

MENOMIINEE INDIAN TRIBE OF WISCONSIN AND MENOMINEE COUNTY

**Drug Endangered Children (DEC) Protocol**

STANDARD OPERATING PROCEDURE

**POLICY:**

The Menominee Indian Tribe and Menominee County acknowledge that drug abusing environments constitute an environmental and human health hazard. To safely address the negative impact on environmental, human health, and welfare, the Menominee Indian Tribe and Menominee County shall adhere to the following standard operating procedure.

**DEFINITIONS:**

HAZMAT Unit:

A team specifically trained and equipped to remediate environmental and human health hazards.

Health Authority:

Menominee Tribal Environmental Services and/or Menominee County Health Officer.

Human Health Hazards:

Includes situations or conditions in which a substantial possibility exists of harm to humans as a result of the facts and circumstances. An immediate health hazard includes situations or conditions in which, in the opinion of the Health Authority, immediate abatement or correction, or at least within a 24 hour period, is necessary to prevent possible severe damage to human health and/or the environment. Examples include:

Air Pollution:

The presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use, or deleterious to fish, birds, animals, or plant life.

Ground Water Pollution:

Addition of any chemical and/or biological substance that would cause groundwater to be unfit for human consumption. These substances include, but are not limited to, the chemical and/or biological substances listed in Menominee Tribal Ground Water Regulations

Ordinance 87-28 and/or Chapter NR140 of the Wisconsin Administrative Code.

**Solid Waste:** Any solid waste that is stored or disposed of in a manner that may pose a human health hazard.

**Surface Water Pollution:** The pollution of any stream, lake, or other body of surface water within the Menominee Indian Reservation and/or Menominee County that creates non-compliance with Menominee Tribal Surface Water Regulations Ordinance 04-22 and/or Chapter NR102 and NR103 of the Wisconsin Administrative Code.

**Toxic and Hazardous Materials:** Any chemical, including lead, and/or biological material that is stored, used, or disposed of in such quantity or manner that has the potential to create a human health hazard.

**Unhealthy or Unsanitary Conditions:** Any condition or situation that renders a structure or property unsanitary, unhealthy, or unfit for human habitation, occupancy, or use.

**Law Enforcement:** Menominee Tribal Police Department and/or Menominee County Sheriff's Department.

**Methamphetamine:** An illegal drug known as "meth," "speed," "crank," "crystal," and/or "ice." Methamphetamine is a powerful synthetic drug that affects the central nervous system. It is often made in makeshift laboratories such as rented apartments, hotel rooms, barns, sheds, campgrounds, or open fields.

**NADGI Unit:** Native American Drug and Gang Initiative Investigative Team.

**Public:** Any individual, firm, corporation, society, institution, public body, or any other entity.

**JURISDICTION:** The Health Authority shall control and abate human health hazards on the Menominee Indian Reservation and/or Menominee County.

## **PROCEDURE**

All circumstances outlined in the forthcoming procedure reflects both Wisconsin State Statute procedure and Menominee Tribal Ordinance 07-14 “Clean-Up of Clandestine Drug Lab Sites”. All involved agencies are encouraged to reference these documents for further clarification of this drug endangered children (DEC) standard operating procedure. **For implementation purposes, the specific Methamphetamine LAB procedure appears only in bold.**

- I. Law Enforcement response to a drug abusing environmental investigation
  - A. Law Enforcement notifies the Health Authority of a drug abusing environmental investigation.
  - B. The Health Authority shall receive initial information pertinent to the drug abusing environmental investigation.
- II. Health Authority responses to notification of a drug abusing environment by Law Enforcement.
  - A. The Health Authority shall respond to the drug abusing environment notification with on-scene presence as soon as possible.
  - B. If an immediate on-scene presence at the drug abusing environment site is not possible, the Health Authority shall respond to the site on the next working day following the notification by Law Enforcement.
    1. View the premises from public access areas only. No entry shall be made onto the premises without verbal or written consent of the owner.
    2. Document pertinent observations.
    3. Obtain copies of any reports from Law Enforcement, the Division of Criminal Investigation, NADGI Unit, and/or HAZMAT Unit that will serve as evidence for a request for a court order.
    4. **Based on Health Authority and Law Enforcement documentation of the methamphetamine laboratory site, the Health Authority will provide to the prosecutor with jurisdictional authority a written report identifying associated health concerns and request a court order to allow entry onto the premises to initiate inspection and abatement for safe re-entry of residents onto the site.**

- a. Request that the court order of inspection includes the Division of Criminal Investigation, Law Enforcement, and other essential agencies for entry onto the site.

5. **Menominee Law Enforcement and other agencies specified in the court ordered inspection shall initiate, in the company of DCI whenever possible, an inspection of the methamphetamine laboratory site with activities identified below in Section III.**

### III. On-site responsibilities of the Health Authority

- A. Obtain information from Law Enforcement that may include, but is not limited to, the following:
  1. Location of the drug abusing environment or methamphetamine laboratory
  2. Activity level of the drug abusing environment or methamphetamine laboratory (recent, past)
  3. **Type of methamphetamine production (red-P, Nazi)**
  4. **Quantity and location of stored chemicals**
  5. **Disposal sites of chemicals and by-products**
  6. **Degree of chemical contamination at the site both inside and outside environments**
  7. **Water source: well or public water supply**
  8. **Waste disposal system: municipal, conventional, or holding tank**
  9. **Presence of an observable dump site for materials/supplies on or near property**
  10. **Presence of waste or chemical containers stored outside**
  11. **Evidence of waste burning outside**
  12. **Areas of dead vegetation**
  13. **Premises owned or rented**
  14. **Total number of persons residing on site, both permanently or occasionally**
  15. **Presence of children on site both permanently or occasionally**
  16. **Presence of pregnant women on site both permanently or occasionally**
  17. **Presence of animals on site both permanently or occasionally**
  18. **Relocation of people on site: incarceration, relocation with family or friends**
  19. **Decontamination of all people, responding personnel and animals, prior to relocation**
- B. Confirm with Law Enforcement the ability to enter the premises under the legal provisions of the court ordered inspection.

- C. In accordance with Law Enforcement’s declaration of safe entry, accompany the investigator for an inspection of the premises to determine the degree and extent of chemical contamination and to assess the general living conditions.
- D. The Health Authority shall document findings in writing on a “Methamphetamine Laboratory Inspection and Abatement Report”.**
- E. Determine if the existence of a human health hazard exists based on inspection conclusions and identify abatement measures deemed necessary for the safe re-entry of occupants onto the premises.**
- F. If the site is determined safe for immediate re-entry, provide and review with the residents, the Wisconsin Division of Public Health fact sheet, “Cleaning Up Hazardous Chemicals at Methamphetamine Laboratories”.**
- G. If conditions warrant, placard the methamphetamine laboratory site as a human health hazard.**
- H. In a timely manner, contact the Menominee County Human Services Department if infants, children, or adults are/were residing or visiting the drug endangered environment or methamphetamine laboratory site and provide recommendations for medical evaluation and treatment.
- I. For sites declared a human health hazard, issue the “Menominee Health Authority Abatement Notice” to the property owner and provide statement measures on the “**Methamphetamine Laboratory Inspection and Abatement Report**”.
- J. Provide property owner with a copy of the Division of Public Health fact sheet “Cleaning-up Hazardous Chemicals at Methamphetamine Laboratories”.**
- K. The Health Authority or Law Enforcement shall notify appropriate agencies to address specific problems related to the drug abusing environment or methamphetamine laboratory or to receive consultative services. The agencies may include, but are not limited to, the following:
  - 1. WI Department of Natural Resources**
  - 2. US Environmental Protection Agency**
  - 3. WI Division of Public Health-Bureau of Environmental Health**
  - 4. US Indian Health Services**

#### IV. Local Agency Responsibilities

##### A. County Social Services Agency

Removal of children from a drug abusing environment or methamphetamine lab site or home with a methamphetamine lab present will be handled consistent with Wisconsin Stat. 48.19 for the removal of any child from a home. However, the following precautions must be taken:

1. Contaminated children or adults will be decontaminated under the direction of the HAZMAT lead person(s) in consultation with EMS if needed.
2. Children or adults from said homes not in legal custody by Law Enforcement will be transported by EMS to a medical facility for medical evaluations following decontamination if necessary.
3. SSA (Social Services Agency) will meet children and/or adults at the medical facility location.
4. Upon completion of medical evaluations, SSA will then assist with the care of any children or adults removed from the site or home.
5. SSA, upon completion of medical evaluations, will coordinate assistance for temporary clothing/ food/ housing for removed children or adults if needed.
6. SSA will coordinate services to said dislocated children or adults the next day or within 24 hours of removal to assess and to follow up on specific needs.
7. SSA will ensure appropriate counseling services are offered to all removed from the home.

##### B. Law Enforcement

1. **Lab Site (Accidental Discovery)**
  - a. **Remove self and occupants a safe distance from the lab**
  - b. **Secure perimeter**
  - c. **Notify EMS**
  - d. **Notify Fire Department**
  - e. **Notify State of Wisconsin DEA**
  - f. **Notify Health Authority**
  - g. **Notify appropriate Social Services Agency**
  - h. **Notify prosecutor with jurisdictional authority to obtain search warrant**
  - i. **Proceed to step 2-g**
2. **Lab Site (Known Location)**
  - a. **Notify prosecutor with jurisdictional authority to obtain search warrant**

- b. Notify State of Wisconsin DEA**
- c. Notify EMS**
- d. Notify Fire Department**
- e. Notify Health Authority**
- f. Notify appropriate Social Services Agency**
- g. Notify Central Wisconsin Drug Task Force and appropriate federal authorities.**
- h. Meet with appropriate parties to plan search warrant execution**
- i. Assign duties as necessary**
- j. Secure perimeter**
- k. Execute search warrant**
- l. Detain persons at scene**
- m. Decontaminate detainees and/or others**
- n. Arrest suspects**
- o. Release other persons if appropriate (advise seek medical attention if necessary)**
- p. Collect evidence and/or oversee removal of evidence and hazardous materials**
- q. Refer to Health Authority to release property after home de-contamination**
- r. File a search warrant return**
- s. File reports with prosecutor with jurisdictional authority for prosecution**

**C. Menominee Tribal Emergency Medical Service (EMS)**

Law Enforcement will contact 911 dispatch center for deployment of emergency services and medical personnel. When it is discovered that any type of exposure or potential exposure exists, medical personnel will be on stand-by and ready to respond at the discretion and direction of law enforcement.

**D. Menominee County Zoning Administrator and/or Tribal Environmental Services**

- 1. Assess and determine whether (if applicable) any septic tanks require pumping and proper disposal, including but not limited to, hazardous materials disposal. All cost associated with cleanup is the sole responsibility of the property owner.
- 2. Require proper abandonment of septic system, if structure is to be demolished. All cost associated with demolition is the sole responsibility of the property owner.

3. Ensure that a well water test has been completed for appropriate parameters.
4. If determined necessary, require proper pumping/abandonment of the well on the property. All cost associated with cleanup is the sole responsibility of the property owner.
5. Assess surface spills and run-off controls if applicable. Require proper cleanup and prevention efforts when necessary. All cost associated with cleanup is the sole responsibility of the property owner.
6. If conditions warrant major renovations of a structure to abate the hazards, an assessment and determination will be made as to necessary permits and conditions required. All cost associated with cleanup is the sole responsibility of the property owner.

E. Menominee Tribal Community Health Nursing and/or Menominee County Public Health

The Tribal Community Health Nursing and/or County Public Health staff will support the Health Authority response as necessary.

**V. Menominee Health Authority’s approach to declare the Methamphetamine Laboratory site as a Human Health Hazard**

- A. No person may enter the site until the Health Authority determines that the site has been properly ventilated to remove chemical vapors.**
- B. No person may enter the site and/or remove anything from the site without the authorization of the Health Authority.**
- C. The owner may designate a person or company to assume the responsibility for compliance with abatement orders.**
  - 1. The owner shall complete the “Authorization for Designee” form to identify the individual, business, or agency designated to assume responsibility for abatement orders.**
  - 2. Unless witnessed by the Health Authority, the owner’s original signature on the “Authorization for Designee” form shall be notarized by a Notary Public with the official seal imprinted on the form.**

- D. As a safety measure, contact Law Enforcement to request an officer to accompany the Health Authority on all inspections of the site.**
- E. During the initial site visit with the owner or his designee, the Health Authority shall review the “Menominee Health Authority Abatement Notice” form and point out the areas of contamination that require abatement measures.**
- F. The Health Authority shall require the owner to identify a course of action to abate the human health hazard on his property:
  - 1. Comply with the abatement orders or**
  - 2. Demolish the building. All cost associated with demolition is the sole responsibility of the property owner.****
- G. The owner or his designee shall receive prior approval of the Health Authority for the workers who will be completing the abatement measures or demolishing the building.**
- H. The owner or his designee shall be responsible for sharing the fact sheet “Cleaning Up Hazardous Chemicals at Methamphetamine Laboratories” with the workers involved in the performance of abatement activities.**

**VI. Menominee Health Authority follow-up for Abatement Order Compliance**

- A. The Health Authority shall make periodic visit to the methamphetamine laboratory site to determine the owner’s compliance or reasonable progress with addressing the abatement orders.**
- B. The owner’s non-compliance or lack of progress with addressing abatement orders may result in the abatement of the human health hazard by the Health Authority.**
- C. The Health Authority shall provide the owner written notification of satisfactory completion of abatement orders and the ability to resume occupancy of the site.**

**VII. Memorandum of Understanding**

**A. Between:**

**Menominee Tribal Legislature  
Menominee County Board of Supervisors  
Menominee Tribal Police Department  
Menominee County Sheriff’s Department**

**Menominee Conservation Department**  
**Menominee Environmental Services**  
**Menominee County Department of Health and Human Services**  
**Menominee Tribal Social Services**  
**Menominee Tribal Prosecutor's Office**  
**Shawano-Menominee County District Attorney's Office**  
**Menominee Public Health Department**  
**Menominee Tribal Clinic**  
**Shawano Medical Center**  
**Maehnowesekiyah**  
**Menominee Indian School District**  
**Menominee Tribal School**  
**Menominee Tribal Day Care**  
**Menominee Tribal Head Start Program**  
**Menominee Tribal Housing Authority**

The following Memorandum of Understanding (MOU) between the above listed parties is being executed to create an understanding of responsibility for the effective application of the Drug Endangered Children (DEC) Protocol. The following parties agree to fulfill their role and perform duties assigned to them as explained in the attached protocol.

The term of this Memorandum of Understanding is ongoing with annual reviews.

**Menominee Tribal Legislature**

Name/Title	Date

**Menominee County Board of Supervisors**

Name/Title	Date

**Menominee Tribal Police Department**

Name/Title	Date

**Menominee County Sheriff's Department**

Name/Title	Date

**Menominee Conservation Department**

Name/Title	Date

**Menominee Environmental Services**

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Name/Title

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Date

**Menominee County Department of Health and Human Services**

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Name/Title

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Date

**Menominee Tribal Social Services**

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Name/Title

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**Menominee Tribal Prosecutor's Office**

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Name/Title

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**Shawano-Menominee County District Attorney's Office**

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Name/Title

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Date

**Menominee Public Health Department**

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Name/Title

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**Menominee Tribal Clinic**

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Name/Title

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**Shawano Medical Center**

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Name/Title

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Date

**Maehnowesekiyah**

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Name/Title

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**Menominee Indian School District**

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**Menominee Tribal School**

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**Menominee Tribal Day Care**

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**Menominee Tribal Head Start Program**

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Name/Title

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Date

**Menominee Tribal Housing Authority**

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Name/Title

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Date