

# **NARCOTICS ENFORCEMENT DIVISION ANNUAL REPORT TO THE LEGISLATURE FY 2006**

In accordance with Chapter 329-11 Hawaii Revised Statutes the Department of Public Safety has the authority to schedule controlled substances. Annually, upon the convening of each regular session of the state legislature, the department of public safety shall report to the legislature additions, deletions, or revisions in the schedules of substances enumerated in sections 329-14, 329-16, 329-18, 329-20, and 329-22, and any other recommendations that it deems necessary. Three months prior to the convening of each regular session, the department of public safety shall post public notice, at the state capitol and in the office of the lieutenant governor for public inspection, of the department's recommendations to the legislature concerning any additions, deletions, or revisions in these schedules; provided that the posting shall not be required if official notice has been received that the substance has been added, deleted, or rescheduled as a controlled substance under federal law.

Under Chapter 329-11(d) HRS states that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the department of public safety shall recommend that a corresponding change in Hawaii law be made. The department of public safety shall similarly designate the substance as added, deleted, or rescheduled under this chapter after the expiration of thirty days from publication in the Federal Register of a final order and this change shall have the effect of law. If a substance is added, deleted, or rescheduled under this subsection, the control shall be temporary and, if the next regular session of the State Legislature has not made the corresponding changes in this chapter, the temporary designation of the added, deleted, or rescheduled substance shall be nullified.

The Department of Public Safety was notified by means of the Code of Federal Regulations that on July 28, 2005, the substance "Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]" that was placed in Schedule V by the Federal government under 70 FR 43633. In accordance with provisions of Chapter 329-11(d) Hawaii Revised Statutes that if a substance is added, deleted, or rescheduled as a controlled substance under federal law and notice of the designation is given to the department of public safety, the Department of Public Safety shall recommend that a corresponding change in Hawaii law be made. The department is therefore recommending that the controlled substance "Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]" be listed under Chapter 329-22 as a Schedule V controlled substance.

## **PART VI. REGULATED CHEMICALS FOR THE MANUFACTURE OF CONTROLLED SUBSTANCES**

Chapter 329-61(c) Additional Chemicals. requires that if a chemical is added or deleted as a regulated list 1 or list 2 chemical under federal law and notice of the designation is given to the department, the department may recommend that a corresponding change be made to state law. The department of public safety shall designate the chemical as added

or deleted under this chapter after the expiration of thirty days from publication in the Federal Register of a final order and the change shall have the effect of law. If a chemical is added or deleted under this subsection, the control shall be temporary and, if the temporary designation of the added or deleted chemical is not permanently enacted in corresponding changes to this chapter at the next regular session of the legislature, the temporary designation shall be nullified.

During this period the Department does not received any notification of additional chemicals added or deleted by the Federal Government that would affect Chapter 329, Part IV Hawaii Revised Statutes.

## **ACT 44 SLH 2004 REQUIREMENTS**

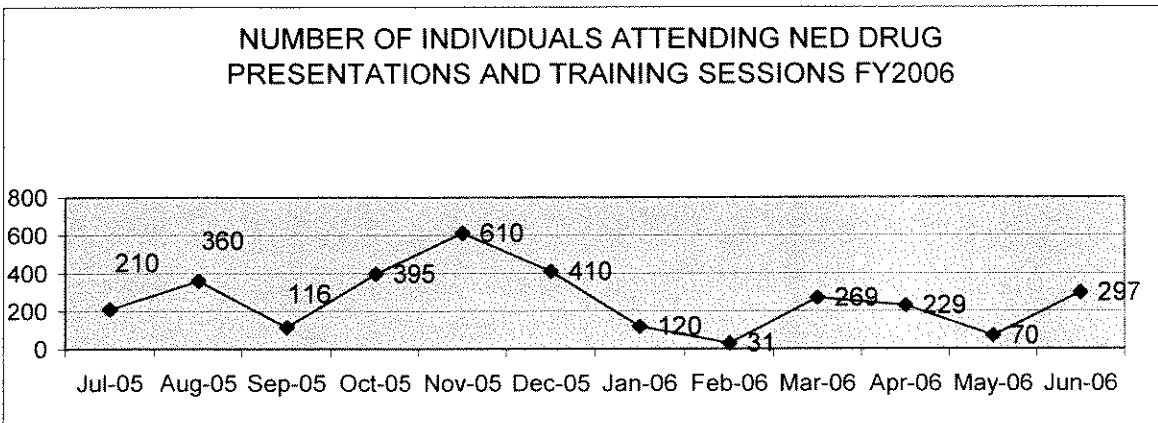
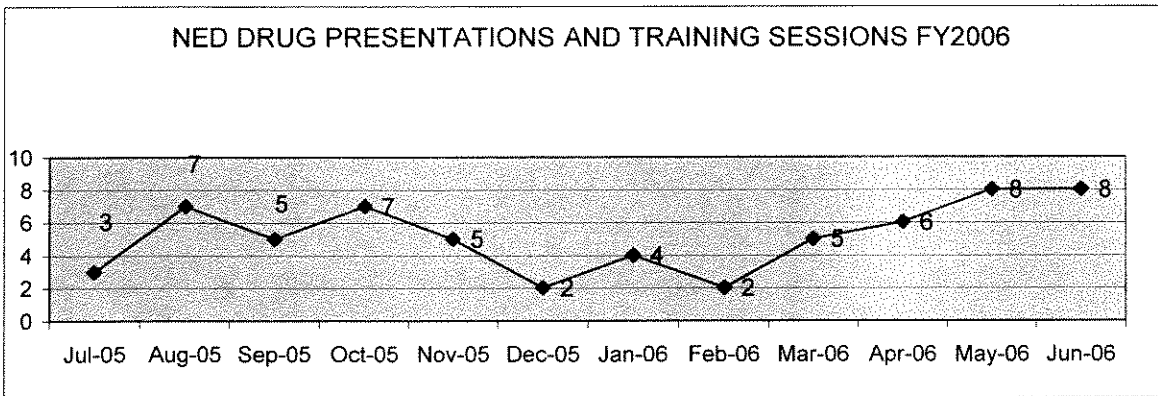
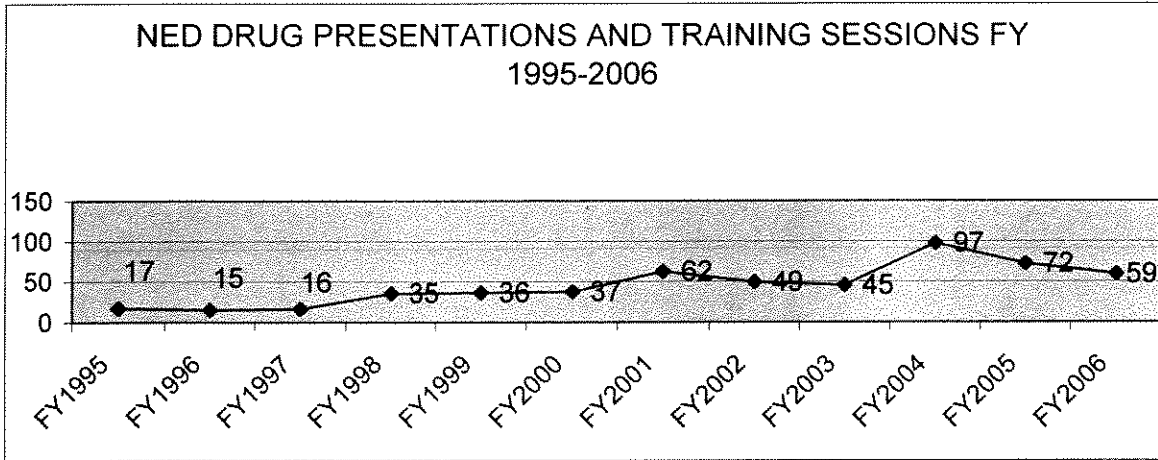
**Chapter 26-14.6 Department of public safety.** (m) states that the Department of Public Safety shall coordinate drug abatement efforts of the communities with the State, counties, and community agencies, by:

- (1) Facilitating sharing of resources and information;
- (2) Providing technical support for community mobilization groups;
- (3) Establishing community action plans for drug education, awareness, and prevention;
- (4) Facilitating problem solving in the delivery of law enforcement services by state and local agencies to the community.

The department shall submit an annual report to the legislature twenty days before the convening of each regular session, on the activities of the department relating to this mandate.

In accordance with Chapter 26-14.6(m)(2) (3) and (4) the Department of Public Safety's Narcotics Enforcement Division during FY 2006, NED took a leadership role in informing the community of Hawaii's methamphetamine problem within the division's budgetary constraints. During FY 2006, the Narcotics Enforcement Division put on 59 drug education and clandestine laboratory presentations to law enforcement, schools, the medical community and the public across the State with little or no impact to NED's budget. These drug education presentations covered drug identification, trends, and the physical and psychological damage done by drug use, clandestine laboratories, and the chemicals utilized in the illegal manufacture of controlled substances. These various presentations on were attended by 3867 individuals as well as had media coverage. NED's education programs covers Hawaii's drug trends, drug identification, the physical and psychological effects as well as the damage that drugs can do to the human body.

FISCAL YEAR	TRAINING SESSIONS	# OF INDIVIDUALS TRAINED
2006	59	3867
2005	72	4904
2004	97	9140
2003	45	2485
2002	49	1025



Chapter 26-14.6(m) requires the department to coordinate drug abatement efforts of the communities with the State, counties, and community agencies. By (1) facilitate the sharing of resources and information and (4) facilitate problem solving in the delivery of law enforcement services by state and local agencies to the community. During FY 2006, NED responded to 31 drug complaints from the public and initiated 61 cases where another agency requested assistance from NED. To further accomplish these goals NED has facilitated the sharing of resources and information by working joint criminal investigations through its participation in initiatives with the Hawaii High Intensity Drug Trafficking Area (HIDTA).

#### **HIGH INTENSITY DRUG TRAFFICING AREA (AIRPORT INTERDICTION)**

The Narcotics Enforcement Division continues to be a member of HIDTA and has dedicating two full time positions to the Airport Interdiction Taskforce stationed at the Honolulu International airport. The mission of this taskforce is the interdiction of drugs at all of the commercial airports statewide. During FY 2006, NED investigators assisted the HIDTA Airport taskforce in 70 interdiction cases involving the seizure of drugs and money.

#### **HIGH INTENSITY DRUG TRAFFICING AREA (FOREIGN INTERDICTION TASK FORCE)**

The Narcotics Enforcement Division continues to be a member of a Customs HIDTA initiative on an as needed bases. This initiative identifies and investigates any controlled substance that is shipped, mailed or smuggled from a foreign country into Hawaii. During FY 2006, the Narcotics Enforcement Division investigated 10 cases of illegal importation of controlled substances by passengers or mail.

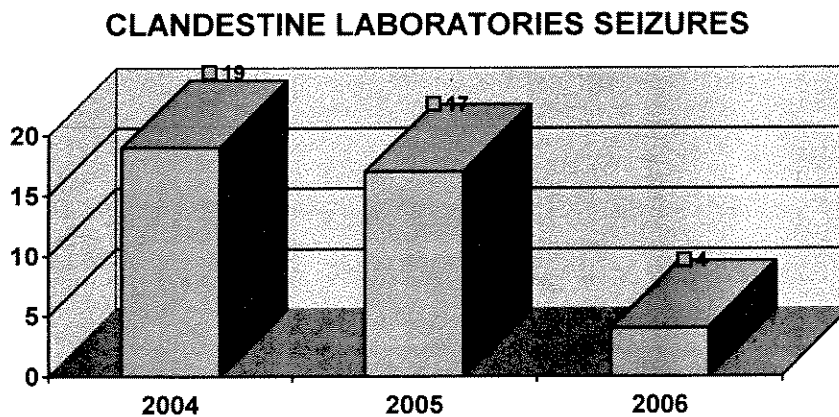
#### **HIGH INTENSITY DRUG TRAFFICING AREA (MONEY LAUNDERING / ASSET FORFEITURE TASK FORCE)**

In February of 2004, the Narcotics Enforcement Division became a full time member of the HIDTA Money Laundering / Asset Forfeiture Task Force, which is a multi agency initiative to detect, disrupt and dismantle drug organizations that use real property and launder proceeds from illegal activities by tracing assets and the flow of drug money proceeds both internationally and domestically into and out of the State of Hawaii. During FY 2006, NED's Investigator participated in 23 criminal investigations involving drugs and money. NED discontinued participation in this taskforce on 10-31-05 due to the transfer of one of its investigators to the Kona Prosecutor's office. NED will not be reassigning an investigator to this taskforce in FY 2007.

#### **HIGH INTENSITY DRUG TRAFFICING AREA (STATEWIDE MULTI-AGENCY CLANDESTINE LABORATORY COORDINATION)**

During FY 2006 NED did see a dramatic decrease in the amount of clandestine laboratories found statewide during this period from 17 reported in calendar year 2005 to

only 4 in calendar year 2006. NED attributes this dramatic decrease in the amount of clandestine laboratories discovered in Hawaii to increased attention on the sale of precursor chemicals especially pseudoephedrine. This decrease in clandestine laboratories found statewide is due largely to the passage of Act 193, which placed regulations to the sale, and display of the precursor chemical pseudoephedrine. This coupled with NED's increased educational programs and inspections of retailers greatly impacted the illegal manufacturing of the drug crystal methamphetamine in Hawaii. During FY 2006 NED conducted 41 regulated chemical inspections, which focused on Hawaii's pseudoephedrine and ephedrine regulations.

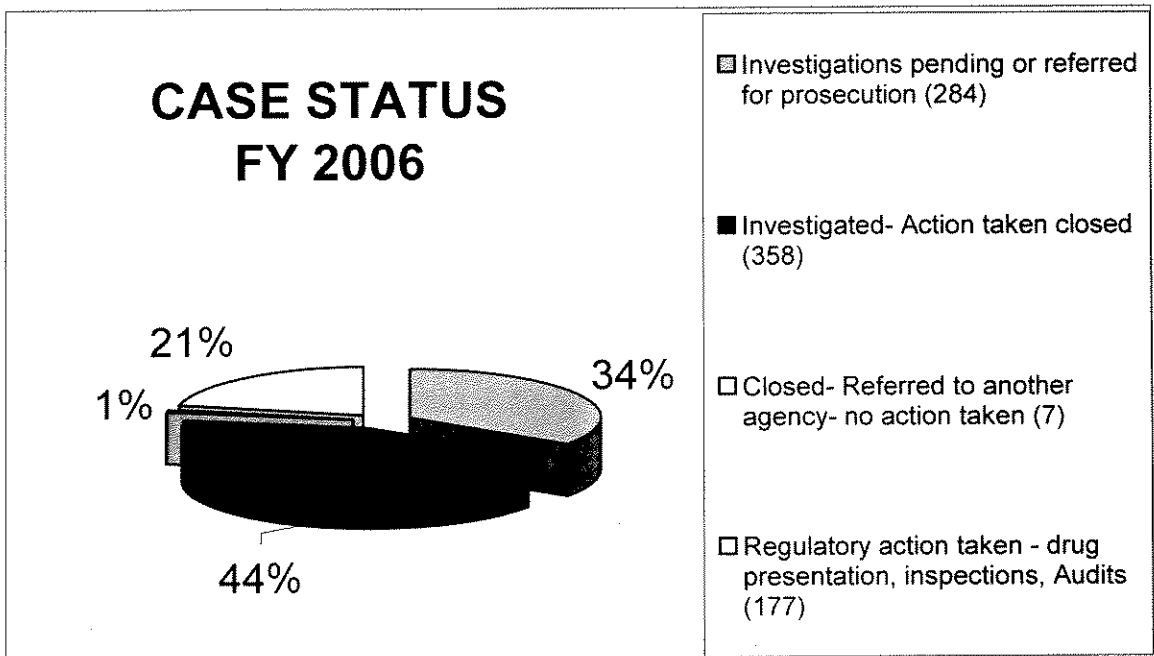


In FY 2006 NED received \$26,000.00 from the 2005 Hawaii High Intensity Drug Trafficking Area for its Clandestine Laboratory initiative to coordinate and train law enforcement on all islands and to coordinate a statewide multi-agency clandestine laboratory response team. NED is the lead agency coordinating HIDTA's Statewide Multi-agency Clandestine Laboratory Coordination initiative which provides oversight, consolidated training, and to coordinate a first response to clandestine laboratories involved in the manufacturing of crystal methamphetamine "ice", Gamma Hydroxybutyrate (GHB), phencyclidine (PCP), phenyl-2-propanone (P-2-P), methylenedioxymethamphetamine (MDMA/Ecstasy), and lysergic acid diethylamide (LSD). The primary goal of this initiative is to coordinate and support all other HIDTA initiatives and regional law enforcement agencies as a resource to train, detect, dismantle, disrupt, arrest and prosecute individuals, drug organizations, drug gangs, and organized crime groups involved in clandestine laboratories, the diverting of regulated chemicals and the manufacturing of illicit narcotics.

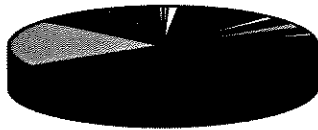
The Department has facilitated problem solving in the delivery of law enforcement services by state and local agencies to the community by working with the county and Federal law enforcement agencies in cooperatively responding and referring cases to the appropriate law enforcement agency.

During FY2006, NED Investigators responded to 826 cases, 649 criminal and 177 regulatory. During FY 2006 NED saw a substantial increase in pharmaceutical controlled substance diversion cases. In FY 2006 NED responded and investigated 189

cases of pharmaceutical diversion or theft, compared to 110 in FY 2005. Increased security at the airport since the September 11, 2001, terrorist incident have also resulted in an increase in the number of controlled substance being detected at airport checkpoints and through the mail. During FY 2006 NED Investigators investigated 71 controlled substances and drug paraphernalia cases referred by the Airport Sheriff Detail at security checkpoints, 10 cases referrals by the Bureau of Immigration and Customs Enforcement (BICE)/ US Postal Service relating to illegal importation or smuggling of pharmaceutical and illicit controlled substances into Hawaii and 70 by the HIDTA Airport / DEA taskforce, 23 by the HIDTA Money Laundering Taskforce for controlled substances or regulated chemicals being smuggled into Hawaii. NED did see a decrease in the amount of clandestine laboratories found statewide during this period, this could be attributed to increased regulations on the key precursor chemical pseudoephedrine



## FY 2006 NED CASES



- Attorney General Office (4)
- Corrections Mainland Branch (1)
- DEA (8)
- DHS (2)
- DLNR (1)
- DOH HEER (1)
- FBI (2)
- FDA (2)
- HIDTA Airport Taskforce (70)
- HCCC (2)
- HCF (4)
- HIDTA Clan Lab (14)
- HIDTA Clan Lab Maint (13)
- Hawaii Pros Office (3)
- HIDTA Money Laundering TF (23)
- State Hospital (2)
- HPA (1)
- HPD (3)
- HYCF (2)
- PSD IA (8)
- US ICE (10)
- Kauai Pros Office (1)
- KCCC (3)
- LA Pros Office (1)
- Laumauka Facility (2)
- State Leg (1)
- Lt. Gov Office (1)
- Maui Airport (3)
- Maui Pros Office (3)
- MCCC (12)
- MPD (1)
- NCIS (1)
- NED Crim (341)
- NED REG (167)
- Honolulu Pros Office (1)
- OCCC (9)
- Pro Service (1)
- SD Patrol (7)
- SD Airport Section (71)
- SD Circuit Court (6)
- SD Cellblock (1)
- SD District (1)
- SD Kaneohe (1)
- SD Supreme Court (1)
- SD Warrants (6)
- PSD TSD (1)
- WCCC (4)
- WCF (4)

### FY 2006 CASES

**ENFORCEMENT WORK DONE DURING THIS PERIOD:**

During FY 2006, NED Investigators responded to 826 cases, 649 criminal and 177 regulatory. The following is a detailed listing of these cases:

- 35 Agency Assist cases where NED Investigator worked with other Federal, State or County law enforcement agencies.
- 7 Agency assist where NED Investigators assist a law enforcement agency with Medical Marijuana Verification.
- 19 Agency assist where NED Investigators assist a law enforcement agency with HISTEM information or guidance regarding a suspect abusing or diverting pharmaceutical controlled substances.
- 40 cases involving the disposal of controlled substances from a registrant.
- 10 Drug activity complaints from public.
- 59 Drug Presentations/Training given. Total individuals receiving training approximately 3867 individuals.
- 3 Regulatory Evidence processing and disposition
- 4 State case resulting in Forfeiture
- 47 Federal cases initiated by HIDTA Airport Taskforce resulting in Federal Forfeiture
- 15 Federal cases initiated by HIDTA Airport Taskforce Federal Drug Investigations
- 20 Federal cases initiated by HIDTA Money Laundering Taskforce resulting in Federal Forfeiture
- 2 Federal cases initiated by HIDTA Money Laundering Taskforce
- 12 Clandestine Laboratory investigation or chemicals utilized to manufacture investigations.
- 13 Clandestine Laboratory Protective Equipment Maintenance conducted by NED
- 2 Prisoner transport requested by PSD Corrections
- 21 Intelligence cases where information was gathered and disseminated to appropriate law enforcement agencies.
- 117 Fraudulent Obtaining of a Controlled substance cases.
- 20 Multi-doctor cases where suspects visited numerous physicians and obtained controlled substances by deceit or subterfuge.
- 1 Non-Drug Criminal Investigation assigned by Director
- 4 Nurse investigations relating to diversion of controlled substances.
- 4 Cases classified as Other Investigations, miscellaneous cases investigated by NED.
- 33 Prison Contraband Case
- 121 Promoting cases that required investigators to conduct surveillance on suspects for extended periods of time. These types of investigations where investigators are required to spend long hours on surveillance can run on for days at a time.
- 10 Miscellaneous criminal investigation
- 5 Cases identified as Other
- 12 Controlled Substance registrant investigation



- 36 cases where there was a theft from medical facility possibly medical professional personnel.
- 26 Registrant assist where NED Investigators assist a practitioners
- 62 Registrant assist where NED Investigators assist a practitioner with HISTEM information or guidance regarding one of his patients
- 41 Registrant inspections, Controlled Substance and Regulated Chemical.
- 9 Training for NED Investigative Staff
- 2 Registrant license suspensions
- 1898 Operation Sentinel/Electronic Prescription Monitoring System information checks made by analyst or investigators (verbal and written).
- 96 new Pharmacy alerts initiated by NED
- NED is presently monitoring 853 individuals utilizing its pharmacy alert system for doctor patient or NED agreements, controlled substance violations or suspected violations.
- In FY 2006 the Narcotics Enforcement Division's electronic prescription accountability system inputted 966,806 new Schedule II through IV controlled substance prescriptions into the system, which as of FY 2006 has the data of 5,772,897 prescriptions.
- During FY 2006, the Administrator of the Narcotics Enforcement Division attended and testified at 59 legislative hearing on Bills introduced by the Department or that assigned to the Division to actively support.
- 9 NED Patient Agreements. These are written agreements between the NED and patients who are visiting multiple physicians to obtain controlled substance prescriptions. This agreement acts as a deterrent for the problem patient who is at the beginning of his/her abusive drug-seeking behavior.
- 10 Cases was referred to NED by Immigration and Customs Enforcement (ICE) relating to persons who are stopped at US Customs Airport for a controlled substance violation such as undeclared pharmaceutical drugs imported to the US without a prescription or a controlled substance not authorized in the US or unauthorized importation by mail of controlled substances.
- Inputted 94 WSIN / RISS cards.