

**LEGAL MANDATES  
AND  
BEST PRACTICES PROTOCOL  
FOR LAW ENFORCEMENT  
IN  
MISSING PERSONS CASES**



Promulgated by the

**Ohio Peace Officer Training Commission**

Pursuant to Jonathan's Law (House Bill 571) of the  
Ohio General Assembly  
Effective April 5, 2007; Amended July 30, 2010

**Ohio Peace Officer Training Commission  
Education & Policy Section**

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## Jonathan's Law (House Bill 571)

On April 5, 2007, Jonathan's Law (House Bill 571) became effective in Ohio. The bill amends sections 109.741 and 313.08 and enacts sections 2901.41 and 2901.42 of the Ohio Revised Code in regard to missing persons.

The Ohio Attorney General is required by this statute to provide all Ohio law enforcement agencies with a protocol for best practices to follow in a case of this type. **Each agency is then required to develop and adopt a written internal policy which establishes reasonable procedures to implement when a missing person report is filed. Each agency and its respective peace officers shall then make a good faith effort to follow those established procedures.**

Some items in this document have been highlighted in bold to reinforce that they are legal mandates that should not be considered optional. This includes requirements of when case information must be entered into the National Crime Information Center (NCIC) database.

**Definition of Missing Person:** Eighteen years of age or older who is a temporary or permanent resident of Ohio and meets one of the following characteristics:

- The individual has a physical or mental disability at time of disappearance.
- The individual is missing under circumstances indicating their safety may be in danger.
- The individual is missing under circumstances indicating the disappearance was not voluntary.

A law enforcement agency is required to determine, based on the individual circumstances of each case, **the age of the missing person and whether or not foul play and suspicious circumstances exist.** Any further action required by this statute will be determined based upon that investigation. Those actions are as follows:

- **If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken and the information contained in the initial report must be entered into National Crime Information Center (NCIC) immediately. If additional information is received regarding a report on a missing person at least eighteen (18) but less than twenty-one (21) years of age, that information must be entered into NCIC immediately.**

### Missing Persons Over 21

The following actions must be taken in the case of missing persons who are 21 years of age and older:

- **If foul play is suspected, the information contained in the report must be entered into NCIC within seven (7) days.**

- If no foul play and the subject has not returned, the information contained in the report must be entered into NCIC within thirty (30) days.
- If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven day period, the information contained in the report must be entered into NCIC before the end of that seven (7) day period.
- If no foul play was indicated initially but evidence of such becomes known to the agency after the seven day period, the information contained in the report must be entered into NCIC within forty eight (48) hours.

## Missing Adult Alert

- If the person is mentally impaired or 65 years of age or older, a Missing Adult Alert may be warranted. This alert is based on several criteria:
  - Individual is in fact missing – investigative steps have been taken to locate person but were unsuccessful – these steps may include but not be limited to:
    - Check local hospitals
    - Check local jails
    - Check with missing persons' neighbors to see if they know of boyfriend or girlfriend missing person may have had
    - Check neighborhood bars
    - Work closely with local agencies that deal with Alzheimer's or Adult Protective Services. They can provide assistance to help prevent impaired individuals from wandering and help locate those who do.
  - Individual is 65 years of age or older or mentally impaired
  - Their disappearance poses a credible threat of immediate danger or serious bodily harm or death to the individual
  - There is sufficient descriptive information about the missing individual and the circumstances surrounding their disappearance to indicate that an alert activation would help in locating the individual
  - ALL ABOVE CRITERIA MUST BE MET FOR THE REQUEST TO QUALIFY AS AN ALERT

**NOTE: When a missing person has been located the reporting agency shall promptly remove all information from NCIC.**

## Foul Play

As listed in this law, indications of foul play may include but are not limited to:

- A persons' car or home being in disarray
- Evidence of a struggle between the missing person and another individual(s)
- Any other evidence the law enforcement agency determines

# BEST PRACTICES PROTOCOL FOR LAW ENFORCEMENT



## MODEL POLICY

The following Model Policy sample is intended as a guide for Ohio law enforcement agencies that may not currently have a policy regarding missing persons other than juveniles, or have not updated their policy to reflect the requirements of Jonathan's Law (H.B. 571). This Model Policy is intended for use as a resource in the mandated development of the agency's own policy and procedure. Special attention should be paid to the requirements for posting case information into the National Crime Information Center (NCIC) database.

## POLICY FOR MISSING PERSONS REPORTS

The (insert agency name here) has established a policy regarding the handling of missing person reports. This is in addition to the policy and procedures already in place for missing juvenile reports. When a complainant wishes to file a missing person report, the representative from this agency taking the report will endeavor to check and ascertain the following:

- Is the case a missing person case or could it be another situation? (Some factors for law enforcement to consider when making this decision are the missing persons' age, mental, physical, & emotional well being as well as family and social environment)
- Is foul play or other type of criminal activity suspected?
- Could the missing person be at risk?
- Is a current description and photograph of the missing person available?
- What steps can the agency representative completing the report take to attempt to locate the missing person?
- What other outside assistance - if any - might be needed?
- Has all necessary paperwork been completed and DNA standard been obtained if applicable?

Based upon the results of the inquiries above, the agency representative will take the necessary steps as outlined by statute:

- If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken and the information entered into National Crime Information Center (NCIC) immediately.

**Note:** The following conditions are mandated in law regarding missing persons who are 21 years of age and older:

- If foul play is suspected the information contained in the report should be entered into NCIC as soon as possible but must be entered into NCIC within seven (7) days.
- If no foul play and the subject has not returned, the information contained in the report must be entered into NCIC within thirty (30) days.
- If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven day period, the information contained in the report must be entered into NCIC before the end of that seven (7) day period.
- If no foul play was indicated initially but evidence of such becomes known to the agency after the seven day period, the information contained in the report must be entered into NCIC within forty eight (48) hours.

- If the person is mentally impaired or 65 years of age or older, a Missing Adult Alert may be warranted. This alert is based on several criteria:
  - Individual is in fact missing – investigative steps have been taken to locate person but were unsuccessful – these steps may include but not be limited to:
    - Check local hospitals
    - Check local jails
    - Check with missing persons' neighbors to see if they know of boyfriend or girlfriend missing person may have had
    - Check neighborhood bars
    - Work closely with local agencies that deal with Alzheimer's or Adult Protective Services. They can provide assistance to help prevent impaired individuals from wandering and help locate those who do.
  - Individual is 65 years of age or older or mentally impaired
  - Their disappearance poses a credible threat of immediate danger or serious bodily harm or death to the individual
  - There is sufficient descriptive information about the missing individual and the circumstances surrounding their disappearance to indicate that an alert activation would help in locating the individual
  - ALL ABOVE CRITERIA MUST BE MET FOR THE REQUEST TO QUALIFY AS AN ALERT

**Procedure for activating the alert:**

1. Responding officer confirms individual is missing and meets above listed criteria
2. Person is entered into LEADS and a Missing Adult Alert is requested. Entry notes to use:
  - "EME" or "EMI" code in "MKE" field
  - "SA" code in "MNP" field – only use this when requesting a Missing Adult Alert
  - BCI radio room and Ohio State Highway Patrol will be notified automatically
  - Ohio Attorney General's Missing Children's Clearing House will contact agency to confirm request and criteria
- NCIC does not provide automatic notification on Missing Adult Alerts
- If the possibility exists that the missing individual went to another state, enter individual into NCIC and contact BCI radio room to request an alert. Send NLETS TT to each state that may be involved

**When a missing person has been located the reporting agency shall promptly remove all information from NCIC.**

## OTHER CONSIDERATIONS FOR THE INVESTIGATION

The agency representative taking the missing person report should also consider other investigative resources that may be required in the case. These would include but are not limited to:

- Ohio Attorney General's Missing Children's Clearing House: 614-466-5610
- DNA collection thru Project LINK – Kits and information available through BCI & I (Uses DNA standard from missing person or family to be run through databases of unidentified deceased persons).
- National Center for Missing Adults: 1-800-690-FIND
- Local FBI office
- A Child is Missing: 1-888-875-2246
- Local Coroner
- <http://www.locateposters.org> – for missing persons posters
- CART activation if warranted
- Center for Human Identification: 1-800-763-3147
- Alzheimer's Association – [www.alz.org](http://www.alz.org), 1-800-272-3900
- [www.projectlifesaver.us](http://www.projectlifesaver.us) – tracking devices for individuals (child & adult) at risk to wander away due to mental disability
- NAMUS – [www.namus.gov](http://www.namus.gov)
- Ohio's Missing Adults – [www.ohiomissingadult.com](http://www.ohiomissingadult.com)
- Ohio's Missing Adult Alert website – [www.missingadults.ohio.gov](http://www.missingadults.ohio.gov)
- Any other agencies and/or resources that may be available to assist in the investigation of the case

## UNIFORM MISSING PERSON REPORT FORM

### AGENCY DATA

Reporting Agency			Date	Case No.	ORI
Reporting Officer		Officer ID	Unit/Assignment		Sector Post
Unit Address			Phone	FAX	
Incident Type: Missing/Lost <input type="checkbox"/>	Parental Abduction <input type="checkbox"/>	Stranger Abduction <input type="checkbox"/>	Runaway <input type="checkbox"/>	Disabled <input type="checkbox"/>	Disaster Victim <input type="checkbox"/>

### MISSING PERSON DATA

Name (Last, First & Middle)				Sex	Race	Age
Home Address					Home Phone	
City/Town				State	ZIP	
D.O.B.	Height	Weight	Build	Hair Color	Eyes Color	Citizenship
Body Scars, Marks, Tattoos, Limp, etc.						
Clothing Description (Top to Bottom)						
					Jewelry, Glasses. Etc.	
Location Missing From:					Date/Time Last Seen	
Possible Destination					Photo Obtained Yes <input type="checkbox"/> No <input type="checkbox"/>	

### ACCOMPANIMENT DATA

May Be in Company With: Name			Sex	Race	Age
Home Address				Phone	
Friend/Acquaintance <input type="checkbox"/>	Relative <input type="checkbox"/>	Parental Abductor <input type="checkbox"/>	Suspected Abductor <input type="checkbox"/>		

### INVOLVED VEHICLE DATA

Vehicle Involved Yes <input type="checkbox"/> No <input type="checkbox"/>	Make	Model	Body Type	License No.	State	Color
Listed to Missing Person <input type="checkbox"/>	Other Person (Name)					
Home Address (If Other Person)					Phone	
Other Characteristics of Vehicle						

### COMPLAINANT DATA & WAIVER

Name			Sex	Race	Age
Home Address			Home Phone	Work Phone	
Relationship	<b>Why Does Complainant Think Victim is Missing?</b>				
<i>I am the parent/ legal guardian/ next-of-kin of the above named missing person and I hereby authorize the release of photographs and medical and dental records to assist criminal justice agencies in locating the missing person</i>					
Waiver Signature Date/Time					

### ADDED DATA

Occupation		SSN	Employer/ School		
Employment/School Location			Education Level		
Driver's Permit Yes <input type="checkbox"/> No <input type="checkbox"/>	State	Driver's Permit No.			
Medical/Mental Problems			Medically Endangered Yes <input type="checkbox"/> No <input type="checkbox"/>		
Required Medications/Therapies				Blood Type	
Dental Records Available Yes <input type="checkbox"/> No <input type="checkbox"/> Location:					
Body X-Rays Available Yes <input type="checkbox"/> No <input type="checkbox"/> Location:					
DNA Samples Recoverable Yes <input type="checkbox"/> No <input type="checkbox"/> Location & Type:					
Ever Arrested Yes <input type="checkbox"/> No <input type="checkbox"/>	Arrest Agency		Fingerprints Available Yes <input type="checkbox"/> No <input type="checkbox"/>	Mug Photo Available Yes <input type="checkbox"/> No <input type="checkbox"/>	

**INVESTIGATIVE DATA**

Hobbies & Interests				
Associations & Hang-Outs				
Access to Home Computer Yes <input type="checkbox"/> No <input type="checkbox"/>		E-Mail Address		
E-Mail Correspondence				
Pager/Cell Phone Numbers		Mobile Service Provider	Credit Cards in Possession	Cash in Possession Amount \$
Date/Time NCIC Entry		Report Copy To MCMC Yes <input type="checkbox"/>	AMBER ALERT Activated Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	NCMEC Notified Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
NCIC Entry Criteria Juvenile <input type="checkbox"/>	Involuntary <input type="checkbox"/>	Endangered <input type="checkbox"/>	Disability <input type="checkbox"/>	Catastrophe Victim <input type="checkbox"/>

**FORENSICS DATA**


**CASE STATUS DATA**

Open Case Yes <input type="checkbox"/>	Returned/Located Yes <input type="checkbox"/>	Return/Location Verified by: Date/Time		Unfounded Case Yes <input type="checkbox"/>
Officer's Signature		Date/Time	Supervisor's Signature Date/Time	

**USE A STANDARD AGENCY REPORT FORM FOR CASE NARRATIVE AND ANY ADDITIONAL INFORMATION**

**OHIO ATTORNEY GENERAL CONTACT INFORMATION**

**Office of Ohio Attorney General Mike DeWine**

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Columbus, OH 43215  
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[www.ohioattorneygeneral.gov/contact](http://www.ohioattorneygeneral.gov/contact)

**Ohio Peace Officer Training Commission**

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**Ohio Attorney General's Crime Victim Services Section**

Missing Children's Clearinghouse  
Brent Currence, Director  
(614) 728-5431  
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**Bureau of Criminal Investigation and Identification**

Ohio Attorney General  
(740) 845-2000