Friday, March 16, 2012
1 to 3 p.m.
SANDAG Board Room
401 B Street, 7th Floor
San Diego

AGENDA HIGHLIGHTS

• NLETS: INTERSTATE PUBLIC SAFETY INFORMATION SHARING OVERVIEW

• COORDINATED EFFORTS TO TARGET GANG VIOLENCE AND THE MEXICAN MAFIA IN THE SAN DIEGO REGION

• SPICE, BATH SALTS, AND OTHER DESIGNER DRUGS: LOCAL EFFORTS TO COMBAT THIS GROWING ISSUE

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PUBLIC SAFETY COMMITTEE
Friday, March 16, 2012

ITEM # RECOMMENDATION

1. ROLL CALL

+2. APPROVAL OF THE JANUARY 20, 2012, MEETING MINUTES APPROVE

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Members of the public shall have the opportunity to address the Public Safety Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Public speakers should notify the Clerk if they have a handout for distribution to Committee members. Public speakers are limited to three minutes or less per person. Committee members also may provide information and announcements under this agenda item.

REPORTS

4. REPORT FROM CHIEFS'/SHERIFF’S MANAGEMENT COMMITTEE INFORMATION (Chief John Bolduc, Chiefs'/Sheriff’s Management Committee)

Chief John Bolduc will report on the February 1, 2012, meeting of the Chiefs'/Sheriff’s Management Committee.

5. REPORT FROM THE SAN DIEGO COUNTY FIRE CHIEFS ASSOCIATION INFORMATION (Chief Dave Hanneman, San Diego County Fire Chiefs Association)

Chief Dave Hanneman will report on the February 2, and March 1, 2012, meetings of the San Diego County Fire Chiefs Association.

6. NLETS: INTERSTATE PUBLIC SAFETY INFORMATION SHARING OVERVIEW INFORMATION (Steve Correll, Nlets)

Nlets links together and supports every state justice and public safety agency for the purposes of sharing and exchanging critical information. Throughout the past several years, ARJIS and Nlets have partnered on a multitude of initiatives resulting in ARJIS becoming the first regional member of Nlets. Nlets staff will provide an overview of their capabilities such as interstate driver’s license and corrections photo exchange.

7. COORDINATED EFFORTS TO TARGET GANG VIOLENCE AND THE MEXICAN MAFIA IN THE SAN DIEGO REGION INFORMATION (Laura Duffy, U.S. Attorney)

A recent gang sweep in the San Diego region that involved officers from state, local, and federal agencies resulted in 117 street gang members and associates of the Mexican Mafia being indicted by the U.S. Attorney’s Office. U.S. Attorney Laura Duffy will provide an overview of this effort and discuss her office’s priority to target gang violence through collaboration with other regional partners.
8. SPICE, BATH SALTS, AND OTHER DESIGNER DRUGS: LOCAL EFFORTS TO COMBAT THIS GROWING ISSUE (Bill Perno, People Against the Sale of Spice; and Deputy Marc Snelling, Santee Sheriff’s Department)

On January 1, 2012, a new state law went into effect that makes it a crime to sell, dispense, distribute, furnish, administer, or provide Spice and Bath Salt type products. With the use of these drugs increasing across the country over the last decade and more calls being placed to Poison Control related to their use, this growing epidemic has received the attention of a diverse group of stakeholders including educators, parents, prevention specialists, and law enforcement. An overview of the use of these substances in the County will be provided, along with a discussion of current local efforts to combat this growing issue.

9. UPCOMING MEETINGS

The next meeting of the Public Safety Committee is scheduled for Friday, April 20, 2012.

10. ADJOURNMENT

+ next to an agenda item indicates an attachment
AGENDA ITEM NO.: 2

Action Requested: APPROVE

PUBLIC SAFETY COMMITTEE DISCUSSION AND ACTIONS
Meeting of January 20, 2012

1. ROLL CALL

Chair Mark Lewis (East County) called the Public Safety Committee (PSC) meeting to order at 1:00 p.m. Roll call was taken and a quorum was present. See last page for attendance.

2. APPROVAL OF MEETING MINUTES

Upon a motion by Vice-Chair Cheryl Cox (South County) and a second by Councilmember Rebecca Jones (North County Inland), the minutes of December 9, 2011, were unanimously approved.

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

No comments reported.

REPORTS

4. REPORT FROM THE SAN DIEGO COUNTY FIRE CHIEFS ASSOCIATION (INFORMATION)

Chief Tony Michel (Regional Fire/Emergency Medical Services) reported on the January 5, 2012, meeting of the San Diego County Fire Chiefs Association.

5. PRESCRIPTION DRUG ABUSE AMONG SAN DIEGO COUNTY ARRESTEES (INFORMATION)

Dr. Cynthia Burke (Director, Applied Research Division, Criminal Justice/Public Policy) presented an overview of illicit use of prescription drugs data from interviews in local detention facilities and the local efforts to address this issue. Mr. Thomas P. Lenox (DEA-San Diego Field Division) was also available for questions.

6. SAN DIEGO COUNTY’S LAW ENFORCEMENT COORDINATION CENTER (LECC) (INFORMATION)

Lieutenant Anthony Ray (Assistant Deputy Director, SD LECC) gave a PowerPoint presentation with an overview of the LECC, participating partners, and associated responsibilities.
7. PUBLIC SAFETY ON COLLEGE CAMPUSES: AN OVERVIEW OF POLICING AT SAN DIEGO STATE UNIVERSITY (INFORMATION)

Captain Lamine Lecka (SDSU) presented an overview of the SDSU Police Department and discussed some of the challenges and opportunities of policing in this environment.

9. UPCOMING MEETINGS (INFORMATION)

The next meeting of the PSC is scheduled for Friday, February 17, 2012.

10. ADJOURNMENT

The PSC meeting was adjourned at 2:18 p.m.
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<td>East County</td>
<td>Hon. Mark Lewis-Chair</td>
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<td>Hon. Jillian Hanson-Cox</td>
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<td>Hon. Kristin Gaspar</td>
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<td>Supervisor Bill Horn</td>
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<td>Bonnie Dumanis</td>
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<td>Paula Robinson</td>
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<td>Regional Transit Services</td>
<td>Bill Burke</td>
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<td>Tom Zoll</td>
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| ADVISORY MEMBERS                     |                                   |                   |               |             |
| County Public Safety                 | Mack Jenkins                      | Member            | YES           |             |
|                                      | Kim Broderick                     | Alternate         | NO            |             |
| Department of Defense                | Colonel Nicholas Marano           | Member            | NO            |             |
|                                      | Joseph Stuyvesant                 | Alternate         | YES           |             |
| Federal Public Safety                | Michael J. Aguilar                | Member            | NO            |             |
|                                      | John A. Garzon                    | 1st Alternate     | NO            | Miguel Munoz|
|                                      | Laura E. Duffy                    | 2nd Alternate     | NO            | Blair Perez|
|                                      | Bill Sherman                      | Member            | NO            | Gary Hill   |
|                                      | Steven Stafford                   | 1st Alternate     | NO            |             |
|                                      | Keith Slotter                     | 2nd Alternate     | NO            | Robert Howe |
| Southern CA Tribal Chairmen's        | Stephanie Spencer                 | Member            | NO            |             |
| Association (SCTCA)                  | LaVonne Peck                      | Alternate         | NO            |             |
The International Justice and Public Safety Network

Steve Correll
Nlets Executive Director

History: The Beginning

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1837</td>
<td>First sound signals sent (Samuel Morse)</td>
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<td>1930s</td>
<td>Radio had become a potent weapon against crime</td>
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<td>1965</td>
<td>The states develop the Law Enforcement Teletype System (LETS). Punched paper tape switching equipment was installed in Phoenix, Arizona.</td>
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<tr>
<td>1970</td>
<td>Nlets was incorporated in Delaware as a non-profit group. Two small computers were installed to upgrade the capacity of the system.</td>
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<tr>
<td>TODAY</td>
<td>Nlets operates as an international criminal justice and public safety information sharing hub</td>
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What is Nlets?

- Connects every U.S. state, territory and federal agency supporting law enforcement
  - Shares criminal justice and public safety data
- 501(c)(3) nonprofit
  - Owned and governed by U.S. states and territories
  - Operated by a professional staff of 27 full-time employees
- Operational site located in Arizona
  - Disaster recovery site located in Kentucky

A CA officer pulls over a driver with an AZ driver’s license.

CA has no internal data on AZ drivers.

The officer sends a query to Nlets.

Nlets receives the query from CA, checks to make sure it is a valid request, and forwards the request to AZ.

HOW IT WORKS 1.6 seconds

Nlets receives the response from AZ, and forwards the info back to CA and the requesting officer.

AZ receives the query, checks the info needed by the out-of-state officer, and sends an automated response back to Nlets.
SUCCESS STORY – Montana AZ CA
Information Sharing

- Tuesday Feb 14th 1:43 p.m. 12 year-old girl kidnapped from Montana
- Officers discover she met a 27-year old man on the internet
- 'Be on the look out' (BOLO) alert sent to the officers in the southwestern region of the U.S.
- Los Angeles Sheriff receives BOLO, searches systems, and gets; 1) hits on addresses in Escondido; 2) booking and drivers license photo in ARJIS; and 3) license plate hits on border crossings through Nlets.
- Officers locate suspect and girl on the California/Nevada border less than 24 hours after abduction.

Information Exchange

Services for…
- Driver and vehicle registration
- Criminal history records
- Wanted persons data
- Sex offender registry
- Probation and parole registry
- Concealed carry databases
- State warrant records
- Driver license and corrections images

...and Access To
- Interpol
- Data from Canada and Mexico
- Homeland Alert messages
- Law Enforcement Officers Flying Armed
- Immigration & Naturalization Services databases at Law Enforcement Support Center
- Amber Alerts
- Severe weather warnings
- Aircraft registrations
- General Services Administration federal/diplomatic plates
- And hundreds more!
About Nlets

- **Over 30,000 Agencies Using Nlets**
  - State, provincial and local law enforcement
  - Royal Canadian Mounted Police
  - Interpol
  - FBI—Criminal Justice Information System
  - Secret Service
  - Transportation
  - Defense
  - Justice
  - Interior
  - Customs and Border Protection

Governance

- Each member agency is represented by one individual – the Nlets Rep
- All representatives are divided into eight regions (A-H)
- Each region elects one Chair to represent them on the Board of Directors (BOD)
- The BOD has three officers elected by the members:
  - President, First Vice-President, Second Vice-President
- Officers are elected at the Annual Nlets Council Meeting
  - Candidates are nominated by a nominating committee appointed by the President or from the floor
  - Officers may serve no more than two consecutive terms in the same office
  - Officers can be removed from office upon a two-thirds vote of the Nlets Council
Governance (CONT.)

• The Nlets BOD has two types of committees:
  – Standing Committees
    • Established and dissolved through an amendment to the Nlets By-Laws
  – Special Committees
    • Established and dissolved by the President

• The President appoints members to committees as provided in the Nlets By-Laws

Nlets by the Numbers

• Over 1 billion
  – Transactions a year

• 900,000
  – PC, mobile and handheld devices in the U.S. and Canada

• 45,000
  – User agencies

• 1.2 million
  – Individual users

• 24 hours a day, 7 days a week, 365 days a year
  – Sharing the right information to the right people in the right place at the right time
Secure

- Private T1 network
- Firewall at every connection
- 24 x 7 x 365 operation center
- 99.97% uptime
  - Disaster recovery

System & Network Statistics

- System Uptime
  - 99.87%
- Network Uptime
  - 99.97%
- Average Round Trip Message Response Time
  - 1.68 seconds
- Top Message Keys
  - Vehicle Registration (RQ), Driver’s License (DQ), Criminal History Report (CR), Interpol Initial Person (IPQ), Administrative Message (AM)
- Top Users
  - Customs and Border Protection, Texas, Interpol, California, & Michigan
Data Center Hosting

- Flexible space offered
- Installation service by an experienced team of engineers
- Services provided 24/7/365 by on-site technicians
  - Equipment server reboots
  - Circuit testing
  - Cable and card replacements
  - Regular exchange of backup tapes or removable media
- Security adheres to FBI – CJIS policies, standards and guidelines

Nlets and ARJIS

- The partnership began with the State Regional and Federal Enterprise Retrieval System (SRFERS) Project
  - Connection between Maricopa County Sheriff’s Office and ARJIS via Nlets
  - Booking photos shared between ARJIS and Maricopa County Sheriff’s Office
  - Approved by CAL DOJ and AZ DPS
  - Hits within hours of SRFERS roll out
San Diego Homicide Suspect Convicted

- Identified on a traffic stop by a SRFERS inter-state query
- A Real estate Agent was killed in client’s condo in Lakeside
- The victim, James Magot, was a former Marine and decorated Vietnam War veteran
- Family members of Magot say they have no idea why anyone would want to kill him.
- The suspect – Michael Ray Jennison, 36, was arrested during a traffic stop near Globe, Ariz., the San Diego County Sheriff’s Department said.
- Jennison was sentenced to 40 years to life in prison

Nlets & ARJIS: Images

- Booking photo exchange led to interstate drivers’ license and corrections photo exchange
- Funded by the Department of Justice
Cross Country Image Sharing

“This morning I received a BOLO from Washington D.C. with information about a person possibly infected with TB. Within just a few minutes I was able to identify the person and obtained a photo of her from ARJIS. A BOLO including the photo was sent to all the Ports of Entry between San Diego and Yuma. Approximately 2 hours later, the subject was apprehended at the San Ysidro Port of Entry and is being detained for CDC. The photo allowed our Officers to immediately identify the person and respond with the appropriate protective clothing”

– Customs and Border Protection

Nlets & ARJIS: LPR

• Access to License Plate Reader (LPR) data from the border established the business case for the San Diego regional effort
  – 5-day test conducted
  – 780,000 plates crossed the border
  – More than 1300 involved in:
    • 4 murders
    • 14 rapes
    • 272 assaults
    • 128 burglaries
    • 345 vehicle thefts
    • 361 weapons
    • 241 narcotics
ARJIS and Nlets: LPR

- “I just wanted to re-emphasize how helpful that ARJIS site was for the lane crossing and the response time for that. I would have to wait 2-3 weeks to get the same info. I am receiving instantly. Thanks again.”
  – Customs and Border Protection

- “A murder suspect crossed back into US from Mexico - so we know he’s back in the states”
  – San Diego District Attorney

- “Fugitive task force officer uses LPR every morning to check to see if his fugitive has fled to Mexico. It saves him from having to travel to Mexico to search for the fugitive”
  – United State Marshall Service

Nlets and ARJIS

- ARJIS became the first regional member of Nlets in 2009, providing San Diego with access to data the state does not provide to include:
  – Interstate drivers license photos
  – License plate reader data from the National Vehicle Locator Service
  – Nlets portal:
    – Out of state warrants
    – Concealed weapon permits
    – Corrections photos
Nlets and ARJIS

- Next steps:
  - Interstate sharing of Scars, Marks and Tattoos
  - Interstate corrections photos
  - Interstate state warrants
  - Interpol database
  - Potential site of ARJIS Data Center
COORDINATED EFFORTS TO TARGET GANG VIOLENCE AND THE MEXICAN MAFIA IN THE SAN DIEGO REGION

Laura E. Duffy
United States Attorney
Southern District of California

March 16, 2012

U.S. Attorney’s Office
Anti-Gang Program

- Initiated in 2010
- Anti-Gang Program Coordinator
- Designated Anti-Gang Assistant U.S. Attorneys
- Strategic Goals
  - Increase dialogue and coordination with gang task forces and local police forces
  - Develop target list of most violent/pervasive gang offenders for prosecution
  - Provide training to gang investigators on federal investigative tools and charges
  - Maintain a regular presence at gang task force offices
January 25, 2012- Gang Take Down Press Conference

January 25, 2012- San Diego County Consolidated Gang Take Down

• 17 Federal Indictments
• 8 Federal Criminal Complaints
• 119 Defendants
• 20 Major San Diego Based Street Gangs
• 2 of the 3 San Diego Mexican Mafia Members
January 25, 2012- San Diego County Consolidated Gang Take Down
Organized Crime and Drug Enforcement Task Force

• Violent Crimes Task Force-Gang Group
• East County Regional Gang Task Force
• North County Regional Gang Task Force

Local, State and Federal Partners

• San Diego Police Department
• San Diego County Sheriff’s Department
• Escondido Police Department
• Oceanside Police Department
• Chula Vista Police Department
• National City Police Department
• Carlsbad Police Department
• La Mesa Police Department
• El Cajon Police Department
• San Diego County District Attorney’s Office
• San Diego County Probation Department
• California Department of Corrections and Rehabilitation
• Federal Bureau of Investigation
• Bureau of Alcohol, Tobacco, Firearms, and Explosives
• U.S. Marshals Service
• U.S. Bureau of Prisons
• Immigration and Customs Enforcement’s Homeland Security Investigations
• Internal Revenue Service-Criminal Investigations
• Customs and Border Protection-United States Border Patrol
MEXICAN MAFIA

- Violent Organized Criminal Enterprise
  - Infected Federal and State Prisons
  - Comprised of Approximately 150-200 Members
  - Influence Extends to Thousands of Southern California Hispanic Street Gang Members
- Structure – Illustrates The Reliance On Gang Members
  - Members
  - Associates
  - Soldiers
  - Facilitators
SEIZURES

NARCOTICS
Methamphetamine
Heroin
Cocaine

14+ Pounds Methamphetamine
253.8 Grams Heroin
4 Ounces Cocaine

FIREARMS & AMMO
Firearms
Ammunition

30 Guns
2,000+ rounds of ammo

MISCELLANEOUS
Body Armor
Rolex Watches
Vehicles
Real Property

5 Vehicles
2 Rolex Watches
2 Real Properties

6 Louis Vuitton Purses
1 Diamond Ring and earrings
1 Body Armor

CASH

$450,000+

The Round Up

50 Defendants in Federal Custody or on Bond;
1 Defendant in State Custody;
0 Fugitives

34 Defendants in Federal Custody or on Bond;
2 Fugitives

30 Defendants in Federal Custody;
2 Fugitives
People Against Spice Sales

“The Dangers of Synthetic Drugs and How To Protect Our Communities”

William Perno, Retired Deputy Sheriff
Co-Founder of People Against Spice Sales (PASS)
Deputy Marc Snelling, San Diego Sheriff’s Department
In Partnership with the Institute for Public Strategies
South Bay Community Change Project

PASS Information

- People Against Spice Sales
- Partnership with parents to create PASS
- Grass Roots Community Group Formed May 2011 to Stop Sales From Business Next To School
- Over 45 Presentations Given on Synthetic Drug Dangers (Spice & Bath Salts) in San Diego County
- Including Presentations to Law Enforcement
- Current Bath Salts Law Authored by California Assemblymember Ben Hueso on behalf of PASS

© 2012 People Against Spice Sales
Warnings By Government

- Numerous Warnings by Government Agencies and Military
- DEA, DOJ, CDC, Poison Control Centers, etc.

Drug Usage By Students

- 1 in 9 high school seniors have gotten high in the past year on synthetic drugs, such as "K2" or "Spice"
- 11.4% of the high school seniors has used synthetic substances
- Second only to the number of teens who have used marijuana
- Survey of 47,000 students in the 8th, 10th, and 12th grades in 400 public and private schools around the nation.
- Nationwide Issue!
  University of Michigan conducted survey reported by USA Today on 12-27-11

© 2012 People Against Spice Sales
Synthetic Drug Dangers

- Unregulated, Untested, No Medicinal Use
- No long-term studies, the true effects are not yet known
- No known clinical trials on humans
- Physically addicting
- Dangerous! One-time use has resulted in death!
- Varied strength and potency of drugs, even in the same “batch”

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Synthetic Drugs Are Deadly Chemicals

- One-time use has resulted in death.
- Adults and children have died
- Deliberately mislabeled to avoid regulation

© 2012 People Against Spice Sales
Legal To Possess in California For Personal Use!

LETHAL, but LEGAL

“There’s no doubt people will have strokes and heart attacks, just like we see with people and code.”
— Dr. Joseph Antonowicz

MEDICAL COMMUNITY, OTHERS REACTING TO READY AVAILABILITY OF SYNTHETIC DRUGS

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Issues with Drug Testing

- Synthetic Drugs are not detectable on Standard Drug Tests.
- **Specialized test is needed**
- Appeals to those who are randomly tested
  - Military – Zero Tolerance – Automatic Discharge
  - Probation/Parole
  - Athletes
  - Employment

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Legal Does Not Mean Safe!

Know What is Sold in Your Neighborhood Stores

- Spice and Bath Salts
- Sold At:
  - Delis & Markets
  - Liquor Stores
  - Gas Stations
  - Smoke Shops
  - Internet – Widely Available online
  - Street Sales

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**What is Spice?**

- Spice is a mixture of herbs or vegetation sprayed with **toxic synthetic chemicals** that cause dangerous health effects and behaviors.
- Chemical formulas may be 50 to 500 times stronger than the THC in Marijuana.
- **Smoked to get high**
- Burning releases chemical fumes which are then inhaled into the lungs.
- Intentionally Mislabeled.
What is Spice?

- Spice is NOT Marijuana
- Spice is a dangerous Hallucinogenic Drug!
- Addictive
- Intentionally Mislabeled
- Marketed as “Potpourri” Or “Herbal Incense”
- Marked “Not For Human Consumption” to Avoid Food and Drug Administration (FDA) Rules

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Many Varieties Of Spice Targeted to Youth & Young Adults

- Flavoring added Cotton Candy Bubble Gum Juicy Fruit, etc.
- Attractive Packaging
- Sometimes Vivid Colors and Misuse of known Brand Names

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Spice For Sale

- Prices for Spice start at $5.00
- Retail Stores?
- Internet Sales
- Street Sales
- 3,000 Companies in China selling in bulk
- 5 Billion Dollars a year in Sales per Bloomberg Businessweek (06-16-2011)

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Spice Effects on Mind & Body

- Agitation and Anxiety
  - Extreme panic attacks
- Depression
- Paranoid Behavior
- Psychosis
- Hallucinations
  - Visual
  - Auditory
- Flashbacks
- Loss of Consciousness
- Increased blood pressure
- Increased heart rate
- Cardiac arrest
- Blood shot eyes
- Insomnia
- Tingling, numbness
- Vomiting
- Brain Seizures
- Tremors
- Suicidal Thoughts

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Spice Poison Center Calls
136 Percent Increase in 1 Year

American Association of Poison Control Centers

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SUHSD Student Graduation
June 2011- Cardiac Arrest

- 06-08-11 KUSI Dan Sanchez PASS DELI Shell.avi
Bath Salts – Synthetic Stimulants
“Substituted Cathinones”

- A very dangerous synthetic drug
- **NOT used for Baths!**
- White Powder
- Deliberately Mislabeled
- “Not For Human Consumption”
- Other Names Used

Quarter and Sugar Packet for size comparison

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Other Names for “Bath Salts”

- Plant Food
- Fertilizer
- Jewelry Cleaner
- Glass Cleaner
- Toilet Bowl Cleaner
- Decorative Sand
- Shoe Deodorizer
- Research Chemicals
- Meow or Miaow (U.K.)

- Novelty Powders
- Packaged in Drug Like quantities, usually ¼ to ½ gram size containers and packets
- $35.00 for ½ Gram
- 28.5 Grams = 1 ounce
- Much more expensive than “Real” products!

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As Dangerous as Cocaine, Crystal Methamphetamine, PCP and LSD...

Bath Salts Used To Get High

- Same manner as controlled substances **cocaine and methamphetamine**
- Snorting
- Smoking
- Intravenous Injection
- Swallowing in water
- Suppositories
Bath Salts/Powders

- Sold in foil packages, vials and small cylindrical containers/jars

White Girl, Scarface, Superman, “Bath Salts”
Bath Salts for Sale

- Prices start at $15
- Retail Stores?
- Wholesale sites in China, Foreign Countries then Shipped to USA
- Internet Sales
- Street Sales
- Individuals making Millions of Dollars in sales

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Deception and Profits!

- 30 Ounce Container of REAL Bath Salts is $4.00
- 30 Ounce Container of Drug mislabeled as Bath Salts is $51,000.00
- People Selling Know This is a DRUG and Don’t Care!
- Large Container of real bath salts included in photo for size comparison to mislabeled drugs
- $15.00 per ¼ gram container times 30 ounces equals $51,300

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Bath Salts Effects
Mind and Body

- Insomnia / diminished sleep requirement
- Increased blood pressure
- Increased heart rate
- Agitation, Anxiety Easily Angered
- Extreme Energy
- Extreme Paranoia
- Fits and Delusions
- Lack of Appetite
- Nose Bleeds

- Excited Delirium Walking
- Overdose – Emergency
- Stroke
- Flashbacks up to 72 hours
- High Body Temperature
- Kidney Failure
- Hallucinations / Psychotic Breaks
- Psychosis Seems To Be Prominent and Can Last From 3 to 14 Days or Longer

Possible Stages – Bath Salts

1. Stimulant Effects
2. Paranoid Delusions – Crisis Stage
3. Excited Deliriums – Critical (Toxic) Stage – This is an acute medical emergency requiring immediate medical assistance

Significant Officer Safety Risks!
Synergistic effects when combined/mixed with other drugs/alcohol
Bath Salts Poison Center Calls 1,900 Percent Increase in 1 Year

American Association of Poison Control Centers

6,072 Calls in 2011

303 Calls in 2010

California Poison Control

Spice and Bath Salt Calls 1/11 to 8/11

- Synthetic cannabinoids
  - 135 calls
  - 7 admitted to hospital critical care unit

- Bath Salts
  - 105 calls
  - 5 admitted to psychiatric unit
  - 15 admitted to hospital critical care unit
(Data from Dr. Schneir on 10-20-11)

© 2012 People Against Spice Sales
Bath Salts Symptoms (Video Edited)

- 11-01-11 EDITED Laws lag as chemists cook up new highs.avi

Individual Chemical Compounds Easily Changed To Avoid Laws

- Chemical Class Approach best Policy. Ban the classes and you ban all compounds
- “Spice” – Twelve Chemical Classes containing hundreds of individual chemical compounds
  
  **DEA Emergency Bans on:**
  - Five individual Spice Chemicals
  - Three individual Bath Salts Chemicals
- 62 Spice chemicals marketed now
- 20 to 30 Bath Salts chemicals marketed now

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Avoiding The Law

- “Eight Ballz” “Glass Cleaner”
- $35.00 for ½ Gram
- Same store actual Glass Cleaner costs $8.00 for 16 ounces
- 16 ounces of “Eight Ballz” “Glass Cleaner” would cost $31,920.00

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Undercover Buy
Bath Salts Seller (Edited)

- 02-17-12 EDITED 2 KNSD Bath Salts Undercover.avi

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Missing Information and Data

- Large gaps in data collection from synthetic drug users. Awareness? Privacy concerns?
- Difficult to know the scope of the problem
- Need for information collection by
  - Schools – Elementary through College
  - Police and first responders - Fire and Medical
  - Hospital E/R, Clinics & Treatment Centers
  - Detention Facility intake classification
  - Medical Examiner (unknown death investigation)

Bath Salts - California Law

- AB486 “Bath Salts” became 11375.5 H.S.
- Effective Immediately and Enforceable on October 9, 2011 due to Urgency Clause
- Sell / Furnish / Dispense / Distribute / Possess for sale
- Includes MDPV, Mephedrone, Methyline and others!
- No Ban on Possession for Personal Use (Law is silent)
- Misdemeanor Offense – Up to 6 months in Jail and/or up to $1,000 Fine
- 33 States Have Taken Action to Control Bath Salts, Including Bans on Possession for Personal Use
Spice – California Law

- SB420 “Spice” became 11357.5 H.S Synthetic Cannabinoids
- Effective January 1, 2012
- Sell / Furnish / Dispense / Distribute / Possess for sale
- No Ban on Possession for Personal Use (Law is silent)
- Misdemeanor – Up to 6 months in Jail and/or up to $1,000 Fine
- Bans 5 individual chemicals and any derivatives
- JWH-018 – JWH-073 – JWH-200, CP-47, 497, cannabicyclohexanol; CP-47, 497 C8 homologue
- 43 States Have Taken Action to Control Spice, including Bans on Possession for Personal Use

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California Penalties for Bath Salts Versus Drugs They Mimic

<table>
<thead>
<tr>
<th>State of California</th>
<th>Possession Personal Use</th>
<th>Sales Trans. Manuf.</th>
<th>Guns present</th>
<th>Locations schools, parks ,etc</th>
<th>Minors</th>
<th>Priors</th>
<th>Weight Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bath Salts</td>
<td>NO Penalty</td>
<td>Up to 6 months and/or $1,000</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Up to 3 Years.</td>
<td>Up to 7 Years</td>
<td>Up to 5 Yrs extra</td>
<td>Up to 5 Yrs. extra</td>
<td>Up to 9 Yrs.</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 25 Yrs extra</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>Up to 3 Yrs</td>
<td>Up to 7 Years</td>
<td>Up to 5 Yrs extra</td>
<td>Up to 5 Yrs. extra</td>
<td>Up to 9 + 2 Yrs if Child under 16</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 15 Yrs extra</td>
</tr>
<tr>
<td>PCP</td>
<td>Up to 3 Years.</td>
<td>Up to 7 Years</td>
<td>Up to 8 Years</td>
<td>Up to 1Yr. extra</td>
<td>Up to 9 Years</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 15 Yrs extra</td>
</tr>
</tbody>
</table>

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### Bath Salts Penalties California and State of Maine Comparison

<table>
<thead>
<tr>
<th>Bath Salts California</th>
<th>Possession Personal Use</th>
<th>Sales Trans. Manuf.</th>
<th>Guns</th>
<th>Locations</th>
<th>Minors</th>
<th>Priors</th>
<th>Weight Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Penalties</strong></td>
<td><strong>NO Penalty</strong></td>
<td>Up to 6 months and/or $1,000</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bath Salts Maine</th>
<th>Possession Personal Use</th>
<th>Unlawful Furnishing</th>
<th>Aggravated Furnishing</th>
<th>Unlawful Trafficking</th>
<th>Aggravated Trafficking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Penalties</strong></td>
<td>Up to 1 Year</td>
<td>Up to 5 Years</td>
<td>Up to 10 Yrs</td>
<td>Up to 10 Yrs</td>
<td>Up to 25 Years</td>
</tr>
</tbody>
</table>

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### Best Policy Options and Practices

- Comprehensive Chemical Class Approach
- Ban Possession For Personal Use
- Close the Loopholes
- Many States making Bath Salts possession a Felony charge, similar to Cocaine, Methamphetamine and traditional controlled substances, to prevent migration to these drugs

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Synthetic Drugs and California Laws

- Barriers and Challenges
- Recent Realignment
- Budget Considerations
- Understanding the Scope of the problem

**Data Collection**
- Assemblymember Hueso’s Office has announced they have new legislation with a Bill to include a ban on simple possession
- **Support For This Legislation is Crucial!**

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Legislative Update California

- **Proposed Legislation Assembly Bill AB 2420**
- Press Conference Held on Friday March 9th, 2012
- Co-Sponsors are State Senator Juan Vargas and State Assemblymember Nathan Fletcher
- Chemical Class Based Approach on Spice
- Ban on POSSESSION FOR PERSONAL USE Spice and Bath Salts! Infraction and/or Misdemeanor + Fine
- **Amounts up to one ounce 28.5 grams** will be considered possession for personal use, including up to one ounce of Bath Salts (114 containers in ¼ gram size)
- Additional State Representatives Needed to Co-Sponsor Bill

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Local Government Efforts

- Public Nuisance Ordinances to abate **sellers** of Spice and Bath Salts – Must involve a property to abate
- Education, Outreach and Awareness to the community

San Diego District Attorney and Law Enforcement Letters

- Warning Letters To Retailers – Laws and Dangers
- Unlawful Business Practices/Unfair Competition (Business and Professions Code section 17200)
- Prohibits unfair competition and includes within its parameters “any unlawful, unfair or fraudulent business act or practice.”
- Each violation of sections 11357.5 and 11357.5 constitutes the basis for separate sanctions.

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Questions and Answers

Contact Information
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wperno@publicstrategies.org

Deputy Marc Snelling (Santee C.O.P.P.S. Unit)
marc.snelling@sdsheriff.org

Thank You!
In Partnership with the Institute for Public Strategies
South Bay Community Change Project

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ORDINANCE NO.________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
AMENDING THE SAN MUNICIPAL CODE TO ADD CHAPTER 10.50
(PSYCHOACTIVE BATH SALTS AND PSYCHOACTIVE HERBAL INCENSE
AND OTHER SYNTHETIC DRUGS) TO TITLE 10 (PUBLIC SAFETY,
MORALS AND WELFARE) MAKING THE DISTRIBUTION, POSSESSION,
USE, PURCHASE OR ADVERTISEMENT OF PSYCHOACTIVE BATH SALTS
AND PSYCHOACTIVE HERBAL INCENSE A PUBLIC NUISANCE SUBJECT
TO EITHER CRIMINAL OR CIVIL ENFORCEMENT ACTION

WHEREAS, the City Council is concerned for the safety and health of San Marcos citizens because the use, sale and distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense pose serious threats to their health, safety and general welfare;

WHEREAS, according to credible news reports and authorities, Psychoactive Bath Salts and Psychoactive Herbal Incense have caused or been linked to numerous deaths, medical emergencies, acts of violence, and other incidents throughout the United States and Europe;

WHEREAS, calls to the United States Poison Control Center have substantially increased over the past year with regard to the ill-effects of Psychoactive Bath Salts and Psychoactive Herbal Incense;

WHEREAS, Psychoactive Bath Salts have been falsely marketed as standard bath salts for use in one’s bath, but in fact have been ingested, snorted and used intravenously by many people throughout the United States with serious, deleterious effects to such persons’ health including extreme anxiety/agitation, sometimes progressing to violent behavior, extreme paranoia, delusional thinking, visual and auditory hallucinations, suicidal thoughts/actions, increased blood pressure and heart rate, renal and kidney failure;

WHEREAS, Psychoactive Bath Salts, are in fact “designer drugs” which have been manufactured with chemical substances that are intended to mimic and recreate the effects of cocaine and methamphetamine which are illegal, controlled substances under state and federal law;

WHEREAS, Psychoactive Herbal Incense has been falsely marketed as standard incense used for it aromatic qualities, but in fact been ingested or smoked by many people throughout the United States with serious, deleterious effects to the person’s health including cardiac arrest, seizures, anxiety/agitation, sometimes progressing to violent behavior, extreme paranoia, delusional thinking, visual and auditory hallucinations, suicidal thoughts/actions, increased blood pressure and heart rate, renal and kidney failure;
WHEREAS, Psychoactive Herbal Incense, are in fact “designer drugs” which have been manufactured with chemical substances that are intended to mimic and recreate the euphoric effects of marijuana which is an illegal, controlled substance under federal law;

WHEREAS, California and many other states have banned the use, sale, and distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense and the chemical substances contained therein;

WHEREAS, the Federal Drug Enforcement Agency has used its emergency powers under the Controlled Substances Act to declare many of the chemical substances contained in Psychoactive Bath Salts and Psychoactive Herbal Incense illegal;

WHEREAS, notwithstanding the federal and state laws, there remain serious gaps in the applicable law that warrant further action at a local level including, but not limited to, rapid alteration of the chemical structure, compound or content of Psychoactive Bath Salts and Psychoactive Herbal Incense to avoid earlier enacted bans and regulations;

WHEREAS, San Marcos retailers are or should be aware of significant ill-effects of Psychoactive Bath Salts and Psychoactive Herbal Incense, yet some continue to sell these dangerous products;

WHEREAS, the ordinance is not designed to control the use, sale or distribution of normal bath salts or incense that do not contain designer chemical compounds that elicit psychotropic effects;

WHEREAS, based upon the facts described above, and other good and reliable information presented to and considered thereby, the City Council determined that the distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos constitutes a public nuisance because it is injurious to the health, safety and general welfare of San Marcos citizens;

WHEREAS, the City has the authority to regulate matters relating to municipal affairs pursuant to its Charter in addition to the authority provided by Government Code § 38771 authorizing municipalities to declare public nuisances; and

NOW, THEREFORE, the City Council of the City of San Marcos does, hereby, ordain as follows:

SECTION I. Based upon the facts described above, and other good and reliable information presented to and considered thereby, the City Council finds, determines and declares that:

A. The distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos is a public nuisance; and
B. This ordinance is necessary as an emergency measure for preserving the public peace, health, safety and general welfare of the community given the immediate and serious threat thereto posed by the distribution and use of Psychoactive Bath Salts and Psychoactive Herbal Incense.

SECTION II.  Chapter 10.50 of San Marcos Municipal code is hereby approved and enacted as follows:

CHAPTER 10.50  PSYCHOACTIVE BATH SALTS AND PSYCHOACTIVE HERBAL INCENSE AND OTHER SYNTHETIC DRUGS

10.50.010 Purpose and Intent.
10.50.020 Definitions.
10.50.030 Sale and/or Distribution of Synthetic Cannabinoids or Substituted Cathinones Prohibited
10.50.040 Possession of Synthetic Cannabinoids or Substituted Cathinones Prohibited
10.50.050 Public Nuisance
10.50.060 Enforcement
10.50.070 Exemption for Approval by FDA or California Law.

10.50.010 Purpose and Intent.

The purpose and intent of this ordinance is to address the dangers to the community posed by the distribution, use, purchase or advertisement of Psychoactive Bath Salts, Psychoactive Herbal Incense, and similar products, and to provide the City with reasonable measures to abate the public nuisance created by such conduct.

10.50.20 Definitions.

A. Psychoactive Bath Salts are defined as follows:

1. Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to, the following substances: 3,4-Methylenedioxyamphetamine (Methylone), 3,4-Methylenedioxyamphetamine (MDPV), 4-Methylamphetamine (Mephedrone), 4-methoxymethamphetamine (Methedrone), 4-Fluoromethamphetamine (Flephedrone), 3-Fluoromethamphetamine (3-FMC), naphthylpyrovalerone and 2-amino-1-phenyl-1-propanone (cathinone) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.
2. Psychoactive Bath Salts are commonly marketed under the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning but may be marketed under other trade names and contain a common disclaimer that these products are “not safe for human consumption.”

3. Psychoactive Bath Salts do not include normal, standard bath salts that do not contain synthetic chemical compounds such as those listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon, amorphous/glassy sodium metaphosphate), sodium sesquicarbonate and borax.

B. Psychoactive Herbal Incense is defined as follows:

1. Any organic product consisting of plant material that contains a synthetic chemical compound that elicits psychoactive or psychotropic euphoric effects including but not limited to the following: any synthetic cannabinoid compound that contains 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-2-(4-morpholinyl) ethyl]-3-(1-naphthoyl) indole (JWH-200), 5-(1,1-dimethyleheptyl)-2-(1R, 3S)-3-hydroxycyclohexyl]-phenol, (CP-47, 497), 5-[1,1-dimethylloctyl]-2-(1R, 3S)-3-hydroxycyclohexyl]-phenol, (cannabicyclohexanol; CP-47, 497 C8 homologue) or any derivatives, synthetic substances and their isomers with similar chemical structure or any chemical alteration of these compounds which exhibit the same effects and/or any other substantially similar chemical structure or compound.

2. Psychoactive Herbal Incense products are commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Stinger, Serenity, Fake Weed, Black Mamba, but may be marketed under other trade names and may contain a common disclaimer that these products are “not safe for human consumption.”

3. Psychoactive Herbal Incense does not include normal, standard incense that are sold as incense sticks, oils or cones that are commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above that elicit psychoactive or psychotropic euphoric effects.
C. “Distribute”, “distributing” or “distribution” means and covers the following activity: to offer for sale, distribute, furnish, gift, transfer, exchange or give, to any person and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

D. “Person” means any individual, corporation, business trust, estate, trust, partnership or association, or any other entity responsible for “distributing” Psychoactive Bath Salts and Psychoactive Herbal Incense.

E. “Advertising” means printed matter that calls the public’s attention to things for sale.

F. “Possession” means having for use or sale in one’s actual or constructive custody and/or control, and/or under one’s authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.

10.50.30 Sale and/or Distribution of Cannabinoids or Substituted Cathinones Prohibited

A. It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

B. It is unlawful for any person to offer for sale, distribution, delivery, trade or barter any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

C. It is unlawful for any person to advertise or display any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

D. It is unlawful for any person to claim or represent that a product or substance is a Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

10.50.040 Possession of Synthetic Cannabinoids or Substituted Cathinones Prohibited

It is unlawful for any person to possess any Synthetic Cannabinoid or Substituted Cathinones within the City of San Marcos.

10.50.050 Public Nuisance.

A. It is a public nuisance for any person to distribute Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos.
B. It is a public nuisance for any person to distribute any product or substance represented as or designed to resemble Psychoactive Bath Salts and Psychoactive Herbal Incense within the City of San Marcos. Indications of distribution of substances represented as or designed to resemble Psychoactive Bath Salts and Psychoactive Herbal Incense shall include, without limitation, one or more of the following: the manner in which such substances are packaged, branded, described, marketed and/or portioned.

C. It is a public nuisance for any person to allow the distribution of Psychoactive Bath Salts and Psychoactive Herbal Incense on property owned, controlled or managed by such person within the City of San Marcos.

D. Merely disclaiming these products as “not safe for human consumption” will not avoid the application of this ordinance.

10.50.060 Enforcement.

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter shall be punishable in accordance with the provisions of Section 1.12.010 of the San Marcos Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.

B. Civil Action. In addition to any other remedies provided in this Chapter, any violation of this Chapter may be enforced by civil action brought by the City pursuant to section 1.12.020 of this Code.

C. Administrative Citation. Alternatively, any violation of this Chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.14 of this code, to include civil fines not exceeding one thousand dollars ($1,000.00) per offense and per occurrence.

10.50.070 Exemption for approval by FDA or California Law.

This chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds which have been approved by the federal Food and Drug Administration or which are specifically permitted by California law.

Section III. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.
Section IV. Effective Date. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance of the title thereof, as a summary as required by state law.

Section V. Certification. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published in accordance with the provisions of State Law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos held on the _____ day of __________, 2012, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos held on the _____ day of _____________, 2012, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS

____________________
James M. Desmond, Mayor
City of San Marcos

ATTEST:

____________________
Susie Vasquez, City Clerk
City of San Marcos

APPROVED AS TO FORM:

____________________
Helen Holmes Peak, City Attorney
City of San Marcos