

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

For procedures related to Missing Persons, see the St. Mary's County Sheriff's Office LE Procedures Manual: [COMMUNICATIONS PERSONNEL](#); [MISSING PERSONS PROTOCOL](#); [SUPERVISORY PERSONNEL PROTOCOL](#); [MISSING ADULT INVESTIGATIONS](#); [MISSING PERSONS REPORT PROCESSING](#); [FOLLOW-UP MISSING PERSON REPORTS](#); [EXTENDED/CRITICAL MISSING PERSONS INVESTIGATIONS](#); [UNIDENTIFIED CHILD/ADULT PROTOCOL](#) and [CLOSURE/CANCELLATION](#)

316.1.1 DEFINITIONS

Definitions related to this policy include:

Abducted Child (in state) (MD FL 9-304) - If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

- (a) Abduct, take, or carry away the child from the lawful custodian to a place within this State;
- (b) Having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned;
- (c) Harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this section; or
- (d) Act as an accessory to an act prohibited by this section

Abducted Child (Out of state) (MD FL 9-305) -

a. If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

1. Abduct, take, or carry away the child from the lawful custodian to a place in another state;
2. Having acquired lawful possession of the child, detain the child in another state for more than 48 hours after the lawful custodian demands that the child be returned;
3. Harbor or hide the child in another state knowing that possession of the child was obtained by another relative in violation of this section; or
4. Act as an accessory to an act prohibited by this section.

b. If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

Missing Persons

1. Abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico;
2. Having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;
3. Harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or
4. Act as an accessory to an act prohibited by this section.

At risk - A missing child who meets any of the following conditions (Md. Code FL § 9-402):

- (a) The child has not been the subject of a prior missing persons report.
- (b) The child suffers from a mental or physical handicap or illness.
- (c) The disappearance is of a suspicious or dangerous nature.
- (d) The person filing the report has reason to believe that the missing child may have been abducted.
- (e) The child has previously been the subject of a child abuse report filed with the state or a local law enforcement agency.
- (f) The missing child is under 17 years of age.
- (g) The missing child has not been located within 12 hours of the initial report.

Lawful custodian - means a person who is authorized to have custody of and exercise control over a child who is under the age of 16 years.

Lawful custodian - includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state.

Missing child - A person under the age of 18 who is the subject of a missing person report filed with a law enforcement agency in Maryland and whose location is unknown (Md. Code FL § 9-401).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

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 Maryland Center for Missing and Unidentified Persons (MCMUP) and the Maryland Electronic Telecommunications Enforcement Resource System (METERS).

Missing Persons

316.2 POLICY

The St. Mary's County Sheriff's Office 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 DNA COLLECTION KITS

A Criminal Investigations supervisor shall ensure the following forms and kits are developed and available:

- The State of Maryland Missing Person Report (SOMMPR) form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (including the steps to be taken as set forth in Md. Code FL § 9-402 regarding missing children)
- Missing person school notification form
- Medical records release form
- Maryland State Police DNA collection kits

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 (Md. Code FL § 9-402(e); Md. Code PS § 3-601).

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.

When taking a missing person report, office members shall use the SOMMPR form (Md. Code PS § 3-602).

316.5 INITIAL INVESTIGATION

Deputies 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).

St. Mary's County Sheriff's Office

LE Policy Manual

Missing Persons

- (d) Broadcast "Be on the Look-Out (BOLO) bulletin" if the person is under 17 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 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately, when the missing person is at risk (Md. Code FL § 9-402).
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 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) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.

316.5.1 SPECIAL CIRCUMSTANCES

Upon determining that a missing child is at-risk, investigating deputies or supervisors shall immediately take the following additional steps as part of the investigation (Md. Code FL § 9-402):

- (a) Initiate search procedures, including the coordination of volunteer search teams.
- (b) Notify the National Center for Missing and Exploited Children.
- (c) Notify local departments and, if applicable, obtain any information that may help with locating the missing person.
- (d) Request the assistance of the Department of State Police, when appropriate.

Missing Persons

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 not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person 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, a supervisor should facilitate transfer of the case to the agency of jurisdiction.
- (g) Ensuring a 12-hour follow-up is completed on each missing person, if that person is still missing prior to the end of the initial 12 hours of the missing person report having been completed.
- (h) Ensure all open missing persons reports are added to the initial investigating officer's open case log ledger and the on-line Missing Person Ledger.
 - 1. Ensure that while the investigation remains open, the minimum 10 calendar day follow-up rule is followed.

316.6.2 STATION CLERK RESPONSIBILITIES

The responsibilities of the Station Clerk receiving member shall include, but not be 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 Criminal Investigations.
- (e) Coordinating with the NCIC Terminal Contractor for Maryland to have the missing person record in the NCIC computer networks updated with additional information

Missing Persons

obtained from missing person investigations (34 USC § 41308). The retention period for a missing person NCIC entry is indefinite or until the individual is located.

- (f) Upon receipt of a SOMMPR for a person under 17 years of age or a person who may be at risk the NCIC entry will be made immediately upon receipt. In all other cases NCIC entry will be as soon as practicable, but no later than two (2) hours after receipt of the complaint (34 USC § 41308).

316.7 CRIMINAL INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall coordinate the investigation with the Maryland State Police if a missing child has not been located within 24 hours and there is reason to believe the child may be located in another jurisdiction (Md. Code FL § 9-402(d)).
- (b) 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.
- (c) 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.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update MCMUP, METERS, 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 childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Medical Examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of State Police and enter the photograph into applicable missing person networks (34 USC § 41308).

Missing Persons

- (k) 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).

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 Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Maryland State Police.
- (b) A 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 MCMUP, METERS and NCIC.
- (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

A Criminal Investigations 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 St. Mary's County or this office 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.

Missing Persons

- (c) If this office 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 Coordinator should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.