

**Stanislaus County District Attorney's Office
Child Protective Services and
Health Services
Grand Jury Case No. 05-24
2004-2005**

SUMMARY

A citizen complaint alleged that the Byrnes Grant (federal funds, distributed by states for the purpose of drug enforcement) was being misused. The allegation stated that there was no multijurisdictional task force in place and that all the Byrnes Grant, (hereafter referred to as the Grant) money was to be spent on drug endangered children. The investigation revealed that this was not the case. There has been a task force in place since 2003, and their duties include overseeing all the funds available specifically for drug enforcement, including the Byrnes Grant. The investigation discovered that there was no directive that monies be specifically allocated for drug endangered children. There was a stipulation in the Grant that there be a network of agencies to address the welfare of children found at methamphetamine site raids. This network has been functioning since 2000.

INTRODUCTION

A citizen complaint was received regarding the distribution of Byrne Grant monies. The contention of the complaint was that the funds were to be used for a multi jurisdictional task force for drug endangered children. It was also asserted that such a task force does not exist and that all Byrne's Grant funds were used for other purposes.

The purpose of this Grand Jury investigation is to determine:

- The amount of the Byrnes Grant Fund
- Who receives the money
- How the money is distributed
- How the Grant relates to Drug Endangered Children (DEC)

We will attempt to discover the:

- History of the Grant
- Amount of the funding
- Recipient of the funding
- Distribution of funds

BOARD OF SUPERVISORS
2005 JUN 28 P 4: 10

METHOD OF INVESTIGATION

The Grand Jury interviewed: ¹

- The District Attorney's representative to the Stanislaus Drug Enforcement Agency (SDEA).
- A senior member of the SDEA representing the Stanislaus County Sheriff's Department who is responsible for the implementation of the budget.

The Grand Jury researched and reviewed:

- The Byrnes Grant, including:
 1. The application of the Grant
 2. The terms of the Grant
 3. The budget of the Grant
- A Memo of Understanding (MOU) between the Stanislaus Drug Enforcement Agency (SDEA), Community Services Agency Children Protective Services (CSA-CPS), Stanislaus County Health Services Agency (HSA) and the Stanislaus County District Attorney's Office (SCDA)
- The monthly minutes of the SDEA – January 2003 through December 2004

FINDINGS

1. "The Office of Emergency Services (OES), Criminal Justice Programs Division (CJPD) administers the Federal Edward Byrne Memorial Block Grant Program, which provides funds to state, regional and local units of government. These funds are designated to assist state agencies and local jurisdictions to improve the functioning of the criminal justice system, with emphasis on convicting violent and serious offenders and enforcing drug control laws. In California these programs fall under the Anti-Drug Abuse (ADA) Enforcement Program." ²

2. The Stanislaus Enforcement Agency's Governing Committee, which is a Multijurisdictional Task Force or Steering Committee for the Byrnes Grant Fund, is comprised of the following agencies:

- The Sheriff's Department
- The District Attorney's Office
- Senior representatives of each City Police Department in the County
- A Stanislaus Behavioral Health and Recovery Resource Agent
- The Probation Department

¹ See Appendix

² See Appendix

The entire Byrnes Fund budget is applied to the salaries of personnel of these agencies listed above. These employees are assigned to the law enforcement activities of the Governing Committee.³

- a) Stanislaus County has elected to expend these funds on personnel rather than any specific area of drug enforcement.
- b) In accordance with the terms of the Grant the extra personnel benefits all areas of drug enforcement.
- c) Neighboring counties also spend their Grant funds in this manner.

3. The Grant application was first initiated in May 2003. As per the application – the Sheriff, the official who is authorized to sign the grant award, certified that:

“The County of Stanislaus will accept the Byrne funds for the period of July 1, 2003, to June 30, 2004, and comply with federal, state, and local environmental, health and safety laws and regulations applicable to the seizure of clandestine Methamphetamine laboratories.”⁴

4. The section of the Grant that relates to this issue is as follows:

“Grantee will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine Methamphetamine laboratory site, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:⁴

- i) Respond to the minor’s health needs that relate to Methamphetamine toxicity;
- ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine Methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
- iii) Arrange for medical testing for Methamphetamine toxicity; and
- iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of Methamphetamine toxicity.”

5. On 12-14-2000 the following agencies entered into an agreement concerning children found at meth lab operations: SDEA, CSA-CPS, HAS and the SCDA. The purpose for the agreement states that these four agencies “will work cooperatively to facilitate a coordinated response to families involved in drug manufacturing when children are expected to be present and found in the home.” Also listed is the procedure to accomplish the protection of Drug Endangered Children (DEC).⁵

³ See Appendix

⁴ See Appendix

⁵ See Appendix

When the County applied for the Byrnes Grant in 2003, this MOU for the Operational Agreement had been in place since 2000. The Grant did not specifically designate funding for this program.

The Memo of Understanding (MOU) regarding Drug Endangered Children (DEC) does not preclude that Byrnes Funds are specifically designed for DEC as referred to in the "INTRODUCTION."

Why money from the Grant does not go to DEC:

- This is confirmed by the Grant itself.
- The MOU.
- Interviewees.
- None of the above three items implies or dictates specific direction of funds.

Our interviews confirmed what the documents stated:

- A task force (governing committee) does exist.
- This task force actively oversees Byrnes Grant Funds as evidenced by the monthly meeting minutes and the budget.
- The authority for the task force is specified in the Grant.
- The task force, as required by the Grant, has been in place for 25 years.
- The existing structure is SDEA.
- Project Title is Stanislaus Anti Drug Task Force.
- The Grant gives the authority for the funds to be administered by the Stanislaus Drug Enforcement Agency's Governing Committee, which is under the umbrella of SDEA.
- While the Grant refers to a Stanislaus Anti-Drug Task Force, the authority is ADA Enforcement Program.
- Stanislaus County received Byrnes Funds of approximately \$500,000.00 in each fiscal year of 2004 and 2005 (\$521,936.00 in 04-05.)
- The Task Force administers all of the funds received for the SDEA, which includes the Byrnes Grant Fund, California Multi Jurisdictional Methamphetamine Enforcement (CAL-MMET) and High Intensity Drug Traffic Area (HIDTA).
- The SDEA Commander is the Operational Administrator of the SDEA funds. This is confirmed in the budget and the minutes of the monthly meetings.
- Funds are properly administered. Money is distributed as per terms of the Grant with no discrepancies.
- The needs of the DEC are being met through the networking of various county agencies.
- Nothing improper was found between the conditions of the Grant and its implementation.

According to the SDEA Commander, there were 9 cases of children present during 42 meth lab operation raids in the previous year.

The SDEA Governing Committee should continue its work in narcotic suppression. It should also continue to pursue grants and other assistance in the fight against drug trafficking.

The Governing Committee and supporting county agencies should be applauded for their early recognition of the needs of children when found at drug houses. It is important to continue to assist children found as innocent victims in these drug raids.

RECOMMENDATIONS

None.

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A. Law Enforcement	
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5. Memo of Understanding/DEC Program	Ap10

QUESTIONS TO ASK INTERVIEWEES

1. What is your position/title?
2. How long have you been in this job?
3. Who is your supervisor?
4. Where is your office located?
5. What are your duties?
6. Are you aware of the Byrnes Grant Fund?
7. Are you involved with the Byrnes Grant Fund?
8. Is there a copy of the Grant?
9. Is there a multi-jurisdictional task force or steering committee in place?
10. Who is on the committee?
11. Have you ever attended one of these meetings?
12. How often are meetings scheduled?
13. When was the most recent meeting held? Who is the chair? Are minutes taken?
14. How is the Grant funded?
15. Who administers the Grant from state to state?
16. Who receives money?
17. How much money?
18. How is money distributed?
19. Is County Auditor Haugh involved?
20. Is there anyone else you think we should speak to?
21. Do you have any questions for us?



CRIMINAL JUSTICE PROGRAMS DIVISION
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, CA 95741-9047
(916) 324-9112



April 6, 2004

To: All Chiefs of Police, Sheriffs, District Attorneys, Chief Probation Officers and
County Drug and Alcohol Administrators

Subject: Edward Byrne Memorial State and Local Law
Enforcement Assistance Formula Block Grant
2004-2005

The Office of Emergency Services (OES), Criminal Justice Programs Division (CJPD) administers the Federal Edward Byrne Memorial Block Grant Program, which provides funds to state, regional and local units of government. These funds are used to assist state agencies and local jurisdictions to improve the functioning of the criminal justice system, with emphasis on convicting violent and serious offenders and enforcing drug control laws. In California these programs fall under the Anti-Drug Abuse (ADA) Enforcement Program.

Within the next two months, the State Fiscal Year (SFY) 2004/2005 ADA Enforcement Program Application will be mailed to the current project directors and managers in each agency in your county or jurisdiction. They will be convening at the county's ADA Steering Committee, of which you are a member, to determine the focus of the countywide application for SFY 2004/2005.

OES CJPD requests all committee members to start considering the following, prior to submission of your grant application. Specifically you should:

- ❖ Determine the drug and violent crime problems within your jurisdiction;
- ❖ Formulate ideas and suggestions for cohesive, workable solutions to the identified problem;
- ❖ Consider alternatives to your current program that best serve the needs of the county/city;
- ❖ Consider a long-range plan exclusive from the one-year funding cycle; and
- ❖ Review the 29 Program Purpose Areas for program alternatives.

The block grant award to California for SFY 2004/2005 is \$50,238,677. Attached is the funding chart to be used when considering your allocation strategies.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Sarine".

GWEN SARINE, Chief
Drug Enforcement Section

Attachments

I.

LAW ENFORCEMENT

The law enforcement component is represented by the Police Department of eight incorporated cities of the County of Stanislaus and the Stanislaus County Sheriff's Office, organized in the Stanislaus Drug Enforcement Agency (SDEA) and administered under a Joint Powers Agreement. The eight incorporated cities in Stanislaus County participating in the Joint Powers Agreement include Modesto, Ceres, Newman, Oakdale, Patterson, Turlock, Waterford, and Hughson.

SDEA participants, therefore, bring to the program the invaluable experience of more than thirty years of united effort against narcotics in the communities of Stanislaus County. SDEA fosters the highly efficient use of all law enforcement resources and thus forms a foundation for the use of grant funds to the maximum benefit of the citizens of local communities.

SDEA staff is already experienced in functions such as training of law enforcement personnel, expert testimony and other courtroom support services, and local information services. Grant funds would provide the opportunity to expand those skills. As specified in the Joint Powers Agreement, the SDEA will continue to administer the Agency's functions.

In addition to monitoring conformance with the Joint Powers Agreement, the Stanislaus Drug Enforcement Agency's Governing Committee will assume the traditional responsibilities of policy and review, general management decisions, discussion of cases and targeted offenders, and the review of grant progress by all components on each program title.

Commensurate with sound administration principles, the SDEA Governing Board shall direct maximum efforts to the elimination of the duplicative or unnecessary administrative practices and procedures and shall promote centralized coordination among components.

Grant funds will be utilized to enhance the law enforcement component by funding the following personnel:

- 1 Stanislaus County Sheriff's Deputy
- 1 Stanislaus County Sheriff's Legal Clerk
- 1 Ceres Police Department Officer
- 1 Turlock Police Department Officer
- 1 Analyst from the Modesto Police Department
- 1 Administrative Technician from the Modesto Police Department
- 1 Community Service Officer from Modesto Police Department
- 1 Sergeant from Modesto Police Department

The three Law Enforcement Officers, Analyst, Administrative Technician, Community Service Officer and Sergeant will be physically located in the current office of the Stanislaus Drug Enforcement Agency. The SDEA Commander, a Stanislaus County Sheriff's

Lieutenant, will supervise the Officers, analyst, Administrative Technician, Community Service Officer and Sergeant. The Law Enforcement Officers, Analyst, Administrative Technician, Community Service Officer and Sergeant will perform the activities specified in the law enforcement component.

BYRNE-FUNDED PROJECTS
CERTIFICATION OF COMPLIANCE
METHAMPHETAMINE LABORATORY OPERATIONS

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine Methamphetamine laboratories, including the seizure and/or removal of clandestine Methamphetamine laboratories [hereinafter, "meth lab operations"].

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/remediation of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

I, Les Weidman, Stanislaus County Sheriff/Coroner hereby certify that:
(Type the name of the official authorized to sign grant award; same person as on line 13 on Grant Award Face Sheet)

GRANTEE: County of Stanislaus

IMPLEMENTING AGENCY: Stanislaus County Sheriff's Department

PROJECT TITLE: Stanislaus Anti-Drug Task Force

(Check one of the following four boxes)

Will not accept the Byrne funds for the period of July 1, 2003 to June 30, 2004.

OR

Will accept the Byrne funds for the period of July 1, 2003 to June 30, 2004, but will not use them in the seizure or removal of clandestine Methamphetamine laboratories.

OR

Will accept the Byrne funds for the period of July 1, 2003 to June 30, 2004, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the seizure of clandestine Methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure of clandestine Methamphetamine laboratories;

2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine Methamphetamine laboratories;
3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Grantee will notify the Department of Toxic Substances Control (DTSC), and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine Methamphetamine laboratory is seized; and
5. Grantee will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine Methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:
 - (i) Respond to the minor's health needs that relate to Methamphetamine toxicity;
 - (ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine Methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (iii) Arrange for medical testing for Methamphetamine toxicity; and
 - (iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of Methamphetamine toxicity.

OR

Will accept the Byrne funds for the period of July 1, 2003 to June 30, 2004, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the seizure and/or removal of clandestine Methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure and/or removal of clandestine Methamphetamine laboratories;
2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine Methamphetamine laboratories;
3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Grantee will send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine Methamphetamine laboratory is seized;
5. Grantee will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine

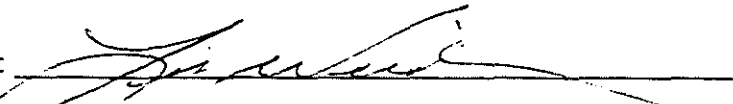
Methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:

- (v) Respond to the minor's health needs that relate to Methamphetamine toxicity;
 - (vi) Take the minor into protective custody unless the minor is criminally involved in the clandestine Methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (vii) Arrange for medical testing for Methamphetamine toxicity; and
 - (viii) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of Methamphetamine toxicity.
6. Grantee will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine Methamphetamine laboratory site;
 7. Grantee or DTSC will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment, and contaminated materials and wastes from the clandestine Methamphetamine laboratory site;
 8. Grantee or DTSC will dispose of the chemicals, associated glassware, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licenses recycling facilities; and
 9. Grantee or DTSC will monitor the records involving the transport, disposal and recycling components of subparagraphs numbered seven and eight immediately above in order to ensure proper compliance.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both. The grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: (1) the grantee has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [line 13 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: 

Authorized Official's Typed Name: Les Weidman

Authorized Official's Title: Sheriff-Coroner

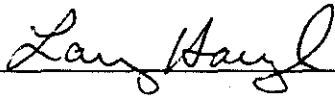
Date Executed: 5-21-03

Federal ID Number: 94-6000540

Executed in the County of: Stanislaus

AUTHORIZED BY:

- County Financial Officer
- Governing Board Chair

Signature: 

Typed Name: Larry Haugh

Title: Auditor-Controller

Stanislaus County Drug Endangered Children Program

P.O. Box 3484
Modesto, CA 95353
(209) 558-6300

Striving to be the Best



MEMORANDUM OF UNDERSTANDING

Between: Community Services Agency Children Protective Services (CSA-CPS), Stanislaus Drug Enforcement Agency (SDEA), Stanislaus County Health Services Agency (HSA), and the Stanislaus County District Attorney's Office (SCDA).

Purpose: To provide a cooperative effort between the above agencies and facilitate a coordinated response to families involved in drug manufacturing, when children are expected to be present.

PHN: CSA-CPS social worker shall include any public health nurse assigned to CSA/CPS.

Condition and Procedures are as follows:

1. Social workers and a supervisor at CSA-CPS, will be identified and assigned as participants in the CSA-CPS/SDEA cooperative effort.
2. SDEA agrees to provide information and lead time when possible to allow completion of the CSA-CPS referral process, history check, and case review by CSA-CPS social workers.
3. At the response site all precautions as directed in the procedure for exposure to hazardous waste material (attached) will be followed by CSA-CPS personnel. A box of protective supplies will be provided to each participating CSA-CPS social worker, and the safe working practices guidelines will be adhered to (copy attached). CSA-CPS social workers presence at the response site will be kept to a minimum.
4. Exchange of information relevant to the case will proceed as appropriate to provide timely support in any child welfare or criminal court action that arises.
5. The District Attorney (SCDA) agrees to review and prosecute all appropriate cases where children are exposed to hazardous toxic materials involved in the clandestine manufacturing of controlled substances.
6. The Health Services Agency (HSA), through a contract with CSA, will provide a public health nurse (PHN) to provide assessment of the health needs of the children and assistance with accessing appropriate health services.

We, the undersigned, as authorized representatives of CSA-CPS, SDEA, HSA, and SCDA, do hereby approve of this document for a period of one year from this date, 12-14- 2000.

[Signature]
 Signature
Community Service Agency
 Agency

[Signature]
 Signature
HSA
 Agency

[Signature]
 Signature
SDEA
 Agency

[Signature]
 Signature
SCDA
 Agency

JEFF JUE
 Name
DIRECTOR
 Title

BEVERLY FOLEY
 Name
MANAGING DIRECTOR
 Title

ROY WARDEN
 Name
 MODESTO
CHIEF OF POLICE
 Title

JAMES BRAZELTON
 Name
DISTRICT ATTORNEY
 Title

12/14/2000
 Date

12/14/2000
 Date

12/14/2000
 Date

12/14/2000
 Date

**Stanislaus County
Drug Endangered Children Program**

P.O. Box 3484
Modesto, CA 95353
(209) 558-6300



Operational Agreement

Purpose:

The Stanislaus Drug Enforcement Agency (SDEA), Community Services Agency Children Protective Services (CSA-CPS), Stanislaus County Health Services Agency (HSA) and the Stanislaus County District Attorney's Office (SCDA), will work cooperatively to facilitate a coordinated response to families involved in drug manufacturing when children are expected to be present and found in the home.

Procedure:

1. Identify a CSA-CPS team of social workers with knowledge and training in the area of criminal investigation, and familiar with the procedures of the narcotics task force. A member of the identified CSA-CPS team will respond as needed to SDEA requests.
2. SDEA agents at a site where drugs, hazardous conditions, unfit home, or parents are arrested will immediately notify the approved CSA-CPS liaison.
3. SDEA agents will provide information and lead-time, when possible, to allow assigned CSA-CPS social worker to review case and prior history.
4. CSA-CPS social worker and SDEA agent will each assess, document, and photograph conditions of the house and children, as needed. Interviews of parents and children will be conducted. In all cases where hazardous and unfit conditions exist, i.e., drugs and/or chemicals found accessible to children, the SDEA agent will take temporary custody of the children. The CSA-CPS social worker may seek emergency juvenile court jurisdiction of the children based on CSA-CPS social workers assessment of danger and subsequent removal by the SDEA agent.
5. The CSA-CPS social worker will coordinate assessment, transportation, treatment, and, if needed, placement of the children. The CSA-CPS social workers may prepare and file a petition to juvenile court and coordinate all subsequent child welfare services. CSA-CPS social workers will determine the appropriate level of intervention.
6. The CSA-CPS social worker will immediately transport the children to a local hospital or other approved medical facility for a medical examination. The SDEA agent or a law enforcement officer will accompany the CSA-CPS social worker to ensure the collection of a urine sample, and to document the chain of evidence on toxicological positive samples saved for child welfare and criminal court actions.
7. Exchange of information relevant to the case will proceed as appropriate to provide timely support in any child welfare or criminal court action that arises.
8. The SCDA agrees to review and prosecute all appropriate cases where children are exposed to drugs or hazardous toxic materials involved in the clandestine manufacturing of controlled substances.