# 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 (N.D.C.C. § 12-68-03(1)):

**High-risk missing person** - The missing person is:

(a) 13 years of age or younger.

(b) Regardless of age, 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. 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 his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and that 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.

(c) An individual who may be at risk of injury or death and (N.D.C.C. § 12-68-03):

1. May be the subject of foul play.
2. May be unable to properly safeguard or care for him/herself due to age (young or old).
3. Suffers from diminished conditions that are potentially untreated/unattended, including:
   (a) Being a patient of a mental institution and is considered potentially dangerous to the patient or to others.
   (b) A demonstrated potential for suicide.

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(c) Possible involvement in a boating, swimming, other sporting accident or a natural disaster.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes when a person's whereabouts is unknown and unexplained for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in the context of the missing person's behavior patterns, plans or routines.

**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) and other appropriate state databases relating to missing persons.

## 316.2 POLICY

The Fargo 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.

## 316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division supervisor shall ensure the following forms and kits are developed and available in accordance with this policy, state law, federal law and any missing persons investigations guidelines and procedures:

- Missing person report form

## 316.4 ACCEPTANCE OF REPORTS

Any member encountering a person 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. In cases where the missing person is 17 years old or younger, a signature on the Missing Person Report form is required.

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 (N.D.C.C. § 12-68-01).

### 316.4.1 REFERRALS TO OTHER LAW ENFORCEMENT AGENCIES

If it is determined that another law enforcement agency is clearly more appropriate to receive a missing person report, members of this department may refer the report to the other agency. Responsibility for the missing person report shall remain with this department until the other jurisdiction confirms in writing its acceptance of responsibility for the report (N.D.C.C. § 12-68-01(2)).

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316.4.2 REPORTS FROM OTHER LAW ENFORCEMENT AGENCIES
Cases referred to the Fargo Police Department from another law enforcement agency shall be accepted unless the Investigations Division supervisor determines there is good cause for not accepting. Written confirmation of acceptance of the report should be forwarded within 24 hours of receipt for a referral from a North Dakota law enforcement agency (N.D.C.C. § 12-68-01).

## 316.5 INITIAL INVESTIGATION

Officers 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 a high-risk missing person.

(c) Obtain a detailed description of the missing person, the abductor, vehicles and other pertinent information. This includes:

1. Name, age and physical description of the missing person, including tattoos or other unique physical identifiers, and the relationship of the reporting party to the missing person.
2. The missing person's Social Security number and driver's license number, if known.
3. Description of any clothing, if known.
4. Description and license number of any motor vehicle that may be involved.
5. Description of any property and credit cards, if known, in the possession of the missing person.
6. Time and place of last known location and the identity of anyone accompanying the person.
7. The extent of any search for the missing person.
8. Whether the person has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
9. Whether the missing person has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness.
10. The current physical condition of the missing person and whether the person is taking prescription medication.
11. If the missing person is a child, determine if the child:
    (a) Is or may be with any adult who could cause the child harm.
    (b) May have been the subject of a parental abduction.

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(c) Has previously run away from home, has threatened to do so or has a history of unexplainable absences for extended periods of time.

(d) Notify a supervisor immediately if there is evidence that a missing person is either a high-risk missing person or may qualify for an Amber alert, or both (see the Public Alerts Policy).

(e) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 14 years of age or there is evidence that the missing person is a high-risk missing person. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 14 years of age or may be a high-risk missing person.

(f) Ensure that entries are made into the appropriate missing person networks:

(a) Immediately when the missing person is a high-risk missing person (N.D.C.C. § 12-68-03).

(b) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable.

(h) Collect and/or review:

(a) A photograph

(b) Any documents that may assist in the investigation, such as court orders regarding custody.

(c) A voluntary provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

(d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers), and when circumstances permit and if appropriate, attempt to determine the missing person's location through his/her cell phone provider.

(i) Notify the School Resource Officer (SRO) if the missing person is a student in the Fargo Public School system.

(j) Enter the missing person's information and photo into the Fargo Police electronic Bulletin Board.

(k) 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 a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(l) Notify the Bureau of Criminal Investigation (BCI) in a case of a high-risk missing person with the information most likely to aid in the location and safe return of the high-risk missing person (N.D.C.C. § 12-68-03(2)).

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316.5.1 BRIEFING

A summary of information on recently reported missing persons should be provided at shift briefings. The summary should include a description of the missing person, a description of the circumstances of the missing person's disappearance, and other information that may be relevant to locating the missing person.

316.5.2 MEDIA

Involving the media may be appropriate under the following circumstances:

(a) A crime is suspected or suspicious circumstances exist.

(b) The missing person may be unable to safeguard or care for him/herself, regardless of age.

(c) The missing person may be considered at risk for suicide.

(d) The missing person may be missing as a result of an accident.

(e) The missing person suffers from a psychological disorder which may endanger him/herself or others.

(f) The missing person suffers from a physical or mental incapacity that may be life threatening if the person is not under the proper care or in possession of appropriate medication.

## 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 Division.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Coordinate with a command officer to ensure applicable notifications and public alerts are made and documented.

(e) Ensuring the missing person information has 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 UNIT RESPONSIBILITIES

The responsibilities of the Records Unit receiving member shall include, but are not limited to:

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(a) Coordinating with the NCIC Terminal Contractor for North Dakota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

## 316.7 INVESTIGATION 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.

(b) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).

(c) 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.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

1. Notify and forward a copy of the missing persons report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
2. Notify and forward a copy of the missing persons report to the agency of jurisdiction where the missing person was last seen.
3. Notify and forward a copy of the missing persons report to the agency of the jurisdiction for the missing person's intended or possible destination, if known.

(e) Shall verify and update Criminal Justice Information Services (CJIS), 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).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) 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).

(h) Should make appropriate inquiry with the coroner or medical examiner.

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(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

1. Biological samples (DNA) obtained shall be forwarded immediately to the appropriate state crime laboratory (N.D.C.C. § 12-68-02).

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCI if appropriate and enter the photograph into applicable missing person networks (34 USC § 41308).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).

(m) Shall notify the FBI Violent Criminal Apprehension Program (ViCAP) (when appropriate) as soon as is practicable (N.D.C.C. § 12-68-02).

(n) In the case of a high-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).

In any case in which a report is taken concerning a person missing under suspected criminal circumstances, the handling investigator should, within 30 days, inform the parents or other appropriate relatives that they may voluntarily give a biological sample for DNA testing or that the Department may collect a biological sample from a personal item belonging to the missing person, if available (N.D.A.C. § 10-17-01-07(3)). All biological samples obtained in missing person cases shall be forwarded immediately to the State Crime Laboratory (N.D.C.C. § 12-68-02(2)).

## 316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the on-duty supervisor, officer, or 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 Investigations Division supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the agency or the agencies that are stake-holders in the missing person case.

(b) The missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is a high-risk missing person, the fact that the person has been found should be reported within 24 hours to BCI.

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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.

(d) Where it is reasonably certain the human remains may be related to a Native American burial site, the North Dakota State Historical Society should be consulted.

An unidentified dead person or unidentified human remains shall be transferred to the Coroner for the purpose of identification (N.D.C.C. § 12-68-04(1)).

## 316.9 CASE CLOSURE

The Investigation 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 Fargo 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 inactivate 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.

(e) Ensure a case report is completed in the department's records management system (RMS), in addition to the missing person form.

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