



**From:** Joel Bomgar [<mailto:joel@joelbomgar.com>]  
**Sent:** Tuesday, September 05, 2017 5:09 PM  
**To:** Director John Dowdy  
**Subject:** [BULK] RE: Meeting Follow-Up + Questions

Director Dowdy,

I hope you had a great Labor Day weekend! Since it has been almost three months since my original email below, I just wanted to check in and see how things were going with regard to providing answers to the items in my email below. Please let me know the status and when you and your team will be able to provide written answers to each of the items in my email. With the opioid epidemic continuing to be of national and international concern, it is more important than ever that we have answers to these questions. Thank you so much in advance and thank you for all that you do for Mississippi!

Joel

Joel Bomgar  
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**From:** Joel Bomgar  
**Sent:** Thursday, August 17, 2017 4:43 PM  
**To:** 'Director John Dowdy' <[JDowdy@mbn.ms.gov](mailto:JDowdy@mbn.ms.gov)>  
**Subject:** RE: Meeting Follow-Up + Questions

Dear Director Dowdy,

I just wanted to check in really quick and see how things were going on the items below. Thank you so much for all that you do for Mississippi!

Thanks!  
Joel

Joel Bomgar  
State Representative, District 58  
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**From:** Joel Bomgar  
**Sent:** Thursday, July 27, 2017 1:30 PM  
**To:** 'Director John Dowdy' <[JDowdy@mbn.ms.gov](mailto:JDowdy@mbn.ms.gov)>  
**Subject:** RE: Meeting Follow-Up + Questions

Sounds great! Looking forward to it, and thank you so much!

Joel

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**From:** Director John Dowdy [<mailto:JDowdy@mbn.ms.gov>]  
**Sent:** Thursday, July 27, 2017 1:29 PM  
**To:** Joel Bomgar <[joel@joelbomgar.com](mailto:joel@joelbomgar.com)>  
**Subject:** RE: Meeting Follow-Up + Questions

We have been working on a response and should have something for you soon

**From:** Joel Bomgar [<mailto:joel@joelbomgar.com>]  
**Sent:** Thursday, July 27, 2017 1:19 PM  
**To:** Director John Dowdy  
**Subject:** RE: Meeting Follow-Up + Questions

Dear Director Dowdy,

I hope your summer is going well! I just wanted to check in and see if you and your team have had a chance to work through any of the questions below. I look forward to hearing back on these items! Thanks so much!

Joel

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**From:** Director John Dowdy [<mailto:JDowdy@mbn.ms.gov>]  
**Sent:** Tuesday, June 13, 2017 8:20 AM  
**To:** Joel Bomgar <[joel@joelbomgar.com](mailto:joel@joelbomgar.com)>  
**Subject:** RE: Meeting Follow-Up + Questions

I enjoyed meeting with you and discussing all the issues we discussed. I will be working on getting you some "answers" to these questions.

JD

**From:** Joel Bomgar [<mailto:joel@joelbomgar.com>]

**Sent:** Monday, June 12, 2017 3:38 PM

**To:** Director John Dowdy

**Subject:** Meeting Follow-Up + Questions

Dear Director Dowdy,

Thank you so much for taking the time to meet with me this past week! Per our discussion, here are some questions that I've been working to answer for the last two to three years, but I have not yet been able to find satisfactory answers. I'd love to hear your thoughts on each of these!

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### Background

Ever since I was assigned to the Drug Policy Committee, the Corrections Committee, and the criminal "Judiciary B." committee, I have sought to understand every aspect of drug policy and criminal justice policy. Toward that end, I have met with dozens of prosecutors, sheriffs, police chiefs, mental health professionals, and addiction treatment professionals to get a clear idea of how all the pieces of the criminal justice system fit together, with a specific emphasis on understanding drug policy, as drugs seem to play such an outsized role in the criminal justice system. Below is an outline of some of the things I have learned, as well as some questions that I have not yet been able to answer in the countless conversations I have had to this point.

### Observation #1

- Every person I have talked to, including top leaders in our criminal justice, mental health, and drug treatment systems here in Mississippi has told me that once a person is an addict, it is extremely difficult to get them to stop permanently. Because of this, to use economic terms, it appears that demand for drugs by those that use them is "inelastic". That means that changes in price or changes in consequences of usage appear to have little if any impact on the probability a user will find their desired quantity of their drug of choice and use it. I am also told that a drug habit can cost upwards of \$200 or \$300 per day for some drugs, which runs into thousands of dollars per month to sustain the addiction.

### Observation #2

- The people I have talked to have told me that between 65% and 85% of all the crime that is committed in Mississippi is committed by people that are either (1) trying to get money to buy drugs or (2) is crime committed related to the sale and trafficking of drugs, such as deals gone bad, fighting over turf, fighting over trafficking routes, violence against potential rival dealers, etc.

### Observation #3

- Because the demand for drugs is "inelastic", drug enforcement efforts have relatively little impact on the demand for drugs by users and addicts. That means drug enforcement efforts will create one of three scenarios:
  - [Scenario 1] If successful, drug enforcement efforts will restrict the available supply of drugs. If this is the case, the price of the drugs will rise due to the laws of supply and demand. If the price of drugs rises, and because a large percent of users is already committing crime to get money for drugs, than how would an increase in the price of drugs not cause an increase in crime? For example, if someone has a \$200 per day addiction and is committing \$200 per day worth of crime to get money for drugs, how do we avoid that same person now committing \$300 per day of crime to feed their newly more expensive addiction?

- Unfortunately, this solution doesn't seem to be viable at the scale of the problem. For example, according to the latest data from the Substance Abuse and Mental Health Services Administration (SAMHSA), there were 207,000 Mississippians who used an illegal drug in the last month. I recall someone telling me a few years ago that about 3,500 Mississippians are imprisoned on drug-related charges in Mississippi. That means we have incarcerated a number of people equivalent to 1.7% of those that are using illegal drugs in Mississippi in the last month. When we look at people that have used illegal drugs in the past year (vs. last month), the 207,000 is quite a bit higher, which results in the percent of people imprisoned being a fraction of one percent. In short, between 98.3% and 99%+ of those that have regularly used illegal drugs in Mississippi are not imprisoned. Additionally, it looks like between 40% and 50% of Mississippians have used an illegal drug at some point in their lifetime, although many fewer have used an illegal drug in the past year, and fewer yet for the last month. If we incarcerated all 207,000 Mississippians that had used an illegal drug in the past month, that would increase our prison population by 1,200%. That would cost more than \$4,000,000,000 per year. That is more than ten times our entire current corrections budget.
- From many conversations with fellow legislators at the Capitol, it appears there is almost zero appetite to increase the corrections budget. In fact, there seems to be a strong sentiment that Mississippi is incarcerating too many drug offenders. For those reasons, I just don't see a path forward to incarcerate our way out of this problem. Without more incarceration as a viable alternative, we have to address the question of how we keep increased drug enforcement from leading to increased crime as an addict goes from committing \$200 of crime per day to \$300 of crime per day to pay for their newly more expensive addiction. How can we address this conundrum?
- [Scenario 2] If successful, drug enforcement efforts will restrict the available supply of drugs. If this is the case, the price of the drugs will rise due to the laws of supply and demand. In this case, the black market premium (profit) available in the drug market will be higher. If there is already a lot of crime committed related to the sale and trafficking of drugs, such as deals gone bad, fighting over turf, fighting over trafficking routes, violence against potential rival dealers, etc., how would there not be more crime related to the increasingly lucrative drug market?
- Additionally, the amount of civil conflict in any legal market is to some degree a function of what degree the market is in flux or in a state of disruption. Because conflict in drug markets is violent in nature as conflicts are settled with guns rather than in a courtroom, how do we keep interdiction efforts from causing more violence as dealers and traffickers fight over newly available turf (or newly more profitable turf) that is created by the power vacuum and disruption associated with the arrest of a dealer or trafficker, or the newly higher black market premiums caused by an increase in the price of drugs?
- [Scenario 3] If drug enforcement efforts do not cause the street price of drugs to increase, that means that the enforcement efforts are being offset by drug cartels increasing the supply to offset the interdiction efforts. Just like if 5% of the merchandise is shoplifted from a Dollar General every month, that doesn't mean that 5% of the shelves will be empty, but rather that the suppliers will ship 5% more merchandise to that store to make up for the anticipated shoplifting. If the street price of drugs is not increasing it means that interdiction efforts are being offset by increases in supply that is calculated to keep the same quantity of drugs available on the street. Additionally, I have heard estimates that we interdict and seize perhaps between .5% (half of one percentage point) and 1% of the total drugs that are either consumed in Mississippi or pass through Mississippi. If drug cartels are just ramping up supply to offset any interdiction efforts, how do we make progress with interdiction efforts if cartels just ship a

- The sentiment of law enforcement professionals that has been shared with me privately is that they do not believe current efforts are working. As I shared in our meeting, I regularly hear comments in one-on-one conversations such as “for every drug user we take off the street, there are five more right behind them”. Similarly, “for every dealer or trafficker we take off the street, there are five more right behind them”. I’m not sure what to make of this sentiment, but I have heard it from a growing number of individuals in the law enforcement community, and would love your insights.

#### **Observation #4**

- There seems to be a growing and now almost unanimous consensus that sending low-level drug users (including users that only sell to support their own habit) to prison is not producing the desired result. For every one person that says prison was the “best thing that ever happened to them” and that it “was a wake-up call” and “helped them hit rock-bottom and start recovery” there seems to be 99 other people that just end up coming out more screwed up than when they went in. Here are some additional reasons I hear, and I’d love to hear your thoughts on each of these.
  - People with jobs inevitably lose their job if they are incarcerated for more than 48 hours. They then come out of prison almost un-employable. Additionally, prison seems to disrupt family and children connections and other positive influences. Without anything to live for, these individuals seem to go right back to drugs even worse than before. Additionally, they are now unemployed, which enhances rather than decreases criminal behavior. What are your thoughts on this?
  - Low-level drug users (including users that only sell to support their own habit) seem to meet many unsavory characters while in prison. How do we keep prison from becoming a “college of criminality” where people come out of it with very poor job prospects in the legal marketplace, but having a new criminal network to plug right into?
  - I have done some research, and it appears that keeping drugs out of prison is a common problem in all 50 states, even in states with prison unions that result in very highly paid prison personnel. Additionally, I’ve been told that some individuals would prefer to go to prison rather than drug court because drugs are more available in prison than in a drug court program. If none of the 50 states has figured out how to keep drugs out of maximum security prisons, how do we hope to eradicate drugs in the real world? I’ve been asked this question by a number of people and I just don’t have a good answer for it.

#### **Observation #5**

- When I ask prosecutors, sheriffs, police chiefs, mental health professionals, and addiction treatment professionals how kids get caught up in drugs and drug dealing in the first place, I often hear that there are too many communities where “the role model is a guy with a 9mm and a roll of \$100s in his pocket” and that “serving prison time has become a badge of honor and a rite of passage into adulthood”. When I ask where the bad “role model” got the money and the guy, I’m told “from selling drugs”. I’m told that because drugs are an underground black market with black market premiums (profits), there is plenty of money and guns to go around. I’m also told that drug dealing and trafficking are where the gangs get virtually all their money. Here are the questions I have related to this that I could really use your help on.

- If enforcement efforts cause the price of drugs to increase, that means the money and the money to buy guns also increases. How does that not lead to the problem of bad role models with "a 9mm and a roll of \$100s" getting worse?
- How are enforcement efforts going to make the problem of gangs go away when enforcement efforts increase the street price of drugs and thus the black market premium (profit) that gangs can make from selling drugs?
- How do we keep having served prison time for drugs from being considered a badge of honor and a rite of passage into adulthood in some communities?

#### Observation #6

- I remember when the legislature cracked down on meth labs. That was before my time, but I remember seeing the news articles about it. I went back and looked at the data and it doesn't appear that usage of meth or crystal meth has decreased as a result of that law. I understand that production in Mississippi is way down, but doesn't that mean that all the meth and crystal meth is being trafficked in from out of state? If so, it seems drug dealing and trafficking always is accompanied by violence since it takes place in an illegal black market where disputes cannot be solved through the court system. How do we keep the shutdown from in-state meth labs from being replaced by out-of-state dealers and traffickers with the crime and violence that comes with them?

#### Observation #7

- I have spent months extensively studying CDC data for all 50 states in the U.S. as well as the U.S. as a whole. It appears that when a state cracks down on prescription drug use, that the users switch to street drugs rather than stop using. It also appears that due to the unknown quantities and purities of street drugs, and the probability that street drugs will be laced with fentanyl, that the overdose death rate spikes when users switch from prescription drugs to street drugs. For example, since 2010, the number of overdose deaths from prescriptions drugs has stabilized, but as a result, the number of overdose deaths from heroin has gone through the roof. For every one life that has not been lost to prescription drugs since 2010, we have lost 3X that number to heroin. When you add in the deaths from fentanyl, that ratio is more like 4X or 5X overall. That means that more people are dying than would have died otherwise and that the total death rate of prescription drugs plus street drugs is much higher now than it would have been. How do we keep people from switching to street drugs when we cut off their prescription drug supply?

#### Observation #8

- In my research of drug interdiction efforts internationally, I seem to keep running into a difficult puzzle. I'd welcome your thoughts on what to make of this:
  - Law enforcement south of the Mexican border believe there is no way to stop supply as long as there is demand in the United States.
  - Law enforcement north of the Mexican border believe there is no way to stop demand as long as there is supply coming from South America.
  - Law enforcement border agents at the Mexican border believe that there is no way you can end drug trafficking at the border as long as there is supply in South America and demand in North America.
- It seems like everyone believes the answer lies in someone else's jurisdiction. What do you make of that?

**Observation #9**

- And here is my last question! In my research, it appears that any product or service that is sold in a black market continually becomes more potent with time. It appears that this is driven by the desire for the product to be as transportable as possible, and size, weight, and volume are all things that make it harder to hide a substance. For example, if alcohol is prohibited inside a college sports stadium, you see people drinking beer at the tailgate parties outside the stadium, but they are drinking whiskey from a flask inside the stadium. Clearly the higher potency is intended to facilitate the trafficking of the substance into the stadium as it is much easier to smuggle whiskey in a flask rather than a 6-pack of beer. The problem is that higher potencies have become increasingly deadly. Heroin is giving way to fentanyl as fentanyl is much more potent and easier to traffic, and fentanyl is giving way to carfentanil as that is even more potent. Inevitably carfentanil will give way to something that is 20X to 50X more potent than carfentanil. It seems that this is a very unhealthy (and often deadly) development, but it also appears that this is the natural course of things for any prohibited substance. How do we solve this deadly conundrum?

Thank you so much for your willingness to get back to me on all these questions! I so very much appreciate your help as I seek to understand all of these things so that I can apply that knowledge to my legislative service. Thanks Director Dowdy!

Joel

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