

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

POLICY: 7.13 MISSING PERSONS

REVISED DATE: 11.19.13

I. PURPOSE:

The purpose of this directive is to provide guidelines for documenting requests for police assistance in locating persons whose whereabouts are unknown and who at the time of taking the report are not believed to be victims of a criminal offense. This is to include Missing Persons, Runaways, and Missing Child-17-18 years of age (un-emancipated runaway). This department will document reports of Missing Persons and Runaways, and enter them onto state and national computer systems in compliance with state and federal law. In addition, this order provides guidelines for personnel regarding the use of several public alerts systems designed to aid law enforcement in the search and location of missing persons, as well as violent offenders who kill or seriously injure law enforcement officials.

II. DEFINITIONS:

For purpose of filing Missing Persons and Runaway reports and NCIC entry:

A. Child: a person under the age of eighteen (18) years

1. Missing Child 17-18 years of age – When a child is seventeen (17) years of age and less than eighteen (18) years of age is reported missing by the child's legal custodian; it is the duty of any officer in the department receiving such report to immediately begin an investigation to determine the present location of the child. The officer shall make a Missing Child report and notify the DCSO Communications by completion of all required paperwork, to have the missing child's information entered with the state clearinghouse and the national crime information center.
2. Missing Child is defined as: A child less than seventeen (17) years of age, whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate either:
 - a. The child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law;

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- b. The child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return (runaway); or
 - c. The child was taken or retained in violation of the terms of a court order for possession of or access to the child.
- B. Adult:** a person eighteen (18) years of age or older
- C. Dementia:** Brain-specific diseases, which cause impaired memory, thinking and behavior so severe that they interfere with daily functioning. This would include, but not be limited to those persons suffering from Alzheimer's disease and related or similar illnesses.
- D. Violent Criminal:** For the purposes of this order, a violent criminal is defined as a criminal who has either killed or seriously injured a local, state, or federal law enforcement official in the line of duty.

III. TAKING THE REPORT:

- A. Report Criteria** – The Department's Incident/Offense Report is to be used to document any report that a person of any age is missing or runaway.
- 1. Missing Persons and Runaway reports may be taken in person or by telephone.
 - 2. There is no minimum time period that a person must be missing before a report can be taken. Although in the case of an adult with no physical or mental impairments/problems, a period of twenty-four (24) hours is preferable.
 - 3. An adult Missing Person Report may be made by anyone with knowledge of the incident.
 - 4. A Runaway Report, whether of a child under seventeen (17) years of age or a Missing Child (17-18 YOA), may be reported to the department by a parent, guardian or other person given the responsibility of care, custody and control of the runaway.
 - a. In the case of a child under seventeen (17) years of age, a report entitled "Runaway" will be completed.
 - b. In the event the runaway is between seventeen (17) and eighteen (18) years of age a report entitled "Missing Child (17-18 YOA)" will be completed.
 - 5. Ordinarily, a Missing Person Report should be made by the jurisdiction that the missing person resides in, unless a

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criminal offense is involved (i.e., abduction/kidnapping). Therefore, this department will complete missing person reports on Oak Point residents, even if last seen in another city and their missing is not in relation to a criminal offense.

6. If a missing person is being reported to this department and the missing party resides in another city, the reporting person should be advised to contact the police agency in that jurisdiction. If the police agency of that jurisdiction refuses to complete a missing person report, this department will complete the report. Care should be taken to insure that another law enforcement agency has not already completed a report and initiated an investigation.
7. Code of Criminal Procedure Section 63.001 includes a child who was taken or retained in violation of a court custody order and whose whereabouts are unknown to the custodial parent or legal guardian in the category of persons who must be documented by police as missing persons. This requires a preliminary investigation by the reporting officer to determine the appropriate report to complete.

B. NCIC ENTRY:

State law (CCP 63.009) requires that immediate NCIC entry is to be made, and that the reporting person be informed that the entry will be made of:

1. All missing children; and
2. Any missing child or adult who is under proven physical or mental disability or suffers from any form of dementia, and because of one or more of these conditions is subject to immediate danger, or is a danger to others, or who is in a situation the circumstances of which indicate that the missing person's safety is in doubt.
3. If applicable, CCP 63.009 requires the Alzheimer's Association Safe Return organization be contacted and pertinent information supplied to them. If this organization is notified of a missing person, they should also be contacted when the missing person is located so that they may cancel their alert.

C. REPORT PROCESSING

Missing Persons and Runaway Reports are to be completed by shift end unless a supervisor directs expedited processing. Reports must be completed even if the missing person or runaway is located.

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1. The report should include as complete a physical description as possible and information such as personal habits, friends, frequently visited businesses, and past experiences that may be relevant and assist in locating the missing person or child.
2. All Missing Persons and Runaway Reports will be forwarded to the sergeant of director for any necessary follow-up to the investigation.
3. Follow-up will confirm that necessary NCIC entries have been made and that entries are cleared when the missing person or runaway is located.

D. FBI INQUIRY

Federal law requires police to make an inquiry with the FBI regarding Missing Persons under twenty-five (25) years of age, if requested to do so. Texas Code of Criminal Procedure 63.011 requires the same be done for children under the age of eighteen (18), if requested to do so. Requests are to be referred to the sergeant or director.

E. DISSEMINATION OF INFORMATION

Any information collected in reference to a missing person or at risk-runaway should be entered into the appropriate database as soon as practical to allow for immediate retrieval of this information. The sergeant will disseminate information the department possesses to other area police agencies. This information should also be shared with non-law enforcement entities, with approval, that would assist in locating the missing person or at-risk runaway.

IV. LOCATING MISSING PERSONS OR RUNAWAYS

- A.** Calls from persons wanting to cancel Missing Persons or Runaway reports can be done in person or by telephone. The cancellation report taker will document who called, their telephone number(s), their relationship to the missing person, the name of the missing person, and the circumstances of the report cancellation, and any other information required to verify the legitimacy of the cancellation of the missing person or missing child status. This report is to be in addition to the original Missing Person or Runaway report.
- B.** Runaway Children – Police officers of this department will take reported runaway children into custody and transport the children to the DPS building. Before a Guardian is called, runaway children will be processed in an office in the Department, separate from adults in the facility.

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1. After processing, the parents will be contacted and arrangements made for the parents to pick up their child from the DPS Building. If the parent does not have transportation, then the child may be transported home if the juvenile lives within the city limits of Oak Point or to a bordering city with supervisory approval.
 2. In the event that a parent or guardian cannot be located, officers will transport the reported runaway to the Denton County Juvenile Detention Center for processing if no guardian is available to pick them up or they have previously been reported as a runaway before and were previously turned over to the parents. These listed rules do not apply to a child taken into custody for runaway when also charged with criminal offenses.
- C. Upon determining the location of a child reported as missing, or a missing child 17-18 years of age, an officer shall take possession of the child and shall deliver or arrange for delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not immediately available, the officer may call and request the Department of Protective and Regulatory Services (CPS) take custody of the child. A supplemental report shall be made stating the circumstances of the officer's contact with the child and the person or place of delivery of the child if the child was reported missing out of this agency. If the child was reported missing out of another agency an information report shall be made stating the circumstances of the officer's contact with the child and the person or place of delivery of the child.

NOTE: The Texas Family Code states it is the duty of the law enforcement officer who has taken a child into custody to transport the child to the appropriate juvenile detention facility if the child is not released to the parent, guardian, or custodian of the child."

V. SEARCHING FOR THE MISSING PERSON

- A. Immediate and Continuing Investigation – an immediate (preliminary) and continuing (follow-up) investigation will be conducted when the missing person is:
1. A child under thirteen (13) years of age (unless the child is mature beyond chronological age or is a frequent runaway);
 2. An adult more than sixty-five (65) years of age who is not mentally or physically capable of managing their own affairs; or

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3. The person is mentally incompetent to the extent that the subject has impaired ability to provide for their own safety, is unable to effectively communicate, or there is a medical situation making the person at-risk.

B. Ordinarily, searches will continue until the missing person is located. The decision to not start a continuing investigation, or to discontinue a continuing investigation, will be made by the sergeant, and/or director. The decision should be based upon information learned during the preliminary investigation, the absence of workable information, the absence of some indication of harm or a criminal act against the person, and weather conditions.

C. Primary Officer Responsibilities:

1. Will go immediately to the scene and make a preliminary assessment of the circumstances. When it is determined (or if unable to make a valid determination) that the individual is, in fact, a missing child or missing person a supervisor will immediately be made aware of the situation and facts as they exist at that time.
2. Contact, or cause to be contacted, relatives and witnesses and obtain a complete physical description, including clothing, of the missing child or missing person, and a photograph if possible. Any witnesses should be kept at the scene and separate from one another.
3. Request DCSO Communications personnel to enter the person immediately into NCIC, as required by Code of Criminal Procedure Chapter 62 (Missing Children and Missing Persons) and request to be broadcast, information on all main radio channels.
4. Remain on the scene until relieved by the supervisor in charge of the incident.

D. Supervisor Responsibilities:

1. Assume command of the scene, coordinates activities, and obtain a tactical radio channel, if necessary.
2. Formulate the search plan and insure that Communications personnel are periodically notified of the situation to ensure officer safety and prevent search pattern duplication.
3. Organize search teams, and, as necessary, request assistance of canine units, personnel of other Departments, Fire personnel, and other available resources.
4. As applicable:

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- a. Establish a command post
- b. Activate the "Amber Plan" if necessary.

VI. AMBER PLAN ACTIVATION

The Amber Plan is a cooperative effort between radio and television stations in the Dallas - Fort Worth area and North Texas law enforcement agencies. The plan calls for agencies to provide the media with an alert when certain criteria are present indicating a missing or abducted child is in imminent danger.

The Amber Plan may be activated if the circumstances of the particular incident meet the activation prerequisites in place at the time, as per agreements between law enforcement agencies and the media association.

Responsibilities:

Director or Sergeant:

- Verify the child and any other pertinent known parties have been entered into NCIC.
- If Sergeant is on scene he shall notify the director for approval of Amber Alert activation.
- Notify DCSO Public Information Officer (PIO) and request assistance for activation of Amber Alert.
- Establish a plan to receive telephone calls
- Provide updates to the media via the PIO
- Notify Communications of Amber Alert activation.
- Notify the appropriate media via fax as outlined in State mandated procedures.
- Handle calls according to the plan established by the Supervisor in charge of the incident.

VII. SILVER PLAN ACTIVATION

The Silver Plan is a cooperative effort between law enforcement agencies, media outlets and the State of Texas to broadcast awareness for a missing and endangered elderly individual. The plan calls for agencies to notify the Texas Department of Public Safety when certain criteria are present indicating a concern for welfare for a missing and endangered elderly person and apply to Texas residents only.

Responsibilities:

Director or Sergeant:

- Verify the missing and endangered elderly individual has been entered into NCIC.

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- If Sergeant is on scene he shall notify the director for approval of Silver Alert activation.
- Notify DCSO Public Information Officer (PIO) and request assistance for activation of Silver Alert.
- Establish a plan to receive telephone calls
- Provide updates to the media via the PIO
- Notify Communications of Silver Alert activation.
- Notify the Texas Department of Public Safety via fax as outlined in State mandated procedures.
- Handle other calls according to the plan established by the supervisor in charge of the incident.

VIII. Texas Blue Alert Network:

- A. The Texas Blue Alert Network is a cooperative effort between law enforcement agencies, media outlets and the State of Texas to broadcast information about violent criminals who have either killed or seriously injured local, state or federal law enforcement officers. The plan calls for agencies to notify the Texas Department of Public Safety when certain criteria are present.
- B. Texas Blue Alert Criteria (All 4 must be met to activate the Network)
1. A law enforcement officer must have been killed or seriously injured by an offender;
 2. The investigating law enforcement agency must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel;
 3. A detailed description of the offender's vehicle, vehicle tag, or partial tag must be available for broadcast to the public; and
 4. The investigating law enforcement agency of the jurisdiction must recommend activation of the Blue Alert to the State Operations Center (Governor's Division of Emergency Management).

C. Responsibilities:

Director or Sergeant:

- Verification that all criteria for implementing the Texas Blue Alert are met; and
- Notify the Director for approval of Texas Blue Alert activation;
- Establish a plan to receive information from the public via telephone; and
- Provide updates to the media via the Director
- Confirm Communications Division is aware of imminent Texas Blue Alert activation; and

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- Notify the Texas Department of Public Safety via fax as outlined in State mandated procedures

Approved: *M. Shackelford*
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