

**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

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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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?