

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> December 1, 2015		<i>Directive</i> 7.33.1	
<i>Subject</i> Missing Persons					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> No Reference		<i>Review Date</i> November 18, 2019	
				<i>Pages</i> 10	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to establish responsibilities and guidelines for the investigation of reported missing persons (adults and juveniles).

SECTION 2 POLICY

It is the policy of the Department to treat all reports of missing persons with full consideration and attention by carefully recording and investigating all circumstances surrounding the disappearance, and to exercise particular care in instances involving missing children and those persons who may be mentally or physically impaired or others who are insufficiently prepared to care for themselves.

SECTION 3 DEFINITIONS

- A. Child - A person under 18 years of age.
- B. Missing Person - A person 18 years of age or older whose disappearance is possibly not voluntary.
- C. Missing Child - A child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:
 - 1. the child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law.
 - 2. the child voluntarily left the care and control of the legal custodian without the custodian's consent and without intent to return.
 - 3. the child was taken or retained in violation of the terms of a court order for possession of or access to the child.
- D. Missing Child or Missing Person - Also includes a person of any age who is missing and:
 - 1. is under proven physical or mental disability or is senile, and because of one or more of these conditions is subject to immediate danger or is a danger to others;

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2. is in the company of another person or is in a situation the circumstances of which indicate that the missing child's or missing person's safety is in doubt; or
 3. is unemancipated as defined by the laws of this state.
- E. Missing Child or Missing Person Report - "Missing Child or Missing Person Report" or "Report" means information that is:
1. given to a law enforcement agency on a form used for sending information to a national crime information center; and
 2. about a child or missing person whose whereabouts are unknown to the reporter and who is alleged in the form by the reporter to be missing.
- F. Legal Custodian of a Child - A parent of a child if no managing conservator or guardian of the person of the child has been appointed, the managing conservator of a child or a guardian of a child if a managing conservator or guardian has been appointed for the child, a possessory conservator of a child if the child is absent from the possessory conservator of the child at a time when the possessory conservator is entitled to possession of the child and the child is not believed to be with the managing conservator, or any other person who has assumed temporary care and control of a child if at the time of disappearance the child was not living with his parent, guardian, managing conservator, or possessory conservator.
- G. Clearinghouse - The Missing Children and Missing Persons Information Clearinghouse as established by the Texas Department of Public Safety.
- H. Alzheimer's Safe Return Program - A nationwide identification support and registration program to reunite persons with Alzheimer's with their family.
- I. Texas Amber Alert - A statewide early warning system to aid in the safe return of abducted children.
- J. Texas Silver Alert - A statewide early warning system to aid in the safe return of senior citizens with mental impairment.
- K. Missing-Critical - An individual may be considered "missing-critical" who meets the following criteria:
1. May be the subject of foul play.
 2. Because of age, may be unable to properly safeguard or care for himself/herself.
 3. Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended.
 4. Is a patient of a mental institution or is considered potentially dangerous to himself or others.
 5. Has demonstrated the potential for suicide.
 6. May have been involved in a boating, swimming, or other sporting accident or natural disaster.

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7. Is a "High-Risk Missing Person". As defined in the Texas Education Code for purposes of submitting samples to the Missing Person DNA Database, a "high-risk" missing person is a person that is missing:
 - a. as a result of abduction by a stranger;
 - b. under suspicious circumstances;
 - c. for more than thirty days, or less than thirty days at the discretion of the investigating agency, if there is reason to believe that the person is in danger or deceased.

SECTION 4 PROCEDURES

A. REPORTING/CLASSIFICATION

1. There is not a waiting period for reporting a missing person. Officers shall prepare a report unless there is immediate evidence that the person's disappearance is voluntary.
2. Reports of juveniles who have voluntarily left home (i.e., runaways) should be classified as such only after thorough investigation.
3. A person may be declared "missing" when their whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of subject's behavior patterns, plans, or routine. Based on the outcome of initial inquiries by the responding officer, a decision should be made concerning the potential danger posed to the missing person and the urgency of police response.
4. The initial report taken must gather as much pertinent information as possible in order to properly classify a missing person report and initiate a proper response. This includes the following information:
 - a. Name, age, and physical description of the subject and relationship of the reporting party to the missing person.
 - b. Time and places of last known location and the identity of anyone accompanying the subject.
 - c. Whether the subject has been missing on prior occasions and if this disappearance departs from established behavior patterns, habits, or plans.
 - d. Whether the individual has recently been involved in domestic incidents, suffered emotional trauma or life crisis, demonstrated unusual, uncharacteristic, or bizarre behavior, is dependent on drugs or alcohol, or has a history of mental illness.
 - e. The current physical condition of the subject and whether the person is currently on prescription medication, or suffers from any particular disease or defect.
 - f. The extent of any search by family members or friends for the subject.
5. If the missing person is a child, an inquiry should also determine:
 - a. if the child may be with any adult who may cause harm to the child.

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- b. if the child may have been the subject of a parental abduction.
- c. if the child has previously run away, has threatened to do so, or has a history of explainable or unexplainable absences for extended periods of time.

B. STATUTORY AND POLICY REQUIREMENTS

1. Article 63 of the Texas Code of Criminal Procedure mandates certain actions by the responding agency in connection with missing persons.
2. At the time that a report is made for a missing adult or child, the officer taking the report shall give a medical and dental records release form to the parent, spouse, adult child, or legal guardian who is making the report.
3. The officer shall endorse this form with a notation that a missing child or missing adult report has been completed. The Complaint Control Number should be placed at the top of this form.
4. The release must be signed by the missing person's spouse, adult child who is reasonably available, parent, or legal guardian.
5. The medical and dental records release shall be made a part of the permanent report. The original records release will be submitted to the Central Records Center with the original Offense Report, but must then be forwarded to the investigator.
6. A supervisor shall be verbally notified immediately upon classification of a report designated as "missing-critical". The supervisor shall then notify Investigative Services supervisors and the Public Information Officer.
7. A supervisor shall initiate an immediate search for a person designated as "missing-critical".
8. The supervisor should determine if additional resources (CID, Emergency Management, K-9, etc.) are needed for an immediate search.
9. A supervisor shall notify a Division Commander and CRC Dispatch supervisor of any request to activate the CODE RED alert system if in his opinion the alert system would be beneficial in locating the missing person or child.

C. PRELIMINARY INVESTIGATION

1. The preliminary investigation is intended to gather additional information and to take steps that will aid in the search for and locating a missing person. This includes gathering the following types of information and materials:
 - a. Complete description of the subject and a current photograph.
 - b. Details of any physical or emotional problems.
 - c. Identity of the last person(s) to have been in the company of, or have seen, the subject, in addition to friends, relatives, coworkers, or associates who were or may have been in contact with the subject prior to disappearance.

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- d. Plans, habits, routines, or personal interests of the subject, including places frequented or locations of particular personal significance.
- e. Indications of missing personal belongings, particularly money or other valuables.
- f. Any evidence or suggestion of foul play.
- g. In the case of a missing child, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of a stranger abduction, as well as:
 - 1. The presence of behavioral problems;
 - 2. Past instances of running away. If the child has been reported missing 4 or more times in the past 24 months; or the child has been reported missing 2 or more times in the last 24 months and the child is in a Department of Family and Protective Services foster home; the officer shall designate the child as “Endangered” and provide relevant evidence in the prior incidents;
 - 3. Signs of an abusive home environment or dysfunctional family situation;
 - 4. Whether the child is believed to be with adults who may pose a danger; and
 - 5. The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- h. If appropriate, officers should gain permission to search the missing child’s home and/or school locker.
- i. Upon verification of a missing person, after the Offense Report is prepared, appropriate entries shall be made in NCIC, National Center for Missing and Exploited Children, and TCIC. This shall be accomplished by submission of a Central Records request form, with Missing Persons Clearinghouse Report Form attached, to Records personnel immediately after necessary and appropriate information is obtained.
- j. If the missing person is reported to be suffering from chronic dementia, including Alzheimer’s dementia, officers shall contact the Alzheimer’s Association Safe Return Crisis Number with all appropriate information. This shall be accomplished by submission of a Central Records request form. The toll free hotline number is 1-888-572-8566.
- k. Any person under the age of 21 who is reported as missing shall be immediately entered into NCIC/TCIC and the Texas Missing Persons Clearinghouse.
- l. In case of a suspected parental abduction, a copy of the custody order stating that the reporting parent has custody must be received by the officer and forwarded to the Missing Persons Clearinghouse.
- m. Upon receiving a report of an attempted child abduction, the officer shall as soon as practical, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the Missing Persons Clearinghouse.

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D. FOLLOW-UP INVESTIGATION

1. Once an investigator or investigative supervisor is aware of a missing person, contact should be made with the shift supervisor to determine any additional information.
2. The assigned investigator should obtain the original medical and dental records release forms, present them to the appropriate parties, obtain the necessary files or information, and submit these, along with the Department of Public Safety Missing Children and Missing Person report form, to the Missing Children and Missing Person Information Clearinghouse.
3. Thoroughly check the location at which the missing person was last seen and conduct interviews with persons who were with the individual or who may work in or frequent the area.
4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers, as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or runaway.
5. Provide all possible information and identification means to this and neighboring agencies, all necessary clearinghouses, and, if parental or stranger-to-stranger abduction is suspected, the Federal Bureau of Investigation (FBI).
6. Contact hospitals and coroner's offices, as appropriate, for injured or deceased persons fitting the description of the missing person.
7. The decision to use the local media to assist in locating missing persons shall be made with the approval of the missing person's family.
8. If the missing person is reported to be suffering from chronic dementia, including Alzheimer's dementia, the investigator shall contact the Alzheimer's Association Safe Return Crisis Number with all appropriate follow-up identifying information not reported in the preliminary investigation. The toll free hotline number is 1-888-572-8566.
9. If an arrest warrant is issued for a person accused of taking or retaining a missing child or missing person, and the person cannot be readily located, the investigator shall ensure that the name and other descriptive information of the suspect is entered in NCIC and other appropriate databases.
10. The lead investigator shall maintain routine ongoing contact with the missing person's closest relative or reporting party concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.
11. No later than the 30th day after a report has been filed on a "high risk" missing person, the lead investigator shall notify the parent or any other person considered appropriate that: they may provide:
 - a. a DNA sample for forensic DNA analysis; or
 - b. for purposes of DNA sampling, a personal article belonging to the high-risk missing person.
 - c. If a DNA sample is to be submitted, the lead investigator will coordinate with Crime Scene personnel, who will collect the sample using a kit developed by the University of North Texas.

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The person providing the sample must sign the release form included in the kit. The sample will be submitted to the Missing Persons DNA Database maintained by the University of North Texas Health Science Center in Fort Worth along with a copy of the missing person report.

12. Upon location of the missing person or missing child, the investigator shall ensure that the entry in all databases has been cancelled.
13. A child who has been recovered shall be returned as soon as practical to the person who is entitled to possession of the child. If such person cannot be located, the child shall be delivered to the Texas Department of Protective and Regulatory Services.

E. CENTRAL RECORDS AND COMMUNICATIONS RESPONSIBILITY

1. It is the responsibility of Central Records personnel to enter information concerning a missing person into NCIC immediately upon receipt of the Records submission form.
2. Should the records submission form not contain appropriate or detailed information to allow entry into the required databases, Records personnel should immediately notify the on-duty Patrol supervisor of the information lacking.
3. The on-duty Patrol supervisor will ensure that the information lacking is obtained in an expedient manner and submitted to Central Records.
4. Information submitted to Central Records during the investigative process should be entered as soon as possible.
5. NCIC regulations require the verification and updating of missing persons entries with additional information within 60 days of initial entry.

F. RECOVERY OF MISSING PERSONS OR MISSING CHILD AND CASE CLOSURE

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:
 - a. advise them that they are the subject of a missing person investigation;
 - b. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
 - c. make provisions to transmit this information to the reporting party or next-of-kin, if permitted, by the missing person.
2. In all cases, reporting parties shall be informed of the wellbeing of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
4. In cases involving juveniles, officers shall ensure that:

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- a. the juvenile receives medical attention, if necessary, in a timely manner;
 - b. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/or whether an abusive or negligent home environment was a contributory factor; and
 - c. parents, guardians, and/or the person reporting the missing youth are notified in a timely manner.
5. Those individuals who are seventeen years of age and are reported as missing or runaway, upon being located, shall be transported to the parents or guardians in a timely manner. If the parents or guardians cannot be located, the subject shall be released to the Texas Department of Protective and Regulatory Services.
 6. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
 7. Where indicated, follow-up action shall include filing of an abuse and neglect report with the Texas Department of Protective and Regulatory Services.
 8. The case report shall include a complete report on the whereabouts, actions, and activities of children while missing.
 9. Where indicated, criminal charges shall be filed with the prosecutor's office.

G. CHILD CUSTODY DISPUTES

Officers who are requested to take missing persons reports concerning disputes over child custody shall:

1. Take an Incident Report titled Child Custody Dispute.
2. Attempt to locate the child and ensure the welfare and safety of the child.
3. Not remove the child from the custody of either party unless the welfare or safety of the child is in jeopardy.
4. Advise the complainant that a report is being made and the complainant should contact his/her attorney whereby the court of competent jurisdiction may be notified.

H. TEXAS AMBER ALERT NETWORK

The Texas Amber Alert Network is designed to help facilitate the rapid dissemination of specific information concerning abducted children.

1. There are specific criteria that must be met before an Amber Alert will be activated. These criteria are:
 - a. Is this child 17 years of age or younger, whose whereabouts are unknown, and whose disappearance law enforcement has determined to be unwilling which poses a credible threat

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to the child's safety and health; and if abducted by a parent or legal guardian, was the abduction in the course of an attempted murder or murder? OR

Is this child 13 years or age or younger, who was taken (willingly or unwillingly) without permission from the care and custody of a parent or legal guardian by:

- i. someone unrelated and more than three years older, or
 - ii. another parent or legal guardian who attempted or committed murder at the time of the abduction?
- b. Is this child in immediate danger of sexual assault, death or serious bodily injury?
 - c. Has a preliminary investigation verified the abduction and eliminated the alternative explanations for the child's disappearance?
 - d. Is there sufficient information available to disseminate to the public to help locate the child, a suspect, or the vehicle used in the abduction?
2. Any officer who receives information concerning a missing child and the investigation reveals that all the above criteria are met for an Amber Alert shall immediately contact their supervisor.
 3. The supervisor will ensure that the Texas Department of Public Safety Amber Alert Information Form is completed and this information is delivered or relayed to Central Records as soon as possible.
 4. Central Records personnel receiving Amber Alert information shall immediately notify the Amber Alert Hotline by telephone or fax. CRC personnel shall utilize the provided password to authenticate the information.
 5. The CRC personnel shall notify the on-duty Patrol supervisor when the Amber Alert is sent.
 6. The on-duty Patrol supervisor shall notify the appropriate resources to assist in the investigation.
 7. The Amber Alert form shall be made part of the permanent file and submitted to Central Records with the Offense Report.
 8. Should a child who has been entered into the Amber Alert Network be located, it shall be the responsibility of the assigned investigator to immediately complete another Amber Alert Information Form, indicating that the child has been located, and submit this form to CRC for immediate transmittal to the Amber Alert Network.
 9. If the child is located prior to the involvement of investigators, the reporting officer shall immediately submit the form to CRC.
 10. The CRC personnel shall notify the investigator or reporting officer that the Amber Alert cancellation has been sent
- I. TEXAS SILVER ALERT NETWORK

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The Texas Silver Alert Network is used to assist in the recovery of missing senior citizens with a documented mental impairment. Silver Alerts typically resemble those alerts issued for abducted children (Amber Alerts), using similar notification technologies (with the exception of EAS) to alert the public. The maximum activation for a Silver Alert is 24 hours.

1. There are specific criteria that must all be met before a Silver Alert will be activated. These criteria are:
 - a. Is this missing person 65 years of age or older?
 - b. Does the senior citizen have a diagnosed impaired mental condition, and does the senior citizen's disappearance pose a credible threat to their health and safety? The officer shall require the family or legal guardian of the missing senior citizen to provide documentation from a medical or mental health professional of the person's condition. The medical documentation should appear on physician's letterhead, indicating the impaired mental condition, date of diagnosis, patient's name, and include the physician's signature.
 - c. Is it confirmed that an investigation has taken place verifying that the senior citizen's disappearance is due to their impaired mental condition, and alternative reasons for their disappearance have been ruled out?
 - d. Is the Silver Alert request within 72 hours of their disappearance?
 - e. Is there sufficient information available to disseminate to the public that could assist in locating the senior citizen? (Highway signs will only be activated if accurate vehicle information is available AND it is confirmed that the senior citizen was driving the vehicle at the time of their disappearance.)
2. Any officer who receives information concerning a missing senior citizen and the investigation reveals that all the above criteria are met for a Silver Alert shall immediately contact their supervisor.
3. The supervisor will ensure that the Texas Department of Public Safety Silver Alert Request Form is completed and submitted to DPS as soon as possible.
4. The on-duty Patrol supervisor shall notify the appropriate resources to assist in the investigation.
7. The Silver Alert Request Form shall be made part of the permanent file and submitted to Central Records with the Offense Report.
8. Should a senior citizen who has been entered into the Silver Alert Network be located, it shall be the responsibility of the assigned investigator to immediately complete and submit an updated Silver Alert Request Form to DPS, indicating that the person has been located.
9. If the senior citizen is located prior to the involvement of investigators, the reporting officer shall immediately submit the updated Silver Alert Request Form to DPS.

J. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.

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2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.