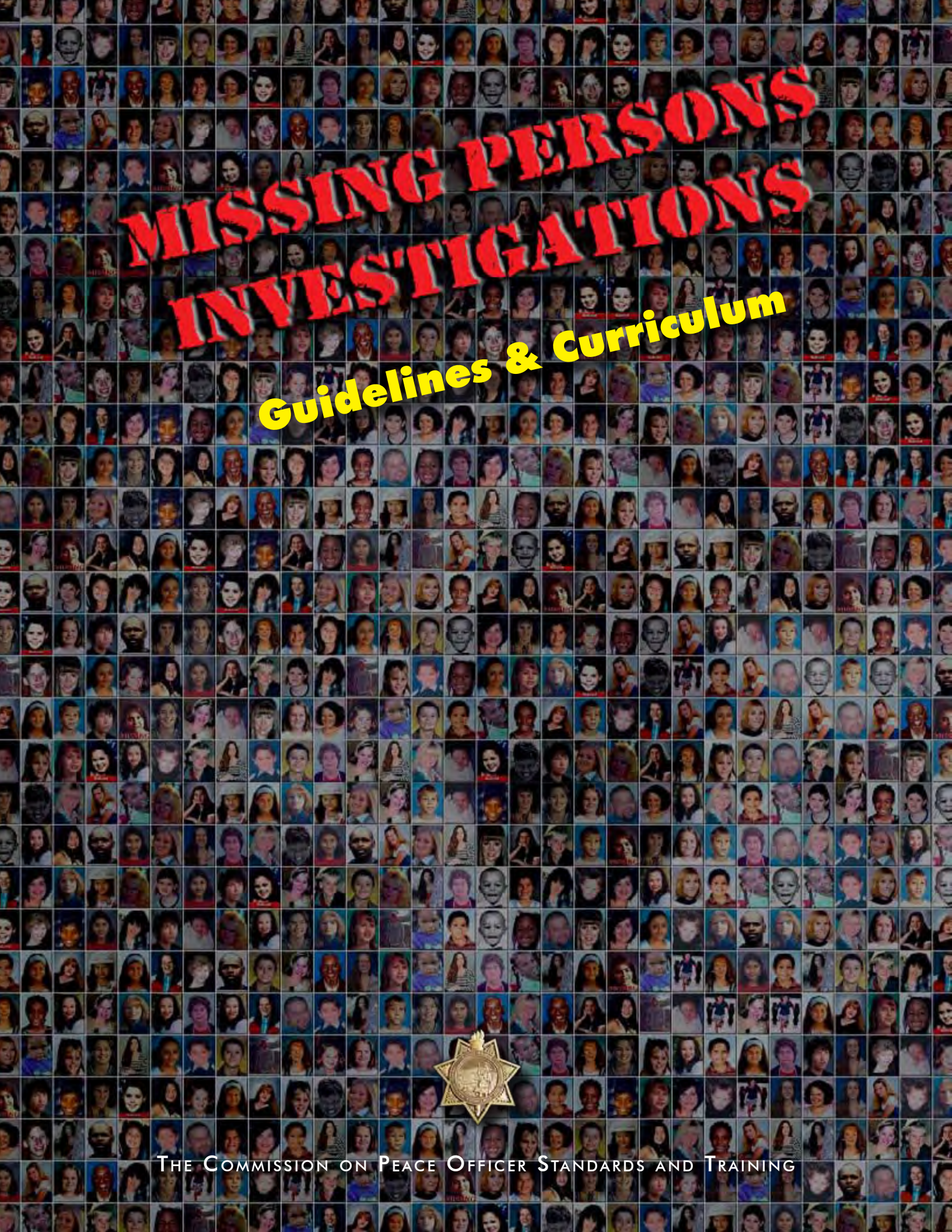
MISSING PERSONS INVESTIGATIONS

Guidelines & Curriculum



The Commission on Peace Officer Standards and Training

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MISSING PERSONS INVESTIGATIONS

Guidelines & Curriculum

RUNAWAY

STRANGER ABDUCTION

LOST

SUSPICIOUS CIRCUMSTANCES

DEPENDENT ADULT

PARENT/FAMILY ABDUCTION

VOLUNTARY MISSING ADULT

UNKNOWN MISSING

CATASTROPHIC MISSING

THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Missing Persons Investigations Guidelines & Curriculum

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POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

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Preface

Missing persons and runaway cases are among the most compelling issues facing law enforcement today. In 1988 the Commission on Peace Officer Standards and Training (POST) was directed by legislative mandate per Penal Code Section 13519.1 to establish courses of instruction for training law enforcement officers and dispatchers to investigate and resolve missing persons and runaway cases. In 2010 the Legislature added PC 13519.07 which directed agencies to adopt policies and checklists to assist peace officers in missing person investigations. The Commission was directed to update the guidelines with contemporary information.

The Commission intends these guidelines to be a resource for law enforcement agencies in the development of additional training curriculum and departmental policies for responding to missing persons cases.

The Commission appreciates the contributions and efforts of the Missing Persons Advisory Committee for the preparation of this revised document.

Questions or comments concerning these guidelines and curriculum should be directed to the POST Training Program Services Bureau at 916 227-4885.

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Message to Responding Officers

Missing Person Investigations

Investigating a missing person case can be one of the most challenging assignments you will handle in your career. The officer responding to a missing person call is in many cases responding to a situation where the reason for an individual's disappearance is unknown.

The officer will have to consider a number of variables when dealing with a missing person investigation that has no obvious reason for a person's disappearance. Was the individual involved in an accident? Did the individual meet with foul play? Did a stranger abduct a young child? Has a young child met with tragedy while exploring an attractive danger such as a pool, creek, abandoned car or refrigerator? Even in a known runaway situation is the cause of the juvenile running away due to physical, sexual, or emotional abuse by an authority figure in the home? Has the runaway been lured into a life of gangs and/or prostitution?

A missing person investigation can become a "high profile" case overnight. Officers are only one call away from a major case. As such, officers should never consider any case routine. Officers should assume the missing person is in immediate danger or at risk until the facts contradict that assumption.

Officers and investigators approaching the initial investigation in a less than serious manner may undermine the missing person's investigation. They are more likely to miss critical information and overlook important evidence that might have otherwise been a key component to the quick and safe recovery of the missing person.

Officers should be aware of the need to act in a swift, organized, and efficient manner. In the case of child abductions by non-family members, studies show the majority of children are killed within the first three hours of the abduction.

We may not always be able to control the outcome of a missing person case or guarantee the safe return of a loved one to their family, but you in particular, and your department, will be judged on your initial actions in the first few minutes, hours, and days of a missing person investigation.

It is the goal of this manual to give you, the officers and field supervisors, the basic knowledge and guidance to appropriately respond to the challenge of a missing person case.

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Part One

Missing Persons Categories/Definitions

Section 1 Categories/Descriptions/Examples*

Report Type	Description	Example
Catastrophic Missing	Child or adult who is reported missing and assumed to be a victim of some type of disaster (fire, flood, earthquake, terrorist act, etc.)	A woman last seen in her apartment is reported missing after the apartment building is destroyed by fire and the woman cannot be located.
Dependant Adult	Adult who is reported missing and who has physical or mental limitations, e.g., dementia, Alzheimer's disease, autism (which restrict their abilities to carry out normal activities)	A 46-year old man with memory impairment who resides at a care facility is reported missing after leaving the facility with a group of unknown visitors and then boards a city bus.
Lost	Child or adult who is reported to have strayed away and whose whereabouts is unknown	A teenager is reported missing after he left a group of friends at their camp site to hike in a nearby wooded area and has failed to return before dark.
Parent/Family Abduction	Child who is taken, detained, concealed, enticed away, or retained by a parent/family member or person at the request of the parent	A 7-year old child is reported missing by the child's mother (who is the custodial parent) after the boy is picked up from school by the boy's father and taken to an undisclosed location.
Runaway	A child under 18 years of age who is reported missing but has left of their own free will or has been rejected or "thrown away" by their family	A 15-year old girl, who was angry about her parents' strict rules, is reported missing after she leaves home without telling her parents and fails to return.
Stranger Abduction	Child or adult who is taken or abducted against their will by an unknown person or a known person who is not a family member	A 10-year old girl is reported missing when she fails to come home from school and a neighbor reports seeing her being physically forced into a van by an unknown man.

*Currently listed under the Department of Justice's Criminal Justice Information System (CJIS) Missing Persons System (MPS)

Category	Description	Example
Suspicious Circumstances	Child or adult who is reported missing, and the circumstances give rise to believe that: ▸ foul play may be involved ▸ the person is a danger to self or others (due to mental, physical, or emotional condition) ▸ the disappearance is out of character for the individual and no known reasons can be determined	A woman who is 8 months pregnant and lives with her parents is reported missing when she does not return home from a shopping trip and is last seen getting into a vehicle and leaving the parking lot with two men.
Unknown	Child or adult who is reported missing, but there are insufficient facts to determine the circumstances	A man is reported missing after he failed to return home in a reasonable amount of time after taking the family dog out for a walk.
Voluntary Missing Adult	Adult who is reported missing, but who has left of their own free will	A woman who is otherwise very dependable is reported missing by her employer after the woman failed to report to work for three consecutive days and did not answer her phone. It is later determined that the woman moved out of her apartment on her own without telling anyone or leaving a forwarding address.

Section 2 Definitions Related to Missing Persons

It is recommended that these definitions be reviewed prior to reading the guidelines and curriculum for a clearer understanding of this topic.

Term	Definition
AMBER Alert	Defined as America's Missing: Broadcast Emergency Response Alert, which is a nationally recognized program used by law enforcement to help find children under the most serious life-threatening conditions. This is a rapid notification to the public, which utilizes all available technology during the most critical period after a child/missing person has been abducted. The AMBER Alert is limited to specific criteria – see 4-42 AMBER Alert Procedures.
Dental / Skeletal X-rays / and Medical Records	All X-rays, dental charts, records, models, and photographs which are in the possession of a dentist, physician, surgeon, or medical facility per Penal Code Section 14213 (f).
DNA	Deoxyribonucleic acid (DNA) is used to identify an individual's patterned chemical structure of genetic information by analyzing a biological specimen such as blood, tissue, or hair. It is commonly used to prove/disprove an individual's commission of a crime. It is often used to determine the paternity of a child.
DNA Data Base	The Department of Justice is responsible for the DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person. See PC §14250 for further definitions and details.
Endangered Missing Advisory (EMA)	An EMA can be issued in cases where the statutory criteria for an AMBER Alert are not met; however, an agency has reasons to believe the person is at risk or endangered and assistance in distributing information to help locate the individual(s) is desired.

Missing Persons Categories/Definitions

Term	Definition
Evidence a Missing Person is "At Risk"	"At Risk" per PC §14213(b) includes, but is not limited to, the person missing being the victim of a crime or foul play, in need of medical attention, has no pattern of running away or disappearing, the victim of parent/family abduction, or mentally impaired.
File Control Number (FCN)	The FCN is a computer-generated number automatically assigned by the Criminal Justice Information System (CJIS) to each accepted record. Usually noted on the reporting agency's missing person report.
Missing Person	Any person who is reported missing to a law enforcement agency until the person is located or determined to be a voluntarily missing adult. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his/her ordinary habits or behavior and who may be in need of assistance per PC §14213.
Missing Persons System (MPS)	The MPS is an automated database maintained by the Department of Justice (DOJ).
NCIC and CLETS	National Crime Information Center. Nationwide, on-line computer telecommunications system that is maintained by the FBI. Accessible via California Law Enforcement Telecommunications System (CLETS).
National Crime Information Center Information Number (NIC Number)	The NIC Number is a computer-generated number automatically assigned by NCIC to each accepted record. Usually noted on the reporting agency's Missing Person report.
Reporting Myth	It is an incorrect assumption that 24 hours or any other time frame must pass before a law enforcement agency will accept a missing person report.
Technology-Based Notification Systems	A previous computer system known as TRAK (Technology to Recover Abducted Kids) has been replaced by a new software system called Critical Reach. This system is used to create flyers depicting the person's photo and other related identification. Multiple copies can then be made and distributed to assist in locating a missing person or a wanted criminal suspect. Such systems are distributed free of charge to law enforcement agencies by the Critical Reach Foundation. The National Center for Missing & Exploited Children (NCMEC) also offers the Lost Child Alert Technology Resource (LOCATER), which is also available to law enforcement at no cost.
UPS	Unidentified Persons System, an automated database maintained by the Department of Justice (DOJ).

Section 3 Missing Persons Categories – Quick Reference Chart

Term	Definition
Catastrophic Missing	Missing person is possibly a victim of a disaster (e.g., boating accident, plane crash, earthquake, flood, fire, terrorist act, etc.)
Dependent Adult	Adult who has physical or mental limitations which restrict his/her ability to carry out normal activities (e.g., Alzheimer's disease, dementia, autism)
Lost	Missing person who has strayed away and whose whereabouts are unknown
Parent/Family Abduction	Child who is taken, detained, concealed, enticed away, or retained by a parent/family member or person at the request of the parent
Runaway	Any child under 18 years of age who is voluntarily missing
Stranger Abduction	Missing person taken/kidnapped by a stranger (includes cases of a known abductor who is not a family member)
Suspicious Circumstances	Circumstances which give rise to the belief that "foul play" may have been involved; the disappearance is out of character for the individual, and no known reason can be determined
Unknown Missing	Child or adult who is reported missing, but there are insufficient facts to determine the circumstances
Voluntary Missing Adult	Missing adult who has left on his/her own free will

Get File

Part Two

Guidelines for Handling Missing Persons Investigations

These guidelines are divided into six sections:

1 Acceptance of Initial Call
2 Officer's Initial Contact at the Scene
3 Reporting Responsibilities
4 Follow-up Investigation
5 Closure of Missing Person Investigation
6 Missing and Unidentified Persons Reporting Reference Chart

Section 1 Acceptance of Initial Call

Guideline 1.1 Determination of missing person case and sensitivity to the reporting party

A. Officers, dispatchers, or other designated personnel who take the initial call, by phone, in person, or by electronic media, should determine if the call is a missing person case according to the definition of a missing person – see 1-1 Missing Persons Categories.

B. Reporting parties and families of missing persons often experience feelings of helplessness and anxiety. Dispatchers, officers, or other designated personnel dealing with these persons should be sensitive to those feelings, and respond appropriately.

Guideline 1.2 Confirmation of responsibility for acceptance of report, priority in handling, and agency notification.

A. It is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway, per Penal Code Section 14210(a). A report shall be accepted regardless of jurisdiction, per PC §14205(a).

B. If the California Highway Patrol (CHP) is contacted, including by phone, by someone wishing to make a report of a missing person, the CHP may take the report. After taking the report, the CHP shall immediately advise the reporting party of the name and phone number of the police or sheriff's department having jurisdiction over the residence of the missing person and the place where the missing person was last seen, per PC §14205(a).

C. In cases where the initial missing person report is taken by a department other than that of the city or county of residence of the missing person, the department taking the report shall, without delay, notify and forward a copy of the report to the police or sheriff's department(s) having jurisdiction of the resident address of the missing person and of the place the missing person was last seen, per PC §14205(c).

When dealing with missing person jurisdictional issues, it is not uncommon for multiple agencies to be involved in the same case. It is essential that agencies work closely together in order to enhance, and not impede, the investigation of the case.

D. Dispatchers, officers, or other designated personnel shall give priority to the handling of missing persons cases, including runaways, over reports relating to crimes involving property, per PC §14205(a).

1. The intent of this guideline is to ensure that missing person cases are given appropriate priority over property-related cases
2. Special attention should be given to reports of missing children or for persons with physical or mental limitations. These persons are at greater risk of harm
3. A common myth that 24 hours (or any other time frame) must pass before law enforcement will accept a missing person report is incorrect. A delay in reporting may indicate the existence of neglect or abuse within the family

Section 2 Officer's Initial Contact at the Scene

Guideline 2.1 Officer's initial contact: making an assessment at the scene.

A. Officers or other designated personnel should interview, with sensitivity, the reporting party and any witnesses to determine:

1. That this is a missing person case
2. If the person may be at risk – or existence of any suspicious circumstances
3. If there is any potential crime scene area and/or potential witnesses

B. Officers should utilize the Department of Justice Standard Missing Person Reporting Form (see 4-60) for the initial contact with the reporting party, per PC §13519.07(d).

C. Many times, parents or guardians are anxious to assist law enforcement in the initial phase of the investigation and they will want to provide additional documents to assist in the location of their loved one. Besides obtaining a photograph of the missing person, additional items such as fingerprint cards obtained through community fair projects, items containing DNA samples of the missing person, or other related documents may be offered voluntarily by the family. It is recommended that responding officers accept these items and properly document their collection in their reports. They should also inform the follow-up investigators that these items have been collected.

Guideline 2.2 Making a further assessment to determine what reasonable steps should be taken to locate the missing person.

A. Officers should utilize their departmental checklist or the Child Abduction First Responder/ Risk of Danger Checklist (see 4-61)provided by the Department of Justice, which includes guidelines and resources available in the early hours of a missing person investigation, per PC §13519.07(b).

B. Based upon the law, circumstances of each case, and departmental policy, appropriate actions minimally include:

1. Obtaining description of missing person
2. Broadcast of a "Be On the LookOut" (BOLO) bulletin within its jurisdiction if the person is under 16 years of age, or there is evidence that the missing person is at risk. The BOLO should be broadcast without delay, per PC §14205(a)

C. Determine if the missing person fits the mandatory criteria for an AMBER Alert. The criteria are:

1. Child must be under the age of 18, or of proven mental or physical disability
2. Belief the child is in imminent danger of bodily injury or death
3. Must have accurate information on at least one of the following:
   a. Description of child ***or***
   b. Description of suspect ***or***
   c. Description of vehicle
4. If above criteria are met, and there is no extenuating investigative need that dictates otherwise, the Emergency Alert System (EAS) should be activated.

D. If the missing person does not fit the criteria, officers should continue to determine which of the many other tools available would be the most appropriate for transmitting information and photographs to other officers, the media, and the public.

E. Consider calling a supervisor and/or investigator to the crime scene.

F. Thoroughly search the immediate and surrounding area in a logical and systematic manner:

1. Process any potential crime scene for evidence
2. Identify and interview potential witnesses
3. Consider using a standardized search checklist, which should include the last known location of the missing person and any likely locations where the person may have gone
4. Consider using additional resources to assist in the search:
   a. Federal Bureau of Investigation (FBI)
   b. California Emergency Management Agency (Cal EMA)
   c. Department of Justice (DOJ)
   d. Critical Reach, National Center for Missing and Exploited Children (NCMEC)

G. Consider notifying other agencies for assistance in locating the missing person in their related jurisdictions.

1. The agency where the missing person was last seen may initiate the investigation
2. It is essential that agencies work together to enhance the success of the investigation

H. Request voluntary assistance from the family or reporting party in obtaining initial items of evidence belonging to the missing person such as:

1. Recent photograph(s) of victim
   a. Try to also obtain an additional photograph depicting the victim smiling with their teeth showing (beneficial for assisting in dental comparison and identification)

2. Personal clothing, bedding, personal hygiene items, etc., that may contain DNA with evidentiary value
3. Any personal items that contain the missing person's scent (for search dogs):
   a. Suggested items include hat, comb/brush, sock, under garments, etc., that were recently worn by the missing person and not handled by anyone else
   b. Items taken from a family laundry hamper, containing a mix of family member's clothing, will not be beneficial
   c. Such "scent articles" should be placed in a clean paper bag using a clean glove or a clean stick
4. Personal electronic devices (cell phones, or cell phone number for tracking purposes, computers, and any online resources such as: screen names, email sources, websites they may frequent, etc.)

I. Obtain a list of persons known by the missing person e.g, friends, co-workers, acquaintances, associates, etc.

J. Obtain a list of locations frequented by the missing person

Guideline 2.3 **If the missing person fits the mandatory criteria for an AMBER Alert, determine whether the abductor is believed to be a parent or guardian.**

A. If the abductor is believed to be a parent, guardian, or other family member, officers should consider the following in addition to the actions taken in Guideline 2.2:
   1. Whether the abducted child has a medical condition which the abducting parent is either unaware of or unable to properly treat
   2. Whether there is a danger to the abducted child of either physical or sexual abuse
   3. Whether there has been a threat of harm to the child or a threat to take the child out of the jurisdiction
   4. Whether the abducting parent has a history of mental illness or any type of substance abuse problem
   5. Whether the abducting parent is known to be armed while in possession of the child
   6. Whether the abducting parent does not have a verifiable current address
   7. Whether the abducting parent has any out-of-state or international connections

B. Officers should determine whether a custody order is available:
   1. If a parent provides a copy of a custody order, officers should verify that it is the most current valid order. Officers should contact the issuing court and/or the local district attorney's office for help in verifying an order
   2. Some factors to consider in verifying a custody order
      a. Signed by judge, and filed in jurisdiction. Check for file stamp and, if possible, call jurisdiction to confirm that it is the latest order, and not just an application for an order
      b. What type of custody or visitation rights are granted by the order

c. Check for proof of service demonstrating that abducting parent has knowledge of the order

d. Determine whether there are restraining orders and/or restrictions on the parties from leaving California

C. If the reporting parent has a custody order, and is asking that it be enforced:

1. Officers should enforce a custody order only if it has been verified

2. Out-of-state orders must be registered under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

3. If a parent has a foreign custody order, consider whether the foreign country is a signatory to the Hague Convention. See D.1 below

4. PC §279.6 authorizes an officer to take a child into protective custody if any of the following situations are present:

a. It reasonably appears to the officer that the person with the child is likely to conceal the child, flee the jurisdiction with the child, or otherwise evade the authority of the court

b. There is no lawful custodian available to take custody of the child

c. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child

d. The child is an abducted child

5. If a child is taken into protective custody, it shall be the responsibility of the officer to:

a. Release the child to a lawful custodian unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction

b. Obtain an emergency protective order pursuant to the Family Code ordering placement of the child with an interim custodian who agrees in writing to accept interim custody

c. Release the child to the social services agency responsible for arranging shelter or foster care

d. Return the child as ordered by a court of competent jurisdiction

D. When the location of a parentally abducted child is in another country:

1. Consider whether the country is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction

a. If the child is believed to be in a country that is a signatory to the Hague, contact the U.S. State Department for help in filing an application for return of the child

b. If the child is believed to be in Mexico, the Attorney General's Foreign Prosecution and Law Enforcement Program (FPLEP) can help in filing the Hague application, locating, and recovering the child

2. Contact the FBI and Interpol to help locate children and abductors in both Hague and non-Hague signatory countries

Section 3 Reporting Responsibilities

Guideline 3.1 **Missing person reports must be entered into the Department of Justice's Missing Persons System (MPS) within two (2) hours.**

A. Information regarding missing persons under the age of 21, or where there is evidence that the missing person is "at risk," shall be entered in the DOJ Missing Persons System (MPS) within two hours by the agency taking the report per PC §14205(b).

B. The agency taking the initial report should make the MPS entry.

C. Special note: This two-hour reporting requirement in the Penal Code became effective January 1, 2012. It is consistent with existing Federal Law, Crime Control Act of 1990, which was amended by Suzanne's Law in April 30, 2003 – Code of Federal Regulations (CFR) (see 4-37).

Guideline 3.2 **When a missing person report is taken, the agency shall promptly notify and send a copy of the report to the department that has jurisdiction over the missing person's resident address and to the agency where the missing person was last seen, per PC §14205(c).**

A. Officers, dispatchers, or other designated personnel who take a missing person report on a person who resides outside their departments' jurisdiction shall, without delay, notify and forward a copy of that report, when completed, to the police or sheriff's department having jurisdiction over the missing person's residence address and where the missing person was last seen.

B. It may also be appropriate to notify the agency having jurisdiction of the missing person's intended destination.

C. Agencies should define, through their department policies, the words "without delay" with a specific time frame that conveys urgency with the understanding that a child/adult may potentially be in danger.

Guideline 3.3 **The agency taking the missing person report shall submit the report to the Attorney General's Office, Department of Justice, per PC §14205(b).**

A. The report shall be submitted through the California Law Enforcement Telecommunications System (CLETS) on-line missing persons system.

B. The CLETS entry will automatically generate a report to the Department of Justice's CJIS/MPS (Criminal Justice Information System/Missing Persons System)

C. When a missing person is entered into the CJIS/MPS system, the record is automatically sent to NCIC and entered into the NCIC Missing Person File, creating a NIC Number for the case.

Guideline 3.4 **Agency personnel shall provide the reporting party with Department of Justice Form #BCIA 4048 authorizing the release of dental or skeletal X-rays or both, and photograph(s), including instructions on when to obtain these and submit them to the agency, per PC §14206(a)(1).**

A. Officers, dispatchers, or other designated personnel shall give the reporting party, in person or by mail, a Department of Justice form (BCIA 4048, two-sided form for missing adult or missing juvenile). This form, when completed by a reporting party or a family member or guardian, authorizes the release of dental/medical records, and/or dental and skeletal X-rays, and the release of a recent photograph if the missing person is under 18 years of age – see 4-58 (Juvenile) and 4-59 (Adult).

1. The form's instructions state that if the person is still missing 30 days after the report is made, that the form is to be signed by a family member or next of kin and taken to the appropriate medical authority. The family member or next of kin shall obtain the dental/medical and or skeletal X-rays (includes all such records, including models and photographs) which are in the possession of a dentist, physician, surgeon, or medical facility, and within ten days submit them to the agency with jurisdiction over the investigation

2. Dentists, physicians, surgeons, and medical facilities must release the X-rays to the person presenting the request

a. Request copies of dental/treatment history charts. Experience has shown that dental charts can be very helpful, along with X-rays, to establish the positive identification of an unidentified deceased person

B. The form also instructs the reporting party to take the completed form to the appropriate medical authority immediately when the disappearance involves evidence the person is "at risk" regardless of age or the missing child is under 16 years of age and has been missing at least 14 days. The dental records and a recent photograph shall immediately be submitted to the law enforcement agency. In these cases, the law enforcement agency may confer with the coroner or medical examiner and submit the report and dental records to DOJ within 24 hours.

C. When a child (under 18 years) is at risk or missing under suspicious circumstances, the agency may immediately obtain dental/skeletal X-rays, medical records, and a photograph by the use of a "Written Declaration" per PC §14206(a)(2) – see 4-62 Declaration of Authority For Seizure of Dental and Medical Records.

1. In such cases, the agency may immediately confer with the coroner or medical examiner and submit the agency's report, dental/skeletal/medical records, and photograph to the Attorney General's Office within 24 hours

Guideline 3.5 **Within ten (10) days of a child's disappearance, the agency responsible for investigation of the missing child shall inform the child's school that he/she is missing. The notice shall be in writing and, if available, include a photograph per California Education Code 49068.6(a). Law enforcement agencies may establish a process to inform local schools about abducted children per California EC 49068.6(c).**

Note to investigator:

No standard statewide form is currently mandated, but a detailed form is essential. See sample form — see 4-59 School Notification Missing Child. It is recommended that your agency form be printed on brightly colored paper.

An agency representative should meet with school officials to notify them of the missing student, and to review the form (that will be attached to the student's file). The agency representative will explain to school officials the importance of any future documentation, and the agency's responsibilities, if a person calls to request transfer of the missing student's files to another school district.

A. Such inquires are common among parental disputes that have resulted in a child abduction by a parent.

B. If school personnel are unfamiliar with how to handle such an inquiry, they may lose a valuable investigative lead that could facilitate the return of an abducted child to the rightful (court ordered) parent/guardian.

Section 4 Follow-Up Investigation

PC §14205(c) requires the agency taking the initial missing persons report "to promptly notify" and send copies of the report to the department that has jurisdiction over the missing person's resident address and to the agency where the missing person was last seen.

It is recommended that the *initial investigation* should be handled by the agency of jurisdiction where the missing person was last seen. This includes entry of the missing person into the Department of Justice's MPS (Missing Persons System) and coordinating a bilateral investigation with the agency of the missing person's residence. Once this agency has exhausted all investigative leads, the case should be transferred to the agency that has jurisdiction over the missing person's residence. This would include making the proper computer notation with the Department of Justice as to the agency responsible for the investigation. Any future leads should be routed to the agency with jurisdiction based on the missing person's residence. It is imperative that all agencies involved in the missing person investigation work closely together, enhancing the probability of locating the missing person.

Guideline 4.1 **Initiate follow-up contacts within 30 days.**

A. Officers or other designated personnel should consider re-contacting the reporting party within 30 days of the initial report to determine if any additional information may have become available via the reporting party.

B. Other agencies involved in this case should also be contacted to determine if any additional information is available.

Guideline 4.2 **Obtain the photograph, dental/skeletal X-rays, and medical records by "written declaration" when a person is still missing after 30 days, per PC §14206(a)(1).**

A. When any person has not been found within 30 days, and no family or next of kin can be located, a written declaration may be executed. The declaration should state that an active investigation, seeking the location of the missing person, is being conducted and that dental records (dental charts and dental X-rays) and any available skeletal X-rays, are necessary to proceed with the investigation.

B. The written declaration, signed by a peace officer, is sufficient authority for the appropriate medical authority to release the requested medical records.

Guideline 4.3 **Law enforcement agencies shall advise family or relatives of a missing person of their right to provide a voluntary sample for DNA testing, per PC §14250(c)(2)**

A. After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives (no longer than 30 days after the initial report) that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person.

B. A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank, per PC §14250(c)(1)

C. Contact the California Department of Justice Missing Persons DNA Program 916-227-5997, to obtain FREE DNA kits for the family members and/or to obtain items from the missing person.

Guideline 4.4 **Confer with the Coroner or Medical Examiner and submit a Missing Person Report and the dental charts and original (preferred) dental X-rays, skeletal X-rays, or both, and photographs to the Attorney General's Office, Department of Justice when any missing person has not been found within 45 days, per PC §14206(b).**

A. If the missing person has not been found within 45 days, the officer or other designated personnel within the agency initiating or conducting the investigation may confer with the coroner or medical examiner for comparison to unidentified deceased persons. The coroner or medical examiner is required to cooperate with law enforcement in these efforts.

B. After conferring with the coroner or medical examiner, the investigating officer or other designated personnel may submit a missing person report to DOJ, with dental or skeletal X-rays, or both, and photograph if the missing person is under 18 years of age.

1. The advisory committee suggests that both dental records (X-rays and dental charts) and skeletal X-rays be submitted.

C. The officer or other designated personnel should send a copy of the release form with the photograph(s) to DOJ – see 4-58 BCIA 4048 – Missing Juvenile.

D. Local reporting agencies shall attempt to obtain the most recent photograph available for persons under 18 years of age and forward the photograph to DOJ, per PC §14209(b).

E. Recent enactment of state and federal statutes, most particularly Health Insurance Portability and Accountability Act (HIPAA) should not be a hindrance when it comes to the coroner or medical examiner acquiring health records in the performance of their duties – see 4-48 Management of the Long-Term Missing Person Case

Section 5 Closure of Missing Person Investigation

Guideline 5.1

When a missing person is found, the agency must report this to the Attorney General's Office, Department of Justice and shall report it to the other agencies as appropriate, per PC §14207.

A. When any person reported missing is found, the officer, dispatcher, or other designated personnel shall immediately report that information to DOJ.

B. The reporting party and other involved agencies shall be notified in accordance with local policy. This includes a reported missing juvenile's school.

C. Any automated systems entries shall be canceled.

D. Information regarding any found, unidentified persons, alive or deceased, should be entered into the Criminal Justice Information System/Unidentified Persons System (CJIS/UPS).

E. When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours, per PC §14207(b).

F. The locating agency shall also report to the law enforcement agency that took the initial report, per PC §14207(b).

G. When any missing person is found alive or dead, in less than 24 hours, and is suspected to have been abducted, the law enforcement agency shall submit a report to DOJ, per PC §14207(c).

H. In the event that a missing person is found before being reported missing to DOJ, a missing person report entry (followed by a cancellation) must still be made into CJIS/MPS systems and shall still be submitted to DOJ, per PC §14207(c).

Guideline 5.2

Considerations for closure of missing person investigation.

A. Careful consideration should be made concerning clearing a missing person investigation.

B. Obvious closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

C. Inability to move forward in the investigation should not be a reason for closing a case:

1. By closing a case in such a manner, all evidence may be lost for the future identification of a deceased person
2. An unidentified body may be discovered several years later, after the missing person report had been filed and prematurely closed
3. In such a case, there may be no relevant evidence that may assist in identifying the body, further hindering a death investigation

D. When the reported missing person is under the age of eighteen

1. The missing child should remain classified under their actual age as when originally reported missing, regardless of their current age
2. The missing child report should not be cancelled and re-entered simply because the child has reached adulthood
3. The missing child report should not be removed or cancelled from the Criminal Justice Information System/Missing Persons System (CJIS/MPS) due to emancipation, or reaching adulthood
4. Missing juvenile report(s) should not be removed or cancelled due to the discovery of any warrant (civil or criminal) that had been issued for the missing person. The warrant may result from theft of the missing person's identity. In prior years, the NCIC system only allowed for one entry, however this system has been updated and now allows for multiple entries per reported subject

Section 6 Missing and Unidentified Persons Reporting Reference Chart

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code §14205(a). Report types are listed by age group; note the applicable code section: Penal Code (PC), Education Code (EC), or federal statute (U.S.C.).

	REQUIRED ACTION						
MISSING PERSON AGE	"Be On the LookOut" Bulletin	Missing Person System (MPS) Entry	Missing Person Report Forwarded to Appropriate Jurisdiction	Initial Coroner Check	Missing Person Report with Photograph and X-rays Submitted to DOJ	Written Notice to School	DNA - Advise of Right to Submit Sample [3]
At Risk[1] (any age)	Without Delay PC §14205(a)	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Immediately[3] PC 14206(a)(2)[3]	Within 24 hours submitted to DOJ PC §14206(a)(2)	If a child, within 10 days EC 49068.6	30 Days PC 14250(c)(2)
0 to 15	Without Delay PC §14205(a)	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Immediately[3] PC 14206(a)(2)	Within 24 hours submitted to DOJ[2] PC §14206(a)(2)	Within 10 Days EC 49068.6	30 Days PC 14250(c)(2)
16 to 17	Law Enforcement Discretion	Within 2 Hours PC 14205(b)	Within 24 Hours PC §14205(c)	Immediately[3] PC 14206(a)(2)	Within 24 hours submitted to DOJ[2] PC § 14206(a)(2)	Within 10 Days EC 49068.6	30 Days PC 14250(c)(2)
18 to 20	Law Enforcement Discretion	Within 2 Hours PC §14205(b)	Within 24 Hours PC §14205(c)	Within 40 days[3] PC § 14206(a)(1)	Within 45 days submitted to DOJ[2] PC §14206(a)(2)	NA	30 Days PC 14250(c)(2)
Age 21 and over	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours PC §14205(c)	Within 40 days[3] PC §14206(a)(1)	Within 45 days submitted to DOJ[2] PC §14206(a)(2)	NA	30 Days PC 14250(c)(2)

[1] Evidence that a person is at risk includes, but is not limited to, evidence or indications that the missing person is one of the following: (1) is a victim of a crime or foul play, (2) is in need of medical attention, (3) has no pattern of running away or disappearing, (4) may be the victim of a parental abduction, or (5) is mentally impaired, per PC §14213(b),

[2] The DOJ shall act as a repository for dental examination records of missing and unidentified person(s) and will compare the records for the purposes of identification, per California Health and Safety code 102870

[3] Immediately and then periodically throughout the course of the investigation

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Part Three

Course Outline Guide for Missing Person Investigations

Section 1 Legal Reference

Penal Code Section 13519.1, effective January 1, 1988, required the POST Commission to implement a course of instruction for law enforcement officers and dispatchers in handling missing person and runaway cases by July 1, 1988. The course of basic training for law enforcement officers and law enforcement dispatchers was required to incorporate instruction in their programs on the topic of missing person and runaway cases by January 1, 1989. All law enforcement officers and law enforcement dispatchers who have received their basic training before January 1, 1989, were required to participate in supplementary training on missing person and runaway cases, as prescribed and certified by the POST Commission. The training of all said officers was to be completed by no later than January 1, 1991. Since that time, the topic of missing person and runaway cases remains in the core curriculum of basic training for law enforcement officers and dispatchers. PC §14204 also requires the POST Commission to provide training to peace officers to efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes. Local law enforcement agencies are encouraged to include such training as part of their Advanced Officer and Dispatcher Update training programs.

Section 2 Background

This curriculum was developed and revised with the input of a number of advisory committees over the years. The curriculum is based upon POST guidelines for handling missing person and runaway cases, which was developed with the input of the advisory committees as well. The curriculum was approved by the POST Commission and became effective January 1, 1989. The curriculum was updated in 1998, 2000, 2006, and 2011. Curriculum and Guideline revisions were based on related Legislative Bills that amended and created new Penal Code sections, related to the topic of Missing Persons and Runaway cases, and input from the Subject Matter Resources.

Section 3 Certification Information

The following curriculum is applicable in its entirety to the Basic Course. Designated portions of the training are applicable to in-service officers who have received their basic training before January 1, 1989. This supplementary training for in-service officers may be included as part of advanced officer courses or as part of a technical course. Basic and supplementary training for dispatchers includes a minimum two-hour overview of all topics, with particular emphasis on those aspects performed by dispatchers. To assist presenters and instructors, the POST Training Specifications for the Regular Basic Course and Basic Dispatcher Course are available upon request to provide more detailed information on this curriculum.

Section 4 Training Topics

For in-service officers completing basic training prior to January 1, 1989, supplementary training consists of a minimum of two hours with emphasis on these topics:

Total: minimum of 4 hours training

Learning Goal: The student will gain the ability to manage missing person cases.

A. Benefits for law enforcement involvement and sensitivity

1. The student will identify the benefits for law enforcement involvement in missing person cases including:
   - a. Community support
   - b. Personal/professional satisfaction
   - c. Reduction of civil liability
2. The student will identify the reasons officers should exhibit sensitivity in handling missing person cases including:
   - a. Public's feelings of helplessness/trauma/fear/anger
   - b. Valuable public service opportunity
   - c. Public's unfamiliarity with law enforcement procedures

B. Initial response procedures

1. The student will identify procedures required for the initial investigation and response to missing person cases including:
   - a. Verification that this is a missing person case
   - b. Determine type of missing person case
   - c. Determine existence of suspicious circumstances/risk factors
   - d. Identify and isolate any potential crime scene area
   - e. Obtain description of victim and possible suspect(s)
   - f. Identify potential witnesses
   - g. Obtain recent photograph of victim
   - h. Determine steps to be taken to locate victim
   - i. Call a supervisor or investigator if appropriate
   - j. Notification of other agencies
   - k. Complete a comprehensive report using the standardized Missing Persons Reporting Form, and review the Missing Person Checklist to ensure all appropriate steps are taken and available resources are utilized
2. The student will identify the reasons for making a thorough search of the missing person's home, vehicles, and yard at the onset of the investigation

3. The student will identify the influence of the following conditions on the nature and level of response to a report of a missing person:
    a. Age
    b. Victimization
    c. Missing person's knowledge of the area
    d. Suspicious circumstances
    e. Mental or emotional condition
    f. Medical or physical condition
    g. Weather
    h. Time of day
    i. Resources available to missing person
    j. Length of time missing
    k. Custody status

C. Locating missing persons
1. The student will identify the means for locating missing persons, including:
    a. Making a local Be On The LookOut (BOLO) broadcast
    b. Initiating an AMBER Alert, based on qualifying criteria
    c. Searching the area
    d. Determining the existence of court orders regarding custody matters
    e. Utilizing additional resources

D. Legal requirements for initial response and follow-up:
1. The student will identify the legal and departmental requirements for the initial handling of missing person cases including:
    a. Accepting the report regardless of jurisdiction per PC §4205(a)
    b. Priority of response per PC §14205(a)
    c. That a BOLO broadcast be made, without delay, if the missing person is under 16 years of age, or there is evidence that the person is "at risk" per PC §14205 (a)
    d. That a report be submitted to the Attorney General's Office, Department of Justice, within two (2) hours, if the person reported missing is under 21 years of age, or if there is evidence that the person is "at risk" per PC §14205(b)
    e. The requirement of the "immediate" reporting of a missing child under 21 years of age to the National Crime Information Center (NCIC) per the Code of Federal Regulations (CFR), Title 42, Chapter 72, Subchapter IV – Missing Children, Sections 5779 and 5780

f. Issuance of DOJ authorization to release form, in regards to obtaining dental and/or skeletal X-rays of the reported missing person and the authorization to use a recent photograph of the missing person, under age 18 per PC §14206(a)(1)

g. It is the law enforcement agency's duty to immediately assist any person who is attempting to make a report of a missing person or runaway per PC §14210(a)

2. The student will identify the legal requirements for the handling of follow-up investigations dealing with missing person cases including:

a. In the case of a missing child, the law enforcement agency shall notify that child's school in writing of the child's disappearance within 10 days per California Educational Code §49068.6

b. Peace officer's right to obtain school records pertaining to a missing child's identity, location, and limitations on the use of those records per EC §49076.5

c. Obtaining photograph, dental, or skeletal records per PC §14206(a)(1)(2)

d. Conferring with coroner or medical examiner per PC §14206(a)(2) and §14206(b)

e. Notification to other agencies when the reported missing person is located per PC §14207(a), (b), and (c)

f. The obtaining of voluntary DNA samples from parents or family members and/or collection of personal articles belonging to the missing person that may contain that person's DNA per PC §14250(c)(2)

g. Limitations on use of DNA and penalties for violation per PC §14250(c)(7)

h. Cancellation of automated system entries when person is located per PC §14207

Part **Four**

Missing Persons References and Investigative Resources

Section 1 Government Code Sections Related to Missing Persons

A number of government code sections are applicable to missing persons investigations and these codes have been reproduced here for your reference. ***Text of the various code sections have also been italicized for your quick reference to identify the main topic of the particular section. In addition, section headings have been added for quick reference which are not part of the legal code.*** These are not all inclusive and you may need to research additional sections (using the most current government codes) for further clarifications.

1.1 California Penal Code Sections 13519.07, 14200-14213 and 14250

13519.07 *Missing Persons Investigations*

(a) The Department of Justice shall make accessible to law enforcement agencies, via a department bulletin and the California Law Enforcement Web, the commission's "*Guidelines For Handling Missing Persons Investigations*" or any subsequent similar guidelines created by the commission, relating to the investigation of missing persons.

(b) By January 1, 2012, law enforcement agencies shall adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of a missing person investigation. The commission's "Guidelines For Handling Missing Persons Investigations" should be used as a model policy or example in developing the checklist document.

(c) By January 1, 2012, law enforcement agencies shall adopt a policy, regulations, or guidelines on missing persons investigations that are consistent with state and federal law. The commission's "Guidelines For Handling Missing Persons Investigations" should be used as a model policy or example in developing the policy, regulations, or guidelines.

(d) By January 1, 2012, law enforcement agencies shall utilize, at a minimum, the department's missing person reporting form for the initial contact with the parent or family member reporting a missing person.

e) As necessary and appropriate, the commission shall modify its missing persons investigations guidelines and curriculum with contemporary information. Specifically, the commission should consider including and revising their guidelines to include both of the following:

(1) Steps for law enforcement agencies in the first few hours after the reporting of a missing person.

(2) Information on the availability of the department task forces, the SAFE Task Force Regional Teams, and other entities that can assist in the search for a missing person.

14200 *Establishment and Maintenance/Purpose/Programs*

The Attorney General shall establish and maintain the ***Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults***. The center shall establish and maintain programs that include, but are not limited to, all of the following: developing violent offender profiles, ***assisting local law enforcement agencies and county district attorneys by providing investigative information on persons responsible for specific violent crimes and missing person cases***. They will provide physical description information and photographs, if available, of missing persons to county district attorneys, nonprofit missing persons organizations, and schools; and providing statistics on missing dependent adults and on missing children, including, as may be applicable, family abductions, non-family abductions, voluntary missing, and lost children or lost dependent adults.

14201 *Automated Computer System for Response to Missing Persons*

(a) The Attorney General shall establish within the center and shall maintain an online, automated computer system designed to affect an immediate law enforcement response to reports of missing persons. The Attorney General shall design the computer system, using any existing system, including the California Law Enforcement Telecommunications System, to include an active file of information concerning persons reported to it as missing and who have not been reported as found. The computer system shall also include a confidential historic database. ***The Attorney General shall develop a system of cataloging missing person reports according to a variety of characteristics in order to facilitate locating particular categories of reports as needed.***

(b) The Attorney General's active files described in subdivision (a) shall be made available to law enforcement agencies. The Attorney General shall provide to these agencies the name and personal description data of the missing person including, but not limited to, the person's date of birth, color of eyes and hair, sex, height, weight, and race, the time and date he or she was reported missing, the reporting agency, and any other data pertinent to the purpose of locating missing persons. However, the Attorney General shall not release the information if the reporting agency requests the Attorney General in writing not to release the information because it would impair a criminal investigation.

(c) ***The Attorney General shall distribute a missing children and dependent adults bulletin on a quarterly basis to local law enforcement agencies, district attorneys, and public schools.*** The Attorney General shall also make this information accessible to other parties involved in efforts to locate missing children and dependent adults and to those other persons, as the Attorney General deems appropriate. This section shall become operative on July 1, 1989.

14201.1 *Violent Crime Information Network*

The Attorney General shall establish and maintain, upon appropriation of funds by the Legislature, the Violent Crime Information Network within the center to enable the Department of Justice crime analysts with expertise in child abuse, missing persons, child abductions, and sexual assaults to electronically share their data, analysis, and findings on violent crime cases with each other, and to electronically provide law enforcement agencies with information to assist in the identification, tracking, and apprehension of violent offenders. ***The Violent Crime Information Network shall serve to integrate existing state, federal, and civilian databases into a single comprehensive network.***

14201.3 *Missing Persons Information Accessible to the National Missing and Unidentified Persons System*

The center shall make accessible to the National Missing and Unidentified Persons System specific information authorized for dissemination and as determined appropriate by the center that is contained in law enforcement reports regarding missing or unidentified persons. The information shall be accessible in a manner and format approved by the center and shall be used to assist in the search for the missing person or persons. The center shall not permit the transmission or sharing of information, or portions of information, to the National Missing and Unidentified Persons System unless the reporting agency, as specified in Section 14205, or the reporting party, with respect to the information submitted to the center, submits authorization to the center to transmit or share that information.

14201.5 *Missing and Exploited Children's Recovery Network*

(a) The Attorney General shall establish within the Department of Justice the Missing and Exploited Children's Recovery Network by July 31, 1995.

(b) This network shall consist of an automated computerized system that shall have the capability to electronically transmit to all state and local law enforcement agencies, and all cooperating news media services, either by facsimile or computer modem, a missing child poster that includes the name, personal description data, and picture of the missing child. The information contained in this poster shall include, but not be limited to, the child's date of birth, color of eyes and hair, sex, height, weight, race, the time and date he or she was reported missing, the reporting agency, including contact person at reporting agency if known, and any other data pertinent to the purpose of locating missing persons.

(c) ***The Department of Justice shall work in cooperation with the National Center for Missing and Exploited Children to develop and implement a network that can electronically interface with the National Missing and Exploited Children's Network.***

(d) The Attorney General shall implement this network within existing Department of Justice resources.

14201.6 *Department of Justice's Publicly Accessible Internet Directory*

(a) ***The Department of Justice shall establish and maintain a publicly accessible computer internet directory of information relating to the following:***

(1) Persons for whom an arrest warrant has been issued pursuant to an alleged violation of any offense defined as a violent felony in subdivision (c) of Section 667.5.

(2) Critical missing children.

(3) Unsolved homicides.

(b) The Attorney General may determine the extent of information and the priority of cases to be included in the directory.

(c) The department shall keep confidential, and not enter into the directory, either of the following:

(1) Information regarding any case for which the Attorney General has determined that disclosure pursuant to this section would endanger the safety of a person involved in an investigation or the successful completion of the investigation or a related investigation.

2) Information regarding an arrest warrant for which the issuing magistrate has determined that disclosure pursuant to this section would endanger the safety of a person involved in an investigation or the successful completion of the investigation or a related investigation.

(d) For purposes of this section, "critical missing child" includes, but is not limited to, any case of a missing child for which there is evidence or indications that the child is at risk, as specified in subdivision (b) of Section 14213.

14201.8 *Director Responsible for Coordinating California's Response*

(a) There shall be within the Department of Justice a director responsible for coordinating California's response to missing persons. This position is hereby established for all of the following purposes:

(1) To assist law enforcement agencies, at their request, with the timely search and recovery of at-risk abducted children.

(2) To maintain up-to-date knowledge and expertise of those protocols, best practices, and technologies that are most effective for recovering missing children in a timely manner.

(3) To maintain relationships with federal, state, and local law enforcement agencies and other entities responsible for the investigation of missing persons in the state.

(4) To maintain records and make the Commission on Peace Officer Standards and Training Guidelines for Handling Missing Persons Investigations document available to law enforcement agencies upon request.

(b) The director shall utilize existing resources and expertise within the Attorney General's office to the maximum extent possible to accomplish the purposes specified in subdivision (a).

14202 *Investigative Support Unit – Automated Violent Crime System*

(a) The Attorney General shall establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for murder, kidnap, including parental abduction, false imprisonment, or sexual assault. ***This unit shall be responsible for identifying perpetrators of violent felonies collected from the center and analyzing and comparing data on missing persons in order to determine possible leads that could assist local law enforcement agencies***. This unit shall only release information about active investigations by police and sheriffs' departments to local law enforcement agencies.

(b) The Attorney General shall make available to the investigative support unit files organized by category of offender or victim and shall seek information from other files as needed by the unit. This set of files may include, among others, the following:

(1) Missing or unidentified, deceased persons' dental files, filed per Government Code Section 27521, or Health and Safety Code Section 102870.

(2) Child abuse reports filed per Penal Code Section 11169.

(3) Sex offender registration files maintained per PC §290.

(4) State summary criminal history information maintained per PC §11105.

(5) Information obtained pursuant to the parent locator service maintained per Welfare and Institutions Code Section 11478.

(6) Information furnished to the Department of Justice pursuant to PC §11107.

(7) Other Attorney General's office files as requested by the investigative support unit.

(c) The investigative support unit shall make available, within two hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based upon the modus operandi, if available, or the specified geographical location from which the child was abducted.

14202.1 *Violent Crime Information System*

The Attorney General shall establish and maintain, upon appropriation of funds by the Legislature, within the center the Violent Crime Information System to track and monitor violent offenders and their activities. The Violent Crime Information System shall use computer technology to compare unsolved crime scene and methods of operation information against the file of known violent sexual assault, kidnapping, and homicide offenders, containing over 40,000 violent, kidnapping, and homicide offenders. ***The system shall provide local law enforcement agencies with investigative leads to assist in the resolution of violent crimes***.

14202.2 *Law Enforcement Telecommunications System (updated list of recently paroled inmates and mental health treatment releases)*

(a) The Department of Justice, in conjunction with the Department of Corrections, shall update any supervised release file that is available to law enforcement on the California Law Enforcement Telecommunications System every 10 days to reflect the most recent inmates paroled from facilities under the jurisdiction of the Department of Corrections.

(b) Commencing on July 1, 2001, The Department of Justice, in consultation with the State Department of Mental Health, shall also update any supervised release file that is available to law enforcement on the California Law Enforcement Telecommunications System every 10 days to reflect patients undergoing community mental health treatment and supervision through the Forensic Conditional Release Program administered by the State Department of Mental Health. This does not include individuals committed as incompetent to stand trial pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2.

14203 *Online Missing Persons Registry/Historic Data Base/Disclosure*

(a) ***The online missing person's registry shall accept and generate complete information on a missing person.***

(b) The information on a missing person shall be retrievable by any of the following:

(1) The person's name

(2) The person's date of birth

(3) The person's Social Security number

(4) Whether a dental chart has been received, coded, and entered into the National Crime Information Center Missing Person System by the Attorney General.

(5) The person's physical description, including hair and eye color and body marks.

(6) The person's known associates

(7) The person's last known location

(8) The name or assumed name of the abductor, if applicable, other pertinent information relating to the abductor or the assumed abductor, or both.

(9) Any other information, as deemed appropriate by the Attorney General.

(c) The Attorney General, in consultation with local law enforcement agencies and other user groups, shall develop the form in which information shall be entered into the system.

(d) The Attorney General shall establish and maintain within the center a separate, confidential historic database relating to missing children and dependent adults. The historic database may be used only by the center for statistical and research purposes. The historic database shall be set up to categorize cases relating to missing children and dependent adults by type. These types shall include the following: runaways, voluntary missing, lost, abduction involving movement of the

victim in the commission of the crime or sexual exploitation of the victim, non-family abduction, family abduction, and any other categories as determined by the Attorney General. In addition, the data shall include the number of missing children and missing dependent adults in this state and the category of each case.

(e) The center may supply information about specific cases from the historic database to a local police department, sheriff's department, or district attorney, only in connection with an investigation by the police department, sheriff's department, or district attorney of a missing person case or a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, except for the offense specified in subdivision (d) of Section 243.4.

14204 *Training on Service (training on tracing of missing persons)*

The Attorney General shall provide training on the services provided by the center to line personnel, supervisors, and investigators in the following fields: law enforcement, district attorneys' offices, the Department of Corrections and Rehabilitation, probation departments, court mediation services, and the judiciary. The Corrections Standards Authority shall provide for the presentation of training to peace officers, which will enable them to more efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes.

14205 *Reports of Missing Persons/Children under 16 Year of Age or Persons at Risk*

(a) ***All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property.*** In cases where the person making a report of a missing person or runaway contacts, including by telephone, the California Highway Patrol, the California Highway Patrol may take the report. Then they shall, immediately, advise the person making the report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report and assess reasonable steps to be taken to locate the person. If the missing person is under 16 years of age, or there is evidence that the person is at risk, the department shall broadcast a "Be On The Look-Out" bulletin, without delay, within its jurisdiction.

(b) If the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, the law enforcement agency receiving the report shall, within two hours after receipt of the report, transmit the report to the Department of Justice for inclusion in the Violent Crime Information Center and the National Crime Information Center databases.

(c) In cases where the report is taken by a department, other than that of the city or county of residence of the missing person or runaway, the department, or division of the California Highway Patrol taking the report shall, immediately, and, in the case of children under 16 years of age or where there was evidence that the missing person was at risk, within no more than 24 hours, ***notify, and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen.*** The report shall also be submitted by the department or division of the California Highway Patrol, which took the report to the center.

(d) The requirements imposed by this section on local police and sheriff's departments shall not be operative if the governing body of that local agency, by a majority vote of the members of that body, adopts a resolution expressly making those requirements inoperative.

14206 *Form Requirements for Report of Missing Person and Authorization for Collection of Related Medical Records*

(a)(1) When any person makes a report of a missing person to a police department, sheriff's department, district attorney's office, California Highway Patrol, or other law enforcement agency, the report shall be given in person or by mail in a format acceptable to the Attorney General. ***That form shall include a statement authorizing the release of the dental or skeletal X-rays, or both, of the person reported missing and authorizing the release of a recent photograph of a person reported missing who is under 18 years of age. Included with the form shall be instructions which state that if the person reported missing is still missing 30 days after the report is made, the release form signed by a member of the family or next of kin of the missing person shall be taken by the family member or next of kin to the dentist, physician and surgeon, or medical facility in order to obtain the release of the dental or skeletal X-rays, or both, of that person, or may be taken by a peace officer, if others fail to take action, to secure those X-rays***. Notwithstanding any other provision of law, dental or skeletal X-rays, or both, shall be released by the dentist, physician, and surgeon, or medical facility to the person presenting the request and shall be submitted within 10 days by that person to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation. When the person reported missing has not been found within 30 days and no family or next of kin exists or can be located, the law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted, and that the dental or skeletal X-rays, or both, are necessary for the exclusive purpose of furthering the investigation. Notwithstanding any other provision of law, the written declaration, signed by a peace officer, is sufficient authority for the dentist, physician and surgeon, or medical facility to release the missing person's dental or skeletal X-rays, or both.

(2) ***The form provided under this subdivision shall also state that if the person reported missing is under 18 years of age, the completed form shall be taken to the dentist, physician and surgeon, or medical facility immediately. When the law enforcement agency determines that the disappearance involves evidence that the person is at risk or when the law enforcement agency determines that the person missing is under 16 years of age and has been missing at least 14 days. The form shall further provide that the dental or skeletal X-rays, or both, and a recent photograph of the missing child shall be submitted immediately to the law enforcement agency.*** Whenever authorized under this subdivision to execute a written declaration to obtain the release of dental or skeletal X-rays, or both, is provided, the investigating law enforcement agency may obtain those X-rays when a person reported missing is under 18 years of age and the law enforcement agency determines that the disappearance involves evidence that the person is at risk. In each case, the law enforcement agency may confer immediately with the coroner or medical examiners and may submit its report including the dental or skeletal X-rays, or both, within 24 hours thereafter to the Attorney General. The Attorney General's office shall code and enter the dental or skeletal X-rays, or both, into the center.

(b) ***When a person reported missing has not been found within 45 days, the sheriff, chief of police, or other law enforcement agency conducting the investigation for the missing person may confer with the coroner or medical examiner prior to the preparation of a missing person report.*** The coroner or medical examiner shall cooperate with the law enforcement agency. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement agency initiating and conducting the investigation for the missing person may submit a missing person report and the dental or skeletal X-rays, or both, and photograph received pursuant to subdivision (a) to the Attorney General's office in a format acceptable to the Attorney General.

(c) ***Nothing in this section prohibits a parent or guardian of a child, reported to a law enforcement agency as missing, from voluntarily submitting fingerprints, and other documents, to the law enforcement agency accepting the report for inclusion in the report which is submitted to the Attorney General.***

(d) The requirements imposed by this section on local police and sheriff's departments shall not be operative if the governing body of that local agency, by a majority vote of the members of that body, adopts a resolution expressly making those requirements inoperative.

14207 *Responsibilities of Agencies When a Missing Person is Found*

(a) When a person reported missing has been found, the sheriff, chief of police, coroner, or medical examiner, or the law enforcement agency locating the missing person shall immediately report that information to the Attorney General's office.

(b) When a child under 12 years of age or a missing person, where there was evidence that the person was at risk, is found, the report indicating that the person is found shall be made not later than 24 hours after the person is found. A report shall also be made to the law enforcement agency that made the initial missing person report. The Attorney General's office shall then notify the National Crime Information Center that the missing person has been found.

(c) In the event that a missing person is found alive or dead in less than 24 hours and the local police or sheriff's department has reason to believe that the person had been abducted, the department shall submit a report to the center in a format established by the Attorney General. ***In the event that a missing person has been found before he or she has been reported missing to the center, the information related to the incident shall be submitted to the center.***

14208 *Statewide Resource: 24 Hour, toll-free hotline (for information regarding Missing Children/ Dependent Adults and monthly production of posters)*

(a) ***The Department of Justice shall operate a statewide, toll-free telephone hotline 24 hours per day, seven days per week to receive information regarding missing children and dependent adults and relay this information to the appropriate law enforcement authorities.***

(b) The Department of Justice shall select up to six children per month from the missing children registry maintained pursuant to former Section 11114 or pursuant to the system maintained pursuant to Sections 14201 and 14202 and shall produce posters with photographs and information regarding these children, including the missing children hotline telephone number and reward information. The department shall make these posters available to parties as prescribed and as the department deems appropriate.

14209 *Local Reporting Agencies/Provision of Lists of Missing Persons/Waiver Forms and Duty to Obtain Photographs/Information in Mailing to Organizations with Ongoing Missing Children Program*

(a) The Department of Justice shall provide appropriate local reporting agencies with a list of persons still listed as missing who are under 18 years of age, with an appropriate waiver form in order to assist the reporting agency in obtaining a photograph of each of the missing children.

(b) ***Local reporting agencies shall attempt to obtain the most recent photograph available for persons still listed as missing and forward those photographs to the Department of Justice.***

(c) The department shall include these photographs, as they become available, in the quarterly bulletins pursuant to subdivision (c) of Section 14201.

(d) State and local elected officials, agencies, departments, boards, and commissions may enclose in their mailings information regarding missing children or dependent adults obtainable from the Department of Justice or any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and that has an ongoing missing children program. Elected officials, agency secretaries, and directors of departments, boards, and commissions are urged to develop policies to enclose missing children or dependent adult's information in mailings when it will not increase postage costs, and is otherwise deemed appropriate.

14210 *Duty of Law Enforcement Agencies to Assist ANY PERSON to Report Missing Person or Runaway/Highway Patrol/Coordination with Local Law Enforcement Agencies*

(a) ***The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.***

(b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

14213 *Definitions of "Missing Person" and "Evidence that Person is at Risk"*

(a) ***As used in this title, "missing person" includes, but is not limited to, a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4 (commencing with Section 277) of Title 9 of Part 1. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his/her ordinary habits or behavior and who may be in need of assistance.***

(b) ***As used in this title, "evidence that the person is at risk" includes, but is not limited to, evidence or indications of 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.

(4) The person missing may be the victim of parental abduction.

(5) The person missing is mentally impaired.

(c) As used in this title, "child" is any person under the age of 18.

(d) As used in this title, "center" means the Violent Crime Information Center.

(e) As used in this title, "dependent adult" is any person described in PC §368(e).

(f) As used in this title, "dental or medical records or X-rays," include all those records or X-rays, which are in the possession of a dentist, physician and surgeon, or medical facility

14250 *DNA Database for Deceased Person or High-risk Missing Person/Database and DNA Storage Requirements/Collection of Samples of DNA Testing and Handling of Evidence/ Confidentiality of Samples and Profiles/Destruction of Samples/Disclosure and Violations*

(a)(1) ***The Department of Justice shall develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person.***

(2) The database required in paragraph (1) shall be comprised of DNA data from genetic markers that are appropriate for human identification, but have no capability to predict biological function other than gender. These markers shall be selected by the department and may change as the technology for DNA typing progresses. The results of DNA typing shall be compatible with and uploaded into the CODIS (Combined DNA Index System) database established by the Federal Bureau of Investigation. The sole purpose of this database shall be to identify missing persons and shall be kept separate from the database established under Chapter 6 (commencing with Section 295) of Title 9 of Part 1.

(3) ***The Department of Justice shall compare DNA samples taken from the remains of unidentified, deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons.***

(4) For the purpose of this data base, "high-risk missing person" means a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency.

(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c)(1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.

(2) After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect

a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample.

(3) The Department of Justice shall develop a standard release form that authorizes a mother, father, or other relative to voluntarily provide the sample. The release shall explain that DNA is to be used only for the purpose of identifying the missing person and that the DNA sample and profile will be destroyed upon request. No incentive or coercion shall be used to compel a parent or relative to provide a sample.

(4) The Department of Justice shall develop a model kit that law enforcement shall use when taking samples from parents and relatives.

(5) Before submitting the sample to the department for analysis, law enforcement shall reverify the status of the missing person. After 30 days has elapsed from the date the report was filed, law enforcement shall send the sample to the department for DNA testing and inclusion in the DNA database, with a copy of the crime report, and any supplemental information.

(6) All retained samples and DNA extracted from a living person, and profiles developed, shall be used solely for the purpose of identification of the deceased's remains. All samples and DNA extracted from a living person, and profiles developed, shall be destroyed after a positive identification with the deceased's remains is made and a report is issued, unless any of the following has occurred:

(A) The coroner has made a report to a law enforcement agency pursuant to Section 27491.1 of the Government Code that he or she has a reasonable ground to suspect that the identified person's death has been occasioned by another by criminal means. (B) A law enforcement agency makes a determination that the identified person's death has been occasioned by another by criminal means. (C) The evidence is needed in an active criminal investigation to determine whether the identified person's death has been occasioned by another by criminal means. (D) A governmental entity is required to retain the material pursuant to Section 1417.9.

(7) Notwithstanding any other provisions of this section, upon the request of any living person who submits his/her DNA sample and profile pursuant to this section, including the parent or guardian of a child who submits a DNA sample of the child, the DNA sample shall be removed from the DNA database.

(d) All DNA samples and profiles developed shall be confidential and shall only be disclosed to personnel of the Department of Justice, law enforcement officers, coroners, medical examiners, district attorneys, and persons who need access to a DNA sample for purposes of the prosecution or defense of a criminal case. An exception is that a law enforcement officer or agency may publicly disclose the fact of a DNA profile match after taking reasonable measures to first notify the family of an unidentified deceased person or the family of a high-risk missing person that there has been an identification.

(e) All DNA, forensic identification profiles, and other identification information retained by the Department of Justice pursuant to this section are exempt from any law requiring disclosure of information to the public.

(f)(1) Any person who knowingly discloses DNA or other forensic identification information developed pursuant to this section to an unauthorized individual or agency, or for any purpose other than for identification or for use in a criminal investigation, prosecution, or defense, is guilty of a misdemeanor.

(2) A person who collects, processes, or stores DNA or DNA samples from a living person that are used for DNA testing pursuant to this section who does either of the following is liable in civil damages to the donor of the DNA in the amount of five thousand dollars ($5,000) for each violation, plus attorney's fees and costs:

(A) Fails to destroy samples or DNA extracted from a living person pursuant to paragraph (6) of subdivision (c).

(B) Discloses DNA samples in violation of subdivision (d).

(g)(1) If a disclosure or failure to destroy samples described in paragraph (2) of subdivision (f) is made by an employee of the Department of Justice, the department shall be liable for those actions of its employee.

(2) Notwithstanding any other law, the remedy in this section shall be the sole and exclusive remedy against the department and its employees available to the donor of the DNA against the department and its employees.

(3) The department employee disclosing DNA or other forensic identification information or otherwise violating this section shall be immune from civil liability under this or any other law.

(h) It is not an unauthorized disclosure or violation of this section to release DNA and other forensic identification information as part of a judicial or administrative proceeding, to a jury or grand jury, or in a document filed with a court or administrative agency, or for this information to become part of the public transcript or record of proceedings.

(i) In order to maintain computer system security, the computer software and data base structures used by the DNA laboratory of the Department of Justice to implement this chapter are confidential.

14251. *DNA Database Funding/Outsource Labs/Case Priority*

(a) The "Missing Persons DNA Database" shall be funded by a two dollar ($2) fee increase on death certificates issued by a local governmental agency or by the State of California. The issuing agencies may retain up to 5 percent of the funds from the fee increase for administrative costs.

(b) Funds shall be directed on a quarterly basis to the "Missing Persons DNA Data Base Fund," hereby established, to be administered by the department for establishing and maintaining laboratory infrastructure, DNA sample storage, DNA analysis, and labor costs for cases of missing persons and unidentified remains. Funds may also be distributed by the department to various counties for the purposes of pathology and exhumation consistent with this title.
The department may also use those funds to publicize the database for the purpose of contacting parents and relatives so that they may provide a DNA sample for training law enforcement officials about the database and DNA sampling and for outreach.

(c) The identification of any backlog of human remain samples or samples donated by a family member or from a personal article belonging to the missing person may be outsourced to other laboratories at the department's discretion.

(d)(1) The Department of Justice shall retain the authority to prioritize case analysis, giving priority to those cases involving children and those involving homicide victims.

(2) If federal funding is made available, it shall be used to assist in the identification of the backlog of high-risk missing person cases and long-term unidentified remains.

1.2 California Welfare and Institutions Code

1400 *Interstate Compact for Juveniles*

The Interstate Commission for Juveniles promotes public safety, victims' rights, and juvenile accountability that is balanced with safeguarding those juveniles. This Compact, through means of joint and cooperative action among the compacting states, preserves child welfare and promotes public safety interests of citizens, including victims of juvenile offenders, by providing enhanced accountability, enforcement, visibility, and communication in the return of juveniles who have left their state of residence without permission and in the cooperative supervision of delinquent juveniles who travel or relocate across state lines. The compact or agreement, in words and figures, is substantially as follows:

The contracting states do solemnly agree: Article 1 – Purpose that juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to:

(1) The return, from one state to another, of delinquent juveniles who have escaped or absconded

(2) The return, from one state to another, of non-delinquent juveniles who have run away from home; and

(3) Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively

In carrying out the provisions of this compact, the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. ***The compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.***

POST notation: ***The Interstate Compact for Juveniles can assist investigators in gaining cooperation and assistance from other states in the return of runaway juveniles to their respective jurisdictions.*** **Investigators should review this code section in its entirety and consult with their local district attorney's office as to its application to their particular case.**

1.3 California Educational Codes

38139 *Posting of Information Regarding Missing Children on School Property*

(a) Public primary schools and (b) public secondary schools, shall post, at an appropriate area restricted to adults, information regarding missing children provided by the Department of Justice, pursuant to PC §14208.

49068.5 *Review of Student Transfer Records for Possible Missing Child*

Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil:

(a) Transfers from one school district to another,

(b) Transfers to an elementary school within the same district,

(c) Transfers from one private elementary school to another,

(d) Transfers from a private elementary school to a public elementary school, or

(e) Transfers from a public elementary school to a private elementary school, the principal of the school that the child enters or to which he or she transfers is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to PC §14201.

49068.6 *Required Notification by Law Enforcement to School of Missing Child*

(a) *Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing.* ***The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.***

(b) Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools, this shall be in addition to the posting requirements set forth in Section 38139.

(c) Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.

(d) If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

49076 *Release of Student Records in Case of an Emergency*

A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

(a) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(11)(b) School districts may release information from pupil records to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

49076.5 *Release of School Records for "Proper Police Purpose"*

(a) *Notwithstanding Section 49076, each school district shall release any information it has specific to a particular pupil's identity and location that relates to the transfer of that pupil's records to another school district within this state or any other state or to a private school in this state to a designated peace officer, upon his/her request, when a proper police purpose exists for the use of that information.*

(b) In order to protect the privacy interests of the pupil, a request to a school district for pupil record information pursuant to this section shall meet the following requirements:

(1) For the purposes of this section, "proper police purpose" means that probable cause exists that the pupil has been kidnapped and that his/her abductor may have enrolled the pupil in a school and that the agency has begun an active investigation.

(2) Only designated peace officers, federal criminal investigators, and federal law enforcement officers, as defined in Section 830.1 of the Penal Code, whose names have been submitted to the school district in writing by a law enforcement agency, may request and receive the information specified in subdivision (a). Each law enforcement agency shall ensure that each school district has at all times a current list of the names of designated peace officers authorized to request pupil record information.

(3) This section does not authorize designated peace officers to obtain any pupil record information other than that authorized by this section.

(4) The law enforcement agency requesting the information shall ensure that at no time shall any information obtained pursuant to this section be disclosed or used for any purpose other than to assist in the investigation of suspected criminal conduct of kidnapping. A violation of this paragraph shall be punishable as a misdemeanor.

(5) The designated peace officer requesting information authorized for release by this section shall make a record on a form created and maintained by the law enforcement agency. It shall include the name of the pupil about whom the inquiry was made, the consent of a parent having legal custody of the pupil or a legal guardian. In addition, it will include the name of the officer making the inquiry, the date of the inquiry, the name of the school district, the school district employee to whom the request was made, and the information that was requested.

(6) *Whenever the designated peace officer requesting information authorized for release by this section does so in person, by telephone, or by some means other than in writing, the officer shall provide the school district with a letter confirming the request for pupil record information prior to any release of information.*

(7) *No school district, or official or employee thereof, shall be subject to criminal or civil liability for the release of pupil record information in good faith as authorized by this section*

49370 *Requirement to Report Missing Child in Timely Manner to Law Enforcement*

The Legislature hereby declares its intent in enacting this article to require that specified persons, including school teachers, school administrators, school aides, school playground workers, and school bus drivers, report missing children to a law enforcement agency in a timely manner, in order to provide those children a necessary level of protection when they are at serious risk.

1.4 Code of Federal Regulations (CFR)

Title 42. The Public Health and Welfare
Chapter 72. Juvenile Justice and Delinquency Prevention
Subchapter IV. Missing Children

5779 *Reporting Requirement*

(a) In general, ***each Federal, State, and local law enforcement agency shall report each case of a missing child*** under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) Guidelines: the Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.

(c) Annual summary: The Attorney General shall publish an annual statistical summary of the reports received under this section and section 5780 of this title.

5780 *State Requirements*

Each State reporting under the provisions of this section and section 5779 of this title shall:

(1) ***Ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person policy;***

(2) Ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and

(3) Provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include

(A) The name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) The date and location of the last known contact with the child; and

(C) The category under which the child is reported missing; is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) Provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall:

(A) No later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;

(B) Institute or assist with appropriate search and investigative procedures;

(C) Maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

Background information on the above regulations: ***The regulations came about from the drafting of legislation labeled "Suzanne's Law", named for Suzanne Lyall who was a 19-year-old sophomore at State University of New York in Albany, New York. She was reported missing on March 2, 1998 and subsequently murdered. This amended the original age requirement of 18 years. The driving issue of this legislation identified that it was "common practice of state and local law enforcement agencies to impose a 24 hour waiting period before accepting missing person's reports for individuals over the age of 18. It is often assumed that college aged youth, as legal adults, disappear from their own free will. Although this assumption may have some anecdotal credibility, Suzanne Lyall's case proves it is not a responsible assumption."***

The following sections can assist law enforcement/coroner personnel when dealing with issues pertaining to the Health Insurance Portability and Accountability Act (HIPAA):

Title 45. Public Welfare
Sub Title A – Department of Health and Human Services
Subchapter C–Administrative Date Standards and Related Requirements
Part 164 – Security and Privacy
Subpart E – Privacy of Individually Identifiable Health Information

164.512(f) *Uses and Disclosures: Authorization or Opportunity to Agree or Object is not Required.*

(f) ***Standard: Disclosures for law enforcement purposes.*** *A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official if the conditions in paragraphs (f)(1) through (6) of this section are met, as applicable.*

(1) ***Permitted disclosures: Pursuant to process and as otherwise required by law.*** A covered entity may disclose protected health information:

(i) As required by law including laws that require the reporting of certain types of wounds or other physical injuries, except for laws subject to paragraph (b)(1)(ii) or (c)(1)(i) of this section; or

(ii) In compliance with and as limited by the relevant requirements of:

(A) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer;

(B) A grand jury subpoena; or

(C) An administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, provided that:

(1) The information sought is relevant and material to a legitimate law enforcement inquiry;

(2) The request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and

(3) De-identified information could not reasonably be used.

(2) ***Permitted disclosures: Limited information for identification and location purposes.*** Except for disclosures required by law as permitted by paragraph (f)(1) of this section, a covered entity may disclose protected health information in response to a law enforcement official's request for such information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, provided that:

(i) The covered entity may disclose only the following information:

(A) Name and address;

(B) Date and place of birth;

(C) Social Security number;

(D) ABO blood type and rh factor;

(E) Type of injury;

(F) Date and time of treatment;

(G) Date and time of death, if applicable; and

(H) A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

(ii) Except as permitted by paragraph (f)(2)(i) of this section, the covered entity may not disclose for the purposes of identification or location under paragraph (f)(2) of this section any protected health information related to the individual's DNA or DNA analysis, dental records, or typing, samples or analysis of body fluids or tissue.

(3) ***Permitted disclosure: Victims of a crime.*** Except for disclosures required by law as permitted by paragraph (f) (1) of this section, a covered entity may disclose protected health information in response to a law enforcement official's request for such information about an individual who is or is suspected to be a victim of a crime, other than disclosures that are subject to paragraph (b) or (c) of this section, if:

(i) The individual agrees to the disclosure; or

(ii) The covered entity is unable to obtain the individual's agreement because of incapacity or other emergency circumstance provided that:

(A) The law enforcement official represents that such information is needed to determine whether a violation of law by a person other than the victim has occurred, and such information is not intended to be used against the victim.

(B) The law enforcement official represents that immediate law enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure; and

(C) The disclosure is in the best interests of the individual as determined by the covered entity, in the exercise of professional judgment.

(4) ***Permitted disclosure: Decedents***. A covered entity may disclose protected health information about an individual who has died to a law enforcement official for the purpose of alerting law enforcement of the death of the individual if the covered entity has a suspicion that such death may have resulted from criminal conduct.

(5) ***Permitted disclosure: Crime on premises***. A covered entity may disclose to a law enforcement official protected health information that the covered entity believes in good faith constitutes evidence of criminal conduct that occurred on the premises of the covered entity.

(6) ***Permitted disclosure: Reporting crime in emergencies.***

(i) A covered health care provider providing emergency health care in response to a medical emergency, other than such emergency on the premises of the covered health care provider, may disclose protected health information to a law enforcement official if such disclosure appears necessary to alert law enforcement to:

(A) The commission and nature of a crime;

(B) The location of such crime or of the victim(s) of such crime;

(C) The identity, description, and location of the perpetrator of such crime.

(ii) If a covered health care provider believes that the medical emergency described in paragraph (f) (6) (i) of this section is the result of abuse, neglect, or domestic violence of the individual in need of emergency health care, paragraph (f) (6) (i) of this section does not apply and any disclosure to a law enforcement official for law enforcement purposes is subject to paragraph (c) of this section.

164.512(g)(1) *Standard: Uses and Disclosures about Decedents*

(1) Coroners and medical examiners. ***A covered entity may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.*** A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph.

Section 2 Department of Justice Missing Person Reporting Criteria

The standard DOJ Missing Persons Reporting Form collects all of the mandatory information for entering a record into MPS and NCIC. However, many law enforcement agencies have developed their own forms. Any missing person's report form must use the current DOJ reporting criteria to assure accuracy when the missing person is entered into the DOJs Missing Persons System (MPS). The following items must be incorporated into the reporting form:

- Reporting agency
- Originating Agency Identifier (ORI)
- Case number
- Date of report
- Reporting party
- Investigator's name
- Agency phone number
- Report type (runaway, suspicious circumstances, parental abduction, etc.)
- Category ("at risk", prior missing, sexual exploitation suspected, etc.)
- Location last seen
- File Control Number (FCN)
- National Crime Information Center (NCIC) number
- Missing person's name
- Alias names
- Sex, race, height, weight, hair color/length, eye color
- Date of birth or age
- Date of last contact
- Dental chart/X-rays
- Dentist's name/phone number
- Visible dental work (braces, etc.)
- Photograph/age in photograph
- Photograph/X-ray waiver of release – signed
- Medical conditions
- Scars/marks/tattoos/description
- Clothing description
- Jewelry description
- Glasses/contacts
- Known associates
- Social Security number

- Driver's license number
- Vehicle information (owner, make, model, color, style, year, VIN, license plate number)
- Miscellaneous information/narrative
- Suspect information

Section 3 AMBER Alert Procedures

In July 2002, legislation was enacted to help provide a coordinated and rapid response to instances of child abduction in California. When a child is abducted, timely notification to law enforcement and the public is one of the most essential components of the recovery process. The following information is an overview of the California Child Safety AMBER Network, and the various resources available to law enforcement agencies in the event of a child abduction incident.

3.1 Background

History has shown the importance of a cooperative effort among law enforcement agencies, media outlets, and the public in responding to child abduction incidents. This is especially important when you consider a study by the United States, Department of Justice, which found that 74 percent of children who were abducted, and later found murdered, were killed within three hours of being taken. In the event of a child abduction incident, this troubling statistic highlights the need for the immediate dissemination of pertinent information to law enforcement agencies, media outlets, and the public.

Activating An AMBER Alert

STEP 1: Activate the Emergency Alert System (EAS)

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Get File

In response to this need, a statewide child abduction notification system was implemented in August, 2002. This system, the California Child Safety AMBER Network, is partially modeled after the original AMBER Alert Program developed in 1996 following the abduction and murder of 9-year old Amber Hagerman in Arlington, Texas. Although it is modeled after the plan developed in Texas, California's new plan utilizes several additional resources to aid in the dissemination of child abduction information throughout the state.

The California plan, which addresses elements required as a result of the passage of Assembly Bill (AB) 415, (Sept. 13, 2002,) requires law enforcement agencies to request activation of the Emergency Alert System (EAS) in response to a report of a child abduction incident that meets specific criteria. This will ensure that law enforcement agencies in California provide immediate notifications to other agencies, media outlets, and the public to assist in the recovery of children in the most serious child abduction cases.

3.2 AMBER Alert System

The activation of the EAS, also referred to as an AMBER Alert, can pre-empt radio and television broadcasts and provide information to the public regarding a child abduction incident. To capture the attention of the public, the emergency messages are preceded and concluded with alert tones. In accordance with AB 415, the investigating law enforcement agency in a child abduction case is required to request EAS activation in the appropriate local area when specified alert criteria (see below) have been met.

Although there are a few counties in the state that have established local Child Abduction Regional Emergency (CARE) Alert programs along with regional EAS activation protocol, the California Highway Patrol (CHP) is the AMBER alert statewide coordinator and stands ready to assist with statewide or multi-regional activations.

3.3 AMBER Alert Criteria

As established in Government Code (GC) Section 8594, law enforcement agencies are required, absent extenuating investigative needs, to request activation of the EAS in the appropriate local area for incidents that meet all of the following criteria:

A. Confirmation that an abduction has occurred (e.g., witness verification, alternative explanations for a child's absence eliminated, etc.).

B. The victim is 17 years of age or younger, or has a proven mental or physical disability.

C. The victim is in imminent danger of serious bodily injury or death.

D. There is information available that, if disseminated to the public, could assist in the safe recovery of the victim.

The investigating agency will determine if an incident meets the AMBER Alert criteria and be responsible for requesting local EAS activation in accordance with their Federal Communications Commission (FCC) EAS Local Emergency Communications Committee (LECC) local plan. While local AMBER Alerts will satisfy the requirements of AB 415, statewide or multi-regional alerts may also be requested if deemed appropriate by the investigating agency.

In accordance with Government Code Section 8594, law enforcement agencies shall only request EAS activation in a child abduction incident when all of the criteria listed above have been met. The EAS is not intended to be used for abductions resulting from custody disputes that are not reasonably believed to pose an immediate threat to the life or physical health of a child.

3.4 California Highway Patrol Assistance

The local law enforcement agency will always maintain investigative control over a child abduction incident. It is not the intent of the CHP to interfere in any way with jurisdictional responsibility in a child abduction investigation. Instead, the CHP stands ready to provide assistance to local investigating agencies when requested.

On August 18, 2002, the CHP's Emergency Notification and Tactical Alert Center (ENTAC) was established. ENTAC is under the command and direction of the CHP and serves as a centralized point-of-contact to provide assistance to investigating agencies as needed. ENTAC operates 24-hours a day, seven days per week, and can assist all California law enforcement agencies with the initiation of statewide or multi-regional AMBER Alerts or an Endangered Missing Advisory (if the AMBER Alert criteria has not been established). When requested, ENTAC can also provide assistance to an investigating agency with the timely dissemination of child abduction information utilizing other resources. Contact with ENTAC is restricted to law enforcement agencies only- 916-843-4199.

When contacting ENTAC to request statewide or multi-regional activation of the EAS, the investigating law enforcement agency will be asked to verify that all of the alert criteria have been met. In addition, the investigating agency will be asked to provide relevant information (e.g., agency contact, suspect, and victim information) for EAS message composition.

In most instances, the local investigating law enforcement agency will be responsible for requesting assistance with the dissemination of child abduction information. However, should the CHP become aware of a child abduction incident prior to a formal notification or request for assistance, the investigating agency may be contacted by a CHP representative to offer assistance.

3.5 Activation procedures

A. When activating an AMBER Alert, the investigating agency shall refer to their specific abduction policies and procedures.

B. In the event of a confirmed child abduction the following procedures should be followed:

   1. Radio transmission of a Be On the LookOut (BOLO) broadcast - the officer will immediately initiate an appropriate area wide and regional wide broadcast when applicable. Refer to your local procedures.

   2. The missing child shall be immediately entered into National Crime Information Center (NCIC) system as an abducted child. The child's name and other critical elements will be included in the NCIC entry. Once the EAS has been activated, law enforcement agencies should update their NCIC entry by clicking the "K" code which adds "AMBER Alert" to the victim's name. By doing this, law enforcement agencies will recognize that the individual is a victim of an active AMBER Alert.

C. Contact the CHP's Emergency Notification and Tactical Alert Center (ENTAC) for assistance activating an AMBER Alert at (916) 843-4199. ENTAC can activate the EAS alert regionally or statewide.

D. The California Highway Patrol ENTAC Center is the primary agency that oversees the activations of freeway Changeable Message Signs (CMS), EAS alerts, and EDIS alerts. Contact the CHP ENTAC center immediately for activation of these services.

   If the passage of time necessitates an expansion of the AMBER Alert, the CHP ENTAC can initiate larger scale EAS and EDIS alerts upon request, as well as expand the use of the Changeable Message Signs throughout California and to neighboring states.

E. The handling law enforcement agency will prepare an initial press release that includes all available information. The press release should be immediately forwarded to their media services. The press release will include:

1. The child's identity, age, and description
2. Suspect's identity, age, and description
3. Vehicle description
4. Location of incident, direction of travel, potential destinations
5. A media liaison or press information officer, and a telephone number for the media to call for additional information and/or updates
6. A telephone number for the public to call with leads/information. Refer to mutual aid information contained herein
7. A photo or digital image of the missing person

F. The reporting agency should consider transmitting the information over their local and regional radio communications systems, i.e., transit systems, local area hospitals, public works, fire/EMS, animal control, lifeguards, ham radio associations, etc.

G. Child abduction poster and flyers.

Agencies should have the ability to disseminate abduction information via the image-based Critical Reach System (formally TRAK). The CHP ENTAC can assist with the dissemination of Critical Reach flyers if pictures are available. CHP ENTAC can send the information to all law enforcement, media outlets, schools, hospitals, the National Trucker's Association, the California State Lottery, and other organizations. The information is sent to these agencies utilizing e-mail and fax programs built into the Critical Reach System.

1. International border issues

   Notifications to the FBI should be made if there are indicators that the child may be transported out of state or the country. If the child has been transported across the Mexican border, San Diego Sheriff's Department or the San Diego Police Department's Mexico Liaison Units (or CHP Border Division Mexico Liaison Unit) should be contacted. If the child is being transported across the Canadian border, the Royal Canadian Mounted Police National AMBER Alert Center can be contacted.

2. Cancellation of an AMBER Alert

   - The reporting agency shall contact ENTAC immediately upon locating the abducted or missing child; an immediate cancellation of the Alert shall be made.
   - For any further reference on the California AMBER Alert program, contact: California Highway Patrol Emergency Notification and Tactical Alert Center (ENTAC) 916 843-4199.

3.6 Additional Resources

In addition to assisting with statewide or multi-regional AMBER Alerts, the CHP is prepared to assist local law enforcement agencies with the use of other resources to disseminate information and assist with the recovery of an abducted child. The following are general overviews of other resources that may be used to disseminate child abduction information:

A. Changeable Message Signs (CMS) / Highway Advisory Radio (HAR)

Operated by the California Department of Transportation (Caltrans), electronic Changeable Message Signs (CMS) are a highly visible means of disseminating real-time traffic safety and congestion information to the public as they utilize the highway transportation system. Also operated by Caltrans, the Highway Advisory Radio (HAR) system is available in some areas of the state to supplement information provided on CMS. In areas with HAR capabilities, CMS messages can direct the motoring public to the appropriate HAR frequency (AM radio station) for an audio recording with more detailed incident information. Currently, there are over 500 fixed CMS locations throughout the state.

As a component of the California Child Safety AMBER Network alert system, CMS and HAR can be used to transmit information to the motoring public regarding a child abduction case. To prevent overuse of the system, CMS and HAR will only be activated for an incident that meets all of the AMBER Alert criteria. However, even for qualifying incidents, activation of CMS will be considered on a case-by-case basis taking into consideration motorist safety, local traffic conditions, and visibility.

For incidents that warrant activation of CMS, the investigating law enforcement agency will be consulted regarding the duration and geographical area of activation. For example, for an abduction occurring in Los Angeles in which it is believed that the suspect is still in the area, CMS may only be activated in the Los Angeles region. However, in the same incident, if there was information to suggest that the suspect was traveling to Sacramento, CMS and HAR may be requested along the freeway segments between Los Angeles and Sacramento.

The CHP and Caltrans jointly operate Transportation Management Centers (TMC) throughout the state. When use of CMS is requested for a qualifying child abduction incident, CHP's ENTAC will contact the appropriate TMC to coordinate CMS activation within a specific region. Prior to CMS activation, the CHP will work with Caltrans and the investigating law enforcement agency to develop a concise message taking into account the character limitations associated with CMS. Under normal circumstances, CMS will not be activated unless there is a suspect vehicle license plate and/or a unique description available.

B. CHP Internet Sites

Upon receipt of child abduction information, the CHP can also post continually updated information and photographs on the CHP public Website (www.CHP.CA.GOV). Under normal circumstances, information will only be posted on the CHP internet site for an incident that meets the AMBER alert criteria.

C. Critical Reach System (CRS) – formerly TRAK

CRS is an image-based system linking state, county, and local law enforcement agencies. The CRS can capture and immediately distribute photographs and images to law enforcement agencies, media outlets and other organizations. In addition, the system is capable of transmitting information via facsimile to businesses, hospitals, schools, media outlets, and agencies without immediate access to a CRS. The CRS can be used to quickly disseminate information regarding a child abduction case throughout the state.

Although CRS can originate from any CRS terminal, the CHP stands ready to assist the investigating agency with the dissemination of information via CRS. In order to increase the effectiveness of a CRS transmission, a photograph of the victim(s), suspect(s), and/or suspect vehicle should be obtained prior to creation of a CRS flyer.

D. Emergency Digital Information Service (EDIS)

EDIS provides local, state, and federal law enforcement agencies with a direct computer link to media outlets and other law enforcement agencies. Standard EDIS text messages can be sent via the California Law Enforcement Telecommunications System (CLETS). In addition, images and graphics can also be posted on the EDIS website (EDIS.oes.ca.gov). Any agency with access to CLETS can create and transmit EDIS messages; however, the CHP is prepared to assist with an EDIS transmission when requested by the investigating agency.

E. California State Lottery

In 2010, the California State Lottery and the California Highway Patrol formed a partnership in order to disseminate AMBER Alert information to a larger population. During an AMBER Alert activation, the California Sate Lottery has the capability of displaying the information on more than 38,000 electronic message boards throughout the state (anywhere lottery tickets are sold).

F. Facebook

Due to the influx of people using social media sites to receive real time news and information, facebook began posting AMBER Alerts on their site.To register to receive California AMBER Alerts: www.facebook.com/amberalertCA and click "like."

G. iPhone Application

The iPhone application uses GPS coordinates to contact local law enforcement if there is a sighting of the AMBER Alert suspect/vehicle/victim. Additionally, a phone call can be made directly to NCMEC's hotline from within the application, with the touch of a button.

3.7 Cases Not Meeting AMBER Alert Criteria

The AMBER Alert should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria. AMBER Alerts should not be used for cases involving:

- Runaways
- Where no abduction is confirmed or occurred
- Missing children in which there is no evidence of foul play or the child is not in ***imminent*** danger of serious bodily harm or death
- Custody disputes where the child's life or physical health is not reasonably believed to be in ***imminent*** danger

It is important to remember that an AMBER Alert is effective only if activated when appropriate. If AMBER Alerts are misused or employed in cases that do not meet the GC criteria, the program's credibility and integrity can be diminished. For cases that do not meet these criteria, agencies should continue to exercise discretion in determining which of the many following available resources would be the most appropriate for transmitting information to other law enforcement agencies, the media, and the public.

3.8 Endangered Missing Advisory (EMA)

An EMA can be issued in cases where the statutory criteria for an AMBER Alert are not met; however, an agency has reasons to believe the person is at risk or endangered and assistance in distributing information to help locate the individual(s) is desired. Although not all inclusive, the following are examples where an EMA, versus an AMBER Alert, may be appropriate:

- A custodial parent takes their child and, due to specific circumstances, the investigating agency deems the child to be at-risk/endangered.
- A juvenile is reported missing and there is no indication or confirmation that an abduction occurred.
- A person with a known medical condition, such as dementia, is reported missing.

An EMA involves many of the same alerting/notification measures utilized during an AMBER Alert, except for there is no activation of the EAS. Typically, CMS are also not utilized for an EMA. An EMA generally consists of an Emergency Digital Information Service (EDIS) message, Critical Reach flyer, Be-On-the-LookOut broadcasts, U.S./Mexico border notification (if appropriate), and notification to the National Center of Missing and Exploited Children. Additional notification systems can be used during an EMA; however, they are used on a case-by-case basis. Further questions regarding EMAs can be directed to ENTAC.

Section 4 Management of the Long-Term Missing Person Case

Although the majority of missing person cases will resolve by the return or location of the subject, a small but significant percentage will not be recovered within the first 30 days. Such cases are considered to have entered into the long-term phase, and will require long-term management. It is critical that if the missing person has not been located or returned after 30 days that the investigator ensure that the foundation of the missing person case has been properly laid by the collection and submission of identifier records into the appropriate searchable databases.

There are four primary means to identify any person who is either unwilling (because they are actively hiding from law enforcement) or unable (due to mental confusion, unconsciousness, or death) to identify themselves; 1) fingerprints, 2) dental records, 3) body X-rays and 4) DNA. It is a common misunderstanding that if the worst-case scenario has played out, and a missing person has been found dead somewhere, that it will be the task of the Coroner/Medical Examiner to complete the identification. Although it is true that the Coroner/Medical Examiner investigating an unidentified deceased person (or law enforcement investigating an unidentified living person) will have identifiers from the unidentified person, these cannot be used unless the missing person investigator has obtained the corresponding identifier for comparison to the remains.

4.1 The Critical Identifiers Which Should be Obtained by the Missing Person Investigator

A. Fingerprints Must Be Entered in AFIS and IAFIS (NGI)

A missing person's fingerprints may be "on file" somewhere, but unless they have been registered into the state Automated Fingerprint Identification System (AFIS) and the national Integrated Fingerprint Identification System (IAFIS) soon to be renamed Next Generation Identification (NGI) System, they are invisible. Fingerprints must be registered (not just run) in the automated systems so that they will match against the unidentified person's fingerprints when they are entered into these same systems.

Sources for missing person's fingerprints:

- Arrests
- Employment
- Military Service
- CA Driver's License or ID (right thumb)
- Child safety programs

In the case of a critically-missing child (at risk/endangered), consider lifting prints from the scene. Even latent-quality prints are better than none at all.

Fingerprints can be submitted to the agency's local Identification Section, such as CAL-ID, for registration into AFIS. For submission to IAFIS see 4-51.

It is recommended that the CAL-ID section provide the NCIC fingerprint coding for update to the NCIC record ("FPC"). This way the fingerprint classification would be available for comparison to unidentified person fingerprint codes.

B. Dental Records

Dental records are perishable. Dental providers in California are only required to hold these records for seven (7) years, after which they are destroyed. If a missing person has not returned within 30 days, the dental records (to include treatment records, charting, X-rays and photos) should be ordered and forwarded ***preferably in digital format*** to:

California Department of Justice
Missing/Unidentified Persons Unit
P.O. Box 903387
Sacramento, CA 94203-3870

Phone 916-227-3290,
Fax 916-227-3270
Email: missing.persons@doj.ca.gov).

C. Skeletal X-Rays

A frequently overlooked forensic tool, skeletal X-rays, particularly of the head, are often available even when dental records cannot be found. This is particularly true of elderly persons who may no longer have teeth, or have not been to the dentist in years. But, they may have complained of back, neck and head pain, and had skeletal X-rays taken for diagnostic purposes. A comparison may be made of such structures as the frontal sinus which are typically quite distinctive.

Securing these X-rays follows the same procedure as dental records. It is strongly recommended that these be obtained digitally, and transmitted to DOJ-MUPS, as well as uploaded as JPG images to NamUs.

D. DNA

DNA is the newest and potentially the strongest forensic identification method. Paradoxically, the DNA of a deceased missing person may "live on" in the unidentified remains as well as the blood relatives. Both direct DNA samples and reference samples should be submitted for profiling.

1 Direct DNA Sample Sources

Direct DNA samples may be obtained from items left behind by the missing person:

- Toothbrushes
- Hairbrushes
- Shaving razors
- Saliva-sealed envelopes
- Baby teeth
- Finger and toenail clippings
- Clothing (hats, shirts, undergarments, etc.)
- Biological samples retained at hospitals (biopsies, etc.)

2. Reference DNA Sample Sources

Samples obtained from blood kin, obtained as buccal swabs:

- Both biological parents, or…
- One biological parent and multiple siblings, or…
- All siblings, or…
- All offspring (and the non-missing parent, for an exclusion profile)
- Other more distantly related relatives

All direct and reference samples should be collected in the free kits provided by:

California Department of Justice
Missing Persons DNA Program
1001 W. Cutting Blvd., Suite 110
Richmond, CA 94804-2028
Attn: Jan Bashinki DNA Lab

Phone: 510 620-3300;
Email: DNAmissingpersons@doj.ca.gov).

Once these identifiers have been obtained and submitted, and the NCIC and NamUs records updated, the foundation of the long-term missing person case will have been laid.

E. Periodic Re-Contact with Family/Reporting Party

It is advisable to maintain contact with the reporting party and/or family. All too often a missing person returns, and yet law enforcement is either not notified of the return, or the usual mechanism for verifying the return and clearing the case from the agency records and NCIC is not performed. Many active long-term cases in California's missing person system are not missing, but the cases linger in NCIC; contact has been lost with the family and the case is never cleared. Periodic re-contact with the reporting party and/or other family member should be initiated by phone, email, or postal mail services, to request updates, offer additional advice, and to clear the case should the missing person return.

F. Entry of Missing and Unidentified Person Fingerprints into IAFIS US DOJ CJIS

The investigator should obtain latent prints and submit these to the state Automated Fingerprint Identification System (AFIS), either through the local fingerprint identification unit, or through the State Missing Persons Clearinghouse (800 222-3463). The request should be submitted in writing and should specifically ask that the fingerprints be registered with the state AFIS, and forwarded to FBI for submission into Integrated Fingerprint Identification System (IAFIS). The investigator must use the term "Fingerprint Stop" in the request. This phrase flags the record so that if there are any matches with the missing person's fingerprint record, processing will be halted and referred to a fingerprint examiner. The examiner will then compare the matching records. If the match is positive, the examiner will contact the submitting investigator.

1. IAFIS (CJIS)
   - Western: Julie Minnocci 304 625-5243 - jminnoc1@leo.gov)
   - North Central: Dixie Hornick 304 625-2737 - dhornick@leo.gov)
   - Northeast: Buffy Bonafield 304 625-2752 - bbonafie@leo.gov)
   - Southern: Travis Olson 304 625-2978 - tolson@leo.gov)
2. Electronic Submissions
   - Each state has a CJIS WAN connection
   - Local users submit fingerprints to the state AFIS
   - State forwards fingerprints to the FBI
   - Submissions must follow the ANSI/NIST format and must be EFTS compliant
   - Configuration is required – Contact your regional representative for information
3. Mail to:

   FBI
   CJIS Division
   P.O. Box 4142
   Clarksburg, WV 26302-9929

4. Facsimile – Urgent Requests

   Special Processing Center 304 625-5587

   - Local and state databases should be searched first
   - Place fingerprint stop in IAFIS
   - Based on written request from investigating agency
   - NCIC entry required
   - Notification to investigating agency
   - Follow up every 6 months

Section 5 California Emergency Management Agency (Cal EMA) Resources

Law enforcement agencies can activate the California Law Enforcement Mutual Aid System and its annex, the Search and Rescue System, to access resources and equipment necessary to conduct missing persons investigations. Activation of this system, through its steps as outlined in the Law Enforcement Mutual Aid Plan, enables agencies to receive support from their operational area (county), surrounding operational areas within their mutual aid region, and other regions, as well as State and Federal resources.

To activate the system within a city, the jurisdictional city law enforcement agency contacts their county Sheriff's Department, who acts as the Operational Area Law Enforcement Mutual Aid Coordinator. **The coordinator may then provide the assistance, if available from within the operational area, or activate the regional or statewide system by contacting the California Emergency Management Agency, California State Warning Center, 24-hour service, at 916 845-8911, and requesting the Law Enforcement Branch Duty Officer, or by contacting the Law Enforcement Branch at 916 845-8700.**

Resources available under this system include:

- Consultant search management teams to assist agencies in conducting missing person searches
- Consultant search management specialists with expertise in missing person searches – wilderness or urban search
- Consultant search management specialists with expertise in predator abduction incidents
- Search and Rescue (SAR) teams and personnel
- Search dogs: "non-scent specific" dogs for area searches to locate any persons in an area, "scent specific" dogs for trailing/tracking only the missing subject's scent, as well as cadaver and water (submerged victim) search dogs
- Search or communications platform aircraft through the California National Guard, Civil Air Patrol, other state agencies, or local government
- Communications frequencies: statewide mutual aid
- Communications equipment: mobile communications trucks and hand-held radios (VHF/UHF)
- Communications repeaters, portable and vehicle-based along with interoperability
- Satellite communications trailers: voice and data connectivity
- DOJs Child Abduction Checklist for First Responders: refer to their web site for additional resources

Section 6 Federal Bureau of Investigation (FBI) Resources

Overview of jurisdictional and investigative responsibilities:

1. FBI investigative classifications

   Kidnapping: The FBI has four different classifications used to differentiate the nature of the kidnapping investigation:

   A. Kidnapping for ransom or financial gain

   The FBI, historically and today, responds to ransom or financial gain kidnappings. A kidnapping will usually involve the FBI either as the lead agency or as an assisting agency. There is no need, benefit, or legal obligation to wait in notifying or requesting assistance from the FBI. Ideally, notification and/or request for assistance should be made as soon as possible. Any requests for assistance which can be predicted, or arise, should be acted upon as soon as possible. The less catch-up there is, the better the efficiency and effect of the assistance. This applies to all assisting agencies.

   B. Removal (abduction) of child out of the United States by parent

   In 1993, Congress passed the International Parental Kidnapping Act (IPKA), which can be found in United States Code, Title 18, Chapter 55, Section 1204. In general, this legislation makes it a Federal violation for the offending parent to remove the victim child from the United States, in violation of court ordered custody. This statute works in addition to The Hague Convention Treaty, which holds the signatory countries to an obligatory legal process, aimed at assuring the victim child's welfare, and setting out remedies for the custody issues.

   C. Abduction/kidnapping for undetermined motive

   All other kidnapping matters, which would include child abductions or kidnappings committed for undetermined motive, are considered under this classification. It is under this third category that the FBI has become involved in non-traditional kidnappings. The FBI, while under the directorship of Louis Freeh, expended much time and effort to train agents, and develop entities within the FBI, to address the sexual motive of kidnappings.

   D. Subjects who flee to avoid prosecution

   Subjects who flee from prosecution utilizing interstate commerce may have federal complaints, and arrest warrants, issued for them under United States Code, Title 18, Chapter 49, Section 1073. These cases are known as Unlawful Flight to Avoid Prosecution (UFAP) matters. If a subject, who has a locally issued arrest warrant, flees across state lines, including leaving the country, the agency with jurisdiction can request assistance from the FBI (the requesting agency should indicate a promise to pay for the subject's extradition and the intent to prosecute). In these instances, the FBI will author a complaint for violation of Federal law and obtain a federally authorized arrest warrant. Upon the capture and extradition of the subject by the requesting agency, the Federal Court will usually dismiss the UFAP prosecution. This can be used for parental kidnappings when the court issues an arrest warrant for the offending parent. In cases where the subject has fled interstate, the FBI can be requested to assist in the search for the offending parent, under the Federal violation of UFAP. It should be kept in mind that the requirements for the UFAP request, and Federal jurisdiction over international parental kidnappings, are basically the same, with the exception that the international search will require assistance from both the United States Department of Justice, and the United States Department of State.

2. FBI Resources

A. FBI assistance is usually provided ***without charge***. Possible exceptions can include, but do not necessarily include, the costs of utilities exigent services (e.g., cell phone access, telephone access), or any expenses incurred outside the assistance of the FBI.

The FBI has developed a very comprehensive resource packet titled "Child Abduction Response Plan – An Investigative Guide" (call the Crimes Against Children Coordinator at 916 481-9110 which is available to all agencies free of charge).

The FBI Laboratory Division can be extremely helpful. Contact the Evidence Response Team Leader of your local FBI field division for the FBI's Laboratory assistance.

The investigative technical abilities of the FBI can be an invaluable resource. Availability of these services is through the agent responsible for the case. Some of the technical abilities available through the FBI include:

- Pen register trap and trace
- Title III wiretaps
- Cellular telephone tracking
- Pole cameras
- Evidence Response Team/Computer Analysis Response Team
- Behavioral Analysis Unit
- Violent Criminal Apprehension Program (VICAP)
- NCIC off-line searches

The FBI has representatives all over the world who have working relationships with most law enforcement agencies.

The local FBI office has agents that are anxious to help with cases involving the welfare of a child. Investigative assistance, along with major case management, is available.

The FBI has agents in, or within exigent reach of any place in the United States. Leads that are issued by your local FBI office to other FBI offices are the most expeditious way to cover leads out of state.

The FBI maintains information on cases and subjects nationally. Beside the access to NCIC and NLETS, the FBI may have additional information from other sources. With the high degree of immigration, and the greater amount of information being acquired and maintained, the FBI itself can serve as another resource of information.

3. Recommendations for developing a working relationship with the FBI

The field offices of the FBI are determined by the United States Judicial Districts. Each FBI field office is administered by a Special Agent in Charge (SAC), with at least two Assistant Special Agents in Charge (ASAC). Larger offices such as New York, Los Angeles, and Washington DC Field Offices have Assistant Directors managing the office, followed by the chain of SAC's, ASAC's, and Special Agent Supervisors (SAS).

A. The head of each FBI field division is autonomous, but must follow directives of the FBI Director. The field divisions in California are San Diego, Los Angeles, San Francisco, and Sacramento. Each field division has smaller offices or Resident Agencies (RA) that cover remote areas within the field division.

B. Each field division can put different priorities on federal violations, but not outside the priorities as directed by FBI Headquarters. This means that if you need assistance, you may call one office and get a lackluster response, or call another office and get an aggressive response; the response is usually based on that particular office's current case load and available resources. If you get an unacceptable response, the SAC will be sensitive to calls from the heads of local law enforcement. In other words, if your Chief or Sheriff calls the SAC, the response by the FBI may be more comprehensive.

C. It is recommended that law enforcement investigators or representatives develop strong working relationships with their local FBI agents. When it comes time for you to call upon the resources of the FBI, it is best that you are able to start on a first name basis with someone you have previously worked with to get the "ball rolling" on your request for assistance. If you call, and you are unable to get what you want, do not give up; keep calling, and if necessary, call other field divisions.

D. In the event of a kidnapping, and the assistance of the FBI has been acquired, consider paring up agents with your agency's detectives or officers. Local police are under pressure to clear their cases, to work quickly. FBI agents do not close cases until their logical completion. These two approaches make a great investigative balance.

Federal Bureau of Investigation (FBI) contact information:

Headquarters' Office	Washington, DC	202 324-3000
California Divisional Offices	San Francisco	415 553-7400
	Sacramento	916 481-9110
	Los Angeles	310 477-6565
	San Diego	858 565-1255

Section 7 Department of Justice (DOJ) Resources

The Missing and Unidentified Persons Unit (MUPS) assists Law Enforcement Agencies (LEA) in locating missing persons and identifying unknown living and deceased persons. MUPS maintains the Missing Persons System (MPS) and the Unidentified Persons System (UPS) available through CLETS.

MUPS is responsible for the following three components:

Physical identification:

- Compares physical characteristics of a missing person to those of an unidentified person
- Inquiries into a variety of governmental and private databases for information that may result in the location of a missing person
- Notifies the Missing Persons DNA Program of cases approved to proceed with DNA analysis
- Assists LEA with questions regarding transactions and updates to MPS and UPS

Dental identification:

- Charting and classifying dental charts and X-rays of MP submitted by law enforcement agencies
- Compares dental records of missing persons to X-rays of unidentified persons submitted from coroners

Missing Children Clearinghouse:

- Maintains an international, 24-hour toll free telephone hotline (800 222-FIND) to receive and relay information to law enforcement agencies regarding missing children
- Publishes and distributes a monthly missing children poster and Quarterly Bulletin featuring missing children and dependent adults throughout California
- Provides free-of-charge fingerprint cards to agencies for the voluntary fingerprinting of children
- Maintains the Attorney General's Missing Person website with photographs of missing persons
- Nationwide networking of all clearinghouses to aid in locating children taken out of or brought into California

To request any of the above services, contact the MUPS unit at:
916 227-3290 or missing.persons@doj.ca.gov

Section 8 Missing Persons DNA Program

The Missing Persons DNA Program uses DNA analysis and data matching to determine the identity of missing and unidentified persons. The Missing Persons DNA Program stores DNA profiles in two different searchable databases: 1) DNA profiles from both the biological relatives of reported missing persons and self-reference samples from the missing persons (e.g. toothbrush, baby teeth, or clothing), and 2) DNA profiles developed from samples from unidentified persons. The county coroner or medical examiner's office submits most unidentified deceased person samples. Most living unidentified persons' samples are submitted by the law enforcement agency (e.g. Alzheimer patient, coma victim, or a person who cannot identify themselves). Identification will be made if the DNA profile of the sample from the unidentified person "matches" a DNA profile in the reference file. While the missing person database is only searched against the unidentified person database, the unidentified person database is searched against the missing persons database, the unidentified persons database, and the CAL-DNA Data Bank.

8.1 Requirements regarding the Missing Persons DNA Program

1. For missing person sample submission, the case needs to be active.

   A. Penal Code 14250 (a)(4) "For the purpose of this database, "high-risk missing person" means a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency."

B. The family must be notified of their voluntary right to submit DNA.

1. PC §14250(C)(2) "After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample."

2. DNA Sample Collection

A. The Missing Persons DNA Program has FREE DNA collection kits for the family DNA sample and missing person reference items. Please see the attached submission form. The DNA samples should be collected from both biological parents. If both parents are not available, use the reference chart below to determine the order for collecting samples from other biological family members. In all possible circumstances, the Missing Persons DNA Program needs more than one family reference sample. If no family members referenced on the chart below are available, contact the Missing Persons DNA Program at (916) 227-5997 for additional donor information.

B. Reference items from the missing person include but are not limited to:

(1) Baby book items

a. Baby teeth

b. Umbilical cords

(2) Dental care Items

a. Toothbrush

b. Orthodontic retainers

c. Dentures

(3) Personal items (unwashed)

a. Undergarments

b. Sports/gym clothing

c. Baseball Caps

d. Shoes

e. Jewelry

f. Cell phones

(4) Hygiene items

a. Razor

b. Hair brush

c. Deodorant

8.2 DNA Sample Collection Reference Chart

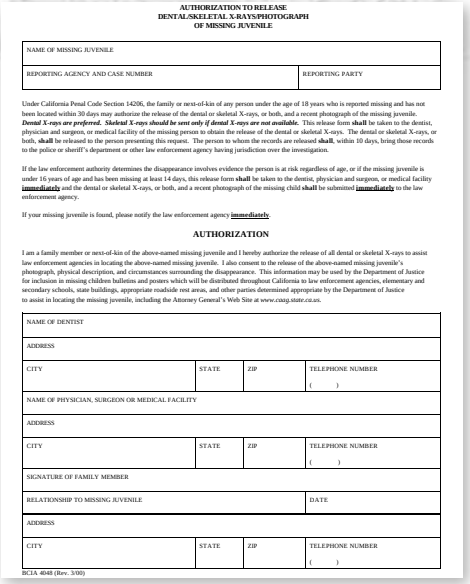
Priority	Female Missing Person (FMP)	Male Missing Person (MMP)
1	Both biological parents	Both biological parents
2	One parent and MP's siblings	One parent and MP's siblings
3	Children and spouse	Children, spouse, and MP's siblings
4	Children	Children, spouse, and any relative on the MP's mother's side
5	One parent or MP's siblings	One parent and/or children and/or MP's siblings
6	Any relative on MP's mother's side	Any relative on MP's mother's side
7	NA	Any relative on MP's father's side

Note: All California missing persons cases must be active and/or "high risk" for the Missing Persons DNA Program to process the DNA. All samples are to be sent in the pre-addressed kits to the California Department of Justice Missing Persons DNA Program. For FREE Missing Persons DNA Specimen Collection Kits, contact:

Missing Persons DNA Program
916 227-5997
dnamissingpersons@doj.ca.gov

9 Department of Justice (DOJ) Related Reporting Forms

9.1 Authorization to Release Dental/Skeletal X-Rays and Photographs of Missing Juvenile



AUTHORIZATION TO RELEASE
DENTAL/SKELETAL X-RAYS/PHOTOGRAPH
OF MISSING JUVENILE

NAME OF MISSING JUVENILE	
REPORTING AGENCY AND CASE NUMBER	REPORTING PARTY

Under California Penal Code Section 14206, the family or next-of-kin of any person under the age of 18 years who is reported missing and has not been located within 30 days may authorize the release of the dental or skeletal X-rays, or both, and a recent photograph of the missing juvenile. ***Dental X-rays are preferred. Skeletal X-rays should be sent only if dental X-rays are not available.*** This release form **shall** be taken to the dentist, physician and surgeon, or medical facility of the missing person to obtain the release of the dental or skeletal X-rays. The dental or skeletal X-rays, or both, **shall** be released to the person presenting this request. The person to whom the records are released **shall**, within 10 days, bring those records to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation.

If the law enforcement authority determines the disappearance involves evidence the person is at risk regardless of age, or if the missing juvenile is under 16 years of age and has been missing at least 14 days, this release form **shall** be taken to the dentist, physician and surgeon, or medical facility **immediately** and the dental or skeletal X-rays, or both, and a recent photograph of the missing child **shall** be submitted **immediately** to the law enforcement agency.

If your missing juvenile is found, please notify the law enforcement agency **immediately**.

AUTHORIZATION

I am a family member or next-of-kin of the above-named missing juvenile and I hereby authorize the release of all dental or skeletal X-rays to assist law enforcement agencies in locating the above-named missing juvenile. I also consent to the release of the above-named missing juvenile's photograph, physical description, and circumstances surrounding the disappearance. This information may be used by the Department of Justice for inclusion in missing children bulletins and posters which will be distributed throughout California to law enforcement agencies, elementary and secondary schools, state buildings, appropriate roadside rest areas, and other parties determined appropriate by the Department of Justice to assist in locating the missing juvenile, including the Attorney General's Web Site at *www.caag.state.ca.us*.

NAME OF DENTIST			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )
NAME OF PHYSICIAN, SURGEON OR MEDICAL FACILITY			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )
SIGNATURE OF FAMILY MEMBER			
RELATIONSHIP TO MISSING JUVENILE			DATE
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )

RCIA 4048 (Rev. 3/00)

Get File

9.2 Authorization to Release Dental/Skeletal X-Rays and Photographs of Missing Adult

AUTHORIZATION TO RELEASE DENTAL/SKELETAL X-RAYS OF MISSING ADULT

NAME OF MISSING ADULT	
REPORTING AGENCY AND CASE NUMBER	REPORTING PARTY

Under California Penal Code Section 14206, the family or next-of-kin of any person reported missing and has not been located within 30 days may authorize the release of the dental or skeletal X-rays, or both, of the person reported missing. ***Dental X-rays are preferred. Skeletal X-rays should be sent only if dental X-rays are not available.*** This release form **shall** be taken to the dentist, physician and surgeon, or medical facility of the missing person to obtain the release of the dental or skeletal X-rays. The dental or skeletal X-rays, or both, **shall** be released to the person presenting this request. The person to whom the records are released **shall**, within 10 days, bring those records to the police or sheriff's department or other law enforcement agency having jurisdiction over the investigation.

If the missing adult is found, please notify the law enforcement agency **immediately**.

AUTHORIZATION

I am a family member or next-of-kin of the above-named missing adult and I hereby authorize the release of all dental or skeletal X-rays to assist law enforcement agencies in locating the above-named missing adult. I also consent to the release of the above-named missing adult's photograph, physical description, and circumstances surrounding the disappearance. This information may be used by the Department of Justice for inclusion in missing person bulletins and posters which will be distributed throughout California to law enforcement agencies, state buildings, appropriate roadside rest areas, and other parties determined appropriate by the Department of Justice to assist in locating the missing person, including the Attorney General's Web Site at www.caag.state.ca.us.

NAME OF DENTIST			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )
NAME OF PHYSICIAN, SURGEON OR MEDICAL FACILITY			
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )
SIGNATURE OF FAMILY MEMBER			
RELATIONSHIP TO MISSING ADULT		DATE	
ADDRESS			
CITY	STATE	ZIP	TELEPHONE NUMBER ( )

BCIA 4048 (Rev. 3/00)

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9.3 School Notification of Missing Child - 2 Page Form

EMERGENCY SCHOOL NOTIFICATION
MISSING OR ABDUCTED CHILD ALERT

Date of notification_____

This is a notice to the school administration of (School Name)_____

Name of missing / abducted child:_____

Sex_____ Race_____ Date of Birth_____

If this student is located, or if anyone calls asking for information, or requests the transfer of school records, immediate law enforcement notification is required.

Do not release any information or records until told to do so by law enforcement. Do not tell the requesting party of this notification, law enforcement will instruct you what to do. Immediately contact:

The employee assigned the case is _____ **Serial No.**_____

The phone number to contact the investigator is:_____

The report number on this case is _____ **Date of missing / abduction** _____

- If the employee is not available, ask for any Detective Supervisor.
- In you are unable to make personal contact with the assigned employee in this matter, immediately contact the Detective Watch Commander or the Patrol Watch Commander and reference this notification sheet. The phone numbers are:

  Detective Watch Commander_____

  Patrol Watch Commander _____

- If the child is found during off-hours, or no one answers the phone number listed above, call 911 and provide the information above.

Photograph

Attached to this form may or may not be a photograph of the missing child. Additionally, take into consideration the child's age when the photograph was taken. Many times the actual school yearbook photograph may be more current.

☐ Photograph not provided by reporting party.

See back page for additional information / instructions

Page 1 of 2

Pursuant to California Educational Code 49068.6 (a), which was added January 2001, the code requires all law enforcement agencies to notify the child's school of attendance, in writing, when a child is reported missing / abducted. The code requires the school to place the notification letter in the front of the student's school / attendance record.

This notification form has two purposes:

1. In many cases, young children in elementary school fall victim to parental abduction, or other related serious victimization / kidnapping. When this occurs, many times the abductor will have to request the previous school records in order to enroll the child into a new school. By having this form in the front of the child school / attendance record, the school would be made aware of the situation and cause law enforcement authorities to be notified immediately, potentially aiding in the recovery of the child.
2. The second purpose of this form involves cases where a child runs away and returns to school, not notifying his or her parent.

EDUCATION CODE SECTION 49062-49069.5

49068.5. EC Upon the initial enrollment of a pupil in a public or private elementary school; or whenever an elementary school pupil (a) transfers from one school district to another, (b) transfers to an elementary school within the same district, (c) transfers from one private elementary school to another, (d) transfers from a private elementary school to a public elementary school, or (e) transfers from a public elementary school to a private elementary school, the principal of the school that the child enters or to which he or she transfers ***is urged to check to see if the child resembles a child listed as missing by the bulletins provided by the Department of Justice pursuant to Section 14201 of the Penal Code.***

49068.6(a) EC Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within 10 days of the child's disappearance.

49068.6(b) EC Every school notified pursuant to this section shall place a notice that the child has been reported missing on the front of each missing child's school record. For public schools this shall be in addition to the posting requirements set forth in Section 38139.

49068.6(c) EC Local law enforcement agencies may establish a process for informing local schools about abducted children pursuant to this section.

49068.6(d) EC If a school receives a record inquiry or request from any person or entity for a missing child about whom the school has been notified pursuant to this section, the school shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

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Get File

9.4 Missing Person Report

STATE OF CALIFORNIA
CJIS 8588
(Orig. 12/1992; Rev. 01/2012)

DEPARTMENT OF JUSTICE
PAGE 1 of 2

MISSING PERSON REPORT
Pursuant to Penal Code §13519.07(d)

Print Form | Save Form | Clear Form

☐ Adult ☐ Child | Date and Time of Report | Date and Time of Last Contact | Report Number

Report Type: ☐ Runaway ☐ Voluntary Missing Adult ☐ Parental/Family Abduction ☐ Dependant Adult ☐ Unknown Circumstances ☐ Stranger Abduction ☐ Suspicious Circumstances ☐ Catastrophe ☐ Lost

Category: Special Handling: ☐ Poor Mobility ☐ Sexual Exploitation ☐ Urgent Case ☐ Abducted During a Crime ☐ Amber Alert ☐ At Risk, Describe:

Victim Information

Name (Last, First, Middle) | Sex: ☐ Male ☐ Female | Race: ☐ A - Other Asian ☐ B - Black ☐ C - Chinese ☐ D - Cambodian ☐ F - Filipino ☐ G - Guamanian ☐ H - Hispanic, Latin, or Mexican ☐ I - American Indian ☐ J - Japanese ☐ K - Korean ☐ L - Laotian ☐ O - Other ☐ P - Pacific Islander ☐ S - Samoan ☐ U - Hawaiian ☐ V - Vietnamese ☐ W - White ☐ X - Unknown ☐ Z - Asian Indian

Alias/Monikers/Nicknames | DOB/Age

Height | Weight | Eye Color | Corrective Lenses: ☐ Glasses ☐ Contacts | Hair Color/Style

Facial Hair | Scars/Marks/Tattoos | Driver's License/ID Number

Residence Address, City, State, Zip Code | Residence Phone Number | Social Security Number

Business Address, City, State, Zip Code | Business Phone Number | CII Number

E-Mail Address | Cell Phone Number | FBI Number | Local Reference Number

Social Networking Site(s) and Screen Name(s) | Probation/Parole/Social Worker Name & Phone

Clothing | Jewelry

Last Known Location/Activity (Description or Address, City, State, Zip Code) | Possible Destination (Description or Address, City, State, Zip Code)

Alcohol, Drug, Mental Health, or Medical Condition | Known Associates/Lifestyle

Per Penal Code §14206, submit photographs, dental/skeletal x-rays, and fingerprints for entry into the Missing Person System.
Mail to: Department of Justice Missing & Unidentified Person Section, P.O. Box 903387, Sacramento, CA 94203-3870 or E-Mail to: missing.persons@doj.ca.gov

X-rays Available: Dental ☐ Yes ☐ No; Skeletal: ☐ Yes ☐ No | Known Dental Work: ☐ Yes ☐ No; If Yes, Describe: | Dentures: ☐ Upper ☐ Lower; ☐ Full ☐ Partial; ☐ Upper ☐ Lower | Dentist Name, Address, Phone Number

Photo Available: ☐ Yes ☐ No | Age in Photo | Fingerprints: ☐ Yes ☐ No | Known Bones/Missing Organs: ☐ Yes ☐ No; If Yes, Describe: | Medical Provider Name, Address, Phone Number

Vehicle Information

Operator: ☐ Missing Person ☐ Other, Describe: ☐ Suspect | Registered Owner: ☐ Missing Person ☐ Other, Describe: ☐ Suspect | License Number | State, Province, Country | Registration Expiration

☐ Stolen | Veh. Year | Make | Model | Body Style | Color(s) | Damage to Vehicle

Suspect Information

Name (Last, First, Middle) | Relationship to Missing Person | Sex: ☐ Male ☐ Female | Race | DOB/Age

Alias/Monikers(s)/Screen Name(s) | Height | Weight | Eye Color | Hair Color/Style | Facial Hair

Address, City, State, Zip Code | Phone Number | E-Mail Address

Scars/Marks/Tattoos | Clothing

Witnesses

Name (Last, First, Middle) | Relationship to Missing Person | Sex: ☐ Male ☐ Female | Race | DOB/Age

Address, City, State, Zip Code | Phone Number | E-Mail Address

Reporting Officer | ID/Badge # | Date | Investigating Agency Address and Phone Number | Forward Copy of Report to: (per PC §14205)

Approving Officer | ID/Badge # | Date | Internally Route to:

Get File

9.5 NCMEC Investigative Checklist for First Responders - 2 Page Form

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS

This checklist is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations.

First Responder

[ ] If circumstances warrant, consider activating patrol-vehicle-mounted video camera when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
[ ] Interview parent(s)/guardian(s)/person who made the initial report.
[ ] Confirm the child is in fact missing.
[ ] Verify the child's custody status.
[ ] Identify the circumstances of the disappearance.
[ ] Determine when, where, and by whom the missing child was last seen.
[ ] Interview the individuals who last had contact with the child.
[ ] Identify the child's zone of safety for his or her age and developmental stage.
[ ] Based on the available information, make an **initial** determination of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
[ ] Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
[ ] Secure photographs/videotapes of the missing child/abductor.
[ ] Evaluate whether the circumstances of the child's disappearance meet **AMBER Alert criteria** and/or other immediate community-notification protocol. Discuss plan activation with supervisor.
[ ] Relay detailed descriptive information to communications unit for broadcast updates.
[ ] Determine need for additional personnel including investigative and supervisory staff.
[ ] Brief and bring up-to-date all additional responding personnel.
[ ] Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.
  [ ] Note name, address, home/business telephone numbers of each person.
  [ ] Determine each person's relationship to the missing child.
  [ ] Note information each person may have about the child's disappearance.
  [ ] Determine when/where each person last saw the child.
  [ ] Ask each one, "What do you think happened to the child?"
  [ ] Obtain names/addresses/telephone numbers of the child's friends/associates and other relatives and friends of the family.
[ ] Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
[ ] Obtain and note permission to search home or building where incident took place.
[ ] Conduct an immediate, thorough search of the missing child's home, **even if the child was reported missing from a different location.**
[ ] Seal/protect scene and area of the child's home (including the child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so evidence is not destroyed during or after the initial search and to help ensure items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
[ ] Evaluate the contents and appearance of the child's room/residence.
[ ] Inquire if the child has access to the Internet and evaluate its role in the disappearance.
[ ] Ascertain if the child has a cellular telephone or other electronic communication device.
[ ] Extend search to surrounding areas including vehicles and other places of concealment.
[ ] Treat areas of interest as potential crime scenes.
[ ] Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
[ ] Interview other family members, friends/associates of the child, and friends of the family to determine
  [ ] When each last saw the child.
  [ ] What they think happened to the child.
[ ] Review sex-offender registries to determine if individuals designated as sexual predators live, work, or might otherwise be associated with the area of the child's disappearance.
[ ] Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File within two hours of report receipt and any information about a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to use the Child-Abduction flag whenever possible.)
[ ] Prepare flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
[ ] Prepare reports/make all required notifications.

Supervisory Officer

[ ] Obtain briefing and written reports from the first responding officer and other personnel at the scene.
[ ] Decide if circumstances of the child's disappearance meet the protocol in place for activation of an **AMBER Alert** and/or other immediate community-notification systems.
[ ] Determine if additional personnel are needed to assist in the investigation.
[ ] Establish a command post away from the child's residence.
[ ] Determine if additional assistance is necessary from
  [ ] State Police.
  [ ] Missing-Children Clearinghouse.
  [ ] FBI.
  [ ] Specialized Units.
  [ ] Victim-Witness Services.
  [ ] NCMEC's Project ALERT/Team Adam.
[ ] Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
[ ] Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
[ ] Verify all required notifications are made.
[ ] Ensure all agency policies and procedures are in compliance.
[ ] Be available to make any decisions or determinations as they develop.
[ ] Use media including radio, television, and newspapers to assist in the search throughout the duration of the case.

Investigative Officer

[ ] Obtain briefing from the first responding officer and other on-scene personnel.
[ ] Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
[ ] Initiate a neighborhood canvass using a standardized questionnaire.
[ ] Obtain a brief, recent history of family dynamics.
[ ] Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
[ ] Collect article(s) of the child's clothing for scent-tracking purposes.
[ ] Review and evaluate all available information and evidence collected.
[ ] Secure the child's latest medical and dental records.
[ ] Contact landfill management and request they segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
[ ] Develop and execute an investigative plan.
[ ] Conduct a criminal-history check on all principal suspects and participants in the investigation.
[ ] Determine what additional resources and specialized services are required.
[ ] Ensure details of the case have been reported to NCMEC.
[ ] Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse(s), the FBI, and other appropriate agencies.
[ ] Establish a telephone hotline for receipt of tips and leads.
[ ] Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's Missing Children Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

This "pocket guide" is adapted from and to be used as a supplement to *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. That guide contains additional investigative checklists and materials. To request a free copy or technical assistance for specific cases, please call the **National Center for Missing & Exploited Children at 1-800-THE-LOST® (1-800-843-5678).** This project was supported by Grant No. 2009-MC-CX-K002 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. Copyright © 2004 and 2008 National Center for Missing & Exploited Children. All rights reserved. National Center for Missing & Exploited Children® and 1-800-THE-LOST® are registered service marks of the National Center for Missing & Exploited Children. NCMEC Order #66.

Get File

9.6 Child Abduction First Responder/Risk of Danger Checklist - 2 Page Form

Get File

9.7 Sample Child Abduction/Missing Child Report Worksheet - 2 Page Form

Get File

9.8 Critical Reach Sample Flyer

Missing/Endangered Child

Date: 4/20/2006 | Case #: 06-456 | Author ID: JJL

Last Name: Jenkins
First Name: Alison
Nickname: Ali
Age: 9
Gender: Female
Height: 4'3"
Weight: 85
Eyes: Blue
Hair: Blonde
Complexion: Fair
Race: Caucasian

Alison was last seen in Rayburn Park in River City at 3:30 PM on April 20th while walking home from school.

Alison was wearing a blue jeans overall with a bright yellow short-sleeved shirt. She was wearing red tennis shoes and her hair was in a ponytail.

A possible suspect seen in the area is a white male, 6'0" and 175 lbs, wearing blue jeans and a white tee shirt.

The suspect may be driving a blue Ford Taurus, estimated 1995 model.

Any information on Alison, the suspect, or the vehicle should be reported to this department immediately.

River City Police Department
650/665-6655

See www.criticalreach.org for more information on Critical Reach alerts.

Get File

9.9 Declaration of Authority for Seizure of Dental/Medical Records

Use this form to obtain dental/medical records. Select "Get File", then place your agency letterhead on the document.

Your Agency ID Here

Declaration of Authority for Seizure of Dental / Medical Records

Missing Person's Name _____

Agency Case Number _____

I hereby declare that the above mentioned person has been reported missing and that no family or next of kin exist or can be located.

There is presently an active investigation being conducted seeking the location of a missing person, and Dental / Medical X-rays, related charts and records are necessary for the exclusive purpose of furthering the investigation.

These records are hereby requested to be produced by:

Physician's name _____

Address _____

City _____ Phone _____

This form, signed by a peace officer, is sufficient authority for the dental / medical doctor to release the missing person's records pursuant to the express provisions of Section 14206 of the California Penal Code.

Name of Officer _____ Title/Rank _____

Division _____ Phone _____

_____ Signature of Duly Sworn Peace Officer

_____ Date

Get File

Section 10 Additional Resources: Agencies and Organizations

10.1 National Center for Missing and Exploited Children (NCMEC)

NCMEC was established in 1984 as a private, nonprofit, and tax exempt organization to provide services nationwide for families and professionals to prevent the abduction, endangerment, and sexual exploitation of children. NCMEC is an excellent resource to assist local law enforcement agencies with their missing person (children) investigations.

NCMEC offers:

1. Technical assistance to law enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children, at no cost to the agency.

2. A national clearinghouse of information for missing children

3. Networking with other nonprofit providers and state clearinghouses about missing person cases

4. A 24-hour Cyber Tip line that the public may use to report Internet-related child sexual exploitation

5. Comprehensive training programs to law enforcement

6. Access to its Lost Child Alert Technology Resource (LOCATER) system, at no cost:

   A. Using the secure LOCATER website, agencies can easily create their own missing person posters and instantly transmit them electronically to other agencies, the media, and the public via the internet.

   B. Both sending and receiving agencies can print high quality posters for distribution at briefing roll calls, incident command posts, and to the community.

7. "Project ALERT" (America's Law Enforcement Retiree Team):

   A. A corps of more than 155 retired federal, state, and local law enforcement professionals who volunteer their time and expertise as unpaid consultants

   B. The average team member has 20 years of experience and has received additional training from NCMEC in the most current techniques to investige missing person cases

   C. Members can act as an emergency response team of seasoned investigators, bringing critical resources, and additional manpower to resolve a recent or long-term, missing child case

8. Model policy and procedures templates for all law enforcement agencies:

   A. Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children (revised January 2005)

   B. Law Enforcement Policy and Procedures for Reports of Missing Persons with Emphasis on Missing Children (revised January 2006)

9. "Team Adam" named after Adam Walsh, the 6-year-old abducted and murdered son of John and Reve Walsh, is an on-site response and support system that provides assistance to local law enforcement agencies, free of charge:

   A. NCMEC has a team of 20 experienced specialists who are on call and can respond directly to the scene or Command Center

   B. The specialist can advise, assist, and offer NCMEC's extensive resources, which include but is not limited to:

      (1) Case management and analysis

      (2) Computer and communications technology

NCMEC contact information

National Office	699 Prince Street Alexandria, VA 22314 800 843-5678
Web:	www.missingkids.com

10.2 National Center for Missing Adults (NCMA)

The national Center for Missing Adults is a division of Nation's Missing Children Organization, Inc. (NMCO) and is a tax exempt non-profit organization working in cooperation with the U.S. DOJs Bureau of Justice Assistance, Office of Justice Program.

NCMA was formally established in October 2000 and operates as the national clearinghouse for missing adults, providing services and coordination between various government agencies, law enforcement, media, and the families of missing adults. NCMA also maintains a national database of missing adults determined to be "endangered" or otherwise at risk.

NCMA contact information

Address	2432 West Peoria Avenue Suite 1286 Phoenix, AZ 85029
Hotline	800 690-3463
Hours	Monday-Friday 7 a.m. - 4 p.m. Mtn time
Web	www.missingadults.org

10.3 Alzheimer's Association "Safe Return" Program

This is a nationwide identification registry program designed to assist law enforcement agencies with information to quickly identify and return those individuals who have wondered off. It offers the following:

1. The ability for families to register, in advance, loved ones who have the disease and are at risk of "wandering away"
2. Offers a 24-hour hotline service
3. Provides names, photographs, identifying characteristics, and emergency contact information
4. Offers a Law Enforcement Officer's Pocket Response Guide that describes the best ways to recognize, communicate with, and respond to a person with Alzheimer's

Alzheimer's Association "Safe Return" Program contact information

California	800 660-1993
National	800 272-3900
Return Hotline	800 572-1122
Web	www.alz.org

10.4 Critical Reach Alert System

The Critical Reach Alert System is a state-of-the-art tool that enables law enforcement to send photo alerts, within minutes, to the exact recipients who need them most. Over 1,500 law enforcement agencies in 32 states are currently using this software application. Authorities share secure, real-time alerts with each other — the recipient is actively notified when the alert is received for fast response. The shared address book of alert recipients enables authorities to transmit alerts to precise sets of public recipients (e.g., schools, hospitals, businesses, media, transportation centers, etc.)

Critical Reach has a No-Cost Licensing Policy that states:
"Support from private donors enables nonprofit Critical Reach to offer state-of-the-art alert software at NO COST to qualified health and safety authorities. Continued donor funding ensures the system will remain free of charge* indefinitely."

The nonprofit-led business model and the support of concerned donors enables Critical Reach to equip the nation's authorities with a powerful, shared alerting tool that can help build safer, and more prepared communities. Use the contact information below to establish a Critical Reach program within your agency.

*The only operational cost is a nominal $.07 charge for alerts sent to fax machines. All alerts distributed to other Critical Reach systems and to e-mail addresses are free of charge.

Critical Reach Alert System contact information:

Web	www.CriticalReach.org
Email	Steve Lowe slowe@criticalreach.org

10.5 Additional Organizations

The following agencies may be of assistance to you and your agency in your missing person investigation. This list is not all-inclusive and there are many other agencies, too many to list, that may be of value to you. ***The California Department of Justice (DOJ) Missing and Unidentified Persons Unit in Sacramento (916) 227-3290 can be an excellent reference to identify other valuable resources, including active and reputable support groups.***

Agency	Description	Contact Information
U.S. Department of State, Office of Passport Services	▶ Authority to revoke passports of citizens who are subject to federal warrants ▶ Suspects become undocumented aliens and may be deported back to the United States	(202) 955-0307 Office of Passport Services US State Department Washington, DC
US Postal Service	▶ Access to databases of the names of all individuals within the nation who filed Change of Address forms ▶ Will provide law enforcement agencies with return address and postmark information on mail destined for a specific addresses	(202) 268-4267 US Postal Service Inspection Division Washington, DC
Federal Parent Locator Service (FPLS)	▶ Unit of the US Department of Health and Human Services, Office of Child Support Enforcement ▶ Access to parent/family abduction case information recorded with: • Social Security Administration • Internal Revenue Service • National Personnel Records • Department of Veteran Affairs • Selective Service System • State Employment Security Agencies	(510) 267-3800 San Francisco (562) 624-3800 Los Angeles (619) 744-4600 San Diego
US Department of Defense	▶ Information about current and past assignments of active duty members of the Armed Forces ▶ Assistance also available from the Office of Family Policy, Support and Services	(800) 336-4592 Office of Family Policy, Support, and Services Arlington, VA
US Office of Personnel Management	▶ Address information about retired members of Armed Forces or retired federal civil service employees ▶ Addresses where retiree's federal pension payments are mailed	(202) 606-2424 US Office of Personnel Management Washington, DC 20415

10.6 Organizations and Resources: Quick Reference Chart

The following chart is a condensed collection of the Web addresses for the organizations and resources cited throughout this document.

Agency/Organization/Resource	Acronym	Web Address
Department of Justice Missing Persons Unit	MUPS	http://ag.ca.gov/missing/
Emergency Alert System (California)	EAS	http://www.calema.ca.gov/TechnologyOperations/Pages/EAS.aspx
Emergency Digital Information Services (California)	EDIS	http://edis.oes.ca.gov/
Federal Bureau of Investigation	FBI	www.fbi.gov/
Federal Parent Locator Service	FPLS	www.acf.hhs.gov/programs/cse/newhire/
International Criminal Police Organization	INTERPOL	http://www.interpol.int/
Lost Child Alert Technology Resource (national)	LOCATER	www.locaterposters.org/
National Center for Missing & Exploited Children	NCMEC	http://www.missingkids.com
National Crime Information Center	NCIC	www.fas.org/irp/agency/doj/fbi/is/ncic.htm
U.S. Department of State - International Child Abduction	—	http://travel.state.gov/abduction/
Wireless AMBER Alerts (national)	—	www.wirelessamberalerts.org/index.jsp