CITY OF PORTLAND, OREGON

Bureau of Police
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EXECUTIVE ORDER

DATE: October 1, 2008

TO: All Members

RE: DIR 640.31 Custodial Interference

ACTION: This directive has been completely revised. The entire directive is included for your review.

DIR 640.31 Custodial Interference
Index: Title; Custodial Interference
Refer: ORS 163.215 Kidnapping and Related Offenses Definitions
ORS 163.245 Custodial Interference II
ORS 163.257 Custodial Interference I
DIR 640.30 Investigations, Child Abuse
DIR 825.00 Domestic Violence, Arrests and Restraining Orders
DIR 850.30 Custody, Juvenile Holds
DIR 850.39 Amber Alert/Missing, Runaway, Lost or Disoriented Persons

PROCEDURE (640.31)
Directive Specific Definitions
Custodial Interference: If knowing or having reason to know that a person has no legal right to do so, a person entices or keeps another person from the other person's lawful custodian, or in violation of a valid joint custody order, with intent to hold the other person permanently or for a protracted period.

Member Responsibilities (640.31)
Members taking reports that appear to constitute Custodial Interference will ensure that the distribution section of the Investigative Report is marked for forwarding to the Detective Division/Missing Persons Unit (MPERS). Questions regarding criminal Custodial Interference should be referred to MPERS detectives during business hours.

Members encountering Custodial Interference cases, which appear to involve child abuse or sexual abuse, will also contact the Child Abuse Team (CAT; refer to DIR 640.30 and DIR 850.39).

Members taking reports which appear to constitute Custodial Interference will complete an Investigation Report, including detailed biographical and contact information for all involved parties, including the Reporting Party, alleged suspect(s) and the alleged missing child.

Members should clearly articulate the Reporting Party's reason(s) for why the incident might rise to the level of criminal Custodial Interference, rather than possibly being a civil custody matter to be remedied in the appropriate Family Law Court.

Members' Investigation Reports (640.31)

If a member takes a report involving Custodial Interference, and any involved child is believed to be in imminent danger in being with the suspect(s), the member should immediately contact a supervisor, advising of the situation. The supervisor will then contact a MPERS detective or the On-Call Homicide Supervisor. The On-Call Homicide Supervisor, or a designee, will evaluate whether the incident possibly meets the additional criteria for an Amber Alert. Refer to the Amber Alert (850.39) section.

Any person requesting recommendations as to employing a private attorney related to a custody dispute should be referred to the Oregon State Bar Lawyers Referral Service or the Multnomah County Family Law Court. Members will not recommend attorneys or provide legal advice.

FOR MORE INFORMATION:
Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

ROSANNE M. SIZER
Chief of Police

RMS/mp