

Lt. Casey Daniell, Commander of the Vermont Drug Task Force/ NIU. I have been a police officer for 25 years and have worked approximately 20 of those years in or around narcotics investigations. I first joined the DTF in 2004, which was the era of the introduction to oxycontin. I have witnessed the evolution of Opioids and the increased dismantling effects they have on the people in our communities. During this era up until 2014, Heroin was primarily what people would turn to, replacing dependencies of OxyContin or Percocet when prescriptions ran dry. The dependence on heroin has vigorously merged to Fentanyl as Fentanyl is purchased at a much lesser cost than Heroin and can be cut into a higher profit margin because of its potency.

Fatal overdoses have gone down slightly in 2023. However, Non-fatal overdoses based on Law Enforcement response have gone up 34% since 2022, 678 to 911 (through November 30th).

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023
% Cases containing Heroin	100	100	100	100	100	100	58.65	44.32	34.52
% Cases containing Fentanyl	8.48	9.75	25.39	42.74	59.48	76.97	98.65	100	98.41

2021: **12.5%** of heroin/fentanyl cases contained xylazine (partial year)

2022: **43%** of heroin/fentanyl cases contained xylazine (full year)

2023: **55.8%** of heroin/fentanyl cases contained xylazine (up to 12/22/2023)

In the past year, the DTF has worked tirelessly within the State of Vermont, enforcing both state and federal drug laws as well as responding to all drug-related homicides. Last year, DTF increased their workload in controlled sale cases by 17% compared to 2022. Arrests went up 30%, and one of the most concerning stats is Firearm seizures went up 57% compared to the year before.

Page 2 Line 8 “Knowingly” means actual knowledge that one or more 8 preparations, compounds, mixtures, or substances contain the regulated drug 9 identified in the applicable section of this chapter, or consciously ignoring a 10 substantial risk that one or more preparations, compounds, mixtures, or 11 substances contains the regulated drug identified in the applicable section of 12 this chapter.

Knowingly is and has been a significant barrier in convicting Drug traffickers selling and dispensing Opioids within the State. Drug traffickers and defense attorneys know this language and present these individuals to the court as not knowing that they were selling Fentanyl or other poly drugs. Individuals selling these controlled substances are not pharmacists nor do

they test their product before distribution. On the streets, most of these compounds are referred to slang terms when being purchased and are not referenced as heroin, fentanyl or Xylazine etc. Some of the street names: Dope, smack, up, down.

In 2023 44% of homicides in the State, involved Individuals that had a drug nexus. Most of the guns seized in the state are from larcenies from residential break-ins, motor vehicles or straw purchased by opioid users. Opioid-dependent individuals are stealing or purchasing these firearms, then trading them for Opioids to Drug Trafficking Organizations (DTOs), throughout the state. Some of these guns show up in homicides not only within Vermont but also in Massachusetts, Connecticut and other states. We have had incidents in the state of finding Guns, firearms, and drugs on people during search warrants and arrests without being able to charge the individuals. 2 reasons: #1 they have a firearm that has not been reported stolen or they have been straw purchased for the individual, as long as these people are not Brady disqualified they can possess a firearm in this state, even if they are being investigated for drug distribution. If a firearm is stolen, We can charge them with a misdemeanor of possession of stolen property. Under T18 VSA 4253, USE of a firearm while selling or dispensing a drug. The language in this statute only applies to individuals using the firearm during and in relation to selling or trafficking drugs, simply Possessing both drugs and the firearms does not apply to this statute. “ For purposes of this section, “use of a firearm” shall include the exchange of firearms for drugs, and this section shall apply to the person who trades a firearm for a drug and the person who trades a drug for a firearm Most of these individuals are suspects in our ongoing drug investigations, which are not random encounters. We feel that possession of a firearm in the company of the trafficking amount of drugs should be an enhanced penalty or added to VSA 4253 for the purpose of being able to charge DTO’s in possession of these weapons. Vermont is a source state for firearms; the vast majority of our investigations indicate that DTOs are acquiring firearms from Vermont residents and transporting them back to their home states. Another trend that is worthy of bringing to your attention is during our controlled buys we are seeing opioid users carrying firearms when purchasing drugs because of the uptick in violence. We have also seen this in some homicides within the last 2 years where opioid-dependent individuals are trying to rob the DTO’s within the state.

Kerri Yaqoob is a Vermont resident who was convicted of Fentanyl distribution in November of 2023. She failed to appear on numerous State and federal drug-related charges, which yielded an arrest warrant. In December 2023, VSP received a tip for the location of Kerri, and a search warrant was executed; Kerri was found hiding in a closet in possession of a loaded stolen handgun, 21.27 grams of methamphetamine, and 58.73 grams of Xylazine. Also, her 8 ½-month-old child was in the camper with her at the time of her arrest. She had conditions and 12 LE involvements within that last year.

Something to note: Xylazine is not listed as a controlled substance in Vermont, so we could not charge her. As you may know, Xylazine is not an opioid like heroin and fentanyl, and naloxone (Narcan) does not reverse its effects.

Examples of how this bill will potentially benefit some of the issues we are seeing in the state.

From Rutland Herald “BURLINGTON — A Rutland felon, charged with stealing and possessing a \$2,650 firearm from a local lawyer, got a quick lesson on Wednesday about the differences between bail laws used for defendants in Vermont and federal courts.

Nicholas E. Karov, 38, was ordered jailed after a federal prosecutor noted the defendant had 35 criminal charges pending in state court, and he had 18 earlier cases of failing to appear for various court hearings in Vermont.”

Kimberly BOUCHARD is our most vivid and recent example of recidivism and escalation in criminal behavior. In March, 2021 we began an investigation into BOUCHARD’s distribution of small amounts of (crack cocaine) cocaine base in the Franklin County area. After three controlled purchases, we arrested BOUCHARD in January 2022. BOUCHARD was immediately released on conditions and we received information that she continued to sell illegal narcotics.

In March 2023, we were able to continue our investigation into BOUCHARD and conducted numerous purchases of cocaine base and fentanyl from her and her associate Zaquikon Roy. At the time of this subsequent investigation, BOUCHARD was subject to conditions of release for the previous offenses. On May 2nd, 2023 Drug Task Force arrested BOUCHARD who was again released on conditions.

On June 4th, 2023, BOUCHARD and Zaquikon ROY were involved in a drug-related homicide in Leicester, VT. At the time of the homicide, BOUCHARD was on court-imposed conditions and released for both sales cases.

Rutland Herald “Nicholas O. Ranglin, 37, pleaded not guilty on Friday in Rutland County criminal court to two felony charges of sale of cocaine. Ranglin’s history in the area, which includes drug arrests in 2015, 2019 and 2020. He was convicted in 2021 of a felony possession charge and got out of prison on probation in September of last year, according to police. A month later, police said, the informant told investigators Ranglin was moving significant quantities of drugs in the Fair Haven area. Police said they had the informant buy four baggies of cocaine for \$200 from Ranglin in Castleton in October and another \$100 worth on in Rutland in November.

” The increase in Dopamine levels in crack cocaine is very similar to the Dopamine levels in opioids; stimulant-dependent individuals such as Crack cocaine and Methamphetamine have experienced opioid overdoses after discovering the stimulants have been tainted with fentanyl. “Center for Disease Control and Prevention”

Whether it is systemic retail thefts, burglaries, or controlled substance distribution, these are the small majority of individuals creating the most disruptive behavior in our communities. As we have seen, Conditions of release are only effective if the individual takes them seriously and

there is accountability for violating those conditions. Many individuals learn that after they re-offend and the only repercussion is more imposed conditions, the seriousness of the court-ordered conditions is deemed ineffective. Based on what local police departments across the state are seeing, a select few individuals fall into this category. In Rutland, Brattleboro, and Bennington, I would estimate that around 5-10 individuals within each area create the most havoc and disruption to their communities. These are the repeat offenders who continue to engage in criminal behavior. We do not have a mechanism in place to check on people with court-ordered conditions, conditions are only violated once the person is charged with an additional crime.

Vermont is not what it was a decade ago, we did not see the violence and drug use that we do today. We heard of these incidents in larger cities nationwide but not in rural areas or states like Vermont. Now, we read or hear about them almost daily.

The Vermont State Police supports this bill; A few challenges that we encounter is the re-offending rate from these select people in these communities. Vermont drug statutes penalties seem to be relatively comparable to most other states, However, what we are seeing is these penalties are not being imposed at the Judicial level. Second and subsequent offenders seem to be taking up resources in the criminal justice system. We would like to see a similar provision as DUI convictions where as part of the sentence and or conditions imposed, mandatory rehab would be obligatory.

We feel that finding a way to merge Law Enforcement, Prosecutors, Defense attorneys, the Judicial System, and recovery/treatment providers is essential to effectively provide a quick response for the treatment of individuals who are opioid dependent, which would lessen the demand for opioids coming into the state. Also, protecting Vermonters from the criminal activity that shadows some of these individuals is equally important, and it is imperative that the DTOs coming to our state to profit from this crisis be held accountable in our state and federal court systems.