



LOS ANGELES INTERAGENCY METROPOLITAN POLICE APPREHENSION CRIME TASK FORCE

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June 18, 2009

To: Kent A. Shaw, Assistant Chief
California Office of the Attorney General
Department of Justice, Bureau of Narcotic Enforcement

From: David Singer, Chief
Whittier Police Department
L.A. IMPACT Executive Council Chairman

Subject: ELECTRONIC PSEUDOEPHEDRINE DATA BASE

Assistant Chief Kent:

Thank you for the opportunity to discuss the situation regarding MethCheck, an electronic pseudo-ephedrine data base / tracking system developed by APPRISS and currently being used by several large retailers in the Los Angeles area. As you know, investigators assigned to the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (L.A. IMPACT), working in conjunction with other local, state and federal agencies, have used MethCheck for several months in the Los Angeles area. The greater Los Angeles area has proven to have one of the highest volumes of "smurfers" in the country.

MethCheck was initially proven useful in L.A. IMPACT investigations between April and October 2008 when one major retailer imposed block sales under MethCheck and there was an estimated 85% reduction of pseudo-ephedrine sales. However, shortly thereafter investigators discovered that Smurfing operations had learned to circumvent the MethCheck system. Detectives utilizing MethCheck to conduct Smurfing investigations in the Los Angeles area noticed significant obstacles and inherent problems with the MethCheck system. First, the information contained in the database is regularly found to be inaccurate, incomplete, or simply false.

Detective Supervisor Rick Gutierrez (Los Angeles Police Department), who is assigned to LA IMPACT Group 12, estimates that approximately *half* of the information currently contained in the MethCheck database is unreliable, making it very difficult for law enforcement agents to utilize the data to effectively investigate Smurfing operations. In fact, based on the experience of Detective Supervisor Gutierrez and his investigators using MethCheck data, it is evident that organized smurfers working for drug organizations regularly use false identification documents to circumvent the "block sales" of the MethCheck program. Additionally, there is no consistency with the type of identification documents required for the purchase of pseudo-ephedrine, or the type of information required for the database. Furthermore, investigators have learned that smurfers often use variations of their first and last names, making it even more difficult for the database system to initiate any block sales. In other attempts by smurfers to circumvent the system, investigators have witnessed cashiers at the retail stores simply bypass the MethCheck system and purchase multiple boxes of pseudo-ephedrine products.



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Because of these inherent problems with MethCheck program, in which proper identification and retailer cooperation is critical to success, investigators simply can not rely on the names, biographical information, or addresses contained in the MethCheck database to assist them in investigations. The information is simply not reliable for purposes of identifying and prosecuting the criminals. Both federal and state prosecutors have rejected the MethCheck database as proof of purchases by smurfers. During current investigations, Detective Supervisor Gutierrez uses his team of eight law enforcement officers to cover multiple stores and will watch groups of smurfers exit the stores. The investigators follow the Smurfers from store to store, as they use multiple false identification documents to purchase pseudo-ephedrine products without interruption, even though they have clearly exceeded the federal requirements. This consistent demonstrates the ineffective results of the MethCheck system as a prevention tool.

A typical Smurfing investigation can often occupy an eight man surveillance team for 10 to 12 hours. And because of the target rich environment, available investigators can chase smurfers every day and not make a dent in the illegal production of methamphetamine. This is clearly a very costly approach, which yields very little results. At L.A. IMPACT, Smurfing investigations have taken a big bite out of our resources and continue to limit our abilities to monitor other illegal diversion of pharmaceutical controlled substances.

Based on the information and results presented by members of the L.A. IMPACT Task Force, it's our collective opinion that MethCheck system "could" be a useful investigative tool, but only in as much as the collected data is accurate – which has been proven not to be the case. Even if it were accurate, investigative resources must still be allocated to follow up on any leads for purposes of prosecution. During this time of state budgetary crisis, it is very doubtful that local, state or federal agencies can commit sufficient resources to this "option" of combating the methamphetamine manufacturing problem in California. Our experience shows that database approach is not a viable solution to eliminate the illegal purchase / possession of pseudo-ephedrine problem in California.