

Potential Cost Savings Resulting from the Passage of SB 484

PROSECUTION AND INCARCERATION FOR METH PRODUCTION OFFENSES

Prison Sentences	\$6,156,551
County Jail	\$1,959,048
Prosecution costs	\$5,780,000

CLEAN-UP COSTS RESULTING FROM METH LABS

CA Dept. of Toxic Substance Control (DTSC)	\$1,055,098
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LAW ENFORCEMENT COSTS ASSOCIATED WITH METH PRODUCTION INVESTIGATIONS (2008)

184 meth labs @ \$5,722	\$1,052,848
190 dump sites @ \$2,282	\$433,580

TOTAL COSTS ASSOCIATED WITH METH LABS **\$16,437,125**

OTHER INCIDENTAL SAVINGS

Training, certification, medical monitoring, storage of evidence samples, destructions, equipment	\$546,347
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Addendum A – Prosecution and Incarceration

METH LAB RELATED OFFENSE DATA

	2006	2007	2008
Arrests	723	452	637
Complaints filed	683	415	578
Convictions	550	304	463
Prison Sentences	290	128	173
Annual Prison Costs	\$10,320,230	\$4,150,000	6,156,551

Data obtained from the CA Criminal Justice System, Offender-Based Transition Statistics (OBTS) System. CJS provides the following disclaimer with its statistics, “It is estimated that approximately 65 percent to 75 percent of adult felony arrest dispositions are reported annually. These data are considered representative at the *statewide* level; however, data may or may not be representative at the county level.” Consequently, this analysis divided the data by .7 in order to approximate the unreported 30 percent.

Prison

California Department of Corrections Statistics and Analysis unit 2008, CDC estimate the annual costs of incarcerating a prisoner at \$35,587

The information contained in this analysis only pertains to meth lab related offenses. These offenses include, but are not limited to:

11379.6 H&S – Manufacturing of methamphetamine (sentence range of 3, 5, or 7 years)

11383 H&S – Possessing pseudoephedrine with intent to manufacture methamphetamine (sentence range of 2, 4, or 6 years)

11383.5 H&S – Possessing pseudoephedrine with the intent to sell, transfer, or otherwise furnish to another person with the knowledge that it will be used to manufacture methamphetamine (sentence range of 16 months, 2, or 4 years).

There are various enhancements (such as having children present where meth is manufactured) that increase the length of prison sentences.

Using the 2008 data, if everyone sent to prison received a low-term of 3 years that would equate to costs of \$18,469,653. If they all received the high-term of 7 years, that would cost \$43,095,857.

Probation/County Jail

Some of the meth lab violation resulted in less than prison sentences but included county jail and/or probation. Using a daily incarceration figure from Alameda County (\$92/day), the annual

costs associated with county jail and probation are significant. For example, in 2006, 195 people were sentenced to county jail for meth production offenses. Since someone cannot be sentenced to county jail for more than one year, this analysis used a six month sentence as a baseline. Also considering that most inmates get one day off their sentence for each day served, this a 3 month time period was used to calculate the costs. Consequently, in 2006 the county jail costs were \$1.6 million. The numbers decreased in 2007 to 149 people sentenced to county jail, but that still accounts for approximately \$1.2 million. In 2008, the numbers rose again to 234 people sentenced to county jail for meth production offenses costing \$1.9 million. Once released, these people will join an already overcrowded probation system resulting in substantial ongoing costs.

Prosecution

Prosecution costs were provided by the Riverside District Attorney's office using an average cost of \$10,000 (combined DA and court costs) to prosecute meth lab cases. The Riverside DA's office estimated it spends approximately 40 hours of court time per each case for: Arraignment, bailiff costs, court reporter, Deputy D.A. preparation time and appearances, investigation follow up, probation reports, and judicial time (judge and clerical staff). Because some cases are pleaded-out while others go to trial, this figure is a conservative one based on averages. Riverside actually estimated its cost between \$10,700 and \$15,000. For the preparation of this document a conservative estimate of \$10,000 was used.

DISPOSITIONS OF ADULT FELONY ARRESTS, 2008-F
 TYPE OF DISPOSITION FOR REQUESTED H&S CODES
 STATEWIDE

TYPE OF DISPOSITION	TOTAL	ARREST OFFENSE						
		HS 11379.6	HS 11379.6(A)	HS 11379.6(B)	HS 11383 (A)	HS 11383 (B)	HS 11383 (B)(1)	HS 11383.5(E)
FELONY ARREST DISPOSITIONS	446	22	323	1	54	45	0	1
LAW ENFORCEMENT RELEASES	22	1	7	0	6	8	0	0
COMPLAINTS DENIED	19	1	10	0	2	6	0	0
PETITION TO REVOKE PROB	0	0	0	0	0	0	0	0
COMBINED CASES	0	0	0	0	0	0	0	0
COMPLAINTS FILED	405	20	306	1	46	31	0	1
COURT DISPOSITIONS	405	20	306	1	46	31	0	1
DISMISSED	79	14	53	0	7	5	0	0
DIVERSIONS DISMISSED	1	0	1	0	0	0	0	0
ACQUITTED	1	0	1	0	0	0	0	0
CONVICTED	324	6	251	1	39	26	0	1
SENTENCE	324	6	251	1	39	26	0	1
DEATH	0	0	0	0	0	0	0	0
PRISON	121	2	104	1	8	6	0	0
YOUTH AUTHORITY	0	0	0	0	0	0	0	0
PROBATION	24	1	19	0	3	1	0	0
PROBATION WITH JAIL	157	2	109	0	27	18	0	1
JAIL	7	1	6	0	0	0	0	0
FINE	2	0	2	0	0	0	0	0
CRC	3	0	2	0	1	0	0	0
OTHER	10	0	9	0	0	1	0	0

DISPOSITIONS OF ADULT FELONY ARRESTS, 2007-F
 TYPE OF DISPOSITION FOR REQUESTED H&S CODES
 STATEWIDE

TYPE OF DISPOSITION	TOTAL	ARREST OFFENSE						
		HS 11379.6	HS 11379.6(A)	HS 11379.6(B)	HS 11383 (A)	HS 11383 (B)	HS 11383 (B)(1)	
FELONY ARREST DISPOSITIONS	324	23	257	2	35	7	0	
LAW ENFORCEMENT RELEASES	13	1	9	0	3	0	0	
COMPLAINTS DENIED	12	1	11	0	0	0	0	
PETITION TO REVOKE PROB	0	0	0	0	0	0	0	
COMBINED CASES	1	1	0	0	0	0	0	
COMPLAINTS FILED	298	20	237	2	32	7	0	
COURT DISPOSITIONS	298	20	237	2	32	7	0	
DISMISSED	84	11	61	1	11	0	0	
DIVERSIONS DISMISSED	0	0	0	0	0	0	0	
ACQUITTED	1	0	1	0	0	0	0	
CONVICTED	213	9	175	1	21	7	0	
SENTENCE	213	9	175	1	21	7	0	
DEATH	0	0	0	0	0	0	0	
PRISON	90	3	79	0	8	0	0	
YOUTH AUTHORITY	0	0	0	0	0	0	0	
PROBATION	14	1	10	1	2	0	0	
PROBATION WITH JAIL	96	5	74	0	10	7	0	
JAIL	8	0	7	0	1	0	0	
FINE	3	0	3	0	0	0	0	
CRC	1	0	1	0	0	0	0	
OTHER	1	0	1	0	0	0	0	

DISPOSITIONS OF ADULT FELONY ARRESTS, 2006-F
 TYPE OF DISPOSITION FOR REQUESTED H&S CODES
 STATEWIDE

TYPE OF DISPOSITION	TOTAL	ARREST OFFENSE					
		HS 11379.6	HS 11379.6(A)	HS 11379.6(B)	HS 11383 (A)	HS 11383 (B)	HS 11383 (B)(1)
FELONY ARREST DISPOSITIONS	508	33	433	2	40	0	0
LAW ENFORCEMENT RELEASES	8	0	5	0	3	0	0
COMPLAINTS DENIED	20	2	15	0	3	0	0
PETITION TO REVOKE PROB	0	0	0	0	0	0	0
COMBINED CASES	0	0	0	0	0	0	0
COMPLAINTS FILED	480	31	413	2	34	0	0
COURT DISPOSITIONS	480	31	413	2	34	0	0
DISMISSED	91	8	73	1	9	0	0
DIVERSIONS DISMISSED	1	0	1	0	0	0	0
ACQUITTED	2	0	2	0	0	0	0
CONVICTED	386	23	337	1	25	0	0
SENTENCE	386	23	337	1	25	0	0
DEATH	0	0	0	0	0	0	0
PRISON	198	9	180	0	9	0	0
YOUTH AUTHORITY	0	0	0	0	0	0	0
PROBATION	39	8	31	0	0	0	0
PROBATION WITH JAIL	132	6	112	0	14	0	0
JAIL	5	0	4	0	1	0	0
FINE	4	0	3	0	1	0	0
CRC	6	0	5	1	0	0	0
OTHER	2	0	2	0	0	0	0

Addendum B – Department of Toxic Substance Control

California Department of Toxic Substances Control Clan Lab Removals by County January - December 2008

COUNTY	ABANDONMENTS	LABS	TOTAL REMOVALS	COSTS
ALAMEDA	0	7	7	\$15,720
AMADOR	0	1	1	\$2,149
BUTTE	6	8	14	\$24,262
CALAVERAS	0	1	1	\$9,900
COLUSA	2	0	2	\$4,612
CONTRA COSTA	0	5	5	\$10,510
EL DORADO	2	1	3	\$13,300
FRESNO	9	5	14	\$28,251
GLENN	3	0	3	\$6,800
HUMBOLDT	0	3	3	\$10,013
IMPERIAL	0	1	1	\$3,100
KERN	5	1	6	\$24,591
LOS ANGELES	10	34	44	\$116,960
MADERA	14	3	17	\$56,365
MARIN	2	0	2	\$10,002
MARIPOSA	0	1	1	\$5,646
MERCED	68	12	80	\$263,468
NAPA	0	1	1	\$1,128
NEVADA	0	1	1	\$2,049
ORANGE	0	5	5	\$12,830
RIVERSIDE	4	18	22	\$88,594
SACRAMENTO	1	3	4	\$7,923
SAN BERNARDINO	0	12	12	\$38,355
SAN DIEGO	1	3	4	\$10,792
SAN JOAQUIN	8	8	16	\$46,389
SANTA CLARA	1	10	11	\$16,901
SANTA CRUZ	0	3	3	\$19,975
SHASTA	1	0	1	\$1,280
SISKIYOU	0	1	1	\$1,500
SOLANO	0	4	4	\$7,660
STANISLAUS	43	16	59	\$137,458
SUTTER	1	1	2	\$2,966
TEHAMA	0	2	2	\$3,169
TULARE	8	3	11	\$30,719
TUOLUMNE	0	5	5	\$12,446
VENTURA	0	1	1	\$1,667
YUBA	1	4	5	\$5,647
TOTAL	190	184	374	\$1,055,098
AVERAGE COST/LAB				\$2,821

Clan Lab Removals by
County
January 2007 - December 2007

COUNTY	ABANDONMENTS	LABS	MOBILE	# REMOVALS	COSTS
ALAMEDA COUNTY	1	4	0	5	\$13,168
BUTTE COUNTY	4	11	3	18	\$24,123
CALAVERAS COUNTY	1	0	0	1	\$1,471
CONTRA COSTA COUNTY	1	5	3	9	\$21,648
FRESNO COUNTY	31	4	1	36	\$71,719
HUMBOLDT COUNTY	1	1	0	2	\$5,452
IMPERIAL COUNTY	0	2	0	2	\$9,538
KERN COUNTY	2	6	0	8	\$17,630
KINGS COUNTY	1	1	1	3	\$3,831
LOS ANGELES COUNTY	11	28	3	42	\$118,161
MADERA COUNTY	12	1	0	13	\$26,950
MERCED COUNTY	72	2	0	74	\$154,478
MONTEREY COUNTY	1	2	0	3	\$5,231
NEVADA COUNTY	0	1	1	2	\$4,809
ORANGE COUNTY	0	3	2	5	\$13,170
PLACER COUNTY	0	1	0	1	\$2,743
PLUMAS COUNTY	0	1	0	1	\$1,702
RIVERSIDE COUNTY	2	8	1	11	\$31,284
SACRAMENTO COUNTY	0	6	0	6	\$9,738
SAN BERNARDINO COUNTY	6	12	3	21	\$76,232
SAN DIEGO COUNTY	0	5	0	5	\$7,904
SAN FRANCISCO COUNTY	1	0	0	1	\$1,302
SAN JOAQUIN COUNTY	6	8	0	14	\$20,925
SAN LUIS OBISPO COUNTY	1	0	0	1	\$3,743
SANTA CLARA COUNTY	2	5	1	8	\$9,503
SANTA CRUZ COUNTY	0	1	0	1	\$2,478
SHASTA COUNTY	0	2	0	2	\$2,419
SOLANO COUNTY	0	2	0	2	\$2,188
SONOMA COUNTY	2	1	1	4	\$8,664
STANISLAUS COUNTY	22	5	0	27	\$49,693
SUTTER COUNTY	0	2	0	2	\$4,873
TRINITY COUNTY	0	2	0	2	\$2,674
TULARE COUNTY	5	2	0	7	\$12,014
VENTURA COUNTY	0	4	0	4	\$15,006
YOLO COUNTY	0	1	0	1	\$1,473
YUBA COUNTY	4	4	0	8	\$15,763
TOTAL	189	143	20	352	\$773,697

Clan Lab Removals by County
 January 2006 - December
 2006

COUNTY	ABANDONMENTS	LABS	MOBILE	# REMOVALS	COSTS
ALAMEDA COUNTY	2	7	0	9	\$17,443
BUTTE COUNTY	3	4	2	9	\$7,544
CALAVERAS COUNTY	0	2	1	3	\$3,340
COLUSA COUNTY	1	0	0	1	\$959
CONTRA COSTA COUNTY	6	8	2	16	\$28,797
FRESNO COUNTY	26	4	0	30	\$64,646
HUMBOLDT COUNTY	0	2	0	2	\$5,684
IMPERIAL COUNTY	2	2	0	4	\$8,801
KERN COUNTY	0	2	0	2	\$3,281
KINGS COUNTY	1	0	0	1	\$2,434
LAKE COUNTY	0	2	0	2	\$4,106
LOS ANGELES COUNTY	15	36	7	58	\$109,729
MADERA COUNTY	3	0	0	3	\$7,217
MENDOCINO COUNTY	1	0	0	1	\$1,006
MERCED COUNTY	41	10	0	51	\$99,400
MONTEREY COUNTY	0	1	0	1	\$1,386
NEVADA COUNTY	3	1	0	4	\$4,242
ORANGE COUNTY	0	5	1	6	\$9,788
PLACER COUNTY	1	1	0	2	\$2,841
PLUMAS COUNTY	1	1	0	2	\$3,066
RIVERSIDE COUNTY	7	18	7	32	\$82,566
SACRAMENTO COUNTY	3	9	1	13	\$25,609
SAN BENITO COUNTY	1	0	0	1	\$968
SAN BERNARDINO COUNTY	6	19	0	25	\$124,813
SAN DIEGO COUNTY	0	4	0	4	\$3,280
SAN FRANCISCO COUNTY	0	1	0	1	\$1,763
SAN JOAQUIN COUNTY	10	17	4	31	\$64,672
SAN LUIS OBISPO COUNTY	1	5	1	7	\$18,163
SAN MATEO COUNTY	2	2	0	4	\$5,900
SANTA CLARA COUNTY	0	6	2	8	\$21,872
SANTA CRUZ COUNTY	0	1	1	2	\$1,480
SHASTA COUNTY	1	2	1	4	\$7,286
SOLANO COUNTY	0	1	0	1	\$2,955
SONOMA COUNTY	1	2	1	4	\$7,924
STANISLAUS COUNTY	76	8	2	86	\$164,976
SUTTER COUNTY	0	3	0	3	\$3,482
TEHAMA COUNTY	0	3	0	3	\$3,457
TRINITY COUNTY	1	1	0	2	\$3,741
TULARE COUNTY	9	8	0	17	\$34,704
VENTURA COUNTY	0	6	0	6	\$21,033
YOLO COUNTY	0	1	0	1	\$1,599
YUBA COUNTY	1	13	1	15	\$18,174
TOTAL	225	218	34	477	\$1,006,128

Addendum C – Law Enforcement

Meth Lab Investigation/Seizure	
Investigation - 2 agents (\$43/hr.) x 40 hours	\$3,440
Processing – 4 agents (\$43/hr.) x 6 hours	\$1,032
BFS Criminalist and LPA x 6 hours	\$500
BFS Analysts	\$500
Equipment	<u>\$250</u>
Total	\$5,722

Meth Lab Dump/Abandonments	
Processing - 4 agents (\$43/hr.) x 6 hours	\$1,032
BFS Criminalist and LPA x 6 hours	\$500
BFS Analysts	\$500
Equipment	<u>\$250</u>
Total	\$2,282

The meth lab investigation component an extremely conservative estimate since it only accounts for a one week investigation involving two agents. Typically these types of investigations require more investigative time and involve varying amounts of resources from a five agent team.

The processing requirements for a seized meth lab and a meth lab dump/abandonment are the same since they are both extremely dangerous. Cal OSHA and the Clandestine Laboratory Manual of Instruction and Procedure require the following:

A Site Safety officer must be present at all scenes to manage the operation and ensure only certified personnel wearing the proper personal protective equipment enter the Hot Zone (area of danger). In addition, two agents are required to work in conjunction when processing the evidence. Because they must wear Level B Personal Protective Equipment (PPE) (protective clothing, self contained breathing apparatus or air purifying respirators, etc.) another agent is mandated to be on standby should one or both of the agents need to be rescued from the Hot Zone – that must be someone other than the Site Safety Officer.

The Bureau of Forensic Services (BFS) employees include a criminalist (a trained chemist) who identifies and categorizes substances; removes samples, and conducts presumptive tests. The other BFS employee is a Latent Print Analyst (LPA) who examines the evidence for identifiable latent print impressions. Again, this is a conservative estimate because typically two criminalists and two LPA respond to most scenes. This is particularly true for large labs or dumps.

Another factors contributing to the conservative estimates include:

The agent hourly rates are based on a regular hourly rate and do not account for overtime. Often these investigations, and certainly the processing of meth labs and dumps, require agents to work beyond their regular shifts or be called back to work – all this time is at a 1.5 hourly rate. Super Labs, fifteen of which were seized last year, require several days to process. The calculation also doesn't account for the costs of a supervisor who will be present for at least a portion, if not the

entirety, of these operations. In addition, agents must remain on scene until the waste hauler has collected the hazardous waste and completes a manifest. In several locations in California it can take the waste hauler several hours simply to arrive at the location, and that doesn't account for the hours it will take them to complete their work.

Another unknown cost savings will stem from the legal requirements of 25354.5 H&S that mandates clean-up procures for the remediation of sites contaminated by the illegal manufacturing of methamphetamine.

Addendum D – Other Incidental Savings

Some of the savings associated with this category will not be immediate; however, some immediate costs savings will be realized. Training, certification, and medical monitoring of personnel who have been exposed to meth labs will certainly continue, but it will be scaled-back as meth lab incidences diminish. More immediate savings will be realized by the reduction in the amount of meth lab evidence that has to be kept at special storage facilities. Accordingly, the costs of destroying that evidence once the investigations are adjudicated will decrease commensurably. Another rapid savings will be the reduction in equipment replacement costs associated with processing meth labs/dumps. Due to contamination and safety regulations, much of the equipment is only used once and then discarded. Fewer meth labs will certainly result in savings in a variety of areas.

Training

- Clan Lab Investigation, \$15,960 per class x 3 classes = \$47,880
- Clan lab Safety Cert, \$29,673 per class x 5 classes (BNE paid for 1 class) = \$148,365
- Clan Lab Recert, \$10,248 per class x 9 classes (BNE paid for 4 classes) = \$92,232

Purchases to keep Clandestine Laboratory Enforcement Program (CLEP) running properly

- \$184,231.20 (2008/2009 FY)

UC Davis Contract (Medical Monitoring)

- \$38,233.00 (2007/2008 FY)

Environmental contract for evidence and sample storage

- \$19,266.00 (2007/2008 FY) PARC environmental
- \$12,000 per year (2007/2008 FY) San Bernardino Environmental

All Star Storage for lab equipment/supplies

- \$4,140.00 (approx. \$345 monthly)

Total annual costs = \$546,347

Addendum E – Lab Seizure Results for 2006, 2007, 2008¹

As the numbers reveal, meth lab related numbers: lab seizures, arrests, and convictions continued to decrease into 2007, but have increased in 2008. All trend indications indicate this upward trend will continue.

The attached excerpt from the National Drug Intelligence Center, *National Methamphetamine Threat Assessment 2009*, provides the analysis as to why the production of methamphetamine in California is expected to continue increasing (see attachment). One significant factor stems from the Government of Mexico (GOM) increased efforts to combat Mexican drug cartels. One of the most significant measures involved the GOM banning the importation and use of ephedrine or pseudoephedrine products in Mexico.

As the NDIC Outlook section noted, “**Domestic methamphetamine production will most likely increase moderately in the near future.** The resurgence of small-scale methamphetamine production, **the relocation of some Mexican methamphetamine producers from Mexico to California**, and the emergence of large-scale pseudoephedrine smurfing operations throughout the country create conditions conducive to a moderate increase in domestic methamphetamine production, particularly in western states but also in eastern states.”

¹ Labs statistics provided by the Dept. of Toxic Substance Control (DTSC)

