

Faribault Police Department

Policy #305	Subject: Responding to Reports of Missing and Endangered Persons
Issued by: Chief Andy Bohlen	
Personnel: Sworn Personnel	Date Issued: August 25, 2020

Purpose

This policy provides guidance and responsibilities regarding this agency's response for handling missing person investigations.

Policy

The Faribault Police Department 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 the facts reveal otherwise. The Faribault Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation.

Additionally, this agency holds that every child reported as missing will be considered at risk until significant information to the contrary is confirmed.

Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing child report, this agency will assume reporting and investigative responsibility.

Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing children is paramount, members of this agency will open a case when it can be shown that the child has been removed, without explanation, from his/her usual place of residence. If custody has not been established by the Court, then the law-enforcement responsibility is to ensure the child is safe only.

Definitions

A. ***At Risk***: Includes, but is not limited to, the following:

1. A victim of a crime or foul play.
2. A person missing and in need of medical attention.
3. A missing person with no pattern of running away or disappearing.
5. A mentally impaired missing person.

B. ***At Risk Missing Child***: In addition to the above, a missing child will be considered "at risk" when one or more of the unusual circumstances below are present:

1. Thirteen (13) years of age or younger,
2. A missing person who may be the victim of parental abduction, or
3. Believed or determined to be experiencing one or more of the circumstances noted below:
 - a. **Is out of the zone of safety for his/her age and developmental stage.** The zone of safety will vary depending on the age of the child and his/her developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or the route taken between home and school.
 - b. **Has mental or behavioral disabilities.** If the child is developmentally disabled or emotionally disturbed/behaviorally challenged, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm.

Law enforcement is presented with several unique challenges when responding to, searching for, and recovering a missing Autistic child, such as:

- Children often seek bodies of water.
- A tendency for the child to wander or elope.
- A tendency to seek small enclosed spaces which may be overlooked during initial searches.
- Eluding or hiding from searches.

- Some children may have a diminished sense of fear, causing them to be unable to respond to search teams.
 - Some children are very resilient.
 - Unique behaviors (No children are alike).
 - Very specific interests or fascinations to the child (active roadways, road signs, trains, fire trucks, etc.)
- c. **Is drug dependent, including both prescribed and/or illicit substances, and the dependency is potentially life-threatening.** Any drug dependency puts the missing child at risk. The diabetic or epileptic child requires regular medication or his/her condition may become critical. The abuser of illegal drugs, on the other hand, may resort to crime or become the victim of exploitation.
- d. **Has been absent from home for more than 24 hours before being reported to law enforcement as missing.** While some parents may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
- e. **Is in a life-threatening situation.** The environment in which the child is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or an outdoor environment in inclement weather for a child of any age.
- f. **Is in the company of others who could endanger his/her welfare.** A missing child in such circumstances is in danger not only of sexual exploitation, but also of involvement in criminal activity such as burglary, shoplifting, robbery and other violent crimes.
- g. **Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained.** Most children have an established and reasonably predictable routine. Significant, unexplained deviations from that routine increase the probability of risk to the child.
- h. **Is involved in a situation causing a reasonable person to conclude the child should be considered at risk.** Significant risk to the child can be assumed if investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual exploitation.
- C. ***Missing Person:*** Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law. It also includes

any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance.

*D. **Missing Person Networks:*** Those databases or computer networks available to law enforcement and that are suitable for information related to missing person's investigations. These include the National Crime Information Center (NCIC), Missing Person System (MPS) and the Unidentified Persons System (UPS).

Procedures

Actions Upon Determination of Unusual Circumstances - Missing Children

If it is determined that unusual circumstances are involved in the report of a missing child, the child will be considered **at risk**, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all incidents involving missing children should be investigated thoroughly, those involving unusual circumstances indicate a heightened likelihood of risk to the child and, therefore, require an intensive response.

If appropriate, existing inter-agency response protocols--including the AMBER Alert system and/or other immediate community notification methods, if available--should be considered

Endangered Missing Advisories (EMA)

An EMA is an emergency notification system for people (adult and children) who have been reported missing and believed to be in danger. The EMA also provides a tool to law enforcement to safely recover missing children who do not fit the AMBER Alert criteria. Law enforcement can choose between AMBER and EMA based on the individual case and the appropriate criteria. EMA's are called "Silver Alerts" for missing persons 65 years of age or older.

Issuance of an EMA can help raise awareness of the dangers that missing persons face and reduce the pressure on police to issue an AMBER Alert in cases that do not fit the criteria. More important, the EMA provides a strategy for law enforcement to notify the public and save lives.

Required Forms and DNA Collection Kits

The Investigations Division should ensure the forms and kits are developed and available in accordance with this policy, state and federal law, including:

A. Department report form for use in missing person cases.

B. Medical Records Release Form.

C. Minnesota BCA missing person forms as appropriate.

ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone but it is recommended in-person, initiating an investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee 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 other question of jurisdiction.

Initial Investigation

As may be appropriate according to the circumstances, officers or other employees conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- A. Respond to a dispatched call for service as soon as practicable.
- B. Interview the reporting person, any witnesses, and parent(s) of missing children, 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.
- D. Obtain a detailed description of the missing person including photo(s) and videos.
- E. Confirm the person is in fact missing by conducting an immediate and thorough search of the scene.
- F. Verify custody status of missing children.
- G. Identify the circumstances of the missing episode (risk factors).
- H. Determine when, where, and by whom the missing person was last seen.
- I. Identify the missing child's zone of safety for his/her age and developmental stage.
- J. Make an assessment of the type of incident.
- K. Interview individual(s) who last had contact with the missing person.

- L. When applicable, obtain a description of the suspected abductor(s) and other pertinent information.
- M. Provide detailed descriptive information to the Communications Center and Broadcast a "Be on the Look-Out" (Attempt to Locate or ATL) bulletin if the person is deemed at risk, pursuant to this policy. The ATL should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is at risk.
- N. Identify and separately interview everyone at the scene.
- O. Seal/protect the scene, the missing person's home, and areas of interest as potential crime scenes in the case of an at risk person.
- P. Ensure that entries are made into the appropriate missing person networks as follows:
 - 1. Immediately, when the missing person is at risk.
 - 2. All other cases, as soon as practicable, not later than two hours from the time of the initial report.
- Q. Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- R. Collect and/or review the following:
 - 1. A photograph and a fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence voluntarily provided that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- S. When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier, Internet provider, or Internet history.
- T. Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, 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 officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

Searches for Missing Children With Special Needs

While cases of missing children with special needs should be treated as critical incidents requiring elevated responses by law enforcement and first responders, children with autism have an unusually high mortality rate and are especially at risk. Certain exceptions may apply for those special-needs children who are considered high-functioning and therefore should be assessed accordingly weighing all risk factors.

Because children with autism often have an extremely high attraction to water, first responders and search teams should immediately check all nearby bodies of water in an effort to head-off the child. These include but are not limited to streams, ponds, lakes, rivers, creeks, storm-water retention/detention basins, and backyard and public swimming pools. The use of air units and/or canine teams should be used for the search.

Report Procedures and Routing

Employees should complete all missing person reports and forms promptly and personally deliver to the appropriate supervisor as soon as a missing person report is ready for review.

Supervisor Responsibilities

As may be appropriate according to the circumstances, the supervisor assigned to the report of a missing person should:

- A. Obtain a briefing and written reports from the first responder(s) and other agency personnel at the scene.
- B. Determine if additional personnel and resources are needed to assist in the investigation.
- C. Consider activation of the **AMBER Alert** system and/or other immediate community notification methods such as an **Endangered Missing Person Advisory (EMA)** when appropriate.
- D. Take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.
- E. Establish a command post.
- F. Organize and coordinate search efforts. Systematic searches are common features of missing-child investigations. A supervisor should appoint a search operation coordinator who can oversee the search effort while the supervisor remains available to manage the entire investigation.

- G. The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.
- H. Establish a liaison with the victim's family.
- I. Confirm that all agency policies and procedures are observed.
- J. Review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to the Records Division or the Communications Center to be entered into the appropriate missing person networks.
- K. Notify police administration of a report of an at-risk missing child.
- L. Manage media relations. Many missing-child investigations, especially those involving large-scale search efforts, are likely to draw media attention.

Records Division Responsibilities

The receiving employee shall:

- A. As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- B. Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- C. Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- D. Promptly enter descriptive information into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) Missing Person File and initial the original police report along with a copy of the signed Missing Children's Report. Forward a copy of the report to the Investigation Division.
- E. Shall verify and update CLETS, 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.

Investigation Division Follow-Up

As may be appropriate according to the circumstances, the investigator assigned to respond to a missing person scene or investigation:

- A. Should obtain a briefing from agency personnel at the scene.
- B. Should verify the accuracy of all descriptive information.
- C. Should initiate a neighborhood investigation/canvass.
- D. Should obtain a brief history of recent family dynamics.
- E. Explore the basis of conflicting information.
- F. Complete all remaining key investigative and coordination steps.
- G. Implement effective case management.
- H. Evaluate the need for additional resources and specialized services (Mutual Aid, FBI, NCMEC, Team Adam, etc.).
- I. Update descriptive information.
- J. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- K. Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- L. Should consider contacting other agencies involved in the case to determine if any additional information is available.
- M. Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21.
- N. Should make appropriate inquiry with the coroner or medical examiner.
- O. Should obtain medical records, photos, X-rays and biological samples.
- P. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to Minnesota BCA.
- Q. Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

R. Monitor media relations in regards to the investigation

When a Missing Person is Found

An officer assigned to the recovery or return of a missing child shall:

- A. Verify the located child is, in fact, the reported missing child.
- B. Secure intervention services, if appropriate.
- C. Arrange the return of the child to his/her legal guardian or appropriate children's shelter in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation.
- D. Place the child in custody and transport him or her to the appropriate facility for admission in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.
- E. Complete the appropriate supplemental reports and cancel all outstanding notifications.

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

Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

Unidentified Persons

Department members 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.
- D. Cancel all notifications after identification is confirmed.

Case Closure

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

- A. Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- B. If the missing person was a resident of Faribault or this department 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 department 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.