

MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> MISSING PERSONS POLICY		
<i>Effective Date:</i> DECEMBER 4, 2021	<i>Original Date:</i> 09/09/2021	<i>Next Review:</i> DECEMBER 4, 2023
<i>Chapter</i> 10	<i>Policy #</i> 10.90	<i>Distribution:</i> ALL DIVISIONS
<i>References:</i> 41-5-103 MCA; 44-2-408 MCA; 44-2-502 MCA; 44-2-505 MCA; 34 USC § 41308		

I. PURPOSE

It is the purpose of this policy to establish guidelines for receiving, documenting, and follow-up investigation of a reported missing person.

II. POLICY

It is the responsibility of the Missoula Police Department to adhere to state and federal law when receiving a report of a missing person, to include proper notification, entry into NCIC, and all necessary follow-up investigation as set forth.

III. DEFINITIONS

Missing Person: Any person who has been reported as missing to a law enforcement agency and whose location has not been determined.

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 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 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.

Runaway: A youth that has been reported to leave home without the consent of a parent or guardian or a custodian having legal custody of the youth.

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), National Center for Missing and Exploited Children (NCMEC) and the Montana Missing Persons Clearinghouse (MMPC).

IV. PROCEDURES

1. Reporting Requirements:

Consistent with Montana Code Annotated (MCA) 44-2-408, this Department will ensure the following as it relates to all reports of Missing Persons:

- a. All law enforcement authorities in the State shall accept, without delay, a report of a missing person unless there are extenuating circumstances, including:
 1. The law enforcement authority knows the location of the person reported missing;
 2. The law enforcement authority confirms the safe status of the person reported missing;
 3. The law enforcement authority confirms that another law enforcement authority has or will accept a missing person report for the person; or
 4. Other circumstances documented by the law enforcement authority.
- b. All missing person reports must be entered into the database of the National Crime Information Center (NCIC) of the United States Department of Justice within:
 1. 2 hours of receipt for persons under 21 years of age (including runaways);
or
 2. 8 hours of receipt for persons 21 years of age or older.
- c. Entry into NCIC should be coordinated through desk staff.

- d. If a missing person is not located within 30 days of being reported missing, the law enforcement authority that took the report shall ensure a complete and accurate record of information is compiled for the missing person, including follow-up with the original complainant to gather any additional information, if any.
- e. If the missing person is a youth:
 - 1. If enrolled in a public school district, a photograph shall be requested from the district superintendent or designee (pursuant to 20-7-1317 MCA), and must be included in the missing youth report (44-2-505 MCA).
 - 2. Inform all on-duty law enforcement officers of the existence of the missing child report.
 - 3. Communicate the report to all other law enforcement authorities having jurisdiction in the county.

2. 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 possible. Missing persons calls shall take precedence over crimes against property or other calls as deemed appropriate by the Shift Commander.
- 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.” If “At risk,” proceed also under Section 3 below.
- c. If it is determined the person is a missing person attempt to obtain a recent photograph of the missing person and, notify the Shift Commander.
- d. Ensure that entries are made into the appropriate missing person networks (i.e. NCIC), with all required personal information / descriptors as required by CJIN. The desk can assist with meeting this requirement.
- e. Complete the appropriate report accurately and completely and initiate a search as applicable under the facts.
- f. When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.
- g. 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 Officer shall notify the Shift Commander and proceed with reasonable steps to locate the missing person.

3. At-Risk Reporting:

The Department, upon determining a missing person is “At Risk” shall have such missing person entered into CJIN as a “Missing / Endangered Person Advisory” (MEPA).

Factors to consider for a MEPA include:

- a. Is the person missing under unexplained, involuntary or suspicious circumstances?
- b. Is the person believed to be in danger because of age, health, mental or physical disability, environmental or weather conditions, in the company of a dangerous person, or other factors that may put the person in peril?
- c. Is there information that could assist the public in the safe recovery of such a missing person?

A photo of the missing person under MEPA should be obtained prior to entry by desk staff into CJIN.

A MEPA will expire in 24 hours unless a longer period of time is requested.

4. Follow-up Investigation

All missing person reports will be reviewed by a Detective Division supervisor. Missing persons reports will be assigned as follows:

- a. Patrol Division for:
 1. Runaway reports, with priority given to school SRO’s.
 2. Where a missing person has no tie to the greater Missoula community or if the person is likely part of the homeless community.
 3. Where on-scene follow-up / leads are available within the City.
 4. As otherwise directed by a supervisor.

- b. Detective Division for:
 - 1. “At Risk” missing persons **and**
 - 2. Where underlying criminal activity is suspected **or**
 - 3. Where a search warrant or subpoena is required as part of the investigation.
- c. If the complainant is not a close family member or relative, the assigned officer or detective should contact a person with such a relationship to obtain more specific information about the missing person’s life patterns and to inquire about concerns from that family member.

The Department shall verify and update 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).

- d. For youth missing persons, notify MT CPS and the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases. For runaways, CPS notification is not in of itself mandatory, though State law requires notification if the officer’s observations of family history, living conditions, or concerns of abuse require such notification.

5. When a Missing Person is Found:

When any person reported missing is found, officers 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. Officers should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- a. .Notification is made to the Montana Department of Justice (§ 44-2-401, MCA).
- b. Neighboring agencies in Missoula County are advised, when applicable.
- c. The missing child’s school is notified, when applicable.
- d. The desk is notified to ensure appropriate entries are made/removed in the corresponding missing persons networks (e.g. NCIC, NCMEC and MMPC).
- e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

V. MISSING INDIGENOUS PERSONS

When in the course of a missing persons investigation it is determined or suspected the missing person is enrolled with an indigenous tribe, notification shall be made directly to the appropriate tribal law enforcement agency within the same time guidelines as stipulated in Section IV.1.b of this policy. If the missing person is deemed “At Risk,” the MEPA advisory will also be immediately forwarded to the appropriate tribal law enforcement agency upon issuance. Any required entries into CJIN / NCIC shall NOT be a substitute for direct tribal law enforcement agency notifications.