

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CHILD ABDUCTIONS
SUBJECT

DATE: July 24, 2013

NO: D-8

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Child Abductions / Out of State Child Custody Orders
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I. POLICY

- A. It is the policy of the Stockton Police Department to investigate all reports of child stealing/concealment and parental abductions/kidnappings pursuant to PC 277 through 278.5.
- B. It is also the policy of the Stockton Police Department to investigate all reports of stranger abduction pursuant to PC 207.
- C. When investigating missing persons cases, General Order D-10 will be applicable.

II. PROCEDURE

- A. Child abductions will be classified in one of two ways. They will either be a parental abduction or a stranger abduction. This general order addresses both types of abductions, and describes the procedures to be followed when handling these types of incidents.
- B. It is very important for the responding officer to first determine the type of abduction as soon as possible.
- C. Child abductions require a rapid response from law enforcement. It is the mission of the department to utilize all available resources and to locate and safely return the child as soon as possible.

III. STRANGER ABDUCTIONS

Stranger abductions will be handled in the following manner:

- A. Telecommunications Center Responsibilities:
 - 1. Obtain as many facts as possible as to who, what, when, where, and how.
 - 2. Include a description of the victim, suspect, and any vehicles involved.
 - 3. Check for any other suspicious activity in the adjacent area and advise the responding officer accordingly.
 - 4. Broadcast all critical details, including a description of the victim, suspect, and any vehicles involved.
 - 5. Advise the on-duty Watch Commander and area field supervisor as well as an adequate number of patrol personnel.
- B. Officer's Responsibilities:
 - 1. The initial assessment should include the following pertinent considerations:
 - a. Witnesses' accounts of the incident (if any)
 - b. The victim's age (young tender years compared to juvenile; toddlers usually do not run away but can wander and become lost)

- c. Activity the victim was engaged in when last seen
- d. History of disappearances
- e. Prior incidents with family (child abuse/neglect calls, disturbances)
- f. Any previous similar incidents within the area that were reported to the police (attempted abductions, prowlers, suspicious persons)

2. Upon arrival at the scene

- a. Verify the accuracy of the complaint information, description of victim, circumstances at time of disappearance, health, and custody status of child.
- b. Ask what has already been done to locate the missing child. Note the nature of these efforts and the complainant's disposition (frantic, concerned, level of emotion). CAUTION: Be careful about putting too much weight on interpretation of reactions of individuals to the crisis because people react to crises differently. Also take care not to minimize the complaint simply because of a perceived dysfunction within the family.
- c. Broadcast a BOLO giving descriptions of the victim, suspect(s), any vehicles involved, direction of flight, and time delay.
- d. Conduct a search of the immediate area to verify disappearance, especially areas where a child may hide.
- e. Locate any witness(es) to the incident, to include the complainant and the last person to have had contact with the victim. Separate the witnesses, interview same, and compare details to known information. Be especially sensitive to the interviews of child witnesses in attempts to obtain original and accurate information.
- f. Identify the exact place the victim was last seen and secure the scene until it can be searched and examined for possible evidence. (Is this area within the victim's comfort zone...an area where the child regularly visits or plays; if not, why was the child there?)
- g. Identify and secure the child's comfort zones and potential crime scenes or sources of relevant evidence.
- h. Determine the time frame between when the victim was last seen and when discovered missing. This "window of opportunity" is crucial to establish. Realize that persons responsible for the child may attempt to reduce the window of opportunity. Keep the window of opportunity in mind when conducting interviews of possible witnesses.
- i. Evaluate all information gathered, noting any discrepancies and conflicting information, especially in regard to the window of opportunity. Immediately resolve differences through verification. Confirm everything.
- j. Based upon the information developed, make an initial assessment as to the type of incident: stranger abduction, parental kidnapping, runaway, or possibly a false report to conceal some other type of incident (homicide, accidental death, or other problem).
- k. If this is a **confirmed stranger abduction**, or a parental abduction in which there is information that the child is being removed from the state, or if there is a threat of injury or death, or threat of great bodily injury
 - 1. Contact a supervisor immediately
 - 2. Notify the Watch Commander
 - 3. Call the on-call Family Crimes sergeant day or night.

4. Refer to section V of this order (Initiating an AMBER Alert)
 5. Obtain a recent photograph of the victim.
 6. Complete missing persons report and enter the child and suspect into NCIC as soon as possible.
3. Continuing the investigation
 - a. If the child is not immediately located, a Patrol Sergeant will take charge of the investigation until a Family Crimes sergeant arrives on scene. Once a Family Crimes sergeant is on scene, he/she will take command of the investigation and work in cooperation with patrol.
 - b. In continuing the investigation, refer to the "Child Abduction Response Plan" book, provided from the Federal Bureau of Investigation. A copy of this book will be kept in every sergeant's vehicle as well as the sergeant's and Watch Commander's office.
 - c. Make sure to verify that each applicable step detailed in this investigation guide has been completed.

IV. PARENTAL ABDUCTIONS

Parental abductions will be handled in the following manner:

- A. Determine if any court order exist regarding custody of the children.
 1. If an order exists, never act on them unless you can verify the orders are the most recent and valid, or get the parties to agree that they are.
 - a. If you cannot determine the validity of the order, do not act on that order. Contact the District Attorney's Child Abduction Team at the number below for advice during business hours.
 - b. If no order exists, under California law, both parents have an equal right of custody, absent undecided paternity or one parent abandoned the child or children. Note: a parental abduction can still exist when there is no custody order.
 - c. **OUT OF STATE CHILD CUSTODY ORDERS:**
Never act on an out of state order unless it can be verified. Refer all out of state orders to the D.A.'s Child Abduction Team. Main Telephone # (209) 468-3620. Once the order is verified, the submitting parent must respond to the Family Court, 540 E. Main St., and have the order registered in San Joaquin county. The court staff will attach their form with a valid court stamp that is dated.
 - d. Your primary concern should be the best interest of the child and whether one parent may flee with that child.
 - e. San Joaquin County District Attorney's Child Abduction Team during business hours (209) 468-3620.
 2. The officer will write a report for PC 278.5 (Deprivation of custody of child or right to visitation). This report will be forwarded to the Family Crimes Unit and a copy sent to the District Attorney's Child Abduction Team.
 - a. The report should be as detailed as possible. Find out as much information about the suspect as possible. Things such as addresses of relatives, place of employment, does the suspect receive (SSI, AFDC, VA Benefits, Disability Benefits, Welfare, etc...)

- b. Find out if the suspect has any out of town friends or relatives, and if possible get phone numbers and addresses.
 - c. Also include as much detail as possible about the abductee(s).
3. The officer will complete a missing person's report on the missing child and the suspect. This should also include a suspect vehicle description if available. Obtain proper physical descriptions of the child and abducting parent along with all other information needed for the NCIC entry.
 4. Broadcast a "BOLO" bulletin as soon as possible. Also create and send an APB NET/CRITICAL REACH flyer to surrounding agencies.
 5. When multiple children are missing from the same location and time, use one DR number for the reports.
 6. Initiate investigation/search.
 7. If the circumstances of the abduction meet the established criteria, activation of an AMBER Alert may be initiated. Refer to section V (Initiating an AMBER Alert) of this General Order for details.

V. INITIATING AN AMBER ALERT

- A. AMBER Alert stands for "America's Missing: Broadcast Emergency Response" and is a statewide innovative program that partners California's law enforcement community, media broadcasting agencies and the public in locating abducted children. The goal of AMBER Alert is to provide the public with immediate and up-to-date information about a child abduction via widespread media broadcasts and to solicit help from the public in the safe and swift return of the child.
 1. Child Abduction Criteria:
 - a. A confirmed abduction has occurred.
 - b. The victim is 17 years of age or younger, or of proven mental or physical disability.
 - c. The victim is reasonably believed by local law enforcement to be in **imminent** danger of serious bodily injury or death.
 - d. There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.
 2. With these criteria in place, the Family Crimes Sergeant, the department's P.I.O., the Watch Commander or his/her designee will activate an AMBER Alert.
 - a. Refer to the AMBER Alert manual for implementation. A copy of this manual will be kept by each of the Family Crimes sergeants. A copy will also be placed in the Watch Commander's office.
 - b. The Family Crimes Unit will be responsible for updating these manuals should any changes or modifications become necessary.
 - c. As part of the AMBER Alert Process, ensure that a CLETS EDIS Message has been sent. Instructions for this can be found in the AMBER Alert Manual.
 3. Refer to section III, B, 3, of this order and continue with the investigation.

VI. PATROL SERGEANT'S RESPONSIBILITIES

1. If necessary, assist the investigating officers in determining if a child abduction has taken place, and if so, how this abduction will be classified. Ensure that the listed procedures for the proper type of abduction are followed.

2. If this is a **confirmed abduction**, the Watch Commander and the on call Family Crimes Sergeant will be notified. If the listed criteria have been met, a statewide alert should be made, utilizing the AMBER Alert system. (Refer to section V of this general order for details of the AMBER Alert system)
3. A field supervisor (patrol sergeant) should take command of any child abduction investigation until a Family Crimes sergeant arrives on scene and relieves him/her.
4. All sergeants and lieutenants should familiarize themselves with the AMBER Alert program, and be capable of implementing it if necessary.

VII. FAMILY CRIMES UNIT RESPONSIBILITIES

1. The on-call Family Crimes sergeant will respond to all child abductions where an AMBER Alert is or will be issued.
2. The Family Crimes Unit shall be responsible for coordinating the investigation upon arrival to the scene.
3. The Family Crimes Unit will be responsible for ensuring that all procedures are followed and notifications are made in accordance with AMBER Alert protocol.
4. Any other statutory requirements will be the responsibility of the Family Crimes Unit.

VIII. VIOLATIONS OF CHILD CUSTODY ORDERS (PC278.5 and PC166.4)

- PC 278.5(a) ~ Every person who takes, entices away, keeps, withholds or conceals a child and **maliciously** deprives a lawful custodian of right to custody, or a person of a right to visitation whether or not a custody order exists.
* A lawful custodian is described as: biological parents, legal guardian, ward of the court
- PC166.4 ~ If a lawful child custody order exists and a violation of any condition of that order has allegedly occurred:
1. The officer shall write a report for violation of 166.4PC.
 2. If child custody deprivation exist, the officer shall write a 278.5PC report
 3. If violation of 278.5PC occurs and there is legal custody in effect, the officer will write a report for both violations.