

OVERDOSE DEATH INVESTIGATION

TASK FORCE OFFICER FRANK MAGEL



2023

INTRODUCTION



DRUG ENFORCEMENT ADMINISTRATION



Task Force Officer Frank Magel







MISSOURI STATE LAW

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Missouri Revised Statutes
Chapter 565
Offenses against the person
Section 565.021

Second Degree Murder, Penalty.

A person commits the crime of second degree murder if he/she:

1. Knowingly causes death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; or
2. Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony.
3. Murder in the second degree is a class A felony, and the punishment for second degree murder shall be in addition to the punishment for commission of a related felony or attempted felony, other than murder or manslaughter.

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NEW CASE LAW

In a recent case where the distributor of the fatal drug was arrested in Missouri it was determined that the defendant had to have prior knowledge that the "Drug" he or she distributed had to be hazardous to a user. Some prosecutors are using this as an example.

FEDERAL LAW

Title 21, U.S.C. § 841 (a) (1) Distribution

It shall be unlawful for any person knowingly or intentionally:

to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense a controlled substance

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Section B

SECTION (B)- RESULTING IN A DEATH OR SERIOUS INJURY.

20 YEAR MANDATORY MINIMUM TO LIFE IMPRISONMENT.

Of course when the state makes changes in case law the federal prosecutors make changes to meet the new requirements.

The Assistant United States Attorneys are now asking for proof the “Dealer” knew the drug was a danger more so for a habitual drug user.
So, How do we do that?

MOST COMMON PROBLEM

Police agencies often identify fatal drug overdoses as accidental deaths. Be aware of and alert to the indicators of a drug overdose prior to entering a crime scene. They often believe there is no charge (s) to be filed on habitual drug users.

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COMMON SIGNS

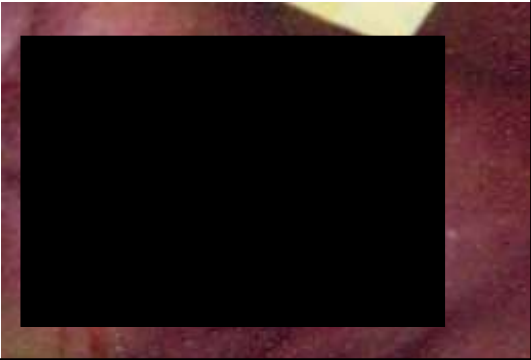
Victims of an opiate overdose often exhibit specific characteristics.

For example, victims may have a “**foam cone**,” tinged orange or red with blood, around their nostrils and mouth are the most common characteristic of such an overdose.

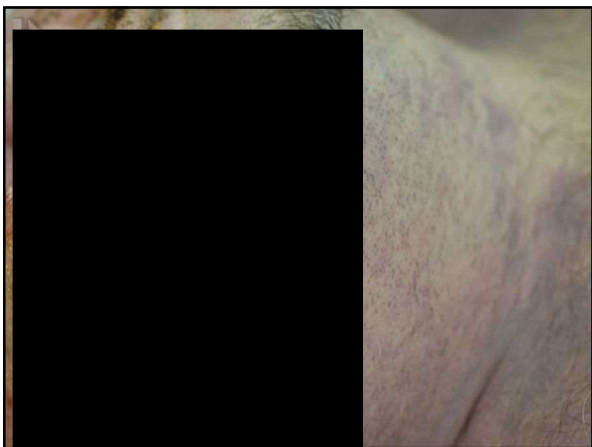
Fluids gather in the lungs, inhibiting the exchange of oxygen and carbon dioxide. Essentially, victims drown in their own pulmonary fluids. As the fluids gather, victims may expel some mixed with gas bubbles, which then forms the foam cone.

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"FOAM CONE"











WHEN SUSPECTED OVERDOSE DEATH

Officers should secure the crime scene as if it were the site of a homicide.

They should use common crime scene techniques.

- Nonessential personnel, such as emergency medical workers, and family members away from the area and document everyone who enters it.
- If available to your agency, Homicide and drug investigators, as well as crime scene technicians, should be called to the site.
- Before anything is disturbed, the entire scene should be photographed, including the victim. Only then should the victim be turned over to the medical examiner for an autopsy. Finally, investigators should perform an organized search to gather physical evidence

PROVE IT

To make these charges, you need the following

- What drug injured or killed the victim
- That your suspect distributed that drug.

SOUNDS SIMPLE DOESN'T IT?

Lets See.....

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IDENTIFYING CASES

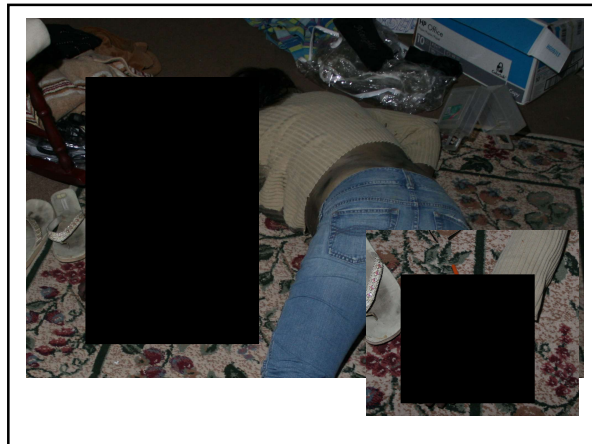
IDENTIFYING CASES

- Accidental Overdose
- Legally prescribed pharmaceuticals
- Victim illegally obtains illicit or pharmaceutical substances
- Possible homicide











TACTICAL DIVERSION SQUAD

Pharmacist is guilty in drug case

He exchanged Xanax for sex; woman died in crash

By PETER SHINKLE
Of the Post-Dispatch

A pharmacist was convicted Wednesday in federal court in St. Louis of trading the prescription drug Xanax for sex with a woman who was killed in a car crash with the medication still in her system.

A jury found Aaron Roberts, 31, guilty of one count of illegal distribution of a controlled substance. He lives in the 1100 block of Wentworth Terrace in St. Louis County.

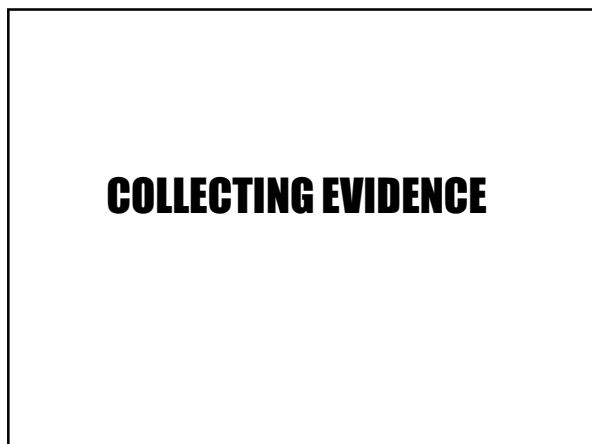
Diana Bailey, mother of Nicole Bailey, who died in the wreck, wept and hugged relatives in the courtroom as the jurors filed out.

"I was so afraid he was going to get away," she said. The verdict left her feeling "relieved, a little bit," she said.

Authorities say Nicole Bailey,





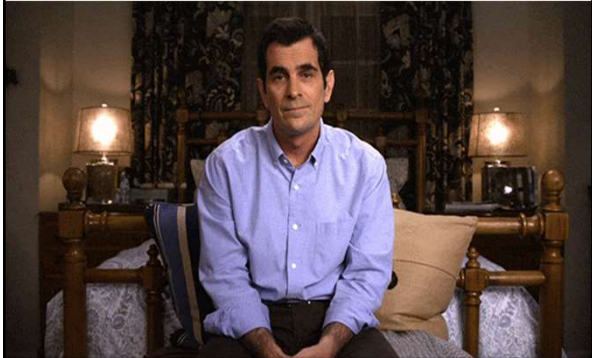


Where are the drugs?





I DON'T KNOW!



That's what makes these cases so dangerous.
Remember to utilize safety precautions when
entering overdose scenes.

And.....when leaving.

CRIME SCENE PHOTOGRAPHY



Make sure your department has
the proper and updated
equipment.

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Sometimes you have to do what it takes to get the picture.

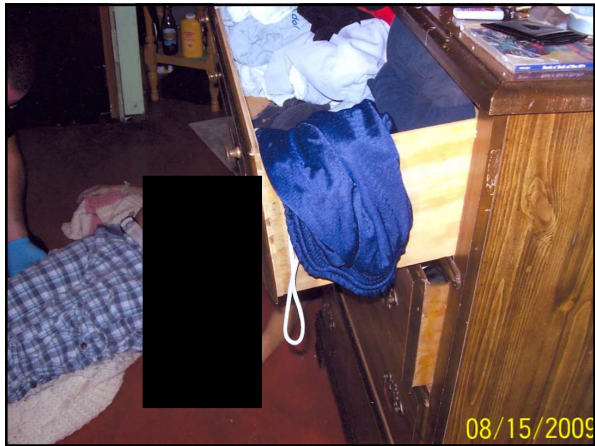


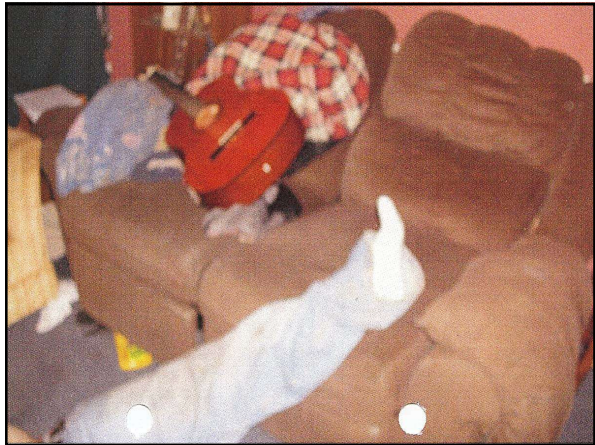
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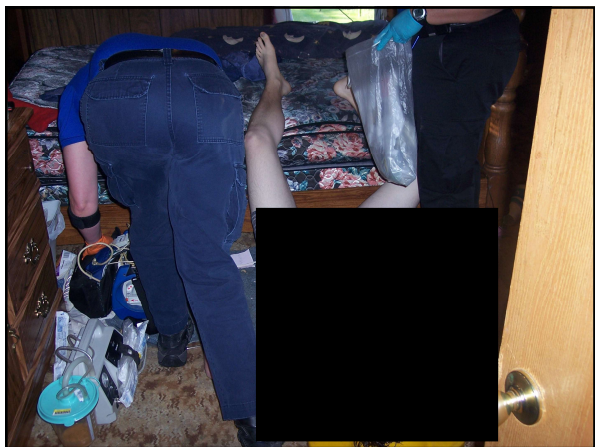
SOME
NOT
TO
DO's

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EVIDENCE RECOVERY

- Scene Search: If suspected OD death, toxicology may not back for 6+ weeks. Take what you can at the time.
- Person and Area
 - Include garbage and ashtrays
 - Friends/Family may have "cleaned" area
- Vehicles
- Users contact a dealer and order drugs using landline or cellular telephones, personal digital assistants (PDAs), or the Internet. During the crime scene search, investigators should seize all such communication devices, which create a paper trail that can aid in an investigation. SEIZE PHONES and/or obtain numbers

SEARCHING THE RESIDENCE...

- Paraphernalia related to the abuse of pills
 - Pill crushers
 - Straws
 - Tin Foil (smoking Oxycodone)
 - Needles
 - Mirrors
 - Razor blades
 - Arm tourniquet



SEARCHING THE RESIDENCE...

- Look for the paper
 - Prescriptions
 - Prescription bottles
 - Prescription receipts
- Written records related to buying and selling pills
 - Calendars
 - Day planners
 - Ledgers







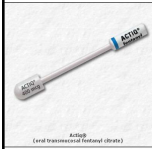








FENTANYL



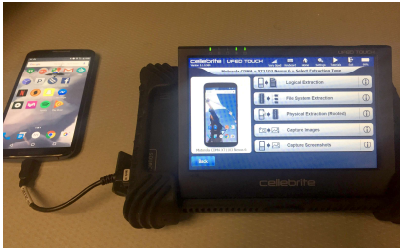
Fentanyl is estimated to have 50 times the potency as pure, pharmacy-grade heroin and about 100 times the potency of morphine.





PHONES

EVIDENCE RECOVERY



Cellebrite forensic device

UFED

PHONES

- Seize Cell Phones
- Phone Numbers
- Contact Lists
- Address Books
- Incoming/Outgoing Calls

PHONES

- Search Warrant for cell phone
 - Review and Record Contents
 - contact list
 - call logs
 - messages
 - Subpoena Records
 - toll records
 - cell towers
 - GPS record
- Text messages - immediately

SUBJECT 1 (S1) - SUBJECT 2 (S2)			
02/28/09	10:40:40	to	S2
Do u have any pills			
02/28/09	10:50:14	from	S2
Yea but who is this?			
02/08/09	10:50:47	to	S2
S1			
02/28/09	10:51:26	from	S2
Ya lk ok. Wat do u want?			
02/28/09	10:52:08	to	S2
Well what do u have			
02/28/09	10:54:23	from	S2
Benzos and oc			
02/28/09	10:57:39	from	S2
30mg oc and sum clones for sale and i got a lot of suboxone.			
02/28/09	10:59:44	to	S2
Ok how much oc can i get for \$45			
02/28/09	11:01:01	from	S2
3 oc or i can give u two suboxones			
02/28/09	11:07:16	to	S2
Ok ill take it			
02/28/09	11:08:09	from	S2
Which? Oc or suboxones			
02/28/09	11:09:22	to	S2
The oc's			
02/28/09	11:10:43	from	S2
Ok i got 3 , u wana meet up now?			
02/28/09	11:12:57	to	S2
Yea give u me 5 min then ill walk to the library and we can find eachother there			
02/28/09	11:19:06	from	S2
Ok fine			

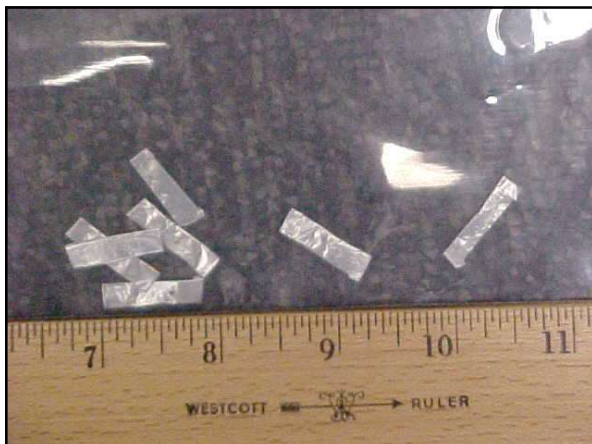
SYRINGES
PARAPHERNALIA
OXYCONTIN/FENTANYL

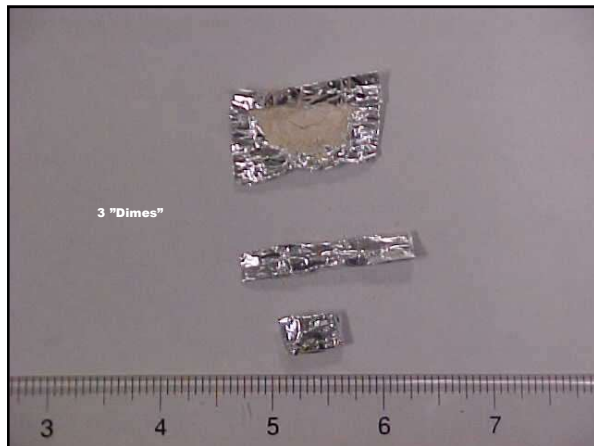
- Syringes: Lab can wash for heroin
- Fingerprints/DNA
- Knives/blades and plates/glass used for mixing or cutting
- Small coffee grinders
- Empty gelatin capsules

PACKAGING

PACKAGING

"Button"	- approx. 0.10 gram	\$10.00
"Twenty"	- approx. 0.20 gram	\$20.00
"½ of a ½"	- 0.25 gram	\$40.00 - \$50.00
½ Gram		\$80.00 - \$90.00
1 Gram		\$100.00 - \$300.00
"Finger"/Pellet -	approx. 10 gms.	\$1000.00 - 1,100.00
100 Grams		\$9,500.00 - \$12,000.00













IDENTIFYING PRESCRIPTION DRUGS

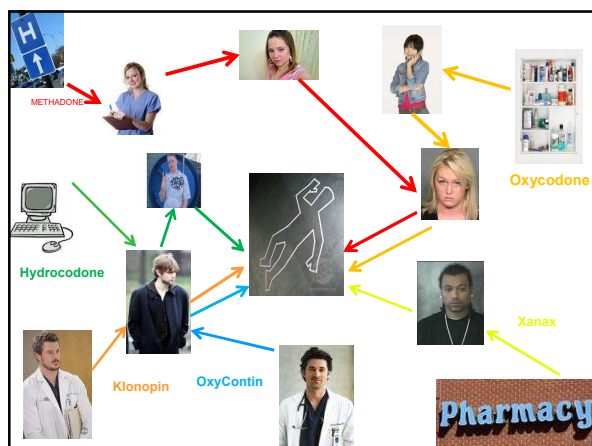
THE RX LABEL...

Prescription Drug
Pharmacy Label

The diagram shows a sample prescription label for AMOXICILLIN 500MG CAPSULES. Callouts point to various fields:

- Pharmacy name and address:** Local Pharmacy, 123 MAIN STREET, ANYTOWN, USA 11111
- Doctor's name:** DR. C. JONES
- Pharmacy phone number:** (800) 555-5555
- Number used by the pharmacy to identify this drug for your refills:** NO 0060023-08291
- Prescription fill date:** DATE 06/23/09
- Person who gets this drug:** JANE SMITH, 456 MAIN STREET ANYTOWN, US 11111
- Instructions about how often and when to take this drug:** TAKE ONE CAPSULE BY MOUTH THREE TIMES DAILY FOR 10 DAYS UNTIL ALL TAKEN
- Name of drug and strength of drug:** AMOXICILLIN 500MG CAPSULES
- Quantity:** QTY 100
- Refills:** NO REFILLS - DR. AUTHORIZATION REQUIRED
- Use before date:** USE BEFORE 06/23/12
- Do not use this drug after this date:** (Callout points to the use before date)
- Number of refills before certain date:** (Callout points to the refills field)





DOCTOR SHOPPING

“DOCTOR SHOPPING”

- Knowingly misrepresenting or withholding information from a Doctor
- Providing false information to a physician in order to obtain, or in an attempt to obtain a controlled substance.
- Offenders typically identified by:
 - Pharmacists, physicians and arrestees

- Individuals will go to various physicians to obtain additional controlled substances either for personal use or street sale.
- No mandatory state prescription monitoring program.
- Generally, will utilize one pharmacy for each doctor



DOCTOR SHOPPING RECORDS

DRUG LEDGERS...

PRICE PROFIT BREAKDOWN

LOR -	90 - 56.99 =	1.633	$\frac{3}{2} = 2.367/EA$
XAN -	60 - 30.99 =	.517	$\frac{1.50}{2} = .98/EA$
VAL -	60 - 21.99 =	.36	$\frac{2.25}{2} = 1.63/EA$
ADDS -	60 - 79.99 =	1.33	$\frac{3.00}{2} = 1.66/EA$
RXY -	90 - 124.09 =	1.98	$\frac{7.00}{2} = 5.62/EA$

90.7
LOR: 630/WK * 1486 \$/WK - 277.40

PHARMACY RUN SHEETS:

[illegible]

PHARMACY RUN SHEETS...

[illegible]

CUSTOMER RUN SHEETS:

[illegible]

	OX	2OX	LoR	X's	SOMMARS	
DR. CAMPER						
VONAD WIDE	500	90	150	90		60V
DR. PEROTO		120	180	60		
JEERY'S	820					
DR. FAHLER		170	130	190		
FALL STONE	740					
DR. WJFED		240	270	150	90	
GENERIC DEFOT	1110					
DR. OSSERIO			120	60	100	
OFF PHAR	240					
DR. COSBY		40	90	30		
TOWN	540					
DR. MCNDER		110	90	45	45	
OFF PHAR.	288					
DR. SULKIN			90	22		
HLWD	180					
DR. MELLON		240	270	150	120	
ALPHA	1200					
DR. SMITH		120 (CUB)	120	60		
GARDEN DRUG	772					
DR. LAZZO PINA			120	60	120	
PRO. SCRIPT	315					



INTERVIEWS

- Start Immediately – catch “off-guard”
- 24 hour time line
 - Source(s)
 - Friends – phone numbers, street names
 - Where do they buy, Who do they buy from. How often do they buy, etc.

TIMELINE

- Interviews
- Telephone Records
- Receipts
 - gas, restaurant, store.....
- Surveillance Videos
 - often deals at public places
- Physician/Pharmacy Records if applicable.

NARCAN

NALOXONE HYDROCHLORIDE

- Naloxone prevents and/or reverses the effects of opiates, especially the respiratory depression
- When administered intravenously, the reverse effect usually occurs almost immediately, slightly longer when introduced intramuscularly
- Depending on how much the abuser used, depends on the number of doses of Narcan



Why is it important to know the how to use and the effects of Narcan if investigating an overdose?



"PUTTING IT TOGETHER"

- Arrest for Distribution/Homicide
- Conspiracy Case- Agreement between two or more individuals to commit a crime. An officer or informant can not be used as one of the people.

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THE PRESCRIPTION ANGLE

- Arrest for distribution
Evidence of drug transaction.
- Homicide and Conspiracy Case
Same evidence as drug investigation
Medical Records
Pharmacy Records
Need these records for both state and federal prosecution...

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LEGAL CONSIDERATIONS

FEDERAL AND STATE PROSECUTION

Early meeting with prosecutor and AUSA

Agreement of federal and state charges

Plea to charge

Cooperate

Concurrent sentence

Dismissal of federal charge

Comfortable with potential sentence(s)

Oxycodone Sentencing Chart
Effective November 1, 2003
Based on U.S. Sentencing Guidelines
1gm oxycodone = 6700gm marijuana (pure/actual)

Number of Tablets	Product	Amount of Marijuana Equivalent	Base Offense Level	Approximate Sentencing*
1200 600 300 150 75	Percodan® 5 mg Oxycontin® 10 mg Oxycontin® 20 mg Oxycontin® 40 mg Oxycontin® 80 mg	40.2 kg.	20	33-41 months
4800 2400 1200 600 300	Percodan® 5 mg Oxycontin® 10 mg Oxycontin® 20 mg Oxycontin® 40 mg Oxycontin® 80 mg	160.8 kg.	26	63-78 months
30,000 15,000 7,500 3,750 1,875	Percodan® 5 mg Oxycontin® 10 mg Oxycontin® 20 mg Oxycontin® 40 mg Oxycontin® 80 mg	1005 kg.	32	121-151 months
896,000 448,000 224,000 112,000 56,000	Percodan® 5 mg Oxycontin® 10 mg Oxycontin® 20 mg Oxycontin® 40 mg Oxycontin® 80 mg	30,016 kg.	38	235-240 months

*calculated with no criminal history points
maximum 20 year statutory sentence

EXAMPLES OF CS CONVERSIONS

Hydrocodone (Schedule 3)

1 unit of hydrocodone = 1 gram of marijuana

Methadone (Schedule 2)

1 gram of methadone = 500 grams of marijuana

Oxycodone (Schedule 2)

1 gram of oxycodone = 6700 grams of marijuana

DEFENSE LESSONS

- More than buyer – seller relationship in conspiracy case.
- Time frame defendant involved
- Mixed drug toxicity-Problem for case

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FEDERAL ASSISTANCE

- Personnel
- Time
- Intelligence
- Unofficial database
- Telephone records
- Flow charts
- Timeline
- Education

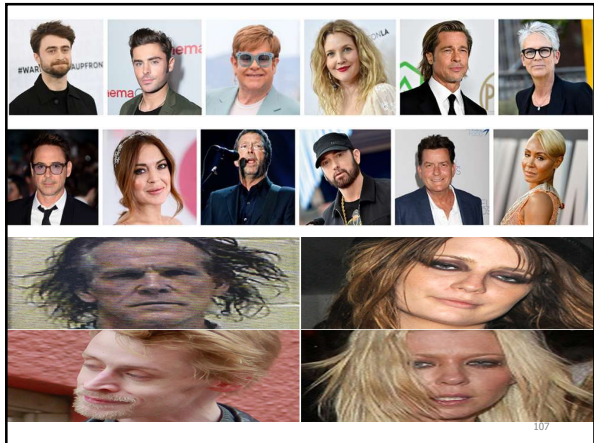
DRUGS IN POP CULTURE

WHAT OUR KIDS HAVE
BEEN WATCHING
DURING PRIME TIME?









WHAT ARE KIDS ARE LISTENING TO.. EMINEM AND LIL' WYTE...



'Vike'

Rap star Eminem has a Vicodin® tattoo on his arm and a picture of a Vicodin® tablet on one of his CDs

Lyrics from Eminem songs:
"I invented violence, you vile
venomous volatile
... vain Vicodin"



Eminem makes a comeback..

"Relapse" hit stores May 19, 2009

Has been sober for a year

Admits to taking as many as 20 Vicodin, Ambien and Valium a day.

2005 almost overdosed on Methadone.



Lil' Wyte

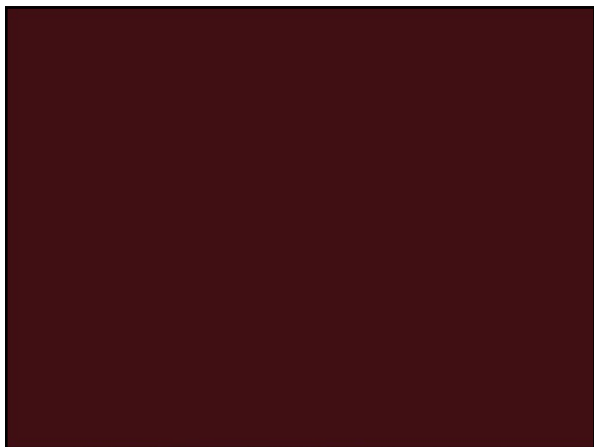
born in North Memphis

Started rapping in the 9th grade

Dropped out of high school twice

4th album to be released this month.





Title 21, U.S.C. § 846 Conspiracy

■Elements:

- Existence of an agreement to commit drug crimes.
- Defendants knew of conspiracy
- Voluntarily joined conspiracy

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Crime Scene Tips

Treat it as a crime until determined otherwise, basic crime scene rules apply.

Try to verify where the victim received the drugs .

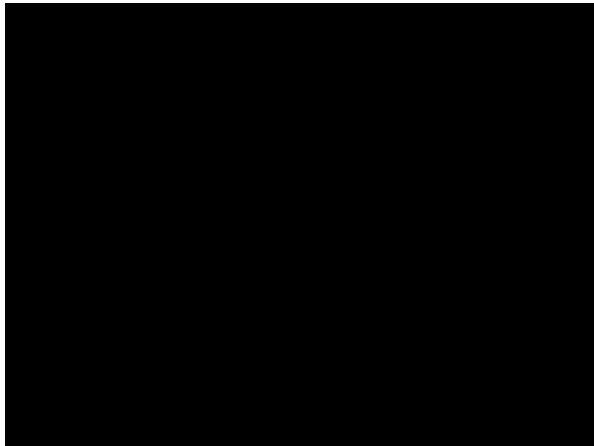
Have officers seize evidence (bottles, cell phones, Photos etc).

Annotate witness statements, ("I gave him heroin and he fell out").

Ask the reporting officer not to list it as accidental overdose (OVERDOSE works in most cases. Make sure your computer program has such wording).

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- If you get hurt, you will be no help to anyone.
- If you bring it home and someone in your family gets sick or injured.
- If you bring it to work and affect your co workers.



- DO NOT use hand sanitizer that contains alcohol.
- Use soap and water. *Carry soap and water.



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THANK YOU!

CONTACT INFORMATION



TASK FORCE OFFICER
FRANK MAGEL

Cell: 314-267-3033
Email: Frank.a.Magel@dea.gov
