

## Missing Persons Reporting

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

**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 (Penal Code § 277 et seq.). 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 (Penal Code § 14215).

**Missing person networks** - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

### 316.2 POLICY

The Shasta 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 the facts reveal otherwise. The Shasta County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211(a)).

### 316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including: (All MP / 601 forms are located on the Sheriff's Share Drive under the Missing Person / 601 Folder)

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

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- Missing person school notification form
- Medical records release form from the California Department of Justice
- MP / 601 supplemental form
- California DOJ missing person forms as appropriate
- Medical Records release forms from the area hospitals, dental and skeletal records release forms
- Biological sample collection kits (available through the ID Lab)

### **316.4 ACCEPTANCE OF REPORTS**

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211(a)). This can be accomplished by accepting the report via telephone or in-person and initiating the 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 (Penal Code § 14211(b)).

### **316.5 INVESTIGATIVE PROCEDURES**

Deputies or 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 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 missing under suspicious circumstances, which may qualify for a public alert (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin in all cases without delay. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the person is missing.
- (e) In all cases, the deputy or employee shall ensure that entries are made into NCIC and obtain an FCN number within two hours.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review the following:
  1. A photograph and a fingerprint card of the missing person, if available.

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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 that may assist in the investigation, including personal electronic devices (e.g., cell phones, iPods, computers).
  5. If the reporting person is available, ensure they sign the release form located at the bottom of page 2 of the CJIS 8586 form. If the reporting person is unavailable, the Deputy or Employee may sign the form themselves to expedite the records release process. (If the employee signs, a follow up release form should be sent to the reporting person / next of kin as soon as practicable.
- (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 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 deputy should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **316.6 REPORT PROCEDURES AND ROUTING**

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

All Missing Person / Runaway "At Risk" or missing under suspicious circumstances shall be completed and have supervisor approval prior to the end of shift on the day of initial reporting.

#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall:

- Ensure resources are deployed as appropriate.
- Review and approve missing person reports prior to the end of shift on the day of initial reporting if the person is listed "At Risk" or missing under suspicious circumstances. Upon approval, promptly send report to the Records unit.
- Ensure applicable notifications and public alerts are made and documented.
- Ensure that all MP records have been entered into the appropriate missing person networks.
- Take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

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The supervisor will ensure that all Missing Persons reports are turned in to the Records unit immediately upon review and placed in the Missing Person report box.

### 316.6.2 RECORDS UNIT RESPONSIBILITIES

The receiving member 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 (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (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) Mail the School Notification Forms without delay when that are routed from the investigating deputy or other employee.
- (e) Forward a copy of the report to the Major Crimes Unit.
- (f) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### 316.6.3 MISSING PERSON AND RUNAWAY FOLLOW-UP INVESTIGATION PROCEDURE

The Sheriff's Supervisor has the discretion to assign follow-up investigation to the originating deputy or re-assign to another employee.

- The deputy or employee shall ensure that the missing person's school is notified within 10 days (if the missing person is a juvenile). The notice shall be in writing and should also include a photograph if available. (California Education Code 49068.6). The notice shall serve as information to the school that the juvenile is missing. The notice will contain contact information of the deputy or employee, should the school receive a call requesting a transfer of the missing child's files to another school. The school notification form is located on the share drive under MP-601 Forms. The form can be routed to records, where a records specialist will place in the US Mail.
- Within two weeks, the deputy or employee shall create a Critical Reach flyer containing a photograph and circumstances of the Missing Person report. The flyer will be distributed to the appropriate jurisdictions based on information gathered during the investigation. Station Service Officers and the Major Crimes Assistant have access to the Critical Reach website and can generate a flyer for the deputy or employee. The deputy or employee shall ensure that a supplemental report is generated regarding the Critical Reach flyer. A copy of the flyer shall be attached to the supplemental report for submission and approval.
- The deputy or other employee should keep in contact with the reporting person and shall re-contact the reporting person and/or other witnesses within 30 days of the initial report.

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- Within the 30 days of the initial report, the deputy or employee shall advise the family of the right to submit a DNA sample (Penal Code § 14250(c)(2) PC) and generate a supplemental report.
- At the end of and within 30 days, if the missing person has not been located, the deputy or employee shall generate a supplemental report detailing their investigation and forward the case to Major Crimes for review. The MCU Missing Persons Supervisor may elect to return the case to the original investigating officer or employee for additional follow up or assign the case to a detective.

### **316.7 MAJOR CRIMES UNIT FOLLOW-UP**

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

- (a) 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 (Education Code § 49068.6).
  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.
- (b) Should recontact 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.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) 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 California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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- (j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

### 316.8 MISSING PERSON FOUND / RETURN PROCEDURES

#### 1) Missing Person – Found or Returned within 24-Hours:

- a) The deputy or employee shall ensure that the missing person was entered and removed from NCIC/CLETS and all pertinent information is contained in the call log.
- b) The Records Specialist will take the information from the CLETS entry and update the closed incident to match the call log. The Records Specialist will then print out the call log entry and attach it to the CLETS entry for filing.

NOTE: This does not apply to “at risk” or “missing under suspicious circumstance” cases. The above should not be construed as waiting 24-hours before starting an investigation. This policy is based on the totality of the circumstances and should be applied on a case by case basis.

#### 2) Missing Person – Found or Returned:

- a) The assigned deputy or employee shall:
- Contact the Records unit to remove the missing person from NCIC.
  - Generate a supplemental report.
  - Notify the reporting person and other involved agencies.
  - Refer the case for additional investigation, if warranted.
  - The Records unit Supervisor shall ensure that notification is made to California DOJ.
  - The missing person's school is notified if applicable.
  - Entries are made in the applicable missing person networks (Penal Code § 14207).
  - When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).
  - Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

#### 316.8.1 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.

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### **316.9 CASE CLOSURE**

The Major Crimes Unit 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 is a resident of Shasta County 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.

### **316.10 TRAINING**

Subject to available resources, the Training Coordinator should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.

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- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.