

MISSING WOMEN COMMISSION OF INQUIRY

Comparative Approaches to Missing Persons Procedures: An Overview of British, American and Australian Policies

A RESEARCH REPORT PREPARED FOR THE
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This paper is a research report prepared by the Missing Women Commission of Inquiry to provide background information and to assist in deliberations on potential recommendations for change.

The content of the report does not necessarily reflect the views of the Commissioner and Commission staff and, in particular, no conclusions have been reached on the issues raised in this report.

The Commission invites comment on this report by April 15, 2012.

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1. Introduction

Vulnerable and marginalized women are disproportionately represented among missing and murdered women in Canada. A number of factors contribute to making a woman vulnerable and marginalized, and therefore exposed to higher levels of violence, including predation by serial murderers. Women who are Aboriginal, are involved in the sex trade,¹ have histories of abuse and violence, have health issues, are economically insecure, abuse drugs or alcohol, have mental illnesses, or suffer sex discrimination and racism can be understood to be vulnerable and marginalized.²

Missing and murdered women, women who have disappeared from their lives and become long-term missing persons or are discovered to be victims of homicide, generally first come to the attention of the police through missing person reports. A missing woman might also be located alive; her missing person report might reveal harm that triggered her disappearance, such as domestic violence, or reveal harm she suffered while she was missing, such as sexual exploitation. A missing person report can therefore be the beginning of an investigation into a serious crime or an opportunity for the police to intervene to prevent further violence. A missing person report can be incredibly important.

How police accept, prioritize, investigate and ultimately conclude missing person reports could determine whether they recognize and identify vulnerable and marginalized women and successfully investigate their disappearances. This report provides an overview of selected comparative missing person policies and is

¹ The terms “sex trade” and “prostitution” are both used within this report, generally to reflect the language used in the documents under discussion. No position or comment on the ongoing debate regarding the use of these terms is intended to be made within this report.

² For a discussion of harms suffered by vulnerable and marginalized women and police practices to protect women from those harms, please see the policy discussion report prepared for the Missing Women Commission of Inquiry in February 2012, titled *Police Protection of Vulnerable and Marginalized Women*, available online: <http://www.missingwomeninquiry.ca/reports-and-publications/>. It should also be noted that while this paper focuses on women, the factors that make women vulnerable and marginalized may have the same effect on males and transgendered people, for example, those involved in the sex trade.

intended to serve as introductory discussion of how these policies might impact the investigation of missing vulnerable and marginalized women.

The scope of this report is restricted. It was developed on a limited review of missing person policies from police agencies in the United Kingdom, the United States and Australia. This paper briefly describe police policies from publicly available sources that were reviewed for each jurisdiction and, in so doing, consider investigations of missing vulnerable and marginalized women. The information discussed is not intended to be representative or comprehensive; nor does this report purport to analyze or comment on the effectiveness of missing person investigations in each of these countries.

In many of the reviewed policies, sections were allocated to the investigation of missing children and youth. Because of the vulnerability of children and youth, many police forces dedicate significant resources to investigating their disappearances. Protocols for the investigation of missing children and youth often include immediate searches, area commands, and public dissemination of information through programs like AMBER Alert.³ However, since missing children and youth are not the focus of this paper, comments on those policies are limited.

This report is divided into three sections: one each for the United Kingdom, the United States, and Australia. Each section includes a brief introduction of the scope of the missing person issue and the agencies involved in missing person investigations. Every jurisdiction, to a greater or lesser degree, coordinates missing person investigations at the federal level: this coordination includes federal databases for missing persons and unidentified human remains and federal policy recommendations or model legislation. Federal databases and policy recommendations are discussed in each section, following which is a brief overview of policies from selected police departments.

2. The United Kingdom

Introduction

354,000 missing person incidents per year are currently reported in England, Scotland and Wales. Of these, approximately 200,000 individual missing persons are reported missing, with repeat missing persons accounting for slightly less than half

³ An AMBER Alert generally describes a system to immediately disseminate information within a community when a child is abducted.

of all reports. 55% to 80% of missing persons return within 24 hours of being reported; 1% or 2000 people remain missing after one year. Each year, between 400 and 1800 missing people will be found dead in Great Britain.⁴

Data on missing persons is collected by the National Policing Improvement Agency (“NPIA”), specifically the Missing Persons Bureau. The Missing Persons Bureau operates the national Missing Persons Database, a collection of all missing person reports and unidentified bodies in Great Britain. The NPIA was established pursuant to the *Police and Justice Act 2006*, mandated to develop policing doctrine in consultation with other groups, notable the Association of Chief Police Officers (“ACPO”),⁵ the Home Office,⁶ and the Police Service.⁷

In 2002, before the development of the NPIA, police agencies in the United Kingdom lacked a uniform response to missing person reports. Many police agencies had different policies, with distinct processes, responsibilities and recording methods. However, a standardization campaign had begun.⁸

The campaign for standardization resulted in the *Guidance on the Management, Recording and Investigation of Missing Persons* (the “Guidance”).⁹ The Guidance was first published by the NPIA and ACPO in 2005, with the second edition published in 2010. As stated in the Guidance, it “should be used by chief officers to shape police responses to ensure that the general public experiences consistent levels of

⁴ National Policing Improvement Agency, Missing Persons Bureau, *Missing Persons: Data and analysis 2009/2010* (NPIA, 2010). This report provides an analysis of data collected from police agencies in England, Scotland and Wales pursuant to s. 39 and 39A of the *Police Act 1996* held in the Missing Persons Bureau’s Missing Persons Database. The data collected represented missing persons and unidentified bodies reported to police from April 1, 2009 to March 31, 2010. Not all police agencies submitted returns or submitted a return for each quarter; where there were gaps in data the NPIA extrapolated based on the data received.

⁵ The ACPO provides a forum for chief police officers from England, Wales and Northern Ireland to share ideas and best practices, coordinate resources and help provide effective policing to the public.

⁶ The Home Office is the primary government department for policies on policing, in addition to other areas such as immigration, counter-terrorism, drugs, and crime.

⁷ *Guidance on the Management, Recording and Investigation of Missing Persons*, 2nd ed. (on behalf of the ACPO, by the NPIA, 2010) [“Guidance”].

⁸ Charlie Hedges, *Missing you already: A guide to the investigation of missing persons* (Home Office, 2002) at v.

⁹ Guidance, *supra*.

service.”¹⁰ It appears that many police agencies in the U.K. have taken this instruction to heart, basing their policies on the Guidance or otherwise citing the Guidance as a source or background document for their policies.¹¹

The Guidance outlines a standard approach to reports of missing persons and unidentified human remains. It provides direction on all aspects of missing person reports, from acceptance of a report to location of a missing person. Although the Guidance identifies priorities and goals for different aspects of missing person investigations, operational choices are left to individual police agencies. Therefore, although the Guidance describes recommended practices of police agencies in the U.K., each agency may have distinct procedures at the operational level.

The Guidance advocates police use a proactive approach to reduce the number of missing person incidents, mainly by preventing persons from going missing repeatedly, often targeted at runaways.¹² To do so, the Guidance encourages police to determine the causes for going missing so that police, together with other agencies, can identify intervention measures. The Guidance suggests that a missing person report should be considered a sign of underlying issues, a sign that draws

¹⁰ *Ibid.* at the cover page.

¹¹ For example, see: Thames Valley Police, Missing Person Policy, available online: <http://www.thamesvalley.police.uk/aboutus/aboutus-stplan/aboutus-stplan-polproc/aboutus-stplan-polproc-alphalist.htm#letterm>; Cambridgeshire Constabulary, Missing Persons Policy, available online: <http://www.cambs.police.uk/about/planspoliciesreports/index.asp?Letter=M>; Dorset Police, P10 – Missing Persons Policy, available online: <http://www.dorset.police.uk/Default.aspx?page=540>; Essex Police, B 1600 – Missing Persons Policy and B 1601 – Missing Persons Procedure, available online: http://www.essex.police.uk/about/policies_procedures/crime_recording_investigation.aspx; Kent Police, N37 – Missing Persons, available online: http://www.kent.police.uk/about_us/policies/n/index.html; Cleveland Police, 68 – Missing Persons Policy Statement, available online: <http://www.cleveland.police.uk/about-us/Force-Policies.aspx>; Gwent Police, Gwent Police Missing Persons Policy, available online: <http://www.gwent.police.uk/foi/publishscheme/policiesprocedures/>; Metropolitan Police Service, Equality Impact Assessment of Investigation of Missing Persons and Unidentified Persons Standard Operating Procedures, available online: [http://www.met.police.uk/foi/az_index.htm#m.](http://www.met.police.uk/foi/az_index.htm#m;); and Sussex Police, Missing Persons, available online: <http://www.sussex.police.uk/about-us/policies-and-procedures/current-force-policies/>

¹² The term “runaways” is used to reflect the terminology used in the policies discussed.

attention to safety issues and can assist the police identify criminal or exploitative behaviour linked to a person's disappearance.¹³

Criminal or exploitative behaviour linked to missing person incidents includes violent crimes against vulnerable people. The Guidance prompts police agencies to discover whether someone was exploited or harmed during her absence through "safe and well" checks and return interviews of the located person. In safe and well checks and return interviews, and throughout the investigation, police should try to recognize sexual exploitation of youth, particularly involvement in prostitution; domestic abuse; human trafficking; forced marriage; and honour-based violence.¹⁴

In attempting to reduce the number of missing person reports, the Guidance ultimately seeks to allow police to focus on high-risk missing persons and missing person events caused by a crime against the missing person. A part of this involves improving the police's capacity to recognize homicides in missing person incidents. The Guidance promotes using a general precautionary principle: when an officer is in doubt about the reasons for a missing person's disappearance, she should "think murder."¹⁵ Missing person investigations should be considered a "high-risk area of policing", which requires appropriate priority and resources.¹⁶

Overview of the Guidance

The Guidance's purpose is to enable effective investigations of missing persons supported by appropriate management structures. It identifies the main factors that promote effective management of investigations:

- effective recording of information, including directly inputting information into systems;
- accurate identification of the level of risk;
- active supervision;
- access to specialists, for example, Senior Investigative Officers and Police Search Advisers, when required;
- support to families or "carers";
- management of the person's return, including information gathering;

¹³ Guidance, *supra* at 11.

¹⁴ *Ibid.* at 70-74.

¹⁵ *Ibid.* at 15. The duty of positive action results from the positive obligation on police officers to take reasonable action to safeguard the rights of individuals who might be at risk pursuant to the *Human Rights Act 1998*.

¹⁶ *Ibid.* at 11.

- links to intelligence systems and recognizing potential links with crime types;
- coordination with other agencies, including information sharing and prevention strategies;
- provisions of a dedicated response to missing persons through a coordinator; and
- deliver a proactive response to missing persons.¹⁷

Definition of Missing Person

The Guidance adopts the ACPO's inclusive definition of a "missing person":

*Anyone whose whereabouts is unknown, whatever the circumstances of disappearance. They will be considered missing until located and their well-being or otherwise established.*¹⁸

Although this definition is broad, some people might not be subject to the protocol for missing person investigations: namely, people who are both missing and wanted by the police. Wanted people include people wanted for an offence or people who have absconded from lawful custody or a care order. The Guidance states it is normal to treat these people as wanted, not as missing; however, there are circumstances in which the person should be treated as missing. Police may treat a wanted person as missing if she is considered to be at risk of harm. To determine whether someone is at risk of harm, the Guidance proposes its risk assessment model.¹⁹

It therefore appears that if a missing woman is not determined to be at risk pursuant to the risk assessment model, and there is a warrant for her arrest, she might be treated as a wanted person rather than a missing person. Since vulnerable and marginalized women might be subject to warrants, for example for prostitution or drug offences, they might not be caught under the purview of missing person investigations.

¹⁷ *Ibid.* at 9-10.

¹⁸ *Ibid.* at 15.

¹⁹ *Ibid.* at 16.

Acceptance of Reports

In the acceptance of missing person reports, the Guidance does not support jurisdictional restrictions. Missing person investigations begin when a police agency is first notified: it is not appropriate for police to pass members of the public from one police area to another.²⁰

The Guidance advises members to remember that a missing person incident is likely precipitated by a problem in the person's life; therefore, the initial report should include all details necessary to begin a thorough investigation to discover the circumstances of the disappearance. Detail should be entered at the first point of contact into the police agency's electronic reporting management system. If the first point of contact, usually a communications or call centre, records the full details of the report, the police officer attending the incident can focus on the investigation, not paperwork.²¹

By reminding members to consider a missing person report as an indication of a problem in the person's life, the Guidance may assist officers identify vulnerable and marginalized women and be cognizant of their vulnerabilities while investigating their disappearances.

Assessment of Priority

The Guidance advises that, immediately on receiving a missing person report, police agencies should assess its priority. The police must be able to quickly identify reports requiring more resources among the large number of reports received.

Call handlers should be provided with an abbreviated list of risk factors to enable them to make a priority assessment. This initial priority assessment ensures the police's response to the report is appropriate. However, the classification of risk is determined by an officer.²²

The officer determines the level of risk using her professional judgment guided by the assessment form. This determination is a subjective assessment by the officer; however, supervisors must ensure the correct level is given.²³ Risk must be continually assessed as a part of a dynamic process: with new information or the passage of time, the risk assessment must be reconsidered.²⁴

²⁰ *Ibid.* at 18.

²¹ *Ibid.* at 18.

²² *Ibid.* at 23.

²³ *Ibid.* at 23.

²⁴ *Ibid.* at 26.

The Guidance outlines three levels of risk: high, medium and low.

High risk exists when the risk is immediate and there are substantial grounds for believing the missing person is in danger. Danger can be posed by the missing person's own vulnerability; because she might have been the victim of a serious crime; or because the risk is immediate and there are grounds for believing the public is in danger. High-risk cases require immediately deployment of police resources, involvement of a member of the senior management team, and immediate notification of the NPIA Missing Persons Bureau. A media strategy, close contact with outside agencies, and family support might also be required.

Medium-risk cases exist when the missing person is likely placed in danger by the risk posed or the missing person is a threat to herself or others. Medium-risk cases require an active and measured response.

In low-risk cases, there is no apparent threat of danger. The police should record the information on the Police National Computer and advise the reportee that once all active enquiries are exhausted, the case will be deferred to regular review. Once initial inquiries are completed, the police may file low-risk cases as "inactive" on the computer review system, subject to regular reviews. Reviews should be conducted, at minimum, at three, six and twelve months, and then annually.

Although the Guidance allows police agencies to classify cases with no apparent risk of danger as low risk, it also acknowledges that "low risk does not equate with no risk." In fact, it notes that many homicide cases begin as low risk. The Guidance does not elaborate on this apparent paradox.²⁵ It appears that missing and murdered women, ultimately victims of homicide or violence, could be classified as low risk and their reports designated as inactive.

The specific risk factors outlined by the NIPA do not seem to be available online; however, police agencies have reproduced them in their policies. The factors include drug dependency, alcohol dependency, mental impairment, involvement in violent incidents prior to the report, and whether the missing person's behaviour had been out of character, among many others.²⁶ However, the enumerated risk factors are only a guide: officers can also rely on other grounds for suspicion.²⁷

²⁵ *Ibid.* at 24-25.

²⁶ See Dorset Police, *supra*.

²⁷ Guidance, *supra* at 26.

It appears the Guidance takes into account some, but not all, factors that might be prevalent among vulnerable and marginalized women. One identified risk factor is drug or alcohol dependency. Another is involvement in violent incidents prior to the report: this factor is significant because vulnerable and marginalized women often have histories of abuse or violence. Mental impairment is identified as a factor; however, it appears that this factor is typically used to identify persons suffering from Alzheimer's or dementia, people who are not able to identify themselves or their surroundings, or find their way home. It usually does not speak to other mental illnesses, including those that vulnerable and marginalized women might suffer from. A number of factors that might identify vulnerable and marginalized women are not included among the outlined risk factors: involvement in the sex trade, homelessness or living in unstable housing, and so on.

Investigation

The Guidance describes the investigative process as a “cycle of actions that are used in a problem-solving approach” to missing person incidents.²⁸ The Guidance charts the investigative process, showing the different steps for high, medium, and low risk missing person investigations.²⁹ The Guidance notes that cases should not be left for long periods without active investigation.³⁰

The first officer's role is to investigate, search and verify the level of risk. Specifically, the first officer's must establish the facts, gather sufficient information, conduct a thorough search of the missing person's premise and place she was last seen, and circulate the missing person's information on the local information system.³¹

The Guidance also describes searches as fundamental and complementary to investigations.³² The extent of the search is dictated by the circumstances of the case; however, absent specific reasons not to, a search of the missing person's home address and place she is missing from should be conducted to locate her, identify information that might lead to her discovery, and establish whether a crime has been committed against her.³³ Since searches might not be conducted in all cases, it seems possible that a search might not be conducted of the residence of a missing

²⁸ *Ibid.* at 33.

²⁹ *Ibid.* at 41.

³⁰ *Ibid.* at 35.

³¹ *Ibid.* at 33-34.

³² *Ibid.* at 33.

³³ *Ibid.* at 35.

woman living in a single room occupancy hotel or shelter. However, since specific reasons to not conduct a search must be given, this possibility is likely to be reduced.

Supervision

The Guidance comments that the first few hours of the investigation are crucial should the missing person incident be linked to a serious offence. If suspicions are aroused and are not satisfied by immediate enquiries, a supervisor must become involved to oversee the investigation.³⁴

Pursuant to the Guidance, missing person investigations must be properly supervised to ensure they receive the appropriate level of priority and resources. The direct supervisor must confirm the level of risk, manage the investigation, set tasks, ensure continuity during handover, and guide the involvement of other agencies, among other things. The responsibilities of the detective supervisor, the use of reviews in daily management meetings, and the responsibilities of the senior management team are also discussed.³⁵

The Guidance advises that police force policies must ensure there is “active and intrusive” supervision and recommends specialist supervision to provide support and pursue specific, more thorough enquiries. Within the Basic Command Unit, forces should have inspector rank officers responsible for missing person reports; missing person coordinators also help provide oversight. If forces do not have these dedicated officers, commanders must ensure that management systems provide for 24-hour supervision.³⁶

The NPIA Missing Persons Bureau provides checklists for reviews on its website. Police should ensure long-term cases are reviewed by a senior officer every 28 days for the first three months, after six months and again at 12 months, and annually thereafter. Reviews should also occur when police receive significant information.³⁷

The Guidance states that police should not close missing person cases until the person has been seen by the police. On seeing the missing person, the police officer should follow the Guidance for managing the return, including safe and well checks and return interviews.³⁸

³⁴ *Ibid.* at 33.

³⁵ *Ibid.* at 36-39.

³⁶ *Ibid.* at 36.

³⁷ *Ibid.* at 40.

³⁸ *Ibid.* at 59.

The specified supervision and review policies might help ensure cases are appropriately assessed and investigated, including cases of vulnerable and marginalized women. Supervision and regular reviews might ensure police give ongoing missing women appropriate priority and resources, and conduct appropriate follow up.

Prevention and Intervention

To reduce missing person incidents and tackle safeguarding issues, the Guidance recommends police take a broad view of missing persons and treat incidents relatively. This approach might allow police to identify locations and associated individuals to assist in finding missing persons, identify patterns of behaviour to understand why people go missing and the circumstances they are involved in while they are gone, and to identify trends and patterns over geographic areas.³⁹

A missing person incident can also indicate a crime. The Guidance outlines a number of crimes that are linked to missing person incidents: homicide, abduction, child abuse, sexual exploitation, domestic abuse, human trafficking, forced marriage, and honour-based violence.

During investigations, the Guidance suggests officers use the maxim “if in doubt, think murder” in suspicious or unexplained circumstances. This mindset will ensure police do not lose valuable investigative opportunities or failure to establish sufficient evidence to convict a perpetrator.⁴⁰

Crimes can also be revealed when the missing person is located. Therefore, the Guidance supports the use of safe and well checks and return interviews as a part of the proactive approach. Safe and well checks should be conducted with missing persons as soon as possible once they are found. The purpose of these checks is to ascertain if the person suffered harm, where she had been and with whom, and to give her an opportunity to identify offences committed against her.⁴¹ Police should also conduct in-depth return interviews shortly after the missing person is located. These interviews help police and other professionals understand why the person went missing; with this information, police and professionals can work to prevent her from going missing again.⁴²

³⁹ *Ibid.* at 67.

⁴⁰ *Ibid.* at 70.

⁴¹ *Ibid.* at 54.

⁴² *Ibid.* at 55.

The Guidance notes that police should be cognizant that missing persons, particularly young people, could be the victims of sexual exploitation. Sexual exploitation does not usually come to the police's attention through regular crime reporting; therefore, police should be alive to this during missing person investigations, and keep the signs of sexual exploitation in mind while conducting safe and well checks and return interviews. Examples of signs of exploitation are regularly finding that young people were at the same location or with the same person while they were missing, or people who have a history of physical, sexual or emotional abuse.⁴³

On discovery of possible sexual exploitation of youth, the Guidance advises using a disruption tactic to prevent further exploitation: harbourer's warnings. Harbourer's warnings are progressively severe warnings given to suspects found in the company of youth under 16 years of age while they are missing, when arresting or prosecuting the suspect is not available or advisable. Eventually, if the suspect ignores harbourer's warnings, they can lead to arrest and prosecution under the *Child Abduction Act 1984*. Used together with agency support for the victim, harbourer's warning can work to disrupt exploitative behaviour.⁴⁴

The Guidance notes that missing person incidents could be linked to domestic or child abuse. A missing person could be the victim of domestic homicide or missing to escape abuse. Determining whether the missing person is a victim or offender of domestic or child abuse will determine the level and type of investigation: in appropriate circumstances, a specialist domestic abuse officer should be informed and domestic abuse service providers used to assist the investigation.⁴⁵

A missing person might also be a trafficked person. The Guidance advises police treat suspected victims of trafficking "with the utmost sensitivity" and seek advice from the U.K. Human Trafficking Centre, which works with the U.K. Border Agency, as the authority for referral for identification of victims of human trafficking.⁴⁶

The Guidance also advises that missing person incidents could be related to forced marriage or honour-based violence, and urges police to consider the guidelines on those topics to ensure investigations are conducted properly.⁴⁷

⁴³ *Ibid.* at 71-72.

⁴⁴ *Ibid.* at 69-70.

⁴⁵ *Ibid.* at 72.

⁴⁶ *Ibid.* at 73.

⁴⁷ *Ibid.* at 74.

By drawing police's attention to the various harms that give rise to missing person reports, the Guidance might assist police identify vulnerable and marginalized women as victims of sexual exploitation, domestic violence, or homicide. By advising officers of specialist support in cases of violence against women, the Guidance might also help officers provide appropriate supports and referrals to victims and protect them from further harm.

Family Liaison and Support

The Guidance states that one of its purposes is to seek to minimize the distress of families of missing persons and ensure they receive high quality service.⁴⁸ The Guidance recommends police agencies take the following actions:

- ensure the family is informed of charities and support services available;
- recognize the importance of the incident to the family;
- provide the family with realistic updates on the investigation, including limitations on the investigation;
- provide a single point of contact for the family;
- continue contact in long-term cases and inform the family of reviews; and
- provide a family liaison officer in appropriate cases.⁴⁹

Further, the police should give families and carers in long-term missing person cases reasonable expectations about ongoing contact. Police should manage expectations, discussing the review process and the family's and carer's feelings about ongoing contact.⁵⁰

Working with Other Agencies

The Guidance suggests police forces adopt effective protocols and working arrangements with other agencies to improve the quality of missing person investigations. Forces should share information and participate in multi-agency meetings to establish harm reduction strategies and identify broader problems.⁵¹

The Guidance discusses the importance of information sharing to prevent harm to missing persons. Relevant agencies should share information so that they can build up a complete picture of the missing person's circumstances.⁵² Police forces are

⁴⁸ *Ibid.* at 9.

⁴⁹ *Ibid.* at 51.

⁵⁰ *Ibid.* at 52.

⁵¹ *Ibid.* at 89.

⁵² *Ibid.* at 79.

required to provide data to the NPIA Missing Persons Bureau: forces must notify the Bureau immediately of cases in which there is a significant cause for concern, within 72 hours in all other missing person cases, and within 48 hours for cases of unidentified bodies.⁵³ It directs police forces to enter details of missing persons and unidentified bodies on the Police National Computer, the central database for all missing persons and unidentified bodies, as soon as possible, and at least 48-hours from the missing person's disappearance.⁵⁴ Police forces must also notify the Bureau of all missing person cases within a quarterly return.⁵⁵

As asserted in the Guidance, safeguarding children and vulnerable adults depends on cooperation between agencies; therefore all agencies, including police, social services, health, education and the voluntary sector are expected to work together to safeguard vulnerable people.⁵⁶ Local areas should have agreed-upon protocols that set out roles and responsibilities in cases of runaways or missing children and vulnerable adults.⁵⁷

The Guidance also discusses the value of multi-agency meetings, which provide clear data in reducing missing person incidents and safeguarding persons. These meetings are typically used in cases of missing children and can be triggered in a number of circumstances: for example, when three or more incidents occur, or when the circumstances of one incident raise concern of significant harm.⁵⁸

The Guidance also suggests police forces use missing person coordinators to provide oversight for investigations and to work with other organizations, such as children's homes and hospitals, to help forces create innovative practices to prevent missing person incidents.⁵⁹

Protocols that enable police to work effectively with other agencies might enhance investigations of missing persons through information sharing. For example, coordination between police and non-police organizations could help the police discover information about missing women who are clients of government or non-profit organizations, information that could provide clues about a woman's life or the circumstances of her disappearance that may assist the police in locating her.

⁵³ *Ibid.* at 80.

⁵⁴ *Ibid.* at 88.

⁵⁵ *Ibid.* at 80.

⁵⁶ *Ibid.* at 77.

⁵⁷ *Ibid.* at 77-79.

⁵⁸ *Ibid.* at 80.

⁵⁹ *Ibid.* at 59-60.

These protocols might also increase the ability of police to provide support to located missing women: police could learn where best to refer vulnerable and marginalized women. Multi-agency coordination might also help police develop prevention and intervention procedures to safeguard vulnerable and marginalized women and prevent them from coming to further harm.

Examples from Police Forces

Dorset Police

The Dorset Police Missing Persons Policy⁶⁰ states that the Guidance will be fully complied with. The intention of the policy is to ensure all missing persons are assessed for risk, so vulnerable and high-risk individuals are immediately identified. The policy endeavours to lay out clear organizational roles and responses to missing person incidents, while also ensuring a proactive, multi-agency approach.

The Dorset Police Policy states that there are two dimensions to a missing person incident: ensuring the well-being of the missing person and providing support for the reportee and family. It details the roles and responsibilities at each stage of the investigation, including of the person taking the first report, the officer first attending, the investigating officer, the supervisor, the Criminal Investigation Department, the Duty/Section Inspector, the Detective Inspector, the crime manager, the Intelligence Coordinator, and other specialist support units.

The Policy outlines the ACPO mandated risk assessment process, which categorizes missing persons as low, medium or high risk. The policy outlines the factors to be considered, factors that include personal circumstances and circumstances of the disappearance. Personal circumstances include drug dependency, suicidal tendencies, alcohol dependency, and cultural or religious factors. Circumstances of the disappearance include if the person had previously disappeared and was subjected to harm, whether the person was involved in violent incidents prior to the report, whether the missing person's behaviour has been out of character, and other factors identified by the missing person's family or friends. The factors guide the risk assessment, but it is ultimately based on the professional judgment of the officer, who will take into account all of the circumstances.

The Policy lays out protocols for police to follow in specific circumstances. For example, in Appendix F, the Policy outlines steps to be taken on location of a victim of forced marriage. The Policy informs officers that forced marriage can involve complex and sensitive issues and should be attended to by a specialist officer. If

⁶⁰ Dorset Police, *supra*.

waiting for a specialist officer would result in unreasonable delay, the policy lays out steps non-specialist personnel may take.

Sussex Police

The Sussex Police Missing Persons Policy⁶¹ was drafted to comply with the Guidance; however, it outlines a divergent definition of “missing person.” It categorizes missing persons as either missing or absent:

Missing persons can generally be described as:

A lost person who is temporarily disorientated and would wish to be found, someone who has gone walking and does not know where they are

A person who has voluntarily gone missing who has control over their actions and who has decided upon a course of action, wishes to leave home or commit suicide

A person under the influence of a third party who has gone missing against their will, abduction or murder victim.

...

*Where there are grounds to believe the absence is careless or deliberate with **no apparent risk, or the level of risk is a tolerable one not meeting the threshold for a police led missing person investigation**, this category should be considered. Examples of situations which may initially be classified as 'absent' are:*

- *Running away from a care home after a dispute with a member of staff;*
- *Failing to return on time*
- *Staying at a known location with a friend*

The definition of “missing person” creates threshold to the ACPO definition, allowing the Sussex Police to using a two-tiered structure to respond to missing person incidents. For persons falling under the definition for a missing person, the Sussex Police will follow procedures in compliance with the Guidance. “Absent” persons will be handled differently: they will not be recorded on COMPACT, the missing person system, but on STORM. However, the Sussex Police will still conduct a risk assessment for “absent” persons, a process that is dynamic and subject to regular reviews.

The Sussex Police Policy requires that each division appoint a Missing Person Coordinator within the Specialist Investigations Unit. The Missing Person Coordinator’s main role is to gather intelligence and identify preventative measures. This function includes identifying persons most at risk of harm, sharing information

⁶¹ Sussex Police, *supra*.

with partner agencies to protect vulnerable persons, and providing links between missing person investigations and other investigations, for example, child and domestic abuse or sexual offences.⁶²

The Home Office has discussed the work of Sussex Police Missing Person Coordinators in reducing the incidence of missing persons. It notes that their role is detailed and proactive prevention work. The force holds monthly meetings to discuss at risk individuals and works together with the East Sussex Local Safeguarding Children's Board and the charity "Catch 22" to assist young runaways.⁶³

The Sussex Police Policy outlines protocols for different situations that can arise in missing person investigations, including when a missing person incident is related to other crimes. Its strategy regarding harbourers is provided in Appendix I. It notes that some individuals who allow young people to stay at their homes while they are missing target young people for the purpose of grooming or involving them in prostitution. It therefore outlines procedures aimed at identifying, warning and prosecuting harbourers to disrupt this practice.

In Appendix L, the Sussex Police describes its policy concerning honour-based violence and forced marriage. After describing both types of crimes pursuant to the ACPO definitions, it states that absent or missing episodes can occur when the person has left to avoid violence or forced marriage, or has been removed from her home under duress. It warns officers to carefully consider third party missing person reports: relatives might seek to mislead the police. In situations when the family has not reported the person missing, police should also consider why that might be. When police suspect either honour-based violence or forced marriage they should immediately refer to the Specialist Investigations Unit or District Detective Inspector. The Policy also notes that the *Forced Marriages (Civil Protection) Act* provides the court the ability to make orders to protect a victim and remove them from the situation and that there are a number of agencies who can provide assistance.⁶⁴

⁶² *Ibid.*

⁶³ *Missing Children and Adults: A Cross Government Strategy* (Home Office, 2011) at 18.

⁶⁴ *Ibid.*

Essex Police

The Essex Police Procedure for Missing Persons⁶⁵ adopts the procedures outlined in the Guidance. The Procedures notes some general principles, including that missing person enquiries have the potential to reveal a murder or develop into a critical incident; therefore, the initial risk assessment, police actions and recording of the incident might prove critical in resolving the enquiry.

The Essex Police's Procedure delineates investigation procedures. The procedure starts with reception of the initial report by an officer or front office member, who must obtain the details of the report and initially assess the risk, and advise the Force Information Room and Duty Inspector. The information must be entered into STORM, the general incident management system, and later into COMPACT, the system for missing person reports. COMPACT is also checked by various officers to determine if the person has been missing before, and if so, the circumstances of his or her disappearance and location. The investigative and supervisory duties of the police officer attending the scene, the Duty Sergeant and the Duty Inspector, among others, are all outlined. The Procedure requires safe and well checks of located missing persons and details how reports must be closed.

The Essex Police Procedure describes a high level of supervision. In addition to the ongoing supervision of Duty Sergeants and Duty Inspectors, reviews are conducted by a Command Team member, Detective Inspector or Crime Managers, and a Divisional Review Officer, all at specified intervals. Initially, reviews are conducted more frequently for high-risk cases; however, all cases are subject to at least one review within 72 hours and further reviews every 28 days or as determined by the Divisional Review Officer.

3. The United States

Introduction

Nancy Ritter reports that there are as many as 100,000 active missing person reports in the U.S. every day. Every year, tens of thousands of missing persons disappear in suspicious circumstances. Over 20 years, hundreds of thousands of persons go missing.⁶⁶

⁶⁵ Essex Police, *supra*.

⁶⁶ Nancy Ritter, "Missing Persons and Unidentified Remains: The Nation's Silent Mass Disaster" (2007) 256 N.I.J. Journal.

In 2010, 692,944 missing persons were entered onto the National Crime Information Center (“NCIC”) Missing Person File. The NCIC missing person database, operated by the FBI, contains records for persons reported missing who:

- *have a proven physical or mental disability (Disability—EMD);*
- *are missing under circumstances indicating that they may be in physical danger (Endangered—EME);*
- *are missing after a catastrophe (Catastrophe Victim—EMV);*
- *are missing under circumstances indicating their disappearance may not have been voluntary (Involuntary—EMI);*
- *are under the age of 21 and do not meet the above criteria (Juvenile—EMJ); or*
- *are 21 and older and do not meet any of the above criteria but for whom there is a reasonable concern for their safety (Other—EMO).⁶⁷*

Of that total, 565,692 were records for missing persons under the age of 21, with only 127,252 for persons 21 years and older. Missing persons under 18 years accounted for 531,928 entries onto NCIC in 2010.

During 2010, 703,316 missing person records were cleared or canceled from NCIC. These records were removed because the police located the person, the person returned home or the record was invalid.⁶⁸

The NCIC is only one of a number of federal databases that can be used to assist the identification of missing persons and unidentified human remains. There is also CODIS (mp), the Combined DNA Index System for Missing Persons, also known as the National Missing Person DNA Database; IAFIS, the Integrated Automated Fingerprint Identification System; and ViCAP, the Violent Crime Apprehension Program.⁶⁹

Another federal missing persons database has been launched in the U.S. as a result of a conference held by the U.S. Department of Justice in 2005. The database is called

⁶⁷ NCIC webpage, “NCIC Missing Person and Unidentified Person Statistics for 2010”: <http://www.fbi.gov/about-us/cjis/ncic/ncic-missing-person-and-unidentified-person-statistics-for-2010>

⁶⁸ *Ibid.*

⁶⁹ Ritter, *supra* at 2-3.

NamUs or the National Missing and Unidentified Persons System. It includes a missing persons database, an unidentified human remains database, and an unclaimed persons database.⁷⁰ These databases can be searched by medical examiners, coroners, law enforcement officials and the general public. By allowing the general public access, the NamUs databases are unique in enabling members of the community, including victims' families, to be involved in searching and identifying missing persons and unidentified human remains.⁷¹

Although federal databases create central repositories of information, investigations of missing persons and unidentified human remains are conducted and coordinated by local police forces, often operated at the city level. Therefore, there are many police agencies responsible for missing person investigations in the U.S.

These many police agencies are governed by state legislation. Each state has different legislation and many have their own "clearing houses" or databases where police forces can submit information on missing persons and unidentified human remains.⁷² Because there are many different laws and clearinghouses, the policies are diverse.

Discussion of Missing Person Policies Generally

This diversity of missing person policies in the U.S. makes it difficult to generalize about the approach to missing person investigations. However, from the policies reviewed for this report, a number of general observations can be made about how policies could influence the acceptance and investigation of reports of missing vulnerable and marginalized women. These observations fall into the following categories: what constitutes a "missing person"; use of general indicators like "foul play", "suspicious circumstances" and "involuntary" to determine priority; information sharing among police agencies; and capacity to collect and share DNA or other evidence to enable comparison between missing persons and unidentified human remains.

Across police agencies in the U.S., there are different definitions of a "missing person." Some agencies have stringent definitions, which variously require that the person's absence be unexplainable, and characterized by unusual circumstances or

⁷⁰ Deceased persons who have been identified by name but have no identified or located next of kin or family.

⁷¹ National Missing and Unidentified Persons System webpage:
<http://www.namus.gov/>

⁷² Ritter, *supra*.

continuing for a length of time regarded as unusual or suspicious in light of normal behaviour, patterns or routines.⁷³ These definitions could preclude the acceptance of reports of missing vulnerable and marginalized women. Reports might not be accepted for women whose patterns of living could be considered unpredictable, because their absence could be understood to be expected. For example, women whose daily patterns could be considered unpredictable could include women unstably housed, living in shelters, or believed to be transient; women who are unemployed; women involved in illegal, and therefore clandestine, activities, such as the sex or drug trade; women with mental illnesses; women with alcohol or drug addictions; and women who have previously gone missing, perhaps a result of violence. For the same reasons, reports could be rejected if police require that reportees show the circumstances of a woman's disappearance: because of a woman's circumstances and secrecy about her activities, families and friends might not be in a position to provide details about the circumstances of her disappearance. A stringent definition of "missing person" could also delay acceptance of reports of missing vulnerable and marginalized women: possibly police could require a person to be missing a longer period of time before the absence would be considered unreasonable if her normal behaviour, patterns or routines are not regular.

On the other end of the spectrum, some police agencies have broad and inclusive definitions of missing persons, requiring officers to accept all reports of persons whose whereabouts are unknown.⁷⁴ It appears these police agencies would be more likely to accept reports of missing vulnerable and marginalized women.

⁷³ For example, see: Chicago Police Department, General Order G04-05 – Missing/Found Persons, available online: <http://directives.chicagopolice.org/directives/>; Denver Police Department, Operations Manual 308.00 – Missing and Exploited Persons Unit, available online: <http://www.denvergov.org/DenverPoliceDepartmentOperationsManual/tabid/392273/Default.aspx>; Kansas City, Mo., Police Department, Procedural Instruction No. 09-5 – Adult Missing Persons, available online: <http://www.kcmo.org/police/PoliciesandProcedures/index.htm>; and Metropolitan Police, District of Columbia, General Order 304.03 – Missing Person Reports, available online: https://go.mpdconline.com/index_GO.html

⁷⁴ For example, see: Greenville Police Department, Policy And Procedures 41.2.13 – Missing Persons and 42.2.3 – Conducting Follow-Up Investigations, available online: http://www.greenvillenc.gov/departments/police_dept/information/default.aspx?id=17108; San Francisco Police Department, General Order DGO6.10 – Missing Persons, available online: <http://sf-police.org/index.aspx?page=1720>; San Jose Police Department, Polices, Rules, Practices, Duty Manual 2010, L 6500, available online: <http://www.sjpd.org/records/DocumentCTR.html>.

Accepting a report is only the first essential step in an investigation. The next step involves prioritizing the missing person report, a process that determines the level of urgency and amount of resources allocated to the investigation.

Police agencies generally determine the priority of a missing person report by categorizing the missing person or her circumstances. Some groups of people are automatically categorized as vulnerable: youth, elderly people, and people with significant mental impairments. Categorization of the circumstances of someone going missing usually involves determining whether suspicious circumstances or foul play exist. These reports usually dictate urgent or exhaustive investigations,⁷⁵ and can be the only reports police are able to thoroughly investigate at all.⁷⁶

For the same reasons given in the discussion of definitions of missing persons, reliance on suspicious circumstances or indications of foul play to determine jurisdiction and the level and urgency of investigation could preclude consideration of reports of missing vulnerable and marginalized women. An irregular daily routine or engagement in illegal activities could make it difficult for a reportee to know the circumstances of the disappearance, and whether those circumstances are suspicious. Absent specific factors that identify vulnerable and marginalized women as high risk, their disappearances might not be seen as suspicious or involving foul play.

Some police agencies do list more concrete factors to determine which missing persons are at risk. Of those, some do not include factors that would result in prioritizing reports of missing vulnerable and marginalized women. Often at-risk categories include people who are very young or very old, or those suffering from dementia or a similar disease that renders the person likely to cause harm to

⁷⁵ For example, see: Cincinnati Police Department, Procedure Manual 12.910 - Missing Persons, available online: <http://www.cincinnati-oh.gov/police/pages/-5960-/>; San Francisco Police Department, *supra*; Denver Police Department, *supra*; and Metropolitan Police, District of Columbia, *supra*.

⁷⁶ A number of police agencies note that jurisdiction to investigate missing person reports is limited because it is not a crime to be a missing adult. Adults have the right to be voluntarily missing. Therefore, unless there are suspicious circumstances or foul play, police can be limited in what they can do. For example, see: Los Angeles Police Department webpage, "LAPD Adult Missing Persons Unit": http://www.lapdonline.org/lapd_adult_missing_persons_unit; and Charlotte-Mecklenburg Police Department webpage, "Missing Persons": <http://charmeck.org/city/charlotte/CMPD/organization/investigative/SpecialVictims/MissingPersons/Pages/Home.aspx>

herself, or unable take care of herself or answer simple questions regarding personal information.⁷⁷

However, some U.S. police agencies do outline factors that relate to the circumstances of vulnerable and marginalized women, either in their risk assessments or reporting protocols governing the details required to be documented in each report. For example, some police agencies consider whether the missing person suffers from physical, mental or psychological impairments or has a history of mental illness, evidently including a broader range of mental illnesses than dementia or Alzheimer's; is drug or alcohol dependent; was involved in a recent domestic incident; suffered emotional trauma; has previously been missing. Police also seek other information about the disappearance, such as if there was any delay in reporting and why, and why the reportee believes the missing person is missing.⁷⁸ Together, these considerations might assist police identify vulnerable and marginalized women and successfully investigate their missing person reports.

Among U.S. police agencies, there appears to be an increasing focus on developing databases for missing persons, including databases that house information on DNA and other forensic evidence of missing persons and found human remains. Model legislation proposed by the National Criminal Justice Reference Service⁷⁹ and a number of police agencies' policies⁸⁰ have requirements for reporting to NCIC or state clearinghouses, including specific timeframes for collecting and submitting DNA and other evidence. These protocols are meant to ameliorate past practices: for example, Ritter noted that gaps in legislation in some jurisdictions allowed burial of

⁷⁷ For example, see: Cincinnati Missing Police Department, *supra*; and San Francisco Police Department, *supra*.

⁷⁸ For example, see: Boston Police Department, Rule 317 – Lost Children – Missing Persons, available online: <http://www.cityofboston.gov/police/rules.asp>; Greenville Police Department, *supra*; San Francisco Police Department, *supra*; Kansas City, Mo., Police Department, *supra*; and Metropolitan Police, District of Columbia, *supra*.

⁷⁹ Model State Missing Persons Statute, 2005, published by the National Criminal Justice Reference Service, administered by the Office of Justice Programs, U.S. Department of Justice [“Model Statute”], available online: www.ncjrs.gov/pdffiles1/nij/210740v2.pdf

⁸⁰ For example, see: Boston Police Department, *supra*; Greenville Police Department, *supra*; Cincinnati Missing Police Department, *supra*; Columbus Police Division, Directive 3.56 – Missing Persons; Seattle Police Department, Policy and Procedure Manual 15.130 – Missing Persons, available online: <http://www.seattle.gov/police/publications/default.htm>; Kansas City, Mo., Police Department, *supra*; Denver Police Department, *supra*; and Metropolitan Police, District of Columbia, *supra*.

unidentified human remains without collecting DNA samples or identifying the body and that many police agencies failed to submit information to their state clearinghouses or the federal databases.⁸¹

Policies to promote the use of federal or state databases to collect information relating to missing persons and unidentified human remains probably will not assist in the investigation of missing vulnerable and marginalized women specifically; however, they could improve all investigations by promoting resolution of outstanding missing person cases through location of missing persons and identification of human remains.

Additionally, a number of police agencies in the U.S. also have policies regarding dissemination of information about missing persons. Dissemination can be within the police agency to other officers; or to all agencies in the state, asking other agencies to “be on the lookout” for the missing person. Dissemination policies are typically the most thorough for young children: AMBER Alerts or similar protocols are established to distribute information immediately to police and non-police agencies and the wider community.⁸²

Police policies to disseminate information about missing persons to other police agencies will likely improve missing person investigations, including investigations of missing vulnerable and marginalized women. Greater dissemination of information among communities and non-police agencies might help police locate missing persons.

Some police agencies in the U.S. allow outstanding missing person reports to be classified as inactive after a specified period of time. Although it seems inevitable that missing person investigations become less rigorous as time passes and leads are investigated, it seems possible that some missing person cases are more likely to be designated inactive than others. For example, cases in which the police cannot locate the reportee could be made inactive sooner than other cases:⁸³ this may disproportionately affect persons from marginalized communities, whose families or friends could be less able or willing to remain in contact with the police due to their own marginalization. More generally, it is a concern that inactive missing

⁸¹ Ritter, *supra* at 2-3.

⁸² For example, see: Greenville Police Department, *supra*; Cincinnati Missing Police Department, *supra*; Columbus Police Division, *supra*; Seattle Police Department, *supra*; Denver Police Department, *supra*; and Metropolitan Police, District of Columbia, *supra*.

⁸³ For example, see: Cincinnati Police Department, *supra*.

person cases will be forgotten, particularly if police do not have policies for ongoing reviews or contact with the missing person's family. This could be a serious concern for cases of missing women, particularly marginalized women, because violence against women has historically been under-investigated.⁸⁴

Not all missing persons are missing indefinitely; most are located alive. Some police agencies have enacted proactive policies that require officers to determine why the person went missing and whether she was a victim of crime during that time.⁸⁵ Often these policies apply to cases of located missing youth. These procedures could assist police to identify situations in which young women or girls are subject to exploitation or abuse, and therefore promote their protection and safety.

Standardization and the Model Statute

Move towards Standardization

There are efforts to standardize the response to missing person reports across the U.S. Ritter outlined the National Institute for Justice's plan to improve responses to missing person incidents and unidentified human remains across the country. The plan includes providing training to medical examiners, police officers and victims' families on DNA evidence; providing free testing of unidentified human remains and family reference samples; through model legislation, encouraging states to collect DNA samples before disposing of unidentified human remains and analyze degraded or old biological samples; providing free DNA reference sample collection kits; and increasing law enforcement agencies' use of federal databases to solve cases of missing persons and unidentified human remains.⁸⁶

The National Institute of Justice brought together federal, state and local police officials, families, legislators and other parties to draft legislation to ensure efficient and prompt collection, analysis and dissemination of evidence to solve missing person cases. The Model State Missing Persons Statute ("Model Statute") was published by the National Criminal Justice Reference Service in 2005.⁸⁷ Generally speaking, the Model Statute imposes requirements on police agencies or other law enforcement officials to

- accept all missing person reports;
- share information with state and regional authorities;

⁸⁴ *Police Protection of Vulnerable and Marginalized Women, supra* at 8.

⁸⁵ For example, see: Boston Police Department, *supra*; and Cincinnati Police Department, *supra*.

⁸⁶ Ritter, *supra* at 3.

⁸⁷ Model Statute, *supra*.

- take DNA samples within 30 days of a missing person report and add the missing person's profile to national, state and local databases;
- assess cases involving high-risk missing persons immediately; and
- perform DNA analysis on all unidentified human remains.⁸⁸

The explanatory comments in the Model Statute describe its purpose:

Each year families in the United States struggle with the agony of having to report a missing loved one. Far too often, missing persons investigations grow cold, leaving many to cope with the loss of a loved one without closure. Historically, the law enforcement community's ability to locate and ensure a safe return of those missing has been hampered by an inability to share resources and information when conducting investigations and identifying remains.

This model State legislation seeks to address this significant national problem as it relates to reporting persons as missing and the identification of human remains. For cases involving missing persons, law enforcement's ability to locate and ensure a safe return must be improved. This can occur if law enforcement is granted additional tools to identify high-risk missing persons cases and can promptly disseminate critical information to other law enforcement agencies and the public. This model legislation provides a framework for improving law enforcement's response in this regard.⁸⁹

Acceptance of Reports

The Model Statute prohibits law enforcement agencies from refusing a missing person report on the basis that the missing person is an adult; the circumstances do not indicate foul play; the person has been missing for either a short or a long period of time; or there is no indication that the person was in the jurisdiction the law enforcement agency serves at the time she disappeared.⁹⁰

The Model Statute also requires that all law enforcement agencies accept missing person reports in person; it permits acceptance of reports by phone or electronic or other media consistent with law enforcement policies or practices.⁹¹

The Model Statute outlines the requirements for a missing person report. At a minimum, all missing person reports must contain a physical description of the missing person; information relating to the missing person's electronic

⁸⁸ Ritter, *supra* at 6.

⁸⁹ Model Statute, *supra* at 15.

⁹⁰ *Ibid.* at Sec. XXX.1.(1).

⁹¹ *Ibid.* at Sec. XXX.1.(2).

communication devices; reasons the reportee believes the person is missing; any circumstances that might indicate the disappearance is not voluntary or that might indicate the person could be at risk of injury or death; any other information that could aid in locating the person; and date of last contact, among other data. The report must also obtain a photograph of the missing person.⁹²

Creating a standardized basis for accepting missing person reports, and the outlining the minimum amount of information documented, might ensure that reports of missing persons, including missing and marginalized women, are received and appropriately recorded by police agencies.

Assessment of Priority

The Model Statute states that law enforcement agencies must promptly identify high-risk missing persons. The Model Statute defines a high-risk missing person as an individual whose whereabouts are currently unknown and the circumstances indicate she might be at risk of injury or death. Circumstances indicating high-risk can be any factor that, in the judgment of the official, determines that the missing person could be at risk. However, the Model Statute also outlines a number of circumstances that could indicate risk:

- the person is missing as a result of abduction by a stranger;
- the person is missing under suspicious circumstances;
- the person is missing under unknown circumstances;
- the person is missing under known dangerous circumstances;
- the person is missing more than 30 days;
- the person has already been designated as a high-risk missing person by another law enforcement agency;
- there is evidence the person is a risk because she
 - is in need of medical attention,
 - does not have a pattern of running away or disappearing,
 - may have been abducted by a noncustodial parent,
 - is mentally impaired,
 - is under the age of 21, or
 - has been the subject of past threats or acts of violence.⁹³

The risk assessment factors identified in the Model Statute could assist police identify vulnerable and marginalized women. Factors that could operate to categorize missing vulnerable and marginalized women as high risk include that the woman was missing under known dangerous circumstances, if dangerous

⁹² *Ibid.* at Sec. XXX.1.(3).

⁹³ *Ibid.* at Sec. XXX.2. (1)(A).

circumstances takes into account involvement in the sex or drug trade; that the woman is missing more than 30 days; and if the woman has been subject to past threats or acts of violence. Further, that the person is missing under suspicious or unknown circumstances could also play a role in identifying vulnerable women, but those factors seem subjective and their meanings unclear.

A number of factors that could identify vulnerable and marginalized women are not identified. These include involvement in the sex trade and drug or alcohol dependency (if these factors do not fall under the consideration if the person went missing in known dangerous circumstances), and being Aboriginal or racialized.

Investigation and Notification

The Model Statute also specifies dissemination requirements. All missing person reports must be entered into NCIC, specifically the Missing Person File and Unidentified File, and the state crime information system without delay.⁹⁴ Information must also be entered into other federal databases, including ViCAP.

High-risk missing person files have additional dissemination protocols: the agency must notify the central state agency, which in turn will promptly notify all law enforcement agencies in the state and surrounding region of information that will assist in locating the missing person promptly. Notified agencies will notify officers to “be on the lookout” for the missing person or suspected abductor. In appropriate high-risk cases, police should also use the AMBER alert system or publicly distribute photographs of missing persons.⁹⁵

The Model Statute imposes notification requirements on law enforcement agencies. Namely, law enforcement officials must tell the person making the report, a family member or another person in a position to assist the agency

- general information regarding the handling of the case or intended efforts to the extent the disclosure would not adversely affect the investigation or protection of the missing person;
- that the person should contact the agency promptly with additional information or materials, including specific information or materials needed; and
- that any DNA samples provided are voluntary and will only be used to locate or identify the missing person.

⁹⁴ *Ibid.* at Sec. XXX.2.

⁹⁵ *Ibid.* at Sec. XXX.2. (1)(C).

Law enforcement agencies are also encouraged to provide materials that educate the public about how information is used to help locate or identify missing persons.⁹⁶

If the person remains missing after 30 days, the agency must obtain familial DNA samples or samples from the missing person; dental information and x-rays; fingerprints; and additional photographs of the missing person. DNA samples should be forwarded to the state crime laboratory or other laboratory.⁹⁷

The Model Statute also outlines protocols for reporting and identifying unidentified persons and human remains, including the collection, analysis and dissemination of information.⁹⁸

Implementation of the Model Statute

The Model Statute is a model for states to use in crafting their laws governing missing persons. The Model Statute appears to be influencing legislation in a number of states. Specifically, it appears a number of states have or are in the process of enacting legislation governing missing persons and unidentified human remains investigations based on the Model Statute.⁹⁹

Examples from Police Forces

Boston Police Department

The Boston Police Department's current missing person Policy¹⁰⁰ states in its preamble that the initial police response to a missing person report is crucial to collecting evidence effectively and tracing leads. The Boston Police Department adopts the NCIC's categorization of missing persons and requires that officers provide complete information to federal agencies.

The Policy also outlines the basic protocol for accepting and investigating missing person reports. All missing person reports are assigned for investigation; however, special protocols are outlined for cases of missing children and missing persons who are elderly or suffer mental illness or disease. The primary responding officer is required to take a full description of the missing person and information that might

⁹⁶ *Ibid.* at Sec. XXX.1.(4)(A).

⁹⁷ *Ibid.* at Sec. XXX.1.(4)(B) & (C).

⁹⁸ *Ibid.* at Sec. XXX.3 and XXX.3.

⁹⁹ For example: Indiana, Colorado, Illinois, Oregon, and Massachusetts. Highlights on the legislation of each can be found, by state, at:

<https://www.findthemissing.org/en/homes/resources>

¹⁰⁰ Boston Police Department, *supra*.

aid in locating her, and notify Operations, which can make an immediate broadcast. The responding officer must also establish whether the person is drug dependent, if there was a delay in reporting the person missing and why, any searches already conducted, whether the missing person has previously been reported missing, and details of known mental, emotional or physical impairments. Follow-up investigation requires a review of the initial reports and interviews or areas of exploration appropriate and necessary to locate the missing person. Dental and medical records and fingerprints, along with necessary consents, should also be obtained.

The Boston Police Department requires officers to question missing persons when they are located about their whereabouts and activities. Police should determine if the person was a victim of crime during her disappearance or whether there is any indication that a child who was missing is subject to abuse or neglect.

Chicago Police Department

The Chicago Police Department Missing/Found Persons General Order¹⁰¹ appears to limit the acceptance of missing person reports to persons, other than children and elderly persons, who are missing under unusual circumstances. The order instructs preliminary investigators to use discretion in taking reports of adult missing persons. A missing adult is defined as anyone 21 years of age or older whose:

- A. *Whereabouts are unknown by close family members, friends, or associates; and,*
- B. *Absence is unaccounted for and unusual circumstances exist surrounding the absence.*

The General Order instructs the preliminary investigating officer to verify the person is missing, complete a Missing/Found Person Case Report, document all search activity, and, for high risk or child missing persons, notify certain supervisors or districts and issue messages. The Missing Persons Section must be notified of all missing persons.

Greenville Police Department

The Greenville Police Department Policy and Procedure includes instructions for missing person investigations.¹⁰² Aside from some jurisdictional requirements,¹⁰³ the Greenville Police Department accepts missing person reports for missing adults

¹⁰¹ Chicago Police Department, *supra*.

¹⁰² Greenville Police Department, *supra*.

¹⁰³ That the missing person be a temporary or permanent resident of North Carolina or be believed to be in North Carolina.

whose locations are undetermined and who have been reported to the police. It is the Greenville Police Department's policy to fully investigate all missing persons.

Typically, missing person complaints are initially assigned to patrol investigators. The minimum responsibilities of initial investigators include notifying units, contacting identified persons who might know where the missing person is, and immediately notifying a supervisor when the missing person is mentally or physically challenged, elderly, despondent, or when the length of time the person has been missing before the police were notified mandates immediate action, among other things. Missing person reports are referred to the Investigations Bureau for follow-up investigation when attempts to locate the person have failed or compelling circumstances exist.

The Department provides an investigations checklist to assist officers.

Cincinnati Police Department

The Cincinnati Police Department Missing Persons Manual¹⁰⁴ outlines the Department's response to missing person reports. The Cincinnati Police Department has dedicated a group of officers with training in first responses to missing person reports, called the Emergency Search for Missing or Endangered or "ESME" Team. On receipt of a report, the on-scene supervisor and ESME officer will classify the person as a Missing Juvenile, Missing Runaway, Missing Juvenile AMBER Alert, Endangered Missing Adult, Missing Adult or Senior Alert. To be classified as an Endangered Missing Adult, the person must be a possible victim of foul play; in poor mental condition so that she is likely to do harm to herself, or disoriented or unable to respond to simple questions regarding personal information; or in poor physical condition, having physical impairments that severely limit self-care or depending on life sustaining medication. Other adult missing persons are simply categorized as Missing Adults.

Endangered Missing Adults, along with Juveniles, Runaways, AMBER Alerts and Senior Alerts, are prioritized, with the Cincinnati Police Department requiring a more urgent and thorough response. For example, in the case of the prioritized categories, a district supervisor will be dispatched to the scene to direct an area search if necessary and notify the Personal Crimes Unit or the Criminal Investigation Section desk; NCIC reporting is required immediately for Juveniles and persons missing due to foul play; for regular Missing Adults, NCIC entries must be made within seven days.

¹⁰⁴ Cincinnati Police Department, *supra*.

However, an ESME officer is dispatched to conduct the initial investigation of all missing persons. If the person is not located after seven days, the file will be submitted to the investigative supervisor who will review the case and forward it to the Personal Crimes Unit.

The Cincinnati Police Department marks missing person files as inactive if investigations become long term and there is no additional information to follow up. If the reportee cannot be found and there is no further information, files can be marked as inactive after 30 days; if the reports is located but there is no further information, files can be marked as inactive after three months.

On locating a juvenile, the Manual instructs officers to conduct a follow-up investigation to determine where and with whom the juvenile had been while she was missing. Officers should specifically be aware for signs of abuse or neglect.

Columbus Police Division

The Columbus Police Division, in its Missing Persons Directive,¹⁰⁵ provides a definition of a missing person: a person 18 years or older who is absent from where she is supposed or expected to be, and

- has a mental or physical disability;
- circumstances indicate her safety might be in danger; or
- there is an indication that the absence is not voluntary, which will be assumed if the length of absence is unreasonable.

The Directive outlines the procedure for responding to missing person reports, including the responsibilities of the Precinct Sergeant and Records Units. The reporting officer must immediately complete an Incident report, document the missing person's classification and provide the person's information to NCIC within two hours. The Missing/Exploited Children Unit conducts follow-up investigation and issues alerts in accordance with the Investigative Subdivisions standard operating procedure.

San Francisco Police Department

Pursuant to the San Francisco Police Department General Order,¹⁰⁶ officers must immediately take all missing person reports, regardless of the residence, location, age, or length of absence of the person, or the time reported. Prior to preparing a report, members must conduct checks of the county jail, hospital and Medical

¹⁰⁵ Columbus Police Division, *supra*.

¹⁰⁶ San Francisco Police Department, *supra*.

Examiner's Offices; if these checks are negative, the member can proceed with the incident report.

In preparing the incident report, the General Order requires that member record certain information. This information includes why the reportee believes the person is missing; circumstances surrounding her disappearance; psychological or physical impairments she suffers; and possible destinations and locations she frequents, in addition to other data about the missing person.

The San Francisco Police Department will conduct immediate searches in cases with exigent circumstances. The General Order lists examples of criteria that constitute exigent circumstances, and includes missing persons under the age of 12; missing persons over the age of 75; if the missing person is unable to care for her safety; or if the officer suspects foul play or believes exceptional facts exist.

Seattle Police Department

In its Policy and Procedure Manual,¹⁰⁷ the Seattle Police Department states that a missing person report is required when a person of any age falls into one of the six NCIC missing person categories: Endangered, Involuntary, Disabled, Juvenile, Catastrophe, or Other.

There is no waiting period for making a report, and, typically, the jurisdiction where the person disappeared is responsible for making the report.

The Policy and Procedure Manual instructs officers on the protocol for reporting. In addition to completing a Missing Person report and Continuation Sheet, to document the circumstances, the officer must obtain a recent photograph of the missing person for distribution to patrol officers, media relations, hospitals or any agency that could aid in finding the person.

The photograph and report will also be provided to the Missing Persons Detail. The Missing Persons Detail, a part of the Internet Crimes Against Children and Human Trafficking Section, conducts follow up on missing person reports and is available for consultation regarding possible responses to the scene.

Kansas City Police Department

To be declared missing by the Kansas City Police Department, according to its Procedural Instruction on Adult Missing Persons,¹⁰⁸ the person's whereabouts must

¹⁰⁷ Seattle Police Department, *supra*.

¹⁰⁸ Kansas City, Mo., Police Department, *supra*.

be unknown and unexplainable for a period of time that knowledgeable parties regard as highly unusual or suspicious, considering the person's behaviour patterns, plans or routines. A missing person report will be completed when a preliminary investigation, conducted by a minimum of one officer and one sergeant, who are dispatched to the call, finds at least one of seven criteria. These criteria include that the missing person is under the care of a psychologist or psychiatrist for mental health issues; the missing person has threatened suicide in the past or is at risk of harming herself; the missing person suffers from diminished mental capacity or potentially life threatening medical conditions; there is a strong indication of foul play; or no foul play is involved and there is no logical reason for the disappearance.

If one of the criteria is met, the officers will make a missing person report on the Automated Reporting System. The report should include information about the missing person, including vehicle and cell phone information, and, if available, the extent of any search; if the person has previously been missing; if the person was recently involved in domestic incidents, suffered emotional trauma, demonstrated unusual behaviour; or if the person is dependent on drugs or alcohol or has a history of mental illness.

The Fugitive Apprehension and Arraignment Section has primary responsibility for investigating all missing persons. Reporting members at the dispatched location will contact investigations, specifically, the Fugitive Apprehension and Arraignment Section during the week and the Violent Crime Division on weekends and holidays.

Denver Police Department

The Denver Police Department's protocol for missing person investigations is outlined in the Operations Manual.¹⁰⁹ The Operations Manual notes that a report of missing adults is a "non-crime" and is considered for information only; however, in some cases missing adults are later determined to be victims of homicide, suicide or kidnapping. As a result, all missing person reports will be considered serious during the initial reporting phase.

The policy defines missing persons an adult, someone 18 years or older, whose whereabouts are unknown and "the absence is a significant deviation from normal behaviour patterns and cannot be explained" or who is a "walk-away" from an institution.

¹⁰⁹ Denver Police Department, *supra*.

Once an adult missing person, who is not resident in an institution, qualifies as a missing person, she also appears to fall into the category of extenuating circumstances, which warrant greater priority and resources. Extenuating circumstances exist when there are circumstances that suggest foul play or that the missing person is at risk. The policy suggests a number of factors that indicate extenuating circumstances. In addition to a number of NCIC categories and youth or old age, one of these factors includes when the absence is a significant deviation from established patterns and cannot be explained.

In cases of extenuating circumstances, the Denver Police Department's Public Information Office will facilitate the release of information to media outlets, including electronic media, radio and television.

The Denver Police Department's Missing and Exploited Persons Unit ("MEP Unit") investigates all missing persons reported to the Denver Police. A supervisor in the MEP Unit must be called out when a child or adult is missing with extenuating circumstances; in all circumstances a MEP Unit detective will be assigned for follow-up investigation.

Metropolitan Police, District of Columbia

In the Metropolitan Police, District of Columbia General Order on Missing Persons,¹¹⁰ it is noted that the reporting person and initial responding member are critical in determining the circumstances of the disappearance and the missing person's risk; although most missing person reports are quickly resolved, some missing persons are at risk.

The General Order provides a definition of a missing person: someone who is missing from the District of Columbia who has been missing "for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines."

The General Order establishes a category called Critical Missing Person. A child or youth under 15 years old and an elderly person over 65 years old are Critical Missing Persons. Someone may also be classified as critical after consideration of a number of factors, which include if the missing person is mentally incapacitated or is a "mental health customer"; the missing person is drug dependent and the dependency is potentially life threatening; the missing person is in the company of a person or persons who could endanger her welfare; there is real or suspected

¹¹⁰ Metropolitan Police, District of Columbia, *supra*.

danger of foul play; the missing person's absence is inconsistent with her established behaviour patterns and cannot be readily explained; or there is a pattern of missing person reports for the person.

When faced with a Critical Missing Persons Report, members will contact the Investigative Services Bureau, Youth Investigations Division; the Watch Commander will determine whether to establish a Command Post and ensure flyers are made.

The General Order details the supervisory and reporting structure. Responding members are responsible for all open, non-critical missing person reports; however, the Missing Person Section is involved in monitoring and reviewing both critical and non-critical missing person reports. Missing Person Coordinators in the Missing Person Section are responsible for collecting data for missing persons in the previous 24-hour period and entering data for all missing person cases; conducting and reporting follow-ups for missing person investigations, including after 72-hours and seven-day for juvenile and Critical Missing Persons, and every 30 days for open missing person investigations until the case is closed. The supervisor of the Missing Person Section must prepare a report each month, to be submitted through the chain of command, listing a summary of open and closed missing person cases and cases where required follow ups were not completed for non-critical cases.

In addition to providing comprehensive reporting structures, the Metropolitan Police has a built in compliance process for its missing person policy. The General Order requires that a yearly audit be completed to ensure adherence.

4. Australia

Introduction

Every year, 35,000 people are reported missing in Australia. 95% of missing persons are located quickly; approximately 1,600 become long-term missing persons, persons missing more than six months.¹¹¹ Police data indicate that men and women are represented equally among missing persons. As in other jurisdictions, young people represent a large proportion of missing person reports, nearly half.

¹¹¹ Australian Federal Police, National Missing Persons Coordination Centre webpage, "Missing Persons": <http://www.missingpersons.gov.au/missing-persons/overview.aspx>

Among young people, 13 to 17 year old females are most at risk of being a missing person. However, most long-term missing persons are adults.¹¹²

Nationwide data on missing persons is collected by the National Missing Persons Coordination Centre (“NMPCC”). The NMPCC is a federal agency that promotes standardization of investigations of missing persons. The NMPCC was established in 2006 by the Australian Federal Police (“AFP”), and replaced the National Missing Persons Unit. Its mission is described as follows:

- *strengthen the cooperative relationships among police, government agencies, NGOs, and families and friends of missing persons*
- *enhance understanding within the Australian community of the significance of missing persons as an issue*
- *foster partnerships that facilitate the development of a national strategy on the provision of support to missing persons and their families and friends*
- *provide information and referrals as required to police, government and nongovernment agencies, and families and friends of missing persons*
- *conduct and/or commission national research on missing persons*
- *contribute to international efforts to drive and respond to global issues surrounding missing persons.*¹¹³

The NMPCC provides support and policy guidance to two federal committees. One, Police Consultative Group on Missing Persons, is made up of police representatives from each Missing Persons Unit in Australia, who work together to standardize and improve the police response to missing persons. The other committee is the National Advisory Committee on Missing Persons. This committee comprises police and non-police members, including representatives from police, non-government tracing services, and other service organizations. Currently, the committee is trying to attract broader participation, such as participation from representatives of mental health organizations, Indigenous people and youth.¹¹⁴

¹¹² Marianne James, Jessica Anderson, Judy Putt, *Missing Persons in Australia* (Australian Institute of Criminology, Research and Public Policy Series No. 86, 2008) at xxii.

¹¹³ *Ibid.* at 5.

¹¹⁴ *Ibid.* at 6.

The NMPCC is involved in a number of initiatives to fulfill its mandate. These initiatives include media advertising campaigns to educate the community about the importance of missing persons; an interactive website that includes an “e-sighting” function to facilitate sighting reports; research on the demographics of missing persons to identify groups at risk of going missing; information sharing among police jurisdictions and other agencies; prevention strategies; and engagement with at-risk groups.¹¹⁵

The NMPCC plays a significant role in missing person investigations by coordinating and promoting a national integrated approach. To accomplish this, the federal NMPCC works with state and territorial police agencies directly responsible for accepting and investigation missing person reports.¹¹⁶

Each state and territory police agency is responsible for accepting and investigating missing person reports and has a Missing Persons Unit. Each police agency also has numerous local police stations, called local area commands. Officers at the operational level, the local area command, are primarily responsible for investigating the majority of missing person reports; Missing Persons Units are responsible for monitoring missing person reports and, in some cases, assisting with the investigation.¹¹⁷

Non-governmental organizations are also involved in searches for missing persons in Australia. These organizations include The Salvation Army Family Tracing Service, the Australian Red Cross Tracking Service, Link-Up Aboriginal Corporation and the International Social Service.¹¹⁸

Overview of the National Framework

Each police agency in Australia has developed its own policies to accept and investigate missing person reports; in addition, the NMPCC outlines minimum standards and general practices in its *Missing persons in Australia* report (the “Report”).¹¹⁹

The Report provides an inclusive definition of “missing person” that encompasses any person for whom there is concern for her safety or welfare. It therefore appears

¹¹⁵ *Ibid.* at 6.

¹¹⁶ *Ibid.* at xiv.

¹¹⁷ *Ibid.* at 42.

¹¹⁸ *Ibid.* at xiv.

¹¹⁹ *Ibid.*

that most police agencies would normally accept reports of missing vulnerable and marginalized women. That said, the Report identifies some missing persons who might be underreported: these groups include Indigenous people, homeless people, and people with mental health issues.

In determining priority, some Australian police agencies ask whether a missing person is missing involuntarily. To do so, they consider, among other things, whether the person is suspected to be a victim of crime or if her disappearance involves suspicious or unusual circumstances. These considerations appear ambiguous; absent more concrete indicators, they could be difficult to establish, thus reducing the likelihood that missing vulnerable and marginalized women will be considered missing involuntarily. It may be that families and friends of marginalized women do not know the exact circumstances of their disappearances because the women, as a result of marginalization, have irregular schedules or do not disclose their activities.

However, the Report identifies a number of more specific questions that some police agencies use to categorize missing person reports. These questions may connect characteristics of vulnerable and marginalized women to prioritization of a missing person report. They include whether the missing person is vulnerable; if the missing person is dependent on drugs or alcohol; if the missing person is a victim of domestic violence; and if the missing person has previously gone missing and been exposed to harm. A number of factors that might identify vulnerable and marginalized women are apparently not considered, including whether the missing person was involved in the sex trade or Indigenous.

The Report highlights Australian police's dedication to supporting families and friends of missing persons. Police agencies refer families and friends to appropriate organizations to ensure they have support through the process. The New South Wales Police refers people to the Families and Friends of Missing Persons Unit ("FFMPU"), a part of the Victims of Crimes Bureau of the Attorney General's Department. The FFMPU is a dedicated organization to coordinate support services within New South Wales for families and friends of missing persons. By providing supports to families and friends affected by missing persons, police agencies may be providing much needed support to members of marginalized communities disproportionately affected by the issue of missing and murdered women.

Acceptance of Reports

All police agencies in Australia accept missing person reports when there is concern for the missing person's safety or welfare. Most police agencies receive at least one

missing person report every day, with larger jurisdictions, like New South Wales, Queensland and South Australia, receiving 15 to 25 missing person reports per day.¹²⁰

In spite of the large number of reports received, there may be underreporting. In the Report, the authors identify people from culturally and linguistically diverse backgrounds, people with mental health issues, Indigenous people and homeless people as groups who are perhaps not always reported missing to police.¹²¹

Except South Australia, which also accepts reports over the phone, all police agencies only accept missing person reports filed in person.¹²² Reports are made in person at the local area command, typically the station closest to the residence of the reporting person. If the reportee is unable to attend the police station, police will attend her residence.¹²³

Once a report is received, it is recorded into a police database. This may be a jurisdiction-wide database or the local police database; if it is only entered onto the local police database, the report is also forwarded to the jurisdiction's Missing Persons Unit, which then enters the report onto the main database.¹²⁴

The broad definition of "missing person" used by police agencies in Australia likely allows reports of missing vulnerable and marginalized women to be accepted consistently: there are no limiting factors that rely on her circumstances or daily routine. However, in spite of the broad definition, the Report notes that underreporting is still an issue among some people.

Risk Assessment

Every police agency conducts risk assessments for missing person reports to determine the required level of urgency and police response, each conducting the assessment according to its own procedures.¹²⁵ However, police agencies that participated in a survey conducted by the authors of the Report indicated which factors they consider significant in assessing missing person reports. All police

¹²⁰ *Ibid.* at 45.

¹²¹ *Ibid.* at 36.

¹²² Young people missing from an institution can generally also be reported over the phone.

¹²³ James et al., *supra* at 46.

¹²⁴ *Ibid.* at 46.

¹²⁵ *Ibid.* at 42.

agencies identified mental health, previous history of going missing, Alzheimer's disease or dementia, and youth as important factors.¹²⁶

Although each police jurisdiction has created its own risk assessment procedures, a number of categories are often used:

- involuntary missing:
 - suspected crime
 - parental abduction
 - suspicious and unusual circumstances
- lost/wandered:
 - infant or young child who is wholly or substantially reliant on a parent or guardian for support or survival
 - person suffering from a psychological or mental incapacity who is wholly or substantially reliant on others for support or survival missing from a mental health institution and poses a danger to herself or others
- voluntary missing:
 - runaway child under 16 years
 - runaway child 16–18 years
 - person missing for undetermined motives or reasons, not suspicious
 - suspected suicide
- missing due to event (natural disaster, lost at sea).¹²⁷

In addition, the Report identifies questions that some police agencies use to categorize reports. These questions include asking whether the missing person is vulnerable; if the behaviour is out of character from her normal behaviour patterns; if there is any reason for her to go missing; if she is a victim or perpetrator of domestic violence; if she has previously gone missing and been exposed to harm; and if she is dependent on drugs or alcohol.¹²⁸

According to the Report, a number of police agencies categorize missing persons as low, medium or high risk. For low-risk missing persons, there is no apparent threat. These cases will be managed by routine procedures by the local area command, with limited input from the Missing Persons Unit. Medium-risk missing person cases are cases in which the missing person or public could face some danger. These cases require attention from the Missing Persons Unit and supervisors. Finally, high-risk

¹²⁶ *Ibid.* at 50.

¹²⁷ *Ibid.* at 60.

¹²⁸ *Ibid.* at 61.

cases are cases in which the threat posed is immediate and there are substantial grounds for believing the missing person or public is in danger. High-risk cases require immediate attention from the Missing Persons Unit and management.¹²⁹

The NMPCC is working with police agencies to develop national guidelines for risk assessment.¹³⁰

Relying on evidence of foul play or suspicious circumstance to categorize a missing person as an "involuntary missing" could preclude police from recognizing missing vulnerable and marginalized women as at risk. It could be more difficult to determine and assess the circumstances of a missing and vulnerable woman's disappearance because her families and friends may not know, due to a varying daily schedule caused by unemployment, unstable housing or homelessness, drug addiction or mental illness, or participation in illegal activities, such as the sex or drug trade.

However, if police agencies go beyond the general category of "involuntary" and ask the identified questions, they could better identify vulnerable and marginalized women and prioritize investigations of their disappearances. Questions about past experiences of violence and vulnerabilities could result in the ready identification vulnerable and marginalized women among missing person reports.

Investigation

Each police agency has its own specific procedures for missing person investigations. However, investigations generally include a preliminary and follow-up component.

The preliminary investigation seeks to establish and assess the facts and circumstances of the report, in order to determine the level of police response. For example, on receipt of a report, certain searches are immediately undertaken. These searches include inquiries with departments such as Centrelink, Medicare and financial institutions.¹³¹

If the missing person is not found in the first few hours after the report is made, the police will commence a follow-up investigation. The follow-up investigation includes once again contacting agencies to gather information about the missing person or her whereabouts. Officers contact family members, friends and

¹²⁹ *Ibid.* at 60-61.

¹³⁰ *Ibid.* at xiv-xv.

¹³¹ *Ibid.* at 47.

acquaintances who might have information on the missing person's location, and file a recent photograph of her.¹³²

Typically, the Missing Persons Unit coordinates reports and the local area command investigates. However, in certain circumstances, missing person reports can also be investigated by the state crime command: for example, the state crime command may investigate when the circumstances are suspicious, are out of character, or show evidence of a crime. In these cases, officers will inform the supervising officer of the major crime squad or equivalent.¹³³

Police officers use the media when it is helpful, considering the missing person's safety. A senior officer requests permission from the family to release appropriate details.¹³⁴

Officers conducting ongoing missing person investigations must provide updates to the Missing Persons Unit regularly. Specifically, an update is given to the officer in charge of the Missing Persons Unit on the status of the investigation every seven days during the first month of the investigation, and after the first month, every month.¹³⁵

If the person is not found after a specified period of time, the police usually gather evidence to help identify her and distribute posters. Police identify the missing person's dentist and doctor, and obtain evidence such as x-rays and dental charts, and collect a DNA sample from a close relevant to submit to the DNA database, if it was not obtained earlier in the investigation. Police will also distribute a missing person poster to police stations for public display.¹³⁶

If the person is not found after six months, the investigation is usually forwarded to the officer in charge of the Missing Persons Unit. From then on, reports are filed annually.¹³⁷

None of the identified investigative protocols appear to particularly impact investigations of missing vulnerable and marginalized women; they appear to apply to all investigations equally. Like other missing person reports, reports of missing

¹³² *Ibid.* at 47.

¹³³ *Ibid.* at 46.

¹³⁴ *Ibid.* at 46.

¹³⁵ *Ibid.* at 47.

¹³⁶ *Ibid.* at 47.

¹³⁷ *Ibid.* at 47.

vulnerable and marginalized women probably benefit from specific investigative protocols for referral, regular review and central data collection.

Communication and Family Support

The Report stresses the impact of missing persons on the families and friends. It comments on police agencies' general practices to provide support and referrals to families, specifically discussing the FFMPU and non-governmental organizations that provide support and notes that the NMPCC is currently working to develop a national strategy to supporting those left behind in missing person cases.

Approximately 330,000 people in Australia are affected every year by missing persons. This amounts to approximately 12 people for each missing person incident.¹³⁸ The grief experienced by families and friends is called ambiguous loss: unresolved grief associated with uncertainty surrounding the missing person's fate and the lack of closure associated with death, funerals and public grieving.¹³⁹

Ambiguous loss results in health problems. Of surveyed families and friends of missing persons, 37% reported suffering physical or mental health problems, 23% reported seeking some type of medical assistance, and 22% reported experiencing a major health impact. Those surveys also related the type of support they needed: these supports included practical search assistance and information; assistance in the home to free their time for searches for the missing person; emotional support from families; and professional counseling.¹⁴⁰

The authors cited this data as emphasizing the importance of regular communication between police and friends and families of missing persons. They recommended police agencies regularly communicate with the reporting person in the first week of an investigation and thereafter on receipt of significant information. They noted that police generally maintained contact with family, next of kin or the reporting person weekly for the first two months of the investigation, with ongoing frequency after that determined on a case-by-case basis.¹⁴¹

The Report highlights the need for support for families beyond what can be provided by the police. One agency that provides this support is the FFMPU, a designated government service that offers counseling, information and referrals services for friends and family; however, it only operates in New South Wales.

¹³⁸ *Ibid.* at 72.

¹³⁹ *Ibid.* at 73.

¹⁴⁰ *Ibid.* at 72.

¹⁴¹ *Ibid.* at 47.

Families can also seek support from The Salvation Army Family Tracing Service, which provides counseling services for families of missing persons as a component of its overall counseling services.¹⁴²

These supports for the families and friends of missing persons appear to apply equally to families and friends of missing vulnerable and marginalized women. Although the impact on individuals might be no different,¹⁴³ the overall impact on marginalized communities could be particularly significant if those communities have greater proportions of members who are vulnerable and marginalized women, and therefore, experience higher than normal rates of missing and murdered women. They could be disproportionately in need of support.

Looking Forward

The Report not only describes current policies for missing person investigations in Australia but looks forward to suggest best practices to improve on perceived gaps: improved and standardized response by search agencies; education of service providers on the concept of ambiguous loss; standardized data collection on missing persons; and a framework for prevention. The report also outlines an action plan to implement uniform data collection and reporting protocols; implement uniform risk assessment procedures; identify and coordinate with agencies with roles in missing person searches; and improve support to families.¹⁴⁴

Examples from Police Forces

Victoria Police

The Victoria Police accepts all reports of persons whose whereabouts are unknown for whom there are fears or concerns for their safety. Reports are made at the local police station, preferably the station located nearest to the missing person's residence or where she was last seen. There are no waiting requirements or time limits to reporting a missing person.

Missing person investigations are conducted by local police. Based on the level of risk or presence of suspicious circumstances, reports can be escalated to the local criminal investigation unit or Homicide Squad.

In 2010, the Victoria Police established the Intelligence Liaison Unit. The Unit, located within the State Intelligence Division, manages information and intelligence

¹⁴² *Ibid.* at xv.

¹⁴³ Of course, this may not be the case for individuals who have had more than one family member or friend go missing.

¹⁴⁴ James et al., *supra* at 111.

concerning missing person investigations. Its core roles are to provide assistance to enquiries from foreign jurisdictions; provide support and guidance to members investigating missing persons; provide the initial analysis of information relating to missing persons; make enquiries regarding the identification of found human remains; develop and maintain cooperation with community groups and other agencies.¹⁴⁵

Queensland Police Service

The Queensland Police Service accepts missing person reports when the person's whereabouts are unknown and there are reasonable and justifiable fears for her safety or welfare. There are no time limits to making a report; a report should be made when someone has concerns for the person's welfare or safety. Initial reports are taken at local police stations.

The Missing Persons Unit does not take missing person reports or conduct the initial investigation. The Missing Persons Unit oversees investigations, including providing assistance, reviewing all outstanding reports after a specific period of time, and referring suspicious or out of character missing person reports to the Homicide Investigation Unit. In addition, the Missing Persons Unit is responsible for maintaining a record of unidentified bodies found in Queensland and assisting in determining their identity.¹⁴⁶

New South Wales Police Force

The New South Wales Police Force's protocol for accepting and investigating missing person reports is outlined in its Handbook.¹⁴⁷

Like other police forces in Australia, the New South Wales Police Force accepts missing person reports for any person whose whereabouts are unknown when there are genuine fears for her safety or welfare. There is no time requirement.

Acceptance of reports is not limited by jurisdiction: reports are accepted at any police station. However, the responsible local area command is the one nearest where the missing person was last seen.

¹⁴⁵ Victoria Police website, "Victoria Police – Missing Persons Intelligence":
http://www.police.vic.gov.au/content.asp?Document_ID=258

¹⁴⁶ Queensland Police Service website, "Missing Persons":
<http://www.police.qld.gov.au/News+and+Alerts/missingPersons/>

¹⁴⁷ New South Wales Police Force, NSW Police Force Handbook, available online:
http://www.police.nsw.gov.au/about_us/policies_and_procedures

Officers are instructed to take reports in person, immediately, and to submit them without delay to be entered into the Computerized Operational Policing System.

The officer taking the report is responsible for the investigation. The officer must immediately determine the risk to the missing person and the community. The officer must also advise her supervisor to verify the report.

The Handbook advises the officer taking the report to provide a copy of the brochure "Support for Families and Friends of Missing Persons" to the person making the report.

When taking the report, the officer should also obtain a photograph of the missing person and a signed consent form authorizing release to the media. An electronic copy of the photograph should be sent to the Missing Persons Unit. If the family refuses consent to release information to the media, the officer should refer to the local area command for a decision.

The Handbook outlines the supervisor's responsibilities in an investigation. A supervisor is required to assess missing person cases as soon as possible. If appropriate, the supervisor should distribute information about the missing person to the local area command located in the proximity where the person was last seen. The supervisor must, at the end of her shift, inform the oncoming supervisor of the case and ensure that the Computerised Operational Policing System is updated.

The officer in charge is responsible for continuing the investigation until the person is found. Once a case has been outstanding for more than three months, it may be reassigned to an officer with criminal investigating duties.

Status reports on each missing person report must be sent to the Missing Persons Unit every three months.

Missing person cases are not closed until the person is found or determined, by a coroner, to be deceased. Further, once 12 months have passed from the initial report and without location of the person, if the officer determines there are no indications of life or believes the person is deceased, she must notify the coroner.

A missing person must be seen by a police officer or another person in authority such as a doctor before she can be located for the purpose of closing the report. The locating officer should check that the person is safe and well.

The Handbook supplies officers a checklist of actions for suspicious cases. It includes instructions to search records for previous missing person reports and prior police responses to incidents in the area, such as prowlers, abductions or indecent exposure; to broadcast information over the police radio or statewide messaging system; to ask a supervisor or Duty Officer for assistance if required; to interview all persons at the scene separately, and specifically ask each person where she last saw the missing person and what she thinks happened to her; to treat the area as a crime scene and collect evidence and forensic material; and to contact the Missing Persons Unit for specialist advice.

The Handbook also outlines officers' responsibilities regarding unidentified human remains. The local area command initially responds but can contact the Missing Persons Unit for assistance.¹⁴⁸

The New South Wales Police Force takes a number of steps to provide community resources to people searching for missing persons and to support the families and friends of missing persons. It operates an online system where users can search for persons reported missing, using first and last name, sex and date the person went missing.¹⁴⁹ It also refers reportees and families to the FFMPU.

The FFMPU was established in 2000 to coordinate support services in New South Wales for family and friends of missing persons. It has eight key mandates:

- 1) To administer funding to non-governmental organisations to provide support services to families and friends of missing persons.*
- 2) To establish and maintain an Interagency Forum across government and non-government agencies.*
- 3) To provide an information, referral and support service for families and friends of missing persons.*
- 4) To provide a specialist counselling service to families and friends of missing persons.*
- 5) To develop relevant policies.*
- 6) To promote administrative, legislative and social reform.*
- 7) To produce high quality products to assist families and friends of missing persons.*

¹⁴⁸ *Ibid.*

¹⁴⁹ NSW Police Force website, "Missing Persons – Enquiry":
<https://www.ebiz.police.nsw.gov.au/missingpersonsenquiry/Search.jsp>

8) To raise community awareness regarding the issues affecting families and friends of missing persons.¹⁵⁰

The FFMPU provides free counseling and support, including crisis counseling, emotional and practical support, liaison and referral, information about search agencies, and support when families and friends are reunited with missing persons.¹⁵¹

South Australia Police

On its website, the South Australia Police urge people to report someone missing as soon as there is concern for the missing person's welfare or fears for her safety; there is no requirement to wait 24 hours.¹⁵² Reportees should contact any police station, either in person or by telephone.

The local police station where the person was last seen is responsible for investigating the report. If the missing person is not located within 30 days and her disappearance is not considered to be suspicious, the Missing Person Investigation Section will take responsibility for the investigation. If the person's disappearance is suspicious, the local Criminal Investigation Branch or Major Crime Investigation Section will assume carriage of the investigation.

The South Australia Police keep in regular contact with the reportee during the course of the investigation.

5. Conclusion

Vulnerable and marginalized women are exposed to high levels of violence, and therefore are overrepresented among missing and murdered women. These women can be vulnerable due to a number of factors: because they are racialized or Indigenous, are involved in the sex trade, have past histories of abuse and violence,

¹⁵⁰ FFMPU, "Families and Friends of Missing Persons Unit Vision Statement", available online:
http://www.lawlink.nsw.gov.au/lawlink/vs/ll_mpersons.nsf/pages/MP_publicationS

¹⁵¹ FFMPU, "Counselling can help", available online:
http://www.lawlink.nsw.gov.au/lawlink/vs/ll_mpersons.nsf/pages/MP_publicationS

¹⁵² South Australia Police website, "Missing Persons":
http://www.police.sa.gov.au/sapol/safety_security/missing_persons.jsp

are economically insecure, are dependent on drugs or alcohol, have mental illnesses or health issues, or suffer sex discrimination and racism.

Missing and murdered women might first come to the police's attention through missing person reports. A missing person report can be the first step in an investigation of a serious crime or an opportunity for the police to intervene to protect a woman from violence, abuse or exploitation. How police accept and conduct missing person investigations is therefore important in uncovering and preventing violence against vulnerable and marginalized women.

This report does not purport to comprehensively discuss how the investigation of missing vulnerable and marginalized women is impacted by missing person policies; its scope is more limited. The report was based on a review of missing person policies from police agencies in the United Kingdom, the United States and Australia. These policies, publicly available on each agency's respective website, likely do not comprehensively detail the response or practices of each agency. The information presented in this report is also not intended to be representative of any of the discussed jurisdiction's policies; nor is the report intended as an analysis of the effectiveness of missing person investigations. This paper briefly discusses each jurisdiction's general approach to missing person investigations and contemplates the possible consequences of each approach on women at risk of going missing or being murdered.

In the U.K., the U.S. and Australia, how police define a "missing person" varies. In some jurisdictions, particularly the U.S., definitions of missing persons may be confined to persons whose whereabouts are unknown and whose disappearances are suspicious given the missing person's behaviour patterns. These types of definitions could preclude police from accepting reports of missing vulnerable and marginalized women. Their daily lives could be inconsistent or unknown to friends and family, and therefore not amenable to showing suspicious circumstances, for example, if they live in unstable housing or are homeless, suffer from economic insecurity, are involved in the sex trade, are subject to abuse and violence, have health issues or mental illness, or are dependent on drugs or alcohol.

Police agencies in all the reviewed jurisdictions have a process for prioritizing missing person reports but the processes differ. Specifically, the degree to which factors are enumerated and the factors themselves vary. Many police agencies seem to rely on indications that the person is not missing voluntarily or is vulnerable because of her age or mental capacity. Factors such as "foul play" or "suspicious

circumstances” could leave out the circumstances of vulnerable and marginalized women when they go missing, causing their reports to not be prioritized.

Some police agencies enumerate more specific factors to determine which missing person reports are treated with urgency and provided significant resources. Sometimes factors such as drug or alcohol dependency, mental illness, recent experiences of violence, and previous missing person reports are considered, factors that could result in the identification of vulnerable and marginalized women as at-risk missing persons. Equally, some factors related to the risks faced by vulnerable and marginalized women are not considered: for example, during their risk assessments, police agencies do not consider whether the woman was involved in the sex trade or Aboriginal, Indigenous or belonging to another marginalized group.

A number of police agencies have procedures to determine, when a missing person returns, why she went missing and whether she suffered harm during her absence. Some police agencies use return interviews, safe and well checks, or investigations to determine the circumstances of the disappearance. These processes might enable police to disrupt exploitation or violence against women, including sexual exploitation such as grooming for involvement in prostitution, honour-based violence, human trafficking, and child abuse or neglect, among others potential harms.

Police agencies in the U.K., U.S., and Australia appear to commonly use multi-agency resources to locate and support missing persons. As provided for in their policies, police work with non-governmental agencies to identify people at risk of going missing, with an aim of reducing missing person incidents. Police rely on other agencies, including other police departments and non-police organizations, to disseminate information about missing persons. Throughout investigations, police agencies involve other organizations to help police discover information about missing persons, locate missing persons, and support missing persons on their return.

Some police agencies have specific protocols to provide support to families and friends of missing persons. Some protocols for support are comprehensive, such as those provided in New South Wales, Australia. These supports might serve to help marginalized populations that have disproportionately high numbers of missing and murdered women.

This report is intended to generate discussion on the interaction between missing person policies and the investigation of reports of missing vulnerable and

marginalized women. We welcome input and discussion on any of the issues and information presented, as they are ongoing and significant issues.