

## **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 41.9**

### **MISSING PERSONS AND AMBER ALERTS**

**ISSUED APRIL 2006**

#### **41.9.1 Missing Persons**

"Missing person" means an individual whose whereabouts is unknown to the reporting party and includes, but is not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Sections 277 - 280(b) P.C. It also includes any child missing voluntarily or involuntarily, under circumstances not conforming to their ordinary habits or behavior, or who may be in need of assistance. All missing person reports will be recorded on SCPD Form 066, as it contains all of the required information to be gathered at the initial investigative stage.

Acceptance of a report: The following are the State of California mandates and guidelines for the initial response and follow-up to a missing persons report, as defined in 14205 - 14210(c) P.C., that we are required to follow:

- Accept any report of a missing person without delay, regardless of jurisdiction.
- Accept any report of a runaway juvenile without delay.
- Accept reports of missing persons by telephone.
- Assign priority processing to missing persons reports over non-emergency property crimes.
- Make an immediate assessment of reasonable steps to be taken to locate, based on the type of missing person, as defined in 14213(a) PC, and determine if that person might be at risk.
- Broadcast a "Be-on-the-lookout", without delay, within our jurisdiction, when a child is under the age of 12 or the person missing is considered at risk.
- Provide the reporting party with DOJ form SS 8567 that authorizes the release of dental records and/or X-rays, skeletal X-rays, and/or photographs.

"At risk" includes, but is not limited to, circumstances where evidence or indications exist that the missing person (adult or juvenile):

- Is a victim of a crime or foul play.
- Is in need of medical attention.
- Has no pattern of running away or disappearing.
- Is the victim of parental abduction / kidnapping.
- Is mentally impaired.

These circumstances are only examples and are not intended to be exhaustive or an all-encompassing list. Police personnel may use discretion when determining the presence of risk, based on the officer's experience, expertise, and the facts and circumstances of each case.

In cases where a report is initially taken by our agency, and we are not the agency having jurisdiction over the person's residence and/or place where last seen, we must:

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- Without delay, notify and forward a copy of the report to that agency having jurisdiction over the missing person's residence and where the missing person was last seen.
- Enter the missing person into NCIC Missing Persons System for the agency having jurisdiction.
- Advise the jurisdiction that an NCIC entry has been made and that they should make their own entry as soon as possible. Once they have done so, we should cancel our initial entry.

In cases involving children less than 12 years of age or persons at risk, this cross reporting must be accomplished within 24 hours after initial receipt of the report.

In order to ensure that the guidelines set forth are complied with, these procedures must be followed:

Once determined that this report must be forwarded to another jurisdiction, Records personnel shall note the agency's name in the box provided on the missing person report. The report shall be sent to the agency having jurisdiction either by FAX or by mail. If the report must be received within 24 hours, and the agency does not have access to a FAX machine, other alternatives must be explored.

Copies of the report shall be forwarded to the Investigations Division after being processed by Records. It will be the responsibility of the Detective assigned to contact the agency with jurisdiction and verify that they are handling the investigation. This information should be noted on a supplemental report and forwarded to Records.

All missing person reports must be entered into NCIC Missing Persons System as soon as possible, but no longer than four (4) hours of the initial report. Officers taking the report should relay the necessary information to Records, as soon as practical, so the entry can be made. Records personnel will provide the officer with an NCIC number which must be listed on the report prior to being turned in for supervisor's review.

At the time of computer entry of missing persons AT RISK or JUVENILES UNDER 12 YEARS OF AGE, a copy of the actual report (SCPD 66) must be sent to DOJ via the **FAX machine, (916) 739-4987**. The confirmation receipt shall be attached to the original report.

When the missing person is a child under 18 years of age, the Detective assigned the case must:

Promptly contact the reporting party and complete DOJ form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph and Description Information." If the missing person has no next-of-kin, then the Detective may execute a written declaration authorizing the release of the records. The Department Missing/Abducted Child Protocol should be used as a guide for appropriate follow-up contact with the reporting person and the follow-up investigation and search.

If the missing child is under 12 years of age and missing at least 14 days, the release form (SS 8567) must immediately be executed to obtain dental/skeletal X-rays and a photograph. The Detective must immediately check with the coroner for any possible unidentified victims. The report, photograph, and the dental/skeletal X-rays must be submitted to DOJ within 24 hours.

If it is determined that the missing child is AT RISK, dental/skeletal X-rays and a recent photograph should be immediately obtained. The Detective must immediately check with the coroner's. The report and the dental/skeletal X-rays, including a signed DOJ Release form, must be submitted within 24 hours.

If the child is 12 years or older and is still missing after 30 days, the reporting person is required to obtain the dental records and give them, within 10 days, to the Detective assigned the case.

If the child, 12-years or older, is still missing after 45 days, the Detective is to confer with the coroner and immediately send the report, dental/skeletal X-rays, photograph, and DOJ Release form, to DOJ.

If a missing child is found, the Detective must see that DOJ is notified within 24 hours and that the NCIC computer entry has been canceled.

When the missing person is an adult, the Detective assigned the case must:

Promptly contact the reporting party and complete DOJ form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph and Description Information." If the missing person has no next-of-kin, then the Detective may execute a written declaration authorizing the release of the records. Any follow-up investigation and/or search should be begun immediately. Frequent contact with the reporting party should be made so he/she can be kept informed as to the status of the case.

If the person is still missing after 30 days, the individual making the report will be requested to provide the dental records within 10 days to the Detective assigned.

If the person is still missing after 45 days, the Detective shall check with the coroner and send the report and dental records, to DOJ.

If a missing person is found, the Detective must see that DOJ is notified within 24 hours and that the NCIC computer entry has been canceled.

DEPARTMENT OF JUSTICE. The address that the required reports must be sent to is:

Department of Justice  
Missing/Unidentified Persons Program  
P.O. Box 903417  
Sacramento, CA 94203-4170

#### **41.9.2 AMBER Alerts**

Time is the enemy following a child abduction, and law enforcement's response must be immediate and focused. The geography of California offers many advantages to a child abductor, including the opportunity to quickly transport the victim across county, state or international borders, or otherwise escape to areas where detection can be difficult. According to the U.S.

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Department of Justice, most children who were abducted and later murdered were killed within three hours of their abduction.

America's Missing: **Broadcast Emergency Response Alert, or AMBER Alert**, is a statewide innovative program that partners California's law enforcement community, media broadcasting agencies and the public in locating abducted children. As a local police agency, we will be responsible for the initial investigation necessary to determine if a child abduction meets the criteria for an AMBER Alert.

All of the following conditions must be present before an AMBER Alert is initiated:

- It has been confirmed that an abduction has occurred.
- The victim is 17 years of age or younger, or of proven mental or physical disability.
- There is reason to believe the victim is in imminent danger of serious bodily injury or death.
- There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.

AMBER Alerts should not be used for cases involving runaways, missing children in which there is no evidence of foul play, or custody disputes that are not reasonably believed to endanger the life or physical health of a child.

In cases that do not meet the AMBER Alert criteria, we should continue to exercise discretion in determining which of the many other tools available would be the most appropriate for transmitting information and photos to other officers, the media and the public.

The following is a step-by-step guide to the formulation and initiation of an AMBER Alert. Each section has a different person or unit responsible for that step. This person or group is identified in parentheses after each step.

### Initiating An Amber Alert (RECORDS)

Activating The Emergency Alert System (EAS) (DESIGNATED INDIVIDUAL):

- Once it has been confirmed that all AMBER Alert criteria has been met, and there is no extenuating investigative need that dictates otherwise, activation of EAS is required.
- To initiate a *multi-regional* or *statewide* EAS alert, contact the California Highway Patrol (CHP), Emergency Notification and Tactical Alert Center (ENTAC) at **(916) 843-4199** or **email entac@chp.ca.gov**.
- To initiate a more localized, *regional* EAS alert, contact our pre-designated local primary radio station (KCBS: 415-474-5227. Fax: 415-765-4080). If assistance is desired, contact ENTAC.
- Provide available summary information for the EAS message, including the name, age, sex, physical description and clothing of the victim and suspect, vehicle description, possible

direction of travel and location and time last seen. Also include our agency name and telephone number for the public to contact with leads (615-4700).

**CAUTION:** The EAS should be used only in time-critical circumstances in which local television and radio programming should be pre-empted by the emergency broadcast. All police agencies need to use proper discretion when deciding to activate the EAS in response to a child abduction.

Sending an EDIS FLASH Bulletin (RECORDS)

- The EDIS FLASH message contains summary information regarding the child abduction for dissemination to other law enforcement agencies and media outlets statewide. The media will decide if, and in what priority, the message should be broadcast. This message must be sent in all cases in which EAS has been activated.
- To send an EDIS FLASH message, transmit a Be-On-The-Lookout (BOLO) Administrative Message via CLETS, using the AMBER Alert Users Group Code 4500. Following is a sample message in the prescribed format:

E 001 4500

EDIS FLASH

SUBJECT: CHILD ABDUCTION (SANTA CLARA)

REQUEST MEDIA BROADCASTS IMMEDIATELY

THE SANTA CLARA POLICE DEPARTMENT IS INITIATING A CHILD ABDUCTION ALERT. WE ARE REQUESTING THE PUBLIC'S ASSISTANCE IN LOCATING A 9 YEAR OLD WHITE FEMALE. HER NAME IS JANE SMITH. SHE HAS BLONDE HAIR, BLUE EYES, IS 4' TALL AND WEIGHS 85 POUNDS. SHE WAS LAST SEEN WEARING A RED TOP AND BLACK PANTS. POLICE BELIEVE SHE WAS ABDUCTED BY A WHITE MALE, APPROXIMATELY 25-35 YEARS OLD, BROWN HAIR WITH A MOUSTACHE. HE IS DRIVING A SILVER SUV, LAST SEEN HEADING NORTH ON BOWERS FROM CABRILLO. IF YOU HAVE ANY INFORMATION, PLEASE CALL (408) 615-4700 IMMEDIATELY.

CONTACT DETECTIVE JACK JONES, SANTA CLARA POLICE DEPARTMENT AT (408) 615-48\*\* FOR FURTHER INFORMATION.

- All text following the words "EDIS FLASH" will be relayed to the media and the public exactly as it was entered. Also, these words should not be preceded with multiple spaces, a quotation mark, asterisk or other characters. **Do not include any confidential information intended for law enforcement use only.**
- Note: in addition to this step, we should continue to transmit a BOLO Administrative Message via CLETS in the prescribed format to initiate a regional law enforcement response to reported missing person cases, pursuant to Penal Code section 14205(a).

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- **The main contact number listed (which typically would be 615-4700) must be capable of rolling to two additional numbers, to handle call volume. Also, it is required that the number listed in the EDIS FLASH message be staffed for at least 24 hours after activation. This would necessitate not turning on our call router after hours, and could require additional personnel be called in to take phone calls on the listed number.**

### Create a Child Abduction Poster on the Internet (INVESTIGATOR)

- As soon as photos or sketches of the victim, suspect and/or vehicle are available, create a poster on the EDIS website for direct access by the media and the public.

#### To enter data on a poster:

- Access the EDIS website at <http://edis.oes.ca.gov/amber>
- Select Post Image (Victim, Suspect or Vehicle) as appropriate.
- Enter our agency's pre-assigned EDIS User ID and password.
- Enter all available information in the appropriate data fields on the template provided. (Remember that this information will be read by the media and the public; use plain language and avoid law enforcement abbreviations, codes, etc.). **Do not enter any confidential information intended for law enforcement only.**

#### To import an image to a poster:

- Click **Browse** located on the Post Image screen. This will display a pop-up dialog box listing various files in your computer from which you can import an image. Double-click on the file containing the image to be imported. The file name will be shown in the "Image File to Post" data field. (Note: Images must be in JPEG or GIF formats and may not exceed 250 kb.) The image will be uploaded automatically when you submit the template form.
- Click **Post Image** located at the bottom of the screen. A draft of the poster containing the image and information will be displayed. Carefully review the poster for accuracy.
- Click **OK**, if the information is accurate (or press **Cancel** to correct any information).
- The poster has been added to the EDIS website. This will generate EDIS and CLETS messages notifying law enforcement and the media that the poster is available. The poster will also be accessible to the public at [www.edis.ca.gov](http://www.edis.ca.gov)
- It is also recommended that a TRAK flyer be created and disseminated statewide.

### Initiate Alert Updates/Cancellations as appropriate (INVESTIGATOR)

- Any updates or cancellations of an AMBER Alert should be sent to all affected agencies on a timely basis. Transmit the appropriate information via CLETS in the form of an EDIS FLASH, using the same format as specified in Step 2. Original EDIS messages cannot be

modified once they are transmitted; therefore, any corrections or updates to the messages require a new transmission.

- To include new images or information on a poster stored on the EDIS website, repeat Step 3 to create a new poster; posters stored on the EDIS website cannot be modified. Law enforcement and the media automatically will be notified when new posters are created. Posters will be retained for up to four weeks, as specified by the user during the poster creation process.
- ENTAC can also be contacted at (916) 843-4199 for assistance in canceling an AMBER Alert.
- We are required to submit supporting reports for activation of the Amber Plan to the State Amber Plan Committee within 30 days of any activation.

### **41.9.3 BLUE ALERTS**

The Blue Alert system was enacted in California law with the passage of Senate Bill (SB ) 839, which adds Section 8594.5 to the Government Code. Similar to an AMBER Alert, the goal of a Blue Alert is to provide immediate information to the public via media broadcasts and other notification resources.

A Blue Alert is intended to solicit help from the public in the safe and swift apprehension of violent suspects that have killed or seriously injured a law enforcement officer and who continue to pose a threat to public safety. The California Highway Patrol administers the Blue Alert system and is responsible for issuing Blue Alerts.

**All** of the following conditions must be met before a Blue Alert can be issued:

1. A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
2. A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
3. A detailed description of the suspect's vehicle or license plate is available for broadcast.
4. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

If all of the above conditions have been met and a Blue Alert is warranted, a CAPTAIN shall be contacted and direct that the CHP's Emergency Notification and Tactical Alert Center (ENTAC) be notified. ENTAC is the point-of-contact for law enforcement agencies wanting to activate Blue Alerts. The 24-hour phone number for law enforcement agencies to contact ENTAC is (916) 843-4199 (e-mail: [entac@chp.ca.gov](mailto:entac@chp.ca.gov)).

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You may refer to the section above on Amber Alerts (41.9.2) for information on how to properly format a Blue Alert message to ENTAC.