

MONTPELIER POLICE DEPARTMENT

Missing Persons	Related Policies: Missing Persons
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: 20 V.S.A. § 1820 - § 1828 (2010)	
CALEA Standard:	
Date Implemented: March 15, 2012	Review Date: March 15, 2012

I. PURPOSE: The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing persons.

II. POLICY:

- A.** It shall be the policy of this agency to thoroughly investigate all reports of missing persons. Additionally this agency holds that every person reported as missing will be considered serious until significant information to the contrary is confirmed.
- B.** Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a missing person legally 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-person report, this agency will assume reporting and investigative responsibility.
- C.** 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 child (ren) is paramount, members of this agency will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

III. DEFINITIONS:

- A. Missing Adult means any person:**
 - a.** Who is 18 years of age or older;

Note: According to Vermont Law 20 V.S.A. § 1820 (2010) a “missing person” is defined as an individual whose whereabouts is unknown and who is either physically disabled, mentally disabled or an un-emancipated minor.

For purpose of this policy both definitions are acceptable.

B. Missing Child:

- a. Younger than 18 years of age; and
- b. Whose whereabouts are unknown to his or her parent, guardian, or responsible party

*According to 20 V.S.A. § 1820 (2010) An un-emancipated minor is an individual under the age of majority who has not married and who resides with a parent or legal guardian.

C. Unusual Circumstances:

- a. A missing child 13 years of age or younger.
- b. A child or an adult who is missing and believed to be one or more of the items noted below.
 - a) Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. 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 route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.
 - b) Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
 - c) Drug dependent. In the case of a child, the term “drug dependent” shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term “drug dependent” shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being.
 - d) A potential victim of foul play or sexual exploitation.
 - e) In a life-threatening situation
 - f) Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons 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.
 - g) Believed to be with persons who could endanger his or her welfare.

- h) Is absent under circumstances inconsistent with established patterns of behavior.
- D. **“At-Risk” Missing Person (Adult or Child):** A missing adult or child will be considered **“at-risk”** when one or more of the **unusual circumstances** as defined above are present.

IV. PROCEDURES:

- A. General action on determination of *“Unusual Circumstances”*
 - a. If it is determined that “unusual circumstances” are involved in the report of a missing adult or child, the person will be considered “at risk,” and an expanded investigation, including the use of all appropriate resources, will immediately commence.
 - b. If appropriate, existing interagency response protocols - including the AMBER Alert system and/or other available immediate community notification methods - should be activated
 - c. There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.
 - d. Under 20 V.S.A. § 1824, Searches for missing persons, a law enforcement agency shall commence a search for a missing person as soon as a report is received. Any rule specifying an automatic time limitation before commencing a missing person investigation shall be invalid.
 - e. When a law enforcement agency is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency *shall* take that report from the child’s parents, custodial parent, guardian, legal custodian or any other person responsible for the missing child.
- B. **Communications personnel receiving the report of a missing person shall:**
 - a. Determine if circumstances of the report meet the definition of a missing child or adult as set forth in Section III.
 - b. Seek out descriptive information for responding officers from the caller.
 - c. Dispatch, in a prompt manner, an officer to the scene of the report.
 - d. Notify a supervisor and an investigator when appropriate. A supervisor and an investigator should be notified of every reported incident in which “unusual circumstances” are determined to exist.
 - e. Transmit the appropriate radio alerts and other notifications.
 - f. If a missing person complaint involves an unemancipated minor, including a runaway child as defined in *section 1311 of Title 13*, the law enforcement agency shall enter the information into NCIC and ensure that the information is put out through the Vermont Fusion Center. National Crime Information Center computer. 20 V.S. A. § 1825

- g. Search agency records for related information. Complaints such as attempted abductions, prowlers, public lewdness, and suspicious persons will be of particular interest. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.
 - h. Safeguard all pertinent records.
 - i. Initiate media contact — including activation of the **AMBER Alert** system and/or other immediate community-notification methods when appropriate and at the direction of a supervisor.
- C. The **initial officer or first responder assigned to the report of a missing person** shall
 - a. Respond promptly to the scene of the report.
 - b. Interview the person(s) who made the initial report.
 - c. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videotape should be secured if available.
 - d. Verify that the person is in fact missing. NOTE: In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds shall be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks, of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere.
 - e. Confirm custody status.
 - f. Identify the circumstances of the disappearance. First responders need to ascertain whether the circumstances surrounding a person's disappearance are such that a heightened level of response is warranted. If "unusual circumstances" exist, as defined in Paragraph D of Section III, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing person's safety in mind and act accordingly.
 - g. Determine when, where, and by whom the missing person was last seen.
 - h. Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.
 - i. Identify the missing person's zone of safety for his or her age and physical and mental state.
 - j. Make an initial determination of the type of incident. Note: Officers must be cautious in "labeling" or classifying a missing-person case, since the classification process shall affect the way in which initial information or evidence

is gathered. Even if first indications suggest a “less urgent” incident, officers should consider all possibilities until the case category is clearly determined.

- k. Obtain a description of the suspected abductor(s) and other pertinent information.
- l. Evaluate whether circumstances of the child’s disappearance meet existing AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an AMBER Alert.
- m. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.
 - i. Provide detailed descriptive information to the communications unit for broadcast updates.
 - ii. Identify and interview everyone at the scene.
 - iii. Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person’s disappearance. Officers are again reminded to conduct a thorough, immediate search of the person’s home and property — even if the disappearance supposedly took place elsewhere.
 - iv. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.
 - v. Prepare necessary reports and complete appropriate forms.
- b. The **supervisor assigned to the report of a missing person** shall
 - i. Obtain a briefing from the first responder(s) and other agency personnel at the scene.
 - ii. Determine if additional personnel and resources are needed to assist in the investigation.
 - iii. Consider activation of the **AMBER Alert** system and/or other immediate community notification methods. If circumstances indicate the chances for the child’s safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts.
 - iv. Establish a command post if needed.
 - v. Organize and coordinate search efforts.
 - vi. Ensure that all required notifications have been made.
 - vii. Establish a liaison with the victim family.
 - viii. Confirm that all agency policies and procedures are observed.
 - ix. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention.

Supervisors should manage media presence in a way that complements, rather than conflicts with the investigation.

- c. The **investigator assigned to the report of a missing person** shall
 - i. Obtain a briefing from agency personnel at the scene.
 - ii. Verify the accuracy of all descriptive information.
 - iii. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.
 - iv. Obtain a brief history of recent family dynamics.
 - v. Explore the basis for conflicting information.
 - vi. Implement effective case management.
 - vii. Evaluate the need for additional resources and specialized services.
 - viii. Update descriptive information. **Note:** The National Child Search Assistance Act – enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken.
 - ix. When a child has not been located within 30 days the agency shall request from the person responsible for the missing child written consent to obtain the child's dental records. Those records will be entered into the appropriate NCIC database.
 - x. Monitor media relations.
- d. An **officer assigned to the report of an unidentified person**, whether living or deceased, shall
 - i. Obtain a complete description.
 - ii. Enter the unidentified person's description into the NCIC Unidentified Person File.
 - iii. Utilize all available resources to aid in identification of the person.
 - iv. Cancel all notifications after identification is confirmed.
- e. An **officer assigned to the recovery or return of a missing person** shall
 - i. Verify that the located person is, in fact, the reported missing person.
 - ii. Inform, in the case of a missing adult who has been located, the located person that he or she is the subject of a missing-person investigation. If the located person is a competent adult, the officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. To the extent possible, a person's desire to remain hidden shall be honored.

- iii.** Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.
- iv.** Secure, in the case of a missing or abducted person who has been located, intervention services, if indicated.
- v.** Arrange, 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, the return of the child to his or her legal guardian or to an appropriate children's shelter.
- vi.** Place, 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, the child in custody and transport him or her to the appropriate facility for admission.
- vii.** Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.