

## Missing Person Reporting

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for reporting and investigation of missing persons.

#### 332.1.1 DEFINITIONS

**At Risk** - Includes, but is not limited to (Penal Code § 14213) the following:

- (a) A victim of a crime or foul play
- (b) A person missing and in need of medical attention
- (c) A missing person with no pattern of running away or disappearing
- (d) A missing person who may be the victim of parental abduction
- (e) A mentally impaired missing person

**Missing Person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

**Missing Person Networks** - Those databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing and Unidentified Person System (MUPS).

**Child** - A person from birth through 17 years of age, unless otherwise specified.

**Dental/Medical Records** - Any record maintained or accessible by a dentist, physician, surgeon, or medical facility involving the care, treatment, or condition of any person.

**X-Rays** - Any photograph, computer image, or visual imagery of a person, including any extremity or internal organ or foreign apparatus.

**Dependent Adult** - Anyone 18 years of age or older who has physical or mental limitations, which restrict their ability to carry out normal activities, or further meets the statutory criteria of dependency specified in Penal Code § 368e. Elderly adults with physical or mental impairments are not within the statutory definition of dependent adults; however, an elderly person with Alzheimer's disease who has disappeared meets the definition of "at risk".

**Immediately or Without Delay** - No mandated time frame, but should be defined by agency policy denoting an urgency in response or reporting.

#### **Missing Adult IS NOT:**

- (a) One who has voluntarily left home either with or without family approval.

Barstow Police Department  
Policy Manual

Missing Person Reporting

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- (b) One who is sought for such reasons as curiosity, revenge, or failure to pay a bill.

**332.2 POLICY**

The Barstow 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 the facts reveal otherwise. The Barstow Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

**332.3 REQUIRED FORMS AND DNA COLLECTION KITS**

The Administrative Division Commander shall ensure the following forms and kits are developed and available in accordance with this policy, State law, Federal law and the California Peace Officer Standards and Training (POST) guidelines:

- (a) Missing Person Report (Internal)
- (b) Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07).
- (c) Missing Person School Notification Form
- (d) Medical Records Release Form from the California Department of Justice
- (e) Missing Person Report Form from the California Department of Justice
- (f) DNA Missing Persons Specimen Collection Kits
- (g) Missing Person Release of Dental/Skeletal X-Rays/Photographs

**332.4 ACCEPTANCE OF REPORTS**

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14205). This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14205).

**332.5 INITIAL INVESTIGATION**

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting person 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 at risk.

# Barstow Police Department

## Policy Manual

### Missing Person Reporting

---

- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk (Penal Code § 14205).
- (e) Ensure that entries are made into the appropriate networks as follows:
  - 1. Immediately when the missing person is at risk.
  - 2. In all other cases, as practicable but not later than two hours from the time of the initial report.
- (f) Notify a supervisor if the missing person may qualify for a public alert, as provided in the Public Alerts Policy.
- (g) Complete the department's missing person report forms accurately and completely.
- (h) Collect and/or review the following:
  - 1. A photograph and a fingerprint card of the missing person, if available
  - 2. A voluntarily provided DNA sample of the missing person, if available (toothbrush, etc)
  - 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 (cell phones, computers, etc)
- (i) Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, 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 should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **332.6 REPORT PROCEDURES AND ROUTING**

Employees 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.

#### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to the Barstow Police Department Records Division.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

# Barstow Police Department

## Policy Manual

### Missing Person Reporting

---

#### 332.6.2 RECORDS DIVISION RESPONSIBILITIES

The receiving employee shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14205).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).
- (d) Forward a copy of the report to the Detective Division.

#### 332.7 DETECTIVE DIVISION FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Shall 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 (California Education Code 49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact 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 via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (f) Shall maintain a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21 (42 USC § 5780).
- (g) Should make appropriate inquiry with the coroner or medical examiner and obtain and forward medical records, photos, x-rays and DNA samples pursuant to Penal Code § 14206 and Penal Code § 14250.

# Barstow Police Department

## Policy Manual

### Missing Person Reporting

---

- (h) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14209).
- (i) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs). (NamUs is a free online system that can be searched by medical examiners, coroners, law enforcement officials and the general public to solve these cases).

#### **332.8 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 and notify the reporting party and other involved agencies. In the case of a located missing adult, no information as to the whereabouts or personal information of the missing person shall be disseminated to the reporting party.

The Police Services Supervisor shall ensure that upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the California DOJ.
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks (Penal Code § 14207).
- (d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

#### **332.9 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 has matched an unidentified person or body.
- (b) If the missing person was a resident of Barstow 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.

Barstow Police Department  
Policy Manual

Missing Person Reporting

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- (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.