



RUSSIAN ROULETTE: FENTANYL IN ORANGE COUNTY



COUNTY OF ORANGE

Grand Jury 2022-2023

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SUMMARY

The presence of fentanyl on America's streets is a deadly threat. It has quickly evolved into a crisis that Orange County must face head on. This report takes a sober look at the impact of fentanyl on Orange County residents and examines the County's efforts to address it. The Grand Jury offers recommendations the County can use to improve their methods of fighting against the distribution and use of this lethal drug in our communities.

Fentanyl deaths occur out of the blue. Many victims assumed they were taking a known quantity of a legitimate, pharmaceutically manufactured drug, only to be blindsided by a cheap, illegitimate counterfeit. The sudden death of a loved one to fentanyl often marks the beginning of a personal struggle of grief and self-doubt, a dark journey of discovery for family and friends.

This Orange County Grand Jury report sheds light on the growing fentanyl crisis and its effect throughout the county. The Grand Jury's research revealed a stark truth: fentanyl has no bias, it impacts young and old, rich and poor, and people at all socioeconomic levels and in every ZIP Code in Orange County. This report provides a list of 15 ZIP Codes within Orange County with the highest rates of fentanyl related overdose deaths and 15 ZIP Codes with the highest rates of fentanyl-related overdose emergency room treatments. The lists will surprise you.

For every fentanyl overdose death and non-fatal overdose that required emergency room treatment, there were many more unreported non-fatal overdoses, each one with its own emotional and economic toll. This report provides an overview of the current status and conditions of the fentanyl crisis within the county along with discussion about the impact to the victims, families, and the communities. With this report, the Grand Jury intends to inform Orange County residents about the serious threat fentanyl poses to the overall health and stability of our community, and the threat it poses to the future of our children.

The Grand Jury researched the fentanyl crisis across the United States to understand the broad impact of fentanyl, gathered facts and the personal stories of people affected by fentanyl, and reviewed best practices for mitigating the damage it causes. However, this report addresses the specific problem of fentanyl in Orange County. The report touches upon the effects fentanyl has locally: fentanyl's death toll and the lingering heartache and damage it causes to Orange County families and our community.

The Grand Jury's goals are to provide County leadership and the public with an analysis of how fentanyl has affected the lives of our residents and examine the effectiveness of the steps County officials are taking to diminish the crisis. The Grand Jury offers specific findings and recommendations to help guide Orange County department heads and community leaders on a more effective path.

BACKGROUND

Fentanyl is a highly potent opioid, like morphine, but approximately 100 times more powerful.

Fentanyl has its use as a legitimate, approved analgesic and is widely used and prescribed medically. As with other opioids, it is especially effective at reducing pain after surgery and for treating pain associated with cancer and other acute illnesses. Fentanyl prescribed and used medically is produced under strict production controls for purity and at measured and precise concentrations. When used medically, fentanyl serves a useful purpose that benefits those under medical care; but like all opioids, fentanyl is addictive, and its use requires monitoring by licensed medical personnel to avoid misuse and abuse.

As is common with many legitimate drugs, fentanyl is also produced and used illicitly. Fentanyl is a synthetic opioid which is relatively easy to produce outside a legitimate pharmaceutical laboratory and outside the law. Illegally produced fentanyl is not manufactured in authorized or accredited production facilities and is not subject to regulatory oversight or controls to ensure purity and concentration. Illegally produced fentanyl represents a risk to our community. Often, illegally produced fentanyl finds its way into Orange County disguised as other, less risky drugs.

This report addresses the illegal production, distribution, and use of illicit fentanyl.

“A fatal dose of fentanyl is small enough to fit on the tip of a pencil” Public safety alert - DEA

Fentanyl affects the human body by binding to the body's opioid receptors, which are found in areas of the brain that control pain and emotions. Its effects include extreme happiness, drowsiness, nausea, confusion, constipation, sedation, tolerance, addiction, respiratory depression and arrest, unconsciousness, coma, and death.

Illicit fentanyl is produced and distributed in many forms. In its manufactured form fentanyl is a powder. Fentanyl is more commonly marketed as pills, often disguised to look like prescription opioids such as Xanax or Oxycontin, or sold as drops on paper, inhalants, sprays, or eyedrops. Illicit fentanyl is inexpensive to produce. Illicit drug labs and dealers may mix the cheaper fentanyl with other drugs like heroin, cocaine, and methamphetamine to increase potency and profits. Many users are unaware the drugs they think they are purchasing and taking are actually fentanyl or a drug laced with fentanyl. When fentanyl is sold deceptively as another drug like Oxycontin or mixed with another drug, an overdose is referred to as “fentanyl poisoning.”

Illicit fentanyl can be fatal. A single three-milligram dose is enough to kill an average-sized adult male. Today, nationally, nearly 70% of drug related deaths are due to fentanyl. Fentanyl is responsible for approximately 70,000 overdose deaths per year in the United States.

Illicit fentanyl is predominately trafficked by Mexican cartels. The bulk of illicit fentanyl consumed in America is produced in clandestine laboratories in Mexico using chemicals mainly sourced from China; but labs are increasingly being established in Canada and the United States. Mexican cartels smuggle the cheap drug across the southern border in powder or pill form. Illicit fentanyl is prolific throughout Orange County; it is in County jails, in homeless encampments, in nightclubs and bars, in the workplace, on the street, and in homes. Acquiring illicit fentanyl is as easy as ordering a pizza.

REASON FOR THE STUDY

The Orange County Grand Jury opened an investigation into fentanyl's impact on Orange County because of the alarming rise in the number of reported fentanyl deaths in the United States, California, and Orange County in recent years.

According to the CDC, 107,735 Americans died between August 2021 and August 2022 from drug poisonings, with 66 percent of those deaths involving synthetic opioids like fentanyl. In Orange County, fentanyl related deaths have increased from 37 deaths in 2016 to 717 deaths in 2021, with fentanyl being the leading cause of death in coroner-related cases for kids 17 years and under in 2021.

“Fentanyl is involved in more deaths of Americans under 50 than any cause of death, including heart disease, cancer, homicide, suicide and other accidents.” DEA

The Grand Jury reviewed Orange County agencies' approach to fentanyl, focusing on law enforcement, health care, prevention, treatment, education, and promotion of public awareness of the dangers of fentanyl. The Grand Jury evaluated Orange County agencies' efforts toward combating the fentanyl crisis, their existing and/or emerging programs, best practices, the nature and degree of cooperation between agencies, and the presence of opportunities for cooperative efforts between agencies. This report includes recommendations to the County, its agencies, and educational institutions.

METHOD OF STUDY

The Grand Jury focused on gathering information that would lead to an understanding of the scope and severity of fentanyl's impact on our community, Orange County's efforts to address fentanyl's devastations, and how the county's efforts might be improved. A variety of methods were used to gather information including attending community and county meetings, interviewing county leadership and subject matter experts, and touring county facilities. The Grand Jury researched public and private resources including news reports, statistical data, public policy, educational materials, white papers, and scholarly papers.

The information relied upon has been corroborated and verified through multiple sources:

Interviews

Each interview concentrated on the interviewees' area(s) of expertise and experience. In some instances, we spoke to multiple individuals from the same organization as each had a unique role and therefore made a distinct contribution. Interviews included select individuals from the following:

- Multiple Orange County law enforcement agencies
- Orange County District Attorney's Office
- Orange County Public Defender's Office
- Orange County Probation Department
- Local educators at both the school and district levels
- Orange County Department of Education
- Orange County Board of Education
- Orange County Board of Supervisors
- Orange County Health Care Agency
- Victims' families
- Non-Governmental Organizations
- Orange County Collaborative Court

The Grand Jury attempted multiple times, without success, to interview a local representative of the U.S. Drug Enforcement Administration (DEA). In all cases the Grand Jury's requests were denied.

Meetings Attended

The Grand Jury attended various meetings conducted or organized by County officials, including:

- Fighting Fentanyl Together Forum: Education, Prevention, and Intervention for OC
- Orange County Criminal Justice Coordinating Council meetings
- Orange County Coroner's Quarterly Case Reviews

Site Visits

The Grand Jury conducted tours and site visits to:

- Multiple law enforcement agencies
- Juvenile Hall/Youth Leadership Academy
- Theo Lacy Jail
- Santa Ana Central Jail Complex
- Orange County Coroner's Office
- Orange County Crime Lab
- Dana Point Harbor Patrol and Newport Harbor Patrol
- Orange County Collaborative Court – Mental Health (proceedings observed)
- Orange County Collaborative Court – Drug (proceedings observed)

Key Documents

The Grand Jury examined a wide range of documents and resources, including but not limited to materials related to education, prevention, rehabilitation, and enforcement. These resources include:

- Current and proposed legislation (local, State, and federal) related to fentanyl
- Dead on Arrival documentary film
- Orange County Coroner's data/statistics
- Orange County Health Care Agency data/statistics
- Local and national news reports and articles
- Drug Abuse Warning Network's (DAWN's) report titled "Findings From Drug-Related Emergency Department Visits," 2021 (contracted by the federal Substance Abuse and Mental Health Services Administration (SAMHSA))
- California Department of Public Health data
- Educational materials produced by Orange County agencies
- Numerous white papers and scholarly papers

INVESTIGATION AND ANALYSIS

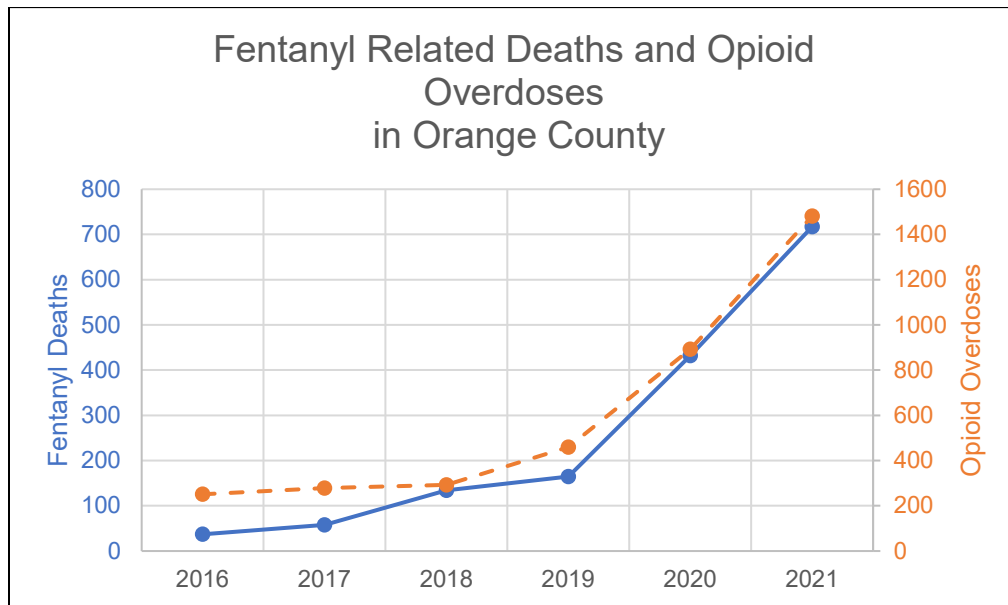
Current Status - Conditions in the County

Fentanyl is a synthetic opioid first synthesized in 1959. Fentanyl has been used medically as a general anesthetic since 1968. It is used as a pain reliever and for sedation. Today there are more than 12 different analogs of fentanyl, none approved for medical use. In 2018, the U.S. Drug Enforcement Administration (DEA) declared all fentanyl analogs unsuitable for medical use and designated them as “Schedule I” drugs.

Illicit fentanyl first made its official appearance in Orange County about 2015-2016 when it was found in a sample tested at the Orange County Crime Lab. The Crime Lab’s finding was the first officially recognized appearance of fentanyl west of the Mississippi.

Since 2016, fentanyl related drug deaths in Orange County have increased exponentially:

	Fentanyl Deaths	Non-Fatal Opioid Overdoses (includes Fentanyl)
2016	37	251
2017	58	278
2018	134	293
2019	165	460
2020	432	893
2021	717	1481



The graph above illustrates the steep increase in OC Coroner reported fentanyl deaths, and non-fatal overdoses calculated using non-fatal rates per 100,000 residents reported by emergency treatment centers to the California Department of Public Health (CDPH).

As the number of fentanyl deaths has increased every year, the opioid non-fatal overdoses resulting in emergency room treatments have also increased. Since 2016, the number of emergency room non-fatal overdoses for all opioids increased from 250 emergency room treatments to 1,480 emergency room treatments in 2021.

Illicit fentanyl is a risk to those purchasing either pharmaceutical or counterfeit pills on the street. When consuming a street drug, there is no way of knowing if it contains fentanyl, or more importantly, a lethal dose. Our friends, neighbors, families and loved ones are all at risk and should be made aware of the dangers. The tables below list the 2021 top 15 ZIP Codes of residents having non-fatal fentanyl overdose emergency room treatments, and the top 15 ZIP Codes with fentanyl related fatal overdoses. Both rankings are based on rates per 100,000 residents reported by CDPH. Fentanyl impacts every Orange County neighborhood. Orange County needs to take action to ensure the safety of our communities.

2021 Top 15 ZIP Codes ER Non-Fatal Fentanyl Related Overdoses		
Zip Code	Rate per 100,000 Population	City Names Recognized in this ZIP Code
92637	498.907	Laguna Woods, Laguna Hills
92648	117.056	Huntington Beach
92663	93.744	Newport Beach
92661	90.138	Newport Beach
92804	89.042	Anaheim
92868	85.031	Orange
92675	78.786	San Juan Capistrano, Mission Viejo
92646	76.959	Huntington Beach
92660	70.993	Newport Beach
92802	62.057	Anaheim
92801	59.392	Anaheim
92624	57.596	Capistrano Beach, Dana Point
92677	56.476	Laguna Niguel, Laguna Beach
92653	54.020	Laguna Hills, Aliso Viejo, Laguna Beach, Laguna Woods
92887	53.915	Yorba Linda

2021 Top 15 ZIP Codes Fentanyl Related Fatal Overdoses		
Zip Code	Rate per 100,000 Population	City Names Recognized in this ZIP Code
92624	102.201	Capistrano Beach, Dana Point
92637	78.579	Laguna Woods, Laguna Hills
92861	59.315	Villa Park, Orange
92661	50.146	Newport Beach
92625	47.562	Newport Beach, Corona Del Mar
92832	45.797	Fullerton
92672	44.728	San Clemente
92647	41.429	Huntington Beach
92648	41.237	Huntington Beach
92663	40.238	Newport Beach
92660	39.238	Newport Beach
92707	35.871	Santa Ana, Costa Mesa
92626	35.631	Costa Mesa
92701	35.474	Santa Ana
92675	34.451	San Juan Capistrano, Mission Viejo

From 2021 to 2022 (through October), Orange County Sheriff's Department seizure of fentanyl increased dramatically.

	Sheriff's Department Fentanyl Seizures		
	2021	2022 (Through October)	% Increase
Pounds of Fentanyl	132.9	428	222%
Pills	16,278	377,327	2218%

As deaths and overdoses have increased since 2016, a question frequently asked is “why is the cartel killing their customers?” The cartels do not have professional chemists or safeguards to ensure pharmaceutical-like quality controls when manufacturing fentanyl. The inconsistencies in the amount of fentanyl in a counterfeit pill can be fatal or induce non-fatal overdoses. Too many of Orange County’s residents are being poisoned, unaware that the pills they are taking are not from a certified pharmaceutical lab. Counterfeit pills resembling drugs such as Xanax, Percocet, Adderall, and Oxycontin look identical to the pharmaceutical drugs but have no pharmaceutical ingredients. Recreational users, those experimenting, and addicts are being deceived.

Fentanyl is highly addictive and provides a steady stream of customers to drug dealers whose profits are prioritized over safety and lives.

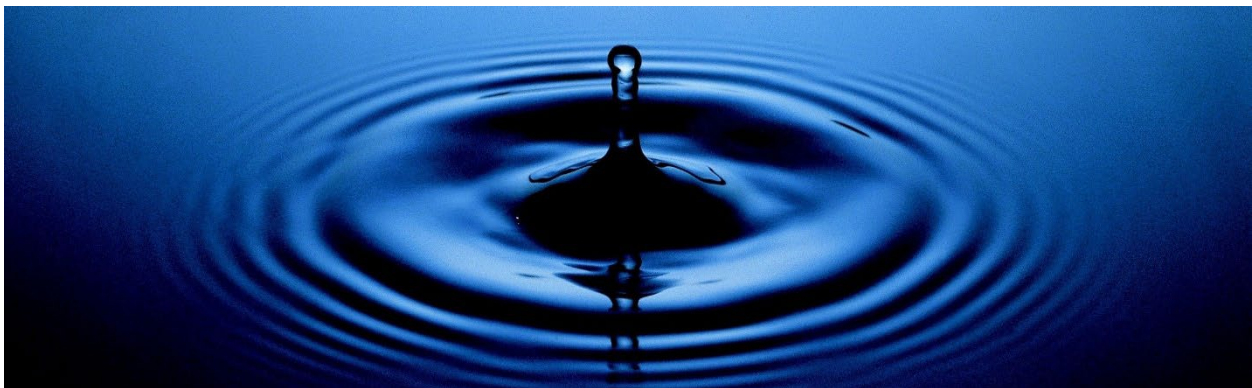
“Xylazine is making the deadliest drug threat our country has ever faced, fentanyl, even deadlier,” DEA Public Alert

In November 2022, the DEA issued a Public Safety Alert warning the public of a sharp increase in the trafficking of a new drug cocktail of illicit fentanyl and xylazine. Xylazine is a powerful sedative and pain reliever approved for veterinary use. When ingested or injected this dangerous combination of drugs puts the user at a higher risk of suffering an overdose as naloxone (Narcan), an opioid antidote, does not reverse the effects of the xylazine, which is not an opioid.

The Orange County Sheriff’s Department (OCSD) has increased its efforts to crack down on the distribution of illicit fentanyl, including forging partnerships with local and federal law enforcement agencies, increasing surveillance of major highways, and increasing enforcement efforts within the county. From March 2021 through November 2022, the OCSD investigated 146 drug-related deaths with the intent of identifying the supplier for prosecution.

In April 2022, the OCSD, the DEA, and the U.S. Attorney’s Office filed criminal homicide cases against drug dealers who sold fentanyl that caused fatal drug-related deaths in Orange County. In coordination with the Sheriff, Orange County’s District Attorney has assigned a full-time Senior Deputy District Attorney to be cross-designated as a Special Assistant United States Attorney to federally prosecute Orange County fentanyl-related crimes.

Impact – Victims, Families, and Community



<https://www.pexels.com/photo/blue-water-1>

When tragedy strikes, the effect is like rippling waves moving out from a disturbance on the surface of water. The shock of a fentanyl death on family, friends, and community is profound, persistent, and expansive. The tragedy of fentanyl is all the more poignant when the fentanyl death is of a child. The death of a loved one or a friend to fentanyl comes suddenly, unexpectedly, and is fraught with uncertainty, questions, pain, and self-doubt for those who are left behind.

Fentanyl deaths occur out of the blue. Many victims assumed they were taking a known quantity of a legitimate, pharmaceutically manufactured drug, only to be blindsided by a cheap, illegitimate counterfeit. Fentanyl represents a new, unexpected, unknown, and lethal risk. Family and friends may be aware of the victim's substance abuse and working with their loved ones toward recovery, but unaware of the risk fentanyl introduces into every illicit pill consumed.

The sudden death of a loved one to fentanyl often marks the beginning of a personal struggle of grief and self-doubt, a dark journey of discovery for family and friends. Surviving loved ones are haunted with questions of what happened? Why did this happen? How could it happen? Who is responsible? Who knew about this? Why didn't I see this? Where do I turn? Where do I find answers? Who can help me? Why?

“I originally found out who it was [the dealer] at the funeral.” Parent of a Victim

Some find answers, comfort, and solace through family, friends, their faith, and their religious community. Some find answers through personal action, finding catharsis through learning about fentanyl and the drug culture, learning and inquiring into the specifics of their own loved one's tragedy, pushing on law enforcement and the criminal justice system for action and justice, reaching out to find other members of the community who have suffered a similar loss, and engaging with the community at large to raise awareness.

The tragedy of a fentanyl death is compounded by disparagements and insinuations family and friends often encounter about the victim when the circumstances of their loved one's death are publicly discussed.

“Your kid put the pill in his mouth. It's his fault to begin with.”

As insensitive as such recriminations are, they do serve to punctuate the obstacles faced by social services, educators, and law enforcement in their efforts to bring awareness of the dangers of fentanyl to the public. Such remarks couch a sense of

moral superiority and expose an implicit denialism in supposing the risk of fentanyl to the community is a parenting problem. The risk fentanyl represents is a social problem that cuts across all demographics and is indifferent to parenting style.

To family and friends, a fentanyl death looks like a poisoning, looks like a homicide. Many victims of fentanyl-related deaths had no understanding or idea the pill they were taking contained fentanyl. Many victims assumed they were taking legitimately produced pharmaceuticals but were instead slipped illicit fentanyl. As recently as a few years ago, the criminal justice system treated all fentanyl-related deaths as drug overdoses, a tragedy without a criminal perpetrator. Family and friends of victims watched as dealers culpable for their loved one's poisoning went unprosecuted.

To their credit, Orange County's District Attorney, Sheriff, and other law enforcement officials in Orange County recognized and listened to the loved ones of victims of fentanyl poisoning. Members of Orange County's criminal justice system face a number of State legal obstacles to prosecuting fentanyl dealers, but their efforts are aggressive and creative. Fentanyl-related deaths are aggressively prosecuted.

“It’s a very lonely existence until you find the others ... because you think you're alone at first and unfortunately there's way too many just like us.”

Fortunately, the community of family and friends of victims to fentanyl deaths often find each other. They find each other through social media, word of mouth, support groups, and community and official resources. They support one another. They coordinate. They work together. They educate others. They push for legislative and criminal justice change. They find their catharsis through action. They know their efforts are potentially saving others.

Legislation

From the legislative year 2017-2018, through the current year 2023-2024, over 70 bills related in varying degrees to fentanyl have been introduced in California's legislature. The bills run the gamut:

- Reclassifying fentanyl to a Class I narcotic,
- increasing penalties for sale and distribution,
- issuing advisements in courts for specific fentanyl related crimes,
- developing a statewide task force,
- requiring schools to provide parent education,
- establishing grants for local prevention programs,
- extending the statutory rights of victims,

... and more. The overwhelming majority of these bills died in committees.

Multiple bills have already been rejected in the current legislative year and as of the publication of this report some bills remain mired in legislative committees. Based on past and current actions of both the California Senate Public Safety Committee and the Assembly Public Safety Committee, it is unlikely legislation necessary to address the fentanyl crisis and its resulting devastation to our community will be passed.

The opposition within the California Senate Public Safety Committee and the Assembly Public Safety Committee to much of the proposed fentanyl related legislation alleges toughening laws will result in “mass incarceration,” and undo the objective of current laws, such as Propositions 47 and 57, intended to reduce drug related incarcerations. Current thinking in Sacramento fails to acknowledge that incarceration, or the threat of incarceration, may lead to less crime, and in the case of fentanyl – fewer deaths. Moreover, the proposed laws are not aimed at incarcerating drug users; but rather, are intended to enhance the prosecution of drug dealers and purveyors who knowingly expose their clients to the risk of a fentanyl death.

The Grand Jury found that many of the proposed bills dead or languishing in Sacramento do not increase penalties or potential jail time for first time offenders and those charged with misdemeanor offenses, such as possession for personal use. The proposed bills target the dealers and drug traffickers, holding them accountable for the harms and deaths they cause.

Senate Bill 44 (SB 44 - Alexandra’s Law)¹

Currently, California law makes it difficult to successfully prosecute homicide charges against a person accused of selling fentanyl to an individual who subsequently dies. Multiple bills, most recently SB 44, propose requiring the courts to issue an advisory, or admonition, to defendants charged with or convicted of specific fentanyl related crimes. Such advisories establish and make clear to a person charged with or convicted of selling fentanyl that if they continue to sell drugs containing fentanyl that result in a death, they can be prosecuted for murder. The advisement in SB 44 is much like the advisement under California Vehicle Code Section 23593 (the Watson Advisement²) that advises individuals convicted of Driving Under the Influence (DUI):

“... If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.”

Bills similar to SB 44, many with bipartisan support, have been rejected by the State Senate Public Safety Committee and/or the State Assembly Public Safety Committee at least seven times in the past.

The Grand Jury recognizes that changes in laws, without addressing other aspects of the fentanyl problem, will not end the crisis. A comprehensive effort is needed, including prevention, education, rehabilitation, and enforcement. However, changes in legislation would provide more effective tools for the enforcement side of the equation.

Despite the California legislature's reluctance to pass stricter enforcement legislation, the legislature has passed a number of laws aimed at addressing the harms of the opioid epidemic to drug users, including measures increasing access to addiction treatment and measures aimed at limiting the over prescription of opioids.

Law Enforcement

The role and impact of law enforcement in controlling the spread and use of drugs in Orange County is substantial. Many arrests and prosecutions start at the street level with small and mid-level distributors in the jurisdictions of local law enforcement authorities. Sophisticated methods of distribution and sale of illicit drugs make law enforcement more complex and difficult than in days past. Drug dealers market their product in new, creative, and elusive ways on social media and the dark web.

Social media allows dealers and clients to exchange encrypted or coded messages to evade law enforcement

Social media platforms impede law enforcement investigations of fentanyl crimes. Dealers use social media as a tool to market illicit drugs. The platforms allow dealers and clients to exchange encrypted or coded messages to evade law enforcement detection. Snapchat, a platform which has a high volume of drug related activity, retains its messaging data for only 24 hours, at which time it disappears, without a trace of any transaction. Law enforcement's efforts to obtain information from social media platforms is met with resistance.

The decades-old federal Communications Decency Act, Section 230³ provides some protection for social media companies from liability. Other countries have been able to hold the platforms accountable and made them change their business practices. This is being revisited currently in the United States yet has not been accomplished.

With respect to drug addicts and recreational users of drugs, laws and law enforcement have pivoted away from the old, stern, penal approach regarding use and possession of illicit drugs to a prevention and treatment approach. The change has transformed the criminal justice system's approach from punishment and detention to treatment and rehabilitation while in custody.

Orange County law enforcement agencies are involved in more than just arrests and prosecutions. Law enforcement initiates and participates in education programs throughout Orange County, in schools and in the community at large. Law enforcement works with the Courts and Orange County Health Care Agency to provide continuity of care when transitioning individuals from in-custody rehabilitation and treatment to post-custody living.

Law enforcement agencies such as the Orange County Sheriff's Department, local police, and the Orange County District Attorney have increased their efforts to identify and target individuals and Drug Trafficking Organizations (DTOs) involved in the distribution and the sale of fentanyl by conducting investigations, making arrests, seizing small and large quantities of fentanyl, and aggressively prosecuting fentanyl cases.

Orange County Sheriff's Department

The Sheriff's Department is actively addressing the illicit fentanyl problem along with other illegal drugs in Orange County by interrupting their distribution and sale. The Orange County Sheriff's Department and municipal police work closely with State and federal agencies to investigate and bring to justice individuals and DTOs involved in drug related cases, including fentanyl.

Sheriff's narcotics operations consist of:

- Parcel Interdiction Team at John Wayne Airport,
- North and South Street narcotics teams,
- Highway Interdiction Team (HIT),
- Regional Narcotics Program (RNP) task forces.

The street narcotic teams have a wide range of responsibilities: suppressing street level drug activities, investigating complex operations of drug traffickers, investigating illegal manufacturing and distribution of controlled substances, and responding to tips and citizens' complaints. The teams work with the California Highway Patrol, County Probation, and the court system. They also conduct probation and parole searches and testify as expert witnesses.

The Highway Interdiction Team (HIT) focuses on interrupting the transportation of drugs on Interstate 5, which is the main corridor DTOs use to transport narcotics into, and through, Orange County. Geographically, HIT covers Orange County down to its border with San Diego County.

Multiagency task forces in which Orange County Sheriff's Department participates consist of:

- Regional Narcotics Suppression Program (RNSP) is a specialized task force consisting of federal, state, county, and local agencies. The task force targets individuals engaged in high level drug trafficking and money laundering.
 - Orange County is a High Intensity Drug Trafficking Area (HIDTA), a component of the DEA's "National Drug Strategy". The HIDTA program identifies high volume drug trafficking areas within the United States for targeted surveillance and concentration of resources in the pursuit of drug cartels and interdiction.

- Orange County Clandestine Laboratory Emergency Action Network (OCCLEAN) is the Orange County chapter of the Regional Methamphetamine Task Force Initiative that investigates clandestine laboratories.
- Vehicle Interdiction Pipeline Enforcement Resources (VIPER) is a program targeted to intercept vehicles that are used to transport illegal drugs including fentanyl.

The Orange County Sheriff's Department also patrols Orange County's western border, consisting of the coastline and the county's harbors. The Sheriff receives funding from the Federal Emergency Management Agency (FEMA) from a grant program named "Operation Stonegarden." The funding goes to enhancing cooperation and coordination among state, local, tribal, territorial, and federal law enforcement agencies to jointly improve security along the United States land and water borders.

These various but focused programs and activities allow the Orange County Sheriff's Department to conduct multi-pronged operations to combat the illicit drug trade.

In addition to direct law enforcement, the Sheriff's Department vigorously promotes anti-drug education and prevention. The Sheriff, in conjunction with other counties, actively lobbies the State legislature to enact laws addressing issues particular to fentanyl law enforcement.

The Orange County Sheriff's Department works with the Orange County District Attorney and the U.S. Department of Justice (DOJ) in drug-related prosecutions. In particular, the Orange County Sheriff's Department works with the DOJ to prosecute fentanyl deaths as homicides when a fentanyl-related death can be linked to a particular dealer who sold the drug.

Orange County District Attorney

The Orange County District Attorney's Office (OCDA) considers fentanyl to be one of the most dangerous drugs currently in circulation in the county. The OCDA prioritizes fentanyl prosecutions.

The OCDA's Narcotics Enforcement Team (NET) consists of investigators and prosecutors who work closely with the Orange County Sheriff's Department, local law enforcement agencies, and multiagency task forces to target large-scale illicit drug operations for criminal prosecution. Their investigations and prosecutions cover large-scale international and interstate movement and circulation of illegal controlled substances coming through commercial shipping companies. Their work usually involves long-term narcotics investigations of interstate trafficking over multiple jurisdictions in partnership with state and federal investigative agencies.

Currently fentanyl is a "Schedule II" narcotic on the California Controlled Substance Schedule. The OCDA actively lobbies the California legislature, including efforts to reclassify fentanyl as a "Schedule I" narcotic. The OCDA also lobbies for legislation requiring an advisory to be issued to those charged with or convicted of selling fentanyl.

This advisory would put the individual on notice that if the individual continues to sell drugs containing fentanyl that result in a death, the individual can be prosecuted for murder.

Because California law requires proof of “intent to kill” and “malice aforethought” to convict a dealer of murder when the drug they sell results in a death, it is difficult to obtain such a conviction in California courts. The OCDA works with the DOJ in such cases because federal statutes have different burdens of proof. An attorney from the OCDA’s office has been cross-designated as a federal prosecutor to prosecute fentanyl dealers when they sell drugs that result in an Orange County death.

The DA actively promotes public awareness and education of the risks of fentanyl.



OC District Attorney Office. Fentanyl Awareness Ad Campaign

In 2021, the OCDA launched a countywide campaign with the Orange County Transit Authority (OCTA). The campaign posted the slogans:

- “One Pill Will Kill”
- “Fentanyl Ends Life in a Snap”
- “Will You Bury Your Child?”
- “Fentanyl Murders Our Kids Every Day”

along with a fentanyl death meter counting the number of deaths in California that year.

These ads are still on display on the sides and backs of OCTA buses throughout Orange County.

OC Probation

The Orange County Probation Department and its probation officers are responsible for monitoring and supervising individuals who are placed on probation by Orange County courts. The Probation Department also oversees Orange County's juvenile hall.

The Probation Department plays a key role in the rehabilitation of drug users. The department supervises all probationers of Orange County's criminal justice system, whether the probationer's crime was drug-related or not.

The Orange County Probation Department's position in the criminal justice system makes it a pivotal player in rehabilitating drug users. Probation supervises probationers as they transition through conviction or custody and rehabilitative services. Probation is a core participant in the collaborative court system. A probation officer's job is to monitor a probationer's behavior through their probation period, but they also serve as life coaches to probationers, providing advice and guidance.

The Probation Department regularly tests probationers and the juveniles under its supervision for the presence of narcotics, including fentanyl. The courts determine whether a probationer will be subject to drug testing by the Probation Department. Not all probationers are on probation for narcotic violations, and they may have a legal argument that testing a probationer convicted of a non-drug offense is unwarranted. Nevertheless, the courts order 90 percent of adult probationers to submit to routine drug testing, and close to 100% of juveniles are ordered to submit to testing.

One hundred percent of youths entering juvenile hall admit to some form of prior drug usage. Incarcerated juveniles are subject to drug testing and all are tested. The Orange County Health Care Agency provides all of Probation's juvenile drug treatment and rehabilitation services, tailoring each youth's treatment to their need. The Probation Department has programs and workshops to educate and communicate the risks of drugs to their juvenile detainees.

Despite constant and rigorous efforts of the Probation Department to monitor and test probationers and juveniles under its supervision, the department has recorded fentanyl deaths of its clients. In 2020 there was one juvenile and one adult death, in 2021 seven juvenile and thirteen adult deaths, and in 2022 two juvenile and three adult deaths. None of the deaths occurred among probationers or juveniles while in custody. All deaths were at the homes of the clients, and not under the direct supervision of the Probation Department.

Orange County Public Defender

The Orange County Public Defender's office provides legal representation to those who cannot afford to hire a lawyer and have been charged with a crime, including drug-related offenses. The office is recognized nationally as a leader in the defense and safeguarding of the constitutional rights of their clients.

Generally, in any defense strategy in which the individual is charged with a drug crime, including fentanyl, the office may negotiate a plea deal, presents evidence in court, and advocates for the individual's rights in the judicial process. The Public Defender's defense strategy depends on the individual circumstances of the crime, the availability of evidence, and the preferences of the defendant.

Prevention and Treatment

The Dangers of Fentanyl/Opioid:

Drug users purchasing drugs on the street or via social media often believe they are purchasing pharmaceutical quality drugs: drugs manufactured by reputable, FDA-regulated pharmaceutical companies. In most cases, they are buying pills made to look like common medications, when in reality they are unknowingly purchasing phony pills containing cheap fentanyl disguised as the authentic drug.



lethal dose of fentanyl ([Fentanyl \(dea.gov\)](https://www.dea.gov))

There is a way a user can test for fentanyl in the pills they purchase. Inexpensive test strips that test for fentanyl can be found at your local health department, at a needle-exchange program in your community, and from reliable online sources. The test strips typically give results within 5 minutes. Unfortunately, while the test can be the difference between life or death, the test is destructive; meaning the pill is destroyed in the test and no longer available for consumption. The next pill may or may not contain fentanyl or may contain an amount of fentanyl greater than the pills tested.



Courtesy of DEA

Treatment for fentanyl overdose:

Treatment for fentanyl overdose is offered in emergency rooms and medical centers throughout the county. Naloxone is an antidotal medicine that quickly counteracts the effects of a fentanyl overdose when administered right away. It works by rapidly binding to opioid receptors in the brain, blocking the effects of these drugs. As effective as Naloxone is, fentanyl is much stronger than other opioids, such as morphine, and very often requires multiple doses of naloxone. Fentanyl overdose victims require transport to a medical center where continued treatments can be administered.

Naloxone has been distributed to law enforcement, first responders, schools, and other municipal agencies. Naloxone is also available over the counter for use by the public in emergencies prior to transport to a medical facility. Naloxone is available as an injectable (needle) solution and nasal sprays (NARCAN® and KLOXXADO®). People who are given naloxone should be monitored for another two hours after the last dose of naloxone is given to make sure breathing does not slow or stop.

Treatment for fentanyl addiction:

Medication, in combination with behavioral therapies, has been shown to be effective in treating people with addiction to fentanyl and other opioids. Medication-Assisted Treatment, or MAT, is substance treatment that includes both medication and psychotherapy. Doctors often use this treatment when helping people with opioid problems. MAT programs in Orange County are vital to opioid addiction recovery.

The Orange County Health Care Agency (OCHCA) is very involved in creating change as it relates to public awareness and services. The OCHCA has worked in partnership with many entities to create public awareness and drive policy and programs, including the OC Sheriff's Department, OC Department of Education, and the Los Angeles Angels of Anaheim organization. OCHCA's efforts include a comprehensive media campaign and frequent townhall meetings.

There are many treatment centers, both inpatient and outpatient, throughout the county that treat opioid addiction. Hospitals, along with independent recovery and treatment centers, are the main providers of treatment. OCHCA provides services for addiction to the homeless.

The Orange County Sheriff's Department (OCSD) and Orange County Health Care Agency (OCHCA) have worked to increase access to treatment and recovery services for individuals, in-custody and not, struggling with opioid addiction by providing medication assisted treatment (MAT) and counseling. The in-custody MAT program currently serves more than 900 inmates every day.

Collaborative Courts:

Collaborative Courts are specialized court tracks that the State of California implemented to address personal and community issues that can underlie criminal behavior, including the use of illicit drugs and fentanyl. Collaborative Courts take the adversarial court process and move it to a collaborative effort between Drug Courts, the Probation Department, Health Care Agency, District Attorney's Office, law enforcement, and defense attorneys.



Courtesy of OC Collaborative Courts

Drug Collaborative Courts act to integrate the criminal justice system with social services and health treatment providers. The process begins post-conviction of those individuals who are addicted to opioids and other drugs while engaging in illegal activities. There are two distinct tracks, a 12-month track for misdemeanors and an 18-month track for felonies. This process includes active judicial monitoring and a team approach to decision making. Homeless drug addicts represent a special problem in Orange County and present an additional challenge to be addressed by the team.

“Using fentanyl is like playing Russian Roulette with five bullets in the gun.”
OC Collaborative Courts

Drug Courts supervise, mentor, and hold accountable addicted offenders who are at high risk of reoffending. Drug Court is a voluntary program that provides participants with individualized treatment plans to achieve sobriety.



Courtesy of OC Collaborative Courts

Collaborative courts in California have been in operation since 1998. There are 84 adult Drug Courts and 24 Juvenile Drug Courts statewide. One study of nine Drug Courts conservatively estimates the program saves the State \$90 million annually in criminal justice costs.

Education

The Orange County Sheriff’s Department, the courts of Orange County, and representatives of the medical and mental health departments are reaching out to the community, providing education and warning of the dangers of fentanyl.

Several educational programs are currently being developed and offered to Orange County students and parents through a variety of county organizations. Feedback from participants about these programs has been favorable:

Above the Influence

A six-week substance abuse government-based campaign of the National Youth Anti-Drug Media Campaign conducted by the Office of National Drug Control Policy. It is being taught by deputies within the Orange County Sheriff's Department to fifth and sixth grade students. A section of the program covers the dangers of fentanyl use and its rising prevalence in Orange County.

Drug Abuse is Life Abuse

A support group of the Orange County Sheriff's Advisory Council. It works to bring leaders in business, government, education, religion, and law enforcement together with families to change the way society perceives drug use. These leaders educate students and parents in schools throughout Orange County. There are 24 participating schools to date. This program offers tailored programs for K-12th graders and coincides with the DEA's *Red Ribbon* campaign, which occurs annually in the last week of October.

Funding for this program is sourced from several groups. The three Sheriff's officers conducting the training are funded by the OC Sheriff's Department, and another deputy is paid through a grant given through the Sheriff's Advisory Council. This program also receives partial funding from asset forfeiture funds.

Fighting Fentanyl Together Forum

A one-time forum held at the Orange County Sheriff's Regional Training Academy on November 4, 2022 featured speakers and presenters from law enforcement, clinicians, educators, and community organizations sharing information on topics spanning from statistics and trends to the biology of addiction to prevention strategies. More than 500 people attended, and all attendees were offered a two-pack of Narcan (Naloxone), the opioid overdose reversal medication, and a demonstration on applying it to an overdose victim.

The Orange County Department of Education is working to educate and inform students and parents on the dangers and urgency of the crisis through student advisory programs and parental workshops. Additionally, there are non-governmental organizations in the state and throughout the country who put on informative presentations and programs that the Grand Jury feels are helpful in curbing the rising trend of fentanyl addiction and fatalities. The Grand Jury recommends that these educational programs be considered for possible inclusion in Orange County's educational system.

CONCLUSION

Orange County still faces significant challenges related to illicit fentanyl addiction, poisoning, and death. The availability of illicit fentanyl on the streets and through social media is described as overwhelming. Orange County will benefit by having a chartered fentanyl Task Force to develop, launch, monitor and fine-tune a county-wide plan to reduce the harm caused by illicit fentanyl and other opioids.

Orange County needs leaders from all impacted agencies along with key non-government organizations and community leaders to work in unison to prevent fentanyl distribution and use from becoming a widening crisis. A task force could provide full support to law enforcement agencies who must continue to target drug dealers and distributors for prosecution; and work with legislators to adopt drug prevention legislation.

The Grand Jury heard loud and clear that Orange County cannot law enforce its way out of this crisis. Expanding public awareness and practicing safeguards are the best preventive measures. Orange County needs influential voices within our communities and schools to highlight the dangers and risks of illicit fentanyl, opioid use, and addiction.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Russian Roulette: Fentanyl in Orange County”, the 2022-2023 Grand Jury has arrived at ten Findings, as follows:

- F1** Illicit fentanyl is sold on the streets and through social media marketed as legitimate pharmaceuticals, or as other drugs laced with fentanyl, or sold as straight fentanyl, leading to exponentially increasing fentanyl addiction and deaths in Orange County.
- F2** Illicit fentanyl is a pervasive problem in Orange County.
- F3** Drug dealers use social media to sell fentanyl and other drugs. Social media business models impede law enforcement investigations.
- F4** California law limits prosecution of fentanyl deaths as homicides. Fentanyl death related cases are selectively referred for federal filing consideration. The Orange County District Attorney has cross-designated one of its own senior deputy district attorneys to prosecute such cases under federal narcotics laws.
- F5** California law does not provide for uniform admonishment of drug dealers of their potential criminal liability for drug-related deaths. Proposed legislation requiring judicial admonishments has been rejected multiple times by the California Legislature.
- F6** Under current California law, fentanyl related felonies are not subject to additional penalty for weight enhancements as are other dangerous drugs such as cocaine and heroin.
- F7** Orange County will benefit by establishing a chartered multi-agency Task Force to address the fentanyl crisis in Orange County.
- F8** As long as there is a demand, producers will find ways to supply drugs. Orange County cannot law enforce its way out of the fentanyl crisis. Education, prevention, and treatment are critical to reducing demand.
- F9** There is a need to increase public awareness and acknowledgement of the risks of illicit fentanyl.
- F10** Some educational institutions are not participating in available educational and preventive fentanyl/drug programs.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Russian Roulette: Fentanyl in Orange County”, the 2022-2023 Grand Jury has arrived at five Recommendations, as follows:

- R1** By January 1, 2024, the Orange County Board of Supervisors should charter a multi-agency Task Force to address the fentanyl crisis. (F2, F7, F8, F9)
- R2** By July 1, 2024, the Orange County Board of Supervisors, the Orange County District Attorney, and the Orange County Sheriff should lobby the California State Legislature to add fentanyl to the list of drugs subject to penalty enhancements in felony drug convictions and to add statutory authority for judicial admonishments when drug dealers and traffickers are convicted of fentanyl-related crimes. (F4, F5, F6)
- R3** By July 1, 2024, Orange County Law Enforcement agencies should work with social media companies to ensure law enforcement has timely access to drug-related criminal activity information on their platforms. (F1, F2, F3)
- R4** By January 1, 2024, the Orange County Sheriff’s Department, Probation Department, and Orange County Health Care Agency should collaborate to evaluate the effectiveness of existing in-custody and post-custody sobriety treatment programs and determine where improvements can be incorporated. (F2, F7, F8)
- R5** By January 1, 2024, the Orange County Department of Education should develop a model fentanyl/opioid prevention educational program to be offered to all K-12 school districts in Orange County. (F2, F8, F9, F10)
- R6** By October 1, 2023, the Orange County Department of Education should promote the use of currently established and in-place fentanyl and drug-related educational programs offered by OC agencies such as Health Care Agency, OC Sheriff’s Department, and non-governmental organizations to all K-12 school districts in Orange County. (F2, F8, F9, F10)

RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the

agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required and requested from:

Findings – 90 Day Response Required

OC Board of Supervisors F1, F2, F3, F4 F5, F6, F7, F8, F9, F10

The School Boards of:

Anaheim Elementary F2, F7, F8, F9, F10

Anaheim UHSD F2, F7, F8, F9, F10

Brea-Olinda Unified F2, F7, F8, F9, F10

Buena Park Elementary F2, F7, F8, F9, F10

Capistrano Unified F2, F7, F8, F9, F10

Centralia Elementary F2, F7, F8, F9, F10

Cypress Elementary F2, F7, F8, F9, F10

Fountain Valley F2, F7, F8, F9, F10

Fullerton Elementary F2, F7, F8, F9, F10

Fullerton Joint UHSD F2, F7, F8, F9, F10

Garden Grove Unified F2, F7, F8, F9, F10

Huntington Beach City F2, F7, F8, F9, F10

Huntington Beach UHSD F2, F7, F8, F9, F10

Irvine Unified F2, F7, F8, F9, F10

Laguna Beach Unified F2, F7, F8, F9, F10

La Habra City F2, F7, F8, F9, F10

Los Alamitos Unified F2, F7, F8, F9, F10

Lowell Joint Elementary	F2, F7, F8, F9, F10
Magnolia Elementary	F2, F7, F8, F9, F10
Newport-Mesa Unified	F2, F7, F8, F9, F10
Ocean View Elementary	F2, F7, F8, F9, F10
Orange Unified	F2, F7, F8, F9, F10
Placentia-Yorba Linda	F2, F7, F8, F9, F10
Saddleback Unified	F2, F7, F8, F9, F10
Santa Ana Unified	F2, F7, F8, F9, F10
Savanna Elementary	F2, F7, F8, F9, F10
Tustin Unified	F2, F7, F8, F9, F10
Westminster School District	F2, F7, F8, F9, F10

Recommendations – 90 Day Response Required

OC Board of Supervisors	R1, R2, R3, R4, R5
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The School Boards of:

Anaheim Elementary	R1, R5, R6
Anaheim UHSD	R1, R5, R6
Brea-Olinda Unified	R1, R5, R6
Buena Park Elementary	R1, R5, R6
Capistrano Unified	R1, R5, R6
Centralia Elementary	R1, R5, R6
Cypress Elementary	R1, R5, R6
Fountain Valley	R1, R5, R6
Fullerton Elementary	R1, R5, R6
Fullerton Joint UHSD	R1, R5, R6

Garden Grove Unified	R1, R5, R6
Huntington Beach City	R1, R5, R6
Huntington Beach UHSD	R1, R5, R6
Irvine Unified	R1, R5, R6
Laguna Beach Unified	R1, R5, R6
La Habra City	R1, R5, R6
Los Alamitos Unified	R1, R5, R6
Lowell Joint Elementary	R1, R5, R6
Magnolia Elementary	R1, R5, R6
Newport-Mesa Unified	R1, R5, R6
Ocean View Elementary	R1, R5, R6
Orange Unified	R1, R5, R6
Placentia-Yorba Linda	R1, R5, R6
Saddleback Unified	R1, R5, R6
Santa Ana Unified	R1, R5, R6
Savanna Elementary	R1, R5, R6
Tustin Unified	R1, R5, R6
Westminster School District	R1, R5, R6

Findings – 60 Day Response Required

OC Sheriff-Coroner	F1, F2, F3, F4 F5, F6, F7, F8, F9, F10
OC District Attorney	F1, F2, F3, F4 F5, F6, F7, F8, F9, F10
OC Department of Education	F2, F7, F8, F9, F10

Recommendations – 60 Day Response Required

OC Sheriff-Coroner	R1, R2, R3, R4
OC District Attorney	R1, R2, R3
OC Department of Education	R1, R5, R6

Findings – 90 Day Response Requested

OC Health Care Agency	F1, F2, F7, F8, F9, F10
OC Probation Department	F1, F2, F3, F7, F8, F9
OC Public Defender	F1, F2, F4, F5, F7, F8, F9


Recommendations – 90 Day Response Requested

OC Health Care Agency	R1, R4
OC Probation Department	R1, R3, R4
OC Public Defender	R1

APPENDIX 1

EMOJI DRUG CODE | DECODED

DRUG ENFORCEMENT ADMINISTRATION



EMOJI DRUG CODE | DECODED

COMMON EMOJI CODES

FAKE PRESCRIPTION DRUGS

<p style="text-align: center; font-weight: bold; color: #1a3d54;">PERCOCET & OXYCODONE</p> <p style="text-align: center;">💊 🟦 🅑 🍌</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">XANAX</p> <p style="text-align: center;">💊 🟡 🚗</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">ADDERALL</p> <p style="text-align: center;">💊 A- 🚂</p>
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DEALER SIGNALS

<p style="text-align: center; font-weight: bold; color: #1a3d54;">DEALER ADVERTISING</p> <p style="text-align: center;">💰 🏠 💵 📱</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">HIGH POTENCY</p> <p style="text-align: center;">🚀 💣 💥</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">UNIVERSAL FOR DRUGS</p> <p style="text-align: center;">🍁</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">LARGE BATCH</p> <p style="text-align: center;">🍪</p>
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OTHER DRUGS

<p style="text-align: center; font-weight: bold; color: #1a3d54;">METH</p> <p style="text-align: center;">🧊 ❤️ 💎 🍷</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">HEROIN</p> <p style="text-align: center;">❤️ 🐍</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">COCAINE</p> <p style="text-align: center;">❄️ 🌨️ 🧑‍🎅 💎 🕒 🔑 😊 🐟</p>	
<p style="text-align: center; font-weight: bold; color: #1a3d54;">MDMA & MOLLIES</p> <p style="text-align: center;">❤️ ⚡ ✕ 💊 🍀</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">MUSHROOMS</p> <p style="text-align: center;">🍄</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">COUGH SYRUP</p> <p style="text-align: center;">🍇 ❤️ 🍷</p>	<p style="text-align: center; font-weight: bold; color: #1a3d54;">MARIJUANA</p> <p style="text-align: center;">👋 🔥 🌴 🌲 😬 👋 🍀</p>

This reference guide is intended to give parents, caregivers, educators, and other influencers a better sense of how emojis are being used in conjunction with illegal drugs. Fake prescription pills, commonly laced with deadly fentanyl and methamphetamine, are often sold on social media and e-commerce platforms – making them available to anyone with a smartphone.

#ONEPILLCANKILL

Disclaimer: These emojis reflect common examples found in DEA investigations. This list is not all-inclusive, and the images above are a representative sample.



dea.gov/onepill

APPENDIX 2

Related Federal and California Laws

Select Federal Laws

- Controlled Substances Act of 1970 (CSA)
- The Synthetic Drug Abuse Prevention Act of 2012
- The Comprehensive Addiction and Recovery Act of 2016 (CARA)
- The Ensuring Patient Access and Effective Drug Enforcement Act of 2016
- Pending Legislation:
 - The Combating Illicit Xylazine Act of 2023 (House - introduced March 28, 2023; referred to Committees Energy and Commerce; Judiciary; referred to the Subcommittee on Health.)
 - The Fairness in Fentanyl Sentencing Act of 2023 (Senate - introduced March 3, 2023; referred to the Committee on the Judiciary.)
 - The PREVENT Fentanyl Act of 2023 (Senate – March 27, 2023 read twice and referred to the Committee on Homeland Security and Governmental Affairs.)

Select California Laws

- California Health and Safety Code Uniform Controlled Substances Act Sections 11000-11651.
 - Section 11350(a) possession of any controlled substance
 - Section 11351(a) possession of any controlled substance with intent to sell
 - Section 11352(a) transportation of controlled substance
 - Section 11379.6 manufacturing of controlled substance
 - Section 11550 crime if person is under the influence of a controlled substance
- California Penal Code Section 187 defines murder as unlawful killing ... with malice aforethought
- California Penal Code Section 273a (a) child endangerment

APPENDIX 3

Recognizing the signs of opioid overdose can save a life

Here are some things to look for:

- Small, constricted “pinpoint pupils”
- Falling asleep or losing consciousness
- Slow, weak, or no breathing
- Choking or gurgling sounds

- Limp body
- Cold and/or clammy skin
- Discolored skin (especially in lips and nails)

What should you do if you think someone is overdosing?

1. Call 911 immediately. *
2. Administer naloxone, if available.
3. Try to keep the person awake and breathing.
4. Lay the person on their side to prevent choking.
5. Stay with the person until emergency assistance arrives.

*Most states, including California, have laws that may protect a person who is overdosing or the person who called for help from legal trouble.

It may be hard to tell whether a person is high or experiencing an overdose. If you are not sure, treat it like an overdose—you could save a life.

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GLOSSARY

Analog

Drugs that are similar in chemical structure or pharmacologic effect to another drug, but are not identical.

Drug Trafficking Organizations

Drug Trafficking Organizations are complex organizations with highly defined command-and-control structures that produce, transport, and/or distribute large quantities of one or more illicit drugs.

Fentanyl

Pharmaceutical fentanyl is a synthetic opioid, approved for treating severe pain, typically advanced cancer pain. It is 50 to 100 times more potent than morphine. However, illegally made fentanyl is sold through illicit drug markets for its heroin-like effect, and it is often mixed with heroin or other drugs, such as cocaine, or pressed into counterfeit prescription pills.

Heroin

An illegal, highly addictive opioid drug processed from morphine and extracted from certain poppy plants.

Illicit drugs

The nonmedical use of a variety of drugs that are prohibited by law. These drugs can include: amphetamine-type stimulants, marijuana/cannabis, cocaine, heroin, other opioids, and synthetic drugs, such as illicitly manufactured fentanyl (IMF) and ecstasy (MDMA).

Medication-assisted treatment (MAT)

Treatment for opioid use disorder combining the use of medications (methadone, buprenorphine, or naltrexone) with counseling and behavioral therapies.

Methamphetamine

A highly addictive central nervous system stimulant that is also categorized as a psychostimulant. Methamphetamine use has been linked to mental disorders, problems with physical health, violent behavior, and overdose deaths. Methamphetamine is commonly referred to as meth, ice, speed, and crystal, among many other terms.

Naloxone

A drug that can reverse the effects of opioid overdose and can be life-saving if administered in time. The drug is sold under the brand name Narcan or Evzio.

Opioid

Natural, synthetic, or semi-synthetic chemicals that interact with opioid receptors on nerve cells in the body and brain and reduce the intensity of pain signals and feelings of pain. This class of drugs includes the illegal drug heroin, synthetic opioids such as fentanyl, and pain medications available legally by prescription, such as oxycodone, hydrocodone, codeine, morphine, and many others. Prescription opioids are generally safe when taken for a short time and as directed by a doctor, but because they produce euphoria in addition to pain relief, they can be misused and have addiction potential.

Opioid addiction

Opioid use disorder (OUD) occurs when attempts to cut down or control use are unsuccessful or when use results in social problems and a failure to fulfill obligations at work, school, and home. Opioid addiction often comes after the person has developed opioid tolerance and dependence, making it physically challenging to stop opioid use and increasing the risk of withdrawal.

Overdose

Injury to the body (poisoning) that happens when a drug is taken in excessive amounts. An overdose can be fatal or nonfatal.

Schedule I Drug

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical treatment use in the U.S.
- It has a lack of accepted safety for use under medical supervision.

Schedule I drugs carry the most severe penalties.

Schedule II Drug

- The drug has a high potential for abuse
- The drug has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions
- Abuse of the drug may lead to severe psychological or physical dependence

ABBREVIATIONS

DEA: Drug Enforcement Agency

DHE: Domestic Highway Enforcement

DUI: Driving Under Influence

DTO: Drug Trafficking Organization

FEMA: Federal Emergency Management Agency

HIDTA: High Intensity Drug Trafficking Area

HIT: Highway Interdiction Team

MAT: Medication-Assisted Treatment

NET: Narcotics Enforcement Team

OCDA: Orange County District Attorney

OCCLEAN: Orange County Clandestine Emergency Action Network

OCSD: Orange County Sheriff's Department

RNSP: Regional Narcotics Suppression Program

SAMHSA: Substance Abuse and Mental Health Services Administration

NOTICE

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

ENDNOTES

¹ Senate Bill 44 – Alexandra’s Law -- will require that a written advisory or admonishment be issued to a person convicted of a fentanyl-related drug offense notifying the person of the danger of manufacturing and distributing controlled substances and of potential future criminal liability if another person dies as a result of that person’s actions.

² California Vehicle Code Section 23593.

“(a) The court shall advise a person convicted of a violation of Section 23103, as specified in Section 23103.5, or a violation of Section 23152 or 23153, as follows:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.”

(b) The advisory statement may be included in a plea form, if used, or the fact that the advice was given may be specified on the record.

(c) The court shall include on the abstract of the conviction or violation submitted to the department under Section 1803 or 1816, the fact that the person has been advised as required under subdivision (a).

(Amended by Stats. 2005, Ch. 279, Sec. 24. Effective January 1, 2006.)” Accessed May 1, 2023. [Law section \(ca.gov\)](#)

³ Section 230 is a section of Title 47 of the United States Code that was enacted as part of the Communications Decency Act of 1996, which is Title V of the Telecommunications Act of 1996, and generally provides immunity for online computer services with respect to third-party content generated by its users. At its core, Section 230(c)(1) provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users:

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

Section 230(c)(2) further provides "Good Samaritan" protection from civil liability for operators of interactive computer services in the good faith removal or moderation of third-party material they deem "obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected." Accessed May 22, 2023. https://en.wikipedia.org/wiki/Section_230