statement for this audit approved by the Legislative Post Audit Committee is included in Appendix A. For reporting purposes, we combined questions 2 and 3.

In conducting this audit, we followed all applicable government auditing standards. The reader should be aware, however, that the cost and time data for local agencies used throughout the audit were self-reported by the law enforcement agencies and prosecutors that completed our surveys. Similarly, information about money and time spent by the KBI, the National Guard, the Highway Patrol, the Drug Enforcement Administration, and the Department of Corrections, and through Midwest High Intensity Drug Trafficking Area initiatives was assembled through interviews with officials from these agencies. Within the time available for this audit we weren't able to review specific records to verify the accuracy of the information these officials provided. Therefore, the information presented in this report about time and money spent on anti-meth activities should be viewed as indicative of the general level of spending, and not as absolute fact.

We think it's unlikely that any of the data are so grossly or systematically inaccurate as to affect our findings and conclusions. Our findings begin on page 7, following a brief overview.

Overview of Methamphetamine

Methamphetamine’s primary effect is to stimulate the central nervous system. Once injected, smoked, eaten, or snorted, the drug speeds up the heart and increases blood pressure uncontrollably. Depending on how the meth is taken, and how much is taken, a meth “high” can last for hours or days.

Methamphetamine Is a Highly Addictive Drug That Can Cause Severe Behavior and Medical Problems and Even Death

Normally, the human brain releases dopamine, a natural chemical that makes you feel good and that’s vital to normal brain functioning. Without dopamine, a person is unable to feel pleasure. Repeated meth use severely hampers the brain’s ability to produce dopamine. Because users’ brains can no longer produce dopamine to allow them to feel good, they return to meth again, and again, to get that chemically induced “high.” That’s what causes users to become addicted.

Users “crash” as the effects of meth in their system wear off. During the crash phase, users can sleep for days or experience “tweaking.” Tweaking is a condition that often causes people to be paranoid or delusional or to strike out aggressively at those around them. A user also can reach a fever of 108° while crashing, which can lead to permanent brain damage. Continued use of meth leads to worse and even fatal crashes. In the accompanying chart, we’ve outlined the short-term and long-term side effects of using meth.

Short-term side effects of using methamphetamine	convulsions, aggressive behavior, increased heart rate, increased muscle tension, constriction of blood vessels, grinding of teeth, rise in blood pressure, impaired speech, loss of appetite, dry itchy skin, hallucinations, sores, paranoia, insomnia
Long-term side effects of using methamphetamine	lowered resistance to illness, severe weight loss, malnutrition, kidney, liver, lung, and brain damage, permanent psychological problems, stroke, coma, and even death

Source: KDHE, methamphetamine brochure. www.kdhe.state.ks.us/methlabs

Making Methamphetamine Doesn’t Require an Elaborate Lab or Detailed Knowledge of Chemistry, And the Ingredients Are Relatively Easy to Acquire

Meth can be made in a makeshift lab that fits into a suitcase or the trunk of a vehicle. Most of the ingredients involved are readily accessible through local discount stores or other means. The table on the next page lists some of the common ingredients used to make methamphetamine:

Some common chemicals used to manufacture meth.	Readily available products containing those chemicals
Ephedrine, Pseudoephedrine	cold tablets
Acetone	nail polish remover
Alcohol	isopropyl or rubbing alcohol
Toluene	brake cleaner
Ether	engine starter
Sulfuric Acid	drain cleaner
Methanol/Alcohol	gasoline additives
Salt	table or rock salt
Lithium	batteries
Anhydrous Ammonia	farm fertilizer

An investment of a few hundred dollars in over-the-counter medications and chemicals can produce thousands of dollars worth of the drug. Common equipment used to manufacture meth includes Pyrex dishes, jugs/bottles, coffee filters, funnels, a blender, rubber tubing, gas cans, rubber gloves, a hotplate, a strainer, foil, and a propane cylinder.



This photo of a seized methamphetamine lab illustrates the commonplace materials used to manufacture the drug.

Source: Kansas Bureau of Investigation

According to the Koch Crime Institute, the average meth “cook” teaches 10 other people how to make the drug each year. When making meth, “cooks” may often use reckless practices resulting in explosions and fires that injure or kill not only them, but family members and any law enforcement officials or firefighters who respond. Other potential hazards facing law enforcement officials responding to suspected meth sites include solvents and hazardous chemicals, booby-trap devices, and armed suspects.



This house was damaged by a meth lab explosion.

Source: Kansas Bureau of Investigation

***Kansas Is Ranked
Among the Top 10 States
In the Number of
Meth Labs Found***

Currently 41 states report local methamphetamine lab seizures to the Drug Enforcement Agency’s El Paso Intelligence Center (EPIC) through the National Clandestine Lab Reporting System. According to the most recent data from this system, Kansas ranks second nationwide in number of meth labs reported to this System. However, officials with the Kansas Bureau of Investigation officials cautioned against strict reliance on these numbers because not all states currently report to the System, some states are behind in reporting, and the production capacity of meth labs in some states, like California, far exceed the small meth labs found in Kansas. KBI officials are, however, certain that as Kansas currently ranks in the top 10 states in sheer number of meth labs found.

Kansas also has a problem with meth being imported into the State. KBI officials estimate that perhaps 75%-80% of the meth used in Kansas is made elsewhere—primarily in California and Mexico—and imported into Kansas. However most local law enforcement efforts currently are dedicated to combating the distribution and trafficking of locally manufactured meth.

The Office of National Drug Control Policy designated Kansas as part of the Midwest High Intensity Drug Trafficking Area (HIDTA), in large part because there is so much meth manufacturing activity in the State. The Anti-Drug Abuse Act of 1988 authorized the federal HIDTA program. Since its inception, the program has expanded to 31 areas of the country, including areas along the southwest border. Formed in 1996, the Midwest-area HIDTA today includes counties in Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota. The program strengthens anti-drug efforts by requiring coordination among federal, state, and local law enforcement agencies. This cooperation allows for a combination of resources and efforts to combat drug use in the designated areas.

The 2000 HIDTA annual budget was \$186 million, nationwide. Through the Midwest HIDTA, Kansas received \$1.7 million of the grant funds for 2000, which was spent on 9 different initiatives to try to reduce meth manufacturing in Kansas. We've outlined the 9 initiatives below:

Midwest High-Intensity Drug trafficking Area Initiatives to Reduce Methamphetamine Production in Kansas

• KBI/Enforcement Initiative	\$361,583
• Federal/State Forensic Lab Enhancement Initiative	241,216
• Kansas Special Assistant US Attorney Initiative	203,425
• Southeast Kansas Drug Enforcement Task Force	176,348
• DEA Garden City Task Force	126,835
• Kansas State Intelligence Agent	39,545
• Kansas State Fiscal Agent	43,697
• KC DEA Clan Lab Task Force	384,363
• KC Joint Drug Intelligence Group	123,328
TOTAL funding for Kansas' 2000 initiatives:	\$1.7 million

Question 1: What Are the Costs Associated With Methamphetamine Manufacturing and Use in Kansas?

A number of direct costs are associated with methamphetamine manufacturing and use in Kansas, including the costs of investigating cases, prosecuting suspects, incarcerating offenders, cleaning up abandoned meth manufacturing sites, and treating people addicted to meth. The exact costs of fighting meth in Kansas are difficult to determine because no hard data are available. However, we estimate that various agencies spent at least \$21 million in Kansas last year to combat methamphetamine. More than half that money comes from local sources, with most of it being used to fund salaries for local law enforcement and prosecution. In addition to the direct costs of enforcement, a number of indirect or social costs are associated with using and manufacturing meth, which are difficult to quantify. These and related findings are discussed in more detail in the sections that follow.

Although Exact Costs Are Unknown, We Estimate That in the Past Year, At Least \$21 Million Was Spent To Combat Methamphetamine In Kansas

In general, the costs associated with meth manufacture and use in Kansas aren't tracked. Therefore, we estimated costs by surveying local law enforcement officials and prosecutors, and by interviewing officials from the Highway Patrol, the National Guard, the KBI, the FBI, the Drug Enforcement Administration, and the Department of Health and Environment.

It should be noted at the outset that the costs included in this report likely are understated for the following reasons.

- **Not all law enforcement officials responded to our surveys.** Although response rates to our surveys were good, not all local law enforcement agencies returned them. About 62% of sheriffs' offices, 45% of police departments, and 45% of prosecutors responded to our inquiries about their costs associated with combating meth. We didn't attempt to estimate the spending of those that didn't respond. Counties that didn't respond to our survey had a total of 36 labs, according to the KBI.
- **The FBI and federal Drug Enforcement Agency didn't reveal how much they are spending on enforcement in Kansas.** Officials didn't provide this information because of security concerns, they also told us the expense information isn't tracked by the type of drug being investigated. Also, many of the organizations they investigate are trafficking in more than 1 type of drug.

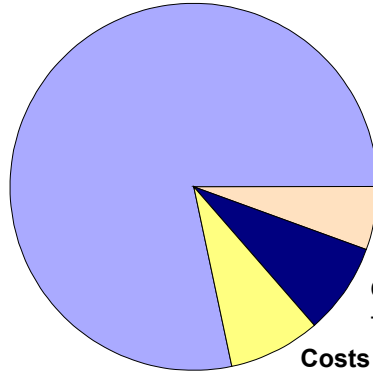
The chart on page 9 shows estimated costs for those agencies that provided us with information.

Kansas Spent at Least \$21 Million on Anti-Meth Activities in 2000

Costs of Law Enforcement and Prosecuting Suspects: \$16.5M

\$8.8 M - local law enforcement
 \$3.0 M - local prosecutors
 \$1.7 M - KBI
 \$1.0 M - National Guard
 \$0.1 M - Highway Patrol
 \$1.9 M - task forces

\$16.5M



Costs of Treating Meth Users: \$1.1M
 - Dept. of Social and Rehabilitation Services

Costs of Incarceration: \$1.7M
 - Dept. of Corrections

Costs of Cleaning Up Meth Manufacturing Sites: \$1.7M

\$0.4 M- Dept. of Health and Environment
 \$1.3 M- Drug Enforcement Administration
 \$1.7 M

As the chart shows, based on what was reported to us, most of the money was spent on enforcement activities. Treatment got the smallest portion of the pie.

Sources: Surveys returned by Kansas law enforcement agencies and prosecutors, and information received from other specific agencies mentioned except the Midwest High Intensity Drug Trafficking Area initiatives. Information about Midwest HIDTA was received from the KBI.

As the chart shows, the costs generally could be broken down into 4 categories – the costs of enforcement and prosecution, the costs of cleaning up meth labs, incarceration costs for those convicted of meth offenses, and the cost of treatment for meth users. The sections that follow provide additional information about who is incurring those costs, and what the money is being spent for.

Costs of Law Enforcement and Prosecuting Suspects: \$16.5 Million

- **Local law enforcement agencies responding to our survey spent an estimated \$8.8 million last year to catch people involved in manufacturing and using meth.** In combating meth, local law enforcement agencies spend time on various activities, including investigating potential leads, conducting surveillance on suspected meth manufacturing sites, guarding sites that have been seized, testifying in court, attending training seminars on how to handle meth investigations, and providing training to businesses and members of the public on how to recognize and report potential meth activity. Some law enforcement agencies reported spending significant amounts of time responding to the meth problem. The time estimates they provided are summarized in the table to the right. We used these time estimates and information they provided about their budgets, as well as specific information about spending for meth enforcement to come up with our estimates.

Law Enforcement Officers and Prosecutors Spend Significant Amounts of Time Combating Meth-Related Crimes

About half the law enforcement agencies and prosecutors responding to our survey estimated that, on average, staff in their offices spend more than 10% of their time on meth-related crimes. Spending this amount of time combating one type of crime is significant. Here's what law enforcement officials told us:

Percentage of time spent combating meth-related crimes	Law enforcement agencies	Prosecutors
0-10%	51%	47%
11%-25%	33%	28%
26%-50%	11%	13%
51%-75%	3%	10%
76%-100%	2%	2%

Sheriff's offices were more likely than police departments to report spending at least 11% of their time on meth-related crime.

- **Another \$3 million was spent by the local prosecutors who responded to our survey.** That represents on average about 14% of the total budgets for those prosecutors offices. In addition, about 1 in 4 prosecutors responding to our survey told us they spend more than 25% of their time prosecuting meth crimes. One prosecutor commented that "...the meth problem affects nearly every type of case load prosecutors have – children in need of care, juvenile offenders, drug commitments, robbery, burglary, domestic violence, DUI, and murder. It is not just about the drug."
- **KBI officials estimated the agency's anti-drug unit and chemistry lab has spent about \$1.7 million on anti-meth activities.** Officers in the KBI's 28-person anti-drug unit spent slightly more than half their time last year just combating meth, seizing 328 meth labs, and arresting 332 persons for manufacturing meth. That time cost at least \$1.5 million. In addition, the KBI's chemistry lab spent another \$215,000 to processes the evidence to determine whether the suspects were, in fact, manufacturing meth. That comes to an average of about \$773 per case. KBI officials told us that the cost of analyzing evidence from a meth manufacturing case tends to be high because the analysis can take 10 times longer than an analysis for a drug possession case.

- **The National Guard and the Highway Patrol estimate they've spent about \$1.1 million supporting other law enforcement agencies in meth-related investigations.** Most of that money—more than \$980,000—was spent by the Kansas National Guard to assist local agencies with communications and surveillance of specific places or vehicles. In addition, Kansas Highway Patrol troopers served on task forces and helped several local law enforcement agencies, at a cost of about \$80,000. The troopers on the Patrol's Special Response Team help local law enforcement by serving warrants, arresting barricaded suspects, and handling other types of particularly dangerous situations that require specialized training.
- **Federally funded task forces spent about \$1.9 million in Kansas.** This money came from two types of funding: High Intensity Drug Trafficking Area (HIDTA) funding, and the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. In Kansas, federal, state, and local agencies participate in HIDTA initiatives. Of those, task-forces were funded with \$1.2 million. Byrne grants, as they're commonly called, focus on drug-related crime, violent crime, and serious offenders, and they're further described on page 13. Byrne grants funded 6 task forces in Kansas with a total of \$700,000.

**Costs of Cleaning Up
Meth Manufacturing
Sites: \$1.7 million**

For every pound of meth produced, 5 to 6 pounds of toxic waste is left behind. The chemicals used to make meth can contaminate soil, ground water, air, furniture, and sometimes structural materials, such as flooring, vents, and walls. Law enforcement agencies generally have three options for cleaning up a meth site.

- **They can call the Drug Enforcement Agency.** In response, the DEA sends a government contractor from Tulsa, Oklahoma to clean up the site. These cleanups are funded from the DEA's Community Oriented Policing Services (COPS) Fund. During 2000, the DEA spent about **\$1.3 million** to clean up 238 lab sites in Kansas
- **They can call the KBI who will send in the Department of Health and Environment.** Department officials reported spending about **\$405,000** from the Department's Chemical Control Fund to clean up 120 meth labs during about a 4-month period in 2000. The program was only operational for 4 months because there were questions that needed to be resolved about whether the moneys in the Fund could be spent for these purposes.
- **They can clean it up themselves, using their own staff or a contractor.** Only 15 agencies (14% of those responding to our survey) said they clean up any meth sites themselves. Of those, 4

said they sometimes take hazardous materials to local hazardous waste collection sites. The Environmental Protection Agency may reimburse local law enforcement for cleanup in some cases. Local officials reported they incurred **\$5,800** in cleanup costs.

As discussed later in Question 2, local law enforcement officials responding to our survey told us they found 1,209 labs during calendar year 2000. If the DEA's contractor and the Department of Health and Environment cleaned up a total of 358 labs that year, that would leave 851 labs that likely were cleaned up locally.

KBI and KDHE officials expressed concern about local agencies cleaning up meth lab sites, due to the toxic and dangerous chemicals involved with making meth. Not all local law enforcement agencies have staff members who are trained to handle these wastes. In addition, when untrained persons attempt to cleanup a meth lab, they are putting themselves and those around them in danger.

In an effort to reduce the dangers of cleanup, the KBI has offered to clean up any remaining or unattended to meth lab sites that have been discovered in Kansas counties. KDHE officials also emphasized that it is easier and cheaper to clean up a meth lab site when it is first found, rather than after time has passed or after an agency has attempted to clean up a lab site and failed.

**Costs of
Incarcerating Those
Convicted of Meth
Offenses: \$1.7 Million**

Drug offenders make up the highest percentage of inmates in Kansas prisons, currently accounting for nearly 19% of the prison population. According to Department of Corrections officials, it currently costs the Department nearly \$19,000 to house one person in the correctional system each year.

During fiscal year 2000, 89 people were convicted and imprisoned in Kansas correctional facilities for manufacturing an illegal substance in Kansas. Based on our review of 10 of those files, we estimated that all 89 likely were meth manufacturers. So we attributed all \$1.7 million (89 x \$19,000) of the incarceration costs for those 89 individuals to the cost of combating meth manufacturing in Kansas.

**Costs of
Treating Meth
Users: \$1.1
million**

Although meth is highly addictive, effective treatment can offer a way to reduce dependency on the drug. According to the Koch Crime Institute, it is 10 times more expensive to incarcerate meth addicts, rather than treat them for the addiction. There are a number of drug abuse treatment centers available in Kansas. Although the condition of the user determines the type of services

provided, most meth addicts seeking treatment in Kansas receive State-funded outpatient services. In the table below, we've outlined the type of services available to treat meth addiction in Kansas.

Program	Services provided under the program	Units of Service ^(a) FY 2000
Social Detoxification	A program lasting 21 days or less which provides 24-hour non-hospital treatment to persons who are free from severe physical and/or psychiatric complications	566
Intermediate Treatment	A 24-hour therapeutic setting for diagnostic and primary treatment services to live-in clients, whose history indicates they would benefit from a time-limited, intensive treatment environment	6,625
Reintegration Program	A 24-hour, residential living with structured supportive services	5,913
Outpatient Program	Nonresidential treatment in a therapeutic setting for diagnostic and primary treatment services	9,588
Intensive Outpatient Program	Delivery of all basic drug abuse and supportive services on a less than a 24-hour basis	1,464

(a) Treatment providers are paid by the units of service delivered. A unit of service can be an hour of outpatient counseling, or a day in a residential program. Source: Department of SRS.

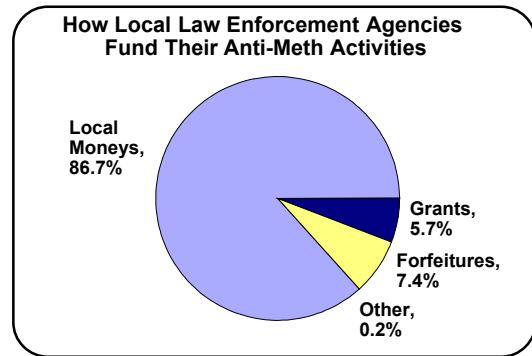
Over the past 5 years, the Kansas Department of Social and Rehabilitation Services has more than doubled its spending for treatment for meth addicts, from about \$529,000 in 1995 to nearly \$1.1 million in fiscal year 2000. Of the persons receiving treatment for meth addiction, at least 84% receive State-funded treatment services.

Although we tried, we couldn't get information about the number of people visiting hospital emergency rooms due to meth use, or the average emergency room cost for treatment of a meth user.

Most of the Money Spent to Combat Methamphetamine Came from Local Sources

Of the \$21 million spent to combat meth in 2000, local law enforcement agencies and prosecutors spent about 61%. That percentage probably is a low estimate, given that not all law enforcement agencies reported their spending to us. Officials reported to us that most of that money (about 87%) came from local sources, such as city and county funding as shown in the chart on the next page.

Only about 6%, or about \$500,000, of the money local law enforcement agencies reported spending came from federal grants. These grants include 3 types:



- **High Intensity Drug Trafficking Area (HIDTA) moneys.** These are moneys made available by the federal Anti-Drug Abuse Act of 1988. They are designed to target illegal drug traffic in problem areas such as in states on the U.S. - Mexican border. In 1996, a target area in the Midwest that includes Kansas was designated to receive these funds. An example of two groups in Kansas that have been designated to receive these moneys to help in the fight against meth are the Southeast Kansas Drug Enforcement Task Force and the Kansas City Joint Drug Intelligence Group. They received a total of about \$300,000 in 2000. (More information about the HIDTA program is given in the Overview of this report on page 6.)
- **Byrne grants.** The U.S. Department of Justice awarded Kansas \$5.3 million in Byrne grants for fiscal year 2001. These funds support projects to improve the criminal justice system, with an emphasis on drug-related crime, violent crime, and serious offenders. How those grants are distributed to localities and to State agencies is determined by the Kansas Criminal Justice Coordinating Council. Some, money from Byrne grants is used to help law enforcement efforts against methamphetamine. In this audit, we weren't able to determine exactly how much of the total local funding was provided specifically from this source.
- **Block grants.** 27 cities and counties received Local Law Enforcement Block Grants from the U.S. Department of Justice for fiscal year 2001. The amounts of these awards are based on the locality's rate of violent crime. Some of these moneys were also could be spent on methamphetamine enforcement. Again, we weren't able to determine exactly how much of the money from this source went to local government's fight against meth.

In Addition to the Quantifiable Costs Associated With Methamphetamine, There Are a Number of Social Costs Which Really Can't Be Measured

The costs associated with meth use include more than the out-of-pocket expenses most people think of. Meth use also causes immeasurable social costs, including those we've summarized in the list below:

- **Increase in crimes related to meth use** – including domestic violence, robbery, burglary, and theft. Three out of every 5 law enforcement officials returning our survey told us that more than 10% of the crime committed in their jurisdiction is meth-related. One out of 4 said more than 25% of the crime is meth-related.
- **Increased violence within families** – meth use brings violence into families, likely resulting in domestic violence and child abuse.
- **Increased automobile accidents.**
- **Increased dependence on public assistance** – Because of the highly addictive nature of meth, many users eventually lose everything, including their jobs.
- **Increased need for special education services** – Nationwide in 1998, \$165 billion from state budgets was spent on education. It is estimated that \$16.5 billion (10%) was spent coping with the impact of substance abuse in elementary and secondary schools.
- **Physical damage to the user and his or her family** – brain damage, fatal kidney and lung disorders, liver damage, and, eventually, death.
- **Psychological effects to the user** – paranoia, hallucinations, and delusions.
- **Increased health insurance costs** - The damage that meth users do to their bodies can translate to more hospital and doctor visits and increased health insurance costs

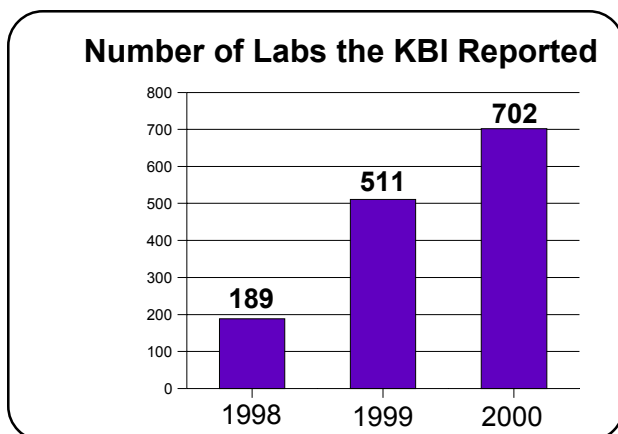
Question 2: How Much Progress Is Being Made Against Methamphetamine Manufacturing and Use in Kansas, and What Opportunities Exist to Strengthen Current Enforcement Efforts?

The number of meth labs found in Kansas continues to grow quickly from year to year. Law enforcement agencies' failure to report all labs they find to the KBI could reduce the amount of grant funds Kansas receives to fight the meth problem. Despite the explosive growth in the number of reported labs, the majority of law enforcement officials responding to our survey told us they thought that moderate or substantial progress is being made against methamphetamine. They said the public is more aware of meth and its problems, and law enforcement officials are better trained to find and deal with labs.

Although most officials told us it was too soon to measure the impact of the Chemical Control Act, we noted that delays in processing evidence through the KBI lab and a lack of staff to follow up on reports required by the Act were among the things that weaken the law's effectiveness. Law enforcement officials cited more staff, greater public awareness, and training and equipment for law enforcement officers as things they thought would aid in meth enforcement efforts. These and related findings are discussed in more detail in the sections that follow.

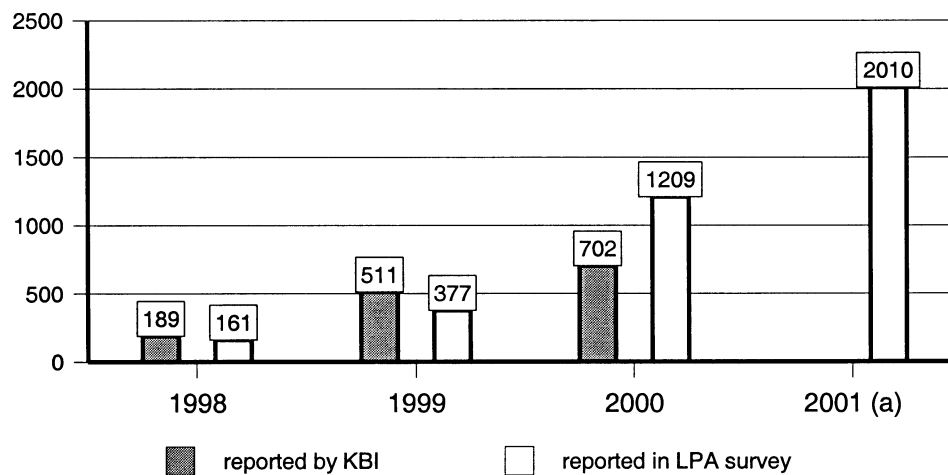
The Number of Methamphetamine Labs Has Shown Explosive Growth Over the Past Few Years

Officials with the Kansas Bureau of Investigation track the number of meth labs found in Kansas as reported to them by local law enforcement officials. In turn, the KBI reports this information to the Drug Enforcement Agency's El Paso Intelligence Center (EPIC) through the National Clandestine Lab Reporting System. As shown in the graphic at left, the number of labs reported to the KBI has increased nearly fourfold in just the past 3 years.



The proliferation of labs appears to be worse than the KBI's numbers show, because apparently not all labs are being reported to the KBI. We surveyed local law enforcement officials and asked them how many meth labs they'd found in their jurisdictions during the past few years. Overall, the numbers they reported to us for 2000 were significantly larger than the numbers reported to the KBI, as shown in the chart on page 16.

Number of Labs Reported, In Our Survey and by the KBI



(a) Survey respondents reported 670 labs found from January to April 30, 2001. If labs continue to be found at that same rate, we estimate that as many as 2,010 labs could be found this year.

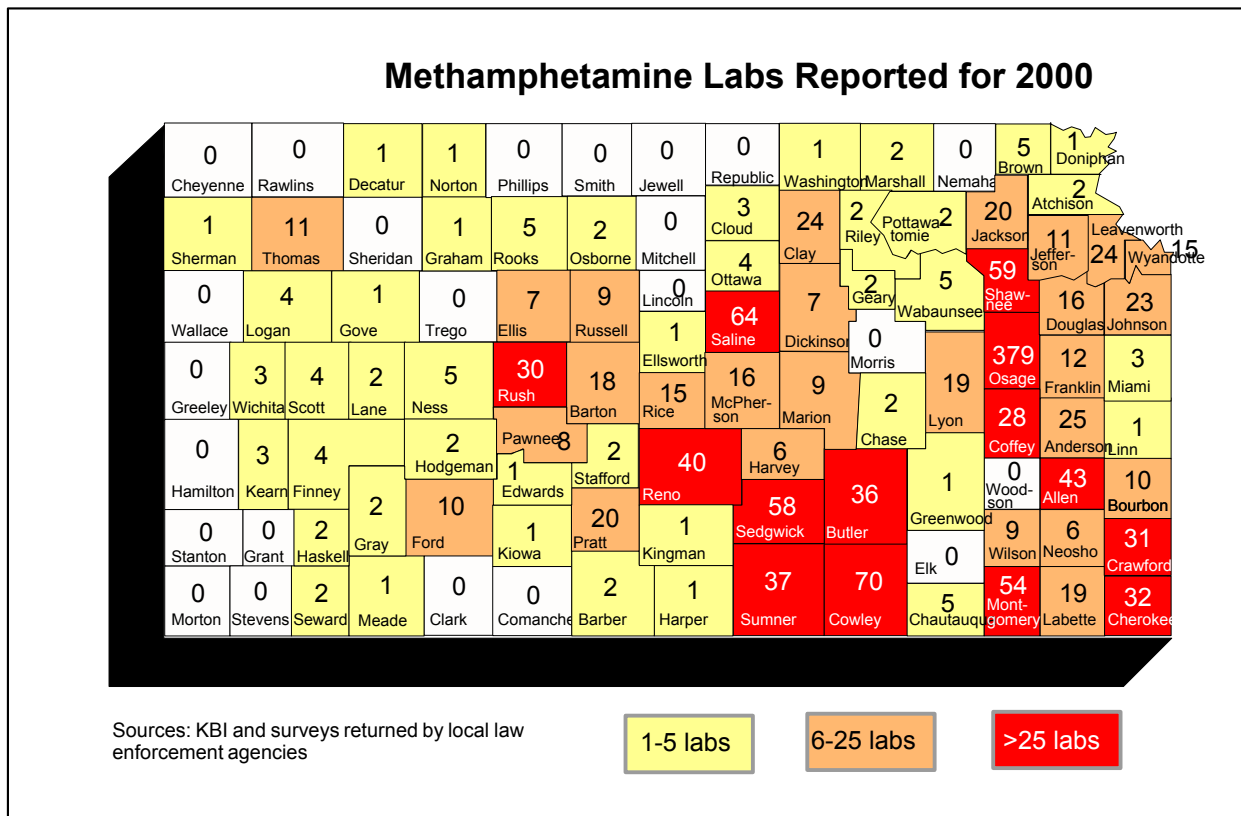
During the first 4 months of calendar year 2001, law enforcement agencies that returned our survey told us they had found 670 meth labs. If labs continue to be found at that same rate, we estimate that as many as 2,010 labs could be found this year, an increase of 66%. Even our survey results likely understate the number of meth labs found in Kansas because, as mentioned earlier, not all law enforcement agencies responded to our survey.

Law enforcement agencies' failure to report all labs could reduce the amount of grant funds Kansas receives to fight the meth problem. Local law enforcement agencies aren't required to report meth labs to the KBI, and may have a variety of reasons for not doing so. For example, some may not report all the labs they find because their officers are properly trained to deal with most hazardous materials, or some may not know that they've found a lab because they haven't had the proper training. However, some federal grants used in the effort against meth are awarded in part based on information about the number of meth labs that the KBI reports to the Drug Enforcement Agency's intelligence center.

For example, during the past year, Kansas received about \$1.7 million in federal High Intensity Drug Trafficking Area (HIDTA) moneys to fund 9 different "initiatives" designed to reduce and

disrupt the importation, distribution, and local manufacturing of meth and to reduce the impact of illicit drugs and related violent criminal activity. Because these grants are targeted to areas that have the largest reported problems with drug trafficking, understating the problem by not reporting all labs could affect Kansas' chance to receive increased funding.

Although meth labs have been found all over the State, they appear to be more concentrated in parts of southern and eastern Kansas. The following map shows the number of methamphetamine labs found in each county during calendar year 2000. The numbers on the map are the larger of the number of labs reported to the KBI or reported to us on our survey.



As can be seen from the map, 14 counties in the State had the highest concentration of meth labs found last year. Of those, most were located in the eastern half of the State. The map also shows that meth isn't necessarily a "big city" problem. The two counties with the highest number of labs found in calendar year 2000 were Osage (379 labs) and Cowley (70 labs), neither of which have a population of more than 40,000 people. The 5 counties finding the highest number of meth labs per capita were Osage, Rush, Coffey, Anderson, and Allen.

Law enforcement officials generally attributed the increase in number of meth labs found to the fact that there are simply more meth labs in existence, and that they are better trained to find the labs that are out there. A few counties have experienced a decline in the number of labs found, but that's not always because there are fewer labs to be found. Officials from some of those counties told us that meth labs were becoming more portable and difficult to find, and that they lacked the manpower to track down labs.

Despite the Explosive Growth In Meth Labs Found, Most Law Enforcement Officers Told Us Progress Was Being Made Against Meth

Almost 80% of the sheriffs' offices and police departments responding to our survey and 67% of the prosecutors told us they thought moderate or substantial progress was being made in the battle against methamphetamine in Kansas. Their responses are summarized in the accompanying table.

Level of Progress Against Methamphetamine	Police & Sheriffs' Responses	Prosecutor Responses	All Groups Combined
Substantial	33%	26%	31%
Moderate	46%	41%	45%
No Progress	10%	13%	11%
Its Worse Than 3 Yrs. Ago	11%	20%	13%

Source: Legislative Post Audit Surveys of Police, Sheriffs, and Prosecutors

Because the number of meth labs being found each year seems to be increasing dramatically, we were surprised at the large percentage of law enforcement officials who said moderate or substantial progress was being made. Several made comments on their surveys, and we made follow-up phone calls to 10 of them to gather more information about why they believe progress is being made. Essentially what they told us can be summed up as follows:

- **the public has been made more aware of the problem** and of what to look for, and officers are better trained to react to tips, so more labs are being found
- **because more labs are being found, some offenders are in jail** and unable to continue manufacturing or teaching others to make the drug

Not all law enforcement officials and prosecutors shared the view that Kansas is making progress against meth. About 1 in 4 of those responding to our survey said Kansas is either making no progress, or that the situation is worse than it was 3 years ago. Generally, officials offering comments in this area told us that they

don't think that the State has realized the magnitude of the problem, and that delays in prosecuting those who manufacture meth results in people being free to manufacture more of the drug. The comments we received along these lines included these:

- **“Our State needs to get its head out of the sand and realize we have a problem.”**
- **“We seem to deal with the same people over and over while waiting for court.”**

Despite differing opinions about whether progress was being made in the war on meth, most law enforcement officials told us that coordination among the various agencies involved is good. We asked police and sheriffs' departments to rate the overall level of coordination among the various agencies involved in fighting the meth problem. As shown in the accompanying table, most rated coordination as good or excellent.

How Police and Sheriffs Rated Coordination With the Following Agencies	Excellent or Good	Fair	Poor or Very Poor
Other law enforcement within the same county	84%	12%	4%
Law enforcement agencies in surrounding counties	80%	17%	3%
County/ District Attorneys	83%	14%	3%
Kansas Bureau of Investigation	77%	19%	4%
Department of Health and Environment	80%	16%	4%
Highway Patrol	68%	22%	10%
National Guard	72%	22%	6%
Federal Drug Enforcement Agency	79%	15%	6%

Several law enforcement agencies told us they find cooperation to be essential, and they cited task forces as one of the best ways to combat illegal drugs. For example, the Southeast Kansas Drug Enforcement Task Force has a total of 19 local law enforcement agencies from Allen, Bourbon, Cherokee, Crawford, Labette, and Neosho counties contributing matching money for the federal grant this task force receives, and 2 local officers are assigned to the task force. The KBI participates with agents and a crime analyst, and a prosecutor also is assigned to the task force. Here's a list of task forces we identified during this audit:

Southeast Kansas Drug Enforcement Task Force, including law enforcement agencies from Allen, Bourbon, Cherokee, Crawford, Labette, and Neosho Counties, as well as the KBI and the Attorney General's Office.

DEA Garden City Task Force, including the Garden City Police Department, Finney County Sheriff's Office, and the DEA.

Kansas City Joint Drug Intelligence Group Metropolitan Task Force, including the FBI, KBI, the Immigration and Naturalization Service, IRS, Kansas and Missouri National Guard, and various area police departments.

I-135/I-70 Drug Task Force, includes the City of Salina, Saline County, and Dickinson County.

North Central Task Force. This is a proposed task force, but if funded, would include Smith, Rooks, Osborne, Phillips, Norton, and Graham counties.

Douglas, Franklin and Jefferson Counties Drug Enforcement Task Force, includes the task-force named counties as well as the Lawrence and Ottawa police departments and county prosecutors.

Lyon, Coffey, Greenwood, Morris, Chase, Wabaunsee, and Woodson Counties. This also is a proposed task force, and if funded would include these counties.

At least 8 counties have formed county-wide drug enforcement task forces, including Ellis, Reno, Franklin, Cherokee, McPherson, Mitchell, Edwards, and Harvey counties.

New Legislation Passed in 1999 Was a Step in Strengthening Methamphetamine Enforcement Efforts

In response to the rapid increase in meth activity in Kansas, the 1999 Legislature passed the Chemical Control Act. Some of the key provisions of the Act included:

- **Creating a system to track the distribution of bulk-regulated chemicals** by manufacturers, retailers and distributors.
- **Making it unlawful to possess ephedrine, pseudoephedrine or phenylpropanolamine** with the intent to use the product as a precursor to any illegal substance.
- **Establishing the Chemical Control Fund** to help with enforcing the act, with cleaning up hazardous materials from meth manufacturing, and with meth education programs.

We asked county prosecutors whether the Kansas Chemical Control Act was having the desired impact on meth manufacturing in Kansas. Although about one-third of those responding said there has been a positive impact from the Act, almost half told us it's too soon to measure the impact of the Act on the battle against meth manufacturing in Kansas.

The 1999 Legislature also amended the penalty provisions for manufacturing a controlled substance. The legislation raised the manufacturing offense from a drug severity level 2 felony to a level 1 felony, thereby increasing the possible minimum sentence for a first-time conviction from 4 years to 11.5 years.

Some law enforcement officials told us it doesn't do any good to have stricter penalties if prosecutors can't get timely lab reports to obtain convictions. This was a major issue with many of the law enforcement officials responding to our survey.

From the time meth manufacturing evidence gets to the KBI lab, it takes on average 136 days, or about 4.5 months, to process that evidence. Some cases took considerably longer; we saw a couple of cases that took nearly 2 years to be processed. According to KBI officials, their chemistry lab has 265 meth manufacturing cases waiting to be analyzed, and it would take nearly 8 months to catch up on the backlog if no new meth cases came in to be analyzed. This also assumes no increases in other types of drug cases needing to be analyzed, even though a lab official said the overall number of drug cases has increased by about 2000 cases in the past 3 years.

The backlog at the KBI lab has been a problem for several years. An April 1999 Legislative Post Audit report recommended that the KBI develop a staffing plan and work with the Governor and the Legislature to implement appropriate staffing and salary levels throughout the different units in the KBI lab. Agency budget information shows that the number of scientists available to analyze chemistry evidence increased by 2 positions in fiscal year 2000. However, it's likely that the backlog in the chemistry section of the KBI lab will continue because the number of meth labs being found continues to increase. Prosecutors told us that the delay in getting lab results has caused the following problems:

- **Suspects aren't being charged.** Survey comments from prosecutors indicated some judges will dismiss a case for lack of evidence if the lab report isn't available in time for the preliminary hearing. Therefore, prosecutors commented that they don't bring charges against suspects accused of meth manufacturing until a lab report is received from the KBI. Law enforcement officers told us sometimes suspects aren't being held, so they're out making meth again.
- **Charges are being reduced.** 33% of the prosecutors responding told us that delayed lab results either always or frequently can cause a reduction in the charges which also carries a reduced sentence length. This happens in part because defense attorneys are aware of the back-log at the KBI and of the length of time it takes to get completed lab results; therefore, they use that as leverage to get the prosecutors to accept a lesser charge.
- **Charges are being dismissed.** Nearly one-third of the prosecutors responding to our survey told us that they frequently dismiss charges against suspects accused of meth manufacturing.

In late 2000, in response to the backlog in the KBI chemistry lab, agency officials established a toll-free number for prosecutors to call to check on progress of a specific case and let KBI officials

know of deadlines that must be met to prevent current meth manufacturing charges from being dismissed or reduced.

Delayed Lab Reports From the KBI Hamper Enforcement Efforts

“Huge penalties are meaningless without the lab resources to prove guilt.”

“Stiffer penalties don’t matter if we can’t get the lab results we need for convictions.”

“The legislature has made this [meth manufacturing] a serious crime (as serious as rape) but with no realistic way to prosecute it effectively due to the difficulty of having a lab look at the evidence.”

“It [the Chemical Control Act] gives us another tool in fighting methamphetamine. However, if we do not have timely lab reports, it is almost useless.”

“KBI lab results take so long that suspects remain at large and keep manufacturing meth and teaching others before they are finally incarcerated.”

“Some judges don’t take this very serious and threaten to dismiss with prejudice because lab results are not back. They put the community in danger with that attitude.”

Programs designed to track chemicals and products that can be used to manufacture meth aren’t effective because no staff are available to follow up on tips. The Chemical Control Act has two requirements that call for reporting the suspicious distribution and sale of chemicals that can be used to make meth, as outlined below:

- **The first requirement calls for a system to track the distribution of bulk-regulated chemicals by drug manufacturers and distributors**, in order to prevent the illegal diversion of chemicals used to make meth. Drug manufacturers and distributors are required to report suspicious transactions of certain chemicals to the KBI. Regulated chemicals include ephedrine, iodine, lithium, pseudoephedrine, phenylpropanolamine, red phosphorus, and sodium.
- **The other requires the KBI to develop and maintain a program that includes procedures and forms for retailers to use in reporting suspicious purchases**, thefts, or other

transactions involving any products that could be used in the manufacture of meth. Reporting by retailers is completely voluntary. This program was implemented in May 2001, and is called the “Meth Watch” Program. More information about this Program is presented in the box on the next page.

Although the Kansas Chemical Control Act calls for these 2 reporting programs to be in place, the KBI hasn’t had the staff available to analyze any tips received. KBI officials told us that will change soon. In June 2001, the KBI was awarded a \$1,995,600 grant through the Department of Justice. The KBI plans to spend a major portion of the moneys on salaries for 12 new FTE positions. Among those new positions will be a crime analyst who will investigate the tips on suspicious distribution and sale of chemicals used to manufacture meth. Though the one new analyst will help in making the reporting programs more effective, KBI officials stressed that more analysts are needed.

Law Enforcement Officials Told Us More Resources Are Needed In the Fight Against Meth

With the continuing increase in meth labs, and the fact that they are becoming more portable and difficult to find, local law enforcement authorities provided a number of suggestions for strengthening enforcement efforts, including these:

- **Add more officers.** Law enforcement officials, especially sheriffs, said that more officers was their top priority for what's needed to better address meth problems in their jurisdictions. They reinforced that by saying that a lack of officers was their biggest impediment to more effective enforcement. Those that told us how many additional officers they needed said, on average, about 2 more officers per law enforcement agency. One also mentioned a need for additional KBI agents.
- **Provide for specialized training for law enforcement officers.** Law enforcement officials told us they were able to find more meth labs because they're better trained than they were in the past. Still, nearly a quarter of the law enforcement agencies we heard from don't have anyone on staff with specialized training in how to identify and safely handle meth labs. More than half responding to our survey said that additional training for their officers continues to be among their top 5 priorities for improving enforcement. Prosecutors also placed a high priority on more training for law enforcement officials. Even though much of the training itself is provided by the KBI and DEA at no charge, costs for hotels, meals, and overtime to cover for the officers who are away can be prohibitive for some departments.
- **Provide for specialized equipment.** Local law enforcement officials told us they don't have the equipment they need to safely respond to meth labs. Several officials cited the need for special breathing apparatuses to ensure that their officers don't breathe dangerous fumes at a meth site. They also cited a need for chemical-resistant clothing. KBI officials told us that getting proper equipment for local law enforcement was a priority, and that they plan to spend nearly half of the above-mentioned \$1.9 million grant from the Department of Justice to help train and equip local law enforcement agencies.
- **Educate the public about what they can do to combat meth.** Even though officers find more labs because they get more tips from

Kansas Retailer Meth Watch Program Kicks Off

May 2001 marked the kick-off of the Kansas Retailer Meth Watch Program. It is a State-wide program that is designed to have visual presence in stores, in an effort to deter methamphetamine production.

Retailers will monitor and limit the sales of many key ingredients of meth manufacturing, including pseudoephedrine. Management and staff of the participating retailers will be trained about which items are needed to produce the illegal drug. Posters and decals will be posted throughout the stores, providing information about the program and the store's participation in the program.

Participating retailers in the program include: Walmart, Kmart, Walgreens, Osco, Albertsons, Convenience Store Association, IGA, Fleming, Food 4 Less, and the Kansas Retailers Council.

The Kansas Bureau of Investigation and the Kansas Department of Health and Environment worked closely together to develop and implement the program.

the public, “educating the public” was among the top 5 priorities for more than half the law enforcement officials responding to our survey. The mobility of both labs and suspects is a big impediment to effective enforcement, officials told us, and public awareness is important to locating both. Law enforcement officials told us this is so important they devote about 14% of the time they spend on anti-meth activities to educating the public.

Through the various surveys, interviews, and literature reviews we conducted for this audit we identified a number of additional opportunities to strengthen current enforcement efforts. Some of those are discussed briefly below.

- **Provide funding for KBI analysts needed to respond to tips about suspicious transactions involving chemicals and products used to manufacture meth.** KBI officials tell us that currently they don’t have the personnel needed to respond to any suspicious transaction tips called in to 1-800-KS-CRIME. Officials tells us that they receive about 2 tips per day.
- **Reduce the time constraint on the evidentiary process used to prosecute suspected meth manufacturing offenders.** One prosecutor commented on changing State laws to allow field tests performed at meth lab sites to be used as preliminary evidence to prosecute suspects. Another prosecutor told us that he or she would like to be able to use the KBI lab analysis reports in court without requiring a forensic scientist to be present. These 2 changes could help eliminate the KBI’s current backlog for analyzing evidence for meth manufacturing cases.
- **Increase regulation of the chemicals and products used to make methamphetamine.** At one time, ephedrine was the primary drug needed to manufacture meth. After federal laws were put in place to regulate that drug, making it more difficult to get, meth cooks quickly started using pseudoephedrine to make meth. Pseudoephedrine is found in most over-the-counter cold medicines and isn’t tightly regulated. Several law enforcement officials also suggested additional controls on the storage of anhydrous ammonia.
- **Obtain better data about the number of people treated at hospital emergency rooms for meth-related illness.** KBI officials told us that if they had this data readily available they could more easily pinpoint where the biggest meth problems are, and then direct their resources to those areas.

CONCLUSION The proliferation of meth manufacturing and use in Kansas is exacting a major toll, both in terms of cost (at least \$21 million in the most recent year) and the drain on our law enforcement resources, prosecutors, and court system. Meth enforcement activities currently account for 10–25% of the time of nearly a third of the law enforcement agencies and prosecutors responding to our

survey, and a few said they spend even more time than that. That leaves them with significantly less time to work on other serious crimes. Further, the toxic materials used to manufacture meth can expose unsuspecting members of the public to potentially serious hazards.

Solving the meth problem will take a coordinated effort that involves educating law enforcement officers and the public, and providing the necessary resources to support law enforcement officials in their jobs. Although local, State, and federal law enforcement agencies have already come a long way in pooling their efforts and resources, it will be essential for the Governor and the Legislature to be actively involved in helping to plan for the resources needed to fight this problem. One area that needs immediate attention is the level of resources available to process evidence through the KBI lab. Without this evidence, many meth manufacturers likely will go free and continue producing the drug.

RECOMMENDATIONS

1. To help ensure that prosecutors get lab analyses of evidence relating to meth labs on a timely basis, the KBI should develop a plan for expanding the capabilities of its lab and present that plan to the 2002 Legislature for consideration. The plan should not only consider adding scientists and resources to the KBI chemistry lab unit, but should also include other viable options, such as subcontracting with other labs (whether publicly or privately funded) to complete the needed analyses in a timely and cost-efficient manner.
2. To ensure that the Chemical Control Act is effective, the KBI should take the steps necessary to develop a system to track and analyze any suspicious distributions of bulk-regulated chemicals by drug manufacturers and distributors, as well as a system to track and analyze reports of suspicious purchases, thefts, or other transactions involving any products that could be used in the manufacture of methamphetamine.
3. To help ensure that Kansas receives as much federal grant money as possible to fight meth labs, the KBI should inform and periodically remind local law enforcement agencies of the need to report all meth labs they are aware of to the KBI, even when KBI assistance with those labs may not be necessary.
4. To help ensure that law enforcement officials have the statutory provisions they need to help combat the methamphet-

amine problem, the House or Senate Judiciary Committees or other appropriate legislative committees should consider introducing legislation during the 2002 legislative session to do the following:

- a. allow forensic field tests to be admitted as evidence against suspects at preliminary hearings.
 - b. increase regulation of over-the-counter drugs containing pseudoephedrine.
5. The House or Senate Judiciary Committees or other appropriate legislative committees should consider whether a system of targeted State grants should be put in place to provide staffing, equipment, training, and the like to help local law enforcement agencies in those counties most burdened by methamphetamine manufacturing.

APPENDIX A

Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit on March 6. The audit was requested by Senator Schmidt.

SCOPE STATEMENT

Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts

Methamphetamine is a powerful and illegal drug that targets the central nervous system. A synthetic drug with few medical uses and a high potential for abuse, it's easy to manufacture from commonly available materials using recipes available on the Internet. An investment of a few hundred dollars in over-the-counter medications and chemicals can produce thousands of dollars worth of the drug. Methamphetamine can be made in a makeshift lab that fits into a suitcase, and, according to the Koch Crime Commission, the average meth "cook" teaches 10 other people how to make the drug each year.

Methamphetamine's ease of manufacture, high profit potential, and addictiveness have helped fuel a meth epidemic in the Midwest. Seizures of clandestine labs in the Midwest increased from 44 in 1995 to more than 500 in 1997. The Commission reports that the region's methamphetamine epidemic stems from both the steadily increasing importation of methamphetamine into the region by organized trafficking groups, and clandestine manufacturing of methamphetamine by hundreds of users/dealers in small "mom and pop" labs.

The 1999 Legislature passed Substitute for House Bill 2469, which, among other changes, made possession of methamphetamine ingredients illegal in certain circumstances, assessed new penalties for its manufacture, authorized law enforcement agencies to enter into multi-jurisdictional agreements, and brought the Department of Health and Environment into the enforcement effort because of the environmental hazards of meth production. Legislators have expressed concern about whether the enhanced resources and enforcement efforts are having the desired effect, and about what additional steps could be taken to further control methamphetamine production and use.

A performance audit in this area would address the following questions:

1. **What are the costs associated with methamphetamine manufacturing and use in Kansas?** To answer this question, we'd contact or survey federal drug enforcement agencies, the KBI, Koch Crime Commission, metro law enforcement agencies, and others to determine how much is spent by Kansas law enforcement agencies to combat methamphetamine activity. In addition, we'd investigate the potential for landowners, local law enforcement agencies, or other innocent parties to be stuck with the costs of environmental cleanup associated with meth production. Finally, to the extent possible, we'd look for available statistics on treatment costs, incarceration costs, medical costs, and the costs associated with caring for or treating the families or victims of meth users. If appropriate, we'd survey or contact social-service agencies or others. Depending on the statistics available, we may not be able to provide total annual dollar figures, but at a minimum we could provide an idea of the magnitude of what methamphetamine use costs Kansans.

2. **How much progress are Kansas law enforcement agencies making against methamphetamine manufacturing and use in Kansas?** To answer this question, we'd interview officials and review documents provided by the KBI and other agencies to determine how many meth lab seizures have occurred in the last few years, and we'd try to determine whether the apparent increase in the number of such seizures is a result of increased enforcement, a profusion of meth labs, more accurate reporting, or some other factor. In particular, we'd attempt to determine what effect 1999 Sub. H.B. 2469 has had on Kansas enforcement efforts.

3. **What opportunities exist to strengthen current methamphetamine enforcement efforts in Kansas?** To answer this question, we'd interview law enforcement officials in Kansas and analyze any available data to identify potential obstacles to effective enforcement. Such obstacles might include inadequate or untimely lab services or other resources, lack of coordination of law enforcement efforts, lack of community awareness or support, or other factors. To the extent possible, we'd make recommendations for improving Kansas enforcement efforts.

Estimated completion time: 8-12 weeks, depending on the availability of data

APPENDIX B

Survey of Kansas Local Law Enforcement Officials

We surveyed 217 local law enforcement officials (105 heads of county-wide departments and 112 heads of city departments) and all 105 county prosecutors. (In this audit, we refer to all heads of county-wide departments as “sheriffs” and all heads of city departments as “police chiefs.”) The police chiefs were in towns with populations of 2,000 or more. In all 115 (53%) law enforcement agencies and 47 (45%) county prosecutors returned our surveys. A summary of their responses is included in this Appendix.

Survey of Kansas Local Law Enforcement Offices

Summary of responses received

The Kansas Legislature's Legislative Post Audit Committee has directed the Legislative Division of Post Audit to conduct a performance audit of Kansas' enforcement efforts against clandestine methamphetamine labs. The following survey is intended to obtain basic information about your office, the number of meth labs you've found, funding, coordination with other agencies, use of your officers' time. The completed surveys will be included in the audit working papers, which will become public upon completion of the audit.

Thank you for your assistance. If you have any questions about the survey, please call Laurel Murdie, audit supervisor, or Jill Shelley, auditor, at (785) 296-3792. You may also reach them by email at: LaurelM@lpa.state.ks.us and JillS@lpa.state.ks.us.

Important: Please return the survey in the enclosed postage paid envelope or fax it to 785-296-4482 by FRIDAY, May 18, 2001.

Please provide the following information about your office:

- How many and what type of clandestine meth labs did your department seize in each of the following years?

	2001*	2000	1999	1998	1997	1996	Totals
Operational lab: a lab found with a meth batch in process	128	347	183	78	18	18	772
Boxed lab: a lab site with stored chemicals, no meth batch in process	134	226	76	37	11	6	490
Dump site: abandoned waste products from a cook process, no suspects present	323	453	103	44	4	3	930
Glassware: glass used in the cook process, but found discarded	85	183	15	2	1	0	286
	670	1209	337	161	34	27	2478

* as of April 30, 2001

- If the number of meth labs has **increased**, what factors have contributed most? (Please mark all that apply.) (If the number of labs has **decreased**, skip to Question 3.)
(77 responses, 203 items selected)
64% More meth labs (to be found) in our jurisdiction.
58% More tips from the public on possible meth labs.
66% Better training to detect meth labs.
57% Enforcement of meth crimes is a high priority.
17% Other **assistance from the public (3), repeat offenders (2), more learning to make meth (1), labs in different jurisdiction (1), prosecutors need training (1), "first meth lab seized" (1), unspecified (4)**
- If the number of meth labs has **decreased**, what factors have contributed most? (Please mark all that apply.) (If the number of labs has **increased**, skip to Question 4.)
(29 responses, 31 items selected)
31% Fewer meth labs (to be found) in our jurisdiction.
21% Fewer tips from the public on possible meth labs.
24% Clan labs are more difficult to detect.
0 Enforcement of meth crimes isn't a high priority.
31% Other: **lack of staff (2), task forces (2), lack of funding, mobile labs, most labs in rural areas, strict enforcement and incarceration of certain offenders, "more dump sites" (1 each)**

continued on next page

4. Please tell us about your officers, giving us full-time-equivalent (FTE) for the following:
(111 answered at least 1 portion of this question)

Number of certified officers	Number of officers with clan lab certification (40 hours)	Number of officers with "First Responder" training (8 hours)	Number of officers in special anti-meth unit
<u>2,689</u> FTE	<u>127</u> FTE	<u>644</u> FTE	<u>34</u> FTE

5. In your opinion, what percentage of your **total staff's time** is devoted to anti-meth activities?
(113 responses)

51% 0-10% 33% 11-25% 11% 26-50% 3% 51-75% 2% 76-100%

6. **Compared to 3 years ago**, how has your staff's total time devoted to anti-meth activities changed? (Please circle the most appropriate response.) (105 responses)

significantly decreased	somewhat decreased	no change	somewhat increased	significantly increased
<u>2%</u>	<u>1%</u>	<u>29%</u>	<u>29%</u>	<u>39%</u>

7. Of the time your officers spend on anti-meth activities, approximately what percentage do they spend on each of the following: (91 responses)
(overall averages of responses)

38 % Investigating/responding to tips about meth labs
11 % Securing/guarding meth lab sites until evidence is processed and waste removed
9 % Processing evidence from meth labs
5 % Cleaning up waste from meth labs
9 % Prosecuting/assisting with prosecution
14 % Training to identify and respond to meth activity
14 % Educating members of the public (including school children). Approximately how many people attended these sessions with the past year? 6163 people (35 agencies only)

100% = Total (please be certain that your total adds to 100% Thank you.)

8. What is the **total budget** for your department for the most recently completed fiscal year?
\$60,813,977 (101 responses)

9. Of your total budget (from Question 8), how much did your department spend on the following anti-meth activities? (68 responses) (If this information is estimated, please check this box:)
(30 said they estimated)

\$5,138,868 Salaries for officers involved in fighting meth crimes.
\$ 127,900 Specialized equipment to protect officers (chemical/fire resistant clothing, etc.).
\$ 5800 Cleanup expenses (not including salaries).
\$ 29,300 Educating the public (not including salaries).
\$ 510,987 Training officers to find and safely process meth labs (not including salaries).
\$ 29,232 Other: _____
\$ 5,000 Other: _____
\$5,847,087 (additional spending estimated using answers to Questions 5 and 8)

10. How does your department finance its anti-meth activities? (83 responses)
(overall averages of responses)

86.7% City or county funding
5.7 % Special grant specifically awarded to combat meth. Grant(s) source(s): _____
7.4 % Drug forfeiture funds
.2 % Other. Please specify: _____

continued on next page

11. In your opinion, what percentage of your total number of criminal cases are meth-related? (Meth-related offenses occur when the users are under the influence of the drug; when users commit violent acts [for example, battery or robbery] to obtain money or the drug; or when distributors use violence while conducting their illicit business.) **(112 responses)**

36% 0-10% 34% 11-25% 20% 26-50% 7% 51-75% 3% 76-100%

Information about coordination among law enforcement agencies:

12. How would you rate your department's coordination on anti-meth activities with following agencies? (Please mark one rating for each agency.)

	Excellent	Good	Fair	Poor	Very Poor	Not present	re-sponses
Other local law enforcement agencies in <u>your county</u>	44%	36%	11%	3%	1%	6%	109
Local law enforcement agencies in <u>surrounding counties</u>	32%	46%	17%	2%	1%	2%	108
County/District attorneys	37%	46%	14%	3%	0	1%	107
KBI	41%	33%	19%	3%	1%	4%	108
KDHE (Kansas Department of Health and Environment)	26%	38%	13%	2%	1%	19%	99
Highway Patrol	23%	32%	18%	6%	2%	19%	105
National Guard	19%	16%	10%	3%	1%	51%	93
DEA	29%	33%	12%	4%	1%	21%	100
Other: fire marshal, fire depts., SRS, Dept. of Revenue FBI task force	343%	57%					7
	32%	36%	14%	3%	1%	14%	

Comments about coordination: _____

Cleaning up meth lab sites:

13. How does your department handle disposing of hazardous materials from meth labs? (Please mark all that apply.) **(108 responses, 145 items selected)**
10% Our department disposes of the hazardous materials.
81% Our department calls the KBI, and the KBI coordinates the hazardous material cleanup.
36% Our department calls the DEA, and the DEA coordinates the hazardous material cleanup.
7% Other. Please describe: **household hazardous waste (4), call another department (3), call cleanup company directly (1)**
14. In your opinion, has your agency been able to properly dispose of hazardous material from meth labs? **(101 responses)**
90% Yes 10% No If not, why not? **other agencies dispose of the waste (6), lack of training (1), none seized (1), unspecified (2)**
15. In your jurisdiction, have any innocent landowners in your county been "stuck" with cleanup costs? **(107 responses)**
90% No 10% Yes. If yes, how many? 33 Please briefly explain the circumstances: **fires at meth sites(2); others cited replacement of carpet, paint, etc. in rental properties (9)**

continued on next page

Information about what's needed to improve enforcement efforts:

16. What are your 5 top priorities for changes needed to address meth problems in your jurisdiction? **Please rank 5 of the following items in order of importance**, 1 through 5, with a "1" being most important. If no changes are needed, please check this box: . (9 said no changes) (93 responses)

Rated it #1 / Rated it in top 5

- 30% / 58% Additional officers. If so, how many? average 2.3 Approx average salary \$27,581
- 11% / 54% Clan meth lab training for your officers. Approx cost to your department \$ 4,625 average
- 5% / 37% Specialized equipment for your department. Please specify the equipment and cost:
breathing apparatus (14), chemical suits (6), "personal protective equipment" (4), air monitors (2), clan lab vehicle (1) (equipment) \$ 8,075 (average) (cost)
- 4% / 18% Specialized equipment for use by state agencies
- 10% / 49% Multi-agency drug task forces specific to this problem
- 2% / 27% Better coordination with other law enforcement agencies. If so, which one(s): local agencies (6), KBI (2), federal agencies (2), "all" (1)
- 2% / 37% Educating school children about the effects of methamphetamine
- 7% / 62% Educating the public about what they can do to help combat the meth problem
- 2% / 17% Effective treatment of meth users
- 14% / 48% More timely lab reports from the KBI
- 6% / 17% More stringent laws, if so, please explain: tougher sentences (6), diversion not allowed (2), controls on anhydrous ammonia (2), more controls on ephedrine and pseudoephedrine (1)
- 1% / 11% Other (please specify) strengthen prosecution (4), reduce plea bargaining (3), stiffer penalties (2), additional support for cleanup (1)

17. In your opinion, what is the single biggest impediment to effective enforcement against meth crimes? (86 respondents wrote in 104 responses; percentage below is percentage of respondents)

lack of resources	52%	prosecution/courts	20%	slow KBI lab results	14%
officers	36%	weak/slow prosecution	6%	suspects/labs are	13%
equipment/funding	11%	weak sentencing	6%	mobile/hard to find	
trained officers	5%	"court system"	6%		
		plea bargaining	2%		
not enough public involvement	8%	lack of coordination	7%	materials to make meth are easy to obtain	7%

Your opinions about progress in relation to enforcement efforts against meth crimes:

18. In your opinion, how much progress has been made against meth manufacturing in Kansas, over the past 3 years (1998-present)? Please choose one: (110 responses)

- 33% substantial progress
 - 46% moderate progress
 - 10% no progress (no better/no worse)
 - 11% it's worse than it was three years ago
- Comments: *progress in law enforcement but still more labs (5), training and awareness have helped (2), KBI has expanded the resources available (2), repeat offenders (1), funding cut to KBI (1), state is ignoring problem (1), "We are losing ground" (1)*

Additional comments. Please use the space below, and additional sheets as needed, to provide any additional comments about your enforcement efforts against meth crimes. _____

Please return the survey no later than FRIDAY, May 18, 2001, to
 Legislative Division of Post Audit
 800 SW Jackson Street, Suite 1200
 Topeka, Kansas 66612
 fax 785-296-4482

APPENDIX C

Survey of Kansas County or District Attorneys

We surveyed 105 county or district attorneys in Kansas regarding the prosecution efforts against methamphetamine offenses. We asked them a number of questions about their office staffing and budget, office policies for handling methamphetamine prosecutions, and coordination of law enforcement agencies. We also asked the prosecutors if progress was being made against methamphetamine, and what was needed to strengthen enforcement efforts. In all, 47 prosecutors responded to our survey, for a response rate of 45%. A summary of their responses is included in this Appendix.

**Survey of Kansas County or District Attorneys
on the Prosecution Efforts Against Methamphetamine Offenses**
(All responding counties)

The Legislative Post Audit Committee of the Kansas Legislature has directed the Legislative Division of Post Audit to conduct a performance audit of Kansas' enforcement efforts related to methamphetamine labs. The following survey is intended to obtain some basic information and opinions about your work related to methamphetamine offenses. The completed surveys will be included in the audit working papers which will become public documents upon completion of the audit.

Thank you for your assistance. If you have any questions about the survey, please call Laurel Murdie, audit supervisor, or Lisa Hoopes, associate auditor, at (785) 296-3792. You may also contact them by email: LaurelM@lpa.state.ks.us and LisaH@lpa.state.ks.us.

Important: Please return the survey in the enclosed postage paid envelope by MONDAY, MAY 14, 2001.

Please provide the following information about your office:

- 1a. What's the total number of felony criminal cases your office handled for the following years: (1999 - 39 responses, 2000 - 40 responses, 2001 - 39 responses)
- 1b. What percentage of your total felony criminal cases were **meth-specific** offenses? (Violation of laws prohibiting or regulating possession, use, distribution, or manufacture of meth.)

	Total Cases	% that were meth-specific cases				
		0-10%	11-25%	26-50%	51-75%	76-100%
1999	12,426	25	9	4	1	0
2000	12,596	22	13	4	0	1
2001 (to-date)	4,352	17	12	6	1	3

2. In your opinion, what percentage of your **total** number of felony criminal cases are **meth-related**? (Meth-related offenses occur when the users are under the influence of the drug; when users commit violent acts to obtain money or the drug; when distributors use violence while conducting their illicit business.) (47 responses)

14 0-10% 18 11-25% 11 26-50% 2 51-75% 2 76-100%

3. Please answer the following questions about the attorneys in your office: (47 responses)

	How many attorneys are employed by your office?	How many handle cases that are meth-specific ?
Full-time	123	46
Part-time	28	15

4. In your opinion, what percentage of your **total staff's time** is devoted to prosecuting meth-specific cases in your county? (47 responses)

22 0-10% 13 11-25% 6 26-50% 5 51-75% 1 76-100%

continued on next page

5. What is the total budget for your office for fiscal year 2001? \$ 22,187,749 (48 responses)
6. Please provide information about the costs your office incurs to prosecute meth-specific cases. If these costs are estimates rather than actual, please check this box . (48 responses)

\$ 3,034,224 Staff salary costs

\$ n/a Other costs. Please specify: _____

Please provide the following information about how your office handles meth-specific cases:

7. In your county, are the charges related to meth-specific cases **dismissed** more often than other felony cases? (45 responses)

38 No

7 Yes, if so, what percentage of the meth cases are dismissed? (Please choose one.)

1 0-10% 2 11-25% 2 26-50% 1 51-75% 1 76-100%

8. What are the reasons for dismissing or reducing (either at the pleading or sentencing phase) meth-specific charges? (Please check the appropriate box for each factor.)

(Lack of evidence – 30 responses, Lack time – 31 responses, Untimely lab – 34 responses)

	Frequent Occurrence	Occasional Occurrence	Rare Occurrence
Lack of evidence	6%	57%	37%
Lack of time or resources	23%	45%	32%
Unable to get timely KBI lab reports	53%	32%	15%
Other: _____			

9. How does the timeliness of the KBI lab reports affect your meth-specific cases? (Please check the appropriate box for each factor.)

(time for trial – 37 responses, statute run – 38 responses, charges dismissed – 41 responses, charges reduced – 39 responses, sentence reduced – 39 responses)

	Always	Frequently	Occasionally	Seldom	Never
Lab results are received on time for trial	24%	38%	5%	3%	30%
Lab results are received before the Statute of Limitations has run	63%	29%	8%	0%	0%
Delayed lab results cause charges to be dismissed	10%	19%	22%	30%	19%
Delayed lab results cause charges to be reduced	3%	31%	38%	15%	13%
Delayed lab results cause sentences to be reduced	3%	23%	20%	28%	26%

Comments: Lab reports are not received by preliminary hearings, must have more lab personnel in order to receive timely lab reports, no charges are brought until the lab report is received, huge penalties are meaningless without timely lab results.

continued on next page

10. What percentage of your methamphetamine cases involve repeat offenders for meth-specific charges? (Please limit your answer to 1 choice.) (42 responses)

17 0-10% 4 11-25% 10 26-50% 9 51-75% 2 76-100%

Information about what's needed to improve enforcement efforts:

11. The 1999 Legislature passed the Kansas Chemical Control Act, which among other things, made it unlawful to manufacture methamphetamine in Kansas. In your opinion, has this new law had a positive effect on the meth problem in Kansas? (46 responses)

35% Yes 11% No 48% Too soon to measure 6% No opinion

Comments: *Overall, the comments indicated that the Chemical Control Act is a good tool, but it is of no use if there aren't timely lab reports.*

12. What, if any, statutory changes are needed to help your office prosecute meth-specific offenses?

Comments: *Recurring comments included allowing field tests to be used as evidence, have differing sentence guidelines for manufacture for distribution versus personal use, and overall strengthening of penalties.*

13. What non-statutory changes are needed to strengthen enforcement efforts against methamphetamine offenses? Please rank them in order of importance, 1 through 7, with a "1" being most important. If no changes are needed, please check this box . (33 responses)

1 more timely lab reports from the KBI
5 educate the public about what they can do to help combat the meth problem
7 educate the public about how to safely respond to a meth lab
6 educating school children about the effects of methamphetamine
3 additional law enforcement officers. If yes, which agencies? Local KBI
2 more training for local law enforcement officers
4 additional prosecutors

If other non-statutory changes would help strengthen enforcement efforts, please explain: *Numerous comments regarding adequate funding of the KBI lab, an effort must be made towards improving treatment, build more prisons, and legislation must realize how meth affects nearly all types of cases.*

Information about coordination among law enforcement agencies:

14. How would you rate the coordination efforts between **federal and state** law enforcement agencies (DEA and KBI) in your county when dealing with methamphetamine cases? (35 responses)

20% Excellent 43% Good 28% Fair 3% Poor 6% Very Poor

Comments: *Overall, coordination was rated as good. Some negative comments regarding the level of coordination of federal agencies with the smaller Kansas counties.*

continued on next page

15. How would you rate the coordination efforts between **state and local** law enforcement agencies (KBI, county sheriffs' offices, city police departments, and county prosecutors' offices) in your county when dealing with methamphetamine cases? *(41 responses)*

46% Excellent 42% Good 12% Fair 0% Poor 0% Very Poor

Comments: *Overall, a very high satisfaction rate. Numerous comments regarding the need for additional training of law enforcement officers.*

Your opinions about progress in prosecuting methamphetamine offenses:

16. In your opinion, how much progress have enforcement efforts made against meth manufacturing and use in Kansas, over the past 3 years (1998-present)? Please choose one: *(39 responses)*

26% **substantial** progress
41% **moderate** progress
13% **no** progress (no better/no worse)
20% it's **worse** than it was three years ago

Comments: *Most responding counties felt there was progress being made, but timely lab reports was still a problem in the fight against meth.*

17. Please use the space below, and additional sheets as needed, to provide any additional comments about the prosecution efforts against methamphetamine offenses.

Must have adequate funding of the KBI lab in order to obtain timely reports that allow for successful prosecution to be possible. Untimely lab reports are a constant hindrance on for successful prosecutions. A strong emphasis was placed on the impact meth has on a wide variety of cases.

Please return the survey no later than MONDAY, MAY 14, 2001 to:

**Legislative Division of Post Audit
800 SW Jackson Street, Suite 1200
Topeka, Kansas 66612
Fax: 785-296-4482**

:

APPENDIX D

Agency Response

On July 11, we provided copies of the draft audit report to the KBI. Its response is included as this Appendix.

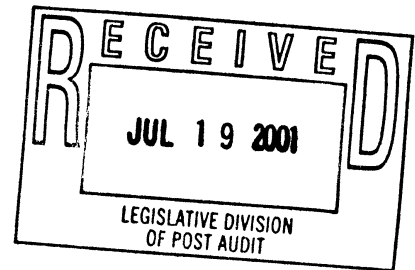


Kansas Bureau of Investigation

Larry Welch
Director

Carla J. Stovall
Attorney General

July 19, 2001



Barbara J. Hinton
Legislative Post Auditor
Legislative Division of Post Audit
Mercantile Bank Tower
800 S.W. Jackson St., Suite 1200
Topeka, Kansas 66612-2212

Dear Ms. Hinton:

Reference your letter of July 11 requesting my response to your completed performance audit entitled, *"Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts"*.

I continue to resist the temptation to have a special stamp prepared to more quickly handle my responses to your agency's audit reports. The stamp I envision would read, "I agree. Thank you. Larry Welch, KBI."

Of course, you seek, and deserve, a bit more.

First, let me thank you and your staff, and, in particular, Laurel Murdie, for yet another professional, extensive, probing, yet not disruptive or intrusive, inquiry into KBI operations and/or matters.

And thanks again for yet another well-considered audit report based on such an inquiry.

Following our briefing last week by Laurel and her companions, I commented to some of my staff that Laurel had become such an expert on "meth" in Kansas we should consider using her in legislative testimony next year. Perhaps she could be more eloquent on that front than apparently I have been. Clearly, she has an understanding grasp of the situation.

The audit certainly demonstrates that I have not exaggerated the impact and/or danger of methamphetamine in our state. Indeed, our conservative reporting criteria may have undersold the extent of the crisis. And the audit demonstrates, as well, why methamphetamine, in general, and “meth labs”, in particular, continue to be our agency’s top investigative, prosecutive and forensic priority.

Briefly, regarding the specific recommendations:

(1) Prepare and present to Kansas Legislature a plan for expansion of KBI Laboratory capabilities.

Such presentations have been made continuously in recent years of course by KBI and law enforcement allies, especially in KBI budget-related presentations. It continues to be an excellent idea and I intend to announce the creation later this summer of a blue-ribbon task force to carry this flag more effectively for us, pursuant to this recommendation.

In the meantime, given the expected \$1.9 million from the federal government, we will be hiring 5 additional chemists, and equipment. This should help resolve the horrendous backlog problem so eloquently described in the audit. Thanks to last year’s creative appropriation we are proceeding with re-modeling the regional laboratory at Great Bend to establish a “meth central” facility with nine new chemistry work stations.

Given that private labs seldom handle narcotic forensic examinations and given the fact that such examinations, private or public, must be conducted by nationally-accredited laboratories, like those of the KBI, I do not see the subcontracting of other laboratories as a viable option. The KBI Laboratory, as your audit points out, simply must be enhanced. We shall strive to do so.

(2) Develop a system to track and analyze Chemical Control Act data.

This will be the first assignment of the new analyst to be hired with our expected federal \$1.9 million grant.

(3) Remind local law enforcement of the need to report, promptly and accurately, all "meth labs".

I agree and we work hard to accomplish this. Seminars, conferences and meetings within the Kansas law enforcement community in recent years have emphasized "meth labs" more than any other single subject or topic and we take every media opportunity to preach that message to officers and citizens. With the federal funding headed our way we will, however, increase that already high level of effort.

(4) Judiciary Legislation.

(a) Use of Forensic field tests. Field tests work best in the field, not in the court. They are generally not favored by courts, prosecutors and/or defense attorneys, for a variety of reasons, reliability foremost among them. In addition, there are few, if any, field tests available for most "meth" ingredients, inasmuch as they are not controlled substances. However, we are looking at creative efforts in other jurisdictions to expedite the delay caused by full, lab analysis.

(b) Increase regulation of over-the-counter ephedrine alkaloids. We proposed legislation to regulate over-the-counter pseudoephedrine in 1999, but an impressive array of opponents prevented its passage out of committee. Friendly legislators advise us such legislation would continue to be very difficult, if not impossible. I will instruct my staff to revisit this key issue to see if other jurisdictions have found a workable solution to this problem. In the meantime, we will continue to create alternative programs like "Meth Watch" and voluntary restrictions.

(5) State grants to assist locals.

More investigative resources are indeed desperately needed across the state. Again, half of the \$1.9 million in federal funds we anticipate receiving very soon has already been earmarked by the KBI for locals, i.e., training, equipment, etc. In addition, other federal grants, i.e., Byrne, COPS, etc., are already utilized by local

agencies. However, maintaining the level of training and expensive equipment needed to properly respond to meth labs may be beyond the resources of smaller jurisdictions. In any state-wide effort or system, should state money ever be available for grants (unlikely), I would respectfully suggest that, for purposes of expertise, coordination and consistency, the KBI, should be involved.

As you can see, we agree with the findings in the audit and are already trying to implement solutions to some of those problems. However, I must point out, once more, that our “solutions” are only possible, even on a temporary basis, due to the \$1.9 million, one year, grant from the federal government. It is imperative that the state of Kansas recognizes the extent of this crisis and dedicates the resources necessary to continue those solutions. This audit will, hopefully, help accomplish that goal.

Sincerely,



Larry Welch
Director

LW/pja