

Missing Persons

316.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (ORC § 2901.41(B)).

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Are 65 years of age or older or that have a mental impairment (ORC § 5502.522).
- (c) Are 17 years of age or younger that have run away from or are otherwise missing from the care, custody and control of the juvenile's parent, guardian or other person having responsibility for the care of the minor (ORC § 2901.30).
- (d) 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. Physically or mentally disabled (ORC § 2901.41).
 3. Behaviorally disabled.
 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 6. In a life-threatening situation.
 7. In the company of others who could endanger his/her welfare.
 8. 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.
 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
 10. Missing and there is evidence of foul play including, but not limited to, evidence that the person's home or car is in disarray, evidence of a struggle between the person and another or any other evidence that the Department determines is foul play (ORC § 2901.42).

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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), the Ohio Law Enforcement Automated Data System (LEADS), the Ohio Attorney General's Missing Children's Clearing House and the Department of Public Safety's (DPS) Missing Adult Alert.

316.2 POLICY

The Brunswick Hills 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 an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.2.1 INVESTIGATION DILIGENCE

When conducting a missing person investigation, the handling patrolman shall (see generally ORC § 2901.30(B)):

- (a) Notify immediately such persons and make inquiries concerning the missing person as necessary.
- (b) Make an assessment of reasonable steps to be taken to locate the person.
- (c) Make reasonable attempts to determine the age of the missing person.
- (d) If the missing person is under 14 years of age, or there is evidence the person is missing under foul play or suspicious circumstances, the Dispatch shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction and relay the information to surrounding law enforcement jurisdictions as necessary.

The agency having jurisdiction over the missing person's residence normally will handle the investigation. However, employees shall assist other agencies, including federal agencies, in the investigation of any missing person (see generally ORC § 2901.30(F) and ORC § 2901.31).

When a missing person report is made, the employee taking the report will make reasonable attempts to make the following determinations and complete the following actions:

- Determine if the case is a missing person case or another situation. Factors to consider when making this decision include:
 - The missing person's age.
 - The missing person's mental, physical and emotional well-being, as well as the family and social environment.
- Whether foul play or another type of criminal activity is suspected.

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- Whether the missing person is at risk.
- The availability of a current description and photograph of the missing person.
- Determine the steps required to attempt to locate the missing person.
- Identify the types of outside assistance that may be appropriate or necessary.
- Complete reports and related paperwork.
- Obtain a DNA sample, if applicable.

Based upon the information and actions above, the employee should take the necessary steps as outlined by statute.

Determine whether the circumstances and criteria regarding the missing person warrant dissemination of a Missing Senior Alert activation (see Missing Mentally Impaired/Senior Alerts Policy).

316.2.2 INVESTIGATION DUTY - MISSING CHILD

Upon receiving and verifying a report of a missing child, the Brunswick Hills Police Department shall transmit the full contents of the report within two hours to the Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) database and to the Ohio Attorney General's Missing Person's Clearinghouse (42 USC 5780(3)).

In conducting an investigation of a missing child, the Brunswick Hills Police Department shall:

- (a) Conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by his/her parent," "abducted by a stranger" or "cause of disappearance unknown," and shall:
 1. Immediately notify such persons and make such inquiries concerning the missing child as necessary.
 2. Utilize a family liaison to maintain communication with the family of the missing child.
 3. Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101-647, 104 Stat. 4966.
 4. Enter into the LEADS/NCIC Missing Person File and the Ohio Repository for Missing Persons, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.
 5. Enter into the LEADS/NCIC Wanted Person File any warrant information for the arrest of a person suspected in the child's disappearance or concealment, including identifying and descriptive information concerning:
 - (a) The suspect.
 - (b) As miscellaneous information, the missing child.

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6. Determine whether the circumstances regarding the missing child meet the criteria for an AMBER Alert activation (see AMBER Alerts Policy) or a Missing Child Alert activation. The Missing Child Alert is designed to notify the public using media outlets and other partners about a missing child whose circumstances do not meet the AMBER Alert criteria, but who is in danger of serious physical harm or death.
 - (a) Criteria to activate a Missing Child Alert:
 1. The child is under 18 years of age.
 2. The child's missing status is confirmed by law enforcement and the victim is in danger of serious bodily harm or death.
 3. There is enough descriptive information concerning the circumstances, suspect, vehicle and victim that the public would be able to assist.
 - (b) The Missing Child Alert activation will automatically cause the following to occur:
 1. A statewide e-mail and fax message will be sent to media outlets.
 2. A statewide law enforcement radio broadcast and computer message will be sent to all law enforcement agencies.
 3. Activation of a toll-free telephone line for tips and information, 800-325-5604.
 4. Members of the Ohio Trucking Association will be notified to be on the lookout while driving on Ohio's roadways.
 5. Special law enforcement response teams and programs will be available to assist in the search for the missing child.
 6. Activation of secondary notification systems.
- (b) Cross-reference and integrate all information into the LEADS/NCIC Missing Person File and the Ohio Attorney General's Missing Persons Clearinghouse (ORC § 2901.30(C)).
 1. Upon actual entry into the NCIC computer, the Records Section shall promptly notify the missing child's parents, the parent who is the residential parent and legal custodian, guardian or legal custodian, or any other person responsible for the care of the missing child that the information has been entered and integrated (ORC § 2901.30(C)).
- (c) The Brunswick Hills Police Department may notify the public or non-public school in which the missing child is or was most recently enrolled, that the child is the subject of a missing child report and that the child's school records are to be marked in accordance with ORC § 3313.672 (ORC § 2901.30(D)).

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- (d) When a missing child has not been located within 30 days after a report is filed, the assigned investigator shall (ORC § 2901.30(G)):
1. Confirm authorization for consent to obtain dental and medical records.
 2. Send to the child's parent or guardian a request for certain identifying information regarding the child that the NCIC recommends be provided.
 3. Upon receipt of the medical or dental records, enter the information into the LEADS/NCIC database.
- (e) Upon notice by a parent or guardian that a child reported as missing has been found or returned, an officer should conduct a recovery interview to verify that the child has returned and provide referrals to minimize the potential for reoccurrence. The Department shall enter the updated information into the LEADS/NCIC database and shall inform any school that was notified that the minor is no longer a missing child (ORC § 2901.30(H) and § 2901.42(C)).

316.2.3 INVESTIGATIVE RESOURCES

Resources that are recommended by the Ohio Attorney General and promulgated by OPOTC that should be considered in the investigation of a missing person case include, but are not limited to:

- Ohio Attorney General's Missing Children's Clearing House, 614-466-5610
- Ohio Attorney General's Missing Person's website, <http://www.ohioattorneygeneral.gov/MissingPersons>
- DNA collection through Project LINK (Linking Individuals Not Known); kits and information available through the Bureau of Criminal Identification and Information (BCI) (uses DNA standard from missing person or family, run through databases of unidentified deceased persons)
- National Center for Missing Adults, 800-690-FIND
- Local FBI office
- A Child is Missing, 888-875-2246
- Local Coroner
- Child Abduction Response Team (CART) activation, if warranted
- Center for Human Identification, 800-763-3147
- Alzheimer's Association, www.alz.org, 800-272-3900
- Tracking devices for individuals (child and adult) at risk to wander away due to mental disability, www.projectlifesaver.us
- National Missing and Unidentified Persons System (NamUs), www.namus.gov
- Ohio's Missing Adults, <http://www.ohiomissingadults.com>
- Ohio's Missing Adult Alert website, www.missingadults.ohio.gov

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Any other agencies and/or resources that may be available to assist in the investigation of the case.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Bureau supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Brunswick Hills Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If there is evidence that the person may be at risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen (see generally ORC § 2901.30(E)).

316.3.2 REPORTING REQUIREMENT

Within two hours of the receipt of a missing person report on a person under the age of 21, Records Section personnel shall enter into the LEADS/NCIC database and make available to the Ohio Attorney General's Missing Person Information Clearinghouse the missing person report information (42 USC 5779(a) and 42 USC 5780(3)). The information must note if the case involves an endangered person.

316.3.3 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner and send to the U.S. Department of Justice a photograph and dental records, and verify and update the record with any additional information as warranted. If dental records are unobtainable, this should be noted. This must be completed no later than 60 days after the report was filed. The NCIC requires missing person records to be validated when they are between 60 and 90 days old and yearly thereafter (42 USC § 5780(4)(a)).

316.4 MISSING PERSON LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

When this department discovers a missing person has been found, the Records Section shall promptly remove the missing person from the LEADS/NCIC database and request that the

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information be removed from any other state database. If a school had been previously notified regarding a missing child, the school shall be notified when the child has been found (ORC § 2901.42(C) and ORC § 2901.30(H)).

Information that is not immediately available and obtained at a later time shall be documented in a supplemental report to the original. Entry into the LEADS/NCIC file shall be conducted as soon as possible but no later than 48 hours if the updated information shows evidence of suspicious circumstances (ORC § 2901.42(B)(2)).

316.5 INITIAL INVESTIGATION

Patrolmen or other members 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 practicable.
- (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).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 1. Immediately, when the missing person is at risk or there is evidence of foul play and the person is at least 18 but under the age of 21 (ORC § 2901.30(C); ORC § 2901.42(A)).
 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 and 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 that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

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- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her 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.

316.6 REPORT PROCEDURES AND ROUTING

Members 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.

316.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.
- (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 persons networks.
- (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.

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not 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 the parents or other responsible person of a missing person age 17 or younger that the person's information has been entered into the appropriate networks (ORC § 2901.30(C)).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (d) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (e) Forwarding a copy of the report to the Detective Bureau.

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- (f) Coordinating with the NCIC Terminal Contractor for Ohio to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

316.7 DETECTIVE BUREAU 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 when a missing person's report is filed if the missing person is a juvenile (ORC § 2901.30(D)).
 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 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.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update Ohio LEADS, 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 (42 USC § 5780).
- (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 Exploiting 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 (42 USC § 5780).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Ohio Attorney General's Missing Children's Clearing House and enter the photograph into applicable missing person networks (42 USC § 5780).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (k) Shall obtain, if previously not obtained, written consent for the release of dental records from the person's parent or legal custodian, if the person is a missing child that has not been located within 30 days of the initial missing persons report (ORC § 2901.30(G)).
- (l) Should consider utilizing resources recommended by the Ohio Attorney General and promulgated by the Ohio Peace Officer Training Commission.
- (m) 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 WHEN A MISSING PERSON IS FOUND

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.

The Records Custodian shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

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.

316.9 CASE CLOSURE

The Detective Bureau 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 matches an unidentified person or body.

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- (b) If the missing person is a resident of Brunswick Hills Township 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 Officer should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 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.
- (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.