

TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Missing Juveniles/Interference with Custody		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on File</i>		
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AUTHORITY/RELATED REFERENCES

FS Chapter 39, Proceedings Relating to Children
 FS 744.301, Natural Guardians
 FS 787.03, Interference with Custody
 FS 787.04, Removing Minors from State or Concealing Contrary to Court Order
 FS Chapter 937, Missing Person Investigations
 FDLE Criminal Justice Systems Manual
 General Order 12, Radio Communications
 General Order 18, Criminal Investigations
 General Order 32, Juvenile Procedures and Programs
 General Order 47, Missing Adult Investigations
 CIB-10, Case Management
 CIB-12, Follow-up Investigations
 RCD-9, Validations
 CIRC 2.11, Missing Person Response

ACCREDITATION REFERENCES

CALEA Chapter 41
 CFA Chapter 18

KEY WORD INDEX

Interference with Custody Complaints
Missing Juvenile Investigations
Validation Procedures

Procedure VI
 Procedures I – IV
 Procedure V

POLICY

Officers are responsible for adhering to legal mandates and policy protocols in investigating missing juvenile incidents and addressing child custody disputes.

DEFINITIONS

A Child Is Missing: A non-profit organization which operates a call center 24 hours a day designed to assist law enforcement in locating missing children, elderly, and disabled individuals. A Child Is Missing utilizes a phone bank, determined by the zip code of the search area, to disseminate information on the missing individuals in a timely manner (referred to as a “neighborhood call alert”). Contact number: 1-888-875-2246; website: www.achildismissing.org.

Amber Alert: A program managed by the Florida Department of Law Enforcement (FDLE) and designed to broadcast critical information of a missing/abducted child believed to be in danger, using the Emergency Alert System (via radio, television, dynamic message signs, and lottery machines).

An Amber Alert can be activated 24 hours a day by contacting FDLE’s Missing Endangered Persons Information Clearinghouse at 1-888-356-4774 (1-888-FL-MISSING). An Amber Alert cannot be utilized for runaway juveniles.

FDLE requires the following five (5) criteria be met to activate an Amber Alert:

1. The child must be under 18 years of age.
2. There must be a clear indication of an abduction.
3. The law enforcement agency's preliminary investigation must conclude that the child's life is in danger.
4. There must be a detailed description of child, abductor and/or vehicle to broadcast to the public.
5. The activation must be recommended by the local law enforcement agency of jurisdiction.

Child: A person under the age of 18; also referred to as a juvenile.

MEPIC: Missing Endangered Persons Information Clearinghouse. A Florida Department of Law Enforcement program which provides liaison among citizens, private organizations, and law enforcement agencies regarding missing children information.

MEPIC services are available 24 hours a day and can be accessed at 1-888-356-4774 (1-888-FL-MISSING).

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MEPIC complements the National Center for Missing & Exploited Children (NCMEC) which is the national clearinghouse for information on cases of abducted, runaway, and/or sexually exploited youth.

Parenting Plan: A court-approved or court-established document which includes a time-sharing schedule for the parents and child(ren).

Protective Custody: The action of an officer physically removing a juvenile from their present surroundings because the current situation creates a reasonable fear for the juvenile's life, or physical or mental health.

Time-sharing Schedule: A timetable which specifies the time, including overnights and holidays, that a child will spend with each parent.

PROCEDURES

I. INITIAL RESPONSIBILITIES – MISSING JUVENILES

- A. Upon being dispatched or otherwise made aware of a report of a missing juvenile, officers are responsible for responding to the call for service without delay.
- B. When investigating a missing juvenile incident, officers are responsible for adhering to the applicable protocols of General Order 18 (Criminal Investigations), and shall:
 - 1. Interview the missing juvenile's parent(s)/guardian(s) (separately if possible) regarding the circumstances of the incident.
 - 2. Determine if the child has been abducted or left home/the area voluntarily.
 - 3. Promptly notify their immediate supervisor when any of the following criteria are met:
 - a. The absence is a significant deviation from the child's established patterns of behavior which cannot be explained, or
 - b. The child has been missing for 24 or more hours before the police were called, or
 - c. Any of the following are applicable to the missing juvenile:
 - 1) Under the age of 13,

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- 2) Believed to be out of their “zone of safety” (the area normally occupied by a child which is considered safe or under their control),
 - 3) Mentally incapacitated (a child not operating up to their mental capacity for their age and who may not have the skills to communicate needs, identity, or address),
 - 4) Drug dependent,
 - 5) A potential victim of foul play, sexual exploitation, or in a dangerous environment (i.e., a place which is dangerous by virtue of the child’s developmental age), or
 - 6) Believed to be with adults who could endanger the welfare of the child.
4. Verify all biographical data given about the missing juvenile, to specifically include full name spelling, any alias used, date of birth, and county, city and state of birth.
 5. If appropriate for the circumstances (i.e., not an abduction or missing infant) request the parent/guardian to make a list of the missing juvenile’s friends, and direct the parent/guardian to contact the friends to determine if the child has made contact or if they know the whereabouts of the missing juvenile.
 6. Note everyone present at the incident scene, and include their contact information in the offense report.
 7. Obtain a physical description and recent photograph of the missing juvenile.
 8. Whenever possible, search the missing juvenile’s home.
 - a. Obtain permission to search the home. If permission (consent) is not granted, a search cannot be conducted without a warrant or the existence of some exigent circumstance.
 - b. If permission to search is given, look in all places a child could be physically located.
- 1) The child may have fallen asleep somewhere and not be able to get out.

- 2) Such places could include old refrigerators, attics, closets, crawl spaces, under beds, and piles of clothes.
 - 3) During the search, officers should be alert to clues which may indicate foul play or other reasons for the missing juvenile's disappearance.
- C. If officers become aware the missing juvenile is under the guardianship of the Florida Department of Children and Families (e.g., Capital City Youth Services, Boys Town, foster care), that information shall be included in the offense report (also see II D 1).

II. ADDITIONAL RESPONSIBILITIES – MISSING JUVENILES

- A. In addition to the initial responsibilities listed in section I above, officers, investigators and supervisors investigating a missing juvenile incident shall ensure the following protocols are followed:
1. Talk with other family members (e.g., siblings, grandparents) to ascertain if the missing juvenile may have been subjected to abuse or neglect.
 2. Determine legal custody.
 - a. Locate any available custody order or parenting plan in possession of the parent/guardian.
 - b. In the case of a parental abduction, attempt to determine if there is an intent by the abducting parent to conceal, detain, or otherwise deprive the other parent of their rights as outlined in a custody order or time-sharing schedule.
 3. If the incident involves a habitual missing juvenile, check the child's name in FCIC/NCIC and IIQ to ascertain if there is a current (open) missing juvenile case/investigation or recovery offense report.
 4. Coordinate with the Consolidated Dispatch Agency (CDA) to broadcast a radio/teletype BOLO (Be On the Look Out).
 - a. The BOLO should include the missing juvenile's name, description, accomplices and possible destination.
 - b. The broadcast area of the teletype BOLO should be determined by the circumstances of the incident information.

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5. Consider utilizing “A Child Is Missing” in order to disseminate information in a timely manner. If utilized, the officer making the call should be able to answer all operator questions and have the following information readily available:
 - a. Location, zip code(s), and search area,
 - b. Description of missing juvenile(s), and
 - c. Telephone number for public to call.
 6. Consider utilizing MEPIC.
- B. The primary officer, supervisor, or investigator shall activate an Amber Alert whenever the FDLE-established criteria are met (see definitions section).
- C. The primary officer is responsible for ensuring the missing juvenile’s identifying information is entered into FCIC/NCIC within two (2) hours of receipt of the report.
1. The offense report does not have to be complete and approved prior to FCIC/NCIC entry.
 2. The missing juvenile’s identifying information may be called into the CDA Shift Supervisor for FCIC/NCIC entry.
- D. The following protocols are applicable when the primary officer is working with the CDA regarding entry of the missing juvenile’s identifying information into FCIC/NCIC:
1. Advise the CDA whenever the missing juvenile is under the guardianship of the Florida Department of Children and Families (DCF) to ensure that information is included in the FCIC/NCIC entry,
 2. Alert the CDA when the offense report is complete so the report may be electronically accessed for data entry verification and filing into the CDA Missing Persons File, and
 3. If a photograph of the missing juvenile is available, provide the photo to the CDA to be scanned into the FCIC/NCIC database, making note of when the photo was taken.

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- a. The primary officer should also ensure the Special Victims Unit (SVU) Investigator receives a copy of the photograph, and
 - b. If the photo is provided electronically, the primary officer should e-mail the photograph to the CDA Shift Supervisor and the SVU Investigator/Sergeant.
- E. In situations when the SVU does not respond to assist or assume the investigation, the primary officer is responsible for sending an e-mail to the "TPD CIB On-Call Notifications Group." The following information should be included in the message:
 - 1. Case number, name and age of the missing juvenile, and
 - 2. Any additional information deemed necessary by the officer.
- F. The primary officer is responsible for the timely completion of the original offense report, documenting the information obtained and actions taken as described sections I and II above, to include any leads for investigative follow-up.
- G. Based upon the circumstances of the incident, a supervisor may approve or direct an area or neighborhood search in an attempt to locate the missing juvenile.
 - 1. Utilization of the K9 Unit should be considered.
 - 2. Large-scale searches requiring activation of additional members or requesting personnel from other agencies must first have approval of the watch commander or higher Department authority.
 - 3. In the event the missing juvenile is located in a situation which would require a rescue operation, the watch commander or designee is responsible for coordinating the operation with other agencies (e.g., Tallahassee Fire Department, Leon County Sheriff's Office) in adherence to established Incident Command System protocols.

III. INVESTIGATIVE FOLLOW-UP

- A. In compliance with CIB-10 (Case Management), the SVU Sergeant shall ensure an investigator is assigned to conduct a follow-up investigation on all recently occurred and unresolved missing juvenile incidents initially investigated by the Department.

- B. When Department investigative follow-up is requested or required in missing juvenile incidents initially investigated by another agency, the SVU Sergeant will coordinate those efforts with the affected agency.
- C. In the course of the missing juvenile follow-up investigation, the assigned investigator shall:
 - 1. Ensure the child's identifying information has been entered into FCIC/NCIC.
 - 2. An SVU designee will ensure the child's identifying information has been entered into NamUs within 90 days of the agency receiving the report the child is missing.
 - 3. Maintain contact with family members to provide frequent updates on the investigative progress.
 - 4. Whenever a child is missing more than 30 days, request the family or next of kin to provide written consent to contact the dentist of the missing person to request dental records and ensure their dental records are entered into FCIC/NCIC Dental File.
 - 5. Whenever a child is missing more than 90 days, attempt to obtain a biological specimen of the child, and submit it to the Florida Department of Law Enforcement (FDLE) for DNA analysis.
 - 6. When appropriate, contact the news media, via the Public Information Office, for release of information to the public regarding the missing juvenile or investigative efforts in the case.
 - 7. When appropriate, arrange to have the child's information published in the FDLE Criminal Activity Bulletin.

IV. RECOVERY AND CANCELLATION PROCEDURES

- A. In missing juvenile incidents investigated by the Department where the missing juvenile has returned or is located, the assigned officer or investigator shall adhere to the following:
 - 1. Make contact with the child to verify the return.
 - a. Ensure the child is safe, and assess the need for medical attention,

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- b. If possible, interview the child to obtain additional information regarding the incident, and
 - c. When the incident is a criminal offense (e.g., abduction), attempt to ascertain additional information regarding the offense and the possibility of additional offenses committed against the child.
 - 2. In situations where the missing juvenile is returned or located in another jurisdiction and the assigned officer or investigator is not able to personally verify the return/recovery, the officer/investigator is responsible for coordinating and cooperating with the other law enforcement agency to complete the tasks outlined in subsection A 1 above.
 - 3. If appropriate, ensure a cancellation BOLO is issued and make any needed cancellation notifications:
 - a. FCIC/NCIC (if initiated by the Department),
 - b. A Child is Missing,
 - c. MEPIC,
 - d. Amber Alert, and
 - e. Media Alert (via the Public Information Office)
 - 4. Complete a supplemental offense report under the original Department case number to document the return/recovery, to include:
 - a. The child's activity while missing, if known,
 - b. The reason for their absence, if known, and
 - c. Removal from FCIC/NCIC.
 - 5. If applicable, return the child's photograph to the appropriate person.
- B. In missing juvenile incidents investigated/originated by another agency, generate a new Department case number and:

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1. Attempt to interview the child about the reason for the disappearance,
2. Complete an original offense report entitled "Missing Person Recovered," and
3. Ensure the originating agency is notified by teletype that the missing juvenile has been located.

V. VALIDATION PROCEDURES

- A. The Department is responsible for determining whether or not missing person information should be maintained in the FCIC/NCIC databases.
- B. This validation process shall occur monthly and is the responsibility of the SVU sergeant.

VI. INTERFERENCE WITH CUSTODY COMPLAINTS

- A. An officer's responsibility when addressing a child custody dispute or interference with custody complaint involves:
 1. Ensuring the safety of any affected child,
 2. Ensuring the involved adults are adhering to FS and any existing court order or parenting plan, and
 3. Maintaining the peace.
- B. Sections D and E below provide officers with guidance for child custody disputes and interference with custody complaints when there is:
 1. Proof a court order or parenting plan exists, and
 2. No proof a court order or parenting plan exists.
- C. Whether or not a court order or parenting plan exists, officers who find a child in surroundings which present an imminent danger to the child's life, or physical or mental health, shall take the child into protective custody.
- D. Court Order/Parenting Plan Exists

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1. *If a parent abducts or absconds in violation of a court order or parenting plan, officers are responsible for the following:*
 - a. Ensuring the child's information (with a recent photograph) is entered without delay into FCIC/NCIC as "endangered,"
 - b. Coordinating with the CDA to broadcast a radio/teletype BOLO (Be On the Look Out):
 - 1) The BOLO should include the child's name, description, suspect information, and possible destination, and
 - 2) The broadcast area of the teletype BOLO should be determined by the circumstances of the incident information,
 - c. Obtaining a sworn statement from the reporting parent,
 - d. Obtaining a copy of the court order or parenting plan,
 - e. Contacting the on-call SVU Investigator,
 - f. Assessing the need for a Victim Advocate,
 - g. If the parent who has the child is located, checking for any valid court order or parenting plan *they may possess* and if:
 - 1) A valid court order or parenting plan exists:
 - a) Leaving the child with the parent,
 - b) Making a copy of the order, and
 - c) Advising the reporting parent,
 - 2) A valid court order or parenting plan does not exist, seizing the child from the parent,
 - h. If probable cause exists (to include a sworn statement from the reporting parent) for an interference with custody charge, arresting the abducting/absconding parent,
 - i. Not releasing the child to anyone except the parent who should have the child pursuant to the court order and/or parenting plan, or the Florida Department of Children and Families (DCF).

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- j. If recovered, removing the child from FCIC/NCIC and returning the photograph to the appropriate person,
 - k. Completing an offense report, and
 - l. Impounding copies of any court orders or parenting plans.
2. *If a parent fails to abide by the parenting plan visitation schedule (e.g., not returning the child, not releasing the child), but has made no attempt to abscond with the child, officers are responsible for the following:*
- a. Determining if visitation has expired and, if so, if the parent who has the child is within Department jurisdiction:
 - 1) Making contact with the parent (if possible) and explaining the ramifications of not abiding by the court order or parenting plan (e.g., being in contempt of court), and
 - 2) Working towards the parent voluntarily releasing the child.
 - b. If the parent refuses to release the child, determining if the parent may abscond.
 - 1) If the parent is not likely to abscond with the child, leaving the child, and:
 - a) Completing an offense report, and
 - b) Referring the reporting parent to the SVU.
 - 2) If the parent is likely to abscond with the child, following the procedures in subsection VI D 1 g – i, k and l above.
3. *If a parent arrives from out of state with a valid custody order, parenting plan, or writ of attachment, and is requesting the police to seize the child and turn the child over to them, officers are responsible for the following:*
- a. Verifying the existence of the custody order, parenting plan, or writ of attachment,
 - b. Determining if the non-reporting parent knows the reporting parent is in town creating the possibility that the non-reporting parent may abscond, and:

- 1) If the non-reporting parent is not likely to abscond, referring the reporting parent to the SVU, and
 - 2) If the non-reporting parent is likely to abscond, making contact with the person,
- c. If the non-reporting parent is contacted:
- 1) Checking with the non-reporting parent for a valid court order which voids or modifies the reporting parent's custody order/parenting plan/writ of attachment, and:
 - 2) If the non-reporting parent has such a court order:
 - a) Leaving the child with the non-reporting parent,
 - b) Advising the reporting parent of the non-reporting parent's court order,
 - c) Making copies of all available court documents,
 - d) Completing an offense report, and
 - e) Impounding copies of the court documents,
 - 3) If the non-reporting parent does not have such a court order and is not likely to abscond with the child:
 - a) Not seizing the child,
 - b) Trying to work out an agreeable solution,
 - c) Trying to get the DCF to respond and take custody of the child (DCF will place the child in foster care and facilitate a judicial hearing to resolve the issue),
 - d) Making copies of all available court documents,
 - e) Completing an offense report, and
 - f) Impounding copies of the court documents,

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- 4) If the non-reporting parent does not have such a court order and is likely to abscond with the child, following the procedures in subsection VI D 1 g – i, k and l above.
 - d. Determining whether or not the child is listed as missing in NCIC, and if so:
 - 1) Contacting the originating agency,
 - 2) Following the originating agency's request when appropriate, and
 - 3) Including relevant information gathered from the originating agency in an offense report,
 - e. Being mindful that writ of attachments, custody orders, parenting plans, and divorce decrees with custody provisions from other states are valid in this state and can be enforced, but it is preferable the out of state documents be taken by the affected party to the Leon County Clerk of Courts to be adopted by Leon County, and
 - f. In situations where the custody decree or other court document is from a foreign government:
 - 1) Completing an offense report, and
 - 2) Referring the reporting person to the SVU.
- E. Court Order/Parenting Plan Does Not Exist:
1. Absent a situation as described in subsection 2 below or where a child is in imminent danger (see subsection C above), an officer's duty in child custody disputes or interference with custody complaints where a court order or parenting plan does not exist is limited to maintaining the peace and making appropriate referrals.
 2. *In situations where the parents are separated (and a court order or parenting plan does not exist) and one parent is accusing the other of abducting or absconding with the child, officers are responsible for the following:*
 - a. If possible, determining if a custody order or parenting plan has been filed, but not yet finalized,

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- b. If the non-reporting parent has knowledge of a proceeding or motion being filed for divorce, or knowledge that one is going to be filed, and:
 - 1) If it is determined the non-reporting parent received notice of such proceeding or motion, and is concealing the location of the child or planning to abscond with the child from this state:
 - a) Seizing the child and releasing to the reporting parent or the DCF, and
 - b) Consider arresting the non-reporting parent for interference with custody.
 - 2) If it is determined the non-reporting parent received notice of such proceeding or motion, and is not concealing the location of the child or planning to abscond from this state:
 - a) Leaving the child with the non-reporting parent,
 - b) Completing an offense report, and
 - c) Referring the reporting parent to the on-call SVU investigator.
- c. If it is not established the non-reporting parent had knowledge of an impending or existing proceeding or motion for divorce:
 - 1) Leaving the child with the non-reporting parent,
 - 2) Completing an offense report, and
 - 3) Referring the reporting parent to the SVU for advice.

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