

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on January 29, 2003 in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Jill Wolters - Office of Revisor  
Mitch Rice - Office of Revisor  
Jerry Ann Donaldson - Legislative Research Department  
Martha Dorsey - Legislative Research Department  
Bev Renner - Committee Secretary

Conferees appearing before the committee:

Representative Todd Novascone  
Representative Sydney Carlin  
Denise Everhart-Acting Commissioner, Juvenile Justice Authority  
James Frazier-Deputy Commissioner-Operations, JJA  
Lynaia South-Deputy General Counsel, JJA  
Kyle Smith-Special Agent, Kansas Bureau of Investigation

Representative Todd Novascone appeared before the committee to request introduction of a bill on behalf of Sedgwick County and the County Sheriff, Gary Steed, that amends K.S.A. 19-1930 to increase the amount of work release pay to \$20 per day.

Vice-Chairperson Owens moved to introduce the bill. Representative Carter seconded the motion. The motion carried.

Representative Carlin moved to request introduction of a committee bill to raise the value of items stolen when theft becomes a felony to \$2000 from the current \$500. Representative Crow seconded the motion. The motion carried.

**HB 2016: Training and powers and duties of juvenile correctional officers.**

**Chairperson Loyd opened the Hearing on HB 2016.** Jerry Ann Donaldson gave a brief overview. The bill was requested by Joint Committee on Corrections and Juvenile Justice Oversight to provide the Commissioner of the JJA powers to require each Juvenile Corrections Officer and Juvenile Corrections Specialist to complete a specified number of hours of training and a certificate in order to obtain permanent status in the classification. Definitions of these positions would be included. In addition, the bill grants JJA corrections officers and investigators the powers and duties possessed by law enforcement officers, as authorized by the Commissioner.

Commissioner Everhart appeared as a proponent on **HB 2016 (Attachment 1)**. The law enforcement duties clause would be used while in the course of performance of duties at the juvenile correctional facility in the case of an escape. JJA would like to request two amendments; one, to add investigators in New Sec. 3 and, two, to remove language of specific number of hours of training and insert "as specified by the Commissioner" so that if requirements are changed it will not be necessary to draft a new bill.

Vice-Chairperson Owens expressed concern with removing the specific number of hours of training and asked that a minimum figure be used to insure that training requirements would not be cut drastically because of budget constraints. Commissioner Everhart did not object to the change.

Representative Crow pointed out that if investigator is added to New Sec. 3, the definition of investigator should also be added to the language of the bill. Commissioner Everhart agreed but conceded that

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m.. on January 29, 2003 in Room 526-S of the Capitol.

perhaps investigator could be added at a later time.

Representative Carter had concerns about the definition of a juvenile corrections officer and the wide scope of the duties of a law enforcement officer anywhere in the state of Kansas.

Representative Horst asked for clarification of the use of "re-certification" training stated in testimony, in opposition to "in-service" training as used in the bill. Commissioner Everhart agreed that perhaps a change in terms would be appropriate.

Chairperson Loyd asked for language to limit the authority of the juvenile corrections officers with the law enforcement duties clause. In question were the broad arrest powers, use of firearms, and whether this bill would implicate training at Kansas Law Enforcement Training Center. Commissioner Everhart had no objection to the limiting language. Representative Pauls and Vice-Chairperson Owens also expressed the need for better definition citing the difference between the definition in Judicial Counsel's bill of a juvenile corrections officer and training needs and those set forth in this bill.

Kyle Smith, Special Agent-Kansas Bureau of Investigation appeared on behalf of the Kansas Law Enforcement Training Commission as an opponent to **HB 2016 (Attachment 2)**. Concerns with **HB 2016** as written are: 1) Are these people going to have full law enforcement powers? 2) What is the limitation? 3) Interpretation of "full law enforcement powers"?

**Chairperson Loyd closed the hearing on HB 2016.**

Chairperson Loyd announced an intention to appoint a sub-committee to work out the issues brought forth in the hearing on **HB 2016**.

Kyle Smith returned to the committee to present a briefing on Methamphetamine in Kansas with a PowerPoint display (Attachment 3). Methamphetamine is a potent central nervous system stimulant, normally found in a crystallized powder that can be snorted, injected or smoked. Meth has created a crisis with paranoid, armed criminals; by using explosives and hazardous materials with the waste being dumped into water, soil and air; exposing cops, children and neighbors to cancer, fire and explosions; and, the increasing numbers of labs. The availability of manufacturing materials in Kansas makes this a prime location to set up meth labs. In 1994, there were 4 meth labs in Kansas; in 2002 there were 847. Federal Assistance has allowed the KBI to hire agents, chemists, analysts, task forces, prosecutors, and equipment to fight this war on Methamphetamine. Legislation has been enacted to increase penalties but more is needed in the area of limiting access and the sale of ephedrine. The Kansas Department of Health and Environment is in charge of cleaning up lab sites and has responsibility for manuals describing the process and other informative publications.

The meeting was adjourned at 3:10 p.m. The next scheduled meeting is January 30, 2003.





JUVENILE JUSTICE AUTHORITY  
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

**HOUSE CORRECTIONS &  
JUVENILE JUSTICE COMMITTEE  
JANUARY 29, 2003**

**Testimony on House Bill 2016**

The bill will provide the Commissioner of the Juvenile Justice Authority (JJA) powers to require each Juvenile Corrections Officer (JCO) and Juvenile Corrections Specialist (JCS) to complete a specified number of hours of training and receive a Completion of Training Requirements Certificate from the Commissioner in order to obtain permanent status in the classification. It will require annual re-certification training for incumbent officers and officers who leave employment for one year or more and wish to return. Currently officers receive 160 hours of training during their probation period and 40 hours of refresher training each year thereafter. This training is based on the American Correctional Association standards and national best practices. The bill will allow the Commissioner to adopt rules and regulations to establish standards of training for these officers.

The bill will also add the definition of Juvenile Corrections Officer, meaning a Juvenile Corrections Officer or a Juvenile Corrections Specialist working at a juvenile correctional facility to K.S.A. 38-1602.


In addition, the bill grants JJA corrections officers and investigators the powers and duties possessed by law enforcement officers, but limited to those powers required carrying out duties as authorized by the Commissioner.


Currently there are 348 JCO/JCS positions and two investigator positions system-wide subject to this bill.

Because we have had additional time to review the language of the proposed bill we do have two amendments that we would propose in order to make our intent more clear.

1. The language of the bill as written does not include our investigators but only corrections officer. We would ask that investigators be inserted in "New Sec. 3".



 Kansas Statutes

 Chapter 75. — STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

 Article 52. — DEPARTMENT OF CORRECTIONS

[\[Previous Document in Book\]](#)

[\[Next Document in Book\]](#)

75-5212. Training for corrections and parole officers.

(a) The secretary shall adopt rules and regulations establishing standards of training and provisions for certifying corrections officers and parole officers.

(b) Except as provided in subsection (c), no person shall receive a permanent appointment as a corrections officer or a parole officer unless awarded a certificate by the secretary, attesting to satisfactory completion of a basic course of instruction approved by the secretary and consisting of not less than 200 hours of instruction. The certificate shall be effective during the term of a person's employment, except that any person who has terminated employment with the secretary for a period exceeding one year shall be required to be certified again.

(c) The secretary may award a certificate attesting to the satisfactory completion of a basic course of instruction to any person who has been duly certified under the laws of another state or territory if, in the opinion of the secretary, the requirements for certification in the other jurisdiction are equal to or exceed the requirements for certification in this state. The secretary may waive any number of hours or courses required to complete the basic course of instruction for any person who, in the opinion of the secretary, has received sufficient training or experience that such hours of instruction would be unduly burdensome or duplicitous.




(d) Every corrections officer shall receive 80 hours of in-service training annually.

**History:** L. 1973, ch. 339, § 19; L. 1974, ch. 403, § 7; L. 1978, ch. 365, § 5; L. 1980, ch. 287, § 1; L. 1984, ch. 112, § 15; L. 1990, ch. 309, § 50; May 24.

[\[Previous Document in Book\]](#)

[\[Next Document in Book\]](#)

Kansas Regulations

-  [Kansas Regulations](#)
-  [Agency 44 Department of Corrections](#)
-  [Article 4. — TRAINING](#)

[\[Previous Document in Book\]](#)

[\[Next Document in Book\]](#)

44-4-102. Equivalent training or substitutions for training.

(a) Requests for waiver of all or part of the basic training requirements for corrections officers and parole officers, as provided for in K.S.A. [75-5212\(c\)](#), shall be reviewed and approved by the director.

(b) Such requests shall be made in the form and manner prescribed in the department of corrections' internal management policies and procedures.

(c) Non-waivable requirements. The following training requirements shall not be waived: firearms, use of force, secretary of corrections' regulations, and department of corrections' internal management policies and procedures.

(Authorized by and implementing K.S.A. 1983 Supp. [75-5212](#); effective May 1, 1980; amended May 1, 1984.)

[\[Previous Document in Book\]](#)

[\[Next Document in Book\]](#)

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## Kansas Bureau of Investigation

Larry Welch  
Director

Phill Kline  
Attorney General

*Kyle G. Smith*

January 29, 2003

Dear Kansas Legislator:

Congratulations to the new among you and welcome back to all you veterans.

As a reminder to the veterans, and as an explanation to the new legislators, pursuant to a tradition we started in 1995, this document is to be considered the official **KBI Annual Report for 2002.**

I don't burden you with a heavy, beautifully-bound, costly publication, which you would place unread on a shelf in your office, and I save lots of money. You read the letter, hopefully containing relevant data, facts, figures, statistics and news about the KBI in 2002, and you save lots of time.

We'll start with the good stuff and, despite these budgetary-challenging times, there is a lot of good stuff.

- Kansas law enforcement located 672 "meth labs" last year. Still way too many, but, for the first time since 1995, we did not set a new state record. (1994-4; 1995-7; 1996-71; 1997-99; 1998-189; 1999-511; 2000-702; and 2001-846.)
- 292 of the 672 "meth labs" were operational at the time of the seizures. 311 of the 672 were seized by the KBI.
- In March, 2001, there was a backlog of 299 "meth lab" cases awaiting analysis in KBI forensic laboratories. Thanks to extraordinary efforts by KBI chemists, that number dropped to 79 in December, 2002, even though case submissions had continued to increase dramatically, i.e., 256 in 1999; 385 in 2000; 503 in 2001; and 536 in 2002.
- There were 375 KBI felony convictions in 2002 (a new record) and 569 KBI arrests. There were 681 KBI arrests (the all-time record) and 302 KBI felony convictions in 2000 and 441 KBI arrests and 345 KBI felony convictions in 2001. (These statistics do not include non-KBI cases wherein KBI forensic scientists and/or special agents assisted, and/or testified, in local or federal cases.)

*House Carr's J.J.*  
*1-29-03*  
*Attachment 2*

- Of the 569 KBI arrests in 2002, 78 percent (443) were for drug-related crimes. (352 for methamphetamine specifically.) 40 were arrests of middle-eastern males in violation of U.S. Immigration laws.
- Of the 375 KBI felony convictions in 2002, 75 percent (279) were for drug-related crimes. (211 for methamphetamine specifically.)
- KBI special agents opened 1,287 criminal investigations in 2002. 560 were drug-related. 82 were homicides and 83 were rapes. In 42 cases children were the crime victims.
- The KBI High Risk Warrant Team was activated on 29 occasions last year in support of local law enforcement and/or KBI. 23 were high risk search and/or arrest warrant situations. 3 were barricaded subject situations. Most related to "meth labs".
- 17,247 cases (all disciplines) were received by KBI laboratories from Kansas law enforcement in 2002. (Another new record.)
- KBI chemists completed 10,337 drug cases for Kansas law enforcement. (Another new record.)
- KBI latent fingerprint examiners identified 252 suspects and/or victims in criminal investigations across the state.
- KBI forensic scientists collected 13,199 DNA samples in 2002 from convicted violent offenders throughout the Kansas penal system. (A new record.)
- KBI toxicologists completed blood alcohol and drug analysis tests in 3,004 DUI cases for Kansas law enforcement and prosecutors.
- KBI toxicologists completed postmortem examinations in 532 death investigations.
- KBI forensic scientists received a total of 4,326 Kansas court subpoenas last year. (Another new record.)
- For the fourth consecutive year the KBI Forensic Laboratory Division maintained its national accreditation.
- 260 "hits" were recorded through our computerized Automated Fingerprint Identification System (AFIS), identifying suspects in unsolved crimes across our state.



- Suspects in unsolved Kansas rapes and homicides are now being identified through the KBI and national DNA databanks. Previously we were only comparing known suspects with DNA evidence.
- The KBI Firearms Section, thanks to funding from the Bureau of Alcohol, Tobacco and Firearms, now features the latest computerized database for tracking guns used in violent crimes, serving as the regional center for the National Integrated Ballistic Information Network (NIBIN).
- Last year we trained, equipped and certified more than 250 Kansas law enforcement officers to handle “meth lab” responses, significantly reducing the necessity for KBI response. This project was accomplished through federal funding received by the KBI.
- The KBI added a Web Portal to the Kansas Criminal Justice Information System. The portal provides a convenient single point of access to information. Criminal justice users with internet service can now obtain criminal history record information, warrants, offender files, bulletins and corrections data through the KCJIS Web Portal.
- The KBI installed a new web-based criminal history system. The new system allows over 7,000 criminal justice users to access Kansas criminal history information on line, anytime and from anywhere in the state. The Kansas Department of Health and Environment, Department of Social and Rehabilitation Services, and the Bureau of Alcoholic Beverage Control now have direct access to criminal history data via the KCJIS Web Portal.
- The KBI completed connectivity to the national Interstate Identification Index (III). As a full participant in III, Kansas now shares criminal history data directly with other states.
- The KBI and the Kansas Department of Corrections completed an electronic interface between the two agencies. The interface allows KDOC to transfer custody and supervision data to the central record repository on a daily basis. The data is maintained on a file server at the KBI and is made available to criminal justice users via the KCJIS Web Portal.
- The KBI added an on-line mapping feature to the offender registration web site. In cooperation with Information Network Kansas (INK) and the Kansas Geological Survey, the new feature allows the public to view regional and local maps that depict locations of registered offenders, now more than 2,700 in number.

- Through a trade-in program, and using only asset forfeiture funds, we obtained new handguns for all KBI agents, replacing their aging weapons.
- Through federal funding received by the KBI we added a Vacuum Metal Deposition (VMD) Chamber in our Topeka forensic laboratory. When it was installed, in May, 2002, we became one of only 6 law enforcement agencies in the world to have a VMD! You may have seen such a chamber on the "CSI" television series. It utilizes the evaporation of metals (tiny traces of gold and zinc) to coat friction ridge detail in order to illuminate latent fingerprint impressions on surfaces previously untreatable. It places the KBI in the forensic forefront of latent fingerprint identification and better able to serve Kansas law enforcement and prosecutors.
- Through the same federal funding that obtained the VMD for us, we also added Reflective Ultraviolet Imaging Systems (RUVIS) to our nationally-accredited forensic laboratories in Great Bend and Topeka. The RUVIS is another "latest-word" and state of the art technology in latent fingerprint identification. It has proven to be another invaluable asset for Kansas law enforcement in crime solution. Through reflected short-wave light the RUVIS permits visualization of latent fingerprint impressions without the use of evidence-damaging chemicals and powders. (The VMD and the 2 RUVIS systems together cost \$150,000. All federal funds.)
- 10 of our top staff are now graduates of the FBI National Academy at Quantico, Virginia, considered the West Point of law enforcement. Room, board, tuition, training and transportation to and from Quantico are all at FBI expense. Free for the KBI. And the 3 months' management and leadership training program is considered among the finest in the world.
- Our associate director and an assistant director are also graduates of the FBI Law Enforcement Executive Development Seminar at Quantico and 10 of our staff are graduates of the abbreviated FBI Law Enforcement Executive Development Seminar at the University of Kansas. One KBI special agent in charge was one of two local officers across the nation selected last year for the FBI Executive Fellowship Program at FBI headquarters, Washington, D.C.
- 6 of our KBI forensic scientists have been selected as Inspectors by the American Society of Crime Laboratory Directors (ASCLD), the national forensic laboratory accreditation board.
- One of our senior special agents currently serves as president of the Kansas Peace Officers' Association, our state's largest law enforcement association, and our associate director is president-elect of the FBI National Academy Associates'

Kansas-Western Missouri Chapter. Two of our computer specialists in the KBI Information Services Division, both well-known to the Joint Information Technology Committee, continue to receive international and national, as well as state-wide, laudatory recognition, for their expertise and achievements. Heck, I could fill a book with recognitions, honors and awards received by your KBI men and women. We better stop there.

- Well, one more. You Wichita-area legislators, in particular, will recall the tragic Carr brothers case, wherein a 9-day rampage left 5 Kansans dead and the sole survivor twice-raped, shot and left for dead. Remember the dramatic picture of the DNA forensic scientist testifying in court in that trial, October 23, on the front page of the *Wichita Eagle*? Yes, a KBI DNA forensic scientist. In fact, our DNA supervisor and a major witness in that successful prosecution. (She was also the forensic scientist witness a year earlier in the "Wichita Riverside Rapist" prosecution as well.)

I'll stop with the good stuff. Hopefully, the above points combine to make a larger point. The positive impact we have on the Kansas law enforcement community and the Kansas criminal justice system is out of proportion to the size of our agency and the amount of state general funds provided to us, and we're mighty proud of that.



Now, our primary challenges, methamphetamine and cybercrime.

***"Drugs and crime are unraveling rural America... Crime, fueled by a methamphetamine epidemic that has turned fertilizer into a drug lab component and given some sparsely populated counties higher murder rates than New York City, has so strained small-town police budgets that many are begging the federal government for help. The rate of serious crime in Nebraska, Kansas, Oklahoma (and Iowa) is as much as 50 percent higher than the state of New York (and New Jersey), the FBI reported in October. Towns of 10,000 and 25,000 people are now the most likely places to experience a bank robbery. Drug-related homicides fell by 50 percent in urban areas, but they tripled over the last decade in the countryside. We have serious drug crime in places that never used to have it."***

I placed quotation marks around those opening words because they are not mine. I borrowed them from the *New York Times* of Sunday, December 8, 2002.

In Kansas we know only too well that those words ring true, unfortunately. The DEA says we ranked 4<sup>th</sup> in the nation in "meth lab" seizures in 2001 and in 2002.

And we can take little solace in the fact that the typical Kansas "meth lab" continues to be a small, mobile laboratory hidden in a remote, rural area, because, unfortunately, approximately 80 percent of the methamphetamine in Kansas is imported from Mexico and/or California, and does not come from local manufacturers.

We know, as well, that 73 percent of Kansas law enforcement agencies, primarily municipal and county agencies, have 10 or fewer full-time officers.

An incredible 49 percent of Kansas law enforcement agencies, primarily municipal and county agencies, have 5 or fewer full-time officers.

And, don't forget, 13 of the authorized 82 KBI special agent positions across the state are remaining vacant for budgetary reasons.

The scourge of methamphetamine is still with us. But 6 of our drug agents, 4 of our drug chemists and 2 of our drug analysts are paid with federal grant funds, which may be ending!

I share the appreciation of Attorney General Phill Kline in Governor Kathleen Sebelius' "State of the State", January 15, in her words, "...we will bring to you our ideas for increasing the sentences for sexual predators who victimize our children and reducing the threat of meth labs in Kansas."

We look forward to working with Governor Sebelius and Attorney General Kline on those two fronts in particular.

Methamphetamine remains a major problem, but computer crimes in general, and child pornography, in particular, represent the fastest growing crimes in our state.

Attorney General Kline, making crimes against children a priority, is strongly supporting the assignment of a KBI special agent to the FBI Heart of America Regional Computer Forensic Laboratory being created in Kansas City, designed to combat the rise of cybercrime in Kansas and the Kansas City metropolitan area.

Our undermanned KBI High Technology Crimes Unit is unable to respond to even a significant number of the requests they receive from local law enforcement for assistance in computer crimes. Hopefully, teaming with the FBI and other agencies in the computer forensic task force, as well as in the planned follow-up computer crimes investigative group, will enable us to better assist Kansas law enforcement and prosecutors on that front.





And, finally, the biggest challenge of them all, our state budget. Yours and ours.

We fully realize that our Kansas budget situation has gone from dismal to desperate. The current state budget and next year's budget, as well, require sacrifices of all of us.

At the KBI we're making those budgetary sacrifices in a sincere effort to assist you as you tackle almost impossible fiscal tasks in behalf of our state and our citizens.

As I mentioned earlier, we're holding vacant 13 KBI special agent positions. We returned to you the slightly less than \$300,000 you approved 2 years ago for the much-needed remodeling of the Great Bend KBI forensic laboratory. We're reducing training and travel expenses and we have greatly reduced state general fund overtime pay. We may be forced to suspend our Documents Section in the KBI Laboratory Division. We're using e-mail more and the telephone and mail less. We've prioritized our responses of KBI agents and scientists to Kansas law enforcement. An internal KBI committee of 14 employees recently identified possible ways to save money. We're carefully evaluating each idea and it's already clear we'll be adopting many of the measures.

Perhaps most importantly, I'd like to point out that 44 percent of our current budget comes from non-state general fund sources, i.e., federal grants, record check fees and laboratory fees. Only 56 percent of this year's total KBI budget comes from state general funds. And only 61 percent of next year's recommended total budget will come from state general funds.

So, we're trying to help you and still carry out our professional responsibilities. And we know that you can't give us any more money. We understand and fully support that position.

With your understanding and guidance, we just hope to avoid additional severe budgetary cuts.

Good luck and thanks for reading the ***KBI 2002 Annual Report***.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Welch", is written over a large, stylized, handwritten letter "W".

Larry Welch  
Director

LW/pja

cc: Governor Kathleen Sebelius  
Attorney General Phill Kline



# Kansas Bureau of Investigation

Larry Welch  
*Director*

Phill Kline  
*Attorney General*

## Methamphetamine in Kansas

House Committee on Corrections and Juvenile Justice  
January 29, 2003  
Kyle Smith, Special Agent  
Kansas Bureau of Investigation

- I. Powerpoint Presentation
- II. Chart – meth labs per capita
- III. Chart - Meth labs by county 2001
- IV. Legislative Post Audit Executive Summary on Methamphetamine Labs, July 2001
- V. Testimony re Precursor chemical control from 2002, SB 515

House Corr: J.J.  
1-29-03

## Methamphetamine in Kansas

House Committee on Corrections and  
Juvenile Justice  
January 29, 2003

Kyle Smith  
Kansas Bureau of Investigation

## What is Meth?

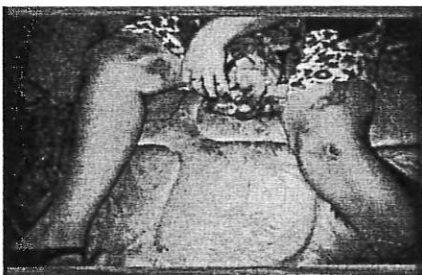
- Methamphetamine, a.k.a. meth or crank, like cocaine is a potent central nervous system stimulant. Normally found in a crystallized powder it can be snorted, injected or smoked. Unlike cocaine, it is made here in Kansas from commonly available chemicals.

## Meth Labs: The Crisis

- Paranoid, armed criminals
- Using explosives and hazardous materials
- Dumping hazardous waste into your water, soil and air - creating hazardous waste sites
- Exposing cops, children and neighbors to cancer, fire and explosions
- Increasing numbers of meth labs



## Chemical burns from lye solution



## Children at meth labs

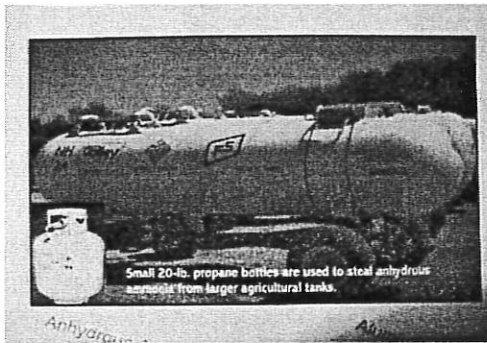
- Chemical Burns
- Lung damage
- Fires and explosions
- Ingestion of meth from product or utensils used to cook meth
- Death

## Personal Impact of Meth

- ▶ Paranoia
- ▶ Irritability
- ▶ Visual hallucinations
- ▶ Auditory hallucinations
- ▶ Suicidal tendencies
- ▶ Aggression
- ▶ Severe paranoia
- ▶ Cardiac arrhythmia
- ▶ stroke
- ▶ Sweating
- ▶ Shortness of breath
- ▶ Nausea, vomiting, diarrhea
- ▶ Long periods of sleep
- ▶ Severe depression
- ▶ Weight loss, malnutrition
- ▶ Itching
- ▶ Welts on the skin
- ▶ Involuntary body movements
- ▶ Hyperactivity
- ▶ Psychosis

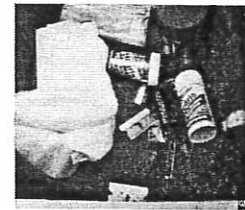
## Methamphetamine and Agriculture

- 90% of meth labs currently use the 'Nazi' method involving stolen anhydrous ammonia.
- Besides damage to tanks and theft of the anhydrous there are substantial health risks from the leaking tanks.
- Risk of contact with the 'thieves'

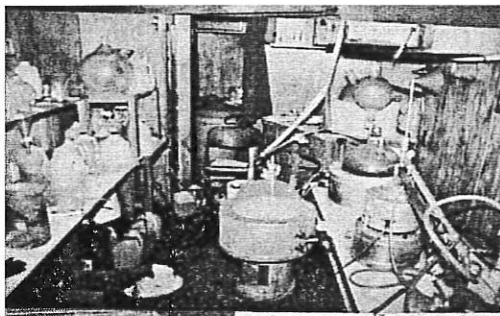


## Ephedrine Reduction lab

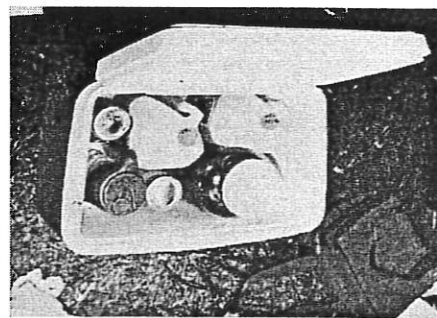
- The ephedrine reduction method produces meth by using as a precursor common cold remedies such as Sudafed containing ephedrine or pseudoephedrine



## Meth lab's can be big...



## Or small





### And always messy



### And Dangerous.



### Violence

- Pharmacologically, meth causes paranoia, irritability and aggression.
- You now have armed manufacturers and dealers, already in a dangerous profession, taking a drug that makes them paranoid and aggressive.

### More Violence

- This paranoia creates a problem for law enforcement do to booby traps and large amounts of weapons when conducting raids on “crankster gangsters”.
- The addicts will also be committing violent crimes to obtain cash or property to buy the drug.

### Impact on Society

- Polk County, IA, drug arrests surpassed drunk driving arrests and 65% of the drug cases were methamphetamine.
- Joplin, MO, has murder case pending against the father whose 2 year old died from ingesting meth.
- Contra Costa County, CA, a study showed meth was involved in 89% of reported domestic dispute cases.

### Federal Assistance (the good news)

- COPS = \$2.5 Million
  - trained and equipped 250 local officers
  - hired 6 agents, 4 chemists, 2 analysts
- Byrne = \$700,000+ per year
  - local task forces, equipment
- HIDTA = \$1.7 million
  - Task forces, Prosecutors, chemists, equipment

### Bad News

- Federal Assistance is rapidly drying up do to federal deficit, focus on domestic security and military costs
- Byrne funding was removed by the Senate last week in Congress
- COPS grant will expire next year

### 1999 Kansas Legislation

- Increased penalties for Manufacture K.S.A. 65-4159
  - 1st offense now level one drug felony
    - from 46 mo. minimum to 11 years, 6 mo. Minimum
  - 2nd offense double maximum in level one
    - So starts at 23 years, 10 months
    - Court may reduce up to 50% for mitigated cases

### 1999 Legislation cont'd

- Sec. 4 Possession of Anhydrous in non-approved containers as drug paraphernalia
  - Level 4 Drug felony under K.S.A. 65-4152
- Sec. 5 Unlawful endangerment (Booby traps) created or set to protect drug producing locations.
  - Level 8 nonperson felony; Level 7 person if injury; level 5 person if serious injury

### 1999 legislation cont'd

- Heath and Environment in charge of clean-up of lab sites.
- "Suspicious Transaction" reporting to KBI
- Voluntary reporting of O.T.C. suspicious transactions to KBI
- Educational efforts = "Meth Watch" cooperative educational effort

### 2002 Legislation

- Again Proposed limiting number of packages of precursor chemicals (see SB 515 testimony)
- Did add new crime of arson during clan lab
- Did improve the anhydrous in unapproved container law
- Expanded coverage of 65-7006 but "Frazier" problem limits usefulness

### The "Frazier Problem"

- Instead of limiting the number of precursor chemicals as proposed, industry proposed making it a level 1 drug to possess of ephedrine, psuedoephedrine and phenylpropanolamine with intent or the sale of the above if person knows or reasonably should know of purchaser's intent to use as precursor. Became KSA 65-7006

### Frazier cont'd

- Last March, the Kansas Court of Appeals in *State v Frazier* reduced the penalty of KSA 65 -7006 from a 11 year, 4 month minimum to a 10 month minimum.
- KCDAA has requested legislation to address Frazier and regarding 'Drug Endangered Children'

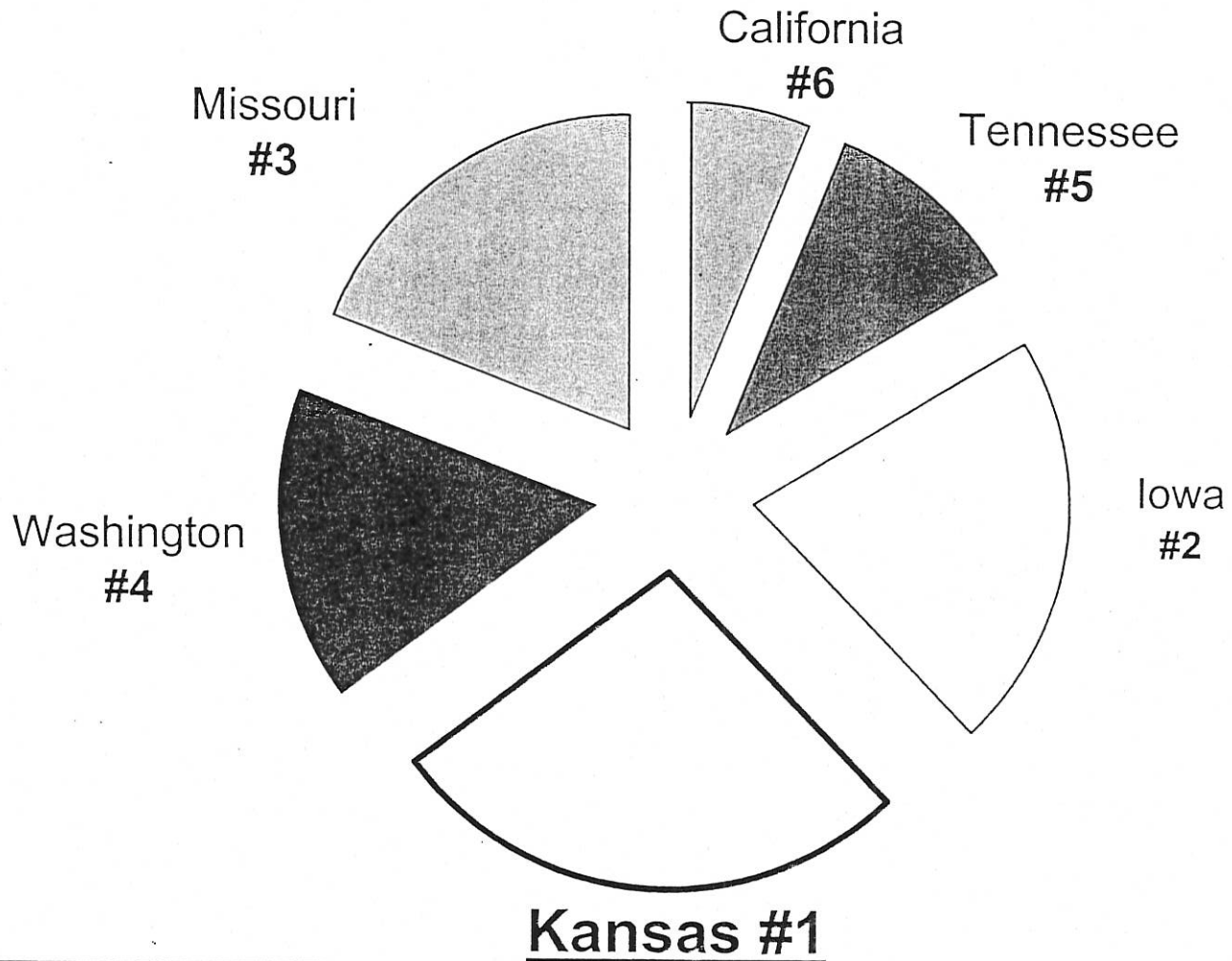
### METH LABS IN KANSAS

- 1994 - 4 LABS
- 2001 - 847 LABS
  - Post Audit survey set at 2,010
  - Concluded not all labs reported
- 2002 - 728?

### Progress?

Kansas still has more meth labs per person than any other state.

# Top 6 Meth Lab Producing States Per Capita



3-7

3-7





## Legislative Division of Post Audit

## EXECUTIVE SUMMARY

**Audit Title: Methamphetamine Labs: Reviewing Kansas' Enforcement Efforts****Question 1: What Are the Costs Associated With Methamphetamine Manufacturing and Use in Kansas?**

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

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

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

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

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

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

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

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

medical and insurance costs.

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

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

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

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

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

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

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

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

Recommendations. We recommend that the KBI present a plan to expand its lab capabilities to the 2002 Legislature, develop a system to track and analyze tips it receives about movement of products used to make methamphetamine, and remind local law enforcement agencies of the need to report all labs to the KBI. We recommend that the House or Senate Judiciary Committee or other appropriate legislative committee consider introducing legislation to allow forensic field tests to be admitted as evidence, to increase regulation of over-the-counter drugs containing pseudoephedrine, and to make available state grants to provide staffing, equipment, training, and the like to help local law enforcement agencies most burdened by methamphetamine manufacturing.

In its response, the KBI generally concurred with our recommendations.

**APPENDIX A: Scope Statement**

**APPENDIX B: Survey of Kansas Local Law Enforcement Officials**

**APPENDIX C: Survey of Kansas County or District Attorneys**

**APPENDIX D: Agency Response**

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



# Kansas Bureau of Investigation

Larry Welch  
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**Testimony in Support of SB 515**  
Before the Senate Judiciary Committee  
Kyle G. Smith  
Kansas Bureau of Investigation  
February 22, 2002

Chairman Vratil and members of the Committee,

I am pleased to appear today on behalf of the KBI in support of SB 515. In keeping with your limited available time, I will try to represent the positions of numerous law enforcement conferees. By now I suspect you all have some familiarity with the catastrophic problems that methamphetamine is causing in our state.

The problem is enormous, deadly and growing. Methamphetamine is a potent stimulant readily abused and readily available. However it is the manufacturing process that makes this the number one public safety problem in Kansas. Untrained criminals use explosive, flammable and toxic chemicals in this process. Fires and explosions follow. The fumes and residue damage children and other innocents. Our water and soil are contaminated by the byproducts these 'cooks' dump on the ground. The resources of our law enforcement agencies are being sucked dry by the challenge of dealing with these deadly kitchens. Kansas spent over 21 million dollars in fighting meth labs last year and the problem just keeps getting worse. In 1995 Kansas law enforcement officers seized 7 meth labs. In 2000 they seized 702. Last year we seized 846. Something must be done.

SB 515 contains the best answers that we've been able to come up with, at least of the solutions that don't require massive additional resources. These proposals have been collected from law enforcement officers working the labs and in conversations with prosecutors that are dealing with this problem. They will work and they will help.

#### New Section. 1.

This section limits to 3 the number of packages of methamphetamine precursor drugs that can be sold at one time. Currently there are no laws, federal or state, restricting the number of so-called 'safe harbor' packages that can be sold at retail. Do to increased efforts in controlling the importation and sale of bulk methamphetamine precursor drugs, these products are what we find in the vast majority of meth labs in Kansas.



Everyone recognizes the legitimate uses of these drugs. But we also need recognize the need to balance of legitimate commercial needs with society's need to protect itself. Until we get control of the basic precursor's availability we will never stop the meth lab problem. 10 states have now passed such legislation. Section 1 is an almost verbatim copy of Missouri statute 195.417, passed in 2001. Three packages amount to 288 thirty-milligram tablets - enough for a family of four to all take four pills a day for over two weeks - when the package warns not to take for more than 10 days.

Last July Legislative Post Audit did an extensive Performance Audit Report on Methamphetamine labs. One of their conclusions (4a) was:

"To help ensure that law enforcement officials have the statutory provisions they need to help combat the methamphetamine problem, the House or Senate Judiciary Committees or other appropriate legislative committees should consider introducing legislation during the 2002 legislative session to do the following:

- b. increase regulation of over-the-counter drugs containing pseudoephedrine."

Report to Congress by DEA October 2001

"The evidence presented in this report will show that the original rationale for the safe harbor exemption, i.e., that blister packaging will deter traffickers, was incorrect. Therefore, DEA strongly recommends the removal of the exemption for safe harbor packaged OTC pseudoephedrine products."

Subsections (b) and (c) contain safeguards to limit the inconvenience and to protect retailers who take reasonable steps to train their employees. This language was worked out as a compromise with the various concerned industries and commercial interests in Missouri. We must control the easy availability of these precursor drugs.

## Section 2

This section amends K.S.A.21-3718, defining the crime of arson to include fires and explosions resulting from the illegal manufacture of controlled substances. Arson investigators are frustrated that so many cases turn out to be "accidental" as they were caused during a meth cook. Not only does this affect insurance companies and lien holders but the arson investigator's files become open record once it is determined to be an 'accident' - thus jeopardizing the concurrent criminal drug investigation.

As in felony murder, this section would transfer the intent from the one crime to a foreseeable, related crime.

## Section 3

Amends K.S.A. 65-4152(a)(4) to removes the specific intent requirement from the possession of anhydrous ammonia in an unapproved container statute. When we wrote this section of the drug paraphernalia law in 1999, I was under the misapprehension that