

5-09/120.00 - Missing Persons - (Definitions)

A missing person is defined as a person who is reported missing to a law enforcement agency, until the person is located or determined to be a voluntarily missing adult. Missing Persons include:

Involuntary Missing - The abduction of a child under circumstances other than "family abduction"; children who have been rejected and/or abandoned by their families; missing adults or children who have left and are viewed as unable to care for themselves.

At Risk - The person/child who is "at risk" includes, but is not limited to, evidence or indications of any of the following [Penal Code section 14215(b)]:

- The person/child missing is the victim of a crime or foul play;
- The person/child missing is in need of medical attention;
- The person/child missing has no pattern of running away or disappearing;
- The person/child missing may be the victim of parental abduction; or
- The person/child missing is mentally or physically impaired.

Critical Child Missing - When any child under 12 years of age is reported missing, or when a child, regardless of age, is "at risk" as defined above.

Non-Critical Child Missing - When any child 12 years of age or older is reported missing and is NOT "at risk" as defined above.

Parental/Family Abduction - Abduction or concealment of a child by either a parent or their agent in violation of current law (Penal Code sections 277, 278, 278.5, 278.7).

Runaway - Any child who displays a pattern of disappearing for extended periods of time, on his own volition, without parental or guardian knowledge and/or consent.

Unknown Missing - Cases where there are insufficient facts to determine the missing person disposition.

Suspicious Circumstances - Circumstances which give rise to the belief that a crime may have been involved; the disappearance is out of character for the person and no known reason can be determined.

Child Abduction:

277 PC: Child abduction definitions.

278 PC: Every person, not having a right to custody, who maliciously takes, detains, conceals or entices away, any minor child with the intent to detain or conceal that child from a person, guardian or public agency having the lawful charge of the child is guilty of a misdemeanor/felony.

278.5 PC: Detention or concealment of a child in violation of a custody decree or by a lawful custodian, which includes a parent, where a legal relationship exists between a child and the child's natural or adoptive parent (Family Code Section 7600), even if no custody decree exists, is a misdemeanor/felony.

278.7 PC: A good faith belief that the taking, detaining, concealing or enticing away of the child is necessary to protect the child from immediate bodily injury or emotional harm.

279.6 PC: A peace officer investigating a report of a violation of section 277, 278, 278.5, 278.7 may take a minor child into protective custody if the officer has reasonable cause to believe (or good cause to believe), that any person will unlawfully flee the jurisdictional territory with the minor child.

Places/Facilities for Care and Detention - 207 WIC

A minor taken into custody upon the grounds that he or she is a person described in section 601 WIC, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

- For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian;
 - For up to 24 hours after having been taken into custody, during which time efforts are to be diligently expended to locate the child's parent or guardian who resides out of state and/or to arrange the return of the child to his/her parent or guardian who resides out of state; and
 - The initial 24-hour custody period may be extended to no more than 72 consecutive hours, if it is ascertained that:
 - The return of the child cannot be accomplished reasonably within 24 hours due to the distance of the parent or guardian from the county of custody;
 - Difficulty in locating the parent or guardian; and
 - Difficulty in locating resources necessary to provide for the return of the child.
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