

**BILL NO.: 4531**

**ORDINANCE NO.: \_\_\_\_\_**

**Introduced by: Council Present**

**AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #39 “MISSING ADULTS” POLICY**

**WHEREAS**, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri**, as follows:

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Missing Adults Policy in compliance with CALEA standards.

**Section 2** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 03<sup>rd</sup> day of April 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Theodore Hoskins, Mayor


ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	<p align="center"><b>BERKELEY POLICE DEPARTMENT GENERAL ORDER</b></p>	<p align="center"><b>GENERAL ORDERS: 39</b></p>
<p align="center"><b>MISSING ADULTS</b></p>		
<p>ISSUE DATE: 3/30/17</p>	<p>EFFECTIVE DATE: 4/17/2017</p>	<p>DISTRIBUTION: ALL PERSONNEL</p>
<p>AMENDED:</p>		<p>RESCINDS: ALL PREVIOUS VERSIONS</p>
<p>ACCREDITATION STANDARDS: CALEA 41.2.5</p>		<p>NUMBER OF PAGES: 5</p>

**PURPOSE:** The purpose of this directive is to establish procedures for handling missing adult reports.

**POLICY:** It is the policy of the Berkeley Police Department to immediately investigate all complaints of missing adults under circumstances not conforming to their ordinary routine and or habits or may be in need of assistance or intervention.

**DEFINITIONS:**

*Missing Adult* - A person 17 years of age or older whose whereabouts are unknown and who is missing under circumstances not conforming to their ordinary routine and or habits or who may be in need of assistance or intervention.

*Missing Child* - A person under the age of 17 years whose whereabouts are unknown to his or her parents, guardian, or responsible party.

*Unusual circumstances* – a missing adult 17 years of age or older who is believed to be out of the zone of safety for his or her age, developmental state, and/or physical condition; mentally diminished; drug dependent, including both prescription and illicit substances; a potential victim of foul play or sexual exploitation; in a life-threatening situation; absent from home for more than 24 hours before being reported to law enforcement as missing; believed to be with others who could endanger his or her welfare; or, is absent under circumstances inconsistent with established patterns of behavior.

**APPENDICES:**

- A. Missing Person Affidavit

**PROCEDURES:**

**IMMEDIATE REPORTING**

Department members shall not inform a person wishing to make a report that a specific period of time must elapse before a person can be reported missing. All reports of missing adults will be accepted and an appropriate investigation started immediately.

**JURISDICTIONAL ISSUES**

Jurisdictional issues are to be avoided when an adult is reported missing. If a missing adult resides in or was last seen in the Department’s jurisdiction, a report will be accepted and a

missing person investigation started immediately. If an adult resides in this jurisdiction but was last seen in another jurisdiction, but the law enforcement agency in that jurisdiction chooses not to take a missing adult report, the Department will assume reporting and investigative responsibility.

### **PROCEDURES FOR INVESTIGATING MISSING ADULTS**

- A. *Responsibilities of Communications Division (Dispatch)* – Dispatchers who receive a call of a missing adult are to immediately determine if the adult is missing from the jurisdiction of this agency, the age of the adult, and the known facts surrounding why or how the adult is missing.
1. If an adult 17 years of age or older is missing from within the jurisdiction of this agency, and no unusual circumstances are suspected, the reporting person will be directed to respond to the Berkeley Police Department to complete a missing person affidavit. The reporting person should be advised to bring a recent photograph of the missing person, as well as any relevant custodial or physician’s documentation.
  2. An exception is when the location from where the adult is missing is a group home and the reporting person is unable to respond, an officer will be dispatched to the location to complete the report or pick up the required affidavit and photo to complete the report. If unusual circumstances are suspected, an officer shall be dispatched to the location.
  3. If an adult 17 years of age or older is missing from within the jurisdiction of this agency and unusual circumstances are suspected, a police officer will be dispatched to the location to conduct an on-scene investigation. The Communications Division will also notify a field supervisor of the missing adult call for service. [CALEA 41.2.5 f]
- B. *Responsibilities of First Responders* – Officers dispatched to a report of a missing adult call are to promptly respond and begin an immediate investigation into the incident.
1. Interviews at the scene - The officer is to interview the reporting person to ascertain critical information needed to conduct a search and investigation into the missing adult’s status. Initial information to be gathered includes, but is not limited to, when and where the adult was last seen; a physical description of the missing person; what clothing was being worn when last seen; and friends or acquaintances whom may know the adult’s whereabouts; any information relevant to individuals with whom the adult may have been recently conversing with, such as via phone, email, text messages, other forms of social media, or any other information that may identify where the adult currently is. [CALEA 41.2.5 a]
  2. Missing Person Affidavit - The reporting person is to complete a missing person affidavit and should ensure that all information on the affidavit is complete, that it is signed by the reporting person, and that any pertinent documentation is attached.

3. Current photo of missing adult - The investigating officer should attempt to obtain a current photo of the missing adult and will issue a BOLO on the missing adult as soon as the information is obtained and the radio is available.
  4. Foul play - If foul play is suspected, the event location is to be secured and protected as a crime scene.
  5. Local checks - A check of local police databases, local hospitals, and correctional facilities is to be conducted to ascertain if the missing person is at one of these locations.
- C. Criteria for supervisory notification - The investigating officer will notify a Patrol Supervisor of any missing adult 17 years of age or older, when unusual circumstances exist.
- D. Responsibilities of the Patrol Supervisor - The Patrol Supervisor is responsible for requesting additional units be sent to the area and coordinating an area search for any missing adult 17 years of age or older if unusual circumstances are suspected.
1. Area search - The area search is to include a thorough search of the immediate premise, including all structures and vehicles on the immediate property, as well as an organized house-to-house search of the surrounding neighborhood or area, including the designation of which officer(s) are responsible for each block.
  2. Unusual circumstances suspected - If unusual circumstances are suspected or if the circumstances suggest the need for additional staffing or resources, the supervisor will notify the on-call Detective Bureau supervisor.
- E. Entry of missing adult data into NCIC, REJIS and MULES - The investigating member will contact the Communications Division to report the necessary identifying or descriptive information on the missing adult for NCIC, REJIS and MULES entry. The member will make note of the Dispatcher DSN number who took down the information for entry so it can be noted in the missing person affidavit. [CALEA 41.2.5 b]
1. Unless exigent circumstances exist, the NCIC, REJIS and MULES entry information will be made within two hours after receipt of the report and the BOLO given to all on-duty officers.
  2. Upon entry into NCIC, REJIS and MULES, the Dispatcher will issue a BOLO to other local law enforcement agencies having jurisdiction in St. Louis County.
  3. An adult will only be entered in NCIC, REJIS and MULES if foul play is suspected, or if the adult suffers from a documented physical or mental disability rendering the adult a danger to themselves or others. In the case of an adult suffering from a disability, the department must have documentation in its possession showing the disability. The documentation must be from a source outside the department, such as a legal guardian, next of kin, or physician. A hand written letter from next of kin or a letter from an attending physician will suffice. [CALEA 41.2.5 c]
- F. Responsibilities of Investigators - The Bureau of Investigations (Detective Bureau) will be responsible for the follow-up investigation of all missing adult cases. The

Detective Bureau will verify the following steps have been completed: [CALEA 41.2.5 e]

1. Assume on-scene command responsibility for cases requiring immediate follow-up investigative efforts, such as suspected abductions or other concerns over possible foul play.
  2. The missing person has been properly entered into NCIC, REJIS and MULES by the Communications Division. [CALEA 41.2.5 c]
  3. The Detective Bureau is responsible for activating the Missouri Endangered Silver Advisory system if the established criteria are met. Refer to General Order 40 "Missouri Endangered Silver Advisory Alert" for specific criteria and procedures. [CALEA 41.2.5 e]
- G. Follow-up responsibilities – After an initial on-scene investigation has been completed and all available investigative leads thoroughly exhausted, the Detective Bureau remains responsible for subsequent follow-up effort. Those responsibilities include the following required investigative actions. [CALEA 41.2.5 d, e]
1. Dental records are obtained and entered into NamUs for cases where the person has been missing for 30 days. If dental records are unavailable, this fact and efforts made to obtain the records are to be documented by supplemental report.
  2. If a missing adult is not located 90 days after the initial report is taken, the Department will attempt to obtain a biological specimen for DNA analysis from the missing adult or from appropriate family members. This biological specimen can be obtained prior to the 90-day mark.
  3. Conduct a monthly review of each missing adult case to determine if the case should remain in the NCIC, REJIS and MULES database.
- H. Recovery or return of missing adult – Upon receiving information that a missing adult has been recovered or returned home, investigating members will personally verify that the located adult is, in fact, the missing adult. A determination should be made if the adult is in need of any medical services or physical examinations.
1. Cancel NCIC, REJIS and MULES - The officer or investigator, who comes in contact with a missing person or receives and confirms information that a missing person has been located, will contact the Communications Division via phone and give the operator the information for removal from NCIC, REJIS and MULES. The officer will note the Dispatcher's operator ID number for the supplement report that will be written. [CALEA 41.2.5 c]
  2. Cancel BOLOs – Cancel all alerts, teletypes, and BOLOs.
  3. Supplement report – The investigating member will complete a supplement report to document the recovery or return of the missing adult, and will include investigative information relevant to why or how the adult went missing.

**PROCEDURES FOR UNIDENTIFIED ADULT**

- A. Initial procedures - An officer assigned to the report of an unidentified person, whether living or deceased, who appears to be an adult shall obtain a complete description, submit a written event report, and ensure the unidentified adult's description is entered in the NCIC, REJIS and MULES Unidentified Person File.
1. Officers shall attend to the welfare and needs of a living unidentified adult and contact the Missouri Department of Family Services to arrange for the care of the adult if family cannot be immediately determined or notified.
  2. Officers investigating a deceased unidentified adult shall contact detectives of the Detective Bureau for further follow up following Department procedures for death investigations.
- B. Follow up investigative procedures – In cases of an unidentified living adult, the event report and investigative responsibility shall be forwarded to the Detective Bureau who is responsible for utilizing all available resources to aid in the identification of the adult, and subsequently cancelling all notifications after identification is confirmed.

<b>DRAFTED BY:</b> Eye-Liza Conner	DATE: 2/17/17
<b>BY ORDER OF:</b> <b>ART JACKSON</b> <b>INTERIM CHIEF OF POLICE</b>	DATE: 2/20/17
<b>APPROVED BY:</b> Public Safety Committee	DATE: 3/30/17
<b>APPROVED BY:</b> Berkeley City Council	DATE: 4/17/17



# MISSING PERSON AFFIDAVIT

Case/Report number: \_\_\_\_\_

Missing Person's Name: \_\_\_\_\_

Date of Birth \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_

Date Last Seen \_\_\_\_\_ Place Last Seen \_\_\_\_\_

I, \_\_\_\_\_ (Reporting Person) certify that \_\_\_\_\_ (Missing Person) has been missing since \_\_\_\_\_ (Date).

The missing person is missing due to:  Unknown Circumstances  Physical or Mental Disability  Endangered  Involuntary (i.e., abduction or kidnapping)  Catastrophe

I am the: (Check all that apply)  Parent  Legal Guardian  Spouse  Friend / Neighbor  Physician  Other \_\_\_\_\_

I will notify the Berkeley Police Department to cancel this report if the missing person is located, and if I fail to do so, I will assume full responsibility for any action resulting from such failure to notify.

I understand that the Berkeley Police Department will not reveal the location of the missing person and will only verify their well-being.

I will also assume full civil liability for any legal invasions of privacy performed by the police department in their investigation to locate the missing person.

\_\_\_\_\_  
Signature of Reporting Person Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Phone Work Phone Officer's Signature

\_\_\_\_\_  
Date and Time