



North Dakota Bureau of Criminal Investigation Policy and Procedure Missing Persons

I. AUTHORITY:

The authority for this policy and procedure is N.D.C.C. § 12-68-05.

II. POLICY:

There are many missing person reports that involve individuals who have voluntarily left home for personal reasons, while other reports may be unfounded or quickly resolved; however, there are many instances in which persons disappear for unexplained reasons or under circumstances where they may be considered at risk. The role of the initial responding agency is critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk.

Therefore, it is the policy for each responding law enforcement agency that:

- A. All initial reports of missing persons be given full consideration and attention by members of all responding law enforcement agencies to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy; and
- B. That particular care is exercised in instances involving missing children and for missing persons who may be mentally or physically impaired or who are insufficiently prepared to take care of themselves.

III. PURPOSE:

The purpose of this policy is to establish the responsibilities and guidelines for responding law enforcement agencies in the investigation of missing persons.

IV. PROCEDURE:

A. Reporting/Classification of Missing Persons:

1. There may not be any waiting period for reporting a missing person. A missing person report may be made to any law enforcement agency in the state. Missing person reports shall be taken in person. A law enforcement agency may also accept reports by telephone or by electronic or other media to the extent the reporting is consistent with law enforcement policies or practices and in conformance with the criteria of this policy and the criticalness of the incident. A law enforcement agency may not refuse to accept a missing person report solely on the basis that:
 - a. The missing person is an adult;
 - b. The circumstances do not indicate foul play;
 - c. The person has been missing for a short period of time;
 - d. The person has been missing for a long period of time; or
 - e. There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance.

2. If the law enforcement agency that receives the initial report of a missing person determines that a law enforcement agency in another jurisdiction is clearly the more appropriate law enforcement agency to receive the missing person report, the law enforcement agency that receives the initial report may refer the missing person report to the more appropriate law enforcement agency. The responsibility for the missing person report remains with the law enforcement agency that receives the initial missing person report until the law enforcement agency in the other jurisdiction confirms, in writing, its acceptance of responsibility for the missing person report. If the law enforcement agency to which the missing person report is referred is located within this state, that law enforcement agency shall accept or decline the responsibility for the referred missing person report within twenty-four hours after receiving the request from the initial law enforcement agency. The law enforcement agency to which the report is referred may not decline acceptance of responsibility for the missing person report without good cause shown and may not decline acceptance of responsibility for the report solely on the basis of the factors listed in section IV(A)(1) of this policy.

3. A person may be declared “Missing” when the person’s whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the missing person’s behavior patterns, plans, or routines.
4. A missing person may be considered “High Risk” if the circumstances indicate the missing person may be at risk of injury or death, including the following circumstances:
 - a. May be the subject of foul play;
 - b. Because of age (young or old), may be unable to properly safeguard or care for himself/herself;
 - c. Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
 - (1) Is a patient of a mental institution and is considered potentially dangerous to the patient or to others;
 - (2) Has demonstrated the potential for suicide; or
 - (3) May have been involved in a boating, swimming, or other sporting accident or natural disaster.
5. Reports of juveniles who have voluntarily left home (i.e., “runaways”) should be classified as such only after thorough investigation.
6. Based on the outcome of the initial investigation, a decision may be made concerning the potential danger posed to the missing person and the urgency of law enforcement response, including alerting other law enforcement agencies about the circumstances of the missing person’s disappearance, including suspect information, vehicle information, direction of travel, and any other available pertinent information.
7. Upon the determination by the law enforcement agency that the missing person is a high-risk missing person, the law enforcement agency shall notify the Bureau of Criminal Investigation (“BCI”). The law enforcement agency shall provide to BCI the information most likely to aid in the location and safe return of the high-risk missing person.

8. The responding law enforcement agency shall immediately enter all collected information relating to the missing person case in available state and federal databases. If the responding law enforcement agency does not have the capability to enter this data directly in the state and federal databases, BCI shall enter all collected information relating to the missing person case in available state and federal databases. The information shall be provided in accordance with applicable guidelines relating to the databases.

B. Initial Report Taking:

1. The responding law enforcement agency shall gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response, including the following information:
 - a. 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.
 - b. The missing person's social security number and driver's license number, if known.
 - c. Description of any clothing, if known.
 - d. Description and license number of any motor vehicle that may be involved.
 - e. Description of any property and credit cards, if known, in the possession of the missing person.
 - f. Time and place of last known location and identity of anyone accompanying the person.
 - g. The extent of any search for the missing person.
 - h. Whether the person has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits, or plans.
 - i. 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.
- j. The current physical condition of the missing person and whether the person is currently on prescription medication.
- 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 the child harm;
 - b. May have been the subject of a parental abduction;
 - c. Has previously run away from home, has threatened to do so, or has a history of unexplainable absences for extended periods of time.
 - 3. A supervisor shall be notified upon classification of a report as High Risk.”

C. Law Enforcement Notification and Other Action:

- 1. The responding law enforcement agency shall provide immediate notification of the missing person with other jurisdictions, including notification by telephone or teletype, and request any necessary assistance in locating the missing person. The responding law enforcement agency shall document all notification.
- 2. The responding law enforcement agency shall provide a summary of information at shift briefings in order to notify other officers of the information concerning the missing person. The summary must 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.
- 3. When possible, the law enforcement agency shall inform the reporting person, a family member of the missing person, or any other person who may be able to assist the law enforcement agency regarding the agency’s efforts to locate the missing person about general information regarding the handling of the missing person case or information regarding intended efforts in the case to the extent the law enforcement agency determines disclosure will not adversely affect the agency’s ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance.

4. All DNA samples obtained in missing person cases must be forwarded immediately to the state crime laboratory to perform a DNA analysis. The state crime laboratory shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.
5. The law enforcement agency shall submit relevant information to the Federal Bureau of Investigation's (FBI) violent criminal apprehension program as soon as is practicable.

D. Preliminary Investigation:

1. Law enforcement shall conduct a preliminary investigation to gather information and take steps that will aid in the search for and location of a missing person, including obtaining the following
 - a. Complete description of the person and a recent photograph.
 - b. Details of any physical or emotional problems or other circumstances identified in sections IV(B)(1) and (2) of this policy and procedure.
 - c. Identity of the last person(s) to have seen the missing person as well as friends, relatives, coworkers, or associates who were or may have been in contact with the missing person prior to disappearance.
 - d. Plans, habits, routines, and personal interests of the missing person including places frequented or locations of particular personal significance.
 - e. Indications of missing personal belongings, particularly money and other valuables.
 - f. Any suggestions of foul play or accident.
 - g. In the case of missing children, law enforcement officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as other information including:
 - (1) The presence of behavioral problems;
 - (2) Past instances of running away;

- (3) Signs of an abusive home environment or dysfunctional family situation;
 - (4) Whether the child is believed to be with adults who may pose a danger; and
 - (5) The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- h. When possible, law enforcement officers should gain permission to search a missing child's home and school locker, as appropriate.
- i. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in state and national information databases in accordance with established procedures (e.g., NCIC and The National Center for Missing and Exploited Children).
- j. In the case of persons designated as "High Risk," law enforcement officers will direct that:
 - (1) The dispatcher broadcast all information necessary to identify the missing person; and
 - (2) Request additional resources for an area search.

E. Ongoing Investigation:

1. Law enforcement agencies shall conduct ongoing investigations of missing persons, including the following actions:
 - a. Request release of dental records and any fingerprints available.
 - b. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.
 - c. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.

- d. Conduct interviews with any additional family, friends, work associates, schoolmates, and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.
- e. Provide identification and related information to other law enforcement agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
- f. Decisions to use local media to help locate missing persons may be made with the approval of the law enforcement agency administrator and the missing person's family.
- g. The lead investigator shall maintain routine on-going contact with the missing person's closest relative(s) and reporting parties concerning the progress of the investigation. The lead investigator shall inform the missing person's closest relative(s) and other relevant individuals, including reporting parties, that they shall notify the lead investigator as soon as they have had any contact with the missing person.

F. Media Release(s):

- 1. The investigating agency shall give consideration to releasing the information concerning a missing person to the media in the following situations:
 - a. Suspected crime involved or suspicious circumstances;
 - b. The missing person may be unable to safeguard or look out for himself or herself, regardless of age;
 - c. The missing person may be considered at risk for suicide; ~~or~~
 - d. The missing person may be missing as a result of an accident (while boating or swimming for example);
 - e. The missing person suffers from a psychological disorder which may endanger himself or herself or others; or
 - 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.

2. The responding law enforcement agency and the assigned investigator shall coordinate the release of information to the media.

G. Recovery of Missing Persons and Case Closure:

1. In the event of a located missing person, the assigned investigator shall verify that the located person is, in fact, the reported missing person.
2. Upon verifying that the missing person has been located, the assigned officer(s) shall ensure that the NCIC system entry and any teletype messages are canceled.
3. Competent adults who have left home for personal reasons may not be forced to return home. Law enforcement officers locating such individuals shall:
 - a. Advise them that they are the subject of a missing person investigation;
 - b. Ask if they desire the reporting party or next of kin to be notified of their whereabouts; and
 - c. Make provisions to transmit this information to the reporting party or next of kin if permitted by the missing person.
4. In all cases, law enforcement agencies shall notify reporting parties of the status or well-being of located missing persons. Unless criminal matters necessitate other action, law enforcement agencies shall honor the desires of missing persons not to reveal their whereabouts.
5. Law enforcement agencies shall question located persons to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
6. In cases involving juveniles, law enforcement officers shall ensure that:
 - a. The juvenile receives medical attention if necessary in a timely manner;
 - b. Initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who

may be criminally responsible, and/or whether an abusive or negligent home environment was a contributory factor; and

- c. Those parents, guardians, and/or the person reporting the missing youth are notified in a timely manner.
7. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
8. Where indicated, follow-up action must include filing of an abuse and neglect report with the appropriate county social services agency.
9. The case report must include a complete report on the whereabouts, actions, and activities of children while missing.
10. If the located person permits the disclosure of the person's whereabouts and contact information, the law enforcement agency may notify the reporting person(s) of this information at this time.
11. Where indicated, criminal charges shall be filed with the appropriate county state's attorney's office.

H. Recovery of Unidentified Person or Human Remains:

1. Law enforcement agencies shall process any scene involving deceased unidentified persons or human remains as a death scene.
2. After performing the death scene investigation deemed appropriate under the circumstances, the law enforcement officer with custody of the human remains shall transfer the unidentified remains to the coroner or the North Dakota state medical examiner's office for the purpose of identification of the human remains.
3. The coroner, medical examiner, or any other person may not dispose of or engage in actions that will materially affect the unidentified human remains before the coroner or medical examiner:
 - a. Obtains samples suitable for DNA identification and archiving;
 - b. Obtains photographs of the unidentified person or human remains; and

- c. Exhausts all other appropriate steps for identification.
- 4. The North Dakota State Historical Society may become involved in certain cases where it is reasonably certain the human remains may be related to Native American burial sites.

The ND BCI cannot provide assistance relating to agency responsibilities or implementation of this policy. For information or assistance, please contact your city attorney or county state's attorney, as applicable.