



Missing Persons	Related Policies:
<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 Arkansas Statutes A.C.A. §§ 12-12-801, 12-12-802, 12-12-803	
CALEA Standard: 41.2.5; 41.2.6	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to establish guidelines and responsibilities regarding this department’s response to reports of missing persons.

II. Policy

- A.** It is the policy of this department to thoroughly investigate all reports of missing persons. Additionally, this department holds that every person reported as missing will be considered **at risk** until significant information to the contrary is confirmed.
- B.** Without delay, this department shall accept any report of a missing person.
- C.** Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in another jurisdiction, but the law-enforcement department covering that jurisdiction chooses not to take a missing-person report, this department will assume reporting and investigative responsibility.
- D.** Questions concerning parental custody occasionally arise in relation to missing child reports. It is the policy of this department 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 department 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:**
 - i.** Who is eighteen (18) years of age or older, and
 - ii.** Who has been reported to this department or any law enforcement agency as missing under circumstances indicating that:

- a. The individual has a physical or mental disability as evidenced by written documentation;
- b. The individual is missing under circumstances indicating that the disappearance was not voluntary; or
- c. The individual is missing as a result of a natural or intentionally-caused catastrophe.

B. “Missing Child” means any person:

- i. Under eighteen (18) years of age;
- ii. Whose location is unknown or who has been taken, enticed, or kept from any person entitled by law or a court decree or order to the right of custody; and
- iii. Reported as missing to a law enforcement agency.

C. “Unusual Circumstances” means:

- i. A missing child 13 years of age or younger.
- ii. 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, sexual exploitation, or a potential victim of human trafficking.
 - 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-

officers who may be assisting in the investigation. Recent photographs and/or videos should be secured if available;

- iv. 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;
- v. Confirm custody status;
- vi. 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;
- vii. Determine when, where, and by whom the missing person was last seen;
- viii. 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;
- ix. Identify the missing person's zone of safety for his or her age and physical and mental state;
- x. 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;
- xi. Obtain a description of the suspected abductor(s) and other pertinent information;
- xii. 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 request an AMBER Alert;
- xiii. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly entered within 2 hours;
- xiv. Provide detailed descriptive information to the communications unit for broadcast updates;
- xv. Identify and interview everyone at the scene;
- xvi. 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;

- xvii.** 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;
 - xviii.** Prepare necessary reports and complete appropriate forms; and
 - xix.** If a report of a missing person involves an un-emancipated minor, a law enforcement department shall immediately transmit the proper information for inclusion in NCIC, the Missing Persons Information Clearinghouse, and the National Missing and Unidentified Persons System (NamUs).
- D. The supervisor assigned to the report of a missing person shall:**
- i.** Obtain a briefing from the first responder(s) and other department personnel at the scene;
 - ii.** Determine if additional personnel and resources are needed to assist in the investigation;
 - iii.** Consider a request for 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's family;
 - viii.** Confirm that all department policies and procedures are observed; and
 - 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.
- E. The investigator assigned to the report of a missing person shall:**
- i.** Obtain a briefing from department 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 law enforcement officer is notified by the parents, guardian, or other person having custody of a child that a child is missing, the law enforcement officer shall:
 - a. Ensure that the missing child information, including a photograph(s), is entered into the Missing Persons Information Clearinghouse within the Arkansas Crime Information Center in accordance with A.C. A. § 12-12-205 and the National Crime Information Center, and;
 - b. Within five (5) business days after being notified by the parents, guardian, or other person having custody of the child, inform by certified mail, return receipt requested, the Division of Vital Records of the Arkansas Department of Health and the superintendent or school administrator of the school where the child was attending that the child has been reported as missing;
 - c. The division shall enter on or attach to the child's birth certificate a notice that the child has been reported missing. The school the child was attending shall make or attach the same notation on the child's school records.
 - x. Monitor media relations.
- F. 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. Input the following data into NameUs:
 - 1. Copies of fingerprints on standardized fingerprint cards measuring eight inches by eight inches (8"x8") or the equivalent digital image including prints of any fingers;
 - 2. Forensic dental report or radiology imaging;
 - 3. Detailed personal descriptions;

4. Deoxyribonucleic acid (DNA) information;
 5. Radiology imaging and medical data;
 6. All other identifying data, including date and place of death; and
- v. Cancel all notifications after identification is confirmed.
- G. 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. In the case of a missing adult who has been located, inform the 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. In the case of a missing or abducted person who has been located, secure intervention services where appropriate;
 - v. In the case of a runaway or missing child from within the department's jurisdiction who has been located and who is not wanted on a warrant or other law violation, arrange the return of the child to his or her legal guardian or to an appropriate person;
 - vi. 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, place the child in custody and transport him or her to the appropriate facility for admission; and
 - 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.
- H. When a missing person or identified person report is received by the department, the officer and/or investigator assigned shall initiate the following procedures within thirty (30) days of receiving the missing person or unidentified person report:**
- i. Submit the missing person or unidentified person case to NamUs and to any database of missing persons or unidentified persons required under this policy.
 - ii. Attempt to locate any fingerprints from available resources and submit the fingerprints to NamUs.
 - iii. Locate and obtain biometric records, including medical and dental records, medical and dental x-rays, or other medical imaging, and enter those records into NameUs.
 - iv. Utilize the NamUs family reference sample submission kits and obtain voluntary DNA samples from appropriate family members to submit to the crime laboratory for DNA testing and to an institution of higher education that specializes in DNA identification for a full genetic profile.