



KANSAS ALLIANCE
FOR DRUG ENDANGERED CHILDREN

Rescue. Defend. Shelter. Support.

Harvey County

DEC Protocol & MOU

A Project of the Harvey County
DRUG ENDANGERED CHILDREN TASK FORCE

07/2005



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SECTION ONE

Definition

A drug-endangered child (DEC) is a child who has been exposed to an environment with conditions of contamination or hazardous lifestyle that results in abuse, life or health endangerment, or neglect perpetrated on the child as a result of illicit drug use, sales, or manufacturing. A criminal violation threshold is met when elements of the contamination or hazardous lifestyle meet the criteria of Kansas Statutes.

Introduction

Clandestine methamphetamine manufacturing and distribution has created a public health and safety crisis for the residents of Kansas. Despite increased law enforcement efforts, methamphetamine manufacturing continues to grow at an alarming rate. Chemicals used in the manufacture of methamphetamine and other illegal drugs can be poisonous, corrosive, carcinogenic, flammable, and/or explosive. The drugs and chemicals present in methamphetamine and other drug labs are often easily absorbed by the body and/or breathed in as vapors. These chemicals often contaminate items in their vicinity, which can result in the need for disposal of contaminated items, such as carpeting, furniture and clothing, to ensure the remediation of a hazardous environment. The risk to children at these locations is extremely high. Prior to the creation of this program there had been no collaborative efforts to address the needs and problems relating to drug-endangered children in Harvey County Kansas.

Mission

The mission of the Drug-Endangered Children Protocol is to identify and protect drug-endangered children and to identify, provide, and improve services for them utilizing the criminal justice system, law enforcement, child welfare, and other community agencies with the goal of improving outcomes for these children. The program also seeks to deter methamphetamine production in the presence of children by arresting and prosecuting all manufacturers and their accomplices who manufacture methamphetamine in a manner that endangers children.

Purpose

In the interest of protecting children found in or near methamphetamine laboratories, the Drug-Endangered Children Task Force project seeks to develop a multi-agency cooperative effort involving the Kansas Bureau of Investigation, the Kansas Attorney General's Office, the Harvey County Attorney's Office, Newton Social and Rehabilitation Service, the Newton Police Department, the Harvey County Sheriff's Office, the Heart to Heart Child Advocacy Center, Newton Fire/EMS, Juvenile Intake and Assessment, and Newton Medical Center to address drug-endangered children's issues. These agencies will work in a collaborative effort to facilitate a coordinated response to promote the



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health and safety of children found in methamphetamine laboratories or places where illicit drugs are kept or sold.

Project Goal

The primary goal of the DEC Task Force is to establish a multi-agency methodology for the appropriate diagnosis and treatment of children who have been exposed to the chemicals used to manufacture methamphetamine or other illegal drugs in a clandestine laboratory setting, and to prosecute all individuals responsible for endangering children. Appropriate diagnosis and early treatment are imperative so that the psychosocial and physical needs of these children are effectively addressed.

DEC member agencies will work closely together to improve the relationship and cooperation between organizations and to train local law enforcement agencies in the successful DEC case investigations and response. Statistical information is kept by both the Harvey County Attorney's Office and Newton SRS in order to establish a database for tracking these children, the services provided, and case outcomes.

Project Policy Statements

The Harvey County DEC Task Force will utilize a multi-disciplinary approach to best meet the needs of drug-endangered children and enhance cooperation through a collaborative, team building effort involving all agencies – law enforcement, Newton SRS, emergency medical services, and prosecution. If any of the children become dependants of the State through Child In Need of Care (CINC) proceedings, Newton SRS will recommend an appropriate treatment plan and suitable placement of the children as required.

Composition Of The DEC Task Force

The Harvey County Attorney's Office will review, file and prosecute each of the DEC cases in the Harvey County area that demonstrate sufficient evidence for prosecution. The County Attorney's Office will convene periodic meetings of the DEC Task Force and will assist in the preparation of a countywide prosecution protocol for DEC cases. When appropriate, the County Attorney's Office will coordinate training between law enforcement, Newton SRS, and other agencies. It will be the responsibility of each department to conduct internal training of their representatives.

SECTION TWO

Operational Procedures

The Harvey County Drug Task Force will respond when a methamphetamine lab is located. They will assist in the investigation, collection of evidence, and preparation of



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the case for prosecution. The local law enforcement agencies will assist in taking photographs, collecting evidence, preparing and serving search warrants, as well as testifying in court.

Fire/EMS will respond to methamphetamine or other drug laboratories where children are present. The paramedics will assess the medical and contamination condition of the children, provide medical care if necessary, and transport the children to the hospital for a medical assessment. Decontamination of the child will occur at the scene prior to the transportation of the child to the hospital. Newton Fire/EMS will make all reports available for the preparation for trial. When applicable, law enforcement will provide a statement of services from Fire/EMS to the prosecutor for consideration of financial restitution.

Notification – Whenever a child is found in a methamphetamine or other drug laboratory, the child will be removed to a safe location away from the lab site. The law enforcement officer will ensure that contact is made with Juvenile Intake (Director of Juvenile Intake), who will in turn contact the designated Newton SRS officer (Director of Child Protection Services). In the event the child is contaminated, decontamination will occur immediately. If necessary, the child then shall receive immediate medical attention and be transported to the hospital for the appropriate testing. Juvenile Intake shall be notified for determination of temporary placement if there are no immediate appropriate family members available to take the child.

SECTION THREE

Interviewing of Victims, Witnesses, and Parents

Interview – The investigating officers assigned to the case, and the Harvey County Drug Task Force if involved, will conduct the preliminary interviews of witnesses and parents at the scene whenever possible, and at their earliest opportunity if not at the scene. The emergency medical services officers may obtain further information from the child during decontamination. Juvenile Intake shall obtain as much information on the child and the child's history as possible, and will contact law enforcement for further interview of the child at the Heart to Heart Child Advocacy Center if appropriate. The interview of the parents, witnesses, and child will have a three-prong purpose: possible criminal charges on the parents, possible child in need of care procedures on behalf of the child, and medical needs of the child.

Examination – If law enforcement personnel at the scene determine that the child has been exposed to any level of contamination, they shall make arrangements for transport of the child to the Newton Medical Center for further examination. Law enforcement, along with Fire/EMS, will decontaminate the child at the scene prior to transporting the child to Newton Medical Center. If it is determined at the scene that the child has not been exposed to any level of contamination, the child may then be referred to Juvenile



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Intake for determination of temporary placement and for subsequent medical examination of the child.

SECTION FOUR

Procedure for Examination and Testing of Victims

If a child is removed from a drug lab environment and is not accompanied by a parent, upon arrival at Newton Medical Center emergency room personnel will provide a medical screening examination upon the child to determine whether the child has an emergency medical condition. If an emergency medical condition exists, emergency room personnel will stabilize the condition. If the condition is stabilized, the child will be discharged from the emergency room to the person(s) accompanying the child to the emergency room. No tests or evaluations will be performed, without parental consent, unless necessary for the medical screening exam. If a parent or other person with authority to provide consent is present, additional testing may be done as is deemed to be medically necessary.

If the child is taken into Newton SRS custody, additional testing may be done at that time to determine whether and what type of additional medical services the child needs upon consent of Newton SRS.

SECTION FIVE

Exchange of Information Between Agencies

All law enforcement agencies will exchange verbal and written reports with Newton SRS as deemed necessary for assuring the safety of drug-endangered children. For law enforcement, the reports will include the Standard Offense Report and the accompanying narrative report.

Newton SRS will provide law enforcement with any information received during the course of their Family Based Assessment that will assist in criminal prosecution.

These forms will include the CFS (Children and Family Services) 1000, 1001, 1002, and the CFS 1010, which contains all narrative information.

Information gathered by Juvenile Intake and Assessment will be faxed to the Newton SRS office as soon as the documents are completed.

All interviews by all investigative agencies will be documented and provided to each other in an expedited manner.

The same reports will be provided to the Harvey County Attorney's Office.



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SECTION SIX

Preparation of Reports

The law enforcement officers who investigated the criminal case, the Harvey County Drug Task Force officers who investigated the criminal case, and/or the Newton SRS workers who investigated a CINC shall provide their reports to the Harvey County Attorney for examination and determination of appropriate action. The Harvey County Attorney shall determine whether it is appropriate for filing criminal drug charges, criminal child endangerment charges, or CINC proceedings for the protection of the child. The Harvey County Attorney can determine that any of the above, all of the above, or none of the above may be appropriate, based upon his assessment of the case. The Harvey County Attorney may designate one of his assistants to handle the appropriate case filed in District Court.

SECTION SEVEN

DEC Task Force Follow-Up

Quarterly meetings should be scheduled among DEC Task Force representatives, to assess the success of the DEC Task Force program, and discuss any changes or improvements that can be made in the program. Individual cases may be reviewed at that time in order to assess the success of the program. DEC Task Force members, or their designees, should be present at the quarterly meetings in order to obtain and provide input and ensure collaborative efforts.

SECTION EIGHT

Reimbursement/Expense

In the event of potential contamination of clothing, charity organizations will be sought for donations to the identified children in need. It is expected that children be properly clothed before transport to a designated emergency placement.

The designated point of contact for these agencies will be the Harvey County Communication Center, as they have a listing for after hours numbers and contacts.

As is dictated by Newton SRS policy, all law enforcement protective custody placements of children are funded by Newton SRS. An example of this would be the Wichita Children's Home.



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The precise funding source within Newton SRS will likely fluctuate. However, it will be the responsibility of Newton SRS to determine which funding source is appropriate for the payment of physical exams related to abuse and neglect assessments.

SECTION NINE

Supporting Agency Protocols, Checklists and Forms

(The following list of protocols, checklists and forms are representative of those used in support and cooperation of this protocol at the individual agency level.)

- Newton Fire/EMS: Section 32: EMS Protocols, Sub Sections: 80, 130, 155
- Kansas Standard Offense Report and Narrative
- Kansas Standard Arrest Report
- Harvey/McPherson Counties Community Corrections Release Form
- Harvey/McPherson Counties Community Corrections JIAS Release of Youth from Intake
- Harvey County Youth Service Medical Consent and Release Form
- Drug Endangered Child Report
- Kansas JIA System Intake and Assessment (JIA)
- Problem-Oriented Screening Instrument for Teenagers (POSIT)
- Social Service Case Activity Log (HIPAA) (YA-1010)
- Social Service Intake Form (FACT SHEET CFS-1000)
- Report/Request for Services (CFS-1001)
- Summary of Results of Preliminary Inquiry (CFS-1001A)
- Response Determination (CFS-1002)
- Heart to Heart Child Advocacy Center Investigative Interview Guidelines
- Harvey County Drug Task Force Clandestine Lab Protocols

HARVEY COUNTY DEC TASK FORCE MEMBERS

Jodie Beeson
 Marlene Beeson
 Terry Bourlard
 Jim Daily
 Dean Davis
 Abby McQueen-Tyner

Jim Novak
 Brenda Salvati
 J. Sauerwein
 Lori Sidebottom
 Mollie Thompson
 B. J. Tyner

T. Walton
 Marilyn Wilder
 David E. Yoder
 Jim Yoder



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MEMORANDUM OF UNDERSTANDING
Between the
KANSAS ATTORNEY GENERAL'S OFFICE
the
KANSAS BUREAU OF INVESTIGATION
the
HARVEY COUNTY ATTORNEY'S OFFICE
the
HARVEY COUNTY SHERIFF'S DEPARTMENT
the
NEWTON POLICE DEPARTMENT
the
NORTH NEWTON POLICE DEPARTMENT
the
HALSTEAD POLICE DEPARTMENT
the
HESSTON POLICE DEPARTMENT
the
BURRTON POLICE DEPARTMENT
the
SEDGWICK POLICE DEPARTMENT
the
NEWTON SOCIAL AND REHABILITATION SERVICES
the
NEWTON MEDICAL CENTER (EMERGENCY ROOM SERVICES)
the
HARVEY/McPHERSON COUNTIES COMMUNITY CORRECTIONS
the
NEWTON FIRE/EMS
the
HALSTEAD FIRE/EMS
the
HESSTON FIRE/EMS
the
BURRTON FIRE DEPT.
the
BURRTON AMBULANCE DEPT.
the
SEDGWICK FIRE DEPT.
the
SEDGWICK AMBULANCE DEPT.
the
HARVEY COUNTY FIRE DISTRICT #1 (WALTON)
and the
HEART TO HEART CHILD ADVOCACY CENTER



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Whereas, Harvey County law enforcement agencies are the primary responders to, or discoverers of, drug-endangered children environments;

Whereas, drug-endangered children environments are defined as conditions of contamination or hazardous life style that results in life or health endangerment, abuse, or neglect perpetrated on a child as a result of illicit drug use, sales or manufacturing;

Whereas, Harvey County law enforcement agencies must grapple with an investigatory role dichotomy when encountering both illegal drugs and drug-endangered children (DEC);

Whereas, The Harvey County Attorney's Office will prosecute cases involving clandestine drug labs and/or large-scale drug trafficking;

Whereas, drug-endangered children require the specific and immediate attention of a Social and Rehabilitation Services Child Welfare Social Worker to ensure the child's safety and to mitigate the environmental trauma;

Whereas, a safe and healthy environment for a drug-endangered child is sustained in part by the periodic legal inspections of that environment;

Whereas, it is recognized that each law enforcement agency subscribing to this Agreement has varying levels of staffing and other resources available;

Now, Therefore, each subscribing agency retains the sole discretion to determine the ability of that agency to comply with the terms of this Agreement to the circumstances and resources existing at any given time;

Now, Therefore, in consideration of the mutual promises and agreements herein contained, the parties do mutually promise and agree as follows:

The Harvey County law enforcement agencies agree to take all reasonable steps to:

1. Assign a child abuse investigator (or other personnel assigned to the drug-endangered children cases) to work in conjunction with drug investigators and/or patrol officers when a drug-endangered environment is suspected or discovered. The child abuse investigator may be dispatched to the scene of a drug endangered child when the endangerment involves a clandestine lab or significant drug trafficking crime in which a child may have been exposed to that illicit drug activity.
2. In illegal drug-related cases, ensure that the child abuse investigator interviews the victimized child(ren) and the drug investigator locates and collects all drug-related evidence. The Heart to Heart Child Advocacy Center should be utilized when appropriate and when possible for interviewing DEC victims who may have been physically or sexually abused.
3. Brief the Newton SRS caseworker assigned to the drug-endangered child investigation about all relevant matters pertaining to the endangerment allegation.
4. Place any children found in a drug-endangered environment into protective custody and turn the child over to Juvenile Intake for a safe placement. An emergency protective order may be issued to ensure immediate, court-ordered protection of the child(ren), when a child is in immediate danger of abuse or abduction by a parent, relative, or someone known to them.
5. Have children who are taken into protective custody for drug exposure transported by Emergency Medical Services or Law Enforcement to a local hospital for a medical examination and drug exposure analysis as appropriate and practicable. Ideally, a medical assessment should be done on exposed children within two hours of discovery at a methamphetamine lab site.



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6. Utilize medical personnel to collect blood and urine when immediate and single exposure analysis is paramount.
7. If necessary, obtain copies of medical history documents of children in Newton SRS custody from the assigned Newton SRS caseworker.
8. Promote educational endeavors within the agency and the community to enhance the successful identification and prosecution of all drug-endangered children cases.
9. For each drug-endangered child case Juvenile Intake will complete a DEC Evaluation Form and submit the original with the crime report to Newton SRS and the Harvey County Attorney's Office and a copy to the case file. This form will be used for statistical data collection and made readily available to the agencies listed on this agreement upon their request.

The Harvey County Attorney's Office agrees to take all reasonable steps to:

1. Aggressively prosecute drug-endangered children cases.
2. Provide training for the Harvey County Law Enforcement Agencies on strategies and court preparation for drug-endangered children cases.
3. Provide child victim advocacy throughout the criminal legal process.
4. Assign a prosecutor to handle drug-endangered children cases. The assigned prosecutor will be given the opportunity to develop expertise in drug-endangered children prosecutions through training and experience. The Harvey County Attorney or his assigned prosecutor will, when requested, respond to the scene of the most serious cases of drug-endangered children.
5. Maintain statistical data on the number of drug-endangered child cases referred by law enforcement, filed, and prosecuted, including disposition. The data will be readily accessible to the agencies listed on this agreement upon their request.
6. Attempt to recover lab costs incurred by the arresting agency, emergency medical services, and/or Newton SRS for blood and urine analysis and medical evaluations of drug-endangered children when a suspect(s) is convicted of a DEC charge.

The Newton Social and Rehabilitation Services (SRS) agrees to take all reasonable steps to:

1. Coordinate services to drug-endangered children, including the sharing of information with law enforcement, after a search warrant service or DEC arrest has been made and law enforcement has established probable cause to suspect that a child has been abused or neglected
2. Work with law enforcement to ensure that a drug-endangered child is given a medical exam as soon as possible.
3. Attend training, when available, in the provision of services to substance-addicted parents and their children.
4. Attend joint drug-endangered children training sessions with law enforcement personnel when available.
5. **For clandestine drug labs and illegal drug sales. Newton SRS will, to the best of their ability:**



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- a. Make every effort to have a Newton SRS caseworker attend law enforcement's pre-search warrant service briefing in suspected drug-endangered children cases, when requested.
- b. Obtain the drug-endangered child's medical history, if available, and provide relevant information to law enforcement (or other assigned personnel) after a drug-endangered child has been taken into police protective custody.
- c. Help the child understand why they are being separated from his/her parents. The social worker will assist the child in understanding the actions being taken on his/her behalf and what actions will be taken to help their parents.
- d. Upon release of the parents or caretakers, will work with other agency professionals, including substance abuse and Probation/Parole, to ensure that the parents are mandated to attend and work meaningfully on their substance abuse issues.
- e. SRS will provide services to drug-endangered children, and their families, who remain in the custody of SRS.
- f. Any follow-up medical procedures, as ordered by a physician or other health care provider, of drug-endangered children in SRS custody will be included on SRS case plans.
- g. Recommend that drug-endangered children in SRS custody remain in SRS custody when parents are unwilling to work toward a meaningful recovery and when they place their children at a high risk of abuse, molestation, or deprivation, whether intentional or unintentional.
- h. As a last resort and in the DEC cases where private or Medicaid insurance is not available, Newton SRS will be responsible for medical costs incurred by drug-endangered children eligible for SRS services during a DEC investigation as outlined in the DEC Protocol.

I agree with the above listed provisions and fully support the Harvey County Drug-Endangered Children Protocol.

Phill Kline, Kansas Attorney General Kansas Attorney General's Office	Date
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Larry Welch, KBI Director Kansas Bureau of Investigation	Date
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David Yoder, County Attorney Harvey County Attorney's Office	Date
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Byron Motter, Sheriff Harvey County Sheriff's Department	Date
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James Daily, Chief of Police Newton Police Department	Date
Ray Claassen, Chief of Police North Newton Police Department	Date
Austin Hamilton, Chief of Police Halstead Police Department	Date
Doug Shroeder, Chief of Police Hesston Police Department	Date
Jay Sheldon, Chief of Police Burrton Police Department	Date
Rick Witthuhn, Chief of Police Sedgwick Police Department	Date
Cyrella Petracek, South Central Regional Director Newton Social and Rehabilitation Services	Date
Mitch Jewet, Director of EMS Newton Medical Center (Emergency Room Services)	Date
Dick Beasley, Director Harvey/McPherson Counties Community Corrections	Date
Gary Denny, Chief Newton Fire/EMS	Date
Wendy Gronau, Chief Halstead Fire/EMS	Date



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Russ Buller, Chief Hesston Fire/EMS	Date
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John Roberts, Chief Burrton Fire Dept.	Date
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Melinda Bass, Director Burrton Ambulance Dept.	Date
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Richard Ludowese, Chief Sedgwick Fire Dept.	Date
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Marsha Burris, Director Sedgwick Ambulance Dept.	Date
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Marion Esau, Chief Harvey County Fire District #1 (Walton)	Date
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Barry Powell, Board President Heart to Heart Child Advocacy Center	Date
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