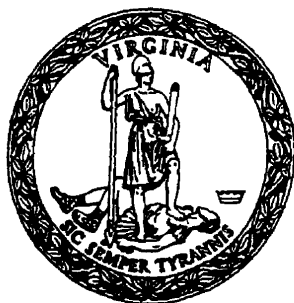


**REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION ON**

**Carry-Over Projects  
of  
Drug Study Task Force**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 25**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1992**



# COMMONWEALTH of VIRGINIA

## VIRGINIA STATE CRIME COMMISSION

General Assembly Building

IN RESPONSE TO  
THIS LETTER TELEPHONE  
(804) 225-4534

F. L. RUSSELL  
EXECUTIVE DIRECTOR

MEMBERS:  
FROM THE SENATE OF VIRGINIA  
ELMON T. GRAY, CHAIRMAN  
HOWARD P. ANDERSON  
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES  
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V. THOMAS FOREHAND, JR.  
RAYMOND R. GUEST, JR.  
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CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR  
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ROBERT F. HORAN, JR.  
GEORGE F. RICKETTS, SR.

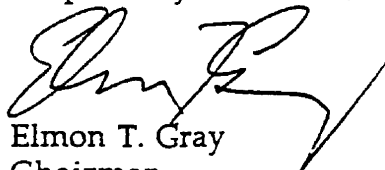
ATTORNEY GENERAL'S OFFICE  
H. LANE KNEEDLER

December 10, 1991

TO: The Honorable L. Douglas Wilder, Governor of Virginia,  
and Members of the General Assembly:

Senate Joint Resolution 205, adopted by the 1991 General Assembly, directed the Virginia State Crime Commission to complete the unfinished projects of the Commission's two-year Drug Study Task Force. On December 10, 1991, the Virginia State Crime Commission adopted the report on the continuing drug study projects, approved it for publication and requests that the Governor and General Assembly adopt the recommendations therein. I have the honor of submitting herewith the Virginia State Crime Commission report in response to Senate Joint Resolution 205.

Respectfully submitted,



Elmon T. Gray  
Chairman

ETG:dgs

Enclosure

**MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION 1991**

**From the Senate of Virginia:**

Elmon T. Gray, Chairman  
Howard P. Anderson  
Elmo G. Cross, Jr.

**From The House of Delegates:**

James F. Almand  
Robert B. Ball, Sr., Vice Chairman  
V. Thomas Forehand, Jr.  
Raymond R. Guest, Jr.  
A. L. Philpott  
Clifton A. Woodrum

**Appointments by the Governor:**

Robert C. Bobb  
Robert F. Horan, Jr.  
Rev. George F. Ricketts, Sr.

**Attorney General's Office:**

H. Lane Kneedler

## **Drug Issues Subcommittee**

### **Crime Commission Members**

Delegate Raymond R. Guest, Jr., Chairman  
Delegate James F. Almand  
Mr. Robert C. Bobb  
Senator Elmon T. Gray  
Mr. H. Lane Kneedler  
Speaker A. L. Philpott  
Rev. George F. Ricketts, Sr.

### **Staff**

Dana G. Schrad, Staff Attorney  
Susan A. Bass, Research Analyst  
Gina L. Ford, Secretary  
Katie Vawter, Intern

Frederick L. Russell, Executive Director  
Sylvia A. Coggins, Executive Assistant

Carry-Over Studies of the Drug Study Task Force,  
Including Pharmaceutical Drug Diversion, Drug Law Enforcement Efforts,  
Youth Gangs, Substance Abuse Treatment in Local Jails and  
Coordination with the Office of the Governor

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**Carry-Over Studies of the Drug Study Task Force,  
Including Pharmaceutical Drug Diversion, Drug Law Enforcement Efforts,  
Youth Gangs, Substance Abuse Treatment in Local Jails and  
Coordination with the Office of the Governor**

**I. Authority for Study**

During the 1991 General Assembly session, Senator Elmon T. Gray of Sussex successfully patroned Senate Joint Resolution 205, directing the Virginia State Crime Commission to complete the unfinished projects of the Commission's two-year Drug Study Task Force. SJR 205 specifically requested that the Commission complete its studies of pharmaceutical drug diversion, drug law enforcement efforts, youth gangs, the availability of substance abuse treatment in local jails and coordination with the Office of the Governor. (See Appendix A.)

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate its recommendations to the Governor and the General Assembly." Section 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the completion of the studies initiated by the Drug Study Task Force.

**II. Members Appointed to Serve**

At the April 16, 1991 meeting of the Crime Commission, Chairman Senator Elmon T. Gray of Sussex selected Delegate Raymond R. Guest, Jr. to serve as Chairman of the Drug Issues Subcommittee that will carry out the directives of Senate Joint Resolution 205. The following members of the Crime Commission were selected to serve on the subcommittee:

Delegate Raymond R. Guest, Jr., Front Royal  
Delegate James F. Almand, Arlington  
Mr. Robert C. Bobb, Richmond  
Senator Elmon T. Gray, Sussex  
Mr. H. Lane Kneedler, Attorney General's Office  
Speaker A. L. Philpott, Bassett  
Rev. George F. Ricketts, Sr., Richmond

### III. Executive Summary

The Virginia State Crime Commission's 21-member Drug Study Task Force spent two years developing 65 anti-drug projects targeted at law enforcement and prosecution, treatment, corrections and drug prevention education in the schools and communities. A few projects could not be completed satisfactorily by December, 1990. SJR 205 directed the Commission to complete the following carry-over projects in 1991:

#### A. Pharmaceutical Drug Diversion

The Law Enforcement Subcommittee of the Drug Study Task Force began its study of pharmaceutical drug diversion in 1990. At that time, the subcommittee requested that a staff study be conducted in cooperation with the Virginia Department of State Police and Department of Health Professions. The Crime Commission agreed to retain a technical consultant to help the pharmaceutical drug diversion study group develop data resources and conduct statistical analyses to determine the extent of the pharmaceutical drug diversion problem in Virginia.

The pharmaceutical drug diversion study group, composed of Commission Staff Attorney Dana Schrad and three members each from the Department of State Police and Department of Health Professions, held two information-gathering conferences in 1990 and 1991 during the course of the study. On November 1, 1990, representatives from Virginia state agencies that gather pharmaceutical drug-related investigative information presented their data programs to the work study group. These data programs became the means for the technical consultant, Dr. Thomas Wan of MCV/VCU, to determine how data already gathered in Virginia may reveal trends in pharmaceutical drug use or diversion.

On April 23, 1991, the pharmaceutical drug diversion study group conducted a conference with representatives from several states to hear testimony on the types of pharmaceutical drug diversion interdiction programs that have been adopted in the United States. The group also heard testimony from health professionals, pharmacists and federal law enforcement agencies concerning their policy positions on different intervention programs.

Based on the data collected and monthly meetings to determine strategy, the pharmaceutical drug diversion study group concluded its study in August, 1991. The Department of State Police and the Department of Health Professions each submitted findings and recommendations to the Commission staff. Additionally, the Department of Health Professions compiled an extensive technical report on the data and research collected during the course of the study, which may be published as a resource document for other states. The recommendations from the pharmaceutical drug diversion study were developed from recommendations

offered by the Department of State Police, Department of Health Professions and Crime Commission staff.

#### B. Drug Law Enforcement Efforts

The Virginia Department of State Police worked on a number of projects for the Crime Commission's Drug Study Task Force concerning drug law enforcement efforts. Many of the studies focused on the development and expansion of Virginia's multi-jurisdictional task force program, which unites the Virginia State Police and a number of contiguous local jurisdictions in shared undercover drug investigations. As carry-over projects, the Department of State Police reported to the Drug Issues Subcommittee in 1991 on:

- 1.) the development of semi-annual workshops for the multi- . . . . jurisdictional task force members to provide specialized training and allow networking of the state's 23 task forces;
- 2.) the enhancement of the Virginia Narcotics Pointer Index System to improve the quality of drug investigative information on the system, and encourage its use by local law enforcement agencies;
- 3.) the securing of federal grant funds to computerize each of the multi-jurisdictional task forces to improve their case management and information-gathering abilities;
- 4.) the results of a manpower study of the state and local drug task forces;
- 5.) the results of a study of task force target and case prioritization; and
- 6.) the results of a study to determine the need for development of a state-wide pool of vehicles for undercover investigations.

#### C. Youth and Drug Gangs

The Law Enforcement Subcommittee of the Drug Study Task Force studied the problem of youth and drug gangs to determine the best way to prevent gang development in Virginia. A Commission staff survey in 1990 of local law enforcement agencies revealed only small pockets of gang activity, mostly located in the urban areas. The survey also revealed a lack of law enforcement training in gang identification and investigation.

In 1991, the Commission staff began working with the Norfolk Police Department, the only law enforcement agency in Virginia with an organized Youth Gang Unit. Investigators Patrick Dunn and Randy Crank recommended that training be offered in Virginia for local law enforcement agencies to learn how to identify and investigate gang activity. With assistance from the Drug Policy Office of the Governor, the Norfolk Police Department Youth Gang Unit now is working with the Department of Criminal Justice Services and the Department of State Police to develop and deliver training to state police and local law enforcement officers.



D. Substance Abuse Treatment in the Jails

During 1990, the Virginia State Crime Commission worked with the Department of Mental Health, Mental Retardation and Substance Abuse Services on the creation of a substance abuse treatment/jail services project. After study by the Commission and recommendation by the Department, the Department agreed to designate \$1.6 million in federal funds from the Alcohol, Drug Abuse and Mental Health Services Block grant to provide one substance abuse counselor to each of the state's 40 Community Services Boards. The boards established the substance abuse counselor positions specifically to provide treatment services to the local and regional jails. The Department of Mental Health in 1991 surveyed the Community Services Boards to develop a progress report for the Crime Commission. Follow-up training meetings were held with jail officials and the jail counselors in the five Health Service Area regions across Virginia. The Boards, local jail sheriffs and regional jail administrators reported very positive progress and success with the jail services project.

The Department and the Community Services Boards, in planning for the 1992 fiscal year, agreed to designate \$641,281 in new federal funds to provide 18.5 additional substance abuse treatment counselor positions for the jail services project.

E. Coordination with the Office of the Governor

Since 1990, the Virginia State Crime Commission has been working with the Drug Policy Office of the Governor on the development of anti-drug strategies in Virginia and implementation of special projects and programs. Mr. Robert Northern, Special Assistant to the Governor for Drug Policy, has collaborated with the drug study staff of the Commission on development of and funding for state-wide School/Community Team Training for local education and community officials. This training program assists localities in developing drug prevention and intervention programs, particularly those targeted for high-risk youth. The Commission and Governor's Office worked together with Staunton Chief of Police Grafton Wells and Lee-Davis High School Principal Charles Rembold to develop training and curricula for the PULSAR program. PULSAR is an interactive drug education and rehabilitation program for high-risk youth created in Staunton that now is being adopted by communities across Virginia.

The Governor's Drug Police Office continues to involve the Crime Commission in development of state-wide anti-drug conferences and in coordination of policies concerning education, treatment and law enforcement. Many of the projects initiated by the Commission during its two-year task force study have been adopted by the executive branch agencies. The Governor's Drug Strategy, released in 1991, closely parallels the strategy developed by the

Commission's drug study task force.

SJR 205 Recommendations:

#### **A. Pharmaceutical Drug Diversion**

##### **Recommendation 1:**

- Professional education for health professionals should include information on appropriate prescribing practices that stresses prescribing medications only for legitimate needs, and make current and future prescribers of controlled substances aware of current research related to pain management and other appropriate uses of narcotic, analgesic and psychotropic medications. This education should be implemented in the state's medical schools, and should include proper dispensing practices for pharmacists.
- Professional education also should be made available in the current trends of pharmaceutical drug diversion to make health professionals more aware of diversion techniques and fraudulent practices, such as doctor shopping and prescription theft and forgery.

##### **Recommendation 2:**

- A comprehensive training program for the judiciary and Commonwealth's Attorneys should be developed on the impact of pharmaceutical drug diversion on Virginia's overall drug crime problem.
- Current training programs for law enforcement officers in Virginia on pharmaceutical drug diversion should include presentations at the in-service schools on the relationship between pharmaceutical drug diversion and the overall drug crime problem in Virginia.
- The Department of Criminal Justice Services should evaluate the quality and appropriateness of the training provided for Department of Health Professions investigators, and report findings and recommendations to the Virginia State Crime Commission by December, 1992.
- Educational efforts should be developed to promote better understanding of the appropriate use of prescription drugs and of the problem of pharmaceutical drug diversion, directed to the judiciary, the media and to the general public, as well as to authorized prescribers and dispensers of controlled substances and regulatory and enforcement personnel.

##### **Recommendation 3:**

Existing data systems for estimating and detecting pharmaceutical drug diversion should be complemented with better use of Medicaid claims data and other

emerging data sources, such as private and public drug utilization review systems, to foster a better understanding of the extent and characteristics of diversion. To that end, it is recommended that coordination among the Department of Health Professions, Department of State Police, Department of Medical Assistance Services and other appropriate agencies regarding investigative information be continued and enhanced.

**Recommendation 4:**

The Virginia State Crime Commission, with the assistance of the Department of State Police and the Department of Health Professions, should monitor and evaluate the interactive point of sale program being implemented in other states. The interactive point of sale program is a comprehensive monitoring program that collects information through pharmacy computers to aid in diversion investigations. The data collected could be used to detect indiscriminate prescribing/dispensing, doctor shopping and possible invalid Drug Enforcement Agency (DEA) numbers. Evidence of cost-effectiveness, program efficiency of the existing programs in other states and privacy issues concerning confidential records should be documented. Findings and recommendations should be reported to the Virginia State Crime Commission by December, 1992.

**Recommendation 5:**

Amend Code of Virginia §54.1-3405 to require the Department of Health Professions to report information which constitutes evidence of illegal distribution, possession or obtaining of controlled drugs to the Department of State Police for criminal investigation purposes.

**NOTE:** During the 1992 General Assembly session, the House Courts of Justice Committee requested that the Virginia State Crime Commission research the laws and regulations governing access to pharmacy computer records, and report to the Committee during the 1993 General Assembly session.

**Recommendation 6:**

Amend Code of Virginia to enact a new section to prohibit the release by the Department of Health Professions of medical and treatment records of health practitioners obtained from programs treating impaired practitioners.

**Recommendation 7:**

Amend Code of Virginia § 18.2-308.4 to extend the prohibition of possession of a firearm while in the illegal possession of all Schedule I and II controlled substances. Presently, only Schedule I and cocaine-related materials are included in this statute. Methamphetamine is a Schedule II drug of choice of outlaw motorcycle gangs which have been shown to possess firearms that presently is not included in this Code section. Additionally, amend section to replace "firearms" with "weapons as described in §18.2-308A."

**Recommendation 8:**

Amend Code of Virginia § 18.2-255 to extend the enhanced penalties for distribution to a minor to include distribution of Schedule IV and V drugs. Presently, this statute only provides enhanced penalties for the illegal distribution of Schedule I through III drugs and marijuana to minors.

**B. Drug Law Enforcement Efforts**

**Recommendation 8:**

The Department of State Police should continue to conduct semi-annual training conferences for the multi-jurisdictional task forces in cooperation with the Virginia State Crime Commission. The conferences should be jointly planned to target training needs identified by the multi-jurisdictional task force members.

**Recommendation 9:**

The Department of State Police should attempt to complete the computerization of the multi-jurisdictional task forces as scheduled in 1992, and submit a progress report to the Virginia State Crime Commission in 1992 on the computerization project.

**C. Youth Gangs**

**Recommendation 10:**

The Virginia Department of Criminal Justice Services (DCJS) should develop a model curriculum addressing drug and youth gangs for Virginia's law enforcement officers.

DCJS should develop a standard curriculum which could be utilized on a statewide basis to enhance awareness of drug and youth gang activities and to suggest appropriate responses to it. Such instruction should be included in the Basic Law Enforcement Model Lesson Plan which serves as the core curriculum that must be successfully completed by all beginning state and local police officers and law enforcement deputy sheriffs. Additionally, DCJS should expand upon this basic curriculum in order to offer in-service instruction to state and local law enforcement officers already in the field. Appropriate subjects to be addressed include:

- Sections with Title 18.2 of the Code of Virginia which address crimes commonly committed by drug and youth gangs. (Examples include §18.2-137 which relates to vandalism and under which graffiti cases may be prosecuted and §18.2-308.1 which prohibits possession of firearms on school property.);
- The importance of working together and sharing information concerning

known gangs and gang members and their illegal activities with neighboring law enforcement agencies; and

- The need to provide general information on gang activity and gang member identification techniques to school personnel as well as others in the community who work with youth on a regular basis.

#### **D. Substance Abuse Treatment in Local Jails**

##### **Recommendation 11:**

The Department of Mental Health, Mental Retardation and Substance Abuse Services should develop training and technical assistance programs to better enable the jail substance abuse counselors to deliver appropriate services to clients in the local and regional jails.

##### **Recommendation 12:**

The Department of Mental Health, Mental Retardation and Substance Abuse Services should report to the Virginia State Crime Commission in 1992 on the continued progress of the jail services project, and offer findings and recommendations to the Commission for further improvement and development of the project.

#### **E. Coordination with the Office of the Governor**

##### **Recommendation 13:**

The Virginia State Crime Commission, on behalf of the General Assembly, and the Drug Policy Office of the Governor should continue to work together to ensure coordination of anti-drug projects, avoid duplication of effort and promote efficient and effective use of state and local resources in anti-drug programs.

##### **Recommendation 14:**

The Drug Policy Office of the Governor should report annually to the Virginia State Crime Commission on its programs, policies, legislation and anti-drug project expenditures and grants.

##### **Recommendation 15:**

The Virginia State Crime Commission should report annually to the Drug Policy Office of the Governor concerning the Commission's anti-drug-related legislative reports and recommendations for the purpose of facilitating coordination of efforts.

#### **IV. Background and Study Design**

SJR 205 directs the Commission to complete the projects initiated by the Drug

Study Task Force, specifically pharmaceutical drug diversion, drug law enforcement efforts, youth gangs and substance abuse treatment in local jails, and to continue working with the Drug Policy Office of the Governor to reduce the duplication of efforts and promote comprehensive drug policy planning. Senator Gray patroned this study resolution at the request of the Commission's two-year Drug Study Task Force. The Drug Study Task Force was commissioned in 1989 by Senate Joint Resolution 144, which called for a 21-member task force, appointed by the Crime Commission, to develop a comprehensive, coordinated drug policy for the Virginia General Assembly. The task force, comprised of the Crime Commission and eight appointees from the General Assembly and criminal justice profession, produced an interim report in 1990 (Senate Document 30) and a final report in 1991 (Senate Document 11.) The task force developed more than 65 projects related to drug control efforts in Virginia, including legislation, budget amendments and administrative recommendations. However, some projects required further development at the conclusion of the two-year study. Therefore, Senator Gray requested that the projects be completed by the Crime Commission in 1991, and presented to the Governor and 1992 General Assembly.

The Drug Issues Subcommittee held its first meeting in Richmond on May 22, 1991, and received a staff report on plans for carrying out the directives of SJR 205. The second meeting of the subcommittee on July 10, 1991 in Roanoke addressed the SJR 212 study on release of information on juveniles felons. On August 14, 1991, the subcommittee heard reports on the projects addressed by SJR 205, and voted on a final report and recommendations at the December 3, 1991 meeting in Richmond.

The Subcommittee presented report of its findings and recommendations to the full Commission on December 10, 1991. The Commission approved the Subcommittee report and recommendations in response to SJR 205, and ordered that the report be presented to the Governor and 1992 General Assembly.

## **V. Specific Studies and Projects**

### **a.) Pharmaceutical Drug Diversion**

The Drug Study Task Force determined that the study of pharmaceutical drug diversion could not be completed during the two-year drug study, and directed the Commission staff to continue the study in 1991. By far the largest of the carry-over projects, the issue of pharmaceutical drug diversion first was addressed by the Law Enforcement Subcommittee of the task force. State and federal research indicates that interdiction, prosecution and drug education efforts have had a positive impact on illegal drug trafficking and abuse in Virginia. Surveys of high school teenagers reveal that abuse of highly-addictive illegal drugs, such as crack cocaine and heroin, is on the decline. However, pharmaceutical drugs potentially are the drug

trafficking trend of the future, as doctor shopping and prescription forgery create avenues for these controlled substances to enter the illegal drug market.

A seven-member work group studied pharmaceutical drug diversion for more than one year. A preliminary report was presented to the Drug Issues Subcommittee at the August 14, 1991 meeting.

*Pharmaceutical Drug Diversion Study Workgroup:*  
Dana Schrad, staff, Virginia State Crime Commission  
Richard Morrison, Department of Health Professions  
Robert Nebiker, Department of Health Professions  
Gary Anderson, Department of Health Professions  
Wayne Garrett, Virginia State Police  
Robert Kemmler, Virginia State Police  
Patrick McCreary, Virginia State Police  
Consultant to the Workgroup: Dr. Thomas Wan, MCV/VCU

The workgroup held two information-gathering conferences during the course of the study. On November 1, 1990, representatives from Virginia state agencies that gather pharmaceutical drug-related investigative information presented their data programs to the workgroup. These data programs became the means for the technical consultant, Dr. Wan, to determine how data gathered in Virginia may reveal trends in pharmaceutical drug diversion. (Funding for the research conducted by Dr. Wan was provided by the Department of Health Professions from fees paid by licensees for certification to prescribe or dispense controlled substances.)

On April 23, 1991, the workgroup conducted a conference with representatives from several states to hear presentations on the types of pharmaceutical drug diversion intervention programs that have been adopted in the United States. The workgroup also heard presentations from health professionals, pharmacists and federal law enforcement officials concerning their policy positions on various intervention programs.

Within Virginia, substantial resources currently are directed to identifying and controlling pharmaceutical drug diversion.

- The Department of State Police operates a special pharmaceutical drug diversion investigation unit (DIU) consisting of agents and support staff dedicated exclusively to detecting and investigating pharmaceutical drug diversion. According to DIU data, the number of diversion complaints received annually by the Department of State Police has increased from 374 in 1988 to a projected 966 complaints in 1991. (See Appendix B.) According to the State Police, the following pharmaceutical drugs are those most often diverted to illegal use or distribution:

Schedule II: Percodan, Percoset, Tylox, Dilaudid and Ritalin  
Schedule III: Tussionex, Hydrocodone and Codeine/Tylenol combinations  
Schedule IV: Xanax, Valium, Halcion and Darvon  
Schedule VI: Prozac

- The Department of Health Professions operates programs for the inspection and audit of pharmacies and other health care facilities in which licensed practitioners prescribe, dispense and administer controlled substances. In addition, more than 1,500 complaints and reports of possible violation of statutes and regulations by the 180,000 licensees of the Department are investigated each year. A field staff from the Department is dispersed throughout Virginia to conduct inspections, audits and complaint investigations.

Although many complaints and reports of “drug-related” activity are received, a very small volume of the Department of Health Professions’ investigative and inspection activity involves reports or complaints specifically related to pharmaceutical drug diversion. Most complaints or reports to the Department concern substance abuse or chemical dependency by a license health professional. Only a small number of diversion investigations result in findings of violation and result in sanctions against the health professional. The Department is implementing a plan for random inspections of the practices of physicians, dentists and veterinarians who hold controlled substance registration certificates and maintain controlled substances as a part of their practices. This new activity is intended to complement existing programs to inspect and audit pharmacies and veterinary facilities.

- The Department of Medical Assistance Services operates a program to identify and refer cases of suspected diversion of pharmaceutical drugs by Medicaid providers and recipients to the Department of State Police and/or the Department of Health Professions for investigation.

- The U. S. Drug Enforcement Agency (DEA) also is involved in the investigation and prosecution of pharmaceutical drug diversion cases.

- Interagency agreements exist between the Departments of State Police, Health Professions and Medical Assistance Services and the DEA for the operation of the Drug Investigation Unit within the Department of State Police.

The workgroup met at least monthly during the study to determine strategy, review data systems and various intervention programs and discuss recommendations to the Crime Commission. The following research issues and methodologies were the major focus of the study:



- A survey was conducted of field agents employed by the Virginia State Police and assigned to the pharmaceutical diversion investigative unit (DIU), and of field investigators and inspectors employed by the Department of Health Professions. The survey revealed that field agents and investigators believe that a substantial proportion of pharmaceutical drug diversion goes undetected. However, field agents and investigators had differing opinions as to the priority of pharmaceutical drug diversion in proportion to the problem of the trafficking of illicit non-prescription drugs.

- An assessment was conducted of the strengths and weaknesses of a variety of information and data sources in Virginia that are used to estimate the incidence and prevalence of pharmaceutical drug diversion and to allocate resources to control pharmaceutical drug diversion. The assessment concluded that Virginia state agencies currently do not have the data collection strategies or programs to accurately assess the extent and characteristics of pharmaceutical drug diversion.

Current data collected in Virginia identify the flow of controlled substances only to the pharmacy level. No information is readily accessible in current data collection systems about who eventually receives diverted pharmaceutical drugs. Dr. Wan conducted extensive comparison and cross-analysis of the data collected by Virginia state agencies. It was determined by the workgroup that the statistical model for measuring pharmaceutical drug diversion with existing data collection resources is a valid instrument, but that data must be collected and analyzed through Dr. Wan's model for several consecutive years before statistical relevance and validity can be ensured. However, existing and planned drug utilization review programs (required by the federal Medicaid program) will make new information available from public and private sources that should help to identify the ultimate recipient of pharmaceutical drugs, at least those drugs prescribed to Medicaid patients.

- The construction of a Virginia state data base to integrate information from a variety of sources would enable Virginia state agencies to better estimate the extent and characteristics of pharmaceutical drug diversion in each major political subdivision of the Commonwealth. The data base and statistical program developed by Dr. Wan confirms that the careful use and interpretation of available information can lead to better identification of the relative size of the pharmaceutical drug diversion problem in Virginia.

- An evaluation was conducted by the workgroup of the strengths and weaknesses of a variety of national and state efforts to prevent or control pharmaceutical drug diversion. The workgroup determined that many states that have imposed intervention programs, such as a triplicate prescription program, a point of sale computer data collection program at pharmacies, or an intensified pharmaceutical drug diversion enforcement program, did not research the extent of

their problems before beginning an intervention program. Several states failed to evaluate the costs, benefits or advantageous vs. detrimental effects of the intervention programs.

Some intervention programs, such as the triplicate prescription program employed by at least ten states, show dramatic effects in reducing the number of prescriptions for certain controlled substances. However, recent evaluations of some of these programs also disclose an undesirable "chilling effect" on the appropriate prescription of therapeutic drugs. Pain management advocacy groups in some states complain of "under-prescribing" by physicians who fear that liberal prescribing practices might precipitate an official investigation by the state's pharmaceutical drug diversion investigative agencies.

- Although the workgroup representatives from the two state agencies failed to agree on recommendations for a possible intervention program in Virginia, the Department of Health Professions and Department of State Police agreed that increased collaboration and cooperation is needed among state agencies concerned with the problem of pharmaceutical drug diversion. Both agencies also agreed that Virginia could make better systematic use of existing and new information which can be used to target and evaluate pharmaceutical drug diversion problems in the Commonwealth.

- The issue of pharmaceutical drug diversion is one being addressed by many states, and so far, there is no national consensus on a preferred mechanism for measuring or controlling pharmaceutical drug diversion. The federal Office of National Drug Control Policy has studied the issue, but so far has not recommended a consistent federal policy which could be modeled by the states.

The workgroup formally concluded its joint study in August, 1991. The Department of State Police and the Department of Health Professions each submitted findings and recommendations to the Crime Commission. The staff of the Crime Commission, with the informal assistance of law enforcement officials and prosecutors, developed six legislative proposals for consideration by the subcommittee.

The Department of Health Professions compiled an extensive technical report on the data and research compiled and analyzed during the course of the workgroup's study, which may be published as a resource document for use by Virginia and other states.

More needs to be done in Virginia to foster cooperation and collaboration among the state agencies concerned with the pharmaceutical drug diversion problem. Additionally, data systems should be refined to focus resources on the most efficient and effective ways to identify and investigate pharmaceutical drug

diversion. Improvements are recommended in the delivery of education and prevention programs about pharmaceutical drug diversion directed at law enforcement agencies, the judiciary, health professionals and the general public.

To be successful and effective, any new intervention program undertaken to prevent and control pharmaceutical drug diversion in Virginia should be supported with statistically-relevant evidence of need and by health care providers, law enforcement professionals and prosecutors. However, it is imperative that any intervention employed in Virginia should not result in under-prescribing that could detrimentally affect quality health care for persons with chronic pain and/or serious health problems.

b.) Drug Law Enforcement Efforts

During the course of the two-year drug study, the Virginia State Police directed or participated in at least twenty projects focused on drug law enforcement and prevention efforts. (See Appendix C.) The State Police have followed up on 17 initiatives directed by the Crime Commission. Four of those initiatives were submitted as formal reports to the Drug Issues Subcommittee in 1991. They are:

- Multi-jurisdictional Task Force Conferences:

Virginia's multi-jurisdictional task force project began in 1984 with two task forces, and has grown in 1991 to 23 task forces involving 80 local jurisdictions and the State Police. In 1990, the task forces conducted 1,000 investigations, seized \$3 million in illegal drugs, and conducted 534 arrests on 896 illegal drug charges.

The Drug Study Task Force, in its 1991 report, recommended that representatives of the state's multi-jurisdictional task forces meet regularly to discuss problems and receive specialized training in task force operations. The first conference of command group representatives, investigators and State Police coordinators was held in 1990.

Based on the success of the first conference, a second two-day conference was held in April, 1991 in Richmond, and was expanded to include special drug prosecutors working with the task forces. The participants received training on Virginia's asset forfeiture law, the Virginia Criminal Intelligence Center, the Virginia Narcotics Pointer Index System and the Narcotics Surveillance Vans Program. Then workgroups were formed for the task force members to discuss problems and propose solutions related to funding, manpower and operational considerations, and the development of new task forces. The workgroup reports were published, and provided the State Police with recommendations for improving the statewide multi-jurisdictional task force program.

A third conference was held in November, 1991 in Charlottesville to provide technical assistance to the multi-jurisdictional task force members. Training was provided in conspiracy investigations, the computerization of the task forces, and the new state asset seizure and forfeiture unit now operated by the State Police.

The regular conferences give the task force members an opportunity to provide input on the development of task force strategies, and to share ideas with each other that they can use to improve the operation of each task force.

- State and Local Task Force Manpower Needs

Twenty-three multi-jurisdictional task forces, coordinated by the State Police and composed of local law enforcement personnel, are operating in Virginia to conduct drug trafficking investigations. Eighty local jurisdictions participate in the task forces, but it often is difficult to dedicate personnel full-time to task force projects. The issue of manpower resources and long-term funding have yet to be resolved for these task forces.

However, the State Police was able to secure an Anti-Drug Abuse Act federal grant to provide computers for each of the state's multi-jurisdictional task forces. The \$385,000 grant is being used to purchase 23 computers, provide training on the computers for the task force members, and designate three full-time State Police technicians to provide the training and install and service the computers. The computers will give the task forces access to a variety of criminal information data bases, including the Virginia Narcotic Pointer Index System, the Virginia Criminal Intelligence Center and the Department of Motor Vehicles. The installation of the computers and the training of the task force members is scheduled for completion in 1992.

- State and Local Task Force Target/Case Prioritization

Eighty jurisdictions participate in the state's 23 multi-jurisdictional task forces, with each jurisdiction contributing a member to the task force organization. However, there is not a uniform methodology in place for each task force to prioritize its cases or target its investigations. Budget considerations and local political pressures often are determining factors in how the task forces focus their investigations. The statewide multi-jurisdictional task force training conferences may help the task forces take a more sophisticated approach to long-range investigation planning.

- State Undercover Automobile Pool

The Drug Study Task Force in 1990 directed the Virginia State Police to research forfeited vehicle sharing for undercover operations. Originally it was proposed that the State Police could establish and maintain a fleet of vehicles, obtained through asset seizures, that local law enforcement agencies could borrow for undercover investigations. The State Police study indicates that such a centrally-located fleet would not serve the purpose intended, and that local law enforcement agencies would be better served to continue sharing and trading seized vehicles with other local law enforcement agencies as needed for investigations.

c.) Youth Gangs

National Overview

A youth gang may be defined as a group of adolescents who are perceived by others as a distinct unit, recognize themselves as a distinct group, and have developed a negative response from the neighborhood and/or law enforcement because of illegal incidents. Gang members are heavily and increasingly involved in alcohol and other drug abuse, drug dealing, and other criminal behavior, especially violence.

Nationally, gang membership and illegal youth gang activity have been increasing rapidly, both in cities with a history of gang problems and in cities without such a history. The lethality of youth violence in the United States is now unprecedented: in 1986, 48% of those arrested for violent crime were under the age of 25. Furthermore, homicide is now the second leading cause of death for those age 15 - 24.

Recently, much gang-related violence has been attributed to the influence of drugs, especially crack, along with access to powerful, sophisticated weapons. The ease with which crack can be produced and marketed, the tremendous profits that can be earned, and its high addiction liability have had a significant effect on youth crime. However, it appears that most of the gang-related violence is still turf-related and not the product of drug trafficking.

Drug dealing, especially crack, appears to have had three effects on gangs: (1) the migration of Los Angeles gang members across the country to find new markets for drug sales; (2) the formation of "instrumental gangs" formed specifically for drug trafficking purposes; and (3) an increased number of violent drug gangs known as "Jamaican posses," which are composed primarily of adults.

The instrumental drug gangs actively recruit juveniles, who act as "mules," providing protective insulation and shielding older members from arrest and prosecution. The primary motive of these gangs is profit, and they are transporting Los Angeles-style gang activities from south-central Los Angeles to regional

suburban areas nationwide.

The Jamaican posses are extremely violent groups organized for the sole purpose of drug trafficking. Unlike youth gangs, Jamaican posses are not composed primarily of juveniles. The posses are very organized and transient as well as extremely violent. More than 40 posses, with an estimated 10,000 members, are operating in every major metropolitan area in the United States today.

In 1989, a survey of gangs in San Diego, Los Angeles and Chicago identified four different types of gangs, ranging from "social gangs" that are little involved in crime, drug use, or drug trafficking, to "organized gangs" that are heavily involved in all three. Youth gangs commonly consist of a group of individuals, mostly males, between the ages of fourteen and twenty-four years. They most frequently are organized along ethnic lines and comprised of Asian, Black, Hispanic, or white groups. The strongest or boldest member serves as its leader, and the gang has a name and claims a particular territory or "turf." Furthermore, the gang's criminal activity is directed toward rival gangs as well as the general population. Gang members' motivation for joining gangs is varied, but usually falls within one of the following categories:

- **Identity or recognition.** Being part of a gang allows the youth gang member to achieve a level of status he feels is impossible outside the gang culture.
- **Protection.** Many members join because they live in the gang area and are, therefore, subject to violence by rival gangs. Joining guarantees support in case of attack and retaliation for transgressions.
- **Fellowship and Brotherhood.** To the majority of youth gang members, the gang functions as an extension of the family and may provide companionship lacking in the gang member's home environment. In many cases, older brothers and relatives belong, or have belonged, to the gang.
- **Intimidation.** Some members are forced into joining by their peer group. Intimidation techniques range from extorting lunch money to physical beatings.

The structure of a youth gang can range from a loose-knit group of individuals who know one another and commit crimes together, to a formal organization with one leader or ruling council of several members. They have written rules and regulations which delineate expected behavior and disciplinary action to be taken against their own members or against members of the community. The structure or involvement of members is generally broken into four categories.

- **Hardcore** members are those few who need and thrive on the totality of gang activity. (The leadership of the gang is usually made up of the "hardcore" members, and they are largely responsible for the highest rates and severity of deviant behavior).
- **Associates** are those who associate with the group for status and recognition.
- **Peripheral** members are those who move "in and out" on the basis of interest in the activity or activities.
- **"Cliques"** or groups exist within the gang and are usually determined by age or geographical areas.

The most frequent violent crime committed by youth gangs is the "drive-by" shooting. Members from one gang will seek out the homes, vehicles or hang-outs of a rival gang and will drive by and shoot at members of that gang. The gangs thrive on notoriety and want the other gang to know who shot at them. Other common criminal gang activities include drug law violations, theft/receiving stolen property, weapons violations, homicides/assaults and graffiti. Interestingly, gangs use graffiti not only to vandalize but also to mark their territorial boundaries, advertise their existence, claim "credit" for a crime, warn/challenge rival gangs and glorify their namesake.

### Virginia Perspective

During 1990, a Crime Commission survey of drug enforcement manpower and resources, which included a question on gang violence, was mailed to every law enforcement agency in the Commonwealth. Of the 228 agencies responding to the survey, 28 indicated some degree of gang violence in their jurisdictions.

Staff from the Virginia State Police, Bureau of Criminal Investigation developed a survey questionnaire and made on-site visits to interview each of the agencies that indicated a gang problem. According to their findings, 15 of the 28 agencies indicating a problem on the original survey are actually experiencing some degree of gang activity. The heaviest concentration of such activity appears to be in the Tidewater and northern Virginia regions of the Commonwealth; however, gang members frequently do not live in Virginia. Gang members may actually reside in other areas of the country such as New York City, Philadelphia, New Jersey, Maryland and Washington, D. C.

Commission staff interviewed detectives comprising the Norfolk Police Department's Gang Unit. Since its inception in 1990, the unit has identified some 45 gangs in the Norfolk area, representing approximately 600 members. The unit

defines "gangs" as groups with similar characteristics exhibiting criminal behavior. Membership ranges from at least three or five up to 20 or more, and ages range from 11 to 20 years. For the most part, gangs in Norfolk are either male or female, and some are interracial. Their criminal activity includes vandalism, robbery/theft, assault and battery, arson, drive-by shootings and murder. Other gang characteristics include specialized dress, graffiti and signature activities.

The Office of the Governor, in cooperation with the Virginia Department of Criminal Justice Services and selected local law enforcement agencies, currently is developing a curriculum to address drug and youth gangs which will be presented at a special conference for local law enforcement officers. Anti-Drug Abuse Act grant funding will be utilized to provide for the conference. The conference, which is currently being planned as a one-time occurrence, is scheduled for 1992.

### Strategies to Combat the Problem

The U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), has identified prevention, intervention, and supervision as the three major components of the system that must be involved in developing and implementing a strategy to combat gang problems. Each of these components encompasses a variety of agencies and/or institutions that contribute to the component's operation. For instance, the institutions within prevention include schools, law enforcement, recreation, mental health, housing, community agencies and churches. Law enforcement, prosecution and the courts are included in the intervention component, while the supervision component includes correctional agencies, probation and parole. These three components must coordinate their efforts, both within each component and across all three components. To assist policy-makers in developing such a system-wide strategy, OJJDP has developed the following eight-step process known as IDENTIFY:

**Identify the problem:**

Specify the problem and the target location. Determine who is creating the problem, the specific nature of these activities, and where and when the problem is most intense.

**Define the system components:**

Determine which agencies in the community own the problem and have the authority and responsibility for solving it.

**Enumerate policies, procedures, practices, programs, and resources:**

Specify the existing agency policies and practices that address the problem, and resources that are or could be used to address the problem.

**Needs clarification:**

Compare information on the nature and extent of the problem with existing resources to determine additional policy, procedures, practices, and program and resource needs.

**Target strategies:**

Identify the policies, procedures, practices, and programs and integrate them into a coordinated strategy to respond to the problem.



**Implementation plan:**

Prepare a plan that defines the objectives, tasks, and resources to be dedicated by each participating agency for implementing the strategy.

**Focus agency responsibilities:**

Identify the specific activities of the strategy to be performed by each participating agency, define the role and responsibilities of each agency in implementing the activities, and ensure accountability.

**Yell:**

Each of the agencies should monitor and assess the implementation of the strategy, and make adjustments as needed (yelling as necessary to ensure readjustments are made.)

OJJDP believes that any successful response to gang activity requires such a planning process in order to ensure a coordinated approach.

Despite law enforcement's intensive efforts to curb it, youth gang violence continues to escalate. Much of this violence is driven by gang members' involvement in drug trafficking, particularly crack. However, contrary to earlier beliefs, gangs apparently are not becoming more organized or sophisticated as a result of their drug dealing. Instead, they continue to be loosely knit, organizing around territorial ("turf") or cultural lines.

The increase in illegal gang activity has made it clear that the entire system, not just law enforcement, must address the youth gang problem in a coordinated, comprehensive fashion. Appropriate agencies must work together to prevent and control youth gang violence.

d.) Substance Abuse Treatment in Local Jails

The Drug Study Task Force in 1990 identified the need for more substance abuse treatment services in local jails. The task force worked with the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure that each of the forty Community Service Boards had a substance abuse counselor either to provide direct treatment services or contract such services for inmates in local jails.

In 1990, the Department of Mental Health, Mental Retardation and Substance Abuse Services identified a portion of new federal funds to establish the substance abuse counselor positions for the jails. Beginning April 1, 1990, \$1.6 million in federal Alcohol, Drug Abuse and Mental Health Services Block Grant funds were directed to establish a jail substance abuse counselor in each of the Commonwealth's forty Community Services Boards. The boards were instructed to dedicate these positions to jail-based assessment, referral and treatment services. Additionally, the boards were instructed to provide diversion or post-incarceration related treatment services if jail-based services were not needed, or could not be

arranged.

The Department followed up with a survey of actions taken and services rendered by the Community Services Boards in response to the jail services initiative. The survey found that:

- All forty Community Services Boards had established and filled the jail substance abuse counselor positions within their personnel systems.
- Thirty-four of the boards indicated that the positions were the first to be provided to the jails.
- Thirty-nine indicated that the positions provide services directly to the jails.
- Eighteen of the positions also provide some form of diversion service.
- Thirty-two of the positions also provide services following inmate release from jail.

In January, 1991, the Department received notice from the Alcohol, Drug Abuse and Mental Health Administration that Virginia would receive new funds above the current federal allocation. The new funds were intended to provide support for new program development and expansion for state fiscal year 1992.

The Department allocated \$1.8 million to the Community Services Boards for the development and expansion of treatment services in one or a combination of three target populations, as follows:

- Women, especially those who are pregnant, have children, or are of child-bearing age;
- Youth, especially those who are in the juvenile justice system, and;
- Adults in the criminal justice system.

The Community Services Boards were required to submit plans for the expenditure of these funds prior to the beginning of the 1991-92 fiscal year. The target population of adults in the criminal justice system received about one-third of the new funds which reflects an increase of 18.5 new community based positions at a cost of \$641,281. A total of 58.5 Community Services Boards positions statewide are dedicated to serving adults in local jails and other elements of the criminal justice system.

The Department also completed the initial phase of a training program for the jail positions and those associated with the jail services project. Five regional meetings were held in the spring of 1991 to allow persons involved in the jail services project to meet, exchange ideas and determine future training and technical assistance needs. More than 130 individuals attended the meetings with a significant percentage representing jail administration.

The regional meetings revealed a very positive response by sheriffs and jail staff to the treatment counselors. Some of the following improvements have been reported:

- Rockbridge Community Services Board reports that crisis emergencies at the Rockbridge County regional jail have been reduced by 75 percent;
- Portsmouth Community Services Board reports that a wing specifically dedicated to substance abuse treatment is the cleanest and the inmates in this unit are the best behaved;
- Rappahannock Security Center and regional jail report an overwhelming response to the position resulting in a waiting list for services;
- Patrick Henry Drug and Alcohol Services in Martinsville provides services in four area jails and in one Department of Corrections field camp;
- Radford City Jail staff report that the project has reduced their workload regarding handling of inmates with substance abuse problems;
- Many jails augmented the services of the project by providing support services including audio/visual equipment and other necessary supplies for the counselors;
- Jail administration and other segments of the criminal justice system are actively participating in interagency strategy development and the Department's comprehensive planning process.

Establishing these jail-based positions expanded and improved services to offenders in local jails and improved coordination between the Community Services Boards and local jails. According to the Department, the survey and training indicates that while many of the jail services staff can provide services to multiple smaller jails, larger jurisdictions will require additional positions to meet the assessed need. Issues identified in the meetings reflect a lack of space in the jails to conduct treatment and educational activities, and an overwhelming need for substance abuse treatment services.

The Department, in conjunction with the Task Force on Substance Abuse Services to the Offender, is developing model inter-agency agreements for implementation between sheriffs, regional jail administrators and Community Services Boards. The purpose of these agreements is to clarify, improve and maintain the working relationships between the jails and the Community Services Boards.

e.) Coordination with the Office of the Governor

Since 1990, the Virginia State Crime Commission has been working with the Drug Policy Office of the Governor on the development of anti-drug strategies in Virginia and the implementation of special projects and programs. Robert

Northern, Special Assistant to the Governor for Drug Policy, has collaborated with the drug study staff of the Virginia State Crime Commission on development of and funding for state-wide School/Community Team Training for local education and community officials. This training program assists localities in developing drug prevention and intervention programs, particularly those targeted for high-risk youth. The Commission and Governor's Office worked together with Staunton Police Chief Grafton Wells and Lee-Davis High School Principal Charles Rembold to develop training and curricula for the PULSAR program. PULSAR is an interactive drug education and intervention program for high-risk youth created in Staunton that now is being adopted by communities across Virginia and partially funded by grants from the Office of the Governor.

The Governor's Drug Policy Office continues to work with the assistance of the Crime Commission in development of state-wide anti-drug conferences and in coordination of policies concerning education, treatment and law enforcement activities. Many of the projects initiated by the Crime Commission during its two-year task force study have been implemented by the Governor's Drug Policy Office. Finally, the Governor's Drug Strategy, released in 1991, closely parallels the strategy developed between 1989 and 1991 by the Commission's drug study task force.

## **VI. Recommendations**

### **A. Pharmaceutical Drug Diversion**

#### **Recommendation 1:**

- Professional education for health professionals should include information on appropriate prescribing practices that stresses prescribing medications only for legitimate needs, and to make current and future prescribers of controlled substances aware of current research related to pain management and other appropriate uses of narcotic, analgesic and psychotropic medications. This education should be implemented in the state's medical schools, and should include proper dispensing practices for pharmacists.

- Professional education also should be made available in the current trends of pharmaceutical drug diversion to make health professionals more aware of diversion techniques and fraudulent practices, such as doctor shopping and prescription theft and forgery.

#### **Recommendation 2:**

- A comprehensive training program for the judiciary and Commonwealth's Attorneys should be developed on the impact of pharmaceutical drug diversion on Virginia's overall drug crime problem.

- Current training programs for law enforcement officers in Virginia on

pharmaceutical drug diversion should include presentations at the in-service schools on the relationship between pharmaceutical drug diversion and the overall drug crime problem in Virginia.

- The Department of Criminal Justice Services should evaluate the quality and appropriateness of the training provided for Department of Health Professions investigators, and report findings and recommendations to the Virginia State Crime Commission by December, 1992.
- Educational efforts should be developed to promote better understanding of the appropriate use of prescription drugs and of the problem of pharmaceutical drug diversion, directed to the judiciary, the media and to the general public, as well as to authorized prescribers and dispensers of controlled substances and regulatory and enforcement personnel.

**Recommendation 3:**

Existing data systems for estimating and detecting pharmaceutical drug diversion should be complemented with better use of Medicaid claims data and other emerging data sources, such as private and public drug utilization review systems, to foster a better understanding of the extent and characteristics of diversion. To that end, it is recommended that coordination among the Department of Health Professions, Department of State Police, Department of Medical Assistance Services and other appropriate agencies regarding investigative information be continued and enhanced.

**Recommendation 4:**

The Virginia State Crime Commission, with the assistance of the Department of State Police and the Department of Health Professions, should monitor and evaluate the interactive point of sale program being implemented in other states. The interactive point of sale program is a comprehensive monitoring program that collects information through pharmacy computers to aid in diversion investigations. The data collected could be used to detect indiscriminate prescribing/dispensing, doctor shopping and possible invalid Drug Enforcement Agency (DEA) numbers. Evidence of cost-effectiveness, program efficiency of the existing programs in other states and privacy issues concerning confidential records should be documented. Findings and recommendations should be reported to the Virginia State Crime Commission by December, 1992.

**Recommendation 5:**

Amend Code of Virginia §54.1-3405 to require the Department of Health Professions to report information which constitutes evidence of illegal distribution, possession or obtaining of controlled drugs to the Department of State Police for criminal investigation purposes.

**NOTE:** During the 1992 General Assembly session, the House Courts of Justice Committee requested that the Virginia State Crime Commission research the laws and regulations governing access to pharmacy computer records, and report to the Committee during the 1993 General Assembly session.

**Recommendation 6:**

Amend Code of Virginia to enact a new section to prohibit the release by the Department of Health Professions of medical and treatment records of health practitioners obtained from programs treating impaired practitioners.

**Recommendation 7:**

Amend Code of Virginia § 18.2-308.4 to extend the prohibition of possession of a firearm while in the illegal possession of all Schedule I and II controlled substances. Presently, only Schedule I and cocaine-related materials are included in this statute. Methamphetamine is a Schedule II drug of choice of outlaw motorcycle gangs which have been shown to possess firearms that presently is not included in this Code section. Additionally, amend section to replace "firearms" with "weapons as described in §18.2-308A."

**Recommendation 8:**

Amend Code of Virginia § 18.2-255 to extend the enhanced penalties for distribution to a minor to include distribution of Schedule IV and V drugs. Presently, this statute only provides enhanced penalties for the illegal distribution of Schedule I through III drugs and marijuana to minors.

**B. Drug Law Enforcement Efforts**

**Recommendation 8:**

The Department of State Police should continue to conduct semi-annual training conferences for the multi-jurisdictional task forces in cooperation with the Virginia State Crime Commission. The conferences should be jointly planned to target training needs identified by the multi-jurisdictional task force members.

**Recommendation 9:**

The Department of State Police should attempt to complete the computerization of the multi-jurisdictional task forces as scheduled in 1992, and submit a progress report to the Virginia State Crime Commission in 1992 on the computerization project.

**C. Youth Gangs**

**Recommendation 10:**

The Virginia Department of Criminal Justice Services (DCJS) should develop a model curriculum addressing drug and youth gangs for Virginia's law enforcement

officers.

DCJS should develop a standard curriculum which could be utilized on a statewide basis to enhance awareness of drug and youth gang activities and to suggest appropriate responses to it. Such instruction should be included in the Basic Law Enforcement Model Lesson Plan which serves as the core curriculum that must be successfully completed by all beginning state and local police officers and law enforcement deputy sheriffs. Additionally, DCJS should expand upon this basic curriculum in order to offer in-service instruction to state and local law enforcement officers already in the field. Appropriate subjects to be addressed include:

- Sections with Title 18.2 of the Code of Virginia which address crimes commonly committed by drug and youth gangs. (Examples include §18.2-137 which relates to vandalism and under which graffiti cases may be prosecuted and §18.2-308.1 which prohibits possession of firearms on school property.);
- The importance of working together and sharing information concerning known gangs and gang members and their illegal activities with neighboring law enforcement agencies; and
- The need to provide general information on gang activity and gang member identification techniques to school personnel as well as others in the community who work with youth on a regular basis.

#### **D. Substance Abuse Treatment in Local Jails**

##### **Recommendation 11:**

The Department of Mental Health, Mental Retardation and Substance Abuse Services should develop further training and technical assistance programs to better enable the jail substance abuse counselors to deliver appropriate services to clients in the local and regional jails.

##### **Recommendation 12:**

The Department of Mental Health, Mental Retardation and Substance Abuse Services should report to the Virginia State Crime Commission in 1992 on the continued progress of the jail services project, and offer findings and recommendations to the Commission for further improvement and development of the project.

#### **E. Coordination with the Office of the Governor**

##### **Recommendation 13:**

The Virginia State Crime Commission, on behalf of the General Assembly, and the

**Drug Policy Office of the Governor should continue to work together to ensure coordination of anti-drug projects, avoid duplication of effort and promote efficient and effective use of state and local resources in anti-drug programs.**

**Recommendation 14:**

**The Drug Policy Office of the Governor should report annually to the Virginia State Crime Commission on its programs, policies, legislation and anti-drug project expenditures and grants.**

**Recommendation 15:**

**The Virginia State Crime Commission should report annually to the Drug Policy Office of the Governor concerning the Commission's anti-drug-related legislative reports and recommendations for the purpose of facilitating coordination of efforts.**



## **VI. Acknowledgements**

Gary Anderson  
Department of Health Professions

Lt. Col. Carl R. Baker, Director  
Bureau of Criminal Investigation  
Department of State Police

Kenneth Batten, Office of Substance Abuse Services  
Department of Mental Health, Mental Retardation, and Substance Abuse Services

Elizabeth Carter  
Department of Health Professions

Col. William Corvello, Superintendent  
Department of State Police

Investigator M. R. Crank  
Norfolk Police Department

Jay P. Douglas, RN, CSAC, CEAP  
Perspectives Employee Assistance Program

Investigator Patrick J. Dunn  
Norfolk Police Department

Kevin M. Finnegan, Manager  
Upjohn Company

Wayne Garrett  
Department of State Police

John Gephart  
Department of State Police

James L. Ghaphery, M.D.  
The Medical Society of Virginia

Bernard L. Henderson, Jr., Director  
Department of Health Professions

Robert Kemmler  
Department of State Police

Patrick McCreery  
Department of State Police

Corporal Charles Moore  
Norfolk Police Department

Dr. Richard Morrison  
Department of Health Professions

A. Guy Mosier  
Regional Government Affairs Manager  
DuPont Merck Pharmaceutical Company

Robert Nebiker, Deputy Director  
Department of Health Professions

Robert N. Northern, Special Assistant to the Governor  
Governor's Office on Drug Policy

Thomas J. Stanley, Deputy Assistant Director  
Bureau of Criminal Investigation  
Department of State Police

George Stukenborg  
Department of Health Professions

## **Appendix A**

# 1991 SESSION

LD9041325

## SENATE JOINT RESOLUTION NO. 205

Offered January 17, 1991

*Directing the Virginia State Crime Commission to complete the study projects initiated by the Task Force on Drug Trafficking, Abuse and Related Crime.*

Patrons—Gray, Cross, Holland, E.M., Anderson and Joannou; Delegates: Guest, Forehand, Reynolds, Philpott, Jackson, Ball and Moore

Referred to the Committee on Rules

WHEREAS, Senate Joint Resolution 144 (1989) directed the Virginia State Crime Commission and a select Task Force to conduct a two-year study of drug trafficking, abuse and related crime; and

WHEREAS, the Task Force on Drug Trafficking, Abuse and Related Crime developed more than sixty drug-related law-enforcement, corrections, treatment and education and prevention projects to further drug control efforts in Virginia; and

WHEREAS, the Task Force has published its final report for the Governor and 1991 General Assembly and has disbanded; and

WHEREAS, considerable work remains to be done on several drug study projects that the Task Force approved to be continued to 1991; and

WHEREAS, these study projects concern the problems of pharmaceutical drug diversion, youth and drug gangs, drug-related violence, manpower needs of multi-jurisdictional task forces and funding for special drug prosecutors; and

WHEREAS, the Task Force expressed a continuing concern that law-enforcement, corrections, treatment and education efforts for drug control in Virginia be coordinated to avoid duplication and ensure that the resources of the Commonwealth be efficiently and effectively expended; now therefore, be it

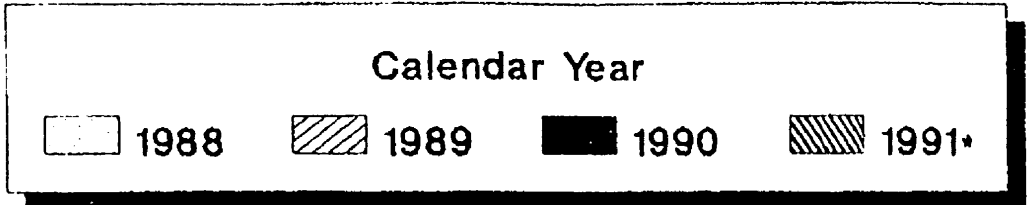
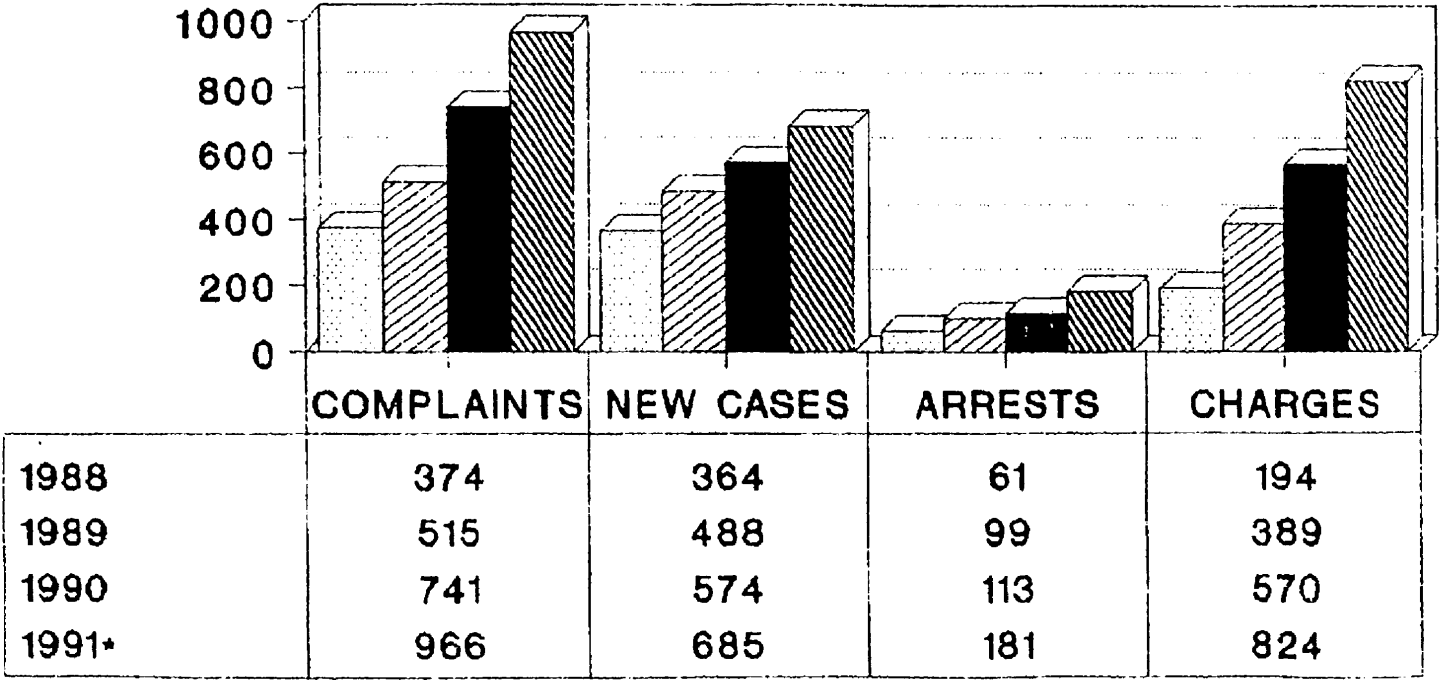
RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission is directed to complete the projects initiated by the Task Force on Drug Trafficking, Abuse and Related Crime, and to continue to monitor and analyze the Commonwealth's coordination of drug control efforts in Virginia for efficiency and effectiveness. The Commission shall examine the issues continued for further study, and confer and collaborate with the Governor's Drug Policy Office and the Governor's Council on Alcohol and Drug Abuse Problems, state agencies which are responsible for administering programs and services designed to address drug abuse and those legislative study committees which have been charged to study related issues. The Secretary of Public Safety, the Secretary of Health and Human Resources, and the Secretary of Education shall each designate one staff person to provide technical assistance to the Commission. All agencies of the Commonwealth shall provide assistance upon request to the Commission.

The Virginia State Crime Commission shall complete its work in time to submit its findings and recommendations to the Governor and 1992 Session of the General Assembly in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

The costs of this study are estimated to be \$11,800, and such amount shall be allocated to the Virginia State Crime Commission from the general appropriation to the General Assembly for the conduct of this study.

## **Appendix B**

# PHARMACEUTICAL DIVERSION UNIT 1988-1991 COMPARATIVE STATISTICS



\* projected based on 1/91 - 10/91  
pw mccrory

## **Appendix C**

## Virginia State Police Drug Study Projects

<u>Recommendations</u>	<u>Action Required</u>	<u>Assigned</u>	<u>Considerations</u>	<u>Due Date</u>
L.E. #1	Hold quarterly meetings of Task Force coordinators, investigators, & heads of local participating agencies.	SID Drug Planning Unit	Funding Unknown	
L. E. #2	Expand VNPI to provide better criminal intelligence resources for local law enforcement.	CID	Completed/Ongoing	
L.E. #3	VSP should seek funding for VCIN terminals for each MJ Task Force	SID/DPU Records Management	Funding Unknown	
L.E. #4	VSP should develop a method to cross check purchase of weapons through the Firearms Transaction Program	CID Records Management	Some legislative objection Value vs. Cost	
L.E. #5	VSP should study man-power needs of each MJ Task Force	SID/DPU	Funding for increased personnel-unknown	9/91
L.E. #6	VSP should develop a priority evaluation system for Task Forces	SID/DPU		
L.E. #7	VSP should research forfeited vehicle sharing for undercover operations	SID/DPU	Initial Report Completed	9/91



L.E. #12	VSP (BCI) DCJS & Div. of Forensic Science should prepare up-to-date lesson plans, etc. for undercover officers, contact & supervisory personnel	SID/Academy	Completed/Ongoing	
L.E. #13	VSP & DCJS should identify & train instructional staff to provide advance undercover training to local law enforcement	SID/Academy	Completed/Ongoing	
L.E. #14	VSP & DCJS should conduct a pilot school for undercover training	SID/Academy	Completed/Ongoing	
L.E. #19	A Virginia Criminal Intelligence Center should be established	CID	Completed	
L.E. #23	VSP should continue to study the problem of gang violence in Virginia	SID/GID/CID	Some preliminary work completed	9/91
L.E. #26	VSP should request voluntary release of CTR exemption lists in money laundering investigations	SID	Report to Crime Commission	1/92
L.E. #27	VSP, Dept. of Health Professionals and Crime Commission should study Pharmaceutical Diversion	SID/Diversion Inv. Unit	Some preliminary work completed	9/91
C.T. #2	VSP should apply for any eligible federal grant funds for 91-92 to continue the drug dog training program and continue to provide training to Department of Corrections	Academy Property & Finance		

LD #13

VSP should include the cost of the DARE Program and supplies in the 92-94 Biennium budget

Academy Property & Finance

ED #16

Evaluation of the middle school DARE Program by Governor's Council on Alcohol and Drug Abuse Problems

Academy