
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Missing, Runaway, Abandoned, Abducted, Found or Unidentified Juveniles</b>		
	<b>GENERAL ORDER</b>	<b>902.1</b>	
<b>Effective Date</b>	<b>02/24/2016</b>		
<b>Authorized by:</b>	<b>Mark P. Sroka</b> CHIEF OF POLICE	SIGNATURE	DATE

**I. PURPOSE**

The purpose of this directive is to provide guidelines for the handling of calls that involve runaway missing and abducted juveniles, and to outline procedures that satisfy legal and investigative requirements for these incidents. These guidelines and procedures are intended to help reunite children with their families promptly and safely.

**II. POLICY**

The Department is committed to the safety and well being of children, whether missing, unidentified, runaway, abandoned, abducted, or victim of foul-play or other suspicious circumstances. The first hour of law enforcement response is critical in terms of initial response, information gathering, dissemination of information, and the coordination and extent of search efforts. The Department works in partnership with other law enforcement agencies and local broadcasters in the AMBER Alert Plan, and officers take steps to activate this plan when the circumstances meet appropriate criteria.

A juvenile taken into custody in this jurisdiction, as a result of being reported as a runaway outside of the State of Maryland, will be treated as a status offender unless they are also being charged with committing a delinquent act.

**III. DEFINITIONS**

**A. Abandoned Juvenile**

Within the context of this directive, the term “abandoned juvenile” refers to a juvenile who has been left by his or her parent, custodian, or guardian such that they are without proper care and attention. This juvenile may be considered a child in need of assistance.

**B. Abducted Juvenile**

Within the context of this directive, the term “abducted juvenile” refers to a juvenile who is under the age of 16 years old and has been taken or carried away by a person who is not the juvenile’s lawful custodian.

**C. Child in Need of Assistance**

Within the context of this directive, the term “child in need of assistance” refers to a juvenile who requires the assistance of the court because he or she is mentally handicapped, or is not receiving ordinary and proper care and attention and his or her parent, guardian or custodian are unable or unwilling to give proper care and attention to the child and his or her problems.

**D. Child in Need of Supervision**

Within the context of this directive, the term “child in need of supervision” refers to a juvenile who requires guidance, treatment or rehabilitation and is required by law to attend school and is habitually truant, or is habitually disobedient and beyond the control of the person having custody of the child, or departs him or herself so as to injure themselves or others, or has committed a status offense.

**E. Critical Missing Juvenile**

Within the context of this directive, the term “critical missing juvenile” refers to a missing juvenile who meets any of the following criteria:

- 1) Is under the age of 17 years;
- 2) Has not been the subject of a prior missing persons report;
- 3) Suffers from a mental or physical handicap or illness;
- 4) The disappearance is of a suspicious or dangerous nature;
- 5) The complainant has reason to believe that the juvenile may have been abducted;
- 6) The juvenile has previously been the subject of a child abuse report filed in the State of Maryland or to a local law enforcement agency.

**F. Juvenile**

Within the context of this directive, the term “juvenile” refers to a person under the age of 18 years old, unless otherwise prescribed by directive or law.

**G. Missing Juvenile**

Within the context of this directive, the term “missing juvenile” refers to a juvenile whose whereabouts are unknown or cannot be confirmed. At the time of reporting, runaway is not suspected but foul play may be suspected, depending upon the circumstances.

**H. Runaway Juvenile**

Within the context of this directive, the term “runaway juvenile” refers to a juvenile who has left his or her residence without authorization and apparently intends to remain away without consent. Runaway is a status offense.

**I. Unidentified Juvenile**

Within the context of this directive, the term “unidentified juvenile” refers to a juvenile whose identity is unknown or cannot be determined with certainty. Investigation is required to determine the juvenile’s name and other personal descriptors. This type of person is generally located or found by someone before being officially reported as missing to police.

**IV. PROCEDURE**

**A. Response & Preliminary Investigation**

1. Actions taken by the Department and investigating officers concerning missing juveniles are governed by law. The procedures enumerated herein shall be followed by an officer upon receipt of a report regarding a missing child.
2. Unless the complainant wishes to delay initial reporting for a suspected runaway, officers will not advise any complainant that a missing or runaway juvenile has to be gone for a certain period of time before a report can be taken.
3. Officer response to the scene or location dispatched will be in accordance with the response code assigned by the PSCC. Supervisors may alter the response code if credible information is known that would warrant an increase or decrease.
4. Officers approaching the scene will observe all conditions, events or remarks, and treat the location as a potential crime scene.
5. Upon arrival, officers will attempt to locate the complainant, and any person who may have seen the missing child last, in order to gather information and obtain an initial description of the missing

child.

6. Officers will verify the juvenile is in fact missing, the child's custody status, identify the circumstances of the disappearance and make an initial determination of the type of incident that has occurred.
7. During interview of the complainant and any witnesses, officers will observe all conditions, events, and remarks at and around the scene to determine if the child should be classified as a critical missing juvenile (see definitions).
8. Investigating officers will obtain a detailed description of the juvenile, any potential abductor and any vehicle used to transport the juvenile. An attempt should always be made to obtain a recent, good quality, color photograph of the juvenile.
9. Officers will relay detailed descriptive information to the PSCC for a radio lookout.
10. In the instance of abduction, officers need to determine if the abduction is family related or non-family related. Family Law Article 9-304 prohibits a relative who knows that another person is the lawful custodian of a juvenile under the age of 16 from:
  - a) Abducting, taking, or carrying away a juvenile from the lawful custodian to a place within Maryland;
  - b) After acquiring lawful possession of a juvenile, detaining the juvenile within Maryland for more than 48 hours after the lawful custodian demands that the juvenile be returned;
  - c) Harboring or hiding the juvenile within Maryland, knowing that possession of the juvenile was obtained by another relative in violation of FL 9-304; or
  - d) Acting as an accessory to an act prohibited by FL 9-304.
  - e) Abduction, by any of these means, of a juvenile by a relative who takes the juvenile outside Maryland is prohibited under Family Law Article 9-305.
11. For cases in which a juvenile has been abducted by a person not known to them, or a non-family member, responding and supervising officers should follow additional measures during initial response and investigation:

- a) Assign an officer to the juvenile's home in the event phone calls are made to the home by the abductor or the juvenile;
- b) Keep the phone at the residence open, using a cell phone or other means of communication for police business;
- c) Conduct a neighborhood canvass;
- d) Compile a list of known sex offenders in the area (GPD Master Name Index lists repeat offenders, sex offenders and offenders recently released from prison);
- e) Develop a profile of the possible abductor;
- f) Investigate claims of home births made in the area near the scene if the case involves the abduction of an infant; and
- g) Ensure immediate NCIC entry, via the MRC, and that any teletypes and MCP web board messages concerning the abduction are sent without unnecessary delay.

**B. Initial Search**

1. Upon conclusion by the officer that the child may be classified as a critical missing juvenile, the officer shall immediately initiate search procedures (see General Order 608.1 for additional information) such as, but not limited to:
  - a) A thorough check of the home and yard;
  - b) A search of the immediate area including neighborhood;
  - c) A check of areas where youths congregate; and
  - d) A check with friends and relatives.
2. Investigating officers will ensure notification of the on duty shift supervisor and MCP shift supervisor if it appears further follow up is required at the scene and extended search procedures may become necessary.
3. A supervisor will respond to the scene of a reported critical missing child that is in progress or has just occurred.
  - a) The supervisor will establish a command post to be used as a coordination point for search efforts.

- b) The on-scene supervisor shall consult with a search manager (see General Order 608.1) for all incidents involving critical missing children. The request for a search manager will be made via the PSCC.
  - c) The State Clearinghouse for Missing Children maintains a list of volunteer search teams and other resources. The on-scene supervisor shall coordinate with volunteer search teams, when utilized.
4. The Incident Command System will be utilized in active searches for critical missing juveniles (see General Order 1000.2). The supervisor at the scene should consider having the Incident Command System (ICS) Box brought to the scene for maps and other resources.
  5. Officers will consider requesting canine, air support, and additional personnel to assist with the search and interviews.
  6. Officers of higher rank will be briefed upon their arrival and command relinquished to them as appropriate.
  7. Copies should made of the juvenile's photograph (also containing a written description) to be disseminated to officers participating in the search.
  8. If a search of the scene and area does not result in the juvenile being immediately located, the investigating officer will, without unnecessary delay, notify the PSCC Message Routing Center to have the juvenile entered into NCIC and a look out broadcast.
    - a) When notifying MRC regarding MILES/NCIC entry of a critical missing juvenile, officers must indicate whether the juvenile is endangered (Code E) or is missing involuntarily (Code I).
    - b) The MRC representative will enter the juvenile into MILES/NCIC, and the National Center for Missing and Exploited Children (1-800-843-5678) will automatically be notified via technology (as required by Family Law 9-402).
  9. If search efforts locate the missing juvenile and/or a crime scene, officers will ensure that the scene is protected and maintained so that evidence can be collected, if warranted, in accordance with General Order 1101.1.

**C. The Maryland AMBER Alert Plan**

1. The AMBER Plan was developed after the abduction and murder

of Amber Hagerman in 1996. Amber was nine years old and was abducted in broad daylight. Her body was found four days later. As a response to this crime, the Association of Radio Managers, with assistance of area law enforcement agencies in Arlington, Texas created the AMBER Plan. AMBER is an acronym for America's Missing: Broadcast Emergency Response.

2. Using the Emergency Alert System (EAS), participating radio and television stations immediately interrupt their programming to broadcast information about a child abduction. The goal of the system is to gain information that will enable law enforcement authorities to recover the child before any injury occurs.
3. Officers will cause activation of the plan whenever they respond to a child abduction situation and all of the following five criteria are met:
  - a) The child is under 18 years of age and there is evidence that the child was abducted;
  - b) The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death;
  - c) The abductor and/or child are likely to still be in the Washington metropolitan broadcast area;
  - d) There is a likelihood someone provided with a description of the abductor, the child, or the vehicle involved may observe and report the whereabouts to police; and
  - e) The child's name and other critical elements have been entered into NCIC by police.
4. After consultation with the shift supervisor and with his or her approval, the responding officer will contact:
  - a) Family Services Division (240) 773-5400; or
  - b) The on call FSD investigator after hours, through the PSCC supervisor.
  - c) If there is no response from the Family Services Division, or after hours, the responding officer or supervisor will contact the GPD Investigative Section.
5. The officer or investigator will notify the MCP Media Services

Section and this Department's Public Information Officer for additional assistance with the media outlets.

6. If the proper criteria have been met:
  - a) The FSD investigator will contact the PSCC supervisor and provide a detailed description of the victim, suspect, and any pertinent facts about the abduction.
  - b) The PSCC supervisor will then notify the primary EAS stations via telephone and fax for broadcast to the public via the EAS as soon as possible.
7. Once the Maryland AMBER Plan has been activated, MCP Media Services Division personnel will have primary responsibility for follow up contact with the news media.
8. The reporting officer shall ensure that the event report indicates activation of the plan.

**D. Notifications**

1. The patrol supervisor will be notified of all incidents involving runaway, missing, abandoned or found juveniles.
2. Notification will be made to the PSCC Message Routing Center for all runaway and missing juveniles without unnecessary delay.
3. If a found child's parent/guardian can not be located after checking schools, neighbors, workplaces and other relevant locations:
  - a) MCP Family Crimes will be notified;
  - b) The PSCC will be advised of the child's current location, name and address (if known) and/or description, in case the parent/guardian calls to report the child missing.
4. Immediate notification of supervisors, Command Staff, investigators (GPD and Family Crimes) and MRC will be made for all critical missing juveniles (critical missing includes abducted);
  - a) To ensure compliance with Family Law Article 9-402, regarding notification of the State Clearinghouse for Missing Children, officers investigating a critical missing juvenile shall immediately notify the MCP Family Crimes Division at (240) 773-5400. If no response, or if it is after hours, the investigating officer shall contact the PSCC supervisor so that the on call FCD investigator can be



contacted.

- b) The investigating officer of a critical missing juvenile shall also immediately notify the Department of Social Services, in accordance with Family Law Article 9-402.
5. Immediate notification of Command Staff members will also take place whenever an active search for a missing (not runaway) juvenile is taking place in the City if a canine team or helicopter is being deployed, or if an AMBER Alert has been or is about to be issued.

**E. Reporting**

1. All reports of a child missing under the provisions of Title 9, Sub-Titles 401 and 402 of the Family Law Article, will be titled “missing child” or "missing children" so that the necessary provisions of the law are met.
  - a) The 2111 classification may be used for those juveniles that have runaway.
  - b) The 2943 classification will be used for missing juveniles.
  - c) The 2114 classification will be used for missing/runaway juveniles reported in another jurisdiction and recovered in Montgomery County.
  - d) The “Hierarchy Rule” described in the Field Report Manual will be utilized to appropriately classify other types of events or incidents involving juveniles.
2. All reports pertaining to the missing juvenile must be completed immediately and submitted for supervisory approval.
3. The investigating officer may provide other law enforcement officers with a copy of the report prior to supervisory approval, if furnishing it could expedite locating the juvenile.
4. The investigating officer shall forward a copy of the report to the State Clearinghouse for Missing Children (1-800-637-5437 / Fax 1-410-290-1831).
5. Unless relieved of the responsibility by an investigator, patrol officers are responsible for the immediate completion and submission of an appropriately classified report, pursuant to the provisions of the Field Report Manual.

6. Officers will supplement their initial reports, with any new information obtained, to assist investigators.
7. Cancellation of runaway/missing status involves completion of a supplement report to update the original. If the original report has not yet been submitted and approved, the original report may be used to reflect the return.
8. The officer's report will indicate the name, address, phone numbers, and date/time of the parent/guardian notifications.

**F. Follow-up**

1. The complainant should be advised by the investigating officer that the case will be assigned to an investigator for further follow-up and the contact the PSCC if the missing child returns.
2. Unless an investigator has already been assigned to the case, the officer handling the initial report will attempt to make follow-up contact with the complainant during the next tour of duty to obtain any new information or to advise of any progress.
3. Once an investigator has been assigned, any follow-up efforts will be in coordination with the assigned investigator to ensure efforts are not unnecessarily duplicated.
4. If an officer develops information and the investigator concurs that it warrants the additional search of an area, a request will be made via the PSCC for appropriate resources to aid in the search.
  - a) If the investigator cannot be contacted, the officer will consult with the investigator's supervisor.
  - b) If neither the investigator nor the investigator's supervisor can be contacted, the officer will consult with his or her supervisor and arrange for necessary resources.
  - c) The juvenile's photograph and descriptors should be redistributed to patrol officers and contact with the Department's public information officer and MCP Media Section should also be considered.

**G. Recovery of Juveniles**

1. To cancel a runaway/missing juvenile, the officer will notify, or cause to be notified, the PSCC Message Routing Center (MRC) to

have the NCIC entry canceled.

- a) In the event that a runaway/missing juvenile who was reported in another jurisdiction is located in Montgomery County, the officer taking the child into custody may not cancel the NCIC entry.
    - 1) The entry may only be removed by the jurisdiction that made the original entry.
    - 2) The officer will, in addition to telephone notification, send an email to the PSCC MRC ([mcpmrc@montgomerycountymd.gov](mailto:mcpmrc@montgomerycountymd.gov)) with the following information for a teletype to the originating agency:
      - i) Juvenile's name and date of birth;
      - ii) The originating agency's case number;
      - iii) Our CR number;
      - iv) Status of the juvenile (temporary shelter facility, held at MCDC, detained at Noyes, etc.);
      - v) Parent/guardian's name and whether notification was made; and
      - vi) What, if any, local charges are being placed.
  - b) In the event that a missing/runaway juvenile who was reported in Montgomery County is located outside of the County, the NCIC entry cannot be canceled until the juvenile returns to the County or the parent/guardian grants the child permission to remain outside the County.
  - c) When a missing/runaway juvenile is believed by the investigating officer to be in a location outside of the County, the officer will contact MRC with the details, via email, for a teletype to the jurisdiction requesting their assistance.
2. Maryland law allows a juvenile to be taken into custody if the juvenile has been harmed or is in imminent danger due to his or her surroundings.
- a) If the investigating officer has reasonable grounds to

believe that this is the case, the juvenile may be taken into custody even if a computer check fails to identify the juvenile as a runaway/missing person or otherwise wanted.

- b) Before a juvenile is taken into custody, the juvenile's status will be checked through NCIC.
3. The investigating officer's first and foremost concern is for the safety and welfare of the child. Therefore, the child may be taken into custody by the officer pursuant to § 3-814 and § 3-8A-14 of the Courts and Judicial Proceedings Article.
  4. Pursuant to Maryland Code, Health-General Article § 10-622, an officer may take the juvenile into custody for the purpose of a Petition for Emergency Evaluation (EEP), if the officer has reason to believe that the juvenile has a mental disorder and presents a danger to the life or safety of the evaluatee or others, and the officer has witnessed such conduct.
  5. If the juvenile is listed as a runaway and the computer entry has been confirmed, or the officer's further investigation determines that the juvenile is a runaway, the juvenile will be immediately taken into custody and the officer will:
    - a) Request that the PSCC enter a locate message into NCIC so that the computer entry will indicate that the runaway's whereabouts have become known.
    - b) Contact the law enforcement agency that entered the juvenile to:
      - 1) Request that they notify the runaway's parent/guardian;
      - 2) Obtain the parent/guardian phone numbers so that the officer taking custody can contact them directly;
    - c) Protect the juvenile from harm and ensure that the juvenile's constitutional rights are protected;
    - d) Not handcuff the juvenile (because he or she is a status offender), unless the juvenile is a threat to the officer;
    - e) Immediately notify the Department of Juvenile Justice:
      - 1) At 301-279-1580 Monday through Friday from 0830 to 1700; or

- 2) After hours or on weekends, have the PSCC contact the on call intake officer.
  - 3) This notification is especially important if the juvenile is in need of shelter until his or her parent(s) arrive to take custody of juvenile or until DJJ can arrange for the juvenile to be transported home.
  - f) Transport the juvenile to the shelter facility, if directed by DJJ.
6. Officers shall provide reasonable and immediate assistance to any juvenile they find abandoned or separated from family.
7. Children sometimes become separated from parents during family outings. Most of the time these children are of tender years and the situation requires officers to be especially sensitive and compassionate when dealing with the child.
  - a) Unless removal of the child from the area is necessary for his or her protection, every effort should be made by officers to resolve the situation and reunite the child with his or her parents, guardian, or custodian at the location where the child was found.
  - b) A found juvenile may be brought to the GPD station or district station if the child cannot be reunited with parents, the guardian, or custodian after reasonable attempts at reunification have been made.
  - c) Because there may be an underlying cause for the child being separated from his or her parents, guardian, or custodian, officers must investigate the circumstances under which the juvenile became separated. Determination must also be made concerning who may have lawful custody at the time.
8. In determining if a juvenile has been abandoned officers must interview the juvenile, if possible, to determine enough information to check the juvenile in MILES and NCIC.
9. When seeking to determine the juvenile's identity, unless the juvenile is carrying identification, officers should attempt to:
  - a) Ask the juvenile questions that are open ended, as opposed to those that can be replied to with a simple "yes" or "no"

answer;

- b) Ask the juvenile about relatives and friends, and their names and addresses; and
  - c) Comment about an item being worn or carried by the juvenile and inquire as to where/how/from whom the juvenile obtained the item.
10. Officers must be cognizant that the abandonment of a juvenile may constitute a criminal act. It is critical that investigating officers observe all conditions, events, and remarks when dealing with the juvenile and the surroundings in which the juvenile is located.
11. Officers must be extremely sensitive when dealing with juveniles of tender years as they may be apprehensive, especially of police. A juvenile not in need of medical attention, whose parent or guardian cannot be immediately located, may be transported to a district station for follow up investigation.
12. When attempting to determine the juvenile's identity, officers should check NCIC using MPN (PF1) function (a non-unique inquiry since the person's name is unknown). This function requires physical descriptors only and is generally useful when attempting to identify recovered bodies, a person unable to communicate, or an uncooperative person. The types of data in this file includes blood type, estimated year of birth, approximate height and weight, jewelry if worn, medical conditions and dental characteristics. There are three different categories for records entered into NCIC's Unidentified Person File:
- a) Unidentified deceased persons, including victims of catastrophe;
  - b) Unidentified living persons who are unaware of their identities, such as amnesia victims, small children, persons with Alzheimer's Disease, etc.; and
  - c) Body parts.
13. Officers should also consider checking the web site for the National Center for Missing and Exploited Children at [www.missingkids.com](http://www.missingkids.com)

#### **H. Operation Runaway**

1. Operation Runaway offers consultation to officers needing advice pertaining to a specific case, and can be contacted at (301) 251-4545. If the parents refuse to accept custody of a runaway, the on

duty or on call DJJ intake officer will be notified through the PSCC.

2. Operation Runaway offers free assessments for:
  - a) Kids who need to talk to someone;
  - b) Concerned parents to discuss strategies for coping with the situation, and to give specific recommendations for treatment once the child is located; and
  - c) Runaways that have been taken into custody by police.
3. To ensure that a runaway and his or her parent or guardian can benefit from the program, officers who have taken runaways into custody shall release them to their parent/guardian/custodian and refer to Operation Runaway. The officer may also transport the juvenile directly to the Potomac Ridge Behavioral Health Center (PRBHC) for assessment:
  - a) Officers do not need a runaway's consent to transport.
    - 1) Runaways who are under the influence and/or combative will not be transported to the PRBHC.
    - 2) Runaways displaying oppositional behavior may be transported to PRBHC.
  - b) If an officer responds to a residence for a returned runaway, the officer should refer the parent(s) to Operation Runaway and the PRBHC so they can make their own arrangements.
4. In any report written (runaway, missing person or supplement), the officer must indicate what action was taken (i.e., "Operation Runaway referral made", or "Runaway transported to Potomac Ridge Behavioral Health Center").