

# The Prescription Drug Crisis and Its Impact on Law Enforcement

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## **Abstract**

*The prescription drug abuse problem is one of the most serious we face in our community at the present time. Prescription drug abuse has no economic boundaries. It effects all ages, races and genders. It is the fastest growing drug problem in America. Unlike the crack cocaine crisis in the 1980's and 90's, prescription drugs are easily accessible in your bathroom medication cabinet, or a drive to your local pharmacy. To help combat this growing crisis in our communities, law enforcement is taking a multi-pronged approach to dealing with the growing crimes related to this issue. Law enforcement agencies in Florida who are part of a regional drug enforcement strike force were surveyed to determine if recommended areas by the Office of National Drug Control Policy (ONDCP) are being implemented. If so, are the recommendations having an impact in the community?*

## **Introduction**

The abuse of prescription drugs, especially Oxycodone is an epidemic griping the United States. Unlike the crack cocaine crisis faced in the 1980's and 1990's, the prescription drug crisis has reached across all demographics from the poor to the wealthy, from young and old, and from the urban environments to the suburbs.

No longer is a law enforcement officer hiding in the bushes or on roof tops waiting for the street dealer to flag down a car and sell their rocks of cocaine or their baggie of marijuana. Now the officers sit in a parking lot at a strip mall watching groups of people walk right in to their local neighborhood doctor's office or pharmacy to obtain Oxycodone, their drug of choice.

This epidemic touches every area of law enforcement from the narcotics detective to the detectives investigating property crimes and crimes against people. It impacts our school resource officers, patrol detectives and accident homicide investigators. Our jails are overcrowding with people committing these crimes. Our court system is impacted with special drug courts.

Law enforcement, especially narcotics units are looking at new ways to combat this epidemic. No longer is enforcement alone the answer.

## Literature Review

The opioid Oxycodone was developed in Germany in 1916. It was designed to be a better medication than other opioids, such as heroin, codeine, and morphine. Just before Oxycodone was created, people were becoming addicted to the other opioids like heroin and some were experiencing serious side effects from their abuse. At that time, no one thought that this new drug would become one of the most widely used and abused prescription drugs of all time. (Winkel, B, 2010)

Although Oxycodone first came to the United States in 1939, it was not until a company named Purdue Pharma began manufacturing OxyContin in 1996 that it became widely used. By 2001, OxyContin was the best-selling narcotic pain reliever in the country. Because the drug became so widely available, those with extra pills from a prescription found they could sell the drug for a big profit. This was the beginning of the prescription drug abuse that is such a problem today. (Winkel, B, 2010)

OxyContin has since become one of the most widely abused prescription drugs of all time. OxyContin is bought and sold on the streets with such names as “Hillbilly Heroin”, “Killers”, “OC”, and “Oxycotton”, “40’s”, “80’s” and “Blues”. (National Drug Intelligence Center, 2003)

Because of its availability, easily obtained by doctors or accessible in the family medicine cabinet, law enforcement is seeing OxyContin as the preferred drug that kids sell to each other at school, stay at home mom’s abuse, and people break into or rob pharmacies to steal. It does not discriminate against age, race, or social status. For many people dealing with OxyContin addiction, treatment from a professional is a necessity. Traditional narcotics law enforcement has been put aside to deal with this epidemic and law enforcement agencies all over the country are turning to each other for help on how to address this problem in their jurisdiction. Even the federal government from the Drug Enforcement Agency (DEA) to the Office of Drug Control policy is weighing in on how to combat this epidemic. (Office of National Drug Control Policy, n.d.)

In the 2011 Prescription Drug Abuse Prevention Plan, the National Drug Control Strategy outlined four major areas to reduce prescription drug abuse:

- **Education.** A crucial first step in tackling the problem of prescription drug abuse is to educate parents, youth, and patients about the dangers of abusing prescription drugs, while requiring prescribers to receive education on the appropriate and safe use, and proper storage and disposal of prescription drugs.
- **Monitoring.** Implement prescription drug monitoring programs (PDMPs) in every state to reduce “doctor shopping” and diversion, and enhance PDMPs to make sure they can share data across states and are used by healthcare providers.
- **Proper Medication Disposal.** Develop convenient and environmentally responsible prescription drug disposal programs to help decrease the supply of unused prescription drugs in the home.
- **Enforcement.** Provide law enforcement with the tools necessary to eliminate improper prescribing practices and stop pill mills. (Office of National Drug Control Policy, n.d.)

## Education

Law enforcement is teaming up with community organizations and non-profits to help in the area of education. The Narcotics Overdose Prevention & Education (NOPE) is a 501 © (3) non-profit organization formed in Palm Beach County, Florida in 2004 to combat the illegal use of prescription drugs and narcotics. The NOPE Task Force is made up of community leaders, concerned families and law enforcement working together to save lives. Working with NOPE, law enforcement now assists in school presentations aimed at middle and high school as well as universities. They conduct parent and community forums and hold candle light vigils. Narcotics detectives team up with school resource officers, community police officers and their press information officers to accomplish this goal. (NOPE TASK FORCE.ORG, 2011)

Many agencies also belong to the National Association of Drug Diversion Investigators (NADDI).

Established in 1989, the National Association of Drug Diversion Investigators, Inc. (NADDI) is a unique membership organization whose members are responsible for investigating and prosecuting pharmaceutical drug diversion. The organization has proven to be a valuable asset to law enforcement, the pharmaceutical industry and health regulatory personnel. NADDI's objective is simple: to improve the members' ability to investigate, and prosecute, pharmaceutical drug diversion.

NADDI's principle activities are:

1. Cooperative education and training in the specifics of pharmaceutical drug diversion, investigation, prosecution and prevention;
2. Sharing investigative information and communicating with a wide variety of interested parties with regard to the nature, scope and impact of pharmaceutical drug diversion;
3. Developing more effective measures to combat the problem.

NADDI provides educational training for investigators and educational tools for the investigator to bring to his community. One of the most popular NADDI educational tools is "Dougie the Drug Dog" Dougie (Doug-e) The Drug Dog is an innovative program that was created by the National Association of Drug Diversion Investigators (NADDI). According to the NADDI website "The purpose of the program is to provide families, schools, and communities with a multi-pronged approach to educating and reducing prescription drug abuse. Dougie provides parents, educators, and others the ability to provide quality, positive, and age appropriate information for kids 2-10 years of age. Dougie the Drug Dog was started by the Pierce Township Police Department in Clermont County Ohio by Officer Jason Doerman, with the help of a grant from NADDI. The natural attraction of children to animals allows Officer Doerman to build a strong bond and rapport with young people. It is through this relationship that important messages are able to be delivered about prescription drug abuse and other safety issues that are facing kids today." (NADDI, 2012)

Additionally, NADDI provides grant funding to narcotics investigation units to assist in building these relationships with the community as well as offset overtime costs for its investigators. (NADDI.ORG, 2012)

## Monitoring

According to the **National Alliance for Model State Drug Laws (NAMSDL)**, a Prescription Drug Monitoring Program (PDMP) is a **statewide** electronic database which collects designated data on substances dispensed in the state. The PDMP is housed by a specified statewide regulatory, administrative or law enforcement agency. The housing agency distributes data from the database to individuals who are authorized under state law to receive the information for purposes of their profession. (National Alliance for Model State Drug Laws, n.d.)

One reason the state of Florida is still battling this epidemic is that they were one of the last to develop a Prescription Drug Monitoring System not going operational until October of 2011. (DEA Diversion, n.d.)

Because of PDMP systems in Kentucky, Tennessee and other states, law enforcement officers saw people coming into their jurisdiction by the car loads to see doctors and commit other crimes. (Burke, 2010)

Section 893.055, Florida Statutes, requires health care practitioners to report to the PDMP each time a controlled substance is dispensed to an individual. This information is to be reported through the electronic system as soon as possible but not more than 7 days after dispensing. This reporting timeframe ensures that health care practitioners have the most up-to-date information available. (Florida Criminal Law and Motor Vehicle Manual, 2011-2012 Edition)

According to the Brandeis University, Prescription Monitoring Program Center for Excellence report, prepared by John L. Eadie, Director on January 12, 2012, 7.4% of all in-state prescribers have enrolled in the PMP within the first 3 months. (Eadie, 2012)

According to department of health investigator Jessica Mackesy, assigned to the Pinellas County Sheriff's Office County Wide Diversion Task Force, only 6% of all licensees (527 out of 8788) in Pinellas County have registered with the state for PDMP. Investigator Mackesy received this information from a February 10, 2012 report on EFORCE database registrations for Pinellas County. Although the report gives high marks for this percentage of prescribers, this poses another issue for law enforcement as the program is voluntary and many of the "suspected" pill mill doctors are not registering or using the system. (Florida Department of Health Investigator Jessica Mackesy, personal communications, February 14, 2012)

## Proper Medication Disposal

"Operation Take Back", "Operation Medicine Cabinet" is just two names that are associated with medicine disposal. Law enforcement is now tasked with setting up disposal sites throughout their community and accepting hundreds of pounds of unused medication with no questions asked. According to DEA, the next nationwide Take Back Program will take place on April 28, 2012. In Florida there are already 79 locations identified for this event. These include grocery stores, drug stores and even military bases. (DEA, 2012)

These events are so successful and popular with the public that some agencies are establishing “drop boxes” in their departments. These “drop boxes” allow the public to dispose of their unused medications at any time during the day. These events take time and money. The average collection site requires two people, with one being a certified law enforcement officer. Depending on the size of the agency, some agencies could have two or more sites. Set up and break down of each site plus the securing of the medication can take up to eight hours. Overtime costs usually play into this event. A bill going through the state of Florida, FSS 403.745 “requiring the Department of Environmental Protection to establish a grant program to reimburse local law enforcement agencies for the expenses associated with the collection and disposal of household pharmaceuticals” would help agencies with this burden. (DEA, 2012)

## **Enforcement**

Law Enforcement, especially narcotics detectives have to adapt to these types of new investigations. A detective cannot simply walk into a doctor’s office he or she suspects as being a pill mill, asks for pills and makes an arrest. Investigations take time and money and can be dangerous to the undercover detective. The protection of undercover detectives in these types of investigations is also a concern. Detectives investigating an Orlando area clinic suspected of being a pill mill reported “there were other indications that this pain clinic was a pill mill. There were long lines outside; armed security guards; and signs that warned patients they needed to bring empty pill bottles and posted what medications were available and a price list for the pills. The pain clinics were a cash business.” (Pavuk, A-2012)

Some clinics require the “patient” to shut off his or her phone and even resort to pat down searches. These alone jeopardize an undercover detective who might have a body bug on for protection. Unlike normal drug deals that might take a few minutes to half an hour, undercover detectives are sitting in waiting rooms with as many as forty other subjects waiting to see the doctor. Most security at these clinics does not allow the “patient” to leave once he or she is in the building. Communications, verbal or visual with back up detectives is almost non-existent. (Pavuk, A-2012)

In some cases in south Florida detectives posing as “patients” and waiting in the waiting room were witness to a takeover style robbery. It is difficult to close down a suspected pill mill because law enforcement has the burden of proof that the doctor is operating outside the standard of care. This is done by law enforcement or prosecutors hiring expert witnesses to review patient files and determine if the burden is met. An investigation of this type can take up to two years to conduct and costs thousands of dollars in expert witness fees. (Pavuk-A2012)

Other types of investigations detectives must take on are doctor shopping. “Doctor shopping” refers to when an individual visits several different doctors to obtain prescriptions for the same medications, and then has the prescriptions filled at different pharmacies. This allows the individual to obtain more of the prescribed substance than any one physician or pharmacist would allow. (FSS 893.13 (7) (a) (8)).

The problem law enforcement is faced with today is how can they dedicate staff and funding to this epidemic and continue with their other roles in narcotics

investigations and other crimes. Are agencies adopting the ONDCP model and if so is it successful?

## Method

The purpose of this research was to determine if law enforcement agencies are aware of and/or following the 2011 Prescription Drug Abuse Prevention Plan, the National Drug Control Strategy outlined four major areas to reduce prescription drug abuse:

- Education. A crucial first step in tackling the problem of prescription drug abuse is to educate parents, youth, and patients about the dangers of abusing prescription drugs, while requiring prescribers to receive education on the appropriate and safe use, and proper storage and disposal of prescription drugs.
- Monitoring. Implement prescription drug monitoring programs (PDMPs) in every state to reduce “doctor shopping” and diversion, and enhance PDMPs to make sure they can share data across states and are used by healthcare providers.
- Proper Medication Disposal. Develop convenient and environmentally responsible prescription drug disposal programs to help decrease the supply of unused prescription drugs in the home.
- Enforcement. Provide law enforcement with the tools necessary to eliminate improper prescribing practices and stop pill mills. (ONDCP, n.d.)

Nineteen (19) law enforcement agencies that currently take part in the Florida Department of Law Enforcements Regional Drug Enforcement Strike Force formed in March of 2011 by Governor Rick Scott and Attorney General Pam Bondi were identified and surveyed for this research.

The below agencies were selected from their attendance at a Florida Department of Law Enforcement Strike Force conference held in Orlando Florida.

- Alachua County Sheriff's Office
- Palm Beach County Sheriff's Office
- Citrus County Sheriff's Office
- Clearwater Police Department
- Hardee County Sheriff's Office
- Hernando County Sheriff's Office
- Hillsborough County Sheriff's Office
- Lee County Sheriff's Office
- Osceola County Sheriff's Office
- Pasco County Sheriff's Office
- Pinellas County Sheriff's Office
- Polk County Sheriff's Office
- Sarasota County Sheriff's Office
- Seminole County Sheriff's Office
- St. Petersburg Police Department
- Sumter County Sheriff's Office
- Tampa Police Department
- Temple Terrence Police Department
- Walton County Sheriff's Office

Each survey consisted of a total of fifteen (15) questions, with three (3) each in the following categories:

1. Demographics: Agency Size, Narcotics Division, Diversion Squad/Unit
2. Education
3. Monitoring
4. Proper Medical Disposal
5. Enforcement

## **Results**

Nineteen surveys were sent out to the nineteen identified agencies with eleven surveys completed and returned. This resulted in a 58% response to this survey.

100% of the questions were answered by the respondents with the following results:

Questions one through three dealt with the demographics of the agency. The first question dealt with the size of the agency surveyed. The majority of the agencies surveyed (73%) had a size of 300 or above sworn personnel, excluding jail members. The second question asked if the agency had a Narcotics Division/Unit with 100% indicating it had. Question three dealt with a Pharmaceutical Diversion Unit/Squad with the majority (73%) indicating it had such a unit.

Questions four through six were related to education. Question four related to training of patrol officers to help them identify and investigate diversion related cases. Again, the majority (73%) indicated there was training in their agency. Question five asked if the agency surveyed partnered with nonprofit organizations to identify those that would be willing to assist with educating the public on the dangers of prescription drugs. 91% of those surveyed did in fact have this in place. Question six related to any volunteer programs provided by the agency to educate prescribers in the community on the appropriate and safe use, and proper storage and disposal of prescription drugs. 91% of those agencies surveyed did in fact have this in place.

Questions seven through nine related to the prescription drug monitoring program. Question seven asked if the surveyed agency had signed up for and had access to the Prescription Drug monitoring Program (PDMP). 100% surveyed had this in place. Question eight asked about the training of investigators in the use of the PDMP and 100% of the surveyed agencies had this in place as well. Question nine asked if the surveyed agencies had a plan in place to work with other law enforcement agencies and prescribers in their jurisdiction. 100% answered yes to assisting other law enforcement agencies while 64% have a plan to assist prescribers in their jurisdiction.

Questions ten through twelve dealt with proper disposal of medicines. Question ten dealt with the agencies participation in the Drug Enforcement Agency nationwide Take Back Program. 91% of those surveyed did participate while 9% did not. Question eleven asked those surveyed to indicate which protocols their agency has in the following areas: 100% have protocols related to Collection of prescription medication, 82% have protocols in storing prescription medicine and 91% have protocols in the

proper destruction of medicine. Question twelve related to the agency tracking the disposal of prescription medicines with 73% answering they did and 18% not sure.

Question thirteen through fifteen dealt with the enforcement aspect of the ONDCP plan. Question thirteen which was answered 100% yes related to agencies pooling their resources with other agencies to combat the problem. Question fourteen, 82% had sought funding to assist in the problem and question fifteen, 82% indicated the prescription drug epidemic has caused an increase in crime in their jurisdiction.

## **Discussion**

The data received from this survey indicates that all agencies surveyed had a clear understanding of the prescription Drug Abuse Prevention Plan set by the National Drug Control Strategy report of 2011.

In reviewing data from the survey all agencies are affected by an increase in crime due to the prescription drug problem and they have plans in place to deal with these increases. One area where all agencies show strength is the Prescription Drug Monitoring Program known in Florida as EFORCE. EFORCE has allowed agencies to conduct a more thorough investigation by allowing agencies access to data that they were not collecting two years ago. This has allowed agencies to reach across jurisdictions, even state wide and obtain information valuable for prosecution.

I was surprised to see only 73% of those surveyed actually track statistics relating to the disposal of prescription medication. By tracking this statistic, the agency could use this information to apply for grants related to the prescription drug issue in their community.

By tracking statistics and using those statistics to apply for grants and other funding, the agencies could offset their budgets for overtime, equipment and educational materials for the community.

Another area that agencies could improve on is the actual seeking of funding to assist in combating this problem. Currently there are several non-profit agencies, as well as the Florida Department of Law Enforcement offering funding for this issue.

This survey has shown that the agencies surveyed have good policies and procedures in place to help them in this fight against the prescription drug problem.

## **Recommendations**

In reviewing the data supplied in this survey I would like to make the following recommendations:

1. Make sure your agency has a procedure in place to track statistics as it relates to the disposal of prescription medication. This can be used for both reporting and assistance when seeking funding from outside sources.
2. Agencies should take advantage of outside non-governmental agencies when seeking funding. Narcotics Overdose Prevention Education (NOPE), National

Association of Drug Diversion Investigators (NADDI) and others offer finding for education, training and overtime on a yearly basis.

3. Education is a key in dealing with this problem. Partner with your Youth Education Section, Community Relations Unit and outside community groups to help educate all ages of your community.

Lieutenant Joseph Manning has been with the Pinellas County Sheriff's Office since January of 1986. Lieutenant Manning has served in various divisions throughout his career including Patrol Operations, Administrative Investigations and Investigative Services. Lieutenant Manning currently is assigned to the Narcotics Division, Strategic Investigations Section where he commands the High Intensity Drug Trafficking Area (H.I.D.T.A) Task Force, the County Wide Diversion Task Force, and the Intelligence and Technical Operations Unit. Lieutenant Manning has a Bachelor of Science Degree in Human Services from Springfield College, Springfield Massachusetts.

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## Appendix A

### Survey Results

#### Prescription Drug Abuse Prevention Plan Survey

**1.** Please indicate your agency size: (Full Time Sworn Members-Excluding Jail Personnel)

		Response Total	Response Percent
0-100		1	9%
101-200		0	0%
201-300		2	18%
300-Above		8	73%
<b>Total Respondents</b>		<b>11</b>	

**2.** Does your agency have a Narcotics Division/Unit?

		Response Total	Response Percent
Yes		11	100%
No		0	0%

**3.** Does your agency have a Pharmaceutical Diversion Unit/Squad?

		Response Total	Response Percent
Yes		8	73%
No		3	27%
<b>Total Respondents</b>		<b>11</b>	

**4.** Does your agency have a training program for patrol officers to help them identify and investigate diversion related cases?

		Response Total	Response Percent
Yes		8	73%
No		3	27%
Not Sure		0	0%
<b>Total Respondents</b>		<b>11</b>	

**5.** Has your agency partnered with any nonprofit organizations to identify those that would be willing to assist with educating the public on the dangers of prescription drugs?

		Response Total	Response Percent
Yes		10	91%
No		1	9%
Not Sure		0	0%
<b>Total Respondents</b>		<b>11</b>	

**6.** Are there any voluntary programs, provided by your department, to educate the prescribers in your community on the appropriate and safe use, and proper storage and disposal of prescription drugs?

		<b>Response Total</b>	<b>Response Percent</b>
Yes		10	91%
No		1	9%
Not Sure		0	0%
		<b>Total Respondents</b>	<b>11</b>

**7.** Is your department signed up for and have access to the Prescription Drug Monitoring Program (PDMP) (EFORCE)?

		<b>Response Total</b>	<b>Response Percent</b>
Yes		11	100%
No		0	0%
Not Sure		0	0%
		<b>Total Respondents</b>	<b>11</b>

**8.** Are investigators in your agency trained in the procedures for using PDMP?

		<b>Response Total</b>	<b>Response Percent</b>
Yes		11	100%
No		0	0%
Not Sure		0	0%
		<b>Total Respondents</b>	<b>11</b>

**9.** Do you have a plan in place to work with the following as it relates to PDMP?

		<b>Response Total</b>	<b>Response Percent</b>
Other Law Enforcement Agencies		11	100%
Prescribers in your jurisdiction		7	64%
None		0	0%
		<b>Total Respondents</b>	<b>11</b>

**10.** Does your agency participate in the Drug Enforcement Agency Nationwide Take Back Program held twice a year?

		<b>Response Total</b>	<b>Response Percent</b>
Yes		10	91%
No		1	9%
Not Sure		0	0%
		<b>Total Respondents</b>	<b>11</b>

**11.** Indicate which area below your agency has protocols on:

		Response Total	Response Percent
Collection of prescription medication		11	100%
Proper storing of prescription medication		9	82%
Proper destruction of prescription medication		10	91%
No protocols in place		0	0%
<b>Total Respondents</b>		<b>11</b>	<b>11</b>

**12.** Does your agency track statistics relating to the disposal of prescription medication?

		Response Total	Response Percent
Yes		8	73%
No		1	9%
Not Sure		2	18%
<b>Total Respondents</b>		<b>11</b>	<b>11</b>

**13.** Does your agency pool resources with other law enforcement agencies to combat the prescription pill epidemic?

		Response Total	Response Percent
Yes		11	100%
No		0	0%
Not Sure		0	0%
<b>Total Respondents</b>		<b>11</b>	<b>11</b>

**14.** Has your agency sought funding to assist in combating the prescription pill epidemic in your community?

		Response Total	Response Percent
Yes		9	82%
No		2	18%
Not Sure		0	0%
<b>Total Respondents</b>		<b>11</b>	<b>11</b>

**15.** Has the prescription drug epidemic caused crime in your jurisdiction to:

		Response Total	Response Percent
Increase		9	82%
Decrease		1	9%
Remain the same		0	0%
Unknown (Not Tracked)		1	9%
<b>Total Respondents</b>		<b>11</b>	<b>11</b>