

	<b>STANDARD OPERATING PROCEDURE</b> State Form 39870(R/S-06)	Reference Number <b>INV-005</b>
	Subject <b>Missing Person – Child or Adult</b>	
	Special Instructions Replaces CIS-005 dated July 5, 2019 and INV-005 dated July 3, 2019	Effective Date <b>April 4, 2024</b>

## **I. PURPOSE**

Establish guidelines for reporting and investigating a missing child or adult and the issuance of an AMBER, Silver, or Blue Alert.

## **II. POLICY**

The Department shall immediately investigate (within the guidelines of this procedure) or cause to be investigated all complaints of a missing child or endangered adult. The Department shall also be responsible to evaluate and make available for broadcast all valid AMBER, Silver, and Blue Alerts and shall serve as the repository for information from the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults.

## **III. DEFINITIONS**

### **A. ALERTS:**

1. AMERICA'S MISSING BROADCAST EMERGENCY RESPONSE ALERT (AMBER ALERT) – Release of information for repeated public broadcasts of child abductions, as defined in IC 10-13-5-1.

2. BLUE ALERT – A program used to transmit information about a law enforcement officer (LEO) who has been killed, seriously injured, or is missing in the line of duty and information on a possible suspect(s), as defined in IC 10-13-8.

3. SILVER ALERT – Release of information for repeated public broadcasts regarding Missing Endangered Adults, Missing Endangered Children or High-Risk Missing Persons, as defined in 10-13-5-4.6.

**B. HIGH RISK MISSING PERSON** – Indiana Code §5-2-17-1 defines as a person whose whereabouts are not known and who may be at risk of injury or death. The term includes the following:

- (1) A person who is missing as the result of abduction by a stranger;
- (2) A person whose disappearance may be the result of the commission of a crime;
- (3) A person whose disappearance occurred under circumstances that are inherently dangerous;
- (4) A person who is missing for more than thirty (30) days;
- (5) A missing person who is in need of medical attention or prescription medication;
- (6) A missing person who may be at risk due to abduction by a noncustodial parent;

- (7) A missing person who is mentally impaired;
- (8) A missing person who is less than twenty-one (21) years of age;
- (9) A missing person who has previously been the victim of a threat of violence or an act of violence;
- (10) A missing person who has been determined by a law enforcement agency to be:
  - (a) at risk of injury or death; or
  - (b) a person that meets any of the descriptions in subdivisions (1) through (9);
- (11) A missing person who is an endangered adult (as defined in IC §12-7-2-131.3).

C. MISSING CHILD - Indiana Code §10-13-5-4 defines as a person less than 18 years of age who is or is believed to be:

- 1. A temporary or is believed to be a permanent resident of Indiana;
- 2. At a location that cannot be determined by the child's parent or legal custodian; and
- 3. Has been reported missing to a law enforcement agency; or
- 4. A victim of a criminal offense of criminal confinement or interference with custody.

D. MISSING ENDANGERED ADULT - Indiana Code §12-7-2-131.3 defines as an individual at least 18 years of age who is reported missing to a law enforcement agency and is, or believed to be:

- 1. A temporary or permanent resident of Indiana.
- 2. At a location that cannot be determined by an individual familiar with the missing individual.
- 3. Incapable of returning to the individual's residence without assistance by reason of:
  - a. mental illness;
  - b. intellectual disability;
  - c. dementia; or
  - d. another physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care.

E. MISSING ENDANGERED CHILD - Indiana Code §10-13-5-4.4 defines as a missing child who is believed to be incapable of returning to the missing child's residence without assistance because of:

- 1. Mental illness;
- 2. Intellectual disability; or
- 3. Another physical or mental disability

F. INDIANA CLEARINGHOUSE FOR INFORMATION ON MISSING CHILDREN AND MISSING ENDANGERED ADULTS (Clearinghouse) – Maintained within the Department as a repository for information on missing children and missing endangered adults, as established in 10-13-5-5. Responsible for the activation and cancellation of AMBER, Silver, and Blue Alerts, within the State of Indiana.

G. INDIANA INTELLIGENCE FUSION CENTER (IIFC) –provides a 24/7 centralized, comprehensive, multi-agency information and intelligence sharing network to enhance

the operational effectiveness and efficiency of all Indiana public safety agencies involved in crime prevention and Homeland Security.

#### **IV. APPLICABLE FEDERAL and STATE CODES**

A. 42 U.S.C. (National Child Search Assistance Act of 1990), as it applies here, mandates law enforcement officers to:

1. Immediately accept a complainant's report of a missing child (person under 18 years old);
2. Immediately enter a missing person record into IDACS and NCIC;
3. Make details of the missing person report available to the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults;
4. Verify and update the record with medical and dental information, if available, within 60 days after the original record was entered;
5. Institute or assist another agency with an appropriate search and investigation (if needed); and
6. Maintain a close liaison with the National Center for Missing and Exploited Children.

B. Indiana Code §10-13-5-5 and Indiana Code §10-13-5-6 mandate that the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults (Clearinghouse) is established within the state police department and that it shall serve as the state central repository for all information on missing children.

C. Indiana Code §31-36-1-1 mandates that all law enforcement agencies prepare a report on a missing child. The report shall include:

1. A physical description;
2. The date and place (city and state) of birth; and
3. The name and address of the last school attended;
4. Information gathered by a preliminary investigation, if one was made;
5. A statement by the officer in charge of that officer's assessment of the case.

D. Indiana Code §31-36-1-2 and §31-36-1-3 mandate the required timeframe for preparing a report, beginning an investigation and forwarding the report to the Clearinghouse as well as to other agencies when a child is missing.

1. Completing a report: The law enforcement agency receiving a report of a missing child shall enter the child into NCIC within 2 hours of notification and prepare a written report as soon as practical, but not later than five (5) hours after the law enforcement agency received the notification about a missing child. However, a law enforcement agency is not required to prepare the report, required under this statute, earlier than twenty-four (24) hours after the law enforcement agency received the notification about a missing child if:

- a. The law enforcement agency received a previous, unrelated notification that the child was missing; and
- b. The law enforcement agency has reason to believe that the child is missing because the child has committed a delinquent act under IC 31-37-2-2.

E. The Protect Act of 2003 (Suzanne's Law) extends the provisions of the Missing Children's Act to 18-, 19-, and 20-year-olds. This means that the missing children laws protections are extended to missing persons up to the age of 21. Officers shall immediately take a report from anyone attempting to report someone missing under the age of 21, unless the provisions of III F. 1 apply.

F. 34 U.S.C. §41307-410308 (Billy's Law amending the Crime Reporting Act), requires that a state not mandate a minimum time period prior to accepting a report for a missing child. It further requires that an entry be made into the National Missing and Unidentified Persons System (NamUS).

### G. Delinquency

1. Indiana Code 31-37-2-2 states that a child commits a delinquent act if, before becoming eighteen (18) years of age, the child leaves home or a specific location previously designated by the child's parent, guardian, or custodian:

- a. without reasonable cause; and
- b. without permission of the parent, guardian or custodian who requests the child's return.

2. Indiana Code 31-37-4-2 states that a child may be taken into custody by a law enforcement officer acting with probable cause to believe that the child has committed a delinquent act.

## V. PROCEDURE

A. Missing Children: Upon report and verification that a child is missing, a police employee shall:

1. Be assigned to conduct the investigation;
2. Draw a case report;
3. Immediately cause entries to be made into the Indiana Data and Communications System (IDACS) and National Crime Information Center (NCIC); and
4. Immediately cause entry to be into National Missing and Unidentified Persons System (NamUS).

a. Each entry shall be periodically examined during the first 72 hours after entering the information to ensure validity, accuracy and to update any additional information.

B. Voluntary missing child (run away):

1. A case number for a missing child investigation shall be assigned upon receipt and verification of information from a parent, guardian, or custodian that the child has run away;
2. The assigned officer shall gather comprehensive information about the disappearance through an in-person interview with the complainant to determine the urgency of the situation;
3. Runaways taken into custody by the Department will not be forced to return home if the child

has a reasonable basis for requesting to remain away from the home (e.g., child exploitation, abuse, or being thrown out of the home). In the event the child is not returned, the responsible juvenile authority shall be contacted to obtain the authority's guidance and determination;

4. A hard copy of all missing person/runaway entries shall be maintained by telecommunications personnel for validation.

#### C. Missing Endangered Child

1. If the child is determined to be endangered, then the child shall be entered into the IDACS/NCIC databases as an Endangered Missing Person (EME).

#### D. Missing Endangered Adult

1. When the Department receives notification from a reliable source (e.g., a guardian, custodian, caretaker, etc.) that an endangered adult is missing, an investigation will be initiated as soon as practical, and if possible, not later than five (5) hours after being notified.
2. The investigating officer will complete a case report documenting all the steps taken during the investigation;
3. RDC shall notify all local law enforcement agencies within the vicinity of last known location of the missing person. When applicable, the missing endangered adult should be entered into the IDACS/NCIC databases as an Endangered Missing Person (EME).

### **VI. AMBER ALERT**

A. An AMBER Alert may be approved only when the following criteria are met:

1. The child must be under 18 years of age;
2. The child must be believed to be abducted and in danger of serious bodily harm or death;
3. There must be enough descriptive information to believe the broadcast will assist in locating;
4. Requests must be recommended by the law enforcement agency (LEA) of jurisdiction; and
5. Enter the missing child into the IDACS/NCIC databases as an Endangered Missing Person (EME).

- a. After the AMBER Alert has been issued, Clearinghouse personnel shall advise the entering agency to add the AMBER Alert flag to the NCIC entry by modifying the original entry.

### **VII. SILVER ALERT**

A. A Silver Alert may be approved only when the following criteria are met:

1. The person must be a Missing Endangered Adult, Missing Endangered Child, High Risk Missing Person or have a mental impairment validated through a credible medical authority.

- a. The credible medical authority shall be a Physician, Physician's Assistant, or Nurse Practitioner who shall confirm at least one of the following:

- i. Due to mental impairment, the individual cannot find his or her way back to their residence without assistance from law enforcement;
  - ii. Due to physical or mental impairment, or lack of medication, this individual could be a danger to themselves or others;
  - iii. Due to physical or mental impairment, or lack of medication, this individual if driving could be a danger to themselves or others.
2. There must be enough descriptive information to believe the broadcast will assist;
  3. Requests must be recommended by the law enforcement agency (LEA) of jurisdiction; and
  4. Enter the missing person into the IDACS/NCIC databases as an Endangered Missing Person (EME).

### **VIII. BLUE ALERT**

A. A Blue Alert may be approved only when the following criteria are met:

1. The victim is a law enforcement officer (LEO), as defined in IC 10-13-8-5;
2. The LEO is missing, has been seriously injured, or killed in the line of duty;
3. The suspect(s) in the case has not been apprehended, the suspect's exact location is unknown, and the suspect poses an imminent threat to the public or other law enforcement personnel;
4. A detailed description of the suspect(s), any available images, and any vehicle believed to be in the suspect's possession (to include license plate number, make, and model of the vehicle) must be available for broadcast to the public; and
5. The lead law enforcement agency or agency of jurisdiction must request the issuance of a Blue Alert.

### **IX. PROCESSING PROCEDURES for an AMBER, SILVER or BLUE ALERT**

A. All requests for AMBER, Silver, or Blue Alerts shall be received:

1. By telephone, through the
    - a. Clearinghouse;
    - b. Indiana Intelligence Fusion Center; or
  3. State Police Operations.
2. By completion of appropriate alert request web form.

B. The Clearinghouse Program Director, or designee, shall:

1. Make telephone contact with the reporting Law Enforcement Agency (LEA) to obtain necessary information;
2. Obtain all preliminary information during the initial contact to include:
  - a. Name of requesting officer and agency;

- b. Telephone number; and
- c. Missing person's name and date of birth.

3. If all criteria have been met, request the LEA to complete the appropriate alert request web form on the Clearinghouse website, if not already completed. The alert will be initiated upon receipt of all necessary information.

4. If all criteria have not been met or the request is denied, assist the LEA in determining what follow-up is necessary to meet the criteria and offer additional resources via the Department and IIFC.

5. Advise the appropriate command personnel that an alert has been initiated or cancelled.

#### **X. CANCELLATION PROCEDURES for an AMBER, SILVER and BLUE ALERT**

A. An alert shall be cancelled only upon the request of the reporting agency to and with the authorization of the Clearinghouse Program Director, or designee.

B. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.