



Police Department

DATE **November 25, 2017**

TO **United States Sentencing Commission**

FROM **Detective Matthew Barber**

SUBJECT **Statement to the US Sentencing Commission**

Distinguished members of the United States Sentencing Commission, thank you for allowing me to speak to you in regards to the growing problem of Synthetic Cannabinoid in our communities. This has been a growing concern for many members of our community, especially those who are parents or loved ones of those effected by this drug and who are working to aid our homeless population.

Historic Enforcement Problems and Fixes

This drug has been an ongoing problem for our department to address. In 2013, our city took steps towards banning the substances within the city limits of Lubbock through city ordinances. The problem initially for us was that it was only address a handful of compounds. Chemists creating the synthetic cannabinoids were constantly releasing variations of the compounds, which prevented any enforcement from taking place. We also had issues making on view arrest for being in possession of the drug due to a lacking in field test kits that would test for this type of narcotic. In September of 2015, the State of Texas added variants of the synthetic cannabinoids to HSC 481.103 Penalty Group 2-A. This gave us a way to go after the distribution side of the drug, but still had very limited penalties for possession. We also have begun using a field test kit that is much more accurate at detecting the illegal synthetic cannabinoid, allowing quicker enforcement rather than having to wait months for a lab test.

User Profile

We were initially seeing these synthetic cannabinoids primarily sold at tobacco smoke shops. The narcotics were marketed heavily towards the younger population using cartoony characters, bright colors, and names such as "Brain Freeze", "Ripped" and "Mary Jane" to name a few. They have come to be known as "legal weed", although the

effects are nothing similar to marijuana. This association of the drug to “legal weed” has made it very enticing to a younger population wanting to get high but avoid legal troubles. Many youth do not realize there are penalties associated with the drug, even though they are very low in comparison to higher scheduled narcotics. Another reason they are enticing to a young population is their cost is very low compared to other narcotics. A 5 gram bag (which would supply multiple uses) can be purchased for \$20. This not only made it very popular with our youth, but also to our homeless population.

Synthetic Cannabinoid Consequences

Over the last few years, we have seen many cases of “overdoses”, violent subjects, and very abnormal medical reactions to the drugs. I have personally responded to calls of a female deceased, leaning over her pipe with the drug by the bed. Or to a teenager laying on the ground appearing to be seizing because he took a hit and his friends did not know what to do so they pushed him out of the car and called 911 for him.

These calls for service created by this drug put a large strain on our department, which as with many police departments across the country, has been struggling with manpower issues. When EMS responds to a violent subject call on this drug, we then need to send two patrol units to assist. On a deceased individual, it may tie up 2 patrol units and a crime scene officer to photograph and collect evidence.

Another issue caused by the response to the drug is the medical costs associated with EMS and Hospital treatment of individuals who are without insurance and funds to pay for the treatment. I will let the medical professionals with me today explain more on this side of the community concern and burden.

Trafficking Patterns

Due to the growing concern from our community, I began heavily investigating the way this drug was being trafficked in our community. What I found was that we had a handful of smoke shops still selling the drug and we were beginning to see some “street level” drug dealers choosing to sell this drug along with “crack” cocaine, meth and marijuana to mention a few. One way we were able to determine where the synthetic cannabinoid was being sold, was by tracking where our homeless population was migrating to. As I said earlier, the homeless population has been targeted heavily by these drug dealers due to its very low cost. After we would shut down one shop selling the product, we could determine where another shop was distributing synthetic cannabinoid based on where we began receiving complaints on homeless subjects or where we saw a large population of homeless individuals.

Typically, what I have found with our local distributors of synthetic cannabinoid is they receive the product from wholesalers within the borders of the United States. The wholesalers I have located appear to be importing the narcotics from China. I do not

know if the wholesalers are importing it prepackaged or buying it in bulk and packaging it themselves.

Local Steps to Stop Distribution

In 2014, our District Attorney's office notified smoke shop owners the products were illegal to sell, causing a majority of them to stop the sale of the products. A few disregarded the warnings and continued selling the narcotics.

I primarily found a chain of 3 smoke shops distributing this drug as my initial focus. We ran search warrants on these 3 shops and the owners residence and seized in excess of 18,000 grams of synthetic cannabinoid. Due to the smoke shops and the owner's residence proximity to school zones, the charge ending up being a 1st Degree Felony aggravated by the school zone. We just finished the trial in November and the jury found the defendant guilty and sentenced him to 90 years and a \$100,000 fine. It was evident our community does not want anything to do with this narcotic.

A few months after running search warrants on these 3 smoke shops, we began getting a lot of community complaints about a large amount of homeless individuals suddenly hanging out around their businesses and bothering customers. Right in the middle of where the complaints were coming from was yet another smoke shop. I began an investigation into this shop and found them to be selling the synthetic cannabinoid as well. I ran a search warrant on the business and we seized in excess of 400 grams of synthetic cannabinoid, making it another 1st Degree Felony charge. This case is still currently pending in the court system.

In between the 2 cases involving smoke shops distributing the synthetic cannabinoids, we came across multiple individuals selling the narcotics at the street level. We have since learned that there are multiple individuals buying the product in bulk and taking the narcotic out to areas our homeless population congregate, such as parks. We have a particular park where many of these individuals congregate, which has become known as Zombie Park due to a large amount of homeless individuals on this drug.

We have also began intercepting packages via FedEx and UPS type carriers containing large amounts of the synthetic cannabinoid.

Conclusion

Synthetic cannabinoids are a growing problem on many communities across the United States. Historically, the penalties associated with the drug have been minor and have been hard to target due to ever changing chemical compounds. What is very disturbing about this drug is how it is heavily marketed towards our youth and has become highly sought after by our homeless population due to its low cost. The effects of this drug on both of these groups can cause a lot of pain and costs to a community both in emotional distraught by family members and by medical and manpower costs associated with a

response to uninsured and low-income patients. I am happy to hear the US Sentencing Commission is examining this narcotic and how it should be penalized.