DEPARTMENTAL GENERAL ORDER

O-6 Missing and Abducted Persons

Effective Date: 13 Jan 21
Coordinator: Special Victims Section - Missing Person Unit

MISSING AND ABDUCTED PERSONS

A. DEFINITIONS

A - 1. Missing Person

Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

A - 2. At Risk

Includes, but is not limited to (Penal Code § 14215):

1. A victim of a crime or foul play.
2. A person missing and in need of medical attention
3. A missing person with no pattern of running away or disappearing.
4. A missing person who may be the victim of parental abduction.
5. A mentally impaired missing person, including cognitively impaired or developmentally disabled.

A - 3. Missing Person Networks

Databases or computer networks available to law enforcement andthat are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement TelecommunicationsSystem (CLETS), Missing Person System (MPS) and the Missing Unidentified Persons System (MUPS).

B. POLICY

B - 1. Missing Person Priority

The Oakland Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Oakland Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

B - 2. Required Forms and Biological Sample Collection Kits

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

1. Department report form for use in missing person cases
2. Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
3. Missing person school notification form
4. Medical records release form from the California Department of Justice
5. California DOJ missing person forms as appropriate (See Missing Person Checklist)
6. Biological sample collection kits

B - 3. Acceptance of Reports

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay, as soon as possible (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

B - 4. Transmitting Reports to Other Jurisdictions

When the Oakland Police Department takes a missing person report on a person who lives outsideof this jurisdiction, the Special Victims Section Missing Persons Unit shall, within 24 hours, promptly notify and forward a copy of the report to theagencies having jurisdiction over the missing person's residence and where the missing person was last seen. (Penal Code § 14211(g)).

B - 5. School Notification

The follow-up investigator assigned to a missing person investigation shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile. The notice shall be in writing and should also include a photograph (California Education Code § 49068.6).

The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (California Education Code § 49068.6).

B - 6. MUPS/NCIC Notification

When the missing person is At Risk, the officer shall direct Special Victims Section Intake personnel to enter the person into the California Department of Justice Missing/Unidentified Persons System (MUPS) within two hours (Penal Code § 14211(e)).

When a missing person is under the age of 21, the reporting officer shall direct Special Victims Section Intake personnel to enter the person into the California Department of Justice Missing/Unidentified Persons System (MUPS) within two hours after accepting the report (Penal Code § 14211; 42 USC §5779(a) and 42 USC § 5780(3)(C)).

Entering a subject into MUPS automatically notifies the Department of Justice (DOJ) and the National Crime Information Center (NCIC) and populates their databases accordingly.

C. INITIAL INVESTIGATIONS

C - 1. Preliminary Investigating Officers

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions:

1. Respond to a dispatched call for service as soon as practicable.
2. Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
3. Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
4. Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
5. Ensure that entries are made into the appropriate missing person networks as follows:
    a. Immediately, when the missing person is at risk.
    b. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
6. Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

7. Collect and/or review:
   a. A photograph and a fingerprint card of the missing person, if available.
   b. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
   c. Any documents that may assist in the investigation, such as court orders regarding custody.
   d. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
8. When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
9. Make immediate inquiries to local hospitals, CRIMS, CORPUS, systems, and the Alameda County Coroners.
10. Activate and document the preliminary investigation via BWC in accordance DGO I-15.1 Body Worn Camera
11. Prior reports: If the missing person has been previously reported missing to an outside agency AND that or another agency is actively investigating that previous report, contact the outside agency within 24 hours when practicable. When this is not practicable, the information should be documented in the missing persons report for transmission to the appropriate agency by the Missing Persons Unit.

**NOTE: If the information relates to an at-risk missing person or a missing person under age 21, the member shall notify a supervisor and proceed with reasonable steps to locate the missing person.

C - 2. At Risk Requirements

In all cases involving a person who is At Risk or under 21 years of age, the following steps shall be taken:

1. The reporting member shall notify a supervisor immediately.
2. The reporting member shall Broadcast a "Be on the Look-Out" (BOLO) bulletin within one hour of determining the missing person is under 21 or may be At Risk (Penal Code § 14211).
3. The Special Victims Intake Officer shall electronically transmit the report to the Department of Justice via the California Law Enforcement Telecommunications System for inclusion in the Violent Crime Information Center and the National Crime Information Center databases. (Penal Code § 14211.)
4. The Missing Persons Unit shall conduct a Coroner's check within 24 hours of the report being initiated (Penal Code § 14206(a)(2).

C - 3. Supervisor Responsibilities

A supervisor should respond to any missing person call involving any of the following:

a. A child under 10 years old;

b. High-risk circumstances

c. Suspected foul play

Supervisors shall ensure resources are deployed (as described in the at-risk checklist).

Supervisors shall review and approve missing person report as soon as practicable, no later than end of shift.

Supervisors shall also ensure applicable notifications and public alerts are made and documented, and that records have been entered into the appropriate missing person networks.

Supervisors should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

Supervisors shall consult with the Watch Commander to ensure all available resources are deployed properly.

D. FOLLOW UP INVESTIGATIONS

D - 1. Supervisor Responsibilities

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Bureau.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

D - 2. Special Victim Section Intake Responsibilities

The receiving member shall:

1. Enter or update the Missing Persons Log of all persons reported missing and the disposition of each incident.
2. Notify the California Department of Justice (DOJ) through the National Crime Information Center (NCIC) computer system within two (2) hours.

3. In the event a missing person is a non-resident of Oakland, notify the appropriate outside agency within 24 hours.
4. Check with the Alameda County Coroner's Office or any other relevant Coroner's Office for missing persons under age 21 within 24 hours.
5. Submit to DOJ the Authorization to Release Dental/Skeletal X-Rays/Photograph [PC 14212], Authorization to release information to the National Missing and Unidentified Person System [PC 14209], and Authorization to refer missing juveniles who are the victims of sexual exploitation/human trafficking to victim advocacy groups and resources within 24 hours.
6. Advise DOJ via NCIC when missing persons are found (removal from MUPS). DOJ notification shall be made within 24 hours for a missing person under age 21 or "at-risk" when found.
7. If the missing person is found during the preliminary investigation, the identifying information will be entered into the CJIS/MPS System, and a missing person report will still be completed by the reporting officer per DOJ. The missing person will then be removed from CJIS/MPS.
8. Immediately notify the Communications Division if the missing person is found or the initial information provided regarding the missing person is unfounded or inaccurate

D - 3. Missing Persons Unit Follow-Up

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

1. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
    a. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
    b. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school
2. Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
3. Should consider contacting other agencies involved in the case to determine if any additional information is available.
4. Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and

every 30 days thereafter until the missing person is located (34 USC § 41308).

5. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
6. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
7. Should make appropriate inquiry with the coroner.
8. Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
9. Shall attempt to obtain the most recent photograph for persons under 21 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
10. Should consider making entries if appropriate and searches in the National Missing and Unidentified Persons System (NamUs).
11. In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

D - 4. DNA Sample Collection

In any case in which a report is taken concerning a person missing under high-risk circumstances, the assigned investigator shall, within no more than 30 days, 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 item belonging to the missing person, if available (Penal Code § 14250(c)).

Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.

After 30 days, the reporting officer or assigned investigator shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

D - 5. When Missing Persons Are Found

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify

the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Administrator shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

1. Notification is made to California DOJ.
2. The missing person's school is notified.
3. Entries are made in the applicable missing person networks.
4. Immediately notify the Attorney General's Office.
5. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

D - 6. Unidentified Persons

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

1. Obtain a complete description of the person.
2. Enter the unidentified person's description into the NCIC Unidentified Person File.
3. Use available resources, such as those related to missing persons, to identify the person.

E. TRAINING

Subject to available resources, the Personnel and Training Administrator should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews

2. Use of current resources, such as Mobile Audio Video (MAV)

3. Confirming missing status and custody status of minors

4. Evaluating the need for a heightened response

5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

F. CALIFORNIA CHILD SAFETY (AMBER) NETWORK

The California Child Safety AMBER Plan (hereafter referred to as the "AMBER Plan") was established to provide a far-reaching and rapid response to instances of child abduction in California. AMBER plans are administered by the California Highway Patrol Emergency Notification and Tactical Alert Center (CHP ENTAC) as well as CARE counties (Alameda, Los Angeles, Orange, and San Diego.) The CHP ENTAC unit is available to support personnel in their swift recovery of exigent missing persons and distribution of information to aid in the investigation.

F - 1. Criteria for Activation of the AMBER Alert

An AMBER alert may be authorized by the Special Victims Section commander when the following statutory criteria for child abduction have been met:

1. It has been confirmed that an abduction has occurred, or the child has been taken by anybody including, but not limited to, parents and/or guardians;
2. The victim is 17 years of age or younger, or of proven mental or physical disability;
3. There is a reason to believe the victim is in imminent danger of serious bodily injury or death;
4. There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim such as: Description of the Child, Description of the Suspect, Description of Suspect Vehicle.

F - 2. Notifications

The primary SVS investigator shall prepare and send a Criminal Case Information (CCI) distribution notification to designated command staff regarding the AMBER Alert. An AMBER alert generates significant media coverage that will be of interest to the community and OPD command staff. To facilitate this process, the Watch Commander shall authorize a Public Information Officer (PIO) call-out.

The PIO shall handle all press releases and utilize notification protocols in accordance with the provisions of Departmental General Order Q-1, NOTIFICATIONS TO THE CHIEF OF POLICE, et al. In the absence of the PIO, the Watch Commander or designee shall perform these duties.

F - 3. Cancellation

The SVS Desk Officer shall contact the CHP to cancel the AMBER Alert upon the resolution of the incident.

The SVS Intake officer or SVS investigator shall ensure all other agencies and alert systems have been notified of an AMBER Alert cancellation.

G. CALIFORNIA SILVER ALERT SYSTEM

The purpose of the Silver Alert is to issue and coordinate alerts for persons reported missing that are 65 years of age or older, developmentally disabled, or cognitively impaired, and where certain requirements are met as specified in Government Code (GC) Section 8594.10.

G - 1. Silver Alert Criteria

In accordance with GC Section 8594.10, a law enforcement agency may request a Silver Alert be activated if the agency determines the following conditions are met:

1. The missing person is 65 years of age or older, developmentally disabled, or cognitively impaired;
2. The investigating law enforcement agency has utilized all available local resources;
3. The law enforcement agency determines the person has gone missing under unexplained or suspicious circumstances;
4. The law enforcement agency determines the person is in danger because of age, health, mental or physical disability, environment, or weather conditions, the person is in the company of a potentially dangerous person, or other factors indicating the person may be in peril;
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

G - 2. Notifications

The primary SVS investigator shall prepare and send a Criminal Case Information (CCI) distribution notification to designated command staff regarding the SILVER Alert. A SILVER alert generates significant media coverage that will be of interest to the community and OPD command staff. To facilitate this process, the Watch Commander shall authorize a Public Information Officer (PIO) call-out.

The PIO shall handle all press releases and utilize notification protocols in accordance with the provisions of Departmental General Order Q-1, NOTIFICATIONS TO THE CHIEF OF POLICE, et al. In the absence of the PIO, the Watch Commander or designee shall perform these duties.

G - 3. Cancellation

The SVS Desk Officer shall contact the CHP to cancel the SILVER Alert upon the resolution of the incident.

The SVS Intake officer or SVS investigator shall ensure all other agencies and alert systems have been notified of a SILVER Alert cancellation.

H. ENDANGERED MISSING ADVISORY (EMA) ALERT SYSTEM

An EMA involves many of the same alerting/notification measures utilized during an AMBER Alert, except for there is no activation of the EAS. An EMA generally consists of an Emergency Digital Information Service (EDIS) message, APBNET flyer Wireless Emergency Alert, Twitter post, 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.

H - 1. EMA Alert Criteria

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 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:

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

H - 2. Notifications

The primary SVS investigator shall prepare and send a Criminal Case Information (CCI) distribution notification to designated command staff regarding the EMA. An EMA generates significant media coverage that will be of interest to the community and OPD command staff. To facilitate this process, the Watch Commander shall authorize a Public Information Officer (PIO) call-out.

The PIO shall handle all press releases and utilize notification protocols in accordance with the provisions of Departmental General Order Q-1, NOTIFICATIONS TO THE CHIEF OF POLICE, et al. In the absence of the PIO, the Watch Commander or designee shall perform these duties.

H - 3. Cancellation

The SVS Desk Officer shall contact the CHP to cancel the EMA upon the resolution of the incident.

The SVS Intake officer or SVS investigator shall ensure all other agencies and alert systems have been notified of a EMA cancellation.

By order of



LeRonne L Armstrong

Chief of Police Date Signed: Passed by Police Commission 13 Jan 21