

Chris Gray: Hi, I'm Chris Gray.

Scotty Sandow: And I am Scotty Sandow. And welcome back to the One Pill Can Kill podcast.

Chris Gray: Fentanyl has killed at least 74 residents of Placer County just since 2019. This incredibly lethal opioid is now found in all kinds of street drugs, but more alarmingly it's being used to make fake pills being sold as common prescription drugs like Percocet. Many have died after falling prey to this deception, taking pills they didn't know were fake often made with enough fentanyl to kill many times over.

Scotty Sandow: In this, our final episode of the One Pill Can Kill miniseries, we're talking to Placer County district attorney Morgan Gire. A Placer native and longtime prosecutor, he's among a number of California district attorneys who are taking stronger steps to hold drug dealers accountable for selling these deadly drugs.

Chris Gray: So taking maybe a kind of broader look at the development of what you've seen in fentanyl in our communities, can you just give a sense of the recent history?

Morgan Gire: Fentanyl is such a distinct and unique type of issue. I've been a prosecutor for 23 years. I've prosecuted people who have used and sold and done everything you can do with drugs like methamphetamine and heroin through the years. Fentanyl is different. This is incredibly lethal, and that's what really separates it from the other drugs. Not that heroin and methamphetamine is not lethal, but much more in a chronic kind of progression and a disintegration of life as opposed to this fentanyl crisis, where a teenager who is experimenting, which we know teens will do, will pay potentially with their life the first time they take it. Because it's easy to produce, it's easy to smuggle, it's cheap to make, it has become sort of the drug of choice for the manufacturers to lace because they can make a cheaper product that is much more powerful and highly addictive.

Scotty Sandow: What's your office saying in terms of who's selling these drugs?

Morgan Gire: These are street level dealers. There are... It is not uncommon to have dealers that are also users. Not as frequent with the fentanyl, just because it is so lethal that I think most dealers understand that sampling their own product could lead to their own death. But generally these pills are mostly manufactured in China. They are pressed into pills and we sort of have two sort of two-pronged problem with fentanyl. We have the fenta pills, which are just fake pills. Someone is buying what they think is something else, they take a lethal dose of fentanyl and they die, versus those who are seeking fentanyl because of its addictive and highly potent qualities, both equally tragic when those lives are lost. But the fenta pills are particularly frightening because usually those death come with very little warning. The hallmarks and signs of someone struggling with addiction from a parent's perspective are absent. The kids that are dying of fentanyl are star athletes, they're star students, they're just run of the mill kids that don't have those signs that give parents a warning of, "Hey, something's wrong." It goes literally from zero to death.

There's a false sense of security, particularly when it comes to those pills because everyone sort of assumes they're made in a laboratory or a pharmacy or something like that, and they aren't. So one of the messages we want to get out is just how dangerous these pills are. And the statistics bear that out. Most pills, 98% of the pills you buy online, are fake. They are not what they claim to be and are made with some degree of fentanyl. The DEA suggests between two and four pills out of every 10 on the street are fatal, which means you have up to a 40% chance of dying your first time of taking one of these pills. That's how deadly they are. That's what I try and reinforce with our parents when we speak because... and the kids, because it really is that ability to experiment, that margin for error has decreased with the rise in fentanyl and kids who take a pill because they're stressed out because of final exams die. And that shouldn't be the case.

The problem is these fentanyl pills are made in street labs. In the old days in the seventies, eighties, kids would swipe pills from their mom and dad's medicine cabinets. And that wasn't good, but it wasn't necessarily going to be fatal because those were traditionally purchased from a pharmacy pursuant to a prescription. And that's where they got them. Now, the pills are so easy to get on social media and they are not coming from a laboratory, they're coming from a drug dealer, they're coming from a street lab. Those dealers are folks that are usually using some sort of social media platform and are just dealing pills. And that's usually the basis of their existence.

These aren't people with other jobs that also on the side do it, these are street dealers. They buy from a supplier who buy from a supplier who buy from usually what traces back to some sort of drug trafficking organization, they're usually the hubs of this. Many of them originate from our Southern border, but they come in from everywhere. They're shipped in they're trucked in, they come from all different areas, but then are distributed in similar like you would think on TV where there's sort of a main organization who sells it to mid-level dealers who sell it to street level dealers and they get anywhere from 10 to 30 bucks a pill. And when we get these busts, we get 20, 30, 40,000 pills at a time that are ultimately destined for these street level dealers who then turn around and sell them to their customers.

Chris Gray: The direction I've heard in a number of cases is, "Hey, why would drug dealers sell something that continues to kill their clients?" What's your reaction to that and I guess what have you learned as a result of prosecuting these cases about why it continues to happen?

Morgan Gire: In fact, I was asked that question last night by a mom who was there with her teenage son saying, "Why would drug dealers want to sell a product to someone that would kill them?" And the short answer is because they don't care.

Drugs that have been sold through our history are highly addictive and most people don't die and come back to purchase more. Fentanyl is different. And if a few die, there are plenty more. In the minds of the drug dealers, there are plenty more to

fill their place and come back and keep purchasing. And it's within their cost of doing business to lose a few along the way, but because they have so many and because the pills are so easy to get and so easy to sell, there will always be more demand from their perspective. So it's just the cost of doing business. If I sell to 20 people and three or four die, well, three or four more will fill their spot and I'm back up to my 20. And that's sort of the mindset. So it is that deadly ambivalence, it's the "I don't care, that's just the cost of doing business." The profit is more important than the life of the customer.

Scotty Sandow: How are you trading cases where selling fentanyl results in the death of another human being?

Morgan Gire: We have always held people accountable for selling illegal substances, controlled substances, and possessing drugs for sale or actually selling are violations of our health and safety code in the state of California. And those prosecutions have always occurred, they always will. Fentanyl is no different. It's a controlled substance, it's an illicit substance, so there are penalties for that. When it comes to the death, when we can establish that someone has sold fentanyl to someone who then dies as a result, we have another analysis we have to do. Can we attribute the sales of that pill to that person's death? And if so, then the penalties can increase specifically, and what we've seen in Placer, we now have a couple of cases that we have reviewed for the prosecution of murder charges.

Speaker 4: There is places, like Sacramento County have had nearly 200 fentanyl related deaths over the past two years, surpassing gun-related homicides. The tide is turning across the region.

Morgan Gire: It is the first time in our county that we have filed a murder charge related to the selling of fentanyl that led to someone's death.

Speaker 4: On Tuesday, Placer County District Attorney Morgan Gire charged 20 year old Carson David Shoe with murder for a fentanyl-related death. They believe a man the same age died after taking the drugs given by Shoe.

Morgan Gire: It's not a novel theory of law. The law has been around for a long time. The idea is, if you know what you are doing in whatever conduct, in this particular case, it's selling fentanyl to someone, if you know that it's likely to result in someone's death, you know that, you appreciate the risk and there's this moment of what I call sort of deadly ambivalence where you say, "I don't care because the profit to me is more important than the risk of death to the consumer and I know that and I do it anyway." The law says that's murder and the easiest comparison or the simplest comparison we've seen before is driving under the influence. This is the same theory and it's called an implied malice level of culpability, meaning I don't mean to kill you, but I don't care if I do or I don't and I know the risks.

The hard part for us, or the burden is on us to prove beyond a reasonable doubt that someone knew their conduct was dangerous and they did it anyway and it

resulted in the death. So the reason we haven't seen it prior to now with a whole lot of frequency is because most of the time these deaths occur, in the beginning, people didn't know to suspect that it was a fentanyl death. Most of the people that died, died in their homes or died surrounded by others that didn't kill them. Now, law enforcement and our coroner's office have seen it, sadly, so much more frequently that when you have a person in their early twenties or late teens who is dead in their bed, the most likely example now, and the most likely cause, is that it's a fentanyl poisoning. And now the investigation can turn not only into what's ultimately the cause of death, which is suspected to be fentanyl, but what can we do to retrace the life of that person to see where this person got it? Not just because we want to prosecute murders, and in fact, I don't want to prosecute murders if I don't have to, but the point is to try and prevent more deaths.

We don't prosecute someone for murder just to send a message to the community, but if that is an added deterrent to folks, I embrace that. If people understand that if they want to come into Placer County and sell lethal fentanyl, that they might pay with their own life if they take a life by selling those pills. So I think there is a deterrent effect to it. The idea that drug dealers should be put on notice that if you want to engage in this behavior, the consequences are going to be severe, I'm okay with that and I think our community expects that and demands it.

Chris Gray: Can you talk to us a little bit about your experience kind of working with families in the aftermath of such an unexpected death? What is the relationship with that family like, what do you view as your responsibility to them and in what ways are you able to help them?

Morgan Gire: There are a lot of associated dynamics within the families and on the parts of the surviving family members about a case like that. It sort of sometimes feels like the victim gets put on trial. We are prosecuting someone for selling freely and voluntarily a pill to someone who then freely and voluntarily took it. And so on some level, intuitively you say, "Well, wait a minute, the person didn't have a gun to their head. They could have not taken the pill," but they took it without the full information and information that the dealer did have.

It has been devastating hearing repeatedly the stories of some of these parents and the loss and the trauma they have endured finding their child. I mean, something that is completely unimaginable and completely unnatural in the sort of order of things. You shouldn't bury your child. You shouldn't have to deal with those things as a parent and no child should have to experience that. I see it as my obligation to help tell their story as well. And I remind them, and particularly the friends of their kids who have died, I try and encourage them to keep the message going. People will tune out a prosecutor, they will tune out a police officer, they will tune out people in authority saying, "Don't do these things because you might get in trouble," but they will listen to parents. They will listen to the kids. So my job is to help empower those families to tell their stories because those stories empower other people to have those discussions.

Traditionally, we react. We react to crimes that occur, we decide whether or not to file charges and we prosecute those cases. That's our traditional role. And we do that as it relates to fentanyl, but our role, and I think personally, our obligation, is more than that. I think the role of the District Attorney's Office is to help empower people to prevent becoming victims in the first place and to not give the defendants an opportunity to victimize anyone.

Scotty Sandow: As it is with all kinds of crimes, with fentanyl cases, Morgan and the District Attorney's Office are focused on supporting and upholding the rights of victims and their families.

Morgan Gire: In this county, and in this state, we have always treated those who are struggling with addiction as needing a path to redemption. And our prosecutors do that on a daily basis in our drug courts and the way we handle those. So I just always want to be clear, there's a big distinction between someone dealing with addiction issues versus someone who is seeking to profit on potentially the death of other people in our community.

Chris Gray: That extends to his efforts in legislative advocacy, looking for opportunities to help the law evolve to better address this growing crisis.

Morgan Gire: There have been some efforts to try and educate, primarily the people who are involved in the dealing of fentanyl. We have attempted on a couple of occasions for the last two years to provide an advisement to defendants, legislate an advisement, that when they are convicted of selling illegal narcotics, that they're advised of how dangerous it is. And they're told that if you continue to do this and someone loses their life as a result of it, you could be charged with murder. That has failed for the last two years. So a number of us throughout the state have done this on our own in the absence of legislation that does it. We've enacted sort of a policy in our office, similar to other offices, that when someone is convicted, the prosecutor says it. We condition a plea on it and we advise the defendant either at the time of plea or at the time of sentencing, we tell them, "This is dangerous. You now know. If you do it again and somebody dies, you could be charged with murder."

My goal is that we never see that person again in the criminal justice system. They hear that advisement, they understand the dangerousness of their ways, maybe I'm a little foolish thinking that a simple advisement will do it, but even if that doesn't, then at least it empowers us to be able to hold someone accountable in the event of one of those deaths. But I see it as part of my obligation in this role to be as loud as I can at the state level for it, so I will continue to help either sponsor or craft legislation or support legislation that is done and there are a number of us who have sort of made this fentanyl crisis a priority in the DA's office and we will continue to work with our legislators to try and sound the alarm and say "More needs to be done."

Chris Gray: Do you have any sense of whether you're having an impact yet? Are you seeing any change out there?

Morgan Gire: I think we are. I think parents are, just based on questions I get at some of these events, the questions come preloaded with lots more information than they did before. Last night, my family and I were coming back from Idaho and we were driving across the Nevada desert and in the middle of the desert, there's a billboard with a One Pill Can Kill campaign and my kids who are still pretty young, but I have these discussions with them pointed it out to me. And I took it as a source of pride when they said, "Dad, dad, look, there's a One Pill Can Kill billboard here, too." And I thought, "Okay, good. The message is getting out. People are listening. People are understanding." Which means, at least on some level it's working, it just has to work more and work faster.

The things that make this attractive and easy are the things that are sort of our biggest struggles, which the social media and our use of phones. The ease with which they can obtain these things is frightening and we're not going to be able to stop that. We can put a dent in it, but really the way we can stop it is having the conversations about why is the desire there and why is the demand there? And it's incredibly difficult. Our kids are all over-committed these days. Like the sports are nonstop, the activities are nonstop, the pressures are more than I think when I was a kid, certainly. It's okay to talk about struggling and feeling anxious and feeling nervous and those are all natural feelings. And sometimes you need a little more help with those feelings and it's okay to talk to people. We can talk to therapists, that's not a sign of weakness it's a sign of strength. And I think the more we get that basic message out, the more we reduce the demand or the need for that self-medication or self-experimentation that ends up being so deadly.

We have a lot further to go, obviously. We're never going to be able to stop the supply side. We won't be able to enforce or arrest our way or prosecute our way out of this problem. We will continue to do that, but that won't be the big source of eliminating this problem. It will come on the demand side and that's a longer road than we would like, but I have seen marks of progress along the way. The more outreach and awareness and education we can give to our students and our parents and our teachers to be on the lookout and have difficult conversations, the more lives we'll save.

Scotty Sandow: As fentanyl continues to flood into communities around the country, the number of people dying from it is still growing.

Chris Gray: Across Placer County, our law enforcement, health and community partners are continuing their work to help prevent the loss of even more lives, but they need your help.

Scotty Sandow: We really hope this podcast series has helped you better understand this crisis and how we can stop it. But there's still so much more to know. If you haven't already, start by checking out the One Pill Can Kill Campaign website at 1pillcankillplacer.com and that's using the numeral one. That link is also in the episode description.

This transcript was exported on Aug 31, 2022 - view latest version [here](#).

Chris Gray: As new developments related to fentanyl emerge, we'll plan the drop in here with more updates. So stay subscribed, stay tuned, and again, please consider sharing what you've learned with everyone you know. It might save a life.