

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: March 27, 2015
NUMBER: 3.09 – INVESTIGATIONS
SUBJECT: “AT- RISK” MISSING/RUNAWAY JUVENILES
RELATED POLICY: 3.17
ORIGINATING DIVISION: JUVENILE ADMINISTRATION
NEW PROCEDURE:
PROCEDURAL CHANGE:
SUPERSEDES: DP 3.09 – 11/09/2011

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I. PURPOSE

This Department procedure establishes guidelines for the response and responsibilities regarding missing juveniles who are considered “at-risk.”

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

- A. The California Department of Justice (DOJ) requires that information on missing or runaway juveniles be entered into the California Law Enforcement Telecommunications Systems (CLETS) and the National Crime Information Center (NCIC) computer systems.
- B. The California Department of Justice (DOJ) has divided missing juveniles, including runaways, into three categories:
 - 1. Juveniles at-risk;

2. Juveniles under 16 years of age and not at-risk; and,
3. Juveniles 16 years of age and older and not at-risk.

IV. PROCEDURES FOR MISSING JUVENILES AT-RISK

- A. When evaluating the facts of a case, attention should be given to "at-risk" circumstances, per 14213 PC. These include, but are not limited to, the following. The person missing is:
 1. The victim of a crime or foul play;
 2. In need of medical attention;
 3. May be the victim of a parental abduction;
 4. Mentally impaired; or,
 5. Has no pattern of running away or disappearing.
- B. Communications Division Responsibilities
 1. The telephone dispatcher will acquire the necessary information to format an active case for the missing juvenile. Information should include: date last seen by the reporting party, the name, nickname, sex, race, height, weight, eye color, hair color, clothing description, disability if applicable, other identifying marks, and date of birth for each juvenile.
 2. The radio dispatcher will:
 - a. Dispatch a patrol officer to contact the reporting party and evaluate the incident;
 - b. Without delay, broadcast an "all units" giving the description of the missing juvenile;
 - c. Notify the area patrol sergeant;
 - d. Ensure the assignment of additional field units, at the discretion of the patrol sergeant or field commander;
 - e. Assign non-resident cases (the juvenile resides outside the City, but was last seen in the City) to the area command where the juvenile was last seen. If the non-resident juvenile is thought to be

in the City, but at an unknown location, forward the information to the Juvenile Administration Unit; and,

- f. When notified by a patrol officer that a kidnapping has occurred, notify the Watch Commander who will notify the on-call member of the Robbery Unit.
3. The lead dispatcher will:
- a. Notify the Watch Commander of the circumstances; and,
 - b. Evaluate whether a telephone and/or Teletype request to check on a missing juvenile within the City requires immediate dispatch. If dispatched, Communications Division will send the Juvenile Services Team (JST) sergeant a copy of the incident history number.

C. Patrol Officer Responsibilities

1. Until relieved by a supervisor, the assigned patrol unit will be responsible for contacting the reporting party, evaluating the circumstances, conducting the search, and completing the preliminary investigation of the missing juvenile incident.
2. The officer will:
 - a. Take the Missing Person Report from a parent, legal guardian, social worker, or person who has temporary custody of the juvenile;
 - b. Complete a Missing Person Report form (PD-242) for each missing juvenile and obtain a case number within four hours of the time the reporting party calls Communications Division. Obtain a separate case number for each juvenile, even when two or more juveniles are missing together;
 - c. Obtain a detailed description of the missing juvenile, including clothing, scars, dental, and tattoo information;
 - d. Obtain telephone numbers and time of availability of a parent or guardian. If there is no phone at the residence, seek an alternate number (i.e., a work number, a neighbor's number, or a relative's number);
 - e. Obtain a recent photograph of the missing juvenile;

- f. Have the Authorization to Release Dental/X-ray Information form (BCIA-4048) signed by the parent or legal guardian;
 - g. Inform the parent or guardian that they:
 - (1) Are responsible for checking with friends, hospitals, and known locations frequented by the juvenile; and,
 - (2) Must notify the area Juvenile Services Team (JST) detective of additional information as it becomes available or when the juvenile is found. The appropriate JST telephone number should be given to the parent or guardian, if possible;
 - h. Send original and two copies of the missing person's report (if hand written), the Authorization to Release Dental/X-ray Information form (BCIA-4048), and photograph to the area JST sergeant;
 - i. If the officer is without Computer Aided Dispatch (CAD):
 - (1) Obtain a case number from Records Division; and,
 - (2) Immediately fax a copy of the Missing Person Report to Teletype;
 - j. Apply all these same procedures for cases where the juvenile resides outside the City, but was last seen, or is thought to be in their area command, and for courtesy reports; and,
 - k. Place all missing juveniles "at-risk" on the Watch Commander's log if still missing at the end of shift.
3. When the missing juvenile is found, located, or apprehended:
- a. Prior to, or during, the investigation, the officer will notify the dispatcher and forward the completed Missing Person Report to Records Division. Do not void the case number.
 - b. When the parent or guardian cannot be located:
 - (1) And resides within San Diego County and the juvenile is 14 years of age or older, the officer will place the juvenile in an approved shelter or may call the Juvenile Probation intake officer 24-hours a day for placement references.

(2) Or resides within San Diego County and the juvenile is 13 years of age or younger, the officer will place the juvenile in the Polinsky Center.

(3) Or resides outside San Diego County, or the guardianship cannot be readily determined, the officer should place the child (13 or younger) in the Polinsky Center. The officer will notify Teletype to send a "locate notification" to the hometown agency.

c. If the officer has personal contact with the juvenile, the officer will complete a Juvenile Contact Report (JCR) form (ARJIS-8) and immediately forward it to the JST detective for case cancellation. The JCR must include the case number, where the juvenile had been staying, and the disposition of the juvenile.

4. In child abduction cases, the officer will follow the procedures under Section V. of this procedure.

5. In kidnapping cases, the officer will notify the dispatcher and the patrol sergeant. The Robbery Unit will be responsible for the investigation of the active kidnapping.

D. Patrol Sergeant Responsibilities

1. The patrol sergeant will evaluate the scope of the search for the missing juvenile. The sergeant will request other resources if needed.

2. In cases where the child is very young, mentally or physically handicapped or missing under suspicious circumstances, the sergeant may choose to set up a field command post. The ranking field officer at the scene will be in charge of the command post.

3. The patrol sergeant/incident commander will ensure that within four hours of the time the reporting party calls Communications:

a. A case number is assigned;

b. A recent photograph of the missing juvenile is obtained; and,

c. The Authorization to Release Dental/X-ray Information form (BCIA-4048) is signed by the parent or legal guardian.

E. Watch Commander Responsibilities

1. The Watch Commander will ensure that appropriate command personnel are advised of the missing juvenile. In kidnapping cases, the Watch Commander will notify the on-call Robbery team. The Robbery Unit will be responsible for investigating the active kidnapping.
 2. In the event a field command post is established, the Watch Commander will notify the area captain and the service area lieutenant. The Critical Incident Management Unit (CIMU) should be notified if a mobile command post or other specialized equipment is needed.
- F. Juvenile Services Team Responsibilities
1. The JST sergeant will:
 - a. Coordinate the investigation with the field units;
 - b. Assign the case to a JST detective within 24 hours;
 - c. Monitor the investigation to ensure quality and diligence;
 - d. Ensure all documents are completed before signing the Case Cancellation form (PD-1101); and,
 - e. When the missing person turns 18, ensure everything on the Missing Juvenile Check-off List has been completed.
 2. The JST detective or designee will:
 - a. Within 24 hours after the case is received:
 - (1) Contact the reporting party via phone or in person; note in the investigative follow-up, the date and time, updated information, detective's name, and with whom the detective spoke; and, advise the reporting party to immediately call when the juvenile is found or when additional information becomes available;
 - (2) Check with the Medical Examiner's Office; and,
 - (3) Send Authorization to Release Dental/X-ray Information form (BCIA-4048), dental records, X-rays, and a photograph of the juvenile to the Department of Justice (DOJ) at:

Department of Justice
Bureau of Criminal Identification & Analysis
Missing Persons Unit
P.O. Box 903387
Sacramento, CA 94203-3870

- b. Within ten days of the juvenile's disappearance, give written notice and a photograph of the missing juvenile to the child's school.
- c. Check ARJIS to determine:

- (1) Active cases not yet assigned to the area command: CCS501; and,
- (2) Field contacts on missing juveniles: MOI11

- d. Continue reasonable contact with the parents during the absence of the juvenile. The guideline for these contacts follows:

<u>Number of Weeks Missing</u>	<u>Number of Contacts</u>
One week	Daily
Two-three weeks	Bi-weekly
Four weeks	Monthly until the child is located

- e. Follow-up on information supplied by the parents when the parents are unable to do so, or when risk to the parents is likely.
- f. Maintain and update the missing juvenile log in the Department's LAN system. Ensure all missing juvenile case information is entered and updated.
- g. Cancel the case by completing the Case Cancellation form (PD-1101), ensuring the inclusion of a detailed reason for canceling the case. Fax the case to the Teletype Unit and then mail the complete package, including documentation, to Teletype at MS 726. Parent or guardian call-in cancellations do not require a JCR. Check NCIC and ARJIS the following day to confirm:
 - (1) The juvenile has returned home;
 - (2) The juvenile has been arrested for a criminal offense and is placed in Juvenile Hall; or,
 - (3) An outside agency has entered the juvenile into CLETS/NCIC (i.e., non-resident cases where the juvenile

resides outside the City but was last seen, or thought to be, in the City, courtesy reports, and child abduction cases).

- h. When the missing juvenile turns 18, ensure that everything on the Missing Juvenile Check-off List has been completed.
 - (1) If the person is located and/or chooses not to return, the detective should cancel the case and provide a detailed written reason for canceling the case. "Turning 18" is not a sufficient reason.
 - (2) If the case cannot be cancelled, transfer it and all documentation to the Adult Missing Persons Unit. Ensure completion of all required documents. The JST sergeant must approve and sign the case before it is forwarded. (Refer to Department Procedure 3.17, Missing Adults, for missing adult criteria).
 - i. Determine if a referral to a community-based organization is appropriate for juveniles and their parents.
 - j. Forward courtesy reports to the hometown law enforcement agency and maintain a copy at the area command for one year. Once that agency has entered the juvenile into CLETS/NCIC, complete a Case Cancellation form, including the agency's NCIC number.
 - (1) Immediately fax and then forward the hard copy to Teletype;
 - (2) Check NCIC the following day to ensure the case has been cancelled; and,
 - (3) The hometown law enforcement agency will be responsible for forwarding dental charts and X-rays to DOJ.
3. The Robbery Unit will assist in producing missing person's flyers using the TRAK system.

G. Teletype/Records Division Responsibilities

- 1. Upon receiving the initial report of a missing juvenile via the Computer Aided Dispatch (CAD), the Teletype operator will immediately enter the information into NCIC/CLETS. This must be done within four hours of the reporting party's call. The I.D. Section will enter information into the ARJIS system.

2. When the Missing Juvenile Report (PD-242) is received from the area command, the Teletype operator will attach the original entry information. Teletype will then update the information in CLETS/ NCIC. ARJIS is updated by Data Entry.
3. Upon receiving the Cancellation form, the Teletype operator will immediately remove SDPD's missing juvenile information from CLETS/NCIC and ARJIS.
4. Non-resident cases (the juvenile lives outside the City, but was last seen, or is thought to be, in the City) and courtesy reports will also be assigned a case number within four hours. The JST detective will be responsible for notifying the hometown agency. Once that agency enters their case information into CLETS/NCIC, the JST detective will send the Cancellation form to Teletype. The form will include that agency's NCIC number.
5. Once a non-resident juvenile has been located, the detective will notify Teletype to send a "locate notification" to the hometown agency.
6. Telephone or Teletype requests from outside agencies checking on missing juveniles should be referred to the Communications Division supervisor to be evaluated as to whether the request needs immediate dispatch.

V. CHILD ABDUCTION BY FAMILY MEMBERS

Definitions relating to "Child Abduction" can be found in Penal Code Section 277. Penal Code sections 278 and 278.5 describe crimes involving child abduction. Section 278.7 outlines exceptions to the child abduction laws. With the following exceptions, procedures for an abducted juvenile are the same procedures as those for a missing juvenile:

- A. In family abduction cases, the patrol officer will determine if any court orders exist regarding custody of the children.
 1. If orders exist, NEVER act on them unless you can VERIFY the orders are the most recent and valid, or get the parties to agree that they are.
 2. If you cannot determine the validity of the order, do not act on that order. Contact the District Attorney's (DA) Child Abduction Unit (CAU) for assistance. Officers should also encourage the parties to contact the CAU at:

NEW

District Attorney's Child Abduction Unit
330 W. Broadway Suite 1220
San Diego CA. 92101

Business hours: 8am-5pm
(619) 531-4345- Public line

**DELETED – RECORDS OF SECURITY **Law Enforcement
Only****

Mail Stop: D 447

www.sdca.org/helping/child-abduction

3. If no orders exist, under California law, both parents have an equal right of custody, absent undecided paternity or one parent abandoning the children.

NEW

4. Never act on an out-of-state order. Officers should refer all parties of out-of-state orders to the DA Child Abduction Unit. Officers should also encourage the parties to self-register their out-of-state orders with the California Court System by taking the following steps:

- a. Go to www.sdcourt.ca.gov
- b. Click on the “Forms” button located in the menu to the left side of the page.
- c. Click on the “Family” tab.
- d. Scroll down to the “Judicial Council Family and Children Forms” Heading.
- e. Click on the header titled “Family Law- Interstate Actions Fl-500-599.”
- f. Click on “FL-580- Registration of Out-of-State Custody Order” and complete the form, being mindful to follow the instructions carefully.

NEW

5. Your primary concern should be the best interest of the child and whether one party may flee with that child out of jurisdiction. If faced with the possibility of the child being unlawfully removed out of jurisdiction, the officer may take the child into protective custody pursuant to California Penal Code 279.6 which reads in part:

- (a) A law enforcement officer may take a child into protective custody under any of the following circumstances:

- (1) It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.
- (2) There is no lawful custodian available to take custody of the child.
- (3) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
- (4) The child is an abducted child.

(b) When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

NEW

- (1) Release the child to the lawful custodian of the child, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.
- (2) Obtain an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code ordering placement of the child with an interim custodian who agrees in writing to accept interim custody.
- (3) Release the child to the social services agency responsible for arranging shelter or foster care.
- (4) Return the child as ordered by a court of competent jurisdiction.

(c) Upon the arrest of a person for a violation of Section 278 or 278.5, a law enforcement officer shall take possession of an abducted child who is found in the company of, or under the control of, the arrested person and deliver the child as directed in subdivision (b).

6. If a child abduction by a family member has occurred, complete a crime case report detailing the facts of the case.

B. The JST Detective will:

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1. Liaison with the CAU regarding the child abduction case to determine the lead agency on the investigation.
2. If CAU takes the case, the JST detective will complete the Case Cancellation form once the DA's Office has entered the juvenile into CLETS/NCIC; include the DA's NCIC number; fax and then forward the hard copy to the Teletype Unit; and check NCIC the following day to ensure cancellation. The JST detective will be responsible for forwarding dental charts and X-rays to DOJ.

NEW

VI. SELF-REPORTING OF VISITATION VIOLATIONS

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Patrol officers investigating allegations of child abduction often determine that one party to a child custody order has failed to abide by the set timeframes stipulated in court documents. These violations are typically handled as civil matters between the parties. When a patrol officer determines that a visitation violation has in fact occurred, and not a child abduction, the officer shall provide the party with the officer's name, identification number, and the Computer Aided Dispatch (CAD) incident number.

NEW

The officer may also inform the party that the San Diego County District Attorney's Office offers an internet based self-reporting service that will generate a report of the incident and a case number. The party may be referred to the District Attorney's Office at: www.sdca.org/helping/visitation/child-visitation-violation.html.

VII. CHILD ABDUCTION REGIONAL EMERGENCY (CARE) ALERT

The CARE Alert is a communications partnership between local broadcast media, San Diego County law enforcement agencies, and emergency services personnel that notifies the public within our region immediately following a child abduction using the Emergency Alert System.

A. CARE Alert Activation Requirements:

- a. The victim must be a minor, 17 years of age or younger, or have a proven mental or physical disability;
- b. The victim must have been removed from his or her environment by someone other than a parent without parent/guardian permission; and,
- c. Be considered to be in grave danger.

B. Patrol Officer Responsibility

When a juvenile has been abducted and meets the CARE Alert requirements, the patrol officer will immediately notify a patrol supervisor and relay the details of the abduction.

C. Patrol Sergeant Responsibility

Upon determining the abducted child meets the CARE Alert requirements, the supervisor will contact the Watch Commander and relay the details of the abduction. The supervisor will request that a CARE Alert be initiated.

D. Watch Commander Responsibility

1. The Watch Commander will prepare a brief (less than two minutes) announcement that will be transmitted to the San Diego County Sheriff's Communications Center Watch Commander via fax. The announcement should include the following information:

- a. A child has reportedly been abducted;
- b. Where the abduction took place;
- c. When the abduction took place;
- d. A description of the child;
- e. A description of the abductor;
- f. A description of any vehicle involved;
- g. The last known direction of travel;
- h. The telephone number for public response; and,
- i. A statement that no action should be taken other than to inform police.

2. The Watch Commander will telephone the San Diego County Sheriff's Watch Commander at (858) 565-5025 and notify him/her of the intent to initiate a CARE Alert.

E. Amber Alerts

Similar to the CARE Alert but wider in its scope, an Amber Alert also uses the Emergency Alert System to ask for the public's help locating a juvenile abduction victim. The alert may be activated statewide or only within selected regions. The criteria and activation for an Amber Alert are identical to that of a CARE Alert.

VIII. MISSING PERSONS DNA PROGRAM

The State of California Missing Persons DNA Program was established to create a DNA data bank for all cases involving the report of an unidentified person or a “high risk” missing person. The family of a missing person has the right to provide a voluntary DNA sample for testing.

- A. A “high risk” missing person is identified as a person missing as a result of:
 - 1. A stranger abduction;
 - 2. Suspicious/unknown circumstances; and,
 - 3. Reason to assume the person is in danger or deceased, and that the person has been missing for more than 30 days, or less than 30 days at the discretion of the investigating agency.

- B. Area JST detectives will be responsible for collecting voluntary DNA samples from family members of missing juveniles that fall within their investigative responsibility and meet the criteria for “high risk” missing persons. DNA Specimen Collection Kits are available at each area command. Once DNA samples have been collected, the DNA kit must be mailed to the following address within 72 hours:

California Department of Justice
Missing Person DNA Program
1001 W. Cutting Blvd, Suite 110
Richmond, CA. 94804-2028