



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy #	Related Policies:
MISSING PERSONS	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by the Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Oklahoma Statutes Section 151.3 of Title 74, "Francine's Law"	
CALEA Standard:	
Date Implemented:	Review Date:

I. **POLICY PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities regarding the Pawnee County Sheriff's Office's response to reports of missing persons.

II. **POLICY STATEMENT:**

- A. It shall be the policy of the Pawnee County Sheriff's Office to thoroughly investigate all reports of missing persons. Additionally, the Pawnee County Sheriff's Office holds that every person reported as missing will be considered **at risk** until significant information to the contrary is confirmed.
- B. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, the Pawnee County Sheriff's Office will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-person report, the Pawnee County Sheriff's Office will assume reporting and investigative responsibility.
- C. Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the policy of the Pawnee County Sheriff's Office to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child (ren) is paramount, members of the Pawnee County Sheriff's Office will

open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

D. No law enforcement agency shall refuse or otherwise fail to accept a missing person report for any reason except when the law enforcement agency:

- a. Knows the location of the person reported missing;
- b. Has confirmed the safe status of the person reported missing; or
- c. Has confirmed that another law enforcement agency has already completed a report on the missing person incident.

III. DEFINITIONS

A. "Missing person" means any person, including a child under eighteen (18) years of age, reported to Oklahoma law enforcement as missing and unaccounted for from expected and normal activities.

B. "Unidentified person" means any person living or deceased who is unidentified after all available methods have been exhausted. This includes any decedent released to the Office of the Chief Medical Examiner (OCME) where the identity of the decedent cannot be established to the satisfaction of the Chief Medical Examiner.

C. The term **missing adult** refers to a person who is

- a. 18 years of age or older and
- b. Whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the unusual circumstances listed in Paragraph D of this section

D. The term **missing child** refers to a person who is

- a. Younger than 18 years of age and
- b. Whose whereabouts are unknown to his or her parent, guardian, or responsible party
A missing adult or child will be considered "**at-risk**" when one or more of the **unusual circumstances** noted in paragraph D are present.

C. The term **unusual circumstances** refers to:

- a. A missing child 13 years of age or younger.
- b. A child or an adult who is missing and believed to be one or more of the items noted below.
 - i. Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of

diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.

- ii. Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
- iii. Drug dependent. In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being.
- iv. A potential victim of foul play or sexual exploitation.
- v. In a life-threatening situation
- vi. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
- vii. Believed to be with persons who could endanger his or her welfare.
- viii. Is absent under circumstances inconsistent with established patterns of behavior.

D. Actions upon determination of **unusual circumstances or at risk**.

- a. If it is determined that **unusual circumstances** are involved in the report of a missing adult or child, the person will be considered **at-risk**, and an expanded investigation, including the use of all appropriate resources, will immediately commence.
- b. If appropriate, existing interagency response protocols — including the **AMBER Alert** system and/or other immediate community notification methods, if available — should be activated.
- c. The Sheriff and Undersheriff shall be contracted the communications center immediately.

IV. PROCEDURES

A. **Communications personnel** receiving the report of a missing person shall

- a. Determine if circumstances of the report meet the definition of a missing child or adult as set forth in Section III.

- b. Dispatch, in a prompt manner, an officer to the scene of the report.
- c. Notify a supervisor and an investigator when appropriate. A supervisor and an investigator should be notified of every reported incident in which “unusual circumstances” are determined to exist.
- d. Transmit the appropriate radio alerts and other notifications.
- e. Search agency records for related information. Complaints such as attempted abductions, prowlers, public lewdness, and suspicious persons will be of particular interest. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.
- f. Contact the Sheriff and Undersheriff.
- g. Safeguard all pertinent records.
- h. Initiate media contact — including activation of the **AMBER Alert** system and/or other immediate community-notification methods when appropriate.

NOTE: There is no required waiting period for reporting a missing person. A person may be declared “missing” when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.

- B.** The **initial officer** or first responder assigned to the report of a missing person shall
 - a. Respond promptly to the scene of the report.
 - b. Interview the person(s) who made the initial report.
 - c. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other deputies who may be assisting in the investigation. Recent photographs and/or videotape should be secured if available.
 - d. Verify that the person is in fact missing. **NOTE:** In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds shall be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior, including trunks of parked vehicles where limited breathing air may place the child at even greater risk. A search of the home should be conducted even if the missing person was last seen elsewhere.

- e. Confirm custody status.
- f. Identify the circumstances of the disappearance. First responders need to ascertain whether the circumstances surrounding a person's disappearance are such that a heightened level of response is warranted. If "unusual circumstances" exist or a person is identified as "high-risk" then the decision to employ additional response methods is clear. In other situations, where the circumstances are not clear, deputies should keep the missing person's safety in mind and act accordingly.
- g. Determine when, where, and by whom the missing person was last seen.
- h. Interview the individual(s) who last had contact with the missing person. Be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.
- i. Identify the missing person's zone of safety for his or her age and physical and mental state.
- j. Make an initial determination of the type of incident. Note: Deputies must be cautious in "labeling" or classifying a missing-person case, since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a "less urgent" incident, deputies should consider all possibilities until the case category is clearly determined.
- k. Obtain a description of the suspected abductor(s) and other pertinent information.
- l. Evaluate whether circumstances of the child's disappearance meet existing AMBER Alert and/or other immediate community notification protocols. Discuss plan activation with the appropriate supervisory personnel on the decision to implement an AMBER Alert.
- m. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.
- n. Provide detailed descriptive information to the communications unit for broadcast updates.
- o. Identify and interview everyone at the scene.
- p. The Pawnee County Sheriff's Office immediately, shall commence an investigation based upon the elements of the initial reports. Conduct a thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, deputies should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person's disappearance. Deputies are again reminded to conduct a thorough, immediate search of the person's home and property — even if the disappearance supposedly took place elsewhere.

- q. Secure and safeguard the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.
- r. Prepare necessary reports and completing appropriate forms. The reports shall be entered into the missing person system of the national crime information center and the missing and unidentified person system of Oklahoma within two hours of receipt of the minimum data required to enter a record into such system.
- s. Upon a determination that a missing person is a **high-risk missing person**, the Pawnee County Sheriff's Office shall immediately and specifically make such determination known to the missing person system of the national crime information center as soon as possible after the minimum information to make such entry is received.
- t. The officer assigned shall provide the person making such report with contact information and information concerning the national center for missing and exploited children and the national center for missing adults.

C. The **supervisor** assigned to the report of a missing person shall:

- a. Obtain a briefing from the first responder(s) and other agency personnel at the scene.
- b. Determine if additional personnel and resources are needed to assist in the investigation.
- c. Consider activation of the **AMBER Alert** system and/or other immediate community notification methods. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly implement such efforts.
- d. Most citizens carry a cellular device and this is an excellent tool to track their location. Locating missing persons by using the location of a particular wireless device should be considered early on in the investigation, loss of battery power creates an exigent circumstance.
- e. Establish a command post if needed.
- f. Organize and coordinate search efforts.
- g. Ensure that all required notifications have been made.
- h. Establish a liaison with the victim family.
- i. Confirm that all agency policies and procedures are observed.
- j. Manage media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention. Supervisors

should manage media presence in a way that complements, rather than conflicts with the investigation.

D. The investigator assigned to the report of a missing person shall:

- a. Obtain a briefing from agency personnel at the scene.
- b. Verify the accuracy of all descriptive information.
- c. Initiate a neighborhood investigation if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may be able to provide information related to the incident. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.
- d. Obtain a brief history of recent family dynamics.
- e. Explore the basis for conflicting information.
- f. Implement effective case management.
- g. Evaluate the need for additional resources and specialized services.
- h. Update descriptive information.

E. 151.3 of Title 74, "Francine's Law": Once a missing persons report is received, the Pawnee County Sheriff's Office shall initiate the following procedures within thirty (30) days of receiving the report:

- a. Submit the missing persons case to NamUs and to any database of missing persons currently required by the Pawnee County Sheriff's Office, providing all appropriate data;
- b. Locate and obtain biometric records, including medical and dental records, medical and dental X-rays or other medical imaging, and enter the records into NamUs. All medical and dental records obtained shall be considered confidential and shall not be released to the public;
- c. Utilize NamUs family reference sample (FRS) submission kits, obtain voluntary DNA samples from appropriate family members to submit to an institution of higher education that specializes in DNA identification for a full genetic profile, including testing of mitochondrial DNA (mtDNA), short tandem repeats on the Y-chromosome (Y-STR) and nuclear analyses, to be documented in the NamUs missing persons file and submitted to the FBI's National DNA Index System

(NDIS) using the Combined DNA Index System (CODIS). If necessary, the law enforcement agency may request assistance in obtaining FRS DNA samples; and

- d. Attempt to locate any fingerprints from available resources and submit those records to NamUs.
- e. Upon request by local law enforcement, the OSBI shall attempt to locate any fingerprints and photographs from the available resources and submit those records to NamUs.
- f. No member of the Pawnee County Sheriff's Office delay in the taking of a report of a missing person when reliable information has been provided to the law enforcement agency that the person is missing. No member of the Pawnee County Sheriff's Office shall mandate the appearance of a next of kin before initiating a missing persons investigation.
- g. There shall no waiting period before beginning a missing persons investigation. Upon receipt of a report of a missing child, the Pawnee County Sheriff's Office shall enter the child into the National Crime Information Center (NCIC) pursuant to a mandate by the Federal Bureau of Investigation which requires the name of the missing child to be entered within two (2) hours from the time the child is reported missing to the Pawnee County Sheriff's Office.
- h. When a person previously reported missing has been found or when an unidentified person has been identified, the Pawnee County Sheriff's Office shall report to NamUs within twenty-four (24) hours that the person has been found and that the case can be archived within NamUs.

Note: The National Child Search Assistance Act – enacted in 1990 and amended by the PROTECT Act in 2003 – mandates the entry of descriptive information for all persons, birth through 20 years of age. These entries are required to be made no more than 60 days after the report is taken.

- i. Monitor media relations.
 - j. The law enforcement agency investigating the report shall not give information to the reporting party if the law enforcement agency has reason to believe the missing person is an adult or an emancipated minor and is staying at or has made contact with a domestic violence or sexual assault program and does not expressly consent to the release of this information. Upon location of or contact by the missing person, the law enforcement agency shall clear the case in the national crime information center and Oklahoma databases.
- F.** An officer assigned to the report of an **unidentified person**, whether living or deceased, shall
- a. Obtain a complete description.

- b.** Enter the unidentified person's description into the NCIC Unidentified Person File.
- c.** Utilize all available resources to aid in identification of the person.
- d.** Cancel all notifications after identification is confirmed.

G. An officer assigned to the **recovery or return** of a missing person shall

- a.** Verify that the located person is, in fact, the reported missing person.
- b.** Inform, in the case of a missing adult who has been located, the located person that he or she is the subject of a missing-person investigation. If the located person is a competent adult, the officer shall determine the person's willingness for law enforcement to reveal his or her whereabouts. To the extent possible, a person's desire to remain hidden shall be honored.
- c.** Notify the initial reporting person(s) of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.
- d.** Secure, in the case of a missing or abducted person who has been located, intervention services, if indicated.
- e.** Arrange, in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation, the return of the child to his or her legal guardian or to an appropriate children's shelter.
- f.** Place, in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person "hit" is verified, the child in custody and transport him or her to the appropriate facility for admission.
- g.** Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed that describes the person's activities while missing and circumstances of the recovery/return.