

2005 Annual Report

Arizona Alliance for Drug Endangered Children Program (DEC)



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2005 Arizona Alliance for Drug Endangered Children Program Annual Report Executive Summary

In the State vs. Brown (March 2005), the defendant was sentenced to 23.25 years in prison for manufacturing methamphetamines in the presence of children. The sentence received related to two separate cases. This first incident occurred in December 2002 and involved the defendant's own four children. The second incident occurred just over one year later in January 2004 and included the defendant's girlfriend's children. Maricopa County Superior Court Judge Dennis Dairman cited the danger of exposing six children to methamphetamines, one of whom had Downs Syndrome, and the lack of adequate remorse as factors in sentencing Brown.

In calendar year 2004, a total of 100 meth lab seizures were made in Arizona, generating 149 arrests (El Paso Intelligence Center – EPIC). The total number of dependent children found on the scene was 49. In its fifth year of operation, the Drug Endangered Children Program (DEC) has continued to effectively address the needs of children found within these meth lab environments and to prosecute those responsible. Funding provided by the Governor's Office of Children, Youth and Families and the assistance of collaborative partners have allowed the Attorney General's Office to complete the following key accomplishments.

Prosecution

Between October 1, 2004 and September 30, 2005, the Attorney General's Office opened a total of twelve (12) Drug Endangered Children cases including a total of twenty-three (23) children. A total of 1,412 meth lab related seizures have occurred throughout Arizona since the DEC program was established in 2000 through September, 2005. These seizures have resulted in the Attorney General's prosecution of 136 cases involving a total of 285 drug endangered children.

Program Expansion

In the past year, DEC protocols were formally developed within Pinal and Pima counties. Four additional counties (Yavapai, Cochise, Yuma and Mohave) are in the process of identifying task force members with Yuma County moving into the protocol writing process. The Arizona Attorney Generals' Office DEC Program has recommended County Attorneys consider conducting a "leadership" meeting to encourage implementation of a DEC program and development of a local DEC protocol.

DEC Training

From October 1, 2004 through September 30, 2005, 1,039 individuals attended DEC training sessions including a full overview of the DEC Protocol. In addition, an overview of the DEC Program and general methamphetamine awareness presentations were attended by just over 800 individuals representing tribal communities, schools, foster care, behavioral health services, court appointed special advocates (CASA), and juvenile court systems.

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"We are experiencing a public health and safety crisis with meth and children in Arizona are the most vulnerable victims. This is not an urban problem nor is it a rural problem. This is a statewide epidemic." Attorney General Terry Goddard

Purpose of the Drug Endangered Children Program (DEC)

To promote interdisciplinary intervention on behalf of children who have been exposed to methamphetamine or its precursor chemicals as a result of residing, or being taken into, a home-based clandestine drug laboratory or other drug endangered environment.

Background

The Arizona DEC Program was established in 2000 to address the problems associated with meth production in homes where children are present. Methamphetamine, or meth, is the number one illegal drug contributing to violent crime in Arizona. The increasing production of meth in home-based drug labs confront Arizona with a unique set of problems that other illegal drugs have never before presented. The chemicals used to manufacture meth, the production process, and the waste generated as a result of that process pose very real and serious dangers to the public and the environment. These dangers include toxic poisoning, chemical and thermal burns, fires, and explosions. The children who live in and around meth labs are at the greatest risk of harm due to their developmental nature, the abuse and neglect perpetrated on them by their caretakers and the many others who frequent their drug-laden homes, and their inability to protect themselves.

The DEC Program and Task Force developed a multidisciplinary team approach to ensure that agencies involved in seizing clandestine methamphetamine laboratories have immediate access to qualified personnel who can respond immediately to the potential health needs of any children who are present or living at the site. The protocol includes procedures for taking children into protective custody and arranging for protective services, immediately testing them for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short-and long term care and follow up. A coordinated, multidisciplinary team approach is critical to ensure that the needs of child victims are met and that adequate information is available to prosecute drug and child abuse cases successfully.

The DEC Program has coordinated and improved the efforts of local law enforcement, Child Protective Services (CPS), medical professionals, fire departments, and environmental professionals, family advocacy centers, and the Attorney General's Office to respond to meth labs where children are present, and to prosecute those responsible. Building on its success in Maricopa County, the DEC Program is being expanded throughout Arizona through training and technical assistance.

DEC Objective

The DEC objective is statewide adoption and implementation of the Drug Endangered Children Protocol. In FY 2006, emphasis will be placed on expansion of the Arizona DEC Program model in the state's remaining 12 counties. The Attorney Generals' Office DEC Program will recommend and offer technical assistance to each County Attorney to consider conducting a "leadership" meeting to encourage implementation of a DEC program and development of a local DEC protocol.

Figures 1-3 illustrate the impact of the manufacture of meth on a child's home environment.



Figure 1 – A Child's World

Children found sleeping amid trash, litter box waste, toys and clothing.

Figure 2 – Easily Hidden, Easily Transported

Meth lab components may be easily hidden often in backpacks or small chests.



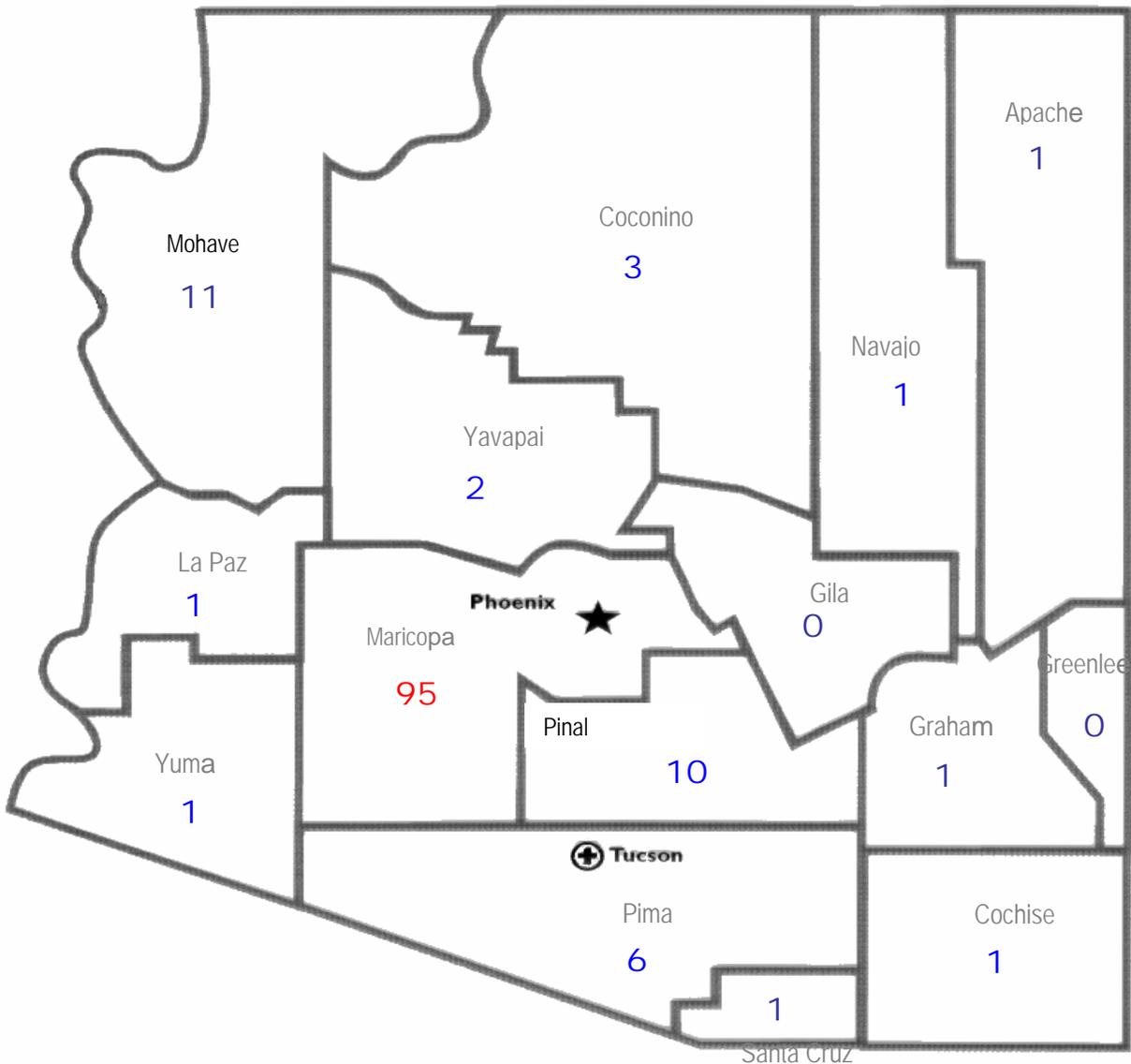
Figure 3 – Hidden within home

Chemicals and liquids are often found hidden within common areas.



Clandestine Lab Activity in Arizona - 2004

- A total of 134 meth lab related seizures were made in Arizona, generating 149 arrests. As illustrated below, meth lab seizures were made in all but 2 counties in 2004. The highest number of seizures occurred in Maricopa County.
- A total of 49 children were found to be living in or near these meth environments.
- Disposal costs for gross contamination associated with the 134 meth lab discoveries was approximately \$163,772. Since 2000, disposal costs associated with the illegal manufacture of methamphetamines have exceeded \$4,000,000.



Methamphetamine Lab Seizures in Arizona by County in 2004 Total = 134
Source: Maricopa County Sheriff's Office, HIDTA

Lab Activity Summary

Table 1. Summary of Meth Lab and DEC Statistics by Calendar Year

Calendar Year	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>YTD 2005*</u>	<u>Totals</u>
Meth lab related seizures	376	326	297	178	134	101	1412
Meth labs seized	80	293	239	112	100	65	889
Number of adults arrested	476	396	348	163	149	98	1630
Number of children affected							
Total for State	82	75	72	93	49	31	402
Maricopa County Only	62	55	36	63	39	26	281
Pinal County Only					1	1	1
Disposal costs	\$1,572,335	\$1,221,126	\$760,068	\$239,744	\$163,772	\$127,553	\$4,084,598
Cases prosecuted by							
Attorney General's Office	28	22	25	23	22	10	130
# of child victims	58	48	55	51	40	21	273

*Reflects calendar year data available through 9/30/05.

Sources: DEA, HIDTA Task Force, Maricopa and Pinal County CPS

Effects of Meth and Other Illegal Drug Manufacturing on Children

Children face a host of hazards when there's meth or a meth lab in their home. Exposure to this environment, and associated toxic chemicals, poses serious dangers to children including

- death or injury from fire or explosions resulting from flammable materials in home-based labs;
- risk of acute health problems including upper respiratory symptoms, headaches, nausea, dermatologic problems, or chemical burns;
- risk of long-term adverse health outcomes, including asthma, neurological problems, or cancers;
- risk of physical and/or sexual abuse or neglect;
- developmental, emotional and behavioral problems,
- lack of proper care giving, nutrition or adequate medical care; and
- risk of ingestion or inhalation of methamphetamine or other drugs, or the chemicals involved in their production.

Training

The formalized DEC program and protocol training consists of Powerpoint presentations, program handouts, mock meth lab display, and informational videos explaining: 1) meth: what it is, how it's manufactured, inherent dangers, signs & symptoms of use, and the investigation of labs; 2) child abuse investigation strategies and techniques in the meth lab and other drug environments, discussion of the role CPS plays on the Emergency Response Team when children are found in meth lab environments and subsequent follow-up with children and families; 3) overall danger and risks that children are exposed to when in contact with clandestine labs and dangerous drugs from a medical standpoint; 4) legal issues, evidentiary considerations, the multi disciplinary approach and response, parallel proceedings and environmental concerns.

Training is provided throughout Arizona and other jurisdictions on the multidisciplinary approach. The training is designed for law enforcement officers and other first responders including firefighters and paramedics, Child Protective Service case managers and investigators, probation officers, judicial officers, and prosecuting attorneys. The DEC training team includes representatives from Child Protective Services, law enforcement, medical professionals, and a prosecuting attorney. Training sessions may be tailored to meet the needs of each audience and community.

Detailed information on training events may be found at www.azag.gov/DEC/Training.html.

Technical Assistance

In addition to training, the Drug Endangered Children Program offers technical assistance to individual state, county and municipal jurisdictions to facilitate the development and implementation of a Multidisciplinary DEC protocol which best meets the specific needs of the county. Available throughout the implementation process, technical assistance may include training as described above, facilitation of local DEC team formation, and assistance with incorporation of the DEC protocol into existing agency procedures.

Existing Legislation Supporting the Drug Endangered Children Program

Child Abuse:

In July 2000 the child abuse statute was expanded to add a provision that provides a presumption of endangerment when children and vulnerable adults are found in drug endangered situations. This addition to Arizona law means if a child or vulnerable adult does not test positive for the presence of methamphetamines in his/her system, the nonpresence of methamphetamines does not negate the fact that the situation itself is inherently dangerous.

A.R.S. § 13-3623(C) provides: For the purposes of subsections A and B of this section, the terms endangered and abuse include but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug in violation of A.R.S. § 13-3407, subsection A. paragraph 4 Child Abuse and Vulnerable Adult.

Environmental Remediation:

On July 1, 2003, the Clandestine Drug Lab Cleanup laws took effect. A.R.S. § 12-900; 12-1000; and 12-1001 came in response to the high costs of methamphetamine and the safety concerns of the residual contamination present at these labs. The new laws require the cleanup of methamphetamine labs and set up a process for law enforcement to remove all persons from the property where the lab was discovered. Law enforcement must post notice on the property requiring the owner to arrange for the cleanup of residual contamination through a certified drug laboratory site remediation firm. The property owner is obligated for the costs of the remediation even if the owner was not involved with the methamphetamine lab. Effective August 12, 2005, remediation/clean-up must occur within twelve months after the notice is posted. A County or City may remediate and pass the costs on to the property owner as a lien on the property title.

Further, it is unlawful for any unauthorized person to enter the residually contaminated portion of the real property, space rental mobile home, or recreational vehicle park, until the owner, landlord, or manager establishes that the portion of the real property has been cleaned by a certified "Drug Laboratory Site Remediation Firm." If the owner fails to provide any notice required by this section, the owner is subject to a civil penalty. Any buyer, tenant, or customer may have legal relief from a purchase contract, rental agreement, or other agreement.

Once the MCSO/HIDTA Task Force has posted the property it becomes a Class 6 Felony to violate this section. It is also a Class 2 Misdemeanor to remove the posted warning from the contaminated portion of the real property until such time as a "Drug Laboratory Site Remediation Firm" has completed remediation.

Accomplishments

Key accomplishments for the Arizona DEC Program in FY 2005 include:

- Continued state-wide implementation of the DEC protocol. Under the leadership of County Attorney Barbara LaWall, Pima County completed the development and implementation of a DEC Protocol. On September 15, 2005, Attorney General Goddard attended the announcement of the new DEC Protocol in Tucson.
- Distributed over 1,500 copies of the DEC program DVD to agencies throughout Arizona including law enforcement, child welfare agencies, community groups, schools, foster care organizations and court appointed advocates. Working with the National DEC Alliance, this office fulfilled approximately 150 national requests from individuals interested in establishing DEC programs. The DEC DVD is now available for viewing at www.azag.gov/DEC. The Attorney General's DEC web page had over 560,000 hits during this grant year and ranks among the agency's top ten visited web pages.
- Participation in the Conference of Western Attorney Generals (CWAG) Meth Summit hosted by Arizona Attorney General and held February 24th in Scottsdale. The Summit resulted in a statement adopted by 14 Attorneys General heading the call for action on methamphetamine policy by recommending pseudoephedrine is placed behind pharmacy counters.

- October 1, 2004 through September 30, 2005, 1,039 individuals attended DEC training sessions.
- Attorney General Goddard presented the DEC program to approximately 250 pediatricians during Grand Rounds at the University of Arizona Medical Center and Phoenix Children's Hospital.
- Presented the DEC program at the Cochise County Annual Juvenile Court Concerns Conference on June 3rd.
- Coordinated Attorney General Goddard's formal recognition of Target store employees for investigative efforts which have lead to the arrest and prosecution of individuals engaged in the manufacture of methamphetamine.
- Both the DEC prosecuting attorney and program coordinator have expended significant time during this grant year assisting with the drafting, introduction and public education associated with meth legislation sponsored by the Attorney General. Assistant Attorney Mark Evans assisted with drafting the new legislation to assure that proposed legislation reflected the needs of law enforcement and prosecuting attorneys; corrected deficiencies in the existing environment statutes; and most importantly, continued to protect drug endangered children from further harm.

Activities associated with the legislation included attendance at Legislative Hearings, Phoenix City Council public hearings and Press Conferences. We responded to numerous requests for information from the print media (Tucson Daily Star, West Valley View and Arizona Republic); television media (Channel 15, Channel 10 and Channel 5); and calls from concerned citizens. The latter is representative of the devastating affect meth usage continues to have on families within Arizona and demonstrates the need for greater public education about the illegal manufacture of methamphetamines and the dangers associated with meth use.

In summary, the following legislation was approved:

- Creates a class 2 felony for manufacturing methamphetamine under circumstances that cause physical injury to a minor.
 - Effective November 1, 2005, products in which pseudoephedrine is the single active ingredient, and which are not in liquid, liquid capsule or gel capsule form, are required to be kept behind a store counter or in a locked facility that is inaccessible to customers without the assistance of an employee.
 - Prohibits retailers from selling more than 3 packages, not to exceed 9 grams, of pseudoephedrine in a single transaction without a valid prescription.
 - Requires the State Board of Technical Registration to receive notification of clandestine drug labs.
 - Permits a county or city to remediate a clandestine drug lab property and pass the cost of remediation on to the property owner in the form of a lien on the property title.
- In addition to pursuing future legislative efforts, the Attorney General's Office is responding to inquiries from local municipalities about establishing city ordinances which further address the sale of pseudoephedrine.
 - Continued serving on the National Alliance for Drug Endangered Children steering committee and participated in the development of the 2nd Annual National Drug Endangered Children Conference in Washington, D.C. held October 3-6, 2005.

Assistant Attorney General Mark Evans participated in the plenary presentation – *Are We Having Success in Court? Legal Strategies and Other Considerations*.

- In partnership with the National Alliance for Drug Endangered Children, Arizona DEC Task Force representatives have provided technical assistance and training in Arizona and throughout the United States.
- In September, the Attorney General's Office working in partnership with the Governor's Office of Children, Youth and Families, completed the framework for a conference entitled: Addressing the Methamphetamine Problem in Arizona - Enforcement, Prevention and Treatment, State and Community Action. Desired outcomes have been identified and include:
 - Education about the impact, scope and approaches to addressing the meth problem.
 - Policy Development at the State and Local levels.
 - Community Capacity Building through the provision of technical assistance and support to assist communities in developing and implementing their own action response.
- Further conference planning including site selection, agenda development, identification of the target audience and securing funding sources is continuing. The Conference is planned for February 13-14, 2006.

Funding

Funding for the Drug Endangered Children Program has been provided by a grant from the Governor's Office for Children, Youth and Families. The source of this funding is the Federal Drug-Free and Safe Schools Act. An Interagency Service Agreement (ISA) covering the grant period October 1, 2004 through September 30, 2005 in the amount of \$189,587 funded a prosecutor, part time program manager, legal assistant and related program expenses. Additional administrative support for the DEC Program is provided by the Criminal and Drug Units and the Executive Office of the Attorney General.