



CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT

Police Chief: John M. Fitzgerald

GENERAL ORDER: 5-53 MISSING PERSONS—ADULTS/CHILDREN

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CALEA: 41.2.5-a-b-c-d-e-f, 41.2.6-a-b-c-d-e-f, 42.1.4, 54.1.1-d, 81.2.9, 82.2.1-a-b-c-d-e

I. POLICY (CALEA 41.2.5-a, 41.2.6-a, 42.1.4, 82.2.1-a-b)

- A. Village officers are responsible for conducting the preliminary investigation of persons (adults/children) reported as “missing.” Even though the person making the missing person report is not reporting a crime, he will be treated with dignity, respect, courtesy, and sensitivity.
- B. The Maryland Annotated Code Public Safety Article Title 6 Sections 3-601 and 3-602 mandate that law enforcement agencies use the State of Maryland Missing Person Report form for all missing adults/children.
- C. It is the policy of the Chevy Chase Village Police Department to:
 - Accept without delay, a report of a missing person, whether such a report is made in person, via telephone or via other electronic means;
 - Require anyone reporting a missing person by telephone or other electronic means, to complete the report in person as soon as practical;
 - Accept a missing person report immediately and without a mandatory waiting period;
 - Inform the general public and family of missing persons that no mandatory waiting period will be imposed prior to accepting or investigating a missing person report;
 - Utilize the Uniform Maryland Missing Person report form. (Form 79)

II. DEFINITIONS

- A. **Missing Adult** – an individual, 18 years of age and over, who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are unknown.
- B. **Critical Missing Adult** – a missing individual, 18

years of age and over, who meets one or more of the following criteria:

- is senile
 - is mentally deficient
 - is physically handicapped
 - is suicidal
 - is missing following a catastrophic event
 - the disappearance is of a suspicious or dangerous nature
 - foul play is suspected
- C. **Missing Child** – an individual, under the age of 18 years, who is the subject a missing persons report filed with a law enforcement agency and whose whereabouts are unknown.
 - D. **Critical Missing Child** – a missing individual under the age of 18 years, who meets one or more of the following criteria (see Family Law §9-402):
 - has not been the subject of a prior missing person (runaway) report
 - suffers from a mental or physical handicap or illness
 - has previously been the subject of a child abuse report filed with the State or local law enforcement agency
 - is missing following a catastrophic event
 - is under 17 years of age
 - the disappearance is of a suspicious or dangerous nature
 - the person filing the report of a missing child has reason to believe that the missing child may have been abducted
 - E. **Unidentified Child**—A child/juvenile whose identity is unknown or cannot be determined with certainty. Often, an unidentified child is unable to identify

themselves due to their tender years, illness, injury or other condition. An unidentified child is generally 'found' or located before they are officially reported missing to police.

III. MISSING ADULTS – INITIAL INVESTIGATION

Village officers dispatched to a missing adult call will make personal contact with the complainant and:

1. Conduct a preliminary investigation (CALEA 41.2.5-a, 42.1.4)
2. If a critical missing person is involved: (CALEA 41.2.5-f)
 - Conduct an initial search which may include but is not limited to:
 - i. a thorough check of the home and vehicles
 - ii. search of the immediate area
 - iii. search of the place last seen
 - Place a radio lookout with ECC (CALEA 41.2.5-b)
 - Notify the Sergeant/Chief and the MCP Duty Commander
 - Notify a supervisor who will respond to the scene (this may be the on duty MCP Sergeant)
 - Notify the 2nd District MCP Investigative Section as soon as the on scene supervisor believes their involvement would be beneficial
 - Initiate intensive search procedures as determined by the supervisor, which may include but are not limited to: (CALEA 41.2.6-c)
 - i. contacting friends/relatives
 - ii. use of K-9
 - iii. use of helicopter
 - iv. use of Reverse 9-1-1 to notify the community of an active intensive search
 - Remain in contact with the complainant during an active search to ensure police are aware if victim makes contact and to obtain additional information as needed.
 - Notify MCP Media Services Division (if after hours, confer with the MCP duty com-

mander regarding the need to notify the on-call Media representative. Fax a copy of the report to MCP Media Services [REDACTED] (CALEA 41.2.5-b, 54.1.1-d)

3. Advise the complainant that: (CALEA 41.2.5-d, 42.1.4)
 - The case will be assigned to the 2nd District MCP Investigative section for follow-up investigation.
 - The investigator assigned to the case will contact them.
 - They should immediately contact ECC if the missing adult returns before the investigator contacts them.
4. Confer with the Sergeant regarding sending a teletype if appropriate.
5. NCIC Entry – (see NCIC entry criteria that follows in this general order); for an NCIC entry, the complainant must sign an MCP 592, “NCIC Adult Missing Person Attestment Statement,” at the time of the filing of the report attesting to the circumstances of the missing person. NCIC regulations mandate that a signed statement be provided to the police department taking the report to aid in the protection of the missing person’s right to privacy. The MCP 592 will be submitted along with the missing persons report. (CALEA 41.2.5-c) NCIC entry must be made for any adult, at least 18 and under 21 years old. An MCP 592 is not necessary (Suzanne’s Law).
6. Write the initial report (MD Missing Person Report) including but not limited to:
 - Full description – attach photograph, full face, if available (CALEA 41.2.5-a)
 - Associates, places frequented threats of violence, etc.
 - Prescribed medications, mental or physical ailments, doctors, if known, and place of employment and/or school.
 - Whether or not a radio lookout was placed.
 - Investigator notified when appropriate.
 - A statement regarding whether or not an NCIC entry was made and the ID number of the MRC operator who made it. (CALEA 82.2.1-c-d)

7. Prior to the end of the officer's tour-of-duty, leave a copy of the report or fax a copy of the report to the 2nd District MCP Investigative Sergeant responsible for the assignment of the follow up investigation. (CALEA 82.2.1-e)
8. If the officer solicited the assistance of an individual or business in locating a missing adult and the adult is subsequently located, the officer will ensure that follow up contact is made to inform the individual or business that the adult has been located.

If the event is determined to be criminal in nature (foul play suspected, victim located deceased, etc.) the appropriate MCP investigative unit will be notified immediately and will assume responsibility for the investigation.

IV. MISSING CHILDREN – INITIAL INVESTIGATION

All reports of anyone under 18 years of age missing from home or court ordered placement in Montgomery County, under the provisions of Family Law §9-401 or §9-402 will be entitled "Missing Children" so the necessary provisions of the law may be met.

Village officers dispatched to a missing child call will make personal contact with the complainant and: (CALEA 41.2.6-e, 42.1.4)

1. Conduct a preliminary investigation.
2. Conduct an initial search which may include, but is not limited to:
 - A thorough check of the home and vehicles
 - Search of the immediate area
 - Search of place last seen
3. Place a radio lookout with ECC.
4. Notify a supervisor (MCP if no Village supervisor available) who will respond to the scene. (CALEA 41.2.6-b)
5. Notify the MCP duty commander.
6. Place subject in NCIC immediately via County MRC. [REDACTED]
7. Notify MCP Family Crimes Division (FCD) at [REDACTED] or the on-call investigator via ECC. (CALEA 41.2.6-c)
8. Use the Search Urgency Evaluation sheet (MCP 617) to guide your decision regarding immedi-

ate search efforts.

9. Initiate intensive search procedures as determined by the supervisor which may include, but not limited to: (CALEA 41.2.6-c)
 - Contact friends and/or relatives
 - Use K-9
 - Use of helicopter
 - Use of Reverse 9-1-1 to notify the community of an active intensive search
 - Check youth congregating locations
 - Enlist the aid of the State Police or other law enforcement agencies.
 - Coordinate any volunteer searchers
10. Remain in contact with the complainant during an active search to ensure police are aware if victim makes contact and to obtain additional information as needed.
11. Notify Media (MCP) – if it is after hours, confer with the MCP duty commander regarding the need to notify the on-call Media representative. Fax a copy of the report to Media at [REDACTED] [REDACTED] (CALEA 54.1.1-d)
12. Advise the complainant that: (CALEA 41.2.6-f)
 - The case will be assigned to FCD for follow up investigation.
 - The investigator assigned to the case will contact them.
 - They should contact ECC if the child returns home before FCD contacts them.
13. Obtain a recent photograph of the missing child, preferably a portrait-type photo.
14. Before the officer's shift ends: (CALEA 81.2.9)
 - Notify MRC [REDACTED] and provide NCIC and METERS computer information (complainant need not complete the MCP 592 since the missing person is a child).
 - Complete all reports and initiate appropriate teletype for missing children believed to be in a specific location outside Montgomery County.
 - Fax report to FCD at [REDACTED]
15. If it is **not** a critical missing child, the officer shall immediately:
 - Seek to determine the circumstances surrounding the disappearance of the missing child.

- Follow procedures set forth in this general order.

16. If the officer solicited the assistance of an individual or business in locating a missing child and the child is subsequently located, the officer will ensure that follow up contact is made to inform the individual or business that the child has been located.

V. UNIDENTIFIED CHILDREN—INITIAL INVESTIGATION (CALEA 41.2.6-a)

A. Officers are reminded that §3-814 of the Courts and Judicial Proceedings Article permits an officer to take a child into custody if the child is in danger due to his/her surroundings.

B. Additionally, §10-622 of the Health General Article permits an officer to take a child (or any person) into custody for the purpose of an emergency evaluation (EEP) if, based upon the officer's personal observations, the officer has reason to believe that the child has a mental disorder and presents a danger to the life or safety of themselves or another.

C. In an effort to identify an unidentified child, officers must promptly do the following:

1. Determine if the child needs medical attention, and if so, summon EMS.

2. Notify ECC and provide the child's description and current location in the event a parent or guardian calls to report the child missing.

3. Notify the on-duty MCPD patrol supervisor and their CCVPD supervisor.

4. Notify the Montgomery County Family Crimes Division at [REDACTED] or contact the on call FCD investigator through ECC.

5. If the child is not in need of medical treatment, officers may bring the child to the station or to an MCP district station on a temporary basis for the child's protection until the child is reunited with family or until other arrangements are made.

6. If the child's identity is not determined or the child cannot readily be reunited with his/her family, officers must consult with the FCD investigator regarding next steps which may include foster placement through Child Protective Services at [REDACTED].

D. Other Resources:

1. Officers should check NCIC's Unidentified Persons File which uses physical descriptors to aid in identifying unknown persons.

2. Officers should also consider checking the website for the National Center for Missing and Exploited children at www.missingkids.com.

VI. MISSING CHILDREN/RUNAWAY – FOLLOW UP INVESTIGATION

(CALEA 41.2.5-d-e, 41.2.6-e, f, 42.1.4)

A. MCP Family Crimes Division (FCD) will conduct follow up investigations.

B. The FCD investigator will immediately contact the complainant to:

- Introduce self as the investigating officer
- Ascertain development of leads since original report was taken
- Assume responsibility for search from patrol personnel
- Notify the appropriate local Department of Social Services and to the extent possible, obtain any information that may assist in the location of the missing child/runaway.

C. The investigation will be transferred to the district investigative section where the child was originally reported missing when the child in question turns 18years old.

VII. NCIC ENTRY CRITERIA (CALEA 41.2.5-c, 81.2.9)

A. An NCIC entry can only be made if the missing person falls into one or more of the following categories:

- 1. Disability** – an individual of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting the individual or others to personal and immediate danger.
- 2. Endangered** – an individual of any age who is missing under circumstances indicating that the individual's physical safety may be in danger.
- 3. Involuntary** – an individual of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e. abduction or kidnapping.

4. **Juvenile** – an individual who is missing and declared unemancipated as defined by the laws of the individual’s State of residence and does not meet any of the criteria set forth in any of the above categories.
5. **Catastrophe Victim** – an individual of any age who is missing after a catastrophe.
6. **Other** – Missing person is at least 18 and under 21 years old (Suzanne’s Law).

B. If the missing person does not fit into any of the entry categories, an NCIC entry will not be made. A statement in the report will indicate that no entry as made (for example, “The subject does not meet the entry criteria for NCIC therefore no computer entry was made”).

VIII. CLOSURE/CANCELLATION

- A. Missing person reports can only be closed by a patrol unit or investigative unit.
- B. The officer closing the case will: (CALEA 82.2.1-c)
 - Verify the return and identity of the missing person. If the missing person is found in another jurisdiction, the officer will have the police department in that jurisdiction make the verification.
 - Cancel any teletypes, lookouts, or NCIC entries.
 - Write a supplemental report including, but not limited to:
 1. location where the subject was located.
 2. subject’s physical and mental condition
 3. synopsis of any criminal charges contemplated.
 - Notify the Media (MCP) as soon as practical if a press release was previously issued and fax a copy of the supplement report to Media.
 - Advise the original complainant of the relevant details of the case and the subject’s location. Officers are cautioned in this regard that every case presents different problems and that discretion will be exercised where appropriate in furnishing information.
 1. If it develops that the missing person was the subject of foul play or has been located either deceased or in severely deteriorated physical or mental condition, personal con-

tact will be made with the complainant by the lead investigative unit.

2. In cases involving missing juveniles located outside Montgomery County, NCIC entries can only be cancelled upon return to this jurisdiction. To accomplish this, officers will inform the guardian to immediately contact FCD when the juvenile’s location and condition are verified by another police agency and the legal guardian grants permission for the child to remain at that location.
3. In all other cases, telephone contact will suffice.

IX. COUNTY RESIDENT MISSING OUTSIDE THE COUNTY

When a call is received concerning a county resident who is believed to be missing in another jurisdiction (e.g. Florida, California, France, etc.) with circumstances that would warrant an investigation if the individual were missing in Montgomery County, the following procedures will be followed:

1. A police report will be written and a copy forwarded to the district investigative section.
2. If a critical missing adult is involved, the officer will notify the district investigator immediately. (CALEA 41.2.5-f)
3. In a non-critical case, the officer will immediately contact the jurisdiction where the individual is believed to be missing and note this information in the report to include a point of contact and a phone number for the other jurisdiction.
4. Once an investigator (MCP) is assigned to the case, he will act as liaison between the complainant and the jurisdiction where the individual is believed to be missing.
5. Depending on the location and circumstances, the duty commander can offer the department’s (MCP) canine unit and other resources as assistance to the outside jurisdiction.
6. NCIC entry is the responsibility of the jurisdiction where the individual is believed to be or last known to be.

X. MARYLAND AMBER PLAN (CALEA 41.2.6-d)

- A. The Maryland Amber Plan is a collaborative approach between broadcasters, MSP, and area law enforcement agencies for response to the abduction of children. “Amber” is an acronym for America’s Missing: Broadcast Emergency Response and is a

protocol for alerting the public of a child abduction to solicit information useful in the investigation and recovery of abducted children.

- B. Once the patrol officer verifies the kidnapping/abduction and that all of the criteria as been met, the officer will place a lookout stating “Amber Alert pending.” A Sergeant from the FCD, Family Outreach Section, will confirm that all of the criteria has been met and then contact the MSP Duty Commander in Pikesville to request the Amber Alert Plan be placed in motion.

XI. CHILD CUSTODY DISPUTES

- A. Under Maryland law, either parent of a child is presumed to have equal right to have custody of the child, unless a court order states otherwise. A child custody order of a Maryland court will supersede any custody order issued by a court in another jurisdiction, unless:
- The order from the outside jurisdiction was issued after the Maryland order, and
 - The lawful custodian of the child consented to the more recent order, or personally participated in the legal process in the other jurisdiction.
- B. Officers should request a copy of a court order which grants custody and should follow the dictates of that order in determining which party may be allowed to take the child. If no legal custody order is present, officers will make no judgment on their own accord as to which party should have custody, but will advise all parties to seek the advice of an attorney.
- C. When a custody order is in place involving a child under the age of 16 and the order has been violated, the lawful custodian must make a demand to the person with the child for the return of the child. If that demand is not met within 48 hours, the person holding the child may be charged criminally under the Family Law Article, Title 9-304. In such cases, officers will contact the Missing Child/Runaway Unit, FCD.

- D. Officers may take any child into custody if there are reasonable grounds to believe that the child is in immediate danger from the child’s surroundings and removal is necessary for protection. In such instances Child Welfare should be contacted for assistance at [REDACTED]