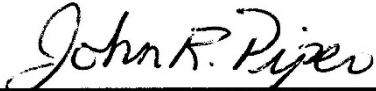




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-28		Effective Date October 13, 2020	Review Date September 19, 2020	Reviewing Division Administration
Subject MISSING PERSONS		<input type="checkbox"/> New Policy <input type="checkbox"/> Amends <input type="checkbox"/> Replaces <input checked="" type="checkbox"/> Revised		This policy shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
References VLEPSC: ADM.25.10 CALEA				
 <hr/> Chief of Police or Designee		October 13, 2020 <hr/> Date		

I. PURPOSE

The purpose of this policy is to establish guidelines which describe the investigation of missing persons and making appropriate entries into the Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC).

II. POLICY

Individuals are reported missing for many reasons. Some people leave home voluntarily for personal reasons, some missing persons reports are unfounded, and some people may disappear for unexplained reasons but under suspicious circumstances. The role of the responding officer, however, is critical in identifying the circumstances surrounding missing persons and in identifying persons at risk. Each officer shall conduct thorough investigations of missing persons, with particular care in instances involving missing children and those who through mental or physical impairment cannot care for themselves. Each officer, therefore, shall prepare necessary reports and request appropriate VCIN and NCIC entries.

III. PROCEDURES

A. General

1. No waiting period exists before taking a missing persons report. Further, the initial report may be taken in person or by telephone.

2. A person is considered missing when his or her whereabouts are unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic.
3. The missing person report may be deemed critical if the missing person is under the age of 13, meets the criteria for a Silver Alert, or the officer taking the report has reason to suspect:
 - a. Foul play or suspicious circumstances;
 - b. The missing person may be unable to safeguard themselves, regardless of age;
 - c. A risk of suicide;
 - d. A risk of accident (while boating or swimming, for example);
 - e. The missing person is a mental patient who may endanger themselves or others; or
 - f. The missing person suffers from a physical or mental incapacity that may be life threatening if not under care.
4. A missing juvenile should not be assumed to be a runaway unless the investigation yields this finding.

B. Immediate Response to Missing Persons Deemed Critical

When any missing person is deemed critical according to the aforementioned section, the officer will notify the on-duty supervisor. The on-duty supervisor shall ensure the following steps are taken as soon as practical:

1. The ECC shall send out an emergency page to all Police Department supervisors containing a description of the missing person and a point of contact for the investigation;
2. The ECC shall periodically broadcast local lookouts to on-duty officers and share the information with surrounding jurisdictions, as necessary;
3. An incident notification email shall be sent by the assigned supervisor to the entire Police Department detailing the circumstances of the missing person, along with a photograph, if available;
4. The officer's supervisor shall notify the Patrol Division Captain or his/her designee;
5. The Patrol Division Captain shall be briefed on the case and consult with the Deputy Chief of Police and/or Chief of Police to determine if additional personnel or resources are necessary; and

6. The Patrol Division Captain will ensure that the Criminal Investigations Division is made aware of the critical missing person for potential resources and follow/up. The Media Liaison Officer and/or PIO will also be made aware should it become necessary to share information with the community via social media; etc.

C. Preliminary Investigation

The officer or other report taker shall gather the following information for every missing person report:

1. Name, age, physical description, and detailed clothing description of the missing person;
2. Relationship of the reporting party to the missing person;
3. Time and place of the missing person's last known location and the identity of anyone in the missing person's company;
4. Behavior of the missing person, including whether the person has gone missing before and relevant habits or patterns;
5. Recent history of problems or trauma such as illness, domestic violence, substance abuse, history of mental illness, or use of prescription drugs;
6. Extent of any search for the missing person; and
7. Indications of missing money or belongings.

C. Investigation

Following the preliminary missing person report, the supervisor may direct a search if necessary. An investigation should include the following steps:

1. If the missing person is a child, with a parent's permission and under their supervision, search the child's home, as appropriate;
2. For children, determine the child's zone of safety comfort, then establish a perimeter and begin an organized search;
3. If abduction of a child by a stranger is suspected:
 - a. Contact the FBI and utilize the FBI's Child Abduction Response Plan;
 - b. Review criteria for the activation of the Virginia Amber Alert System; and

- c. Activate the Winchester Police Department's Child Abduction Response Plan. A copy of this plan can be located in the Patrol Division area;
- 4. Obtain fingerprints, dental records, recent photographs, and personal affects such as toothbrush, hairbrush, etc. that may be needed for DNA typing;
- 6. Contact the medical examiner's office and local hospitals for injured or deceased persons meeting the description of the missing person;
- 7. Conduct interviews with persons who were in the area where the missing person was last seen, or who may work in or frequent the area;
- 8. Conduct interviews with co-workers, family, friends, schoolmates, teachers, counselors, social service case workers, or others to help determine whether the missing person might have left voluntarily or was coerced into a kidnapping or prostitution;
- 9. Following receipt of the initial missing person report, the ECC shall verify whether any of the following criteria is met. If so, information on the missing person shall be entered into VCIN and NCIC. These criteria apply to persons of any age;
 - a. The missing person has a proven physical or mental disability and may subject them self or others to danger;
 - b. The missing person is in the company of another under circumstances that indicate danger;
 - c. The missing person may have disappeared involuntarily under circumstances that suggest abduction or kidnapping;
 - d. The missing person is an unemancipated juvenile;
 - e. The person has been missing subsequent to a disaster; or
 - f. If the subject is an adult, between the ages of eighteen (18) to twenty-one (21), no further requirement is needed for entry.

D. Documentation and Case Closure

- 1. The on-duty supervisor must include a photograph and brief narrative about the missing person on the shift summary report. Cases that are deemed critical require each subsequent supervisor shall ensure the shift summary report is updated with any investigative steps taken, search efforts, and contact made with family members. When the person is located, the shift summary report will include this information.

2. If a competent adult missing person is located, officers shall notify the person that they were the subject of a missing person investigation. The officers shall determine if the person wishes their family or the reporting party notified of their whereabouts and if so, arrange to notify the reporting party or family member.
3. Officers shall inform the reporting party of the well being of the person who had been reported missing. Unless the law compels another course of action, the Department shall comply with the located person's wishes not to make their whereabouts known.
4. Before closing a missing person case, officers will attempt to question the located person to establish the circumstances and to ensure that no criminality was involved.
5. A missing person report is retained indefinitely until the complainant cancels or clears the record or until the missing person has been located.

IV. CHILDREN

A. Preliminary Investigation

1. If the missing person is a child, in addition to the questions outlined in this order, the officer or report taker must determine if the child:
 - a. May be with an adult who might harm them;
 - b. May have been abducted by a parent;
 - c. Has previously run away, has threatened to run away, has had inexplicable absences, is adopted, or is the subject of any custody dispute either verbal or written;
 - d. May be living under abusive or dysfunctional conditions; and
 - e. May meet the criteria for activation of the Amber Alert System.
2. A search for the child shall examine the local neighborhood with special attention to the homes of friends, libraries, banks, local stores, or parks.
3. A follow up shall be conducted on the following day of the initial report while the case is transferred to the Criminal Investigations Division for further investigation.

B. Schools

1. Determine the name and location of the school the child attends and identifying information on any person who may be responsible for private transportation to and from the school.
2. With the permission of school authorities and in their presence, search the child's locker.

C. Case Closure

1. When a missing child has been located, officers shall ensure that medical care is provided immediately, as appropriate.
2. Officers shall question the child about the circumstances of their disappearance and identify any persons who may be criminally responsible or whether an abusive or negligent home environment contributed to the child's disappearance.
3. In cases of parental abduction, the officer recovering a child should consider the length of time the child was missing when determining where, when, and how to reunite the child with his or her parents. It may be necessary to place the child into foster care and arrange parental visits before full reunification is possible.

D. Documentation Requirements

1. Officers shall complete an incident report and a Virginia Missing Children Information Clearinghouse Report, on any child reported missing. A current photograph of the missing child shall be attached to this report.
2. The initiating officer shall email the clearinghouse report to the Virginia State Police and also provide it to the ECC for immediate entry into VCIN and NCIC. This entry must occur within two hours of the phone call being received.
3. The approving supervisor shall provide a copy of the initial report to the Captain of the Criminal Investigations Division or his/her designee.