

# 2006 Annual Report

October 1, 2005 to September 30, 2006

## Arizona Alliance for Drug Endangered Children Program (DEC)



Submitted by

Office of the Arizona Attorney General  
Terry Goddard

For more information contact:

Mark Evans

Assistant Attorney General

602-542-8431

Mark.Evans@azag.gov

[www.azag.gov/DEC](http://www.azag.gov/DEC)

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## **2006 Arizona Alliance for Drug Endangered Children Program Annual Report Executive Summary**

In its sixth year of operation, the Drug Endangered Children Program (DEC) has continued to address effectively the needs of children found within meth lab environments and to prosecute those responsible for their suffering. Funding provided by the Governor's Office of Children, Youth and Families along with assistance from collaborative partners have allowed the Attorney General's Office to complete the following key accomplishments:

- In calendar year 2005, a total of 85 meth lab seizures were made in Arizona, generating 98 arrests.
- With the recent sentencing enhancements codified in A.R.S. 13-712, sentences have increased significantly from a punitive standpoint with respect to all meth lab and chemicals/equipment cases, and especially with respect to those cases involving children.
- The Attorney General's Office and local law enforcement led a successful campaign to strengthen the child abuse statute. Historically, prosecutors had to prove a difficult "care and custody" relationship between an offender and a child. This requirement was eliminated in the 2006 legislative session and became effective in September 2006.
- Between October 1, 2005 and September 30, 2006, the Attorney General's Office opened a total of twelve (12) DEC cases involving twenty-five (25) children. A total of 1,440 meth lab-related seizures occurred throughout Arizona as a result of the DEC program between September 2000 and September 2006. These seizures resulted in the Attorney General's prosecution of 134 cases involving a total of 283 drug endangered children.
- Since last year's annual report, the DEC programs in Pinal County and Pima County have continued to thrive and expand. The goal this year was to assist with implementation of the program in Cochise County, Mohave County, Coconino County, Yavapai County and Yuma County. The Attorney General's Office provided technical support in all of these counties this past fiscal year.
- From October 1, 2005 through September 30, 2006, 2,745 individuals attended DEC training sessions. This represents an increase of approximately 1,000 trainees from the previous fiscal year. This year's sessions included a full overview of the DEC Protocol and methamphetamine awareness presentations. Attendees represented law enforcement organizations, tribal communities, schools, foster care facilities, behavioral health services, and included court appointed special advocates (CASAs) and juvenile court systems professionals.

## 2006 Drug Endangered Children Program Annual Report

*“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

The purpose of the Drug Endangered Children Program (DEC) is to promote interdisciplinary intervention on behalf of children who have been exposed to methamphetamine or its precursor chemicals as a result of residing in, 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” contributes more to violent crime in Arizona than any other illegal drug. In particular, the increasing production of meth in home-based drug labs confronts Arizona with a unique set of problems that other illegal drugs have never before presented. The chemicals used to manufacture meth, its production process, and waste generated by that process pose real and serious dangers to the public and the environment. These dangers include toxic poisoning, chemical and thermal burns, fires, and explosions. 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 its corresponding Task Force developed a multidisciplinary DEC Protocol 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. This Protocol includes procedures for taking children into protective custody and arranging for protective services, immediately testing for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short-and-long-term care and follow up. This coordinated, multidisciplinary team approach is critical for ensuring 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 enhanced the processes by which local law enforcement, Child Protective Services (CPS), medical professionals, fire departments, environmental professionals, family advocacy centers, and the Attorney General’s Office respond to meth labs where children are present and prosecute those responsible. Building on its success in Maricopa County, the DEC Program is being expanded throughout Arizona via training programs and technical assistance for relevant professionals, agencies, and organizations.

## DEC Objective

The DEC Program has a two-fold objective: statewide adoption and implementation of the DEC Protocol and increased training in and awareness of the program in all areas of the State, including tribal lands. In DEC grant year 2005-2006, emphasis was placed on statewide expansion of the DEC Program model with special emphasis on Cochise County, Mohave County, Coconino County, Yavapai County and Yuma County. The Attorney General's Office DEC Program will offer initial and follow-up technical assistance to every County Attorney in addition to the assistance that has already been given. Suggested formats for this additional assistance include conducting a "leadership" meeting hosted by the County Attorney to encourage county leaders to implement a DEC Program and develop a local DEC Protocol.

### The impact of meth manufacturing on a child's home environment



#### A Child's World

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

#### Hazardous chemicals and equipment

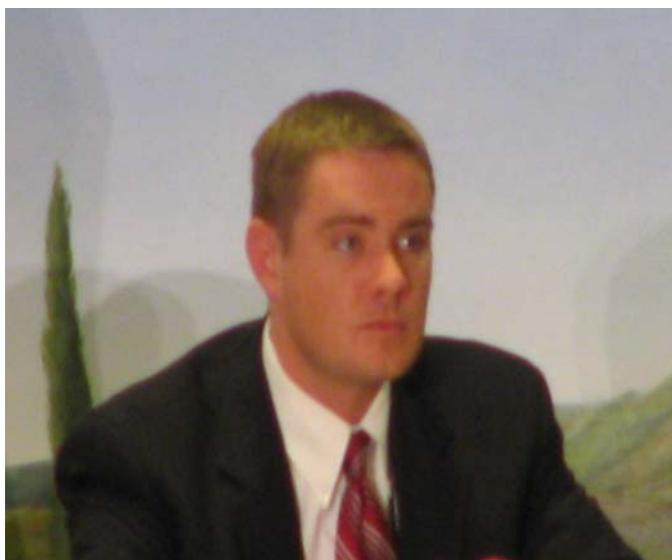


Hazardous materials and debris at a meth house.

## Arizona Methamphetamine Conference 2006 – A Call to Action



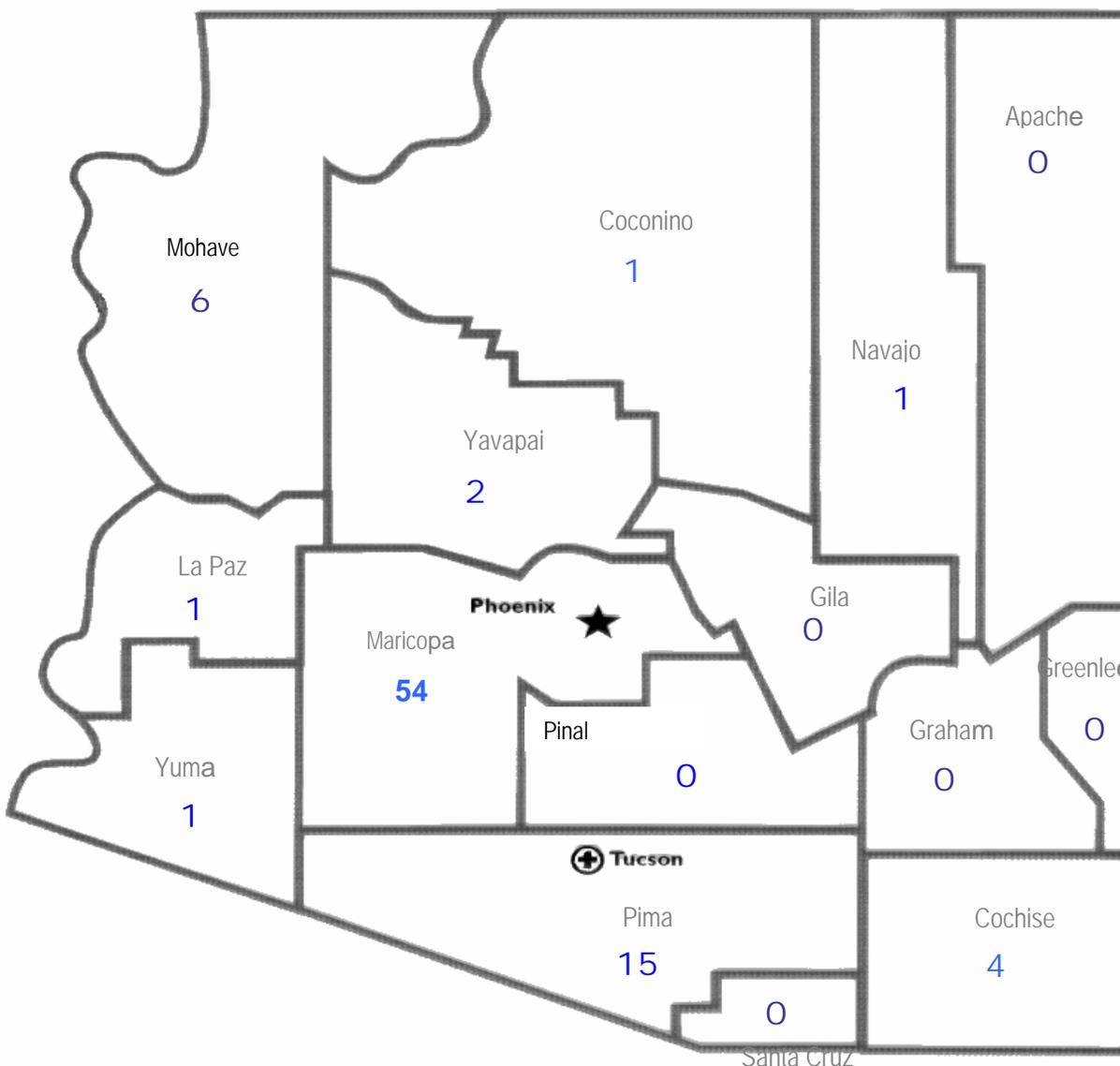
Attorney General Terry Goddard introduces the Policy-Makers Panel at the Arizona Methamphetamine Conference 2006 – A Call to Action



Assistant Attorney General Mark Evans at the Arizona Methamphetamine Conference 2006 – A Call to Action

## Clandestine Lab Activity in Arizona – Calendar Year 2005

- A total of 85 meth lab related seizures were made in Arizona, generating 98 arrests.
- The highest number of seizures occurred in Maricopa County, followed by Pima County, Mohave County and Cochise County
- A total of 25 children were found to be living in or near these toxic environments.
- Disposal costs for gross contamination associated with the 85 meth lab discoveries were approximately \$127,552 (exclusive of residual contamination). Since 2000, disposal costs associated with the illegal manufacture of methamphetamines have exceeded \$4.1 million dollars.



**Meth lab seizures in Arizona by county in 2005. Eighty-five total seizures statewide.**  
Source: Maricopa County Sheriff's Office, HIDTA

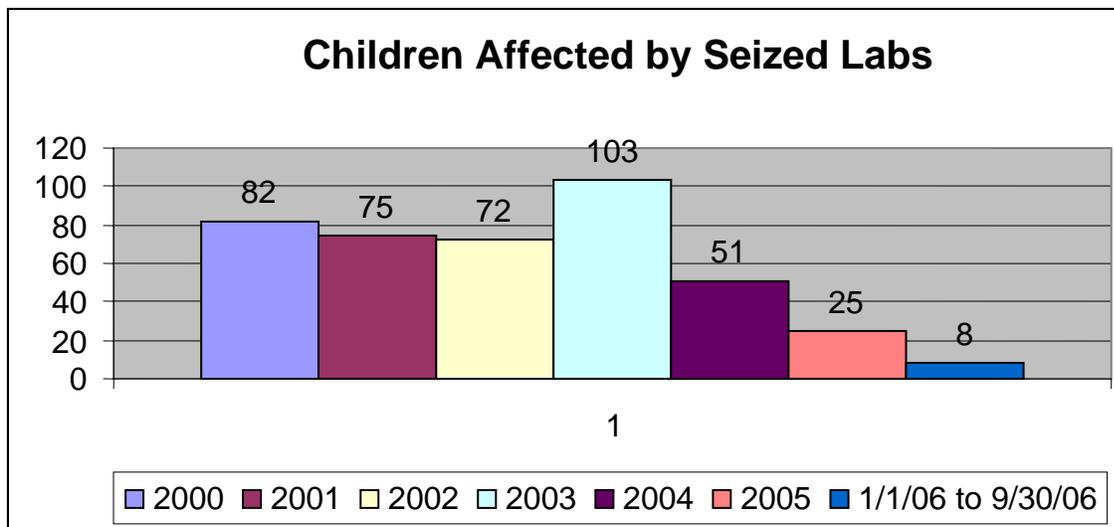
## Meth Lab Activity Summary

### Summary of Meth Lab and DEC Statistics by Calendar Year

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>YTD*</u> <u>2006</u>	<u>Totals</u>
Meth lab related Seizures	376	326	297	178	134	85	38	1434
Meth labs seized	80	293	239	112	100	54	30	908
Adults arrested	476	396	348	163	149	98	19	1649
Children affected	82	75	72	103	51	25	8	416
Disposal costs (\$)	1,572,335	1,221,126	760,068	239,744	163,772	127,552	36,818	4,121,415
DEC cases Prosecuted by the Arizona Attorney General's Office	28	22	25	23	22	12	3	135
Child victims	58	48	55	51	40	22	8	282

\*Includes data through 9/30/06

Sources: DEA, HIDTA Task Force, Maricopa, Pima, and Pinal County CPS and County Attorney's Offices  
Includes only those counties with a formal DEC Program



### Effects of Meth and Other Illegal Drug Manufacturing on Children

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

- Death or injury from fire or explosions caused by flammable materials in home-based labs;
- Acute health problems such as upper respiratory symptoms, headaches, nausea, dermatologic problems, or chemical burns;

- Long-term adverse health outcomes such as asthma, neurological problems, or cancers;
- Physical and/or sexual abuse or neglect;
- Developmental, emotional and behavioral problems;
- Lack of proper care, nutrition or adequate medical treatment;
- Ingestion or inhalation of methamphetamine, other drugs, or chemicals involved in drug production.

## **Training**

The formalized DEC Program and Protocol training consists of PowerPoint presentations, handouts, a mock meth lab display, and informational videos. 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](http://www.azag.gov/DEC/Training.html).

## **Technical Assistance**

In addition to training, the DEC 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 under consideration. Available throughout the implementation process, technical assistance may include training as described above, facilitation of local DEC team formation, and guidance on the incorporation of a DEC Protocol into existing agency procedures.

## **Existing Legislation Supporting the Drug Endangered Children Program**

### **Child Abuse**

In July of 2000, the Arizona child abuse statute was expanded to include 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 that even if a child or vulnerable adult tests negative for the presence of methamphetamines in his/her system, the non-presence of methamphetamines does not negate the fact that the situation itself is inherently dangerous.

With the recent sentencing enhancements codified in A.R.S. 13-712, sentences have increased significantly from a punitive standpoint with respect to all meth lab and chemicals/equipment cases, and especially with respect to those cases involving children.

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 occurred in response to the high costs of methamphetamine lab cleanup and safety concerns over residual contamination at lab sites. These new laws require the cleanup of methamphetamine lab sites and establish a process by which law enforcement remove all persons from the lab site.



Law enforcement must now post notice on the property and require 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 and cleanup must occur within twelve (12) months after the notice is posted. Additionally a county or city may remediate and pass on the cleanup costs to the property owner as a lien on the property title.

As a result of these laws, it is also 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 real property has been cleaned by a certified "Drug Laboratory Site Remediation Firm." If the owner fails to provide 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 in which the seller or landlord failed to meet these obligations.

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 grant year 2005-2006 include,**

- Between October 1, 2005 and September 30, 2006, 2,745 individuals attended DEC and related training sessions.
- In February 2006, The Attorney General's Office, in partnership with the Governor's Office of Children, Youth and Families, hosted a statewide conference, addressing The Methamphetamine Problem in Arizona - Enforcement, Prevention and Treatment, State and Community Action. The conference attracted over 700 participants.
- In connection with the statewide meth conference, the Attorney General's Office sponsored a "Stop Meth" poster contest for Arizona eighth-grade students. Students created a poster discouraging the use of meth through an original message and illustration.

- Following the meth conference, the Attorney General's Office responded to numerous requests for general meth awareness training and expanded the meth-related information available on the Office's website.
- Cochise County, through its Victim Witness Program division, expressed interest in the development of a DEC Protocol. The County is in the process of establishing a Meth Task Force and will be including the DEC Program within the Task Force efforts. In addition, Cochise County Attorney Ed Rheinheimer hosted a DEC Leadership Meeting on June 23, 2006. Representatives from local law enforcement, Child Protective Services, the County Attorney's office, and first responders were in attendance.
- Yavapai County completed development of its Methamphetamine Advisory Task Force.
- Pima County completed development of its DEC Protocol in September 2006. The Attorney General's Office is working with the county to increase awareness of the new Protocol throughout Tucson's law enforcement and child welfare agencies.
- In October 2005, Mark Evans participated in a panel discussion, "Are We Having Success in Court? Legal Strategies and Other Considerations", at the 2<sup>nd</sup> Annual National Drug Endangered Children Conference in Washington, D.C. A total of ten individuals representing the Arizona Drug Endangered Children Program attended the DEC Conference and assisted with staffing the AZ DEC Program Exhibitor table over the course of the 3-day National conference.
- In April 2006, the Coconino County Attorney Terry Hance hosted a DEC Leadership Meeting in Flagstaff. Attorney General Goddard presented at the meeting which was attended by representatives from local law enforcement, Child Protective Services, Flagstaff's Anti-Meth Coalition, and the Flagstaff Medical Family Advocacy Center.
- In 2005 and 2006 the DEC Program website ([www.azag.gov/DEC](http://www.azag.gov/DEC)) was redesigned.

## **Funding**

Funding for the DEC 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, 2005 through September 30, 2006 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.