

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 13, 2006

GENERAL ORDER M-1

SUBJECT: MISSING PERSON REPORTS

PURPOSE

- 1 - This Order sets forth policies and procedures to be followed for accepting and initiating missing person investigations. These policies and procedures are based on guidelines adopted by the Alameda County Sheriff and Chiefs of Police, and Penal Code Sections 14205, **et seq.**

POLICY

- 2 - A missing person investigation (adult or juvenile) shall be initiated without delay. We shall give priority to the investigation of these reports over the handling of reports relating crimes involving property. Officers shall accept any reported missing person case, either in person or via phone, regardless of the city of residence. (There is NO requirement for a 24-hour "waiting period" before a report is accepted.)
- 3 - The agency responsible for follow-up of the investigation is that agency which has jurisdiction **over** the residence of the missing person, absent evidence of foul play in another jurisdiction.
- 4 - Regardless of residence, the agency responsible for conducting the investigation is that which has jurisdiction **over** the location where evidence of foul play against the missing person occurred.

DEFINITION

- 5 - The term "missing person" shall include, **but not be limited to, any person who is missing voluntarily, involuntary, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.**
 - (a) **“Missing juveniles” shall include, but not be limited to, a child who has been taken, detained, concealed, enticed away, retained by a person or parent in violation of Penal Code §277, et seq., or a known or suspected runaway.**
 - (b) **Evidence or indication a reported missing person is “at risk” may include, but not be limited to, any of the following:**
 - (1) **The person missing is the victim of a crime or foul play;**
 - (2) **The person missing is in need of medical attention;**
 - (3) **The person missing has no pattern of running away or disappearing;**

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- (4) The person missing may be the victim of parental abduction;
or,
- (5) The person missing is mentally impaired.

INVESTIGATION ASSIGNMENT

- 6 - The agency first accepting a missing person investigation shall conduct a preliminary investigation. When it is determined that another agency is responsible for the investigation, that agency shall be immediately notified and should conduct the follow-up investigation.
- 7 - Notification shall be by telephone and the **responsible agency** employee **receiving** the information shall be identified. This notification shall be promptly followed by a **teletype** message to the responsible agency.
- 8 - In the case of minors, the notification shall be done within 24 hours and a copy of the original receiving agency's report forwarded to the responsible agency within a 24 hour period.
 - (a) No referral shall be made until the investigating agency has been identified and arrangements have been made for this second agency to accept the investigation. A copy of the preliminary investigation report shall be sent to the responsible agency.
- 9 - The assigned Patrol Division officer is responsible for conducting the initial investigation as follows:
 - (a) The assigned officer shall **receive** the initial report and **take** reasonable steps to locate the missing person.
 - (b) Adult Missing Person Cases: Initial **two (2)** follow-ups.
 - (1) The first follow-up should be made within 24 hours of the original reporting time, and a seven day follow- up, if necessary, shall be set.
 - (2) If the missing person has not been relocated by the second follow-up, the investigation should be reassigned to **the Homicide Detail**.
 - (c) Juvenile Missing Person/Runaway Cases: Initial follow-up.
 - (1) The first follow-up should be made within 24 hours of the original reporting time. If the juvenile has not been located, the investigation should be reassigned to the Youth Services **Detail**.

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- 10 - Members of the Homicide Detail will follow-up adult missing person cases after the handling officer completes the first **two (2)** follow-ups. They will review cases to determine if the above listed entries have been properly completed.
- 11 - Members of the Youth Services **Detail** will follow-up juvenile missing person/runaway cases after the handling officer completes the initial follow-up. They will review investigations to determine if the above listed entries have been properly completed.

DISSEMINATION OF INFORMATION

- 12 - Names of missing persons shall be entered into the **Missing and Unidentified Persons System (MUPS)** by the handling officer within **four (4)** hours, unless the missing person has been located within that time frame.
- 13 - If the person reported missing is under **16** years of age, or if there is evidence that the missing person is at risk, a **“Be On the Look-Out” (BOLO) bulletin shall be broadcast to on-duty personnel without delay. Similar BOLO notifications may be issued to other agencies in the region. Out-agency notifications should include the description of the missing person and a summary of the circumstances under which he/she is missing.**
- 14 - Penal Code §14206 establishes an expectation upon the missing person’s family or next of kin to be primarily responsible for obtaining and presenting to the investigating agency relevant medical information about the missing person. If they fail to act in this regard, or if no one can be located to accomplish this task, Homicide Detail or Youth Services Detail, depending on the missing person's age, will be responsible for executing a written declaration as soon as practical to obtain dental records and/or skeletal x-rays from the dentist, physician, surgeon, and/or medical facility associated with the missing person:
 - (a) if the missing person is under 18 years of age and it is determined the disappearance involves evidence the missing person is at risk;
 - (b) when the missing person is under 16 years of age and has been missing for at least 14 days; or,
 - (c) in all other cases, when a person has not been located within 30 days of the date of report.
- 15 - Pursuant to Penal Code §14206, the appropriate investigative unit in Detective Bureau (Homicide Detail or Youth Services **Detail**) shall forward copies of **our** missing person report and dental records/**skeletal x-rays**, if available, to **the Office of the Attorney General (OAG; more commonly, “DOJ”) Missing and Unidentified Persons Unit** within 45 days of accepting the missing person's report.

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NOTIFICATIONS

- 16 - Any missing person investigation involving the following circumstances shall require the immediate notification of the on-duty Patrol Division **Watch Commander, or in his/her absence the Duty Command Officer**:
- (a) The missing juvenile is under 12 years of age; or
 - (b) Where foul play is suspected, regardless of age.
- 17 - The Patrol Division **Watch Commander** shall determine what additional notifications (i.e., Chief of Police, **Patrol Division Captain, Field Support Division Captain**, etc.) shall be made.
- (a) In the case of a missing juvenile under 12 years of age, or foul play is suspected **or has occurred**, the Youth Services **Detail Sergeant** shall be notified immediately.
 - (b) In the case of a missing adult where foul play is suspected **or has occurred**, the Homicide Detail shall be notified immediately.
 - (c) If the appropriate Detective **Bureau** Detail is not available, the on-duty Patrol Division **Watch Commander** shall assume responsibility for notification of additional Detective Bureau personnel.
 - (d) **In the case of a suspected or confirmed child abduction or other extraordinary criminal violation, personnel and equipment resources from other Alameda County law enforcement agencies may be requested by the on-duty Patrol Division Watch Commander, upon approval of the Chief of Police, pursuant to the Alameda County Inter-Agency Child Abduction Protection Protocol Agreement.**
- 18 - In cases involving juveniles under the age of 12, or any case where foul play is suspected, regardless of age, Patrol Division will maintain continuous around the clock (24 hours per day) investigative efforts to locate the missing person **until relieved by Detective Bureau personnel**.
- (a) Around the clock investigative efforts to locate the missing person means a continuous transfer of responsibility from shift to shift with a minimum of one officer assigned full time to the investigation.
- 19 - **Unless accomplished during the preliminary investigation, Youth Services Detail will be responsible for notifying the school in which the juvenile is enrolled that the juvenile is missing. The notification shall be in writing, and include a photograph of the missing juvenile, if available, and shall be given within ten (10) days of the juveniles disappearance. (Education Code §49068.6)**

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References: California Penal Code §§14205, 14206, **14210** and **14213**
California Education Code §49068.6
General Orders C-2, D-2, J-18, and R-31
Training and Information Bulletins 165, **210, 285 and 290**