

**LANCASTER POLICE DEPARTMENT  
GENERAL ORDERS MANUAL**

<b>Effective Date</b> September 2, 2015		<b>Amended Date</b> December 12, 2017		<b>Directive</b> 7.17.1	
<b>Subject</b> Missing Persons					
<b>Reference</b>			<b>Approved</b>  Chief of Police		
<b>Distribution</b> All Personnel City Manager City Attorney		<b>TPCA Best Practices Recognition</b> Program Reference  7.33		<b>Review Date</b>  December 12, 2017	
				<b>Pages</b>  13	

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**

This directive provides guidelines for handling missing children and missing person investigations as well as specific procedures for when a missing child or missing person is reported to the department.

**SECTION 2 POLICY**

Chapter 63, Texas Code of Criminal Procedure, mandates certain procedures be followed whenever a "missing child" or a "missing person" is reported to a law enforcement agency. The provisions in this directive are pursuant to and in compliance with Chapter 63.

Any action that is required by Chapter 63, Texas Code of Criminal Procedure that is not included in this directive shall be complied with as if it were in this directive.

**SECTION 3 DEFINITIONS**

- A. **Adult:** A person eighteen (18) years of age or older.
- B. **Bureau of vital statistics:** The bureau of vital statistics of the Texas Department of Health
- C. **Child:** A person under eighteen (18) years of age.
- D. **Clearinghouse:** The Missing Children and Missing Persons Information Clearinghouse as established by the Texas Department of Public Safety.
- E. **High risk missing person:** means: (Article 63.051, Texas Code of Criminal Procedure)
  - 1. a person missing, including a child, as a result of an abduction by a stranger;
  - 2. a person missing, including a child, under suspicious or unknown circumstances; or
  - 3. a person, including a child, who has been missing more than thirty (30) days, or less than thirty (30) days at the discretion of the investigating agency, if there is reason to believe that the person is in danger or deceased.

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- F. **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; or
  3. the child was taken or retained in violation of the terms of a court order for possession of or access to the child; or
  4. the child was taken or retained without the permission of the custodian and with the effect of depriving the custodian of possession of or access to the child unless the taking or retention of the child was prompted by the commission or attempted commission of family violence, as defined by Section 71.004, Texas Family Code, against the child or the actor.
- G. **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;
  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 not emancipated as defined by the law of this state
- H. **Missing Person:** A person eighteen (18) years of age or older whose disappearance is possibly not voluntary.
- I. **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
- J. **School:** A public primary school or private primary school that charges a fee for tuition and has more than twenty-five (25) students enrolled and attending courses at a single location.

**SECTION 4 PROCEDURES**

**A. TEXAS MISSING CHILDREN AND MISSING PERSONS INFORMATION CLEARINGHOUSE**

1. The Texas Missing Children and Missing Persons Information Clearinghouse (Clearinghouse) is created by statute and is maintained by the Texas Department of Public Safety.

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2. The Clearinghouse provides a statewide toll free number twenty-four (24) hours a day, seven (7) days a week for use by parents, law enforcement agencies, and others to report and to obtain information about missing persons and unidentified living or unidentified deceased persons.
3. The Clearinghouse distributes posters and flyers about missing and unidentified living and unidentified deceased persons.
4. The Clearinghouse may be contacted by writing or calling:

Missing Persons Clearinghouse  
Texas Department of Public Safety  
P.O. Box 4143  
Austin, TX 78765-4143  
1-800-346-3243 (Texas)

**B. INVESTIGATIVE PROCEDURES**

1. Investigation Required – The police department on receiving a report of a missing child (including a 17-year-old) or a missing person, shall immediately:
  - a. start an investigation to determine the whereabouts of the missing child or missing person; (TPCA 7.33a, 7.33b)
  - b. but not later than two (2) hours after receiving the report, enter the name of the child or person into the clearinghouse, the national crime information center missing person file if the child or person meets the center's criteria, and the Alzheimer's Association Safe Return crisis number, if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person; and
  - c. inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse, the national crime information center missing person file, and the Alzheimer's Association Safe Return crisis number, if applicable
2. Computer Entry – The reporting officer shall immediately do the following after obtaining the initial report: (TPCA 7.33b)
  - a. Complete an information/offense report in the department's Records Management System. (12-12-17)
  - b. Cause the entry of the name of the missing child or missing person into the:
    - i. the National Crime Information Center (NCIC) "Missing Person" file if the child or person meets the center's criteria, and
    - ii. Texas Missing Children and Missing Persons Information Clearinghouse (Clearinghouse);

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- iii. the Alzheimer's Association Safe Return crisis number, if applicable,
  - iv. with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when the child or person was last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person; and
  - c. Information that is not immediately available shall be obtained and entered into the NCIC "Missing Person File" and the Clearinghouse as a supplement to the original entry.
3. Missing Person Affidavit
- a. A missing person affidavit is not required, unless the missing child or person is being classified as one with a disability.
  - b. To classify the missing child or person as one with a disability, a written statement from the missing child or person's physician corroborating the physical or mental condition must be provided.
  - c. Once the physician's report is received, the NCIC classification can be changed to reflect the person has a disability.
4. Cooperation with Other Law Enforcement Agencies
- a. A local law enforcement agency that has access to the NCIC database shall cooperate with other law enforcement agencies in entering or retrieving information from the NCIC database.
5. Removal of NCIC Entry
- a. Immediately after the return of a missing child or missing person or the identification of an unidentified body from this jurisdiction, the officer receiving the information shall:
    - i. Cause the removal of the entry from the NCIC database;
    - ii. Complete a supplement report, under the original offense/incident report number.
6. Taking Possession of Missing Child
- a. Missing Child Located by this Jurisdiction
    - i. On determining the location of a missing child (including a 17-year-old) other than a child who is subject to the continuing jurisdiction of a district court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child, Article 63.009(g), Texas Code of Criminal Procedure.
    - ii. If the person entitled to possession of the child is not immediately available, the officer shall deliver the child to the Department of Protective and Regulatory Services, Article 63.009(g), Texas Code of Criminal Procedure.

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- b. **Missing Child Located by other Jurisdiction**
  - i. If a missing child (including a 17-year-old), other than a child who is subject to the continuing jurisdiction of a district court, is located by another jurisdiction and that jurisdiction refuses to take possession of the child, the Lancaster officer receiving the information regarding the whereabouts of the child shall immediately notify the person entitled to the child as to the whereabouts of the child.
  - ii. If the person entitle to possession of the child is not immediately available, the officer shall immediately notify the Department of Protective and Regulatory Services.
- c. **Possession is for Protective Custody Only**
  - i. Taking possession of a missing child under this section is for the protective custody of the child only and does not equate to a penal arrest or detention; however, necessary force may be used to take the child into protective custody.
- d. **Report Required for Taking Possession of Child**
  - i. The officer who takes possession of a missing child under this section will complete a supplement report if an offense/incident report has been filed; or an information-only report if the child is missing from another jurisdiction and child is located and taken into protective custody by this department.

**C. DUTIES AND RESPONSIBILITIES DURING INVESTIGATION**

- 1. **Primary Officer – The primary officer will:**
  - a. verify that an investigation is required;
  - b. if an investigation is required, ensure that a supervisor has been contacted and is in route; and brief the supervisor upon the supervisor's arrival;
  - c. obtain:
    - i. complete clothing and physical descriptions of the missing child or missing person;
    - ii. relatives' and witnesses' names and contact information;
    - iii. photograph(s) and video(s) of the missing child/person and/or abductor (these will be used for broadcasts and searches)
  - d. broadcast information concerning the:
    - i. missing child or missing person;
    - ii. abductor and the abductor's vehicle if an abduction was involved

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- e. contact the Communications Division to cause the entry of available information into the NCIC "Missing Person" file;
- f. keep witnesses separated and have witnesses start writing statements (this information will assist investigators and will keep witnesses busy);
- g. complete an incident report for "Missing Person"

2. Patrol Supervisor or Commander – The supervisor or commander will:

- a. Respond to all reports of a missing child and missing person when:
  - i. the missing child or missing person's well-being is in danger; or
  - ii. the missing person, including a child is known by the department to have or is reported to have chronic dementia, including Alzheimer's dementia, whether it is caused by illness, brain defect, or brain injury
- b. Ensure all applicable information has been provided to the Communication Division for entry into the NCIC "Missing Person" file;
- c. Determine whether additional assistance by other departments is required;
- d. Coordinate all immediate area search activities. The coordination of search activities may be taken over by the Criminal Investigations Division or by the Incident Commander when the search extends beyond the immediate area from where the child or person is missing;
- e. Notify the chain-of-command if after a reasonable period of time the missing child or missing person has not been located and/or it appears that call-outs will be necessary;
- f. Ensure all applicable reports that the reporting and assisting officers are responsible are completed and submitted without unnecessary delay;
- g. Call in adequate personnel to staff the telephones for the activation if an alert is going to be broadcasted for the missing child or missing person.

**D. SEARCHES**

1. Neighborhood Canvass

- a. A search will be made of the immediate area, including a neighborhood canvass, and of the most obvious places where the subject of the search should or could be.
- b. The Patrol Commander or supervisor will coordinate the search activities.

2. Extended Searches

- a. Searches that extend beyond the immediate area from where the child or person is missing will be conducted at the discretion of the on-scene supervisor or the lead Criminal Investigation Division investigator.

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- b. When an extended area or a prolonged search is necessary, the Criminal Investigation Division Commander shall coordinate the search; however, if an Incident Command System has been established, the Incident Commander shall coordinate the search. Both the Criminal Investigation Division Commander and the Incident Commander may designate a search coordinator.
- c. The search beyond the immediate area from where the child or person is missing will continue until the subject of the search has been located or until the search is terminated by the Chief of Police.
- d. Call-outs of additional personnel may be necessary to conduct searches beyond the immediate area from where the subject of the search is missing.

**3. Resources from other Agencies**

- a. Whenever resources from other agencies are used for the search, members of this department will abide by the policies and procedures of the other agencies concerning the use of their resources.

**4. Personal Articles and Clothing Found in the Field**

- a. Articles (including clothing) – belonging, or possibly belonging, to the missing child or missing person or to a suspect that is found will be left untouched in order to help the tracking dogs pick up the scent and to continue the search.
- b. Once the article or clothing is no longer needed at the scene, the dog handler will collect the article and impound it in accordance with established procedures.

**E. CALL-OUTS**

- 1. Call-outs of additional personnel may be necessary to conduct searches that extend beyond the immediate area from where the subject to the search is missing.
- 2. Prior to any call-out, a neighborhood canvass to locate the subject of the search must have been conducted.
- 3. Departments and resources that may be called upon to assist this department minimally include:
  - a. Lancaster Fire Department;
  - b. Off-duty Lancaster Police officers;
  - c. Helicopter from Dallas PD, Texas Department of Public Safety, or other agency (including the military);
  - d. Tracking dogs from public and private entities;
  - e. Private search and rescue teams (including Citizen Emergency Response Team).

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**F. MISSING CHILDREN UNDER 11 YEARS OLD (TPCA 7.33c)**

**1. Applicability**

- a. This section is applicable in addition to any other provisions relating to a missing child, whenever a child under eleven (11) years of age is reported missing.

**2. School Records System (Article 63.019, Texas Code of Criminal Procedure)**

- a. If a person enrolls a child under eleven (11) years of age and fails to provide the valid prior school documentation required by Article 63.019, Texas Code of Criminal Procedure, the school must notify the police department before the thirty first (31<sup>st</sup>) day after the person fails to comply with that section.
- b. Whenever the department receives a notification under this subsection, the investigating officer will contact the clearinghouse to determine whether the child has been reported missing. If the child has been reported missing, the investigator will immediately notify the ORI that the child has been located.

**3. Duty to Flag Missing Children's Records (Article 63.020, Texas Code of Criminal Procedure)**

- a. When a report that a child under eleven (11) years of age is missing is received by the department, the Criminal Investigation Division shall immediately notify each school and day care facility that the child attended or in which the child was enrolled as well as the bureau of vital statistics, if the child was born in the state, that the child is missing. If the location to be notified is closed at the time, the notification shall be made as soon as the location is open for business.
- b. The Criminal Investigation Division shall notify the clearinghouse that the notification required under this section has been made.
- c. If a missing child under eleven (11) years of age, who was the subject of a missing child report made in this state, was born in or attended a school or licensed day care facility in another state, the Criminal Investigation Division shall notify law enforcement or the missing and exploited children clearinghouse in each appropriate state regarding the missing child and request the law enforcement agency or clearinghouse to contact the state birth certificate agency and each school or licensed day care facility the missing child attended to flag the missing child's records.
- d. When a request concerning a flagged record is made in writing, the school, day care facility, or agency may not advise the party that the request concerns a missing child and shall immediately notify the police department that a request has been made concerning a flagged record and provide to the police department a copy of the written request.

**4. Removal of Flag**

- a. On the return of a missing child under eleven (11) years of age, the Criminal Investigation Division shall notify each school or day care facility that has maintained flagged records for the child and the bureau of vital statistics that the child is no longer missing. The Criminal

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Investigation Division shall notify the clearinghouse that notification under this subsection has been made, Article 63.022, Texas Code of Criminal Procedure.

**G. UNIDENTIFIED DECEASED PERSONS**

1. All Texas law enforcement agencies are required to enter information about all unidentified bodies into the clearinghouse and the NCIC "Unidentified Person" file.
2. The department shall, not later than the tenth (10<sup>th</sup>) working day after the date the death is reported to the department, enter all available identifying features of the unidentified body (fingerprints, dental records, any unusual physical characteristics, and a description of the clothing found on the body) into the clearinghouse and the NCIC "Unidentified Person" file. If an information entry into the NCIC file results in an automatic entry of the information into the clearinghouse, the law enforcement agency is not required to make a direct entry of that information into the clearinghouse.

**H. MISSING PERSON WITH DEMENTIA OR OTHER MENTALLY IMPAIRED CONDITION (TPCA 7.33c)**

1. Investigation
  - a. An investigation is required and shall be conducted in accordance with this directive.
2. Alzheimer's Association Safe Return Program (TPCA 7.33d)
  - a. The Safe Return Program has a national information and photo database of Alzheimer patients. It operates twenty-four (24) hours a day, seven (7) days a week, with a toll free crisis line (1-800-272-3900).
  - b. Anyone who finds a lost person can call the toll free number shown on the identification product the person is wearing.
3. Silver Alert Network (TPCA 7.33d)
  - a. Purpose
    - i. The Silver Alert System is designed to inform and assist the public in locating certain persons who have dementia or other mentally impaired conditions who have wandered away from their usual residences and their location is not known.
  - b. Criteria for Alert Activation
    - i. The criteria for activation are listed in the table below.
    - ii. In addition to the criteria listed in the table below, the following items will be needed before the activation can be requested:
      1. A doctor's letter or affidavit certifying the person's dementia or other mental impairment. If the certifying document is not immediately available, a photograph of the person's medication bottle label(s) will suffice. The

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photograph of the label must capture the name of the patient, medication, and doctor.

2. A photograph of the person.

c. Activation Procedures

i. The Criminal Investigation Division shall be responsible for the alerts.

I. AMBER ALERTS (TPCA 7.33d)

1. Texas Amber Alert Network (Statewide)

a. The Texas Amber Alert Network is designed to work in coordination with local abduction alert plans and is not intended to supersede activation of local plans. The Amber Alert system is designed to inform and assist the public in locating certain missing children and missing persons.

2. Dallas-Fort Worth Local Amber Alert Plan

a. The Dallas-Fort Worth Local Amber Plan is a cooperative effort between approximately forty (40) radio and television stations in the Dallas-Fort Worth area and North Texas law enforcement agencies. Participating radio and television stations will break their programming to broadcast the alert and any later information provided by police. Specific information and instructions can be found at: <http://www.tab.org/emergency-systems/AMBER/>

3. Criteria for Alert Activation

a. The criteria for the respective activation are listed in Table 1.

4. Activation Procedures

a. The Criminal Investigation Division shall be responsible for the alerts.

J. ALERT SYSTEMS ACTIVATION PROCEDURES

1. Applicability

a. This section applies to the following alert systems:

- i. Amber Alert (statewide)
- ii. Amber Alert (D/FW)
- iii. Silver Alert (statewide)

2. General Provisions for Statewide Activations

a. The following provisions are applicable to all of the alert systems discussed in this section.

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- i. Request for Authorization to Broadcast Alert
  - 1. Approving Authorization by Police Department – Only a Commander, Assistant Chief or the Chief of Police may authorize a request for a statewide Silver Alert.
- ii. Request to the State
  - 1. Once the request for broadcast is approved, the Criminal Investigation Division shall be responsible for completing and submitting the appropriate alert request form.
- iii. Alert Request Form
  - 1. The alert request forms for the Amber and Silver Alerts are available on the Texas Department of Public Safety's website.
  - 2. Each alert request form contains the Texas Department of Public Safety's facsimile and telephone numbers.
  - 3. Any conflict between the information or instructions contained on the alert request form and the contents in this directive, the information or instructions on the alert request form shall prevail.
  - 4. The D/FW Amber Alert
- iv. Notify On-Duty Patrol Commander or Supervisor of Alert Activation
  - 1. Prior to the alert request being sent to the state or local radio stations, the person submitting the request shall notify the on-duty Patrol supervisor that an alert request will be made. (This is to give the supervisor an opportunity to call in needed personnel to staff the phones.)
- v. Period of Alert; Extending the Alert Period
  - 1. Once the alert has been activated, the request remains valid for only twenty-four (24) hours; unless a request to extend the alert is made prior to the expiration of the twenty-four (24) hours. The phone number to call for the extension is on the form.
- vi. Deactivating Alert
  - 1. Once the missing child or missing person has been located or the police department decides that the alert is no longer effective, the Criminal Investigation Division will deactivate the alert.
  - 2. To deactivate the system, the Criminal Investigation Division will contact the Texas Department of Public Safety at the number that is on the form.

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b. D/FW Amber Alert

- i. The procedures for activating the D/FW Amber Alert system are the same as they are for the statewide alerts; except, once the request for broadcast is approved, the division shall complete and submit the "D/FW Amber Alert Information Form" to the two designated radio stations that are responsible for disseminating the broadcast: WBAP and KRLD. (NOTE: The fax number that is on the information form is confidential and shall not be disclosed to the public.)
- ii. Once the Amber Alert is activated via the Emergency Activation System, the information will also be posted on: [www.dfwamberalert.com](http://www.dfwamberalert.com)
- iii. Immediately upon determining the location of the child or upon determining that a qualified abduction has not occurred, the Criminal Investigation Division will deliver an alert cancellation notice to the designated radio stations.

K. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

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Silver Alert Broadcast Requirements	Amber Alert – Statewide Broadcast Requirements	Amber Alert - D/FW Local Broadcast Requirements
The missing person must be 65 years of age or older;	<p>The child is 17 years of age or younger, whose whereabouts are unknown, and whose disappearance the Police Department has determined to be not voluntary, which poses a credible threat to the child's safety and health; and if abducted by a parent or legal guardian, the abduction is in the course of an attempted murder or murder; OR</p> <p>The child is 13 years of age or younger, who was taken (willingly or unwillingly) without permission from the care and custody of a parent or legal guardian, by:</p> <ul style="list-style-type: none"> <li>•someone unrelated and more than three years older, or</li> <li>•another parent or legal guardian who attempted or committed murder at the time of the abduction.</li> </ul>	A child 17 years of age or younger or an individual under proven mental or physical disability is abducted;
The senior citizen must reside in Texas;	The child is in immediate danger of sexual assault, serious bodily injury, or death;	There is reason to believe by the Police Department that the victim is in imminent danger of serious bodily harm or death; and,
The senior citizen has a diagnosed impaired mental condition, and the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety. <i>(Law enforcement shall require the family or legal guardian of the missing senior citizen to provide documentation from a medical or mental health professional of the senior citizen's condition);</i>	The preliminary investigation has verified the abduction and has eliminated alternative explanations for the child's disappearance; and,	There is information available to disseminate to the general public that could assist in the safe recovery of the victim and/or apprehension of the suspect.
The investigation has verified that the senior citizen's disappearance is due to senior citizen's impaired mental condition, and alternative reasons for the senior citizen's disappearance have been ruled out;	There is sufficient information available to disseminate to the public to help locate the child, a suspect, or the vehicle used in the abduction, if applicable.	
<p>The Silver Alert request is within 72 hours of the senior citizen's disappearance; and,</p> <p>There is sufficient information available to disseminate to the public that could assist in locating the senior citizen. <i>(Highway signs will be activated only if accurate vehicle information is available AND it is confirmed that the senior citizen was driving the vehicle at the time of the disappearance.)</i></p> <p>The following items are also needed:</p> <ol style="list-style-type: none"> <li>1) A doctor's letter or affidavit certifying the person's dementia or other mental impairment. If the certifying document is not immediately available, a photograph of the person's medication bottle label(s) will suffice. The photograph of the label must capture the name of the:             <ol style="list-style-type: none"> <li>a) patient;</li> <li>b) medication; and</li> <li>c) doctor.</li> </ol> </li> <li>2) A photograph of the person.</li> </ol>		