

**PROBATION DEPARTMENT
ADULT MANUAL**

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Issue Date:	12/24/12
Revised:	06/13/18

**Notes and
References**

**Policy for Drug Endangered Children (DEC)
& Gang Endangered Minors (GEM)**

I. Introduction

As mandated reporters, Probation Officers are duty-bound to act on information discovered relative to child abuse or neglect. Drug-Endangered Children (DEC) and Gang- Endangered Minors (GEM) are more defined aspects of this policy.

DEC and GEM defined

DEC is a formally established protocol within the County of Santa Barbara which utilizes a multi-agency team to address the health and safety of children living in drug homes and consequent criminal ramifications for their caregivers. The terms “dangerous drugs” and “narcotics” as used in this protocol include methamphetamine, cocaine, heroin, and PCP. Children are also endangered by marijuana depending on the age of the child, whether and how the marijuana is cultivated, possessed for sale or accessible to the child. In all cases, legitimate medicinal use and the corresponding defense under Health and Safety Code section 11362.5 (Proposition 215) does not lessen actual endangerment. Child endangerment is not a crime to which the compassionate use defense necessarily applies. Probation Officers should be aware that even if there is medicinal use, the conditions surrounding that use or possession, or the conditions in the home, still may constitute child endangerment.

Gang-Endangered Minors (GEM) is a subset of child endangerment, and refers to the dangers implicit with a gang lifestyle, with the usual presence of firearms, weapons, drugs, probationers, parolees and sex offenders. While there is currently no established agreement between agencies regarding GEM within the County of Santa Barbara, Probation Officers should be aware of this aspect of child endangerment and make the appropriate referrals as necessary, should they come upon the issues described above.

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II. Level I DEC cases

Level I DEC cases are those in which children are present at a drug laboratory site. The DEC team is a multi-agency team comprised of participating local law enforcement agencies, the Probation Department, the Santa Barbara County District Attorney's Office, and the Santa Barbara County Department of Social Services Child Welfare Services (CWS), who collaboratively respond to the scene, provide care to the victim, prosecute the offender, and supervise those who are subsequently convicted and placed on probation.

III. Level II DEC cases

Level II DEC cases are narcotic crime scenes where there is evidence of children in current physical contact with narcotics through inhalation, ingestion or touching of the substance. Level II cases include, but are not limited to, situations where children are provided with drugs, children have touched drugs, or children are in an enclosed environment filled with smoke from the narcotics (touching, ingesting, or inhaling).

A. Upon encountering a DEC case

1. In Level I cases, Probation personnel will immediately exit any site wherein there is suspected narcotic lab activity and notify local law enforcement. If children are present, personnel will not render on-site assistance and will immediately call 911. The Probation Department will document any observations and forward them to law enforcement or CWS, as appropriate.
2. In Level II cases, Probation personnel will follow department guidelines and review DEC protocols to ascertain if law enforcement or CWS involvement is necessary.
 - a) If drugs or paraphernalia are found within reach of minor children, or minor children are in a drug smoke filled room, CWS and law enforcement should be called immediately. If obvious signs of neglect are apparent (animal feces in living spaces, rotting food, no edible food, cockroaches, dirty clothing everywhere), CWS and law

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enforcement should be called immediately. Probation personnel will not make a determination regarding turning a minor over to another adult, CWS will make that judgment.

- i. CWS after-hours hotline: (800) 367-0166
 - ii. Upon arrival, law enforcement should be informed of what was observed regarding DEC or child endangerment, and a report detailing a violation of §273a PC should be requested.
 - b) If law enforcement and CWS are called, the Probation Officer shall remain on scene until their arrival to inform both of what was observed.
3. When it has been determined that the offender may have violated the terms of their probation grant, the Deputy Probation Officer shall stamp the violation report “DEC” on the upper right hand in order to facilitate the DA’s statistic collection.
- a) If appropriate, a Pro-313 detailing the specifics of a new law violation needs to be forwarded to the District Attorney’s office for the filing of a new complaint, along with a Violation of Probation (VOP) report.
 - i. If Probation staff are conducting a new DEC investigation, specific information regarding the type endangerment found (actual drug, paraphernalia, toxic substance, etc.) needs to be noted, along with its placement relative to the minor child in question (exact measurements comparing the height of the drugs, etc., to the height and arm reach of the minor). Photographs are also recommended to further document what was occurring or seen in the home.
4. The Probation Department will carefully evaluate each Level I and Level II case referred regarding the appropriateness of a new grant of probation or revocation of an existing grant.