

# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	Date Issued: January 18, 2008	Effective Date: Jan. 18, 2008	Order No: Chapter 2.5
Authority: Chief of Police Gregory L. Eyster		Manual Page No:	
Subject: <b>Missing Persons</b>		Replaces Page No:	
CALEA Standard: 41.2.5, 41.2.6	Distribution: <b>ALL</b>	Amends:	Number of Pages: 12
Related Documents:		Rescinds:	

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## I. PURPOSE:

To establish uniform procedures for the investigation and reporting of missing persons, both adults and children.

## II. DISCUSSION:

Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are instances in which persons disappear for unexplained reasons and under circumstances that indicate that they are at risk. The role of the call taker and the initial responding officer are critical in identifying the circumstances surrounding missing persons and identifying those persons at risk. The very life of the missing person may well depend on the swift and effective mobilization of investigative resources.

## III. POLICY:

The Thurmont Police Department will respond in person to all reports of missing or unidentified person, whether they are adults or children, in a timely manner, and will provide appropriate assistance to other law enforcement agencies attempting to locate or investigate reports of missing or unidentified person(s) who may be in the Department's jurisdiction.

#### IV. DEFINITIONS:

MISSING CHILD: Family Law Article, Sec. 9-401 of the Annotated Code of Maryland defines a “missing child” as a person under the age of 18 years who is the subject of a missing persons report filed with a law enforcement agency in this State and whose whereabouts are unknown which includes: lost, abducted, kidnapped, child custody dispute, or apparent runaway.

MISSING PERSON: a person of any age who is reported missing by someone concerned for the person’s health, safety, and well-being.

#### V. GENERAL

- A. Generally, a person may be declared “missing” when his whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.
- B. Family Law, Section 9-402 of the Maryland Annotated Code states that a law enforcement agency may not adopt rules, regulations, or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child. The Department will accept a missing persons report from any complainant under any circumstances. **There is no formal waiting period required before a report will be filed.** The Maryland Missing Persons Report will be utilized immediately upon making contact with the complainant and enough information is gathered to properly classify the situation as that of a missing persons. If the subject of the missing person’s report resides in another jurisdiction, the member will take the report, notify the other jurisdiction that a report has been taken, and coordinate efforts to resolve the situation.
- C. The investigating officer is responsible for the follow-up investigation of any missing person report.

#### VI. PROCEDURES

- A. Initial Report Taking and Preliminary Investigation:
  - 1. The initial call taker and/or preliminary investigator must gather as much pertinent information as possible in order to properly classify a missing person report and initiate a proper response. Initial description and information to be gathered will include, but not be limited to the following:

- a. Physical description (age, race, sex, height, weight, DOB, clothing, etc.)
  - b. Mental/Physical condition; medication being taken;
  - c. Direction/mode of travel; vehicle description; destination and/or areas frequented;
  - d. Persons in the company of;
  - e. The relationship of the missing person to the person making the report;
  - f. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits, or plans;
  - g. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crisis; demonstrated unusual, uncharacteristic or curious behavior; is dependent on drugs or alcohol; or has a history of mental illness;
  - h. Access to money or credit cards; removal of clothing, keepsakes and toiletries, etc.
  - i. Access to computers, screen names, email addresses, social networking services.
2. If the missing person is a child, inquiry should also determine if the child:
    - a. Is or may be with any adult who could cause him harm;
    - b. May have been the subject of a paternal abduction;
    - c. Has previously run away from home, has threatened to do so, or has a history of explainable or unexplainable absences for extended period of time.
  3. The Communications Section will immediately issue a local broadcast on the missing person. If the missing person's possible/probable destination is known, the investigating officer may request a message be sent to the appropriate area of destination requesting their assistance. A regional teletype may be issued, if necessary. The date and time of the general broadcast will be documented in Box 37 on the Missing Persons Report.

4. A preliminary investigation will be conducted and documented. Additionally, especially in the case of a young child missing from the home or near the home, every effort should be made by initial responding units to make a thorough search of the area where he was missing from, including areas the child is know to frequent, their residence, neighbor yards, etc., as sometimes young children may hide or fall asleep in a location known to them.
5. Copies of any missing persons reports (with photo attached when available) will be placed on the General Board. A photocopy of all missing persons reports will be placed in the mailbox of the Commander so immediate follow-up investigation is initiated. Computer entries will be made per regulations in this order.
6. There are specific procedures pertaining to children versus adult missing persons that are detailed in this order.

B. Procedures for Missing Juveniles:

1. Any time a call is received indicating that a child is or may be missing, an officer will be assigned to investigate. The officer is required to make personal contact with the complainant. Should the juvenile return to the residence prior to the officer's arrival, the call for service will be closed as "unfounded."
2. Family members should be interviewed separately. Officers must remain objective and realize that a family member may later become a suspect if the child has been abducted or injured. Officers must ensure they interview individuals separately and preserve potential evidence while remaining alert to demeanor and attitude throughout the interview.
3. Once contact has been made with the complainant, and the officer has established that the child is missing, a State of Maryland Missing Persons Report (MSP Form 79) will be completed. The officer will also prepare an incident report narrative to detail the circumstances surrounding the disappearance. The report will contain all investigative efforts taken to locate the juvenile.
4. The officer will complete the Missing Persons Report entirely as completely and accurately as possible, acquiring a photo pf the missing child if available. (Instruction for completion are on the of copy#1 of the report.) All Missing Persons Reports must have the complainant's signature on Line #15 of the Missing Persons Report. The complainant's signature on the form indicates that all information and the stated condition

of the reported person is accurate to the best of the complainant's knowledge.

5. If upon initial investigation, it appears that the child is lost or the victim of a criminal act, i.e., abduction, child stealing, kidnapping, or meets one of the following "critical factors" from the Missing Persons Report, the officer will immediately notify the on-duty supervisor.

#### **Child Criticality Factors**

- a. The missing child has not been the subject of a prior missing persons report;
  - b. The missing child suffers from a mental or physical handicap or illness;
  - c. The disappearance of the missing child is of suspicious or dangerous nature;
  - d. The person filing the report of a missing child has reason to believe that the missing child may have been abducted;
  - e. The missing child has previously been the subject of a child abuse report filed with a State or local law enforcement agency; or
  - f. The missing child is under 14 years of age.
6. Upon becoming acquainted with the facts of the investigation, the on-duty supervisor will determine if any other efforts to locate the child are to be initiated. These efforts may include, but are not limited to, the use of K-9 teams, a helicopter, search parties, AMBER plan activation, media representations, etc.
  7. The officer on the scene will ascertain if the missing child has been reported to any other law enforcement agencies in order to coordinate response.
  8. The officer will advise the complainant that they must immediately notify the Department if the child is located or heard from so that follow-up investigation can be completed.
  9. The officer will complete all his reports before the tour of duty is completed. The supervisor will ensure Communications sends (when appropriate) any teletype(s) for missing children believed to be in a specific location outside of Thurmont.

## D. Activation of the Maryland AMBER Plan

1. The Maryland AMBER plan is set in motion by the Maryland State Police (MSP) only upon request made by law enforcement. Members making such requests must **first determine that all the following criteria exist:**
  - a. Investigating officer verifies that a child has been abducted.
  - b. Investigating officer believes the circumstances surrounding the abduction indicate the child is in serious danger of bodily harm or death.
  - c. There must be enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert would help.
  - d. The abductor and/or child are likely to still be in the broadcast area.
2. To further clarify these activation criteria, the Maryland AMBER Plan defines an "abduction" as:

"A child who is reported to be involuntarily missing from the person(s) having care-taking responsibilities for the child. There is an eyewitness who states that the child was taken by a person or persons from whom there is a physical description, a vehicle description (if one is involved), and a direction of travel from the point last seen. Lacking an eyewitness, there exists articulable evidence that the child's disappearance was not voluntary."
3. The facts supporting these criteria should be consistent with the officer's investigation and generally not based solely upon a parent or caregiver's unsupported assertion.
4. Child abduction by a non-custodial parent is not a case that would routinely meet Maryland AMBER plan criteria, unless the investigating officer(s) can articulate a reasonable suspicion that the parent intends to physically harm the child.
5. Upon confirmation of the above criteria, a supervisor will contact Communications and request plan activation.
6. Communications will immediately contact the MSP Headquarters Duty Officer, request that the Maryland AMBER plan be activated, and provide

the MSP Headquarters Duty Officer with call-back information and a point of contact for the MSP AMBER Alert Coordinator to call for verification of the Alert's contents.

#### E. Procedures for Missing Adults

1. The procedures enumerated in this General Order will be followed when an officer takes a report of a missing adult. Criticality factors relevant to a missing adult include:

##### **Adult Criticality Factors**

- a. The adult is suffering from a mental or physical disability or is senile to the extent the disability would subject the adult or other persons to immediate personal danger.
  - b. The adult is documented as being in the company of another person under circumstances indicating the missing adult's physical safety is endangered; or
  - c. Circumstances indicate the disappearance was not voluntary, i.e., kidnapping or abduction.
2. If one of these criticality factors exists, the officer will contact the on-duty supervisor to apprise him of the circumstances. If the on-duty supervisor determines immediate continued investigation is necessary, he will assign personnel to continue this investigation.
  3. The AMBER Alert Plan is not applicable to missing adults.

#### F. Follow-Up Investigation

1. The Supervisor, or his designee, will review the report and assign the case for follow-up investigation.
2. For children, the officer will contact the Department of Social Services - Child Protective Services to ascertain any information they may have in reference to the child.
3. Officers conducting follow-up investigations will make every appropriate effort to locate the missing subject. Once the subject is missing for 7 days, the officer will facilitate the composition of a flier that includes a photograph of the missing person, physical description, clothing and Departmental contact information. That flier will be posted on the Town's

webpage, distributed to the local media and also sent electronically to the Maryland Center for missing Children. If the subject is missing for 30 days, the officer will request the subject's dental records and fingerprints from the complainant, parent, or guardian if any such records exist. This information, as well as any other pertinent details will be updated in the NCIC entry. The investigation will remain "open" until the officer determines that a change in the case status is warranted.

#### G. Computer Entry

1. The investigating officer will assure that an NCIC entry is initiated for every State of Maryland Missing Person report he completes.

#### H. Closure/Cancellation - Adults/Children

1. Missing person reports can only be closed by a police officer in person. The officer closing the investigation will verify the return and identity of the missing person. If the missing person is found in an other jurisdiction, the officer may have the police department in that jurisdiction make the verification.
2. The officer will complete an incident report narrative that will include, but not be limited to:
  - a. Location where the subject was found
  - b. Subject's physical and mental condition
  - c. How identity was verified
  - d. Synopsis of any charges contemplated
  - e. Reason person was missing, where they had been, etc.
3. All teletypes, lookouts, or computer entries will be cancelled; Daily Bulletin entries deleted; and reports removed from the General Board. The supervisor of the officer who handles the closure of a missing person report will assure that all of these tasks are accomplished.
4. The officer assigned to the case will be notified.
5. the complainant will be advised of the relevant details of the case and the subject's location when appropriate. (Officers are cautioned in this regard that every case presents different problems and that discretion will be

exercised where appropriate in furnishing information.)

- a. If the missing person has been the subject of foul play, is deceased, or is in a severely deteriorated physical/mental condition, personal contact will be made with the complainant.
  - b. In cases involving missing juveniles located outside Thurmont, NCIC entries can only be canceled upon their return to this jurisdiction. To accomplish this, officers will inform the guardian to contact TPD when they return so the NCIC entry can be canceled and the child interviewed. Exceptions may be made when the juvenile's location and condition are verified by another police agency and the legal guardian grants permission for the child to remain at that location.
  - c. In all other cases, telephone contact to the complainant will suffice.
6. Photographs of the missing person provided by family members will be attended to the investigative file. A digital image of repeat missing persons will be taken for submission to the Records Section.
7. In the event a missing child is determined to be a "runaway," the officer will:
- a. Interview the child to ascertain his general physical and mental condition; the reason for his disappearance; and his location while missing;
  - b. Complete the appropriate narrative;
  - c. Complete an arrest report charging him with "Child in Need of Supervision" (CINS) when appropriate;
  - d. Notify the on-call Division of Juvenile Justice (DJJ) Intake Officer if the parent/guardian refuses to take custody of their child.
8. If a missing adult is located with no criticality factors and requests that his whereabouts be withheld, the closing officer will honor this request. The officer will contact the reporting individual and inform him that the adult missing person has been located, that his welfare has been verified, and that pursuant to a request, no additional information will be provided.
- I. Locating Missing Persons from other Jurisdictions
1. When locating a person reported missing from another jurisdiction, the

officer will ensure that a NCIC “hit confirmation” request is sent to the originating jurisdiction to confirm the person is still considered missing. Once confirmation is received, if a child is involved, the child will be held until he can be turned over to the agency of his parents/guardian. If the found person is an adult, the agency will be notified that the missing person has been located. The adult will not be taken into custody unless there are other circumstances such as the commissioner of a crime or the need for an emergency evaluation.

#### J. Abuse Victims Reported Missing

There are instances where a battered person seeks shelter at Heartly House and then is reported missing by their abuser. To ensure that the Department does not initiate a missing person report for someone who is not “missing” but who has sought shelter, and to ensure that the confidentiality of Heartly House and its clients are safe, the following procedures will be followed when the officer suspects a domestic violence situation:

1. The investigating officer will contact Heartly House utilizing a phone at Headquarters.
2. When contacting Heartly House, the officer will ask to speak to the Clinical Director and will identify himself, giving the Clinical Director the phone number where the Clinical Director can re-contact the officer. (Heartly House staff will contact the Clinical Director by cell phone if the Director is not physically present.)
3. Because of confidentiality issues, the Heartly House Clinical Director will re-contact the officer to confirm his identity.
4. The officer will inform the Clinical Director that a person is reporting a certain individual as a missing person and the officer will provide the Clinical Director with the missing person’s name.
5. The investigating officer will receive a return call from the Clinical Director to advise the officer whether or not the person should be considered missing. (They won’t actually state that the person is located at Heartly House.)
6. Heartly House will attempt to have the individual contact the investigating officer to confirm they are safe but not wanting to reveal her or his location.
7. If it is confirmed through Heartly House that the missing person is safe, the confidentiality of the persons seeking services is of the utmost importance

and the complainant **WILL NOT** be told the missing person's whereabouts. The complainant will be informed that the missing person has been located, but does not wish to reveal the location. **Officers must remember that their report is a matter of public record so discretion must be used when documenting the officer's conversation with the Heartly House Clinical Director. Officer will not note the location, phone number, or any other identifying information that would lead the person to the physical location of Heartly House.**

K. Records Section Responsibilities

1. The Records Section is responsible for sending a copy of all missing children reports and supplements to the State Clearinghouse for Missing Children and the National Missing Children Information Center. Records Section personnel will assure that submitted digital photographs of the missing person will be scanned and incorporated into the I-LEADS file that documents this investigation.

**ATTACHMENTS:**

Attachment 2.5A - State of Maryland Missing Persons Report (MSP Form 79)

**DOCUMENT DATES:**

Amended Date: Dec. 22, 2008

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written By: Chief Gregory L. Eyler

Order Edited and Approved By: Chief Gregory L. Eyler

Accreditation Standards Included in this Order

CHAPTER 41..2.5, 41.2.6