

Missing Persons

425.1 VERSION

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|--|
| 06/29/2021 | 07/09/18 | Gabriel Camacho, Interim Chief of Police |

425.2 POLICY AND PURPOSE

This policy provides guidance for handling missing person investigations. The Harrisonburg 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.

425.3 DEFINITIONS

Missing child - Any person meeting the following criteria (Va. Code § 52-32):

- (a) Under the age of 21 years
- (b) Whose temporary or permanent residence is in Virginia or is believed to be in Virginia
- (c) Whose whereabouts are unknown to any parent, guardian, legal custodian, or other person standing in loco parentis of the child
- (d) Who has been reported as missing to a law enforcement agency within the Commonwealth of Virginia

Critically missing adult - Any adult meeting the following criteria (Va. Code § 15.2-1718.2; Va. Code § 52-34.10, et seq.):

- (a) Who is believed to have been abducted and whose whereabouts are unknown
- (b) Whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law enforcement agency and under such other appropriate circumstances

Missing senior adult - Any person meeting the following criteria (Va. Code § 52-34.4):

- (a) Over 60 years of age
- (b) Whose whereabouts are unknown
- (c) Who suffers a cognitive impairment to the extent that he/she is unable to provide care to him/herself without assistance from a caregiver, including a diagnosis of Alzheimer's disease or dementia, and whose disappearance poses a credible threat to his/her health and safety, as determined by a law enforcement agency
- (d) Whose disappearance meets other circumstances as deemed appropriate by the Virginia State Police

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Missing person with autism - Any person meeting the following criteria (Va. Code § 52-34.13):

- (a) Whose whereabouts are unknown
- (b) Who has been diagnosed with autism spectrum disorder as defined in Va. Code § 38.2-3418.17
- (c) Whose disappearance indicates a credible threat to the health and safety of the person as determined by a law enforcement agency and under such other circumstances deemed appropriate by the Virginia State Police

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:
 - (a) Out of the zone of safety for his/her chronological age and developmental stage.
 - (b) Mentally or behaviorally disabled.
 - (c) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - (d) Absent from home for more than 24 hours before being reported to law enforcement as missing.
 - (e) In a life-threatening situation.
 - (f) In the company of others who could endanger his/her welfare.
 - (g) 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.
 - (h) 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 Alert™ pursuant to Va. Code § 52-34.1 et seq.

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 Virginia Criminal Information Network (VCIN), and the Missing Children Information Clearinghouse (MCIC) (Va. Code § 15.2-1718).

425.4 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal

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use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

425.5 ACCEPTANCE OF REPORTS

Any member 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.

425.6 INITIAL INVESTIGATION

Officers 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 an alert if the person is a missing senior adult, critically missing adult, missing person with autism, is under 21 years of age, or there is evidence that the missing person is at risk. The alert should be broadcast as soon as practicable but in no event more than two hours after determining the missing person is a missing senior adult, is a critically missing adult, is under 21 years of age, or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks (Va. Code § 15.2-1718; Va. Code § 15.2-1718.1; Va. Code § 15.2-1718.2; 34 USC § 41308):
 1. Immediately, when the missing person is at risk
 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, including but not limited to missing person report, missing person with autism report, critically missing adult report, or missing senior adult report forms, and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - (a) A photograph and fingerprint card of the missing person, if available.
 - (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - (c) Any documents that may assist in the investigation, such as court orders regarding custody.

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- (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (Va. Code § 19.2-70.2; Va. Code § 19.2-70.3).
- (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.

425.7 PROCEDURE

425.7.1 MISSING PERSONS

- (a) After establishing the fact that someone is missing, the investigating officer will complete an Incident Report and title it "missing person" or "runaway", case status active TOT to MCU. The officer will direct the reporting party to notify our department immediately if the missing person returns.
 - 1. The detective assigned to a Runaway Juvenile incident must notify the last school attended of the juvenile's status. The Principal or Assistant Principal must be notified in person or by phone. A message left does not qualify as notification.
- (b) For adults, the "Affidavit for Missing Person age 18 or Over" must be completed for VCIN/NCIC. For juveniles, the "Virginia Missing Children Information Clearinghouse Report" must be completed for entry. It is the investigating officer's responsibility to see that the entry and removal of missing persons is accomplished.
- (c) Any available photographs should be attached to the Incident Report and uploaded to NCIC/VCIN. When the missing person is recovered, the investigating officer will be responsible for returning the photographs to the reporting party.
- (d) Missing person records are maintained indefinitely for adults until removed by an agency or at the direction of the reporting party. This also applies to juveniles or until they reach the age of 18 at which point the investigating officer is responsible for checking with the reporting party to re-enter them as a missing adult.

425.7.2 LOST PERSONS

A person, who has been reported missing, will be presumed to be lost when that person is a child, an elderly person or a person of diminished mental capacity. Lost persons will not include runaways of an age and mental ability that enable them to care for themselves.

- (a) A police unit will be dispatched at once to meet with the complainant and begin an immediate investigation. The shift supervisor will also be notified by ECC regarding the details of the call.

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- (b) The shift supervisor will respond to the scene and confer with the initial officer to determine the validity of the complaint and ensure that a thorough search of the immediate area has been made. If the complaint is valid, the initial officer will conduct a thorough search of the immediate area, interview persons present and complete a Missing Person Report (also see section B above for required NCIC/VCIN entry criteria).
- (c) The shift supervisor will instruct all available units to begin a search of the area by vehicle and request a tracking dog, if appropriate. The last known location of the lost person will be protected to allow for a clean starting point for the tracking dog.
- (d) Should the tracking dog fail to locate the lost person, the shift supervisor will establish a Command Post and Staging Area. Information will be given to surrounding jurisdictions and a request for search personnel may be made to surrounding jurisdictions. The Harrisonburg Rescue Squad and the Harrisonburg Fire Department may be contacted regarding additional search personnel.
- (e) A search perimeter shall be established and the contained area divided into search areas with personnel assigned to each area to conduct an in-depth search. The perimeter should be designed and staffed to prevent the missing person from exiting it without detection.
- (f) The shift supervisor will contact the MCU supervisor and request a detective to conduct an investigation into the circumstances surrounding the victim's disappearance.
- (g) If the lost subject is not located and all avenues of search have been exhausted, the case will be turned over to the MCU.

425.8 REPORT PROCEDURES AND ROUTING

Officers 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.

425.8.1 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 Unit.
- (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.
- (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.

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425.8.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit 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 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 Investigation Division.
- (e) Coordinating with Harrisonburg Police Department Records Division to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

425.9 CRIMINAL INVESTIGATION DIVISION 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 24 hours or the next business day if the missing person is a juvenile (Va. Code § 52-31.1).
 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.
 3. The investigator shall notify the appropriate school of the child's status and request tagging of the missing child's file and reporting to this department, and to any other requesting agency, of the child's status.
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 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 VCIN, MCIC, and 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).

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- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Should 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 VCIN or MCIC and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) 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).

425.10 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned detective 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. When a missing child is found, notification shall be promptly made to all involved agencies as provided in Va. Code § 52-34.

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

- (a) Notification is made to VCIN, MCIC, and NCIC.
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is a missing child or at risk, the fact that the person has been found shall be reported immediately to MCIC and VCIN (Va. Code § 52-34).
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

425.10.1 UNIDENTIFIED PERSONS

Officers 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.

425.11 CASE CLOSURE

The Criminal Investigation Division supervisor 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 Harrisonburg 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

425.12 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigation Division 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

425.13 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 employees 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.

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- (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) Requesting/Identifying additional resources and specialized services.
- (k) Updating procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Identifying internet and technology issues (e.g., Internet use, cell phone use).
- (n) Utilizing media outlets.