

## Chapter 12 – Missing Persons

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## 12.1 Introduction

### Definitions

For the purpose of this chapter:

#### Authorised assistant

for missing person powers see s. 11A: 'Who is an authorised assistant for missing persons powers' contained within Schedule 9: 'Responsibilities code' of the Police Powers and Responsibilities Regulation.

#### Case officer

means the officer responsible for conducting and finalising a missing persons investigation.

An officer who receives a missing person report (reporting officer) is the case officer. This officer remains the case officer unless a new case officer is assigned.

#### High-risk missing person

means a missing person classified as 'High-Risk' upon completion of the 'Risk Assessment Guidelines for Missing Persons' when entering a QPRIME missing person occurrence. See s. 179C of the PPRA for when a missing person is high-risk for the purpose of a missing person warrant.

#### Known vulnerability

see definition contained in SMD

#### Missing person

means a person, whether an adult or child, reported to police whose whereabouts are unknown and where there are fears for the safety or concerns for the welfare of that person, and a police officer makes reasonable inquiries to contact and locate that person and the persons whereabouts remain unknown (see s. 179B of the PPRA).

**Note:** When Queensland Health Mental Health Services initially contact police only for the purposes of requesting police to act alone in an authority to transport a person who is deemed Absent Without Approval (AWA) from treatment and care under the *Mental Health Act* or *Public Health Act*, they are not in this instance reporting the person missing for the purposes of this section.

#### Missing person scene

means that part of a place in which missing person powers may be exercised.

#### Missing person warrant

see s. 179J(1) of the PPRA.

#### Responsible station, unit or establishment

means the station, unit or establishment where the case officer is attached.

## 12.2 References to legislation

Frequent reference to legislation is made which impacts on the contents of this chapter. This chapter should be read in conjunction with those statutes, which can be accessed from the legislation page on the Service Intranet.

## 12.3 General information

The Service has a responsibility to protect life. When a person is reported missing, inquiries are to be made by officers to locate or ensure the safety of that person.

To support this function, the Missing Persons Unit (MPU), Crime and Intelligence Command, is responsible for the state wide overview, coordination and analysis of information in relation to missing persons.

### 12.3.1 Missing Persons Unit

For details of the Missing Persons Unit roles and functions, refer to their webpage on the Service intranet.

### 12.3.2 Release of information to the media

The Service recognises the right of privacy of individuals. Before releasing personal particulars or images of a missing person to the media, members are to comply with s. 12.3.3: 'Authority for media release' of this chapter. During the investigation or when making inquiries regarding a missing person, a member may show a photograph of the missing person to members of the public. If in doubt, seek advice from the MPU.

The media should be engaged to assist in locating a missing person. This includes where:

- (i) the missing person is a child;
- (ii) concerns exist that the missing person may not have the freedom or ability to voluntarily return home;
- (iii) the physical or mental state of the missing person may be such that the missing person would not be able to consciously make a decision to return home;
- (iv) such release may immediately cause the missing person to come forward; or
- (v) the investigation is such that community assistance is necessary to locate the missing person.

### 12.3.3 Authority for media release

When an officer determines the assistance of the media is required to locate a missing person, the officer is to:

- (i) contact the OIC of their station or establishment, or if that officer is not on duty;
- (ii) their senior supervising non-commissioned officer; and
- (iii) advise that officer of the circumstances and request permission to release particulars and image of the missing person to the media.

When an officer receives a request for a media release, the officer is to:

- (i) consider the safety of the missing person;
- (ii) consider the likelihood of locating the missing person;
- (iii) request consent for the release of missing person information from the missing person's parents, relatives or inquirer (authorised person); and
- (iv) if granted, complete and upload a QP 0950: 'Missing Person Media Authorisation' into the missing person occurrence. Consent is not required for a missing child in out of home care (see subsection 'Child in out of home care reported missing' of s. 12.4.1: 'Responsibility of case officer' of this chapter); and
- (v) give a direction to the officer making the request as to what action should be taken.

### Where media release is authorised

Where a media release is authorised, the actioning officer is to:

- (i) contact Media and Public Affairs to initiate the media release;
- (ii) advise the officer who authorised the media release;
- (iii) ensure that a copy of the media release and photo is attached to the QPRIME missing person occurrence; and
- (iv) advise the consenting parent, relative or inquirer (authorised person) that the media release has been distributed.

### Restrictions

Officers are to comply with s. 121: 'Restriction on publication of court proceedings' of the *Family Law Act (Cwlth)*, which places restrictions on the publication of identifying information under the Act. When considering the release of information to the media, care is to be taken not to infringe the legislation. Particulars of Family Law proceedings are to be included in the QPRIME missing person occurrence.

See also s. 5.6.12: 'Information released by police seeking public assistance in the investigation of incidents and crimes', 'Images (including photographic)' section of the MSM.

### Officers should liaise with missing person's parents, relatives or inquirer

In authorising the release of particulars of a missing person, the OIC of a station or establishment, or if that officer is not on duty, the senior supervising non-commissioned officer, should liaise or direct another officer to liaise with the missing person's parents, relatives or inquirer with a view to minimising any misunderstandings.

## 12.4 Missing person occurrence

### 12.4.1 Responsibilities of case officer

The case officer receiving a report of a missing person, is to immediately:

- (i) establish from the inquirer that the person is a missing person (see Definitions of this chapter);
- (ii) ascertain if there are fears for the safety or concerns for the welfare of the missing person or any persons in the missing person's immediate care;

- (iii) query QPRIME to ascertain if any previous records about the missing person exist;
- (iv) prior to the termination of the case officer's shift, create a missing person occurrence in QPRIME and enter all required information (see s. 20.4: 'Missing Person report' of the First Response Handbook). The officer is to include sufficient details to substantiate the person being recorded as missing;
- (v) complete the Missing Persons Template and associated Risk Assessment on the QPRIME occurrence;
- (vi) create a missing person flag against the missing person on the QPRIME occurrence;
- (vii) obtain a recent photograph of the missing person and enter on the QPRIME occurrence;
- (viii) if the missing person is a child and the informant is not the parent, notify the parents of the incident, if appropriate;
- (ix) if the missing person is the subject of a court order under the *Family Law Act* (Cwlth), advise the guardian a warrant must be obtained from a family court by the guardian who has custody. The warrant authorises police to remove the child if there is a need to use force. This function is usually performed by Australian Federal Police (AFP) and is attended to by an officer of the QPS when an AFP officer is unavailable;
- (x) where appropriate, create a BOLO flier, disseminate and record details in QPRIME;
- (xi) where suspicious circumstances exist, obtain:
  - (a) a DNA sample from an appropriate family member of the missing person. Treat any biometric samples obtained as an evidence sample;
  - (b) details of the person's current:
    - medical practitioner; and
    - dentist and dental records;and enter details of these records on the QPRIME occurrence;
- (xii) initiate inquiries aimed at locating the missing person and enter the result of those inquiries and other relevant information on the QPRIME occurrence;
- (xiii) where the missing person is a school-aged child:
  - (a) contact the child's school regarding the child's attendance record, their networks and any other information which may assist the investigation. Where the child attends a State school and a representative cannot be contacted, officers should contact the Child Safety Director, Department of Education (see SMCD); and
  - (b) if the child attends a school with a school-based officer (see s. 1.7.8: 'Police in schools' of this Manual), where appropriate, direct the school-based officer to make inquiries amongst the school's community to identify information which may assist the investigation;
- (xiv) notify the shift supervisor, DDO or patrol group inspector of the missing person, the circumstances surrounding the disappearance and any action taken; and
- (xv) where the officer cannot create the missing person report prior to the termination of the shift, provide the relevant details to their shift supervisor, DDO, patrol group inspector or OIC who are to ensure the report details are entered and all necessary action and inquiries are made as soon as practicable.

### Ongoing responsibilities of case officer

Throughout the missing person investigation the case officer is to:

- (i) make all necessary inquiries to locate the missing person and update the QPRIME occurrence, including an entry on the Occurrence Enquiry Log, with the results of their inquiries;
- (ii) if the missing person is a child in out-of-home care, access the Our Child portal for information to assist with avenues of inquiry;
- (iii) obtain formal statements from all witnesses within the stipulated 60-day period (refer s. 2.13: 'Statements' of this Manual);
- (iv) provide regular updates on the police investigation to the informant, family or next of kin of the missing person (where appropriate) and update the QPRIME occurrence accordingly. Consideration should be given by the case officer in identifying the most appropriate single point of contact (informant, family or next of kin) to ensure consistency, accuracy and regularity of information provided in relation to the investigation. The intervals with which updates are to be provided will be dependent upon the nature and progress of the investigation.

The case officer assumes the role of family liaison officer by providing regular updates and is the first point of contact within the Service for the informant, family or next of kin. For high risk missing person investigations that are considered suspicious and are investigated in accordance with s. 2.6.2: 'Homicide' of this Manual, the role of the family liaison officer will be appointed upon the establishment of the investigation centre;

(v) send specific advice of the particulars of the missing person to the OIC of a station or establishment where the missing person is likely to visit. Such advice is to include a request for a reply to the inquiry;

(vi) if, after 60 days, the missing person has not been located, arrange a DNA evidence sample and dental records (if not already obtained) from a family member of the missing person and enter the details on the QPRIME occurrence;

(vii) consider the provisions of s. 12.4.6: 'Report to coroner where missing person reasonably suspected of being dead' of this chapter; and

(viii) if, at the conclusion of 12 months, the missing person has not been located, complete a QP 0608: 'Report to State Coroner (missing person – suspected reportable death)' on the QPRIME occurrence, and forward the QP 0608 together with a copy of the complete file to the Operations Leader, Missing Persons Unit through the applicable chain of command. The report should include the results of the police investigation into the cause and circumstances of the missing person's disappearance. Where appropriate, a request is to be included for the State Coroner to hold an inquiry into the cause and circumstances of the disappearance of the missing person.

### **Missing person is of a known vulnerability**

#### **ORDER**

Where the person is of a known vulnerability (see definitions in SMD), a QPRIME missing person occurrence is to be created in all instances.

### **Missing person is not of known vulnerability**

Where the missing person is not of a known vulnerability, the case officer is to be satisfied there exists a reasonable and justified concern for the safety or welfare of the person.

### **Missing person is an international home-stay school student**

Where the person reported as missing is an international homestay school student, see s. 5.12.4: 'International homestay school students' of this Manual.

### **Inquiries of missing persons not a policing function**

Missing person inquiries relating to family tree searches, child support issues or persons known to be homeless (see s. 6.3.11: 'Homeless persons' of this Manual) are not a policing function.

For loss of contact and family tracing inquiries outside Australia, refer to the Red Cross, Find My Family: Restoring Family Links services for assistance.

### **Child in out-of-home care reported missing**

The Department of Child Safety, Seniors and Disability Services (CSSD) has published guidelines in relation to the requirements on agencies providing care services to children in out-of-home care when a child goes missing from their placement (see Missing Persons Unit on the Service Intranet).

If the occurrence relates to a child in out-of-home care, in addition to the requirements of this section, the case officer is to:

(i) obtain a completed 'Missing Child Checklist' from the carer or the CSSD staff member and upload the checklist on the QPRIME occurrence;

(ii) ensure a risk assessment relating to the missing child is completed and uploaded on the QPRIME occurrence;

(iii) include the classification of 'child in care' in the child's QPRIME occurrence involvement tab;

(iv) notify or cause to be notified the Child Safety Service Centre (CSSC), or the Child Safety After Hours Service Centre (CSAHSC). Officers are to obtain the name and contact details of the Child Safety officer advised and include that information on the QPRIME occurrence;

(v) ascertain whether CSSD have contacted the biological parents of the child and identify if they had any information. It is the responsibility of CSSD to contact the biological parents of the missing child;

(vi) consider the provisions of s. 166: 'Offence to refuse contact with child in custody or guardianship' of the *Child Protection Act*;

(vii) access the Our Child portal for information to assist with avenues of inquiry;

(viii) where a media release is to be issued:

(a) telephone the CSSC or CSAHSC; and

(b) send an email to the CSAHSC, including whenever practicable an image of the child (see SMCD), to inform them of the media release; and

(ix) where it is necessary to identify the missing child as a child in out-of-home care in a media release, the authorisation of CSSD is required.

Where a media release is to be issued, QPS Media and Public Affairs is to advise the CSSD Media Unit of the media release.

### 12.4.2 Responsibility of shift supervisor, district duty officer or patrol group inspector

Each shift supervisor, district duty officer (DDO) or patrol group inspector is to:

- (i) ensure particulars of the missing person and other relevant information resulting from inquiries, including any vehicles or vessels of interest, have been entered in QPRIME, including entering a flag against the missing person;
- (ii) ensure dissemination of the information has been arranged (if appropriate);
- (iii) ensure the QPRIME missing person occurrence of a missing person receives immediate and continued attention;
- (iv) assess the risk of the missing person in accordance with the Risk Assessment Guidelines for Missing Persons (available on the MPU on the Service Intranet) and enter this risk on the QPRIME occurrence under the priority field and complete the supervising officer section of the risk assessment form;
- (v) supervise the immediate investigation;
- (vi) where a child protection and investigation unit is established and the missing person is a child, cause the OIC of that unit to be advised as to the circumstances of the missing child;
- (vii) ensure the OIC of the CIB, regional duty officer, DDO, patrol group inspector and the MPU are advised if the missing person occurrence:
  - (a) is suspicious;
  - (b) is out of character; or
  - (c) relates to a person of known vulnerability (see SMD).

Depending on the circumstances, consideration should be given to the urgent release of information to the public through the media or other appropriate means, see s. 12.3.2: 'Release of information to the media' of this chapter;

- (viii) ensure the particulars of any missing person are brought to the attention of the OIC of the station or establishment, the relieving shift supervisor or DDO, and the district or station intelligence officer;
- (ix) consider the need for a search in accordance with s. 17.5: 'Search and rescue' of this Manual; and
- (x) where applicable consult with the Operations Leader, MPU to consider if the assistance of the Behavioural Specialist Unit, State Intelligence Group, CIC should be sought.

### 12.4.3 Responsibility of officers in charge of stations and establishments

Officers in charge of stations and establishments are to:

- (i) ensure that a case officer has been assigned to each Missing Persons occurrence. If a different case officer is to be assigned, in consultation with the new case officer and their respective OIC, make a notation of the reassignment in QPRIME in the Occurrence Enquiry Log of the Missing Person occurrence;
- (ii) check, and where required, assign a QPRIME missing person occurrence task to an officer or OIC of another station or establishment, for investigation or continuing inquiries;
- (iii) ensure missing person occurrences are finalised as soon as practicable when missing persons are located;
- (iv) ensure the Operations Leader, MPU is advised of any unidentified bodies or skeletal human remains located;
- (v) maintain a register of services, agencies or organisations which are available to support missing persons and families of missing persons;
- (vi) ensure at the conclusion of twelve months if the missing person has not been located and the person is reasonably suspected of being deceased, the case officer completes a 'Report to State Coroner, missing person – suspected reportable death' (QP 0608) on the QPRIME missing person occurrence as outlined in 'Report to coroner where missing person reasonably suspected of being dead' of this chapter; and
- (vii) ensure the provisions of this chapter are adhered to.

### 12.4.4 Missing person investigations involving multiple regions, interstate or international

Where Missing Persons investigations cross multiple regions in Queensland:

- (i) the missing person occurrence and case officer obligations do not typically transfer in the instance where the missing person is sighted in another region. However, upon agreement between a commissioned officer of the responsible region and the receiving commissioned officer of a region where the missing person was last sighted, the missing person occurrence may be transferred. The transfer is to be recorded in QPRIME in the Occurrence Enquiry Log of the Missing Person occurrence;

(ii) where clarification of the most appropriate region to continue the investigation is required, the Operations Leader, Missing Persons unit (MPU) or Detective Inspector Homicide Investigation Unit will determine the region who will be responsible for investigation.

### Missing person investigations transferred into Queensland

Where a missing person occurrence from an interstate or international law enforcement agency (LEA) is received by the MPU QPS:

- (i) the Operations Leader, MPU will assign the investigation to the OIC of the relevant station, unit or establishment within the region where the missing person was last sighted;
- (ii) the OIC of the relevant station, unit or establishment is to assign the case officer;
- (iii) the case officer is required to conduct investigations and finalise the missing person report.

### Missing person investigations transferred out of Queensland

If the occurrence relates to a resident of another Australian state or territory and the missing person is believed to be missing from that state or territory, the case officer should:

- (i) complete a missing person occurrence in QPRIME;
- (ii) include on the occurrence advice to the MPU, that the MPU in the state or territory where the person resides and is believed to be missing from, is to be advised of the missing person occurrence; and
- (iii) commence the QPRIME workflow to the MPU.

The MPU should:

- (i) email details of the occurrence, including the QPRIME occurrence reference number, to the relevant state or territory for investigation;
- (ii) update the QPRIME occurrence that the relevant state or territory has been advised; and
- (iii) update the occurrence to reflect the missing person is recorded as a missing person in the relevant state or territory.

The missing person flag attached to the person will remain active pending the person being located. The investigating officer from the state or territory where the person resides and is believed to be missing from should maintain contact with the informant.

### Queensland resident missing overseas

If the occurrence relates to a permanent resident of Queensland missing overseas, the case officer is to make thorough inquiries with the informant to establish that the:

- (i) person is a missing person;
- (ii) matter is not a simple lack of contact; and
- (iii) informant is not seeking only to establish the whereabouts of a person.

If the case officer's inquiries establish the person is missing overseas, they should:

- (i) complete a missing person occurrence in QPRIME;
- (ii) include in the occurrence advice to the MPU that Interpol, Canberra is to be advised of the person missing overseas;
- (iii) commence the QPRIME workflow to the MPU;
- (iv) maintain contact with the informant as per the policies and procedures contained in the chapter; and
- (v) if available, hand to the informant a copy of the webpage 'What to do when someone is missing overseas', issued by the Department of Foreign Affairs and Trade (DFAT) ([www.smarttraveller.gov.au](http://www.smarttraveller.gov.au)).

The MPU should:

- (i) email particulars of the occurrence to Interpol, Canberra for referral to DFAT; and
- (ii) update the occurrence to reflect the missing person is recorded as a missing person overseas and reported to Interpol for referral to DFAT.

The missing person flag attached to the person will remain active pending the person being located.

### Interstate inquiries into a missing person

To assist members in the location of a missing person or investigation of a missing person report, information may be required from other government departments or interstate law enforcement agencies (see s. 7.2.4: 'Interstate law enforcement agencies' of the MSM).

Before requesting information from another government department, agency or instrumentality members are to ensure information required is not available on internal Service sources or systems. For further guidance on interstate requests see s. 7.2.4: 'Interstate law enforcement agencies' of the MSM.

To assist other government departments or interstate law enforcement agencies a member can supply information (see s. 5.6.14: 'Requests for information from other government departments, agencies or instrumentalities' of the MSM) to another government department, agency or relevant entity to lessen or prevent a serious threat to the life, health, safety or welfare of an individual (see Schedule 3: 'Information privacy principles', IPP 11 – Limits on disclosure of the *Information Privacy Act* (IPA)).

During investigations into missing children, the officer should be aware of:

- (i) child abuse indicators (see Chapter 7: 'Child Harm' of this Manual);
- (ii) whether the family is recorded on the Department of Child Safety, Seniors and Disability Services, Child Protection Information System (see s. 7.3.6: 'Checks of the Integrated Client Management System (ICMS)' of this Manual); and
- (iii) any order or warrant which may be in existence under the provisions of the:
  - (a) *Family Law Act* (Cwlth);
  - (b) *Child Protection Act*; or
  - (c) *Public Health Act*.

### 12.4.5 Responsibilities of intelligence officers

Case officers are to engage with district intelligence officers to seek assistance with missing person investigations.

Intelligence officers are to analyse any trends relating to missing persons.

Where identified, the information is to be communicated to the district officer or patrol group inspector and the regional intelligence officer.

### 12.4.6 Report to coroner where missing person reasonably suspected of being dead

The State Coroner requires notification as soon as a missing person is reasonably suspected of being deceased. Investigating officers who reasonably suspect that a missing person is deceased are to consult with the MPU.

It is the responsibility of the MPU to provide notification by way of report to the Coronial Support Unit as initial advice. See also s. 8.5.24: 'Missing person reasonably suspected of being deceased' of this Manual.

Also see s. 8: 'Reportable death defined' of the *Coroners Act*.

### Duties of Operations Leader, Missing Persons Unit

The Operations Leader, MPU upon receipt of a QP 0608, is to:

- (i) review the contents of the QPRIME occurrence;
- (ii) where considered necessary, initiate further inquiries;
- (iii) where considered appropriate, complete a report with a request to the State Coroner to direct a coroner to hold an inquest into the cause and circumstances of the disappearance of the missing person (see s. 28: 'When inquest may be held' of the *Coroners Act*); and
- (iv) forward that report together with recommendations to the State Coroner.

Where reports and forms are submitted and other actions are taken, the QPRIME occurrence is to be updated reflecting this fact.

## 12.5 Located missing persons

### 12.5.1 Responsibilities of officers regarding located missing persons

#### Child in care located by carer or child safety officer

There is no requirement for officers to sight and interview children in care who return to their placement or are otherwise located safe and well by the carer or child safety officer. The carer or child safety officer will advise police by telephone the child has been located.

An officer who receives information a missing child in care has been located and is satisfied the information is accurate is to enter the details regarding the location of the missing person and all relevant particulars on the QPRIME missing person occurrence prior to the termination of that shift, including:

- (i) completing a QP 0653: 'Missing person located report', noting the details of the informant;



- (ii) expiring the missing person flag against the person;
- (iii) changing the status of the missing person to Missing; Located; and
- (iv) initiate the workflow to the Missing Persons Unit.

### Located missing persons – general

Unless extenuating circumstances exist, an officer should sight a missing person (other than a child in care) prior to them being deemed a located missing person. An officer who locates a missing person or receives information a missing person has been located and is satisfied that the information is accurate, is to:

- (i) whenever practicable, interview the located missing person to ascertain the circumstances surrounding the disappearance;
- (ii) enter all relevant particulars of the location on the QPRIME missing person occurrence prior to the termination of shift, including:
  - (a) complete a QP 0653: 'Missing person located report';
  - (b) expiring the missing person flag against the person on the occurrence;
  - (c) changing the status of the missing person to Missing; Located; and
  - (d) initiating the workflow to the Missing Persons Unit;
- (iii) if the missing person is a child:
  - (a) during the interview of the child, attempt to gain intelligence regarding where the child was, who the child had been with etc. which may assist future occurrences or investigations;
  - (b) following the interview, complete the QP 0653 including the location found, any known associates, linked addresses and any other relevant information;
  - (c) consider possible child harm indicators or possible offences and submit a child harm occurrence in QPRIME, include where possible, the reasons for the disappearance and link the child harm occurrence to the missing person occurrence and task it to the local CPIU for attention;
  - (d) and is at risk of harm (see s. 9: 'What is harm' of the *Child Protection Act*), remove the child to a place of safety and make an application for a temporary assessment order in accordance with s. 7.4.3: 'Assessment orders' of this Manual;
  - (e) submit a Police Referral (see s. 6.3.14: 'Police referrals' of this Manual) for counselling services, if considered appropriate;
  - (f) do not remove a child from the custody of one parent or guardian to give that child to the other parent or guardian when the child is not subject of a court order; and
  - (g) if the child is subject to a *Child Protection Act* order, immediately notify the location to the Child Safety Service Centre, or the Child Safety After Hours Service Centre;
- (iv) modify any vehicle(s) or vessel(s) of interest entry in QPRIME;
- (v) have the inquirer or parents advised that the missing person has been located, subject to the authority to disclose whereabouts; and
- (vi) act in accordance with s. 13.18.12: 'Mental Health Act warrants' of the Manual, if the missing person is the subject of a *Mental Health Act* warrant.

### 12.5.2 Non-disclosure of the whereabouts of a missing person

When a missing person is located, an officer is to keep the whereabouts of that missing person confidential if:

- (i) the missing person is of, or over the age of, eighteen years and requests confidentiality. There is no objection to advising the inquirer or parent that the missing person has been located safe and well; or
- (ii) the missing person is under the age of eighteen years, and disclosure of the whereabouts may endanger the safety of that person, the officer is to seek a direction from the shift supervisor or OIC of the station or establishment.

A shift supervisor or an OIC of the station or establishment to whom a request is made not to disclose the whereabouts of a missing person under the age of eighteen years, is to:

- (i) direct that the missing person's whereabouts be disclosed to the inquirer or parent if satisfied the disclosure would not endanger the missing person;
- (ii) if it is considered disclosure of the whereabouts of the missing person may endanger that person, direct no such information be released, until the safety of the missing person can be ensured;

(iii) if such danger exists, and satisfactory arrangements cannot be made with the inquirer or parent, cause the matter to be referred to the nearest Child Protection and Investigation Unit for attention, or consider action under the *Child Protection Act* (see Chapter 7: 'Child Harm' of this Manual); or

(iv) if the missing person is subject of a *Child Protection Act* order, advise the Child Safety service centre which has the responsibility for the care of the child.

## 12.6 Amber alerts

### Definitions

For the purposes of this section:

#### Amber alert

means a process that involves the urgent broadcast of relevant information through the media and other means to the public to facilitate the search for, location and the safe recovery of an abducted child or high-risk missing child.

#### Abducted child

means a person under the age of eighteen years who:

- (a) is reasonably suspected of having been abducted or taken away by a person; and
- (b) there appears to be an imminent risk of death or serious harm to them.

It is irrelevant whether the person taking the child has lawful custody of the child, or whether the person has obtained the consent of a parent or guardian to take the child.

#### High-risk missing child

means a person under the age of eighteen years who:

- (a) is missing in concerning or suspicious circumstances; and
- (b) there appears to be an imminent risk of death or serious harm to them.

See s. 179C of the PPRA for when a missing person is high-risk for the purpose of a missing person warrant.

### Rationale for an amber alert

An amber alert is intended for time critical situations. While it can be a very important tool in helping to locate a child, it is not always appropriate in every circumstance. The inappropriate use of amber alerts could undermine the credibility, integrity and effectiveness of the system.

When considering the activation of an amber alert, the circumstances and risk factors of each case should be appraised on its own merits.

For an alert to be issued there should be:

- (i) sufficient descriptive information available to make an amber alert effective; and
- (ii) reasonable grounds for believing an amber alert will assist in the location and safe recovery of the child.

See 'Amber alert message' on the Communications Group webpage on the Service Intranet for further details.

### 12.6.1 First response officers

#### ORDER

When a report is received that a child is missing, the first response officer is to respond and investigate in accordance with the provisions of this chapter and s. 2.4: 'Incident management' of this Manual. Additionally, the first response officer is to establish whether the circumstances suggest an abducted child or high-risk missing child.

#### Suspected abduction or high-risk missing child

In cases of a suspected abducted child or high-risk missing child, the first response officer is to:

- (i) obtain sufficient descriptive information about the child, abductor and any vehicle used;
- (ii) treat the report as a major investigation; and
- (iii) immediately notify the:
  - (a) regional duty officer (RDO);
  - (b) patrol group inspector; or

(c) detective inspector.

Where practicable, investigating officers are to liaise with the child's parents, relatives or inquirer to obtain permission to release particulars of the child and other associated matters for an amber alert.

Officers are to advise the RDO, patrol group inspector or detective inspector if the child is subject of proceedings or orders under the *Child Protection Act*, DFVPA or *Family Law Act* (Cwlth) (see subsection 'Child in out of home care reported missing' of s. 12.4.1: 'Responsibility of case officer' of this chapter).

Members of the immediate family of the child, and the child, are victims under the *Victims of Crime Assistance Act*, and where appropriate officers are to comply with the provisions of this Act and s. 2.12: 'Victims of crime' of this Manual.

### 12.6.2 Regional duty officer, patrol group inspector or detective inspector

A RDO, patrol group inspector or detective inspector advised of a suspected abducted child or high-risk missing child is to:

- (i) establish whether the report is an abducted child or high-risk missing child report based on the information available; and
- (ii) consult with the regional crime coordinator (or if unavailable, a supervising superintendent) in each instance who will determine whether or not an amber alert is to be implemented.

Where a regional crime coordinator (or supervising superintendent) approves an amber alert, the RDO, patrol group inspector or detective inspector is to:

- (i) make inquiries with the first response officer or immediate family, if known, to ascertain whether they have been subject to proceedings under the *Child Protection Act*, DFVPA, and *Family Law Act* (Cwlth), and also whether the child may be subject to the provisions of those Acts, and if so, how the child is subject to the provisions of those Acts;
- (ii) contact the:
  - (a) State Duty Officer, Brisbane Police Communications Centre; and
  - (b) relevant police communications centre, or in areas not covered by a police communications centre, the OIC of the police station where the incident occurred, and

provide:

- (a) advice that approval has been obtained from the regional crime coordinator (or supervising superintendent) to implement an amber alert;
  - (b) sufficient information relating to the alert;
  - (c) contact details of the appointed investigating officer and, where an investigation centre is established, those details; and
  - (d) advice that a broadcast is required to be sent via a local and state wide message relating to the amber alert including the contact details for incoming information, and to implement the applicable regional or district instructions relating to an amber alert.
- Note: Depending on the location of the incident, it may be appropriate to contact more than one police communications centre, e.g., Brisbane, Logan, Gold Coast, VKG Newcastle;
- (iii) contact QPS Media and Public Affairs and provide the relevant media officer with sufficient information to enable an amber alert to be implemented;
  - (iv) update the regional crime coordinator (or supervising superintendent) of the amber alert details and any other pertinent information;
  - (v) consider appointing an investigating officer, who has direct knowledge of the circumstances, as a dedicated liaison officer (see s. 12.6.4: 'Appointed liaison officer' of this chapter);
  - (vi) as the information surrounding the circumstances of the amber alert change, or the child is located, ensure that information and notification of the child's location are communicated promptly to:

- (a) Media and Public Affairs; and
- (b) the relevant police communications centre; or
- (c) in areas not covered by a police communications centre, the officer in charge of the police station where the incident occurred;

- (vii) ensure the QPRIME missing person occurrence is updated with all relevant information by members who have responsibilities under this policy. This should include whether the amber alert assisted in locating the child (e.g. information received from public who heard alert); and
- (viii) ensure a significant event message is submitted in a timely manner.

### 12.6.3 Regional crime coordinator (or supervising superintendent)

Regional crime coordinators (or if unavailable, a supervising superintendent) are responsible for:

- (i) approving the activation of an amber alert;
- (ii) advising the Detective Superintendent, Child Abuse and Sexual Crime Group, Crime and Intelligence Command (CIC) that an alert is being initiated;
- (iii) conducting a debrief of the amber alert with relevant stakeholders as per normal incident response improvement processes. The records relating to an amber alert debrief should be appropriately maintained; and
- (iv) reporting the outcomes and recommendations (positive or negative) identified in the debrief to:
  - (a) their assistant commissioner;
  - (b) Detective Superintendent, Child Abuse and Sexual Crime Group, CIC; and
  - (c) Superintendent, Communications Group, Road Policing and Regional Support Command.

### 12.6.4 Appointed liaison officer

The appointed liaison officer is responsible for:

- (i) relaying accurate and timely descriptive information to police communications centres and Media and Public Affairs; and
- (ii) being the single point of contact to ensure alert information is clarified and that timely updates are provided.

### 12.6.5 Detective Superintendent, Child Abuse and Sexual Crime Group, Crime and Intelligence Command

When advised of a pending amber alert, the Detective Superintendent, Child Abuse and Sexual Crime Group, Crime and Intelligence Command should:

- (i) provide assistance to the regional crime coordinator (or supervising superintendent) in the form of advice; and
- (ii) provide staff to attend the Brisbane Police Communications Centre to establish a Minor Incident Room for the reviewing and processing of information received from the public about the amber alert.

### 12.6.6 Child Abuse and Sexual Crime Group, Crime and Intelligence Command officers

Officers requested by the Detective Superintendent, Child Abuse and Sexual Crime Group, Crime and Intelligence Command to assist with an amber alert, should:

- (i) contact the State Duty Officer, Brisbane Police Communications Centre (BPCC) and request a Minor Incident Room be stood up and advise an estimated time of arrival for staffing;
- (ii) attend the BPCC and staff the Minor Incident Room; and
- (iii) assist regional investigators by reviewing and processing calls taken by BPCC or Policelink call-takers.

### 12.6.7 Police Communications Centres

Communications centres operating outside of the Brisbane metropolitan area (or in areas not covered by a police communications centre, the officers in charge of those police stations) are to ensure the State Duty Officer, Brisbane Police Communications Centre is advised of an impending amber alert immediately upon being notified by the regional duty officer, patrol group inspector or detective inspector.

### 12.6.8 Brisbane Police Communications Centre and Policelink

The State Duty Officer at the Brisbane Police Communications Centre (BPCC) advised of an impending amber alert is to ensure:

- (i) local amber alert instructions developed by the Manager, BPCC are implemented when necessary;
- (ii) the Minor Incident Room is stood up in preparation for attending Child Abuse and Sexual Crimes Group, Crime and Intelligence Command officers;
- (iii) Policelink is advised of an impending amber alert and that call-takers may be required to resource their incident room;
- (iv) the amber alert local instruction processes are monitored and working;
- (v) the staffing levels in support of an alert at BPCC and Policelink are monitored;
- (vi) the information taken by BPCC or Policelink is being transferred to the Minor Incident Room;

- (vii) a local and, where appropriate, a state-wide message is broadcast relating to the amber alert including the contact details for incoming information;
- (viii) liaison with QPS Media regarding the status of broadcasts; and
- (ix) liaison with Policelink to ensure calls being taken by Policelink call-takers are being transferred to the Minor Incident Room at BPCC.

The Policelink supervisor advised of an impending amber alert is to:

- (i) comply with local instructions regarding amber alert and disseminate information to the BPCC Minor Incident Room; and
- (ii) liaise with the State Duty Officer, BPCC to ensure the systems and processes implemented are working effectively.

### 12.6.9 Media and Public Affairs

The Manager, QPS Media and Public Affairs is to ensure:

- (i) protocols are developed, maintained, and reviewed as required, between the Service, the media, and other agencies and organisations which may be involved in amber alerts;
- (ii) local instructions are developed to ensure that amber alerts are implemented without delay. The procedures should include the maintenance of contact lists of media and other agencies or organisations which may be involved in various localities, forms which are to be used to transfer information to the media, agencies or organisations, and other relevant matters;
- (iii) consideration be given to the requirements of s. 12.3.3: Authority for media release' of this chapter; and
- (iv) media officers with sufficient expertise or experience are made available to ensure that when a regional duty officer, patrol group inspector, detective inspector or regional crime coordinator (or supervising superintendent) contacts Media and Public Affairs for the purpose of implementing an amber alert, that media officer:
  - (a) confirms that the alert has been approved by a regional crime coordinator (or supervising superintendent);
  - (b) implements an alert without delay;
  - (c) maintains appropriate liaison with the regional duty officer, patrol group inspector, regional crime coordinator (or supervising superintendent) or appointed liaison officer and other areas of the Service whilst the alert is active; and
  - (d) consults with the regional duty officer, patrol group inspector, detective inspector, regional crime coordinator (or supervising superintendent) or appointed liaison officer in relation to the type of media and/or agencies/organisations to be provided with the information relating to the alert.

## 12.7 Missing persons during disaster events

An event under the provisions of s. 16 of the *Disaster Management Act* may be natural or caused by human acts or omissions and is:

- (i) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening;
- (ii) an explosion or fire, a chemical, fuel or oil spill, or a gas leak;
- (iii) an infestation, plague or epidemic;
- (iv) a failure of, or disruption to, an essential service or infrastructure; or
- (v) an attack against the State.

ORDER

Where there is a situation that constitutes one of the events as listed in s. 16 of the *Disaster Management Act* and concerns are held for the safety and whereabouts of a proportionate number of persons, investigating officers must contact the Detective Superintendent, Homicide Group, CIC, who will determine if the Missing Person Unit is to be deployed.

The Missing Person Unit upon deployment will be in charge of the investigation for the missing person and, where necessary, can request any other specialist support sections to assist them.

## 12.8 High-risk missing person warrants

### Definition

For the purpose of this section:

#### Responsible officer

see s. 179A 'Definitions for part' of the PPRA.

In most missing person investigations, police are allowed by consent of an occupier to enter a high-risk missing person's residence, place of employment or another place to conduct an investigation. However, consent may not always be forthcoming.

Chapter 7, Part 3A: 'Searching places for high-risk missing persons' of the PPRA allows a police officer to establish a missing person scene at a place to search for the missing person or information about the person's disappearance.

A police officer can establish a missing person scene under a missing person warrant issued by a Supreme Court judge or a magistrate, or initially without warrant in urgent situations (see 'Urgent situations' of this chapter). In both situations an officer must obtain prior authorisation from a commissioned police officer.

### 12.8.1 Applying for a missing person warrant

A missing person warrant can only be applied for where the person is a high-risk missing person in accordance with s. 179C: 'When a missing person is high-risk' of the PPRA.

In such instances, the applicant police officer must be satisfied the missing person is:

- (i) under 13 years of age; or
- (ii) they reasonably suspect the missing person may suffer serious harm if not found as quickly as possible.

An officer, on approval from a commissioned officer, may apply for a missing person warrant where the officer reasonably suspects the occupier of the place cannot, or is unlikely to, provide consent for police to search the place for the high-risk missing person or for information about their disappearance.

Officers do not have to apply for a missing person warrant if the place is a public place while the public place is ordinarily open to the public. If in the course of a missing person investigation an officer is asked to leave a public place by the occupier, as the public place is no longer open to the public, the officer is to apply for a missing person warrant (see s. 179F: 'Responsibility after establishing missing person scene before obtaining missing person warrant' of the PPRA).

#### ORDER

As soon as reasonably practicable the responsible officer is to complete a QPRIME Investigative warrant occurrence [1687] (see s. 48A: 'Missing person warrants – s 679(1)' of the PPRR).

### Levels of requisite suspicion or belief for missing person warrants

When making application for a warrant to establish a missing person scene, officers are to:

- (i) for the high-risk missing person's residence, place of employment or vehicle, hold a reasonable suspicion; and
- (ii) for any other place, hold the higher-level suspicion of reasonable belief.

### Urgent situations

Where it is necessary, as a matter of urgency, to establish a missing person scene before obtaining a missing person warrant, a commissioned officer may authorise the establishment of a missing person scene. In such circumstances, an officer must apply to a Supreme Court judge or a magistrate for a missing person warrant as soon as reasonably practicable after establishing the scene.

#### ORDER

Prior to an officer applying for a high-risk missing person warrant in non-urgent circumstances or establishing an urgent missing person scene before a warrant is obtained, an officer is to seek authorisation from a commissioned officer. See s. 12.8.3: 'Establishing an urgent missing person scene' of this chapter.

### 12.8.2 Non-urgent applications for a missing person warrant

When an officer seeks to apply for a missing person warrant (see s. 179J: 'Applying for a missing person warrant' of the PPRA) in non-urgent circumstances from a Supreme Court judge or a magistrate, they are to:

- (i) ensure the missing person is a high-risk missing person (see s. 179C: 'When a missing person is high-risk' of the PPRA);
- (ii) hold a reasonable suspicion that the occupier of the place cannot, or is unlikely to provide consent for police to search the place for the high-risk missing person or for information about their disappearance;

- (iii) hold the requisite suspicion that the missing person may be at the place or an inspection of the place may provide information about the person's disappearance;
- (iv) obtain authorisation from a commissioned officer prior to applying for the warrant;
- (v) complete a form QP 1099: 'Application for a missing person warrant (issued by a Supreme Court judge or a magistrate) and form QP 1102: 'A missing person warrant' (see s. 179K of the PPRA);
- (vi) complete a form QP 1100: 'Notice to occupier of the making of an application for the issue of a missing person warrant by a Supreme Court Judge or a magistrate' and if reasonably practicable, (see s. 179J(5) of the PPRA, if giving notice would frustrate or otherwise hinder the investigation), give notice of the making of the application to the occupier of the place;
- (vii) apply to a Supreme Court Judge or a magistrate for the missing person warrant;
- (viii) create a QPRIME Investigative warrant occurrence;
- (ix) execute the warrant and establish the missing person scene. If practicable, electronically record any exercise of missing person powers; and
- (x) give a copy of both the missing person warrant and the Form 9: 'Statement to occupier' to the occupier as soon as reasonably practicable.

The commissioned officer authorising the application for a missing person warrant must:

- (i) be satisfied the person is a high-risk missing person;
- (ii) be satisfied there are sufficient grounds for the applicant officer to hold the requisite level of suspicion to search the place for the missing person or for information about their disappearance; and
- (iii) be satisfied it is reasonably necessary to exercise missing person powers at the place to search for the missing person or to gather information about their disappearance.

### 12.8.3 Establishing an urgent missing person scene

Section 179E: 'Authorisation if, as a matter of urgency, it is necessary to establish missing person scene before obtaining missing person warrant' of the PPRA allows the establishment of a missing person scene if an urgent reason exists before applying for a missing person warrant.

When a police officer seeks to establish a missing person scene as a matter of urgency, they are to:

- (i) ensure the missing person is a high-risk missing person;
- (ii) hold a reasonable suspicion that the occupier of the place cannot, or is unlikely to provide consent for police to search the place for the high-risk missing person or for information about their disappearance;
- (iii) hold the requisite suspicion that the missing person may be at the place or an inspection of the place may provide information about the person's disappearance;
- (iv) obtain the authorisation from a commissioned officer prior to establishing the missing person;
- (v) establish the missing person scene and if practicable, electronically record any exercise of missing person powers;
- (vi) complete a form QP 1100 'Notice to occupier of the making of an application for the issue of a missing person warrant by a Supreme Court Judge or a magistrate and if reasonably practicable, give notice of the making of the application to the occupier of the place;
- (vii) as soon as reasonably practicable after establishing the missing person scene, apply to a Supreme Court Judge or a magistrate for a missing person warrant by completing a form QP 1099: 'Application for a missing person warrant (issued by a Supreme Court judge or a magistrate) and a form QP 1102: 'A missing person warrant';
- (viii) give a copy of both the missing person warrant and the form 9 'Statement to occupier' to the occupier as soon as reasonably practicable to do so (see s. 179O of the PPRA); and
- (ix) create a QPRIME Investigative warrant occurrence;

The commissioned officer authorising the establishment of the missing person scene as a matter of urgency before a missing person warrant is applied for must:

- (i) be satisfied the person is a high-risk missing person;
- (ii) hold the requisite suspicion the person may be at the place or an inspection of the place may provide information about the person's disappearance;
- (iii) be satisfied it is reasonably necessary to exercise missing person powers at the place to search for the missing person or to gather information about their disappearance; and

(iv) be satisfied as a matter of urgency that it is necessary to establish a missing person scene at the place before obtaining a missing person warrant.

#### 12.8.4 Powers at missing person scene

Section 179P: 'Power at missing person scene' of the PPRA outlines the powers of a responsible officer for a missing person scene, or a police officer acting under their direction. The relevant officer may do any of the following in relation to the scene:

- (i) enter the scene;
- (ii) if reasonably necessary, enter another place to gain access to the scene;
- (iii) perform any necessary investigation, including, a search and inspection of the scene and anything in it for the missing person or to obtain information about the person's disappearance;
- (iv) open anything at the scene that is locked;
- (v) take electricity for use at the scene;
- (vi) remove or cause to be removed an obstruction from the scene;
- (vii) photograph the scene and anything in it;
- (viii) seize all or part of a thing that may provide information about the missing person's disappearance.

However, if it is necessary to do anything at the missing person scene that may cause structural damage to a building, the thing must not be done unless a Supreme Court judge issues a missing person warrant before the thing is done and the warrant authorises the doing of the thing.

If practicable, police are to electronically record the exercise of any missing person powers.

For authorised assistant powers see s. 179P(3) of the PPRA.

#### 12.8.5 Limitations of missing person scene

To ensure members of the public or other officers do not encroach into the missing persons scene, the responsible officer is to clearly:

- (i) identify the missing person scene;
- (ii) decide boundaries to protect the missing person scene; and
- (iii) clearly identify the boundaries of the missing person scene,

when establishing the missing person scene.

The responsible officer is to clearly identify the boundaries to the missing person scene with signage or police crime scene tape and restrict access to the scene to authorised persons.

See s. 179G: 'Deciding limits of missing person scene' of the PPRA.

#### 12.8.6 Restricting access to missing person scene

When the responsible officer has established a missing person scene the officer is to:

- (i) take reasonable steps to protect the place and anything at the scene from:
  - (a) being damaged; or
  - (b) interfered with; or
  - (c) destroyed.
- (ii) ensure people (including officers) not involved in the investigation do not unnecessarily enter the scene;
- (iii) prevent unnecessary movement inside the boundaries of the scene;
- (iv) provide safe passage through the scene to avoid or reduce the risk of damage to the property.

The responsible officer is to ensure any person (including other officers) do not enter the missing person scene unless:

- (i) the person has a special reason (associated with the investigation) for entering the scene;
- (ii) the person is invited into the scene by the responsible or investigating officer;
- (iii) the person is an authorised assistant (see s. 11A: 'Who is an authorised assistant for missing persons powers' of the Responsibilities Code (PRC));
- (iv) the presence of the person is necessary to preserve life or property; or
- (v) the person is authorised by the responsible officer to enter the scene.



See s. 179H: 'Restricting access to missing persons scene' of the PPRA.

ORDER

The responsible officer is to ensure a record is made of any person who was present when the missing person scene was established or enters the place and the purpose of entry.

See also s. 179Q 'Powers of direction etc. at missing person scene' of the PPRA.

### **12.8.7 When a place ceases to be a missing person scene**

The responsible officer is to ensure all officers and persons aiding the investigation immediately leave the missing person scene:

- (i) at the expiration of 48 hours after the scene was established, unless an extension is granted under s. 179M: 'Duration, extension and review of missing person warrant' of the PPRA;
- (ii) if a judge or magistrates refuses to issue a missing person warrant for the place;
- (iii) as soon as the responsible officer at the scene becomes aware the missing person:
  - (a) has been found; or
  - (b) is not a person who is likely to be high-risk; or
- (iv) the responsible officer decides there is no longer a need to exercise missing person powers at the place.

See s. 179I: 'When place stops being missing person scene' of the PPRA.