

# Memorandum

**TO: ALL DEPARTMENT PERSONNEL**

**FROM:** Anthony Mata  
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:  
MISSING AND FOUND PERSONS**

**DATE:** October 22, 2021

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APPROVED

Memo# 2021-033

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## **BACKGROUND**

The provisions on missing persons investigations and definitions are outlined in California Penal Code Sections 14200-14216, which have been updated and not in alignment with the Duty Manual. The Duty Manual has been updated to comport with the new definitions and procedures.

## **ANALYSIS**

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

### **L 6501**

#### **DEFINITIONS:**

*Revised 10-22-21*

- **MISSING PERSONS:** A missing person is defined as any person who is reported as such to a law enforcement agency, until the person is located or determined to be a voluntarily missing adult. Missing person includes *but is not limited to*, any of the following:
  - **INVOLUNTARILY MISSING** - Includes the involuntary abduction of an adult; the involuntary abduction of a child, *i.e., a child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of Chapter 4. Child Abduction (commencing with Penal Code Section 277) of Title 9 of Part 1 of the California Penal Code*; children who have been rejected by their families; ~~missing adults or children who have left and are viewed as unable to care for themselves~~ *a child or adult who is missing involuntarily, or under circumstances not conforming to his or her ordinary habits or behaviors and who may be in need of assistance.*
  - **RUNAWAY** - Any child who is voluntarily missing *or under circumstances not conforming to his or her ordinary habit or behavior and who may be in need of assistance.*
  - **UNKNOWN MISSING** - Cases where there are insufficient facts to determine the missing person's disposition.

- AT RISK- A Missing Person is defined as "at risk" when any of the following conditions are present:
  - > ~~Any person who is reasonably believed to be~~ The missing person is the victim of a crime or foul play;
  - > The missing person is in need of medical attention;
  - > The missing person has no pattern of running away or disappearing;
  - > The missing person may be the victim of parental abduction;
  - > The missing person is mentally impaired, including cognitively impaired or developmentally disabled.
  - > ~~Any person forcibly taken away;~~
  - > ~~Any mentally, including cognitively impaired or developmentally disabled, emotionally or physically impaired person who is unable to care for him or herself;~~
  - > ~~Any minor age 11 years of age or younger;~~
  - > ~~Anyone otherwise in danger of death, bodily harm or illness.~~
- CHILD - Any person under 18 years of age. The term "child" is synonymous with the term "minor" and "juvenile."
- ADULT - Any person 18 years of age or older.

**L 6502**

**MANDATORY REPORTING:**

*Revised 10-22-21*

All reports of missing persons regardless of jurisdiction will be immediately taken when reported. The Department member receiving the report will not instruct the reporting party to wait for a specified time prior to making a report.

In cases where an outside jurisdiction should be involved, officers will coordinate the investigation with that jurisdiction, if possible.

All Incidents involving missing persons will be referred to TRAC for reporting unless one of the following is involved:

- ~~The missing person is 11 years of age or younger;~~
- The missing person is reasonably considered "AT RISK";
- A search of the area is necessary;
- There is suspected foul play;
- Parental abduction is reasonably suspected;
- Collection of evidence is necessary.

**L 6503 MANDATORY MUPS/NCIC CA DOJ NOTIFICATIONS:**

*Revised 10-22-21*

All missing persons will be entered into the Missing Unidentified Person (MUPS) and National Crime Information Center (NCIC) systems without delay. Upon completion of all Missing Person reports, the field unit receiving the report will call the OSSD/Records Unit and request that the missing person be placed in the MUPS/NCIC missing persons file systems without delay, regardless of age or circumstance.

*If the reported missing person is under 21 years of age, or if there is evidence that the person is at risk, within two hours of receiving the report, the OSSD/Records Unit shall electronically transmit the report to CA DOJ via CLETS.*

**L 6504 INCIDENTS INVOLVING ~~YOUNG CHILDREN (11 YEARS OLD OR LESS) OR AT RISK MISSING PERSONS:~~**

*Revised 10-22-21*

~~When the missing person is a child 11 years old or younger or the missing person, regardless of age,~~ is reasonably deemed to be "AT RISK", an officer is will be dispatched to the location from which the person is missing. Once it is confirmed the person is "At Risk," ~~t~~The assigned officer will ensure that the Missing Persons Unit or Night General Detective is notified immediately if possible. The assigned officer will then begin a search of the location where the ~~child~~ "At Risk" missing person was last seen and expand outward as determined by the amount of time the ~~child~~ missing person has been missing. The department member taking the report shall broadcast a "Be On the Lookout" (BOL) bulletin and will call the OSSD/Records Unit and request that the missing person be placed in the MUPS/NCIC missing persons file systems without delay, regardless of age or circumstance.

~~When the child "At Risk" missing person~~ is not located within one hour, or when the circumstances indicate the ~~child~~ missing person has met with foul play, the assigned officer will notify an immediate supervisor of the circumstances. The supervisor contacted will ensure that the Missing Persons Unit is notified of the circumstances and that a MUPS/NCIC entry has been made, that a BOL has been broadcast and will then arrange for assignment of additional assistance, if necessary.

**L 6505 BOL REQUIREMENT FOR INCIDENTS INVOLVING MISSING PERSONS JUVENILES 12 16 YEARS OF AGE (AT LEAST 12 YEARS OLD AND LESS THAN 16 YEARS OLD):**

*Revised 10-22-21*

~~When the missing person is under 16 years of age and is not reasonably considered to be AT RISK,~~ For all missing persons cases, the assigned unit taking the report shall broadcast a "Be On the Lookout" (BOL) bulletin and will call the OSSD/Records Unit and request that the missing person be placed in the MUPS/NCIC missing persons file systems without delay regardless of age or circumstance.

**L 6506 FOUND PERSONS:**

*Revised 10-22-21*

A found person is an adult or minor who is located alive, whose identity and/or parent, guardian or residence may be unknown and whose welfare or safety is threatened. A Field Unit is dispatched to investigate instances of found persons. Officers handling these incidents will use all means available to determine the identity of found persons and return them to parents, guardians, medical institutions or appropriate government institutions, as appropriate.

Found/located missing person cases will be documented in a General Offense Report (Form 200-2-AFR). Officers will use the Missing Person Detail Page to appropriately document the missing person incident. The "Located" section of the Missing Person Detail Page will be completed for locating both juveniles and adults regardless of originating agency.

Person's 17 years old or younger *who need temporary placement may be placed at the County of Santa Clara's Department of Family and Children's Services' "The Welcoming Center (TWC)". A completed JCR may be required prior to entry depending on the circumstances. It is recommended the officer contact The Welcoming Center prior to transporting the juvenile to determine which facility the juvenile will be placed at.* will be placed in the Santa Clara County Children's Shelter when no other placement is appropriate. A Juvenile Contact Report (County Form 2259) will also be completed to facilitate the placement of a minor in the Children's Shelter.

**L 6507 RESPONSIBILITY OF THE TELEPHONE REPORT AUTOMATION CENTER (TRAC) IN MISSING PERSON CASES:**

*Revised 10-22-21*

When circumstances indicate that a response by a Field Unit is not necessary, the Department member receiving reports of missing persons at TRAC will complete a Missing Person Detail Page ~~on a General Offense Report (Form 200-2-AFR)~~ and route this to the OSSD/ Records Unit without delay to allow entry into the MUPS/NCIC missing persons file system.

~~When the missing person is under 16 years of age and is not reasonably considered to be "AT RISK",~~ For all missing person cases, the Department member taking the report shall broadcast a "Be On the Lookout" (BOL) bulletin and will route this to the OSSD/ Records Unit without delay. ~~and request that the missing person be placed in the MUPS/NCIC missing persons file systems without delay, regardless of age or circumstance.~~

~~Missing Person Runaways from the Children's Shelter will be reported to TRAC, who will complete a Missing Person General Offense Report.~~

**L 6508 REPORTING REQUIREMENTS:**

*Revised 10-22-21*

Events involving missing and found persons will be reported in accordance with the following procedures:

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Missing:

- Complete a General Offense Report (GO) and a corresponding Missing Person Details Page for both juveniles and adults.
- A complete and detailed description (including scars, marks, and tattoos) of the missing person must be entered within the Entities tab of the General Offense Report (GO).
- Complete a separate GO with a separate case number for each missing person regardless of age and circumstance.

Exception: Abduction cases only require one General Offense Report (GO) to document both the missing person(s) and the suspect. A Missing Person Details page is required for each missing person and suspect.

- If any other crime is involved with the missing person incident, document the details of the crime in the in a separate General Offense Report.

Found:

- Complete a Supplemental Report to the original Missing Person General Offense Report and corresponding Found Missing Person Text Template for both juveniles and adults.
- Complete a separate Found Missing Person Supplemental Report for each found missing person.
- A General Offense Report (GO) and corresponding Found Missing Person Text Template is required for a Found Missing Person reported from another agency.

A Juvenile Contact Report (County Form 2259) may be needed to facilitate temporary placement of a juvenile into the Santa Clara County "The Welcoming Center (TWC)." It is recommended to contact the center prior to transporting the juvenile as they may utilize a satellite placement location. ~~will also be completed to facilitate the placement of a minor in the Children's Shelter.~~

- If no access to electronic forms, a Missing Person Report (Form 200-18-AFR) will be utilized.
- VICTIM: The missing or found person will be listed as the victim in the "Missing Person Report" or "Crime Report" if it is a parental abduction, unless he/she is a suspect in a crime associated with the case. Example: A Grand Theft/Missing Adult report would reflect the victim of the "Grand Theft" as the true "victim" and the missing adult as the suspect. If the missing person is also the suspect of a crime, a separate General Offense report (GO) will be generated for that crime.
- DESCRIPTION: A full detailed description of the missing or found person must appear within the Entities tab on the General Offense Report including scars, marks, tattoos, and mental health diagnoses if applicable.
- PHOTOGRAPH: The Department member will attempt to obtain a recent photograph of the missing person or runaway and include it with the report. The attached photograph will be forwarded through OSSD/Records Unit to the Missing Person Unit.

- SCHOOL: The school the missing person attends will be documented.

In addition to completing the missing person's data, the following information will be included in the narrative portion:

- The extent of any search performed by the reporting party or others.
- The time and place at which the missing person was last seen and by whom.
- Information about the missing person that is of use in the investigation, such as interests, favorite areas or businesses, relatives or friends in the area, prior statements indicating possible desire to visit other areas, clothing and jewelry worn, and other characteristics.
- The relationship of the reporting party with the missing person.
- Any physical or mental health diagnoses the missing person may have that could require medical attention or pose a danger to the public, or officers upon contact.

**L 6510 RESPONSIBILITY OF OSSD/RECORDS UNIT:**

*Revised 10-22-21*

Upon completion of an MUPS/NCIC entry, the OSSD/Records Unit member will attach a copy of the entry in the General Offense report. Route a copy of that entry to the Missing Persons Unit.

**L 6511 RESPONSIBILITY OF COMMUNICATIONS:**

*Revised 10-22-21*

RADIO BROADCASTS: Information pertaining to missing persons and/or vehicles associated with missing persons are supplied to field units via radio broadcasts whenever the following circumstances are present:

- THREAT TO OFFICER OR THE PUBLIC: A Public Safety Broadcast is authorized whenever circumstances indicate that the missing person is a possible threat to field units and/or the public. Examples of circumstances are as follows:
  - Indication of foul play.
  - Indication of threatened suicide, such as a note or indication they want to commit "Suicide by cop"
  - Indication they are armed with a weapon or plan on obtaining a weapon.
  - Mental or physical illness which, if left untreated, would endanger the missing person or members of the public.
  - Mental ~~retardation~~ disability or other debilitating conditions which threatens the safety and/or welfare of the missing person.
- CHILDREN 11 YEARS OLD OR YOUNGER: A Public Safety Broadcast is authorized in all cases involving children 11 years old or younger without delay, regardless of the circumstances.
- JUVENILES 12-16 YEARS OF AGE (AT LEAST 12 YEARS OLD AND LESS THAN 16 YEARS OLD): A Public Safety Broadcast is authorized in all cases

involving juveniles 12 years of age and under 16 years of age without delay, regardless of circumstances.

- OTHER: When deemed necessary by an investigating officer assigned to the Juvenile / Missing Persons Unit or when so deemed by a command officer.

**L 6512**

**DISPOSITION WHEN LOCATED:**

*Revised 10-22-21*

Officers will adhere to the following procedure when locating a missing person:

INCIDENTS INVOLVING ADULTS: The officer locating the adult will determine if any foul play was involved (such as elder/dependent adult abuse, kidnapping, etc.) and/or if any life, health or welfare threatening circumstances exist. When such circumstances do exist, the officer locating the missing person will perform those tasks necessary to ensure medical care is provided and proper preliminary investigation is initiated. If circumstances indicate elder/dependent adult abuse, contact the Child/Elder Abuse Supervisor or "Officer of the Day" at the Family Violence Unit or, if after normal working hours, an immediate supervisor and explain the circumstances of the case. (Supervisors are referred to Section L 7200, ELDER AND DEPENDENT ADULTS, for guidance in making a proper decision).

The officer locating the missing person will then ensure that the following additional tasks are performed:

- Complete a supplemental report to the original Missing Person Detail Page in the General Offense Report (Form 200-2-AFR). If the found missing person was originally reported missing from another jurisdiction, complete a Missing Person General Offense Report (Form 200-2-AFR).
- Detail the facts surrounding the finding of the missing person and document what tasks were performed and evidence obtained during the preliminary investigation.
- Notify the Missing Person Detail that the adult has been located.
- Unless directed otherwise, the officer locating the missing person will notify the party originally reporting the incident that the missing person has been located and is in good health. The officer will retain the confidentiality of the adult missing person's location and will not disclose the present whereabouts or address of the missing person without the missing person's permission. The EXCEPTION to this is if the missing person is a conserved individual; in this case the conservator will be notified, and the missing person will be released to them if possible. This notification and the circumstances are to be documented in a supplemental report to the original the Missing Person General Offense Report (Form 200-2-AFR) and the 1065F (Found Missing Person) template.
- When the reporting party inquires as to the reason why the missing person has remained secluded, officers will advise the party that such information must be obtained from the missing person.
- If the missing person is unable to give permission due to illness or injury, the officer will notify their supervisor or the BFO watch commander in charge prior

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to releasing any information to the original reporting party.

- When the reporting party insists that the officer supply the information, the party is referred to the supervisor of the Missing Persons or the BFO watch commander in charge. The officer will notify the watch commander of the event. Such notification will be indicated in the Missing Person General Offense Report filed.

**INCIDENTS INVOLVING MINORS:** Officers locating a missing minor will adhere to the following procedures:

- Notify the Missing Persons Detail that the minor has been located.
- If required, provide medical treatment.
- Complete a supplemental report to the original Missing Person General Offense Report (Form 200-2-AFR) and the 1065F (Found Missing Person) template detailing the facts surrounding the finding of the minor, the address where located, any other persons involved, and the mental and/or physical condition of the minor. When the minor purposely remained missing, take a statement from the minor detailing the reason(s) why. Indicate the notification of parents/guardians, Missing Persons Juvenile Unit, or supervisors in the supplemental report. If the found missing person was originally reported missing from another jurisdiction, complete a Missing Person General Offense Report (Form 200-2-AFR).
- Unless directed otherwise, the minor is transported to his/her residence and released to the custody of a parent or legal guardian. Explain the details of the investigation to such parent or guardian in as much detail as the parent/guardian requests.

**EXCEPTION:** When the circumstances indicate that the minor purposely remained missing because of abuse or neglect on the part of the parent/guardian, contact the Child/Elder Abuse Supervisor or "Officer of the Day" at the Family Violence Juvenile Unit or, if after normal working hours, an immediate supervisor and explain the circumstances of the case; then proceed as directed. (Supervisors are referred to Section L 3000, Juvenile Contacts, of this manual for guidance in making a proper decision).

**ORDER**

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata  
Chief of Police

AM:SD:MB