

REC'D AUG 25 2006



Office of the
MENDOCINO MAJOR CRIMES TASK FORCE

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DATE: August 21, 2006

TO: *Honorable Cindee Mayfield, Presiding Judge
Superior Court of California, County of Mendocino*

FROM: SAS Robert Nishiyama, Commander
Mendocino Major Crimes Task Force

SUBJECT: *Response to report of the 2005-2006 Grand Jury*

The 2005-2006 Grand Jury requires my response to the following report:

1. WHAT METHAMPHETAMINE IS COSTING YOU

Penal Code section 933.05 requires me to respond to each of the Grand Jury's findings and recommendation in a specified format. I have done my best to comply with the spirit of the statute, but as I am sure you are aware, there are instances where none of the available response options are appropriate—such as when a finding or recommendation speaks to a matter that is outside the control of my office.

FINDINGS

1. Methamphetamine is one of the most powerful and pernicious drugs, potentially addictive from the first use.

Task Force Response: I agree with this finding.

2. After methamphetamine use is stopped, severe withdrawal symptoms occur, including depression, anxiety, fatigue, paranoia, aggression, and an intense craving for the drug. Psychotic symptoms can persist for months or years after use has ceased.

Task Force Response: I agree with this finding.

3. Methamphetamine use can result in hyperactivity, disturbed sleep patterns, irritability, paranoia, aggressive behavior, shortness of breath, involuntary muscle movements, malnutrition, and severe depression with suicidal tendencies. Chronic users may develop sores on their bodies from scratching at "crank bugs," the term that describes the common delusion that bugs are crawling under the skin. Long-term use may lead to fatal kidney and lung disease, brain damage, liver damage, stroke, lowered resistance to illnesses, tooth decay, and permanent psychological problems such as drug-induced psychosis.

Task Force Response: I agree with this finding.

4. Methamphetamine use during pregnancy results in a higher risk of premature births, babies with low birth weight, cardiac blockages and other birth defects. The use of methamphetamine during pregnancy impacts the fetus by reducing blood flow or by a direct toxic effect on the developing brain.

Task Force Response: I agree with this finding.

5. Children who are exposed to methamphetamine via second-hand smoke can have detectable levels of methamphetamine in their urine.

Task Force Response: I agree with this finding.

6. Children who are legally removed from a methamphetamine environment cannot take with them their clothing and toys due to contamination.

Task Force Response: I agree with this finding.

7. Children of methamphetamine-using parents are raised in a highly traumatic environment and often subjected to physical and emotional neglect.

Task Force Response: I agree with this finding. Often, sexual abuse follows.

8. Many Child Protective Service and domestic violence cases in Mendocino County are directly related to the use of methamphetamine by a parent or family member.

Task Force Response: I agree with this finding.

9. Substance abuse programs in Mendocino County are provided by:
 - a. Mendocino County Alcohol and Other Drug Program (AODP)
 - b. the Ford Street Project
 - c. Narcotics Anonymous (NA)
 - d. Alcoholics Anonymous (AA)

Task Force Response: I agree with this finding.

10. The number of patients needing medical services rises significantly in Mendocino County emergency rooms when there is a rise in the purity of the methamphetamine available on the streets.

Task Force Response: I agree with this finding.

11. Efforts to secure funding for programs to combat methamphetamine use require considerable staff time, though the yield is generally a short-term grant for a long-term need.

Task Force Response: Without further information, I can neither agree nor disagree with this finding. Some grants are renewable. I believe the legislature is starting to realize the problem.

12. Gangs are involved with methamphetamine manufacture and sales in Mendocino County; gang violence can also be attributed to methamphetamine.

Task Force Response: I agree with this finding.

13. Biker gangs are becoming more active in the distribution of methamphetamine.

Task Force Response: I agree that biker gangs are active in distribution of methamphetamine, however this is not a new activity for them. In this county, the biker gangs are becoming involved in the growing of marijuana and then trading this for methamphetamine to distribute.

14. Many individuals and departments funded by Mendocino County taxpayers are involved in the arrest, prosecution and incarceration of methamphetamine users. These include city police, the Sheriff's Department, the Major Crimes Task Force, judges, court staff, probation officers, District Attorney staff, and Public Defender staff.

Task Force Response: I agree with this finding.

15. Law enforcement personnel express frustration over the lack of meaningful consequences for those enrolled in the Proposition 36 program, which attempts to provide an alternative to confinement for drug abusers.

Task Force Response: I agree with this finding as there are not enough consequences built in for repeat offenders. In addition, some dealers are using Prop 36 as a way to get out of jail sentences. They know that if they pled down to simple possession, they will be diverted to Prop 36. I have spoken to one such subject who complained that this was done without his knowledge by his attorney, and he now has to attend user classes, even though he does not use and only sells.

16. Many of the items required to produce methamphetamine are readily available at local grocery and hardware stores. Because many of the chemicals used to make methamphetamine are explosive, caustic and carcinogenic, they pose serious health hazards if mixed together or stored improperly.

Task Force Response: I agree with this finding.

17. With a cash outlay of less than one hundred dollars, a batch of methamphetamine can be manufactured (cooked) and sold on the streets for several thousand dollars.

Task Force Response: I agree with this finding.

18. For every pound of methamphetamine manufactured there are six pounds of toxic waste materials that must be disposed of.

Task Force Response: I agree with this finding.

19. Professionals who work to combat drug abuse in the County agree that the problem is intensified because there is in the County both a high level of tolerance for general drug use and a lack of awareness of the dangers of methamphetamine.

Task Force Response: I agree with this finding. In addition, there is so much marijuana being grown and traded for methamphetamine that it has magnified the problem.

RECOMMENDATIONS

The Grand Jury recommends that:

1. The Board of Supervisors and City Councils from the four incorporated cities cooperate in taking the lead in the war on methamphetamine in Mendocino County. (Findings 6, 8-16)

Task Force Response: This recommendation is directed to the Board of Supervisors and City Councils from the four incorporated cities.

2. The Board of Supervisors and City Councils from the four incorporated cities increase controls on the sale of ingredients used in the manufacture of methamphetamine. (Finding 5)

Task Force Response: This recommendation is directed to the Board of Supervisors and City Councils from the four incorporated cities, however I wish to add that state legislators should be involved.

3. the Board of Supervisors and City Councils establish a process to rigorously evaluate both the costs to and the impact on the County and the incorporated cities of the methamphetamine epidemic. (Findings 6, 8-16)

Task Force Response: This recommendation is directed to the Board of Supervisors and City Councils from the four incorporated cities.

4. the Board of Supervisors and City Councils continue to aggressively pursue grant funding to address the methamphetamine problem in Mendocino County. (Findings 11-16)

Task Force Response: This recommendation is directed to the Board of Supervisors and City Councils.

5. the Board of Supervisor and City Councils allocate money from their general funds to address the methamphetamine problem. (Finding 11,14, 19)

Task Force Response: This recommendation is directed to the Board of Supervisors and City Councils. However, I agree financial cooperation to their law enforcement agencies is necessary to combat this problem.

6. the District Attorney examine the consequences of current sentencing practices for drug-related crimes. (Finding 15)

Task Force Response: This recommendation is directed to the District Attorney. However, it is suggested that the District Attorney look at his policy of refusing to prosecute 11550 H&S -- Under the Influence of Controlled Substances. Users need to have firm consequences in order for Prop 36 to work.

7. the Board of Supervisors and City Councils require departments and agencies to freely share information and statistics regarding methamphetamine in order to coordinate programs and maximize resources. (Findings 11-16)

Task Force Response: This recommendation has been implemented by way of the Mendocino Major Crimes Task Force, of which the following agencies participate: Mendocino County Sheriff's Office; Mendocino County District Attorney's Office; Mendocino County Probation Department; Ukiah Police Department; Fort Bragg Police Department; Willits Police Department; California Highway Patrol, California State Parks; and California State Bureau of Narcotics Enforcement.

8. education of the public be the primary weapon to counter the methamphetamine epidemic. The Grand Jury strongly urges that both the County and local communities use all their resources (including school programs, town hall meetings, and media) to further educate and engage the residents of Mendocino County in efforts to combat methamphetamine. (Findings 1, 3, 4, 6, 11, 12, 17, 18)

Task Force Response: This recommendation has been implemented in my office as we currently make many public appearances to educate the public. We need to be invited to more of these events..

9. community members assist law enforcement in uncovering methamphetamine labs by reporting suspicious odors, trash, and unusual traffic flow in their neighborhoods, through neighborhood watch programs, homeowners associations, and other local action groups. (Findings 6, 18)

Task Force Response: This recommendation falls under the need to better educate the public.

10. all government agencies and non-governmental organizations encourage and cooperate with citizens' methamphetamine suppression efforts. (Findings 1, 3, 4, 6, 11, 12, 17, 18)

Task Force Response: The task force has been involved with groups both in Anderson Valley and Round Valley however a shortage of staff makes regular attendance difficult.

This concludes my response to the Grand Jury's reports. I want to thank the members of the Grand Jury, and in particular the members of the Criminal Justice Committee, for their dedication, professionalism, spirit of cooperation and desire to learn. If you have any further questions of me please do not hesitate to contact me at the above listed telephone number.

CC: Benj Thomas, Foreperson, Mendocino County Grand Jury
Mendocino County Board of Supervisors
Al Beltrami, County Executive Officer
Jeannine Nadel, County Counsel
File 2005-2006