

## Missing Persons

### 310.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 310.1.1 DEFINITIONS

The definitions contained in this policy are developed solely for purposes of this policy. They are not intended to convey additional authorities to enforce the laws or take custody of individuals. Should a conflict in definitions occur State law will be controlling. Definitions related to this policy include:

**At risk** - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Out of the zone of safety for his/her chronological age and developmental stage.
  - 2. Mentally, physically or behaviorally disabled.
  - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing. (It is not required to wait 24 hours before reporting, but if it has been 24 hours then they are at a higher risk)
  - 5. In a life-threatening situation.
  - 6. In the company of others who could endanger his/her welfare.
  - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Qualify for a State AMBER™.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the North Carolina Center for Missing Persons.

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#### **310.2 POLICY**

The Montgomery County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Deputies will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

#### **310.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Criminal Investigations Director shall ensure the following forms and kits are developed and available:

- Missing person report form
- NCIC missing person entry form
- Medical records release form

#### **310.4 ACCEPTANCE OF REPORTS**

Any deputy encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those deputies who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a deputy who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **310.5 INITIAL INVESTIGATION**

Deputies or Investigators conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as possible.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy maintained by the NC Center for Missing Persons).
- (d) Broadcast a "be on the look-out" (BOLO) bulletin immediately. The BOLO should be broadcast to on-duty Deputies and Investigators as well as to all other appropriate law enforcement agencies.
- (e) Ensure that entries are made into the appropriate missing person networks:
  1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph, if available.
  2. Any documents that may assist in the investigation, such as court orders regarding custody.
  3. Any other evidence that may assist in the investigation, including information of electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **310.6 REPORT PROCEDURES AND ROUTING**

Deputies should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **310.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
1. The reports should be promptly saved in RMS.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks. (i.e. NCIC)
1. This shall include ensuring that a copy of the missing person's report is forwarded to the North Carolina Center for Missing Persons.

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- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **310.6.2 RECORDS SECTION RESPONSIBILITIES**

The responsibilities of the Records Section receiving member shall include, but not be limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Criminal Investigations Divisions.

#### **310.7 CRIMINAL INVESTIGATIVE UNIT FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a child.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting party and/or other witnesses within 5 days of the initial report and within days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the North Carolina Center for Missing Persons, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located.
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

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- (f) Shall maintain a close liaison with area hospitals and the North Carolina Medical Examiner's Office.
- (g) Should make appropriate inquiry with the North Carolina SBI.
- (h) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.
- (i) Should attempt to obtain the most recent photograph if it has not been obtained previously and forward the photograph to the Department of Public Safety (DPS), North Carolina Center for Missing Persons.
- (j) Should make appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

#### **310.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator or deputy assigned the case shall document the location of the missing person in the appropriate report, notify the relatives and/ or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Investigator or Deputy assigned the case should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the North Carolina Center for Missing Persons.
- (b) A missing child's school is notified, if they were informed previously.
- (c) Entries are made in the applicable missing person networks, and make sure they are cleared from that database.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the North Carolina Center for Missing Persons.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **310.8.1 UNIDENTIFIED PERSONS**

Investigators or Deputies investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **310.9 CASE CLOSURE**

The Criminal Investigations Director may authorize the closure of a missing person case after considering the following:

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- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Montgomery County or the Montgomery County Sheriff's Office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.