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Upcoming Webinar!

Disrupting "Pill Mills": Using Data to Investigate and Prosecute Prescription Drug Diversion

Presented by the Montgomery County District Attorney's Office, IPS Grantee

September 8, 2021 at 1 PM CT / 2 PM ET

The opioid epidemic has devastated communities across the United States, resulting in hundreds of thousands of lives lost in the past two decades. In response, some state and local prosecutors have taken a data-driven approach to the crisis. This webinar will spotlight the experiences of an IPS grantee's efforts to tackle one troubling aspect of the opioid epidemic—doctors and pharmacists who inappropriately disseminate opioid medications. Tamara Holland of the Montgomery County District Attorney's Office in Texas will discuss data-driven methods to identify and prosecute "pill-mill" practices, such as analyzing prescription history data through Prescription Drug Monitoring Programs and overdose death data from

medical examiners' offices.

Upon completion of this session, participants will be better able to:

- Collaborate with allied professionals to collect and analyze comprehensive data.
- Identify connections between at risk-patients and drug-diverting pharmacies and doctors.
- Utilize data analysis in conjunction with other intelligence-building techniques to inform charging strategies for prosecuting “pill-mill” doctors.

Register Here!

FEATURED RESOURCE

[The Prosecutors' Guide for Reducing Violence and Building Safer Communities](#)

Informed by a roundtable of experienced prosecutors from around the country, this Guide provides a systematic way for prosecutors' offices to evaluate their practices with respect to the key elements of a successful violent crime reduction strategy.

This Guide is intended to enable the executives responsible for operating a prosecutor's office to identify policies and practices that can be readily implemented, as well as those that represent actionable goals to work toward. It suggests practices that are customizable and scalable, from foundational to enhanced, depending on an office's



available resources and experiences, as well as jurisdiction-specific needs and challenges.

STRATEGIES IN FOCUS

Montgomery County District Attorney's Office



The [Montgomery County District Attorney's Office](#) (MCDAO) has developed a Pre-Crime Unit, which targets the sources of prescription drug abuse through aggressive and responsible investigations and prosecutions. The Unit, which consists of a prosecutor, an investigator, and a paralegal, adopted an innovative approach to detect suspicious prescription opioid activities in the County. An integrated, actionable dataset was built to retrospectively track prescription records for high-risk individuals — who were identified as such based on known health outcomes or criminal justice outcomes. Law-violating prescribers and doctor shoppers can be detected via the leads from this dataset for further investigation and prosecution.

As part of the project, the MCDAO began to compile data on overdose deaths, overdose hospitalizations and other reports from the Department of Public Safety to identify concerning medical practices. Four doctors were identified and on June 26, 2019, search warrants were executed at their offices and medical and other records were seized. After additional investigation, charges were brought against all four of those doctors.

For more information on Montgomery County's project, please visit our IPS website [here](#).

CASE HIGHLIGHT

[United States v. Zupnik, 989 F.3d 649 \(8th Cir. 2021\)](#)

The defendant was convicted of one count of attempting to entice a minor using the internet in violation of 18 U.S.C. § 2422(b). The defendant appealed, arguing there was insufficient evidence to support his conviction. The defendant relied on *United States v. Hite*, 769 F.3d 1154 (D.C. Cir. 2014) which held that the "ordinary meanings" of persuade, induce, entice, and coerce "demonstrate that § 2422(b) is intended to prohibit acts that seek to transform or overcome the will of a minor." The Eighth Circuit rejected this definition and instead relied on *United States v. Patten*, 397 F.3d 1100 (8th Cir. 2005), which held that a defendant can be found to "persuade" or "entice" even a seemingly "willing" minor.

The circuits are currently divided over the meaning of the operative verbs in § 2422(b). The Fourth, Sixth, and Seventh Circuits have followed the D.C. Circuit. The Eleventh, Eighth, and Second Circuits interpret the statute to prohibit certain acts even if the minor (or law enforcement disguised as a minor) is a fully willing participant.

To address this conflict, the defendant filed a petition for writ of certiorari. The United States' response is due on September 7, 2021.

UPCOMING TRAININGS

September 9, 2021, 8 AM ET: Human Trafficking Virtual Summit — The Pennsylvania Governor's Office of Homeland Security is hosting a statewide virtual summit on human trafficking for law enforcement, investigators, and prosecutors. Join AEquitas Attorney Advisor Jane Anderson and other national experts who will identify how law enforcement can proactively locate victims of human trafficking, obtain probable cause in labor trafficking cases, and collect evidence in these unique cases that will lead to successful prosecutions at the Commonwealth level. Techniques and insight will be provided on how to establish proactive task forces directed to counter labor trafficking in Pennsylvania, with attention given to law enforcement investigation strategies, victim interaction and evidence

collection. [Register here.](#)

September 16, 2021, 2 PM ET: AEquitas' Office Hours — Join AEquitas on the third Thursday of every month to discuss your questions regarding the prosecution of intimate partner violence, sexual violence, human trafficking, & stalking with experienced prosecutors and other participants in the field. For this session, we are collaborating with the Center for Court Innovation to discuss strategies for interviewing and presenting testimony of child victim-witnesses. [Register here.](#)

Missed the webinar on **Technology Implementation Preparation and Pitfalls?** [Watch it here](#) and learn more about one jurisdiction's innovative strategy to improve information-sharing among patrol officers.



FUNDING OPPORTUNITIES

[FY 2021 Firearms Technical Assistance Project Pilot Sites Initiative](#)



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