

Drug Endangered Children: Meth's Innocent Victims

This article is based on an original written by Tom Manning, J.D. Deputy District Attorney

History of Why DEC Was Created

Drugs, guns, and money are expected seizures by law enforcement officers during a raid on a suspected methamphetamine producer. Sadly, however, children are part of this crime scene too often. In the past, officers would end up changing dirty diapers, comforting screaming babies, and entertaining these children for hours.

Unfortunately, San Diego had too much experience with these kinds of cases. Because of the high rate of methamphetamine use and production, San Diego held the title of the Methamphetamine Capital through the 1980's to the late 1990's. In 1996, methamphetamine-related arrests totaled 5,218, and methamphetamine admissions to treatment programs outpaced those for alcohol for the first time. At that time, methamphetamine manufacturing labs ranged in operation from large multilayered organizations to small "mom and pop" shops producing the drug on kitchen stoves.

Prior to the development of the Drug Endangered Children (DEC) program, law enforcement officers had few good choices when finding children at the crime scene. Leaving the children with a neighbor or family member was risky, as it was not clear whether such individuals weren't also involved with meth or were capable of caring for a child. Also, Child Protective Services was swamped and often unable to handle emergency situations. Therefore, in many instances, children returned time and again to their unsafe, unstable homes because of the lack of available intervention resources. Further, often stymied in attempts to get the children to a safe environment, police officers could not focus on gathering evidence for an effective prosecution. Both kids and officers got caught in the middle of parental drug use and profiteering.

For years, the concept of children as victims of the methamphetamine epidemic remained unknown. However, in 1995, the issue gained national attention when a Riverside County methamphetamine lab exploded, killing three small children. Their mother received a conviction for second-degree murder and appealed the verdict. In March 1998, the Fourth District Court of Appeals ruled that manufacturing methamphetamine is an inherently dangerous felony for the purpose of the second-degree felony-murder rule. This case sparked state legislation that enhanced prison time when children were found at methamphetamine labs. As of January 1998, defendants found guilty of manufacturing methamphetamine in the presence of children under 16 face a 2-year prison enhancement. The methamphetamine producer can expect an additional 5-year penalty enhancement when a child is injured as a result of the methamphetamine production process.

Local government, law enforcement, and community groups have worked hard to change San Diego's unfortunate reputation. Part of the solution was to pilot the Drug Endangered Children (DEC) project in North San Diego County in 1998.

DEC in San Diego County Today

DEC is a multidisciplinary team response to labs and homes where meth use and sales are prevalent. The DEC team is composed of law enforcement officers, a child protective services worker, a prosecutor and medical professionals. Together, this team ensures that

children are safely removed from meth-infested homes and properly screened for medical problems. Their parents are held accountable in a system that requires them to choose between their drug addiction or their children.

San Diego County was the only county in California to maintain DEC programming once the grant for the pilot program ended. In the last two years, thanks to extraordinary in-kind contributions of various partners, DEC was expanded throughout the County. Today, a Child Protective Services worker is available to every law enforcement agency in every region of the County. Public health nurses supplement the medical team. This expansion was developed by leadership in the DEC Council, which includes District Attorney Bonnie Dumanis, HHS Director Jean Shepard, and Sheriff Bill Kolender, with the capable facilitation of Deputy District Attorney Bill Wood and CPS Director Debra Zanders-Willis. The expansion was made possible by a number of contributions, such as:

- ❑ The Health and Human Services Agency created flex-time for the workers for an on-site capability at all hours except between 2 to 5 a.m., when a phone consult is available.
- ❑ The Drug Enforcement Administration gave pagers for the CPS workers
- ❑ The California Border Alliance Group printed materials and sponsored a major conference in May 2006

How DEC Works

DEC cases are classified at two levels:

1. Level I cases involve meth labs
2. Level II cases involve meth-infested homes with high amounts of meth dealing and consumption.

Today in 2006, much of the meth manufacturing process has moved south of the border, and the majority of DEC cases are Level II.

Level I: Methamphetamine Production Dangers

Methamphetamine is relatively easy to make in your own kitchen. When parents do this, they expose their children to noxious and toxic chemicals. All of the multiple manufacturing stages involve highly flammable and toxic substances.

The danger to children is obvious when a methamphetamine lab explodes, killing or injuring them. However, chemical burns and exposure to hazardous chemicals and deadly gases represent some of the more insidious and overlooked injuries caused by living in a methamphetamine lab environment. Examples of these kinds of exposure witnessed by law enforcement include:

- ❑ Babies crawling on carpets where toxic chemicals have spilled.
- ❑ Children cooking their own meals in the same microwave ovens that their parents used to produce methamphetamine.
- ❑ Chemicals stored in open or improperly sealed containers in areas where children played.
- ❑ Two boys received second-degree chemical burns on their arms when they fell off their bikes onto a patch of dirt in their backyard. Police officers discovered that their parents had dumped leftover waste from their methamphetamine production in the yard.

Level II: Methamphetamine Dealing in Homes

When methamphetamine is ever present in a family, another kind of endangerment to children occurs. First, danger associated with dealing is many faceted. Guns are often in these homes, and meth dealers aren't careful about safety locks. Children in these homes are especially vulnerable to sexual exploitation. But more importantly, parents who use meth often first think about their drug, and children come last. Children found in these homes often suffer from malnutrition and neglect. They may have never seen a doctor or a dentist. Many of these children show signs of developmental delays, and about 10 percent test positive themselves for methamphetamine due to passive exposure to the drug.

DEC: Rescue Children and Hold Parents Accountable

Besides fostering greater cooperation and coordination between social services and law enforcement, DEC studies and documents the environmental hazards that children are exposed to in these methamphetamine "kitchens of death." The team roles include:

- ❑ Law enforcement, in the course of its investigation and enforcement action, alerts the team in cases where children are suspected to be present.
- ❑ Social workers can respond to the scene and address the need of the child. Child abuse and neglect are documented. The social worker transports children exposed to toxic chemicals to the proper medical facility.
- ❑ Health care workers establish the medical procedures and document the testing of these children. Health care providers have created guidelines so that children found in methamphetamine lab environments will receive all of the necessary testing and treatment procedures. Also, once medical authorities have verified that these children have been exposed to methamphetamine and the toxins associated with its productions, they track the children's progress to ensure their continued health and safety.
- ❑ Prosecutors then use this information to add child endangerment enhancements targeting methamphetamine manufacturers.

DEC as a Feed to Dependency Court Recovery Project

Parents do have support in San Diego County to make the right change with regard to addiction. In Dependency Court, a Drug Court model was introduced about the same time that DEC began. Parents work within mandated treatment to recover – and get their children back if they are successful. Parents who cannot successfully embrace recovery within a designated time frame lose permanent parental rights.