

**CHAPTER 6**  
**MISSING PERSONS**  
**REVISED FEBRUARY 2023**  
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**CHAPTER 6**  
**MISSING PERSONS**

1. PURPOSE. The purpose of this chapter is to establish policy and procedures for managing missing person incidents, including the acceptance or referral of reports and/or procedures applicable upon locating missing persons. Many of the procedures pertaining to missing persons are mandated by the Penal Code (PC). Pertinent statutory authority is included in Annex A.

2. POLICY.

a. Reports of Missing Persons—Adults and Minors.

(1) Generally, reports of missing persons should be referred to the appropriate local law enforcement agency. Departmental employees shall provide the name, address, and phone number of the appropriate law enforcement agencies and offer assistance in making contact with those agencies (Section 14211 PC). Refer to the Missing Person Procedure Tree in Annex B.

(2) Departmental personnel shall access the 144 Hospitalized/In-Custody System for possible information on persons reported as missing, overdue, or as a runaway. If results are negative, an "attempt to locate" (ATL) shall be promptly broadcast to the appropriate California Highway Patrol (CHP) field personnel. Field personnel should take reasonable actions to determine the presence or absence of the missing/overdue/runaway person along probable routes of travel.

(3) However, if circumstances warrant immediate action, officers shall conduct a preliminary investigation and report, including facilitating (through the CHP communications center) notification to the Department of Justice (DOJ) Missing/Unidentified Person System (MUPS). As soon as practical, the investigation should be relinquished to the appropriate law enforcement agency.

(4) In the event officers are required to conduct a preliminary investigation, officers should reference the CHP 259, Missing Persons Investigative Checklist, for information on available resources and guidelines to follow during the early hours of a missing persons investigation.

(5) When conducting a preliminary investigation, during the initial contact with the parent or family member reporting a missing person, officers shall utilize a CJIS 8568, DOJ Missing Person Report, located on the CHP Intranet site under the Forms tab, and in the departmental forms directory.

(6) The DOJ Missing Children Hotline telephone number (1-800-222-FIND [3463]) shall be provided to persons reporting missing children.

b. Amber Alert and Silver Alert.

(1) When dealing with missing persons, officers shall reference the criteria required to initiate an Amber or Silver Alert and request an alert if appropriate. Refer to Highway Patrol Manual 100.69, General Law Enforcement Policy Manual, Chapter 9, California Child Safety Amber Network, and Chapter 11, Silver Alert Program, for policies and procedures.

c. Located Missing Persons.

(1) Notification. Upon locating/finding a missing person (child or adult), officers shall immediately notify the Attorney General's office via MUPS. Officers should also notify the agency which generated the missing persons report and provide pertinent information within 24 hours. Refer to the Located/Found Missing Person Procedure Tree in Annex C.

(a) Notice to Reporting Party. Additionally, upon locating a reported missing/overdue adult, officers should advise the person they have been reported as missing/overdue and ascertain what information should be relayed back to the reporting party.

(2) Officers shall take reasonable action to provide for the safety and care of all persons (adult/child/runaway) who request assistance or who appear in need of immediate assistance.

(3) Children. Child abduction is a felony. Officers shall take appropriate enforcement action against suspected child abductors (whether parental or stranger).

d. Missing person reports generally will be referred to the appropriate law enforcement agency. Area commanders shall coordinate the implementation of this chapter with their local police and sheriff's departments to develop standard operating procedures.

### 3. PROCEDURES.

#### a. Reports of Missing Persons.

(1) Classification of Missing Party. The classification of the missing person and surrounding circumstances may affect subsequent departmental action. Accordingly, upon receipt of a report of a missing person (whether by telephone or in person), departmental personnel should determine the appropriate classification of the missing person. The following definitions are applicable:

(a) Missing Person. As used in this title, “missing person” includes, but is not limited to, any of the following:

1 An at-risk adult.

2 A child who has been taken, detained, concealed, enticed away, or retained by a parent in violation of PC Part 1, Title 9, Chapter 4 (commencing with Section 277).

3 A child who is missing voluntarily (e.g., runaway) or involuntarily, or under circumstances not conforming to their ordinary habits or behavior, and may be in need of assistance.

(b) At Risk. As used in Section 14215 PC, “at risk” means there is evidence of, or there are indications of, any of the following:

1 The missing person is the victim of a crime or foul play.

2 The missing person is in need of medical attention.

3 The missing person has no pattern of running away or disappearing.

4 The missing person may be the victim of parental abduction.

5 The missing person is mentally impaired, including cognitively impaired or developmentally disabled.

(c) Child. As used in this section, “child” is any person under 18 years of age.

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### STATUTORY AUTHORITY (*continued*)

(d) Overdue Persons. It is the reporting party's responsibility to determine whether an overdue person is missing and whether a formal report is necessary.

1 If the overdue person is under age 16 or at risk, officers should encourage the reporting party to file a formal missing person report and take any immediate action reasonably warranted by the circumstances.

(2) 144 System Check. Departmental employees shall access (via the Area office or CHP communications center) the 144 system for possible information on the missing/overdue person.

(3) Attempt to Locate Broadcast.

(a) If the 144 system yields negative information, the CHP communications center shall broadcast an ATL to the appropriate field units.

(b) The reporting party shall be advised that an ATL does not constitute the filing of a missing person report and will not result in an investigation.

(4) Mandatory Advisement. When notified of a missing person, the CHP is required to advise the reporting party of the name and address of the appropriate law enforcement agencies, the agency having jurisdiction where the missing person resides, and the location they were last observed, per Section 14211(b) PC. Section 14250(c)(2) PC requires that law enforcement inform the parents, or appropriate relatives, of a person missing under high-risk circumstances that they may give a voluntary deoxyribonucleic acid (DNA) sample for testing, or may collect a DNA sample from the missing person's personal article(s), if available, within 30 days of making their report. The samples shall be taken by the appropriate law enforcement agency as prescribed by DOJ.

(5) Refer or Accept Report. Generally, missing person reports should be referred to the appropriate local law enforcement agency. However, if circumstances warrant immediate action, officers shall conduct a preliminary report and investigation. Each case must be individually assessed based on the surrounding circumstances.

(a) Relevant factors when considering (though not alone necessitating) a preliminary CHP report are:

- 1 The age of the missing person or circumstances indicating the person is at risk.
- 2 The local law enforcement agency requests CHP assistance, is unable to respond, or will be unduly delayed.
- 3 The reporting party is highly emotional.
- 4 The circumstances indicate immediate action is likely to be fruitful or delay would seriously hamper the investigation.
- 5 The circumstances surrounding the disappearance (e.g., abduction, chronic runaway, lost).
- 6 The perceived degree of potential danger to the missing person or others.

(b) Referrals to an Allied Agency. If the reporting party is referred to another law enforcement agency, departmental employees shall offer assistance in establishing contact with that agency.

(c) Preliminary Reports by California Highway Patrol. When circumstances warrant immediate action, officers should take the initial report and make the appropriate notifications to MUPS. The investigation should be relinquished to the appropriate law enforcement agency as soon as practical. Officers shall ascertain and disseminate pertinent information to facilitate successful recovery of the missing person as follows:

- 1 Missing Person Report. Officers shall complete a CJIS 8568, documenting all relevant information and obtain a CHP case number (refer to General Order 100.38, Assignment of Case Numbers).
- 2 Necessary Follow-up. Information indicating immediate action is warranted or would be productive should be pursued. This includes, but is not limited to:
  - a Contacting other persons who may have pertinent information regarding the missing person's whereabouts.
  - b Conducting a search of a specific location or general area.

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### STATUTORY AUTHORITY (*continued*)

3 Notice to the Reporting Party. Officers shall advise the reporting party the CHP investigation is preliminary only and the report will be forwarded to the appropriate law enforcement agency for formal investigation; case status (progress) should be obtained from that agency.

a Officers shall provide the DOJ Missing Children Hotline telephone number to persons reporting missing children. The DOJ maintains this hotline to receive information or tips regarding the whereabouts of missing children (under age 18) and relays the information to the appropriate law enforcement agency.

4 Notice to Department of Justice. Section 14211(e) PC requires notification to DOJ, for inclusion in the Violent Crime Information Center (VCIC) and the National Crime Information Center (NCIC) databases, **within two hours** of accepting a report of a missing person under age 21 or at risk. This may be accomplished by establishing a record in MUPS (via CHP communications center).

a Officers should document the time they contacted the communications center, the MUPS number, and the time of MUPS notification in the CJIS 8568 narrative section. This MUPS number is an interim number only. The law enforcement agency having jurisdiction will later establish a permanent number.

5 Notice to the Appropriate Law Enforcement Agency. **Within 24 hours** of taking a preliminary missing persons report, a copy of the CJIS 8568 shall be forwarded to the appropriate law enforcement agencies (location where reported missing and location of residence).

6 Mandatory Follow-up. **Within 24 hours** of the MUPS entry, the CHP Area office shall ascertain whether the local law enforcement agency has established their own MUPS record. Further follow-up may be required if the local law enforcement agency delays making this entry. When the permanent entry is established by the local law enforcement agency, the Area should request the communications center delete the CHP MUPS record from the system.

(d) Notice to School District. Section 49068.6 of the Education Code requires any law enforcement agency responsible for the investigation of a missing child to inform the school district, other educational agency, or private school in which the child is enrolled that the child is missing. The notice shall be in writing, include a photograph of the child if available, and be given within ten days of the child's disappearance. In most cases, it will be the local law enforcement agency's responsibility to make notice; however, personnel should be aware of this statute.

b. Locating/Finding Missing Persons.

(1) Notification—Attorney General's Office. Officers locating a missing person shall immediately report that information to the Attorney General's Office (via MUPS), per Section 14213(a) PC. Officers shall also notify the agency that generated the missing persons report within 24 hours (Section 14213[b] PC).

(2) Adults. Upon locating a missing/overdue adult, officers shall advise the person they have been reported as missing/overdue. Officers shall take appropriate action for the safety and care of persons who are injured or otherwise in need of assistance.

(a) Notice to the Reporting Party. Officers may advise the reporting party that the missing/overdue person has been located and is unharmed. However, unless the missing person is physically or mentally incapacitated, officers should not provide details (where and with whom they were found, etc.) without prior authorization from the reported missing person.

(3) Children. Procedures for conducting an investigation of a found child are highly dependent upon the circumstances of the case (e.g., whether they were abducted, lost, runaway). In all cases, officers shall take reasonable action to provide for the immediate care and protection of such individuals.

(a) Protective Custody. Officers may take protective custody of a child under the following circumstances, per Section 279.6(a) PC:

1 It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.

2 There is no lawful custodian available to take custody of the child.

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3 There are conflicting custody orders or conflicting claims of custody and the parties cannot agree which party should take custody of the child.

4 The child is an abducted child.

(b) Abducted Children. Officers shall take appropriate enforcement action for violations of child abduction statutes (Sections 278 and 278.5 PC), including parental abduction. Section 279.6(c) PC requires that upon the arrest of a person for child abduction, officers shall take possession of an abducted child who is found in the company of, or control of, the arrested person and deliver the child as set forth in Section 279.6(b) PC. Section 279.6(b) PC provides that when a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

1 Release the child to the lawful custodian of the child, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.

2 Obtain an emergency protective order pursuant to Family Code Section 6240 ordering placement of the child with an interim custodian who agrees in writing to accept interim custody. Refer to Chapter 4, Issuance, Service, and Enforcement of Court Protective Orders, in this manual, regarding protective orders.

3 Release the child to the social service agency responsible for arranging shelter or foster care.

4 Return the child as ordered by a court of competent jurisdiction.

(c) Runaways. Due to ambiguous statutory authority and limited resources, local policies vary regarding the involuntary detainment of runaways. Areas should coordinate procedures with their local law enforcement authorities and juvenile facilities.

1 Where local policies do not provide for the placement of runaways at a secured juvenile facility, officers shall take the necessary action to provide for the juvenile's immediate safety and care. Such actions may include, but are not limited to:

a Transporting the juvenile to the Area office and awaiting arrival of a parent or guardian.

b Assisting the juvenile in placing a telephone call (including long distance) to a parent or guardian (from CHP office or via CHP communications center.)

c Transporting the juvenile to the residence of a parent/guardian or governmental/private juvenile facility.

d Providing the telephone number and address of a governmental and/or private juvenile facility.

(4) Reporting Requirements. Officers shall complete a CHP 216, Arrest-Investigation Report, documenting all relevant information upon locating/finding a missing person. Section 14213 PC requires the following:

(a) When a reported missing person has been found, the law enforcement agency locating the missing person shall immediately report the information to the Attorney General's Office (Section 14213[a] PC).

(b) A copy of the report shall also be forwarded to the law enforcement agency that made the initial missing person report **within 24 hours** after the person is found (Section 14213[b] PC).

(c) In the event that a missing person is found alive or dead in less than 24 hours and there is reason to believe the person had been abducted, the Department shall submit a report to the VCIC. If the case is a stranger abduction, MUPS shall be contacted immediately at 1-800-222-FIND. If the missing person has been found before they have been reported missing to the VCIC, the incident should be submitted pursuant to Section 14213(c) PC.

(d) A law enforcement agency shall not establish or maintain any policy that requires the removal of a missing person entry from the VCIC database or the NCIC database based solely on the age of the missing person (Section 14213[d] PC).

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**STATUTORY AUTHORITY (*continued*)**

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### STATUTORY AUTHORITY

- **Section 277 California Penal Code—Lawful Custodian Defined.** Lawful custodian is defined as a person, guardian, or public agency having a right to custody of a child. A right to custody is defined as the right to the physical care, custody, and control of a child pursuant to a custody order as defined in subdivision (b) or, in the absence of a court order, by operation of law, or pursuant to the Uniform Parentage Act contained in Part 3 (commencing with Section 7600) of Division 12 of the Family Code (FC). Further, it mandates that "whenever a public agency takes protective custody or jurisdiction of the care, custody, control, or conduct of a child by statutory authority or court order, that agency is a lawful custodian of the child and has a right to physical custody of the child. In any subsequent placement of the child, the public agency continues to be a lawful custodian with a right to physical custody of the child until the public agency's right of custody is terminated by an order of a court of competent jurisdiction or by operation of law."
- **Section 278 California Penal Code—Non-Parental Abduction.** It is a felony for any person, not having a right to custody to maliciously take, entice, keep, withhold, or conceal any child with the intent to detain or conceal that child from a lawful custodian.
- **Section 278.5 California Penal Code—Parental Abduction.** It is a felony for any person to take, entice, keep, withhold, or conceal a child and maliciously deprive a lawful custodian of a right to custody or a person of a right to visitation.
- **Section 278.7 California Penal Code—Exceptions to Section 278.5 California Penal Code.**

Good Faith. Section 278.7(a) California Penal Code (PC) provides that Section 278.5 PC does not apply to a person with the right to custody who, in a "good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or *emotional* harm..."

Emotional Harm. Section 278.7(b) PC provides that Section 278.5 PC does not apply to a victim of domestic violence who has a right to custody and a good faith belief the child will suffer emotional harm if left with the other person. The statute defines emotional harm as "having a parent who has committed domestic violence against the person who is taking, or concealing the child."

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Notification Requirements. Section 278.7(c) PC requires those persons excepted by Section 278.7 PC notify (within ten days) the district attorney of the county where the child resided before action and commence custody proceedings within 30 days.

- **Section 279.6, California Penal Code—Protective Custody by Law Enforcement.**

Section 279.6(a) PC provides that a law enforcement officer **may take** a child into protective custody when it appears that a person is likely to conceal or flee with the child or evade the authority of the court, there is no lawful custodian available to take custody of the child, there are conflicting custody orders and/or claims to custody and the parties cannot agree which party should take the child, or the child is an abducted child.

Section 279.6(b) PC requires that whenever an officer takes protective custody of a child, they shall either release the child to a lawful custodian (unless the release would cause the child to be endangered, abducted, or removed from the jurisdiction), obtain an emergency protective order pursuant to Part 3 of Division 10 of the FC commencing with Section 6240 ordering placement with an interim custodian, release the child to the social services agency responsible for arranging shelter and foster care, or return the child as ordered by a court of competent jurisdiction.

Section 279.6(c) PC mandates that, upon arrest of a person for violation of Sections 278 or 278.5 PC (child abduction), the officer **shall take** possession of the abducted child and deliver the child as directed in 279.6(b) PC.

- **Section 280 California Penal Code—Abductions in Violation of Adoption Proceedings.** Provides it is a felony to willfully cause or permit the removal or concealment of any child in violation of Sections 8713, 8803, or 8910 FC.

- **Section 14211 California Penal Code—Reporting of Missing Persons.**

Acceptance of Reports. Mandates local law enforcement (police and sheriffs' departments) to accept missing person (including runaways) reports without delay (Section 14211[a] PC). The reports may be made telephonically. However, this requirement is inoperative if the governing body of a local agency adopts a resolution expressly making those requirements inoperative (Section 14211[h] PC).

The section further indicates the California Highway Patrol (CHP) may take the report. Additionally, CHP is required to advise the reporting party of the law

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enforcement agency name and telephone number where the missing person resides and where the missing person was last observed (Section 14211[b] PC).

**Broadcast.** Section 14211(d) PC requires that, where the missing person is under 21 years of age or at risk, the police or sheriff's department accepting the report shall broadcast a "be on the lookout" bulletin, without delay, within its jurisdiction. If the person reported missing is under 21 years of age, or is at risk, the law enforcement agency receiving the report shall, within two hours after receipt of the report, electronically transmit the report to Department of Justice (DOJ) via the California Law Enforcement Telecommunications System (CLETS) for inclusion in the Violent Crime Information Center (VCIC) and National Crime Information Center databases (Section 14211[e] PC). Information not immediately available for electronic transmission to DOJ shall be obtained by the investigating agency and provided as a supplement to the original entry as soon as possible, but no later than 60 days after the original electronic entry. Supplemental information may include, but is not limited to, the following: dental records and treatment notes, fingerprints, photographs, description of physical characteristics, description of clothing the person was wearing when last seen, vehicle information, and other information describing any person or vehicle believed to be involved in taking, abducting, or retaining the missing person (Section 14211[f] PC).

**NOTE:** Section 14211(g) PC also requires when a report is taken by a department, other than the city or county of residence of the missing person or runaway, that the department, or CHP Division/Area taking the report, shall notify and forward a copy of the report to the police or sheriff's department or departments having jurisdiction in the area of the residence of the missing person or runaway and of the place where the person was last seen. When the victim is under age 21, or at risk, such report shall be forwarded to the appropriate law enforcement agency within no more than 24 hours. Reports must also be submitted to the VCIC. The initial CLETS record may only be removed after the receiving agency has accepted the report.

- **Section 14212 California Penal Code—Medical Releases.** Section 14212(a) PC requires a statement authorizing the release of dental or skeletal X-rays, or both, and treatment notes, of the person reported missing and authorizing the release of a recent photograph of a person reported missing who is under 18 years of age, to be included with the report. If the person reported missing is still missing 30 days after the report is made, a family member or next of kin shall obtain the release of the aforementioned records. A peace officer may obtain the records if others fail to take action (Section 14212[b] PC). Section 14212(d) states if the person reported

missing has been determined by the agency to be an at-risk person, has not been found within 30 days, and the dental or skeletal X-rays, or both, and treatment notes have not been released or obtained, the law enforcement agency shall execute a written declaration, stating that an active investigation seeking the location of the missing person is being done and that the dental or skeletal X-rays, or both, and the treatment notes, are needed for the exclusive purpose of furthering the investigation.

- **Section 14213 California Penal Code—Found Missing Persons.** Section 14213(a) PC mandates that the sheriff, chief of police, coroner or medical examiner, or the law enforcement agency locating the missing person shall immediately report the information to the Attorney General's Office. When a missing person is found, the report indicating that the person is found shall be made within 24 hours after the person is found to the law enforcement agency that made the initial missing person report (Section 14213[b] PC). Furthermore, Section 14213(c) PC states if a missing person is found dead or alive in less than 24 hours and has been abducted to the knowledge of law enforcement, the department shall submit a report to the VCIC. If the missing person has been located before the report has been made, it should still be reported to the VCIC.
- **Section 14214 California Penal Code—Mandated Interagency Coordination.** Section 14214(a) PC provides that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway. Additionally, this section requires that the CHP shall continue to implement the written policy, which is required to be developed and adopted pursuant to former Section 11114.3, for the purposes of coordinating with local police and sheriffs' departments regarding the taking, transmitting, and investigating of missing persons reports, including runaways (Section 14214[b] PC).
- **Section 14215 California Penal Code—Definitions.**

**Missing Person.** A missing person includes an at-risk adult (Section 14215[a] [1] PC), a child who has been taken, detained, concealed, enticed away, or retained by a parent (Section 14215[a] [2] PC), as well as a child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance (Section 14215[a] [3] PC).

**At Risk.** At risk means there is evidence or indications that the person missing is the victim of a crime or foul play, in need of medical attention, a person with no previous pattern of running away or disappearing, may be the victim of parental abduction, or mentally impaired, including cognitively impaired or developmentally disabled.

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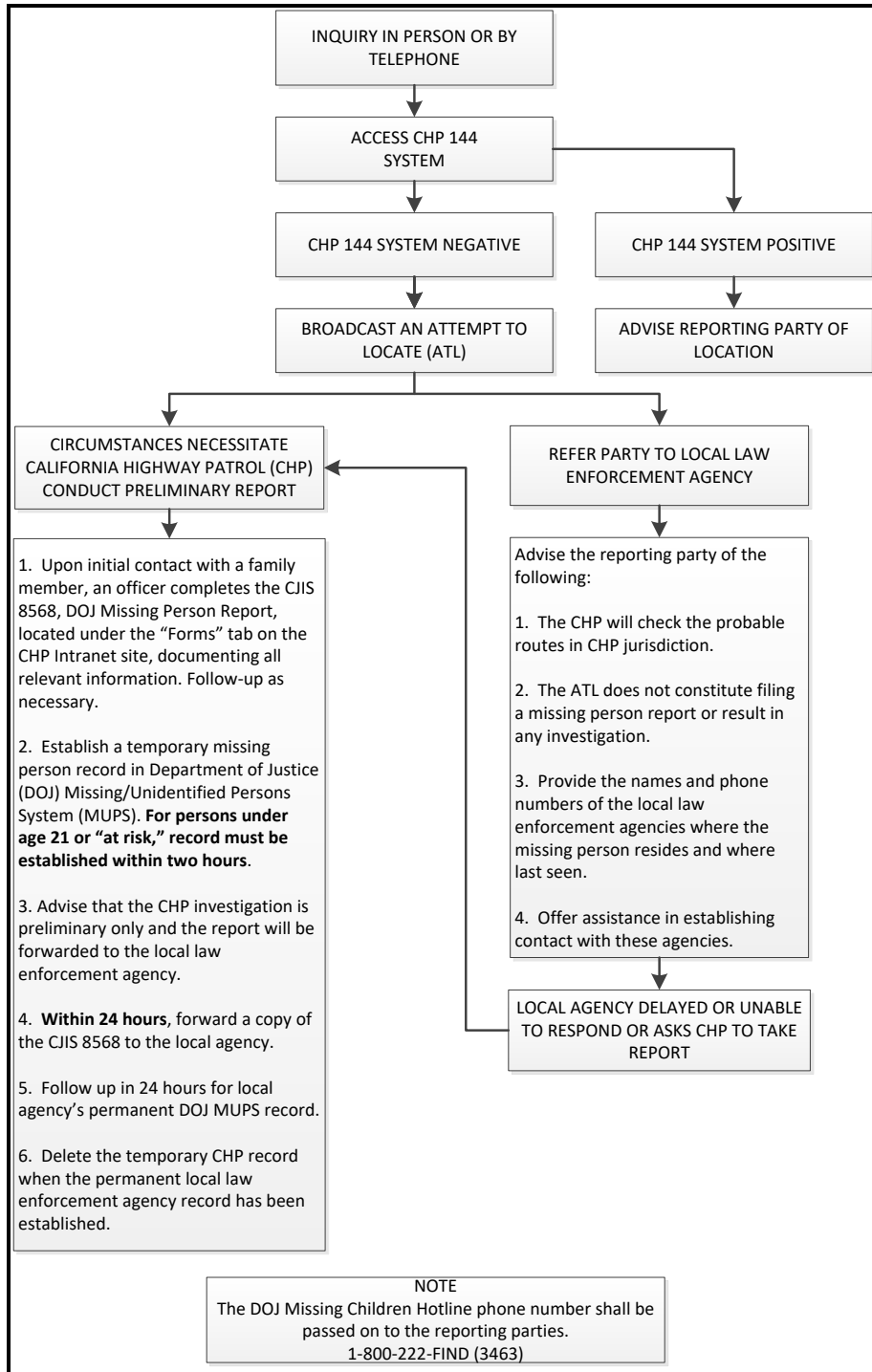
### STATUTORY AUTHORITY (*continued*)

- **Section 49068.6 California Education Code—School District Notification**. Any law enforcement agency responsible for the investigation of a missing child shall inform the school district, other local educational agency, or private school, in which the child is enrolled, that the child is missing. The notice shall be in writing, shall include a photograph of the child if a photograph is available, and shall be given within ten days of the child's disappearance.

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## ANNEX B

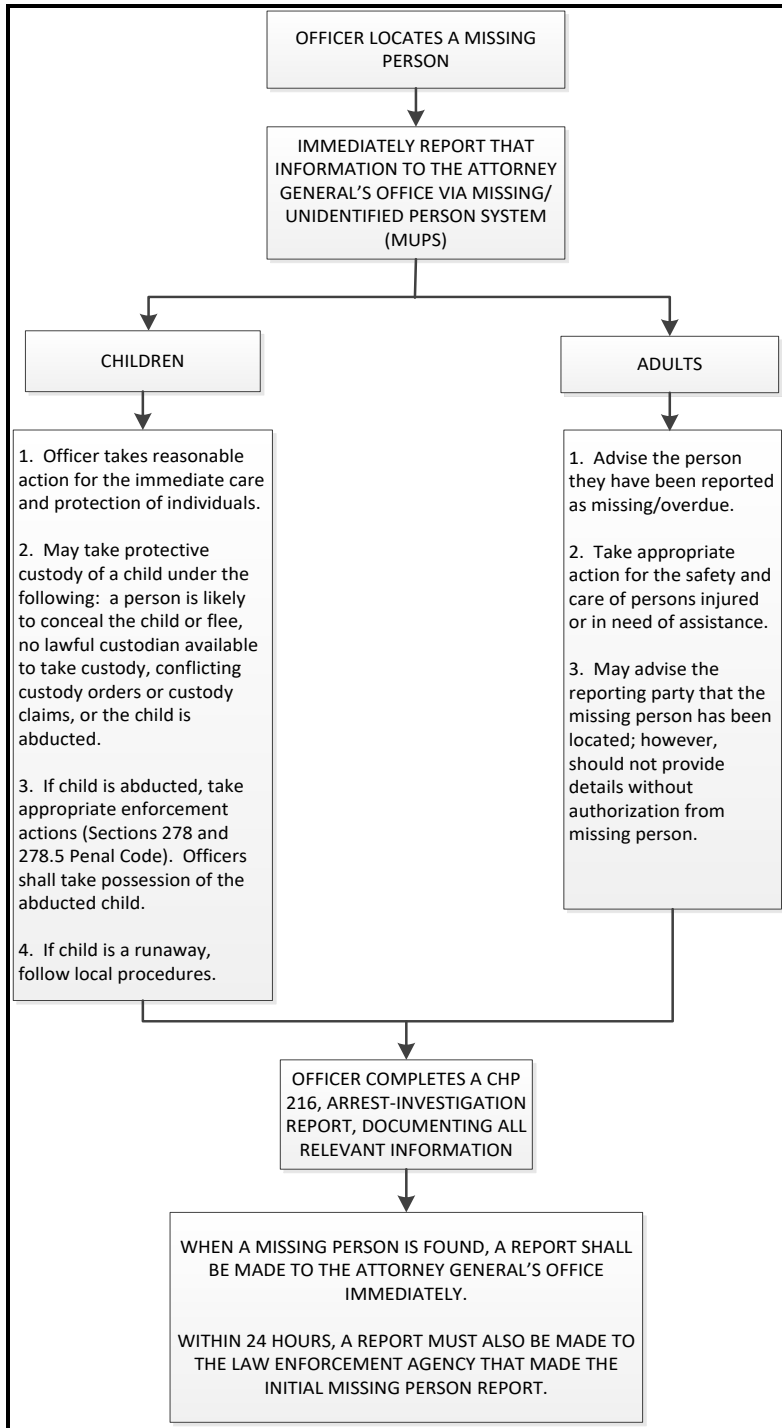
### MISSING PERSON PROCEDURE TREE



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## ANNEX C

### LOCATED/FOUND MISSING PERSON PROCEDURE TREE



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