

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

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:
 - 1. Out of the zone of safety for their chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation
 - 6. In the company of others who could endanger their welfare
 - 7. 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.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes missing children who are under 21 years of age (§ 44-2-502, MCA).

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 National Missing and Unidentified Persons System (NamUs), and the Montana Missing Persons Clearinghouse (MMPC).

316.2 POLICY

The Missoula 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.

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316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective 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
- Montana Department of Justice (MTDOJ) Authorization to Release Dental Records form
- Forms to collect biographical and contact information for all involved parties in investigations of custodial interference involving a suspected missing child (§ 45-5-304, MCA; § 44-2-504, MCA).

316.4 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. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member 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 question of jurisdiction.

316.5 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 a radio alert (e.g., internal broadcast, interagency broadcast) if the person 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 one hour after determining the missing person is under 21 years of age or may be at risk.
 1. The alert shall be broadcast to other law enforcement agencies in the county within two hours (§ 44-2-505, MCA).

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- (e) Ensure that entries are made into the appropriate missing person networks:
 - (a) Immediately, when the missing person is at risk.
 - (b) In all other cases, as soon as practicable, but not later than 2 hours of receipt for persons under 21 years of age; or 8 hours of receipt for persons 21 years of age or older (§ 44-2-408, MCA).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
 - 1. Provide the MTDOJ Authorization to Release Dental Records form to the reporting party (§ 44-2-401, MCA).
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - (a) If the missing person is a child enrolled in a Montana public school district, request the child's directory photograph from the Superintendent of Public Instruction within two hours of receiving the report of the missing child, and include that photograph with the missing person report (§ 44-2-505 MCA).
 - 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).
- (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 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.
- (j) Continue with the investigation and associated database entries even when custodial interference is suspected as the reason for a child being missing (§ 45-5-304, MCA; § 44-2-504, MCA).

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.

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1. The reports should be promptly sent to the Administrative and Detective Divisions.
- (b) Ensuring resources are deployed as appropriate.
- (c) Ensuring applicable notifications and public alerts are made and documented.
- (d) Ensuring that records have been entered into the appropriate missing person networks.
- (e) 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 ADMINISTRATIVE DIVISION RESPONSIBILITIES

The responsibilities of the Administrative Division 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 Detective Division.
- (e) Coordinating with the National Crime Information Center (NCIC) Terminal Contractor for Montana to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).
- (f) Forwarding to MTDOJ the missing child report.

316.7 DETECTIVE DIVISION 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 within 10 days if the missing person is a juvenile.
 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.

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- (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 MMPC, 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 child care institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
 - 1. The Coroner shall be conferred with after 45 days (§ 44-2-401, MCA).
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
 - 1. If after 30 days the missing person has not been found and no relative exists or can be located, the investigator may sign a written declaration attesting to the investigation and that dental records may be necessary to the investigation and present the declaration to the dentist of the missing person for dental records (§ 44-2-401, MCA).
- (i) Shall attempt to obtain the most recent photograph for persons under 21 years of age if it has not been obtained previously and forward the photograph to MTDOJ and enter the photograph into applicable missing person networks (34 USC § 41308).
- (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).
- (k) In cases where the missing person is still missing after 45 days, shall submit to the MTDOJ the approved MTDOJ missing person report including any obtained dental records (§ 44-2-401, MCA).

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 relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Administrative Services Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

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- (a) Notification is made to MTDOJ (§ 44-2-401, MCA).
- (b) The 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 MTDOJ.
- (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 themselves should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Detective Division 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.
- (b) If the missing person is a resident of Missoula 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 Unit should ensure that members of this department whose duties include missing person investigations and reports receive training that is in compliance with department, state, and federal guidelines.