

Testimony of  
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The rise of methamphetamine use and abuse since the 1990's has become an enormous concern for rural communities nationwide.

Rural areas were typically viewed as being immune from what was perceived as the "urban problem" of drug abuse.

It is now patently evident that the meth problem has completely permeated Rural America, leaving small law enforcement agencies and the communities we serve scrambling to find solutions.

Rural America has been disproportionately affected by this problem for several reasons. Remote areas with little law enforcement presence, combined with the existence of many abandoned or seldom used ranch houses and farm sheds are being used to set up temporary meth labs. These labs produce toxic waste which contaminates land, waterways and family recreational sites. It also renders structures uninhabitable.

Damage to children is perhaps the worst meth related problem that we are experiencing at this time. Often referred to as "meth orphans", some 3000 children are removed annually from toxic homes that are being used to produce and sell methamphetamine. These removals are overwhelming our rural family service agencies and foster care systems.

Farmers and ranchers are losing millions of dollars annually due to theft. For example anhydrous ammonia is a commonly used agricultural fertilizer. It is also a methamphetamine pre-cursor chemical. It, along with irrigation equipment, farming implements, tools, fencing material and anything that meth addicts and producers can convert to cash are targeted for theft.

Half of our nation's sheriffs report that methamphetamine is their number one drug problem, and over the past three (3) years forty five (45) states show a 90% increase in meth related crime.

Individual states shoulder the majority of the burdens caused by the production and use of methamphetamine. Most states have a five (5) tier response plan in place in order to deal with this ever increasing problem.

1. Control access to pre-cursor chemicals.
2. Protect endangered children.
3. Clean up labs and property contaminated by labs.
4. Improved treatment for users.
5. Strengthen law enforcement and prosecution efforts.

I will focus the remainder of my testimony on strengthening law enforcement and prosecution efforts, and how the use of federal minimum mandatory sentencing has provided us in the rural law enforcement community with an additional tool to help us in this battle.

The majority of rural meth prosecutions are held at the state court level. Programs such as "Drug Courts" have enjoyed some success whereby jail and prison sentences can be waived if the offender (usually a common abuser) successfully completes programs which typically emphasize rehabilitation and have professional counseling components. Probation is usually offered in lieu of incarceration. Repeat offenders are generally incarcerated if these other programs fail.

Federal prosecutions which carry with them minimum mandatory sentencing guidelines vary from state to state. Every U.S. Attorney has a slightly different philosophy when it comes to initiating federal drug prosecutions.

The determining factors with most federally initiated prosecutions usually hinge on two determining questions:

1. Are there large quantities of illegal drugs involved?
2. Was a firearm used in the commission of a drug related crime?

In other words, federal drug prosecutions in rural America are rare, and are usually reserved for the "worst of the worst" offenders.

These are the people who are locally producing or transporting methamphetamine in large quantities throughout our jurisdictions. Firearms and booby traps are often found in their associated makeshift labs and transport vehicles.

There are two major advantages in prosecuting these offenders federally:

1. Incapacitation: Minimum mandatory sentences remove these most extreme offenders from society for long periods of time.
2. The threat of minimum mandatory sentences often lead to plea bargain agreements at the state level wherein the offenders, in exchange for lighter state sentences, can lead law enforcement up the "food chain" to higher level, and even international organized crime figures. These are the people who truly need to be prosecuted and incarcerated under federal minimum mandatory guidelines.

In closing, may I express on behalf of both The National Center for Rural Law Enforcement, and rural law enforcement executives across the country, our gratitude to The United States Sentencing Commission for including us in this discussion. For the concern you have shown to rural states and communities who are doing their level best to combat this ever increasing menace. We would like to go on record, acknowledging that we realize that there have been some problems with minimum sentencing guidelines in the past, and that perhaps some reforms are in order. We also welcome this seldom used weapon into our arsenal as a means to remove the "worst of the worst" from society, and to pursue those whose profits from this drug number in the billions of dollars. It would

also be most helpful if federal laws could be enacted, and minimum mandatory sentences meted out against those who do harm to the most vulnerable among us, namely our children. Meth related crimes drain our resources in so many ways, not to mention the countless lives that are ruined and lost each year due to this epidemic. Thank you again for this opportunity. I would like now to yield the rest of my time and answer any follow-up questions that members of The Commission may wish to ask.