



**Office of the Arizona Attorney General
Terry Goddard, Attorney General**

Arizona Drug Endangered Children Program (DEC)

Annual Report

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<http://www.ag.state.az.us/DEC>

Purpose

- To coordinate the social and legal aspects of cases involving children at methamphetamine laboratories.
- Effectively dealing with meth users and cookers requires cooperation between prosecutors, police, social workers, and health care experts. DEC Teams provide a framework for that cooperation.

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.

Responding to a suspected meth lab where children are present requires a carefully planned and coordinated approach involving multiple partners. Those who make meth often use meth, making them prone to violent behavior. Meth producers often try to keep their illegal operations a secret through the use of weapons and explosive booby traps. The DEC Program has coordinated and improved the efforts of local law enforcement, Child Protective Services (CPS), medical professionals, and the Attorney General's Office to respond to meth labs where children are present, and to prosecute those responsible. The DEC Program ensures timely access to qualified personnel who can respond to the immediate and longer-term medical and safety needs of drug endangered children. Building on its success in Maricopa County, efforts continue through training and technical assistance to expand the DEC Program throughout Arizona.

Up to now the primary focus of the Meth & Kids Task Force has focused on Methamphetamine Lab cases in Maricopa County. Collaborating agencies include:

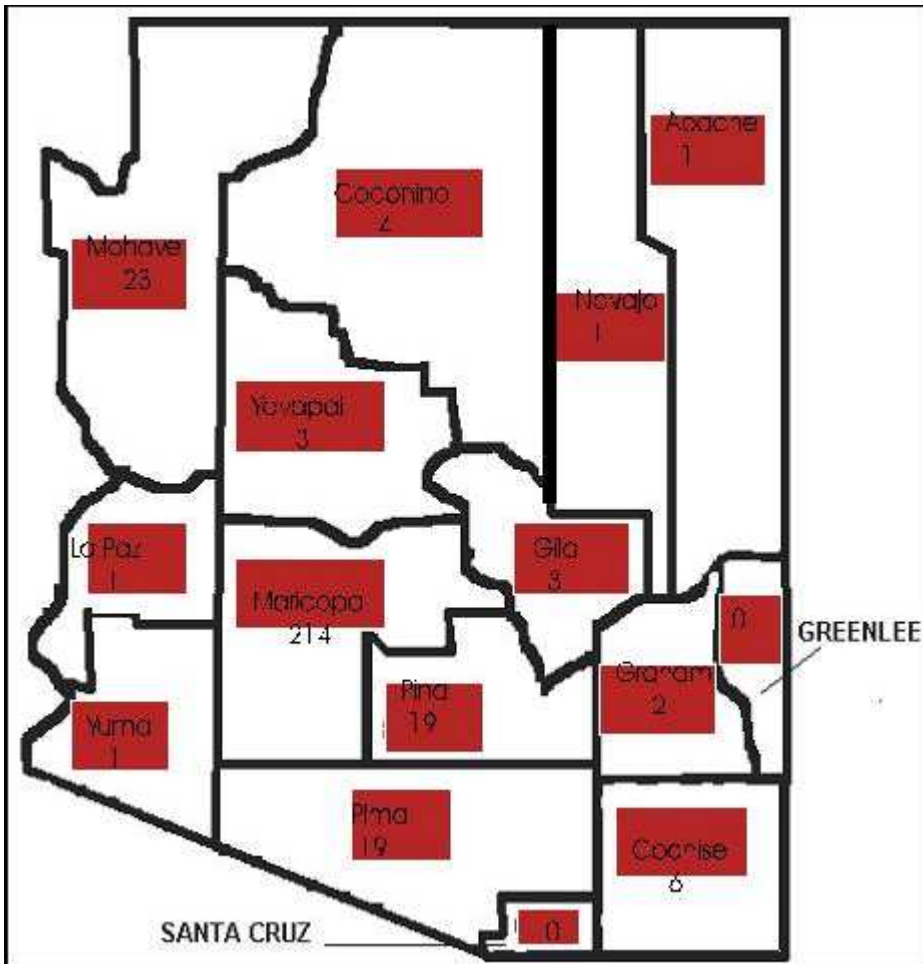
- Arizona Attorney General's Office
- Maricopa County Sheriff's Office/HITDTA Clandestine Lab Task Force
- Arizona Department of Public Safety Crime Lab
- Local law enforcement agencies
- DES- Child Protective Services
- Childhelp Child Advocacy Center
- St. Joseph's Hospital
- Fire Departments

Under the leadership of Attorney General Terry Goddard, the Meth & Kids Task Force was renamed the Arizona Drug Endangered Children Program in 2003 to

include a broader range of narcotics cases that involve charges of child endangerment when children have been present. The focus of the Arizona DEC Program is on formalizing the protocol and building on the model by incorporating successful practices developed by the nationally recognized California DEC Alliance, specifically the San Diego County Program.

Arizona Experience with the Meth Clandestine Lab Problem

- In 2002, a total of 297 meth labs seizures were made in Arizona, generating 348 arrests.
- The total number of dependent children found on the scene was 72.
- Disposal costs for gross contamination associated with the 297 meth lab discoveries was approximately \$760,068.



Methamphetamine Lab Seizures in Arizona by County in 2002 Total =297
Source: Maricopa County Sheriff's Office, HIDTA

Effects of Meth and Other Illegal Drug Manufacturing on Children

Methamphetamine users often make poor parents, focusing on their drug habit rather than caring for their families. Justice Department statistics show that neglected or abused children are

- 50 percent more likely to be arrested as juveniles,
- 40 percent more likely to be arrested for a violent crime as adults and
- 33 percent more likely to become substance abusers.

Children face a host of hazards when there's meth or a meth lab in their home.

- Exposed to toxic chemicals that can cause serious health problems, including chemical burns, respiratory problems, and lung and tissue damage.
- Experience developmental delay and even brain toxicity.
- Meth-making chemicals can catch fire, explode, or create clouds of toxic gas.
- Exposed to dangerous or hazardous conditions associated with the manufacture of drugs.



Methamphetamine cookers often have guns, other weapons, and booby-traps to protect their drugs and labs.



Arizona DEC Cases

Data from the DEC cases collected since 2000 was integrated with DES Dependency Cases and Criminal Prosecution data. Highlights from this data analyses include:

- A total of 111 cases involving 218 children have been reported to law enforcement and CPS since the Meth& Kids Initiative was started in 2000 through June 1, 2003.
- CPS took 81% (177) of the children into temporary custody at the crime scene.
- 15.2% of children initially tested positive for toxicity, 63% negative and 17% (could not test)
- 31.2% of children received 30 day follow up testing
- 90 Dependency Petitions were filed
- 17 Guardianships were finalized.
- 12 Termination of Parental Rights
- 12 Adoptions
- 84 prosecutions involving 178 child victims from 2000 to September 2003.
- 24 criminal cases are in process or pending prosecution.

Note: Criminal prosecution data is only available from July 2001. Data on cases prior to that period is not available due to the implementation of a new database.

Training

In FY 2003, the DEC Program provided training to 204 professionals including CPS, law enforcement officers and medical professionals on the effects of Methamphetamines on children and the Arizona Multidisciplinary DEC Program. The training components include:

- Interdisciplinary Investigative Protocol
- Prosecuting Child Abuse and Drug Crimes
- Parallel Proceedings
 - Criminal
 - Civil
- Environmental Remediation
- Medical issues surrounding children presents in meth labs.

The DEC Prosecutor attended the Training Programs during FY 2003:

- San Diego County DEC Program- Summit with Arizona
- Phoenix Police Department Drug Manufacture Training
- Iowa DEC Training

Legislation

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.

For future legislation, the Attorney General's Office is considering the propriety of the following:

- Amend 13-3623 A. to eliminate "having the care or custody of a child or vulnerable adult" section.
- This amendment would result in more prosecutions of drug lab cases where children are present on child abuse grounds without having to establish care and custody relationship

Funding

- Funding for the Meth & Kids Initiative for the past three years has come from a \$145,000 ISA/grant from the Governor's office for Substance Abuse Policy. Source: Federal Drug-Free and Safe Schools Act
- October 1, 2003- September 30, 2004 this ISA/Grant will be for \$162,000 to fund a prosecutor, part time program manager and legal assistant.
- New restrictions on Federal Drug-free and Safe Schools Act requiring the state to use funds for prevention programs in future places the DEC funding in jeopardy.
- The Attorney General's Office is continuing to explore alternative sources of funding for this initiative.

DEC Objective

Up to now the primary focus of the Meth & Kids Task Force has focused on Methamphetamine Lab cases in Maricopa County. In FY 2004, emphasis will be placed on expansion of the Arizona DEC Program model developed in Maricopa County to the state's remaining 14 counties. The training and technical assistance plan will include training and technical assistance to teams of law enforcement, CPS staff and health professionals utilizing Arizona's 13 Child Advocacy Centers. As a result of meetings and discussions, an optimal level of coordination and support is available from DES-CPS at the state level to move forward with statewide expansion.

Accomplishments

Key accomplishments for the Arizona DEC Program in FY 2003 include:

- Formalized Multidisciplinary Protocol for response to cases involving manufacture of illegal drugs when children are present. (Appendix 1).
- Web site information (coming in November to www.ag.state.az.us/DEC)
- Substance abuse content section included in Attorney General's Web Page for Kids implemented in October 2003. (www.ag.state.az.us)
- Site visit to San Diego County DEC Program with representatives from Arizona agencies including CPS, law enforcement, Attorney General's Office and Governor's Office.
- Increased coordination and support of DES-CPS at the state level.