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# Drug Endangered Children Protocol (DEC) Procedure

## 328.1 PURPOSE AND SCOPE

To ensure the safety and protection of drug endangered children by improving communication and coordination of activities between the Union City Police Department and other county agencies and entities responsible for intervention and response. To ensure that juveniles encountered in drug environments or homes where drugs are being used or manufactured are cared for appropriately by following the Alameda County Drug Endangered Children (DEC) Protocols.

## 328.2 POLICY

It is the policy of the Union City Police Department to adopt and implement the guidelines laid out in the Alameda County Drug Endangered Children (DEC) Protocol, as encouraged per California Penal Code § 13879.80.

### 328.2.1 DEFINITIONS AND ACRONYMS

**CALICO** - Child abuse Listening, Interviewing and Coordination Center.

**Child Welfare Worker (CWW)** - An employee of the Department of Children and Family Services.

**DCFS** - Alameda County Department of Children and Family Services; often referred to as Child Protective Services (CPS) or social services.

**Drug Endangered Children (DEC)** - Children found in a drug environment, suspected of exposure to or potential exposure to illegal drugs.

**EMS** - Emergency Medical Services.

### 328.2.2 PROCEDURE

DEC Case Categories "" Children encountered during drug investigations or in drug environments shall be assessed and categorized as follows:

- Level 1 Children living in settings where clandestine drug manufacturing labs are present (indicated by the presence of a functioning lab, a "box lab", or the existence of precursor chemicals), and/or children who show signs or symptoms of ingestion or intoxication, or known to have ingested an illegal drug.
- Level 2 Children living in settings involving the use, possession, selling or transportation of drugs, as long as the children show no sign of ingestion or harm.
- Level 3 Children whose toxicology screen at birth is positive for a controlled substance.

### 328.2.3 ROLES AND RESPONSIBILITIES

Law Enforcement Responsibilities Level 1 and Level 2

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Investigating Union City Police Officers and/or Detectives are responsible for the investigation of both the traditional drug case where drug endangered children are found, as well as, any related violations involving the children, such as PC § 273a(a) & (b) and HS § 11379.7.

Investigating officers and/or detectives are responsible for all related evidence collection, including but not limited to, statements, photos, measurements, collection of contraband, medical reports, etc.

Investigating officers and/or detectives must notify CPS via the Hotline (510-259-1800) as soon as is reasonably possible, so that CPS, if staffing permits, may send a Child Welfare Worker who may assist law enforcement with the coordination of medical screening, removal of the children from the home, transportation, etc.

Once the determination has been made that the case falls under the DEC protocols, investigating officers and/or detectives should consult with CPS on whether to take temporary custody of the child per Welfare and Institutions § 300.

In cases where a child is left unattended, or where both parents or guardians are being arrested, or where a parent or guardian cannot be located, law enforcement should notify CPS and remove the child per Welfare and Institutions § 30.

In cases where both parents or guardians are present at the scene and one parent or guardian is being detained but another is not, law enforcement will, at a minimum, consult with CPS by phoning the Hotline in regards to the release of the children to the available parent or guardian, or to a non-custodial parent before leaving the scene.

The investigating officer and/or detective should assure that, if appropriate, a medical assessment is complete.

In Level 1 cases, officers/detectives should call EMS to respond to the scene for an immediate medical assessment. The children should then be transported by ambulance to Children's Hospital, if possible. If EMS determines that more immediate medical is necessary, the children should be transported via ambulance to the nearest Emergency Room.

In Level 2 cases, investigating officers/detectives should consult with CPS to determine if a medical clearance is necessary, prior to transport to the Assessment Center. If so, efforts should be made to have the medical clearance completed at Children's Hospital in Oakland.

Officers/detectives will coordinate with CPS to transport the children to the Assessment Center. Law enforcement should notify the Assessment Center intake that the children are being admitted under the DEC protocol.

In the event of pre-planned warrants, where law enforcement has prior knowledge of the possible presence of children, law enforcement shall coordinate with CPS, so if their staffing permits, CPS can plan for intake and/or respond at the time of the warrant.

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Law Enforcement Investigators will coordinate with CPS to have joint interviews done at CALICO, if appropriate. Upon completion of the investigation, officers/detectives will forward the case to the Alameda County Deputy District Attorney's Office for appropriate charging.

Drug endangered children reports will be designated as DEC cases and forwarded to CPS within 36 hours.

Reports designated as DEC cases will also be forwarded to the Union City Police Department Investigations Unit and the assigned Investigator handling the case.

The Union City Police Department semi-permanent Child Abuse Investigator and/or the Investigations Sergeant will be responsible for reviewing DEC cases to ensure that proper investigative steps have been taken and that the reports are designated properly as level 1 or level 2. He/She will then coordinate with the Union City Police Department Crime Analyst, so statistics can be accurately entered.

#### 328.2.4 LAW ENFORCEMENT RESPONSIBILITIES

Occasionally a hospital will notify law enforcement when a child is born with illegal substances in his/her system.

Current California law does not recognize an infant's positive toxicology screen alone, at the time of delivery, to be in and of itself sufficient basis for reporting child abuse or neglect. Additionally, the Alameda County District Attorney's Office will not charge PC § 273a solely based on a positive toxicology screen without additional evidence of abuse or neglect.

If advised by a hospital that a child has been born with a positive toxicology screen, the responding officer should conduct an investigation. If other evidence of abuse or neglect is discovered, law enforcement shall document such evidence and send the report to DCFS and the District Attorney's Office, as appropriate.

#### 328.2.5 UNION CITY POLICE DEPARTMENT INVESTIGATIONS CRIME ANALYST RESPONSIBILITIES

The Crime Analyst will be responsible for compiling statistics on DEC cases, categories level 1, 2, and 3 investigated by the Union City Police Department.

#### 328.2.6 CPS RESPONSIBILITIES

CPS will, at a minimum, provide consultation to law enforcement about the safety of children, determined to fall under the DEC protocols, on scene of the initial investigation.

If staffing permits, CPS will immediately send a Child Welfare Worker to the scene of a DEC investigation and accompany law enforcement on pre-planned warrants as necessary.

CPS will coordinate with law enforcement on medical screening decisions.

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CPS will coordinate with law enforcement on whether to take temporary custody of the children per Welfare and Institutions § 300 and/or in making temporary placement.

CPS will coordinate with law enforcement on transportation of children taken into custody per Welfare and Institutions § 300.

CPS will coordinate with law enforcement on joint CALICO interviews.

CPS will also be responsible for tracking the number of children removed from their homes under the DEC protocols, for data gathering purposes, to assist in the formulation of future county policy and best practices.

### **328.2.7 MEDICAL SERVICES**

#### Level 1 and Level 2

When possible, Children's Hospital of Oakland will be used to conduct medical assessments in DEC cases. Medical personnel will be advised the children are to be handled under the DEC protocols. Treating medical personnel will use their clinical judgment to guide treatment of the child, based on signs and/or symptoms displayed by the child and the information provided by the child or accompanying officer. This treatment will range from decontamination and admission to the hospital, to a general medical screen, including a urine toxicology screen.

#### Level 3

PC § 11165.13 states "a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect. However, any indication of maternal substance abuse shall lead to an assessment of the needs of the mother and child pursuant to Health and Safety Code § 123605. If other factors are present that indicate risk to a child, then a report shall be made to a county welfare or probation department, and not to a law enforcement agency." Health and Safety Code § 123605 mandates that this assessment of the needs, pursuant to PC § 11165.13, of the mother and child be done by a health practitioner or medical social worker before the infant is released from the hospital.

### **328.2.8 CALICO**

CALICO is responsible for conducting forensic interviews with children ages 2-17 in Alameda County per CALICO's Child Abuse Investigation Protocol.

CALICO will respond to requests for interviews from multi-disciplinary team members, with agencies cross-reporting and coordinating with one another when appropriate.

### **328.2.9 ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE**

The District Attorney's Office will review and, when appropriate, issue criminal charges and prosecute any drug-related child endangerment violations.

## **328.3 REVISIONS**

Procedure Adopted: August 29, 2018

Revised: June 21, 2019

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