

# General Order

## Houston Police Department



ISSUE DATE:

May 12, 2022

NO.

600-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-08, dated February 28, 2014

**SUBJECT: MISSING, KIDNAPPED, AND FOUND PERSONS**

### POLICY

All appropriate missing person and interference with child custody incident reports shall be immediately generated by the primary patrol officer. There is no 24 hour waiting period to report a missing person of any age. The Missing Persons Desk of the Juvenile Intake Unit is operational 24 hours a day. The Missing Persons Desk is the point of contact for investigations involving missing adults and juveniles, including cases of interference with child custody. Employees shall contact a Missing Persons Desk supervisor in all cases in which there is a question regarding the generation of an incident report.

Officers shall immediately respond to all incidents involving a missing adult or juvenile. The Homicide Division shall investigate cases of missing persons, including in-progress kidnapping and abduction incidents. The Major Assaults & Family Violence Division shall investigate delayed reports of kidnapping and abductions where the person is no longer missing.

This General Order applies to all employees.

### DEFINITIONS

**Adult.** For the purposes of this General Order, a person 18 years of age or older.

**Intellectual Disability.** A condition of significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. The term includes a pervasive developmental disorder.

**Juvenile.** For the purposes of this General Order, a person under 18 years of age.

**Missing Persons Desk (MPD).** A point of contact within Juvenile Intake Unit for investigations involving missing adults and juveniles that enters the required information regarding missing persons into TCIC/NCIC.

**Missing Persons Unit.** A unit assigned to the Homicide Division that investigates cases involving missing persons.

## 1 INITIAL INVESTIGATION

After arriving and gathering all pertinent facts at a scene involving a missing person, including an attempted child abduction, officers shall immediately contact the MPD and provide them with all the necessary information for a TCIC/NCIC entry on the missing juvenile or adult. The MPD shall enter the information into TCIC/NCIC within the amount of time required by General Order 800-11, **TCIC/NCIC**.

The primary officer shall provide as much of the following information as possible to the MPD:

- a. Complete identification information (e.g., name, date of birth, and identification, driver license, and social security numbers).
- b. Complete description of the person (e.g., gender, race, height, weight, clothing, age, hair color, eye color, marks, scars, or tattoos).
- c. Vehicle description (if applicable).
- d. Possible destination.
- e. Last known location.
- f. Any other pertinent information.

MPD officers shall provide guidance to officers to ensure all information is obtained and all reasonable efforts are made to locate the missing person.

Federal law (Suzanne's Law) requires law enforcement agencies to report each case of a missing person under 21 years of age to NCIC. This requires an incident report to be generated.

The primary officer shall complete an incident report within 2 hours of arrival on the scene and include the name of the MPD employee who was notified and the time the information was provided to the MPD in the narrative. The missing person's information shall be listed as "MSP" for missing person in the report, not "W" for wanted.

Personnel in the MPD shall immediately enter all available information into TCIC/NCIC and complete a supplement to the original incident report with their actions and any additional information.

When a photograph is available, the MPD shall assist patrol officers by developing and electronically distributing the Critical Reach Flyer of the missing individual. The primary officer shall document the flyer's creation in the incident report.

Additionally, employees shall follow general broadcast procedures in accordance with General Order 600-03, **General Broadcasts**, as long as the victim is not further endangered by doing so.

### **Special Circumstances**

Special circumstances for missing persons include all life endangerment situations such as abductions, missing persons under suspicious circumstances, missing elderly persons, or missing persons with life-endangering mental illness. Patrol officers shall notify a supervisor of all such situations and consult with the appropriate Homicide or MPD supervisor.

Officers shall immediately call the Homicide Division when the incident involves a possible kidnapping where the victim is still missing, including incidents of family violence, and a missing person incident that may involve foul play.

Additionally, for missing person incidents with special circumstances, the patrol officer dispatched to the scene shall:

- a. Gather essential information and broadcast this information along with a description of the missing person.
- b. Search the area where the missing person was last known to be or is reasonably believed to be.
- c. Utilize department resources (e.g., helicopters, tracking dogs).
- d. Coordinate with MPD and Homicide Division supervisors on all activities performed in connection with the search.

The notified MPD supervisor shall coordinate field investigations and searches of missing person incidents involving special circumstances with the appropriate Homicide Division personnel.

### **Interference With Child Custody**

Under federal law, juveniles who are the subjects of interference with child custody cases are considered missing. Therefore, the primary officer shall generate an incident report for interference with child custody and contact the MPD to provide information required for a TCIC/NCIC entry if needed. Due to the complexity of these cases, the MPD shall determine whether a TCIC/NCIC entry will be made.

## **2 FOLLOW-UP INVESTIGATION**

If the missing person has not been located within a reasonable length of time, investigators from Homicide Division may make the scene. If Homicide Division was not notified by the primary officer, the MPD shall notify Homicide Division. In such circumstances, Homicide Division personnel shall:

- a. Obtain copies of all reports.
- b. Debrief the patrol officer(s) at the scene.
- c. Continue and monitor the search.
- d. Obtain photographs and prepare Critical Reach Fliers if not yet completed.
- e. Contact HPD's Office of Community Affairs to disseminate media information if necessary.
- f. Verify all information and update all necessary files.

## **3 ALERT SYSTEMS**

The alert systems outlined in this section are programs between law enforcement and local broadcasters to send an emergency alert to the public when it may assist in recovering a missing

person under certain criteria. The alert systems described below shall be used whenever the appropriate criteria are met.

### **AMBER (American's Missing: Broadcast Emergency Response) Alert**

The AMBER Alert System is an emergency broadcast system that alerts the public of serious child abductions. All of the following criteria must be met before activating the Houston Regional AMBER Plan or the statewide AMBER Alert System:

- a. The missing person is a juvenile.
- b. Law enforcement believes the missing juvenile has been abducted.
- c. Law enforcement believes the missing juvenile is in danger of serious bodily harm or death.
- d. Law enforcement has conducted an investigation that verified the abduction or ruled out alternative explanations.
- e. Sufficient information is available to disseminate to the public that could assist in locating the missing juvenile, suspect, or suspect's vehicle.

Activation of the statewide AMBER Alert System also applies to the following:

- f. A missing juvenile 17 years of age or younger who law enforcement believes is in immediate danger of becoming a victim of sexual assault.
- g. A juvenile younger than 14 years of age, regardless of whether the juvenile departed willingly with the other person, who has been taken from the care and custody of the juvenile's parent or legal guardian without the permission of the parent or legal guardian by another person who is more than 3 years older than the juvenile and not related to the juvenile by any degree of consanguinity or affinity.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

### **Silver Alert**

The Silver Alert System alerts the public to missing senior citizens with a documented mental impairment. The state network has the ability to disseminate Silver Alerts to any geographical area in Texas, based upon investigative recommendations. Not all activations are considered "statewide." All of the following criteria must be met before activating the Silver Alert System:

- a. The missing person must be 65 years of age or older.
- b. The senior citizen's domicile must be in the state of Texas.
- c. The senior citizen must be diagnosed with an impaired mental condition and the senior citizen's disappearance has to pose a credible threat to his or her health and safety. Officers 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.

- d. Confirmation that an investigation has taken place verifying that the senior citizen's disappearance is due to his or her impaired mental condition and alternative reasons for the senior citizen's disappearance have been ruled out.
- e. The Silver Alert request must be made within 72 hours of the senior citizen's disappearance.
- f. There must be sufficient information available to disseminate to the public that could assist in locating the senior citizen. 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.

Officers with situations meeting these criteria shall contact the MPD for further instructions and procedures.

#### **Endangered Missing Persons Alert**

The Endangered Missing Persons Alert is designed to notify the public of missing persons with an intellectual disability or certain developmental disorders. All of the following criteria must be met before activating the Endangered Missing Persons Alert:

- a. The missing person has been diagnosed with an intellectual disability and/or a Pervasive Developmental Disorder, including Asperger's Disorder, Autistic Disorder, Autism Spectrum Disorder, Childhood Disintegrative Disorder, Rett's Disorder, or a Pervasive Developmental Disorder not otherwise specified.

If the missing person has been diagnosed with an intellectual disability, law enforcement shall require a written diagnosis from a physician or psychologist licensed within Texas, or certified by the Texas Department of Aging and Disability Services and/or Texas Department of State Health Services.

- b. Law enforcement has confirmed that an investigation has taken place verifying that a reasonable explanation for the missing person's disappearance has been ruled out and that the disappearance poses a credible threat to the health and safety of the missing person.
- c. The Endangered Missing Persons Alert request is made within 72 hours following the missing person's disappearance.
- d. There is sufficient information available to disseminate to the public that could assist in locating the missing person. Highway signs will be activated only if accurate vehicle information is available and it is confirmed that the missing person was in the vehicle at the time of the disappearance.

Officers with situations meeting these criteria shall contact the MPD for further instructions and procedures.

#### **CLEAR (Coordinated Law Enforcement Adult Rescue) Alert**

The CLEAR Alert is designed to notify the public of missing, kidnapped, or abducted adults. All of the following criteria must be met before activating the CLEAR Alert:

- a. The person must be between 18 and 64 years of age whose whereabouts are unknown.
- b. A preliminary investigation must verify that the adult is in imminent danger of bodily injury or death or the disappearance is involuntary, such as an abduction or kidnapping.
- c. The CLEAR Alert must be requested within 72 hours of the individual's disappearance.
- d. There must be sufficient information available to disseminate to the public to help locate the individual, a suspect, or the vehicle used in the incident.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

### **Camo Alert**

The Camo Alert is designed to notify the public of a missing current or former member of the United States armed forces who suffers from a mental illness, including post-traumatic stress disorder or a traumatic brain injury. All of the following criteria must be met before activating the Camo Alert:

- a. Verification from the Texas Department of Public Safety that the missing military member is registered for the Camo Alert Program.
- b. Confirmation that the individual reported missing is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces, and that the individual's location is unknown.
- c. Confirmation that the missing person suffers from a mental illness, including post-traumatic stress disorder or a traumatic brain injury, requiring documentation from a physician or psychologist indicating the mental illness, date of diagnosis, patient's name, and physician or psychologist's signature.
- d. Confirmation that the disappearance poses a credible threat to the military member's health and safety or the health and safety of another.

Officers with situations meeting the criteria outlined in this subsection shall contact Homicide Division for further instructions and procedures.

## **4 FOUND PERSONS**

Employees may view all active Critical Reach Fliers on the Intranet Portal, located in the *Missing Persons Unit* tab, for a listing of missing persons citywide.

### **Adult**

If an officer encounters an adult who is confused or exhibits intellectual disability, the officer shall:

- a. Contact the MPD to determine if the found person has been reported missing.

- b. Coordinate with MPD in an effort to contact a responsible person (e.g., relative or caregiver) to whom the found person may be released.

### **Juvenile**

If an officer encounters a juvenile who exhibits behavior that leads the officer to reasonably believe that the juvenile may be missing, the officer shall:

- a. Contact the MPD to determine if the found juvenile has been reported missing.
- b. Coordinate with personnel from the MPD in an effort to locate and contact a parent or legal guardian to whom the found juvenile may be released.

If a parent or legal guardian of a found juvenile cannot be located, then the MPD shall advise the patrol officer where to transport the person. Juveniles shall be transported in accordance with state laws and with General Order 500-06, **Juvenile and Young Adult Encounters**.

If a child safety seat is used, employees shall also follow the seat's instructions and safety procedures as set forth by the manufacturer and in accordance with General Order 400-24, **Child Safety Seats**.

### **Disposition of Found Persons**

When an officer has probable cause to believe that a found person is suffering from a mental health crisis, the officer shall transport the person to a hospital or the Neuropsychiatric Center (NPC) in accordance with General Order 500-12, **Response to Mental Health Incidents**.

Officers shall generate an incident report and advise the MPD of the disposition of all found persons.

## **5 NAMUS (National Missing and Unidentified Persons System) ENTRIES**

The NamUs is a national database for missing, unidentified, and unclaimed persons cases across the United States. The Missing Persons Unit shall enter all available identifying information into NamUs in cases received after September 1, 2021, that involve missing persons no later than the 60<sup>th</sup> day after the date the case was received.



**Troy Finner**  
Chief of Police