

Transition from thought to reality

- **Internal Team identified**
- **Executive Committee was recruited**
 - **Develop Conference format**
 - **“Draft” DEC/Medical protocol**
- **2003 Byrne Grant for DEC approved**
 - **DEC Pilot project begins**
 - **First Statewide DEC Conference**

Transition from thought to reality

- **2004** - Second DEC project begins
 - Second DEC Conference
 - NAMSDL Summit in Boise, ID
- **2005** - Statewide DEC started JAG funding used to support a comprehensive community plan

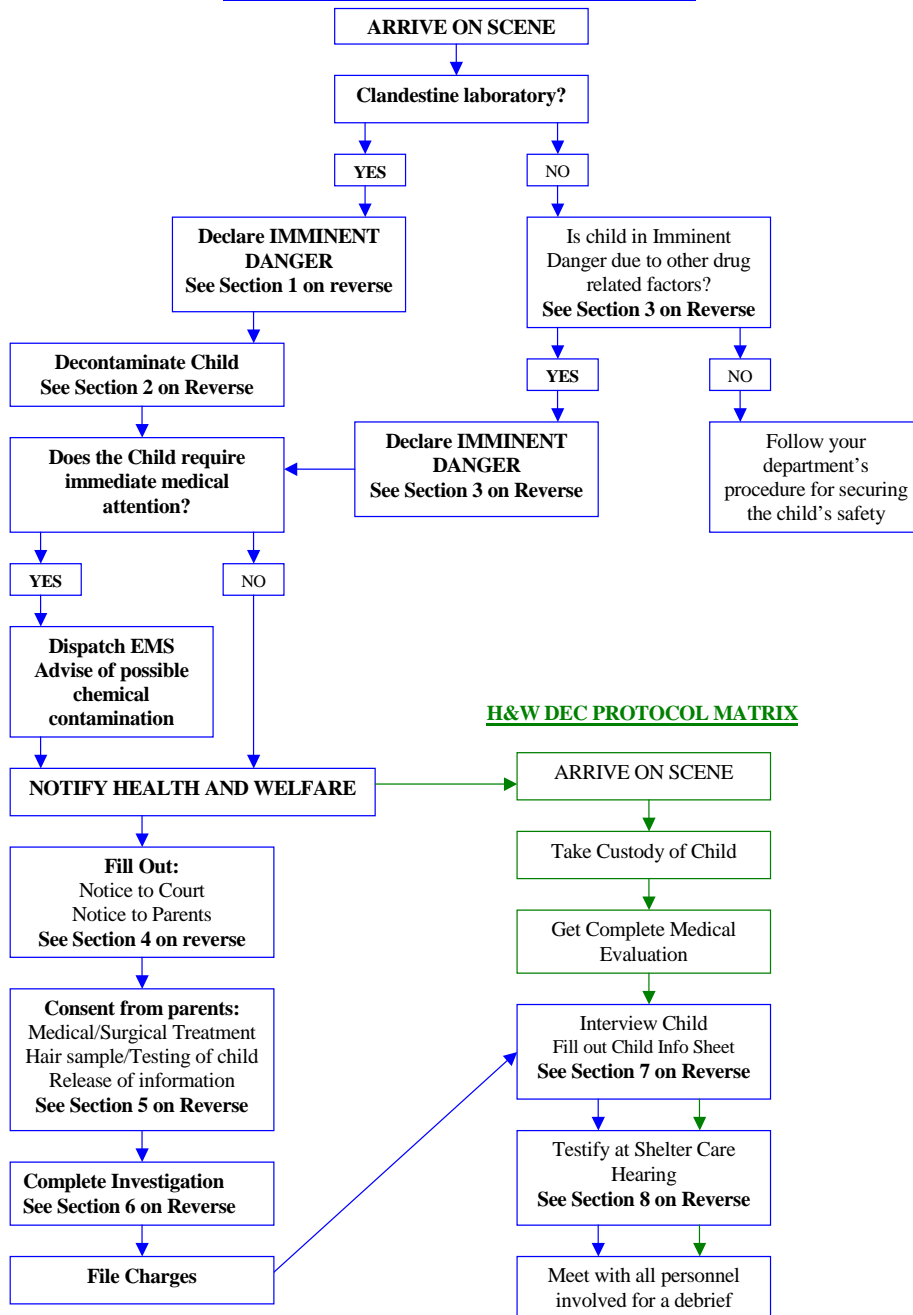
DEC Partnerships/Teams

- **Law Enforcement**
 - Gather evidence for criminal drug and child endangerment charges; declare imminent danger; serve as lead for the process.
- **Health and Welfare/Children and Family Services**
 - Access medical care for sheltered children; arrange for foster care/kinship care; conduct need assessments, provide long-term services and support.
- **Medical Services / Hospitals**
 - Provide emergency services; evaluate for drug exposure; evaluate related conditions for physical and mental health and development.
- **State Prosecutors / Judicial System**
 - Aggressive prosecution, will not plea bargain child endangerment charges.

Law Enforcement Role

- **Imminent danger declaration**
- **Court/Parent notifications**
 - Copies to H&W
- **Health and Welfare Notification**
- **Evidence Collection**
 - Child Photos/decon
 - Hair samples
 - Crime Scene processing
 - Photographs/Video
 - Interviews
 - Parents/Guardian
 - Child
 - Others present/Neighbors
- **Documentation**
 - Investigation Reports
 - DEC Forms
 - Child Info & Interview
 - LE Data Sheet
 - Consent for hair sample
 - Guardian/Caretaker Interview
 - Ensure CFS social worker has H&W Data sheet and Medical Data sheet
 - Release Medical Information
- **Shelter Care Hearing**
- **Charges**
 - 18-1501
 - 37-2737A

LAW ENFORCEMENT DEC PROTOCOL MATRIX



H&W DEC PROTOCOL MATRIX

SECTION 1: (Level 1 DEC cases) All children found in an illicit drug lab are in IMMINENT DANGER and will be taken into protective custody.

SECTION 2: EVERY person removed from an illicit drug lab should be decontaminated according to department/OSHA standards. DO NOT provide clothing, toys, stuffed animals etc. from the environment.

SECTION 3: (Level 2 DEC cases) All children adversely affected by other dangerous drug environments. (Physical harm/neglect from direct/indirect exposure to illegal drugs/alcohol – sales – ingestion – etc.)

SECTION 4: You must fill out the following forms for notification when placing a child in protective custody:

1. **Notice to the Court** (It looks like a summons)
 - Original to the **Court**
 - Copies to **Prosecutor, H&W, your File.**
2. **Notice to Parent(s)** (Looks similar but has info about the shelter care hearing)
 - Original to the **Parent(s)** (Give it to them at the scene or ASAP)
 - Copies to **Prosecutor, H&W, your File.**

SECTION 5: You should attempt to get the parent(s) to sign the following forms:

1. **Consent for Medical/Surgical Treatment**
2. **Consent for Hair Sample and Testing of a Minor Child**
3. **Release of Information**

SECTION 6: In addition to your department's required report, you need to fill out the following DEC forms:

1. **Law Enforcement Data Sheet**
2. **Guardian/Caretaker & Others Present Information Sheet**

Include photos of dangerous objects/substances from child's perspective (use measurements in photos), obtain hair sample from child if authorized, document the quantity and types of substances present (include it's container) and document the condition of the home, odors and state of lab. (Don't overlook anything dangerous to children: pornography, exposed wires, rusty nails, mold, etc.)

SECTION 7: The officer and H&W should interview the child together and fill out the **Child Info & Interview Sheet**. **REMEMBER:** I.C. 16-1609B requires audio or video taping of child victim interviews.

SECTION 8: You must have your report completed and turned in to H&W **before** the shelter care hearing. The hearing must be held within 48 hours of removal of the child; however, many jurisdictions will have them the next day. You should also testify at the hearing as you have the most first hand knowledge of the child's living conditions.

In addition to your original charges, you must ALSO show the elements of one of the following charges:

1. **I.C. 18-1501 Injury to Child:**
 - Is a separate charge
 - **Elements of the crime: (FELONY)**
 - ✓ **WILLFULLY** places child in circumstance/conditions
 - ✓ **LIKELY** to produce great bodily harm/death and
 - ✓ **INFLECTS** pain, suffering, injury, or endangers health.
 - **Elements of the crime: (MISDEMEANOR)**
 - ✓ Same as above **EXCEPT** under circumstances/conditions **other than** those likely to produce great bodily harm or death.
2. **I.C. 37-2737A Manufacture or delivery of controlled substance where children are present:**
 - Is an enhancement to other drug related charges (not a separate charge)
 - Does not require "WILLFUL"
 - Is a **FELONY** (Involves only Schedule I,II,III,or IV drugs)

Health and Welfare Role

- Respond to scene to pickup child after imminent danger declaration, or provide assistance as needed to LE
- Receive copies of Court/Parent notifications
- If possible, observe conditions first hand
- Transport child for initial medical screening
 - After child has been decontaminated
 - Provide emergency room/medical facility with copy of Medical Data sheet and Medical Protocol
- Interview child with LE
- Place child in care
- Documentation
 - DEC Forms
 - H&W Data sheet
 - Consent for Medical treatment
- Attend Shelter Care Hearing
 - Provide testimony concerning environment
 - Provide expertise concerning child and family well being.

HEALTH AND WELFARE DEC PROTOCOL MATRIX

Law Enforcement Declares a Child in **IMMINENT DANGER** and **Notifies Health and Welfare.**
(Determine the number and ages of involved children so that you can provide adequate child safety seats.)

All children found in an illicit drug lab will be decontaminated by law enforcement
See Section 1 on Reverse

Children requiring **Immediate Medical Attention** will be handled by law enforcement and EMS

Arrive on Scene

If possible, observe conditions first hand.
(No Access Will Be Granted at Meth Labs)

Take Physical Custody of Child

Get copies of the following from Law Enforcement:
1. **Notification to Court**
2. **Notification to Parents**
3. **All Consent Forms**
See Section 2 on Reverse

Fill out **Foster Care Placement Sheet**
(at the scene if possible)

Try to get a medical history of the child from the parents.

Take child to the hospital for evaluation.
1. Give hospital the **Medical Protocol Sheet**.
2. Give hospital the **Meth Lab Info Sheet**
See Section 3 on Reverse

Place child in **FOSTER CARE**

Prior to Shelter Care Hearing
Contact Law Enforcement for their reports.
Schedule time for joint interview of child.
See Section 4 on Reverse

Within 48 hrs:
Testify at Shelter Care Hearing with Law Enforcement
See Section 5 on Reverse

REMEMBER:
Record any voluntary statements made by the children, parents or other involved party and forward them to Law Enforcement. They can be critical!
Remind Foster Parents to do the same.

(Level 1 DEC cases) All children found in an illicit drug lab are in **IMMINENT DANGER** and will be taken into protective custody by Law Enforcement.

(Level 2 DEC cases) All children adversely affected by other dangerous drug environments. (Physical harm/neglect from direct/indirect exposure to illegal drugs/alcohol – sales – ingestion – etc.)

SECTION 1: Law Enforcement will decontaminate **EVERY** person removed from an illicit drug lab. Law Enforcement **AND** Health and Welfare will work together to provide the child with basic necessities at the scene such as new clothing, food, water, etc.

SECTION 2: The officer will fill out the following forms for notification when placing a child in protective custody:

1. **Notice to the Court**
 - > Original to the **Court**
 - > Copies to **Prosecutor, H&W, File.**
2. **Notice to Parent(s)**
 - > Original to the **Parent(s)** (Given to them at the scene or ASAP)
 - > Copies to **Prosecutor, H&W, File.**

You should assist the officer in getting the parent(s) to sign the following forms:

1. **Consent for Medical/Surgical Treatment**
2. **Consent for Hair Sample and Testing of a Minor Child**
3. **Release of Information**

MAKE SURE TO GET COPIES OF THESE FORMS

You may be asked to assist the officer in filling out the following DEC forms:

1. **Law Enforcement Data Sheet**
2. **Guardian/Caretaker & Others Present Information Sheet**

MAKE SURE TO GET COPIES OF THESE FORMS

SECTION 3: COMPLETE MEDICAL EVALUATION: In **EVERY** Level 1 DEC case (drug labs); take the child to the hospital ASAP for a Complete Medical Evaluation. (**For Level 2 DEC cases, get medical evaluation with in 48 hours.**) This is regardless of whether or not the parents have consented to medical/surgical treatment. This evaluation is in the interest of the child's safety. You do not need any of the test results at this time. **Give the hospital the Medical Protocol Sheet and the Illegal Meth Lab Info Sheet.** If you meet resistance from the hospital/physician, show them a copy of the Notice from law enforcement that the child has been placed into protective custody or have the law officer call the hospital to confirm the child's custody status.

SECTION 4: The officer and H&W should interview the child together and fill out the **Child Info & Interview Sheet.** **REMEMBER:** I.C. 16-1609B requires audio or video taping of child victim interviews.

SECTION 5: KEEP IN CONTACT WITH LAW ENFORCEMENT. Remind them to have their report completed and turned in to H&W **before** the shelter care hearing. The hearing must be held with in 48 hours of removal of the child; however, many jurisdictions will have them the next day. They should also testify at the hearing as they have the most first hand knowledge of the child's living conditions.

In addition to the original charges, the officer will **ALSO** file one of the following charges:

1. I.C. 18-1501 Injury to Child
2. I.C. 37-2737A Manufacture or delivery of controlled substance where children are present

Medical Services / Hospital Role

- Gather information described on the Emergency Dept. Protocol form, and any other information deemed relevant by the attending nurse/physician.
- Document results of lab tests/examinations in the appropriate chart. Results do not/should not be given to Law Enforcement personnel at time of treatment. Each medical facility must adhere to the standard operating procedures/laws concerning any release of information concerning patient care.

Prosecutor/Judicial Role

- Aggressively prosecute child endangerment cases.
- Ensure all information is submitted for judicial review during the shelter care hearing. If necessary, have the originating officer testify to provide the facts of the case.
- Whenever possible, DON'T deal away the child endangerment charges simply for a plea. The child endangerment charges must be a priority to further protect the child.

Continuing Efforts

- 2004 Idaho Assoc. of Cities Resolutions
- 2004 Statewide Interagency MOU w/ Protocol
- 2005 January 1st – Statewide DEC Protocol
- 2005 State Pseudo Bill defeated
- 2005 Lab Clean-up Bill and Rules
- 2005 Local jurisdictions pass pseudo laws
- 2005 National DEC Training Provided
- 2006 3rd Statewide DEC Conference



Thank you