AN EFFECTIVE APPROACH TO COMBATTING METHAMPHETAMINE PRODUCTION IN SOUTHWEST MICHIGAN FOR THE MICHIGAN STATE POLICE

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A Staff Study Submitted to the Northwestern University Center for Public Safety School of Police Staff & Command Class #285 Farmington Hills, Michigan

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<u>Problem</u>

Since the year 2000, the Michigan State Police (MSP) has recognized the threat that the insurgence of methamphetamine poses to the State of Michigan. With the formation of the MSP Methamphetamine Investigation Team in the fall of that year, specialized training and protocol (Annex A) was developed to better prepare Michigan's police agencies in the battle against methamphetamine and methamphetamine labs. This protocol defined the role of the team and safe practices to follow while responding to meth labs. Thus the team became reactive in nature, doing little to proactively combat the methamphetamine scourge that has plagued Southwest Michigan. Currently, several law enforcement agencies in the MSP Fifth District of Southwest Michigan operate individual narcotics teams, working separately to address the meth problem with limited success. This practice of working individually to control the proliferation of meth labs has yielded limited success due to the lack of information sharing and coordination of resources.

Unless the Michigan State Police leads an active effort to combat the influx of methamphetamine production in Southwest Michigan, the number of methamphetamine labs and methamphetamine addicts will continue to increase. Since 2000, the number of methamphetamine lab incidents in Southwest Michigan has increased 888% (Annex B). The unique hazards of methamphetamine labs and the ease of methamphetamine production necessitate a different approach to addressing this problem.

Assumptions

- The number of methamphetamine lab incidents will continue to increase.
- The costs associated with methamphetamine lab site response and cleanup will continue to increase.
- No additional funding will become available to combat methamphetamine in Southwest Michigan.
- No additional manpower will be hired due to the budgetary constraints of the MSP and other police agencies in Southwest Michigan.
- High Intensity Drug Trafficking Area (HIDTA) Grant funding will continue to be awarded annually to reimburse officer overtime and the cost of methamphetamine laboratory assessment equipment.

Facts

- Statewide, methamphetamine lab incidents have increased 888% between the year 2000 (the year the MSP Methamphetamine Team was formed) and 2008 (Annex B).
- Of the 395 meth incidents statewide in 2008, 315 (80%) occurred in the Fifth District counties of: Berrien, Cass, Van Buren, Kalamazoo, St. Joseph, Barry, Branch and Calhoun (Annex B).
- During the first six months of 2009, 73% of methamphetamine labs in the State of Michigan were the "one pot" method of production (A. Saucedo, personal communication, 13 July 2009).
- Currently, there are 59 officers in the Fifth District assigned to narcotics enforcement on eight separate teams (Annex C).
- Of the seven Southwest Michigan police agencies surveyed, four classified the methamphetamine problem in their area as significant while the other three classified it as a moderate problem (Annex D).

<u>Discussion</u>

The reactive nature of the current MSP Methamphetamine Investigation Team has necessitated that local police agencies and narcotics teams investigate methamphetamine incidents. This has been a taxing burden on these teams because of the nature of these small, toxic labs. These labs are typically very limited in size and are not part of an organized distribution network as is typical with other illicit drugs. This, combined with the hazardous materials produced at methamphetamine lab sites, creates a dilemma for traditional narcotics teams such as the MSP supervised Southwest Enforcement Team (SWET). SWET, as well as several of the local narcotics teams in Southwest Michigan, are only partially funded and therefore are dependent upon proceeds from civil forfeiture to remain Methamphetamine laboratory investigations rarely lead to civil solvent. forfeiture as the lab sites and any property associated with production are considered contaminated and therefore are not seized and auctioned. This has been the quandary facing law enforcement agencies as they combat methamphetamine production while focusing on other illegal drugs which have traditionally been a source of the forfeiture funds necessary to support the teams.

A survey of seven Southwest Michigan police agencies was conducted to seek input on the effects that methamphetamine has had on their respective departments (Annex D). The first question asked each agency head to rate the current methamphetamine problem in their jurisdiction. Four agencies deemed the methamphetamine problem as significant, while the other three rated the problem as moderate. The participating agencies cited the new "one pot" method of methamphetamine production as a particular concern

and a drain on their resources. The "one pot" method is of particular concern as it is a faster, easier method of methamphetamine production that uses chemicals easily obtained in stores. According to Lt. Anthony Saucedo, statewide methamphetamine coordinator for the Michigan State Police, during the first six months of 2009, 73% of methamphetamine labs in Michigan were the new "one pot" method of production (personal communication, 13 July 2009). Previously in Southwest Michigan, Methamphetamine was commonly produced via the Birch Reduction Method which required anhydrous ammonia for production. Anhydrous ammonia was difficult to obtain and therefore required a more organized network of methamphetamine abusers to collect the necessary ingredients to "cook". With the advent of the "one pot" method, the difficult to obtain anhydrous ammonia has been replaced with the much more plentiful fertilizer, ammonium nitrate. Therefore, the controls placed on anhydrous ammonia to battle methamphetamine production are of little benefit now that methamphetamine production has evolved to eliminate this previously necessary ingredient.

The survey also asked the participating agency heads to rate the effectiveness of the current system of narcotics enforcement in reducing methamphetamine production. In this response, only one agency ranked the current efforts as very effective, while five agencies rated efforts as moderately effective and one rated current practices as ineffective. Currently, there are 59 officers in Southwest Michigan assigned strictly to narcotics enforcement in the counties of: Berrien, Cass, Van Buren, Kalamazoo, Calhoun, St. Joseph, Branch and Barry (Annex C). These officers are assigned to eight separate teams, some of which overlap geographic areas and duplicate efforts. While new Michigan laws require stores to keep products containing pseudoephedrine behind the counter and to keep a list of the individuals purchasing these products, little is being done by law enforcement to compile this information as a useful tool to uncover methamphetamine labs.

The final information sought by the survey was if the agencies saw merit in the formation of a multi-jurisdictional, proactive methamphetamine team and if so, if they would be interested in committing manpower to the initiative. Of the seven agencies surveyed, six advised that they saw merit in such a team while only one agency head indicated that he was not interested. When asked if they would commit staffing to the team, one agency advised yes, five advised that they would like to discuss the project further and only one advised that they would not commit manpower to the project due to current budget constraints. The comments received from the surveyed agencies indicate that staffing and budgets are extremely tight, however; the problem is of enough importance that they would be willing to discuss the possibility of reallocating resources to address the methamphetamine problem.

Programs that have proven successful in combating methamphetamine production have recognized that this problem is more than a law enforcement issue; it is also a complex criminal, social, health and political issue. Because of the complicated nature of this problem, initiatives such as the York Region Methamphetamine Strategy have implemented a multidisciplinary approach to combating the problem. In this "communityinclusive strategy", law enforcement served as the catalyst, spearheading an effort to organize community agencies while developing partnerships with these agencies to create a proactive approach to engage this problem (York Region Methamphetamine Strategy 2-3). By combining efforts with the health services department, initiatives were implemented to reduce the probability of methamphetamine use. This essential partnership brought together several additional intervention services in the community. Βv seeking input and respecting varying perspectives, police leadership was able to motivate members of the community to work together on this common purpose. These prevention efforts, combined with traditional law enforcement practices, proved to be an effective approach to reducing methamphetamine incidents.

One alternative to the formation of a proactive, multi-jurisdictional methamphetamine team is to keep in place the current narcotics team structures in Southwest Michigan. The geographic separation of the teams and worksites causes a lack of intelligence sharing and reduces the efficiency of law enforcement. As discussed previously, the result of this current practice is commonly a duplication of effort, or conversely, a disregard of the methamphetamine problem due to the absence of forfeiture associated with methamphetamine labs.

A second alternative is to coordinate methamphetamine related tips through the MSP Intelligence Section in Lansing, then disseminating the tip information to the proper team. This proposition only reduces the duplication of effort issue but it does not address the avoidance of methamphetamine cases by the teams due to the forfeiture issue. These alternatives are based on enforcement alone, while effective programs have demonstrated the need for a focus on enforcement as well as demand reduction through partnerships with prevention services and the community.

Methamphetamine production and abuse negatively affects several different elements of a community in the form of increased violence, chemical contamination and endangered children. Because of the complexity of the problems associated with this drug, a unique approach is necessary to successfully combat this scourge in Southwest Michigan.

Conclusion

The MSP must lead an initiative in Southwest Michigan to implement a multijurisdictional, proactive methamphetamine team. The current system of multiple narcotics teams working separately to combat the growing methamphetamine problem has proven to be inefficient and ineffective. With the evolution of methamphetamine labs into the "one-pot" method, the dilemma has again shown that it is a long-term issue that will not be solved by simply implementing laws to limit precursor chemicals. The solution instead lies in a multi-faceted approach, combining resources and forging partnerships between law enforcement, the community, human services and preventive services to create coalitions to fight this epidemic. The framework for these groups already exists in Van Buren and Calhoun Counties; however, the commitment by law enforcement to these taskforces has been lacking as law enforcement is currently fragmented in this discipline, thus these organizations have had limited success. It is imperative that these community coalitions have strong law enforcement involvement as it is law enforcement that the community tasks with making a difference in this area.

For law enforcement to provide this leadership effectively, they must first be united under one team. The MSP is the only law enforcement agency in Michigan with the jurisdictional authority in the Southwest Michigan region to make such a team a possibility. By uniting these resources that are already committed by each agency to separate drug teams, law enforcement takes a monumental step in working more efficiently with their increasingly limited resources. By creating partnerships with the community and other treatment and prevention groups, law enforcement will maximize their efforts in combating the methamphetamine epidemic in Southwest Michigan while demonstrating that they are truly interested in a different approach to problem-solving in general.

Recommendation

The MSP must spearhead an effort to form a multi-jurisdictional methamphetamine team in the Fifth District of Southwest Michigan as detailed in Annex E. This team will combine resources from area law enforcement agencies to work together to combat the methamphetamine epidemic in this region while forming partnerships with the community and other preventive agencies to reduce the demand for this drug.

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Michigan State Police Methamphetamine Clandestine Laboratory

Response Protocol

I. PERSONNEL

- A. The Clandestine Lab Response Team shall be organized in the following manner:
 - 1. <u>Methamphetamine Investigation Team Commander</u>: State Police lieutenant responsible for the supervision of methamphetamine investigations, clandestine lab response, and methamphetamine related training for Michigan State Police.
 - 2. <u>Regional Methamphetamine Coordinators</u>: State Police personnel, sergeant level or above, trained as clandestine lab responders and site safety officers. These individuals are charged with the following responsibility:
 - Coordinate the investigation of methamphetamine related activity in their areas of responsibility between local departments, the State Police and the DEA.
 - Maintain equipment pools and maintenance records.
 - Responsible as team leaders and site safety officers at the scene of activation's, supervising operations, and implementing site-specific safety plans.
 - 3. <u>Trained Clandestine Lab Responders</u>: State Police personnel, assigned to various work locations across the state, will be activated to respond to clandestine lab sites as they are discovered. These responders shall be assigned based on their geographic proximity to the scene. Responders shall have received the 40-hour hazardous materials responder training course.

II. CLANDESTINE LAB PROTOCOL

A. All Michigan State Police Clandestine Laboratory operations shall be conducted in compliance with OSHA regulations. Nothing in this policy should be perceived to conflict with OSHA regulations. Clandestine Methamphetamine Lab Sites shall be treated as hazardous waste sites. All operations at the site shall comply with OSHA 29CFR1910 as it relates to Hazardous waste operations.

- B. The Michigan State Police Regional Methamphetamine Coordinator or his/her designee, shall make all on-scene decisions relating to the safety of personnel at the clean-up site, investigative protocol to be utilized, handling procedures, and waste removal. If a conflict between the requesting agency and the Regional Coordinator arises and cannot be resolved, the scene shall be turned over to the requesting agency scene commander.
- C. The Regional Coordinator **or his/her designee** shall make an initial assessment of the scene to determine site hazards and safety and health control procedures. A decision will then be made as to the equipment and tactics necessary. A site specific safety plan shall be formulated and reviewed at the briefing, which will be conducted at each operation. This briefing will be conducted in addition to an entry briefing, if appropriate. The safety plan shall include the following:
 - 1. Identified hazards
 - 2. Personal protection equipment to be used
 - 3. Personnel assignments
 - 4. Fire/EMS on scene responsibilities
 - 5. Decontamination procedures to be used
 - 6. Location of nearest hospital and protocol for transport
 - D. The Regional Coordinator **or his/her designee** shall ensure that air monitoring of the scene is performed during the course of the clean up. A permanent record of these results will be attached to the report.
 - E. Family Independence Agency shall be notified anytime minor children are discovered at the scene of a clandestine lab site. F.I.A. personnel may then determine if any follow up services are required.
 - F. All persons in custody and/or transported to the hospital shall be decontaminated before transport, unless there is a medical emergency.
 - G. Clean up of the clandestine lab site shall be performed per DEA protocol. The regional DEA office shall be contacted for authorization and documentation numbers, and the clean up conducted per DEA protocol, by the DEA contractor.
 - H. Correspondence shall be sent to the county health department in which a clandestine methamphetamine lab is discovered and hazardous materials were located. The correspondence shall advise them of the lab site and request the health department follow up to determine what additional clean up may be needed. The property owner shall also be notified by posting the property at the time of the clean up, or by written correspondence.

- I. <u>Per OSHA, a Site Safety Officer (SSO) must remain at the scene until the DEA</u> <u>Hazardous Waste Cleanup Contractor has completed their duties and the</u> <u>proper paperwork has been completed</u>.
- J. When conducting a Knock & Talk/Consent Search at the scene of a potential drug lab, at least one Clandestine Lab Responder shall be present. The MSP Regional Coordinator or his/her designee and/or the Statewide Methamphetamine Coordinator, shall be contacted for assistance prior to engaging in the search or attempted search of a vehicle, private residence or other location suspected to be the site of a clandestine drug lab.
- K. When a search warrant is obtained for a clandestine drug lab the <u>Methamphetamine Team Regional Coordinator or his/her designee and/or the</u> <u>Statewide Methamphetamine Coordinator shall be contacted. The Regional</u> <u>Coordinator or his/her designee and/or the Statewide Methamphetamine</u> <u>Coordinator shall make the determination on personnel required for the</u> <u>execution of the search warrant based on criteria/information that has been</u> <u>developed</u>.
- L. The MSP Raid Policy shall be considered when encountering a clandestine lab.
- M. The EPIC Form shall be completed and forwarded by the next business day.
- N. <u>When a clandestine lab has been encountered/investigated at least one</u> <u>uniform patrol officer/unit shall be present until the investigation is complete</u> <u>and all personnel have cleared.</u>
- III. CERTIFICATION
 - A. All departmental personnel assigned to clean up operations shall have Clandestine Lab Certification Training. This training shall include a basic 32-hour responder course, per OSHA guidelines.
 - B. This certification training will be updated each year, consisting of a physical, equipment fit test, and updated information regarding safety, equipment, and tactics. The department will provide this updated training.

C. The Regional Coordinators, and other specified members, should be certified as "Site Safety Officer" and responsible for maintaining the duties set forth by OSHA.

IV. CALLS FOR ASSISTANCE

- A. Calls requesting assistance with methamphetamine related investigations shall be directed through the Methamphetamine Regional Coordinators, State Police Operations, or the Team Commander. The **Regional Coordinator** or his/her designee will authorize all activations.
- B. Upon receiving a call for assistance, the following facts should be considered :
 - 1. Is the site in question a confirmed drug lab?
 - 2. Has a search warrant been obtained?
 - 3. What is the location?
 - 4. What is the physical size of the operation?
 - 5. Is the lab currently operational? What stage? (if known)
 - 6. Will an entry be made (hard or soft)? Has the site already been secured?
 - 7. Number of suspects, other occupants? Criminal history?
 - 8. Intelligence reference threat level? Weapons, dogs, booby traps?
 - 9. Weather conditions.

V. CALL OUT PROCEDURE

- A. When activating the Clandestine Lab Response Team the following procedures shall be followed:
 - 1. An estimation as to how many people will be activated should be made.
 - A minimum of 4 responders are normally assigned to a clandestine lab clean up. Responders shall use the "Buddy System" per OSHA regulations. One responder is responsible for observing a second responder engaged in clean up operations. Fire fighters and/or other qualified and equipped personnel may provide the necessary safety personnel.
 - Size of the site, weather conditions, and number of suspects may affect the number of personnel assigned. However, all operations shall be in compliance with OSHA guidelines.

- 2. Responders should be selected based on geographical proximity to the scene. Field responders, assigned to other units but trained as Clandestine Lab Responders, should be activated based on their work location.
- 3. The Team Commander, or his designee, shall authorize all activations and the selection of personnel.
- 4. The Team Commander shall designate an individual responsible for supervising each operation. This individual shall be a Regional Coordinator or an out-state responder who possesses significant lab clean up experience.
- 5. State Police Operations, **the appropriate 911 Dispatch Center**, and the regional DEA office shall be notified of all activations.
- 6. If circumstances exist that would enable the scene to be processed during normal working hours, this option should be discussed with the requesting agency/unit.
- 7. A fire department with SCBA capabilities should be on-scene to perform emergency rescue, fire prevention, and emergency **decontamination** if needed.

VI. EVIDENCE COLLECTION AND SAMPLING

- A. Every effort will be made to collect any evidence that may be beneficial to the investigation and prosecution of the case. All evidence shall be photographed and removed to a well-ventilated area (usually outside) for processing.
- B. Samples should be identified and photographed beside the original container.
- C. All evidence identified as hazardous materials shall be turned over to an approved Haz Mat Contractor for destruction after sampling is completed. Wording in the search warrant should specify the destruction of all hazardous materials not taken as evidence.
- D. Samples should be turned over to the originating agency or team for processing and analysis.
- E. All samples shall be sent to the appropriate MSP Laboratory for analysis.

VII. EQUIPMENT

- A. Each member of the Clandestine Lab Response Team shall be issued his/her own facepiece for use with the PAPR. It is the individual's responsibility to properly decontaminate this facepiece after each use, and to inspect the facepiece for damage on a regular basis. Individuals will be fit tested to this facepiece and to an SCBA facepiece. In addition, each member will be issued a pair of nomex fatigues and departmental fatigue boots, which will be worn when responding to an activation.
- B. Equipment pools will be established at the work site of the Regional Coordinators. These coordinators will be responsible for storage and maintenance of the pool equipment on a regular basis. This maintenance will be scheduled per OSHA requirements and documented in a yearly report to the M.I.T. Team Commander.
- C. Equipment pools will contain the following equipment:
 - 1. 5 PAPRs (Powered Air Purifying Respirators)
 - 2. 2 SCBAs (Self-Contained Breathing Apparatus)
 - 3. 2 Level IIIA Ballistic Vests
 - 4. 1 Door Ram or sledge hammer
 - 5. 1 Multi Rae Air monitoring device
 - 6. Protective outer clothing, gloves, and boots
 - 7. Evidence sampling equipment
 - 8. 2 Flashlights (safe for explosive environment)

VIII. INCIDENT REPORTING

- A. An incident number will be generated, and an incident report completed, each time a clandestine lab response is activated. The number will be generated from the Methamphetamine Investigation Team, AICS system. If the information pertaining to the investigation and dismantling of the lab is already contained in a report generated at the local M.S.P. worksite, the M.I.T. complaint will simply refer to the local M.S.P. incident number.
- B. In addition to the incident report, an EPIC form shall be completed when lab activity is discovered. The EPIC form will be submitted to the appropriate DEA Office <u>and</u> to the Methamphetamine Investigation Unit.

- C. The Hazardous Appraisal and Recognition Plan (HARP) form shall be completed when air monitoring indicates significant amounts of toxic chemicals present. However, this form may be submitted as a supplement to the incident report, at the Regional Coordinator's discretion, even if no toxic chemicals were found.
- D. All labeled containers shall be inventoried and recorded for EPIC reporting.
- E. Digital still and video photography should be used to record the scene before the lab is dismantled. All items removed from the lab scene shall be recorded and photographed after the lab has been dismantled, usually outside of the scene.
- F. All reports will be completed and submitted within 10 days.

Southwest Michigan Narcotics Detectives

Agency	Number of Detectives
Southwest Enforcement Team (SWET)	16
Kalamazoo Valley Enforcement Team (KVET)	16
Berrien County Sheriff's Department	8
Niles Police Department	1
Cass County Sheriff's Department (CCDET)	7
Van Buren County Sheriff's Department	4
Battle Creek Police Department (SIU)	5
St. Joseph County Sheriff's Department (SCAN	l) 2
	TOTAL: 59

Agency	Meth Problem (Rating)	Current Number of Narcotics Officers	Current Narcotics Enforcement Effectiveness (Rating)	Merit in Formation of Multi- Jurisdictional Meth Team	Wo Com Office to M Tea
Berrien County SD	Moderate Problem	8	Moderately Effective	Yes	Would Discuss
Van Buren County SD	Significant Problem	4	Moderately Effective	Yes	Ye
Cass County SD	Moderate Problem	7	Moderately Effective	No	N
Kalamazoo D.P.S.	Significant Problem	16	Very Effective (note comments on survey)	Yes	Ye
Kalamazoo Twp. PD	Moderate Problem	1	Ineffective	Yes	Would Discuss

Portage PD	Significant Problem	1	Moderately Effective	Yes	Would Discuss
Calhoun County SD	Significant Problem	1	Moderately Effective	No (due to current resources)	No (d curr resou

How would you rate the current methamphetamine problem in your jurisdiction?
(no problem / moderate problem / significant problem)

Comments:

2. How many officers does your agency currently have assigned exclusively to narcotics enforcement?

Comments:

 How effective do you feel the current system of narcotics enforcement is in reducing methamphetamine production? (very effective / moderately effective / ineffective)

Comments:

 Do you see merit in the formation of a multi-jurisdictional methamphetamine team to proactively address the methamphetamine problem in Southwest Michigan? (yes / no)

Comments:

 If no additional funding was available with the exception of HIDTA reimbursement for officer overtime, would you be interested in committing manpower to a multi-jurisdictional methamphetamine team? (yes / no / would like to discuss further)

Comments:

Annex E

Implementation Schedule

Task	Date Due	Person Responsible
Schedule and hold meeting with 5 th District Sheriffs and local Police Chiefs. Form board of agencies contributing manpower to initiative.	November 2009	D/F/Lt. Edington
Draft policy for law enforcement portion of new multi-jurisdictional meth team.	February 2010	D/F/Lt. Edington and Meth Team Board
Begin operation of multi-jurisdictional meth team.	May 2010	D/F/Lt. Edington
Schedule and hold meeting with community resource groups, county health departments and prevention and treatment specialists. Form county-wide taskforces.	July 2010	Multi-jurisdictional Meth Team Leader
Draft mission statement, vision statement and goals for each county-wide taskforce. Develop standardized practices and duties for taskforces.	September 2010	Taskforce group leaders and Multi-jurisdictional Meth Team Leader
Hold monthly meetings with county-wide taskforce groups and adjust practices as necessary.	October 2010	Taskforce group leaders and Multi-jurisdictional Meth Team Leader

EXECUTIVE SUMMARY

AN EFFECTIVE APPROACH TO COMBATTING METHAMPHETAMINE PRODUCTION IN SOUTHWEST MICHIGAN FOR THE MICHIGAN STATE POLICE

<u>Problem</u>

Since the year 2000, the Michigan State Police (MSP) has recognized the threat that the insurgence of methamphetamine poses to the State of Michigan. With the formation of the MSP Methamphetamine Investigation Team in the fall of that year, specialized training and protocol (Annex A) was developed to better prepare Michigan's police agencies in the battle against methamphetamine and methamphetamine labs. This protocol defined the role of the team and safe practices to follow while responding to meth labs. Thus the team became reactive in nature, doing little to proactively combat the methamphetamine scourge that has plagued Southwest Michigan. Currently, several law enforcement agencies in the MSP Fifth District of Southwest Michigan operate individual narcotics teams, working separately to address the meth problem with limited success. This practice of working individually to control the proliferation of meth labs has yielded limited success due to the lack of information sharing and coordination of resources.

Unless the Michigan State Police leads an active effort to combat the influx of methamphetamine production in Southwest Michigan, the number of methamphetamine labs and methamphetamine addicts will continue to increase.

Possible Solutions

- 1. The formation of a multi-jurisdictional, proactive methamphetamine team in the Fifth District of Southwest Michigan.
- 2. Continue efforts to combat methamphetamine labs in Southwest Michigan utilizing existing narcotics teams in their existing structures.
- 3. Coordinate methamphetamine related tips through the MSP Intelligence Section in Lansing, then disseminating the tip information to the proper narcotics team.

Recommendation

The MSP must spearhead an effort to form a multi-jurisdictional methamphetamine team in the Fifth District of Southwest Michigan as detailed in Annex E. This team will combine resources from area law enforcement agencies to work together to combat the methamphetamine epidemic in this region while forming partnerships with the community and other preventive agencies to reduce the demand for this drug.