



<u>Policy Title</u>	Missing Person
<u>CCMT Sponsor</u>	ACC Specialist Operations
<u>Department/Area</u>	Crime Support
<u>Section/Sector</u>	Force Crime Management Unit

1.0 Rationale

- 1.1. This policy outlines the Thames Valley Police response to missing persons. It includes recommendations from the Home Office "Lost in Care - The Waterhouse Report" which relates specifically to children in residential care, and has been redrafted in the light of the Bichard and Flanagan reports, and the new national guidance from ACPO/NCPE.
- 1.2. It is essential that Thames Valley Police Employees are aware that all Missing Persons, in particular High-risk cases, are potential 'Critical Incidents', and act accordingly.
- 1.3. It should also be remembered that every missing person report has the potential to become a major crime enquiry and from the outset, the thoroughness of the investigation should reflect this.
- 1.4. This policy and the ACPO/NCPE guidance are relevant to Thames Valley Police Supervisors, investigators and Control Room and Enquiry Department staff.

2.0 Intention

- 2.1. The intention of this policy is to:
 - protect individuals who are at risk
 - ensure that police resources are used appropriately and effectively to investigate missing person reports
- 2.2. This will be achieved by:
 - providing guidance for officers and police staff in relation to missing person enquiries
 - standardising procedures across the force

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3.0 General Principles

3.1. The general principles of this policy are;

- ACPO/NCPE National Guidance will be complied with.
- All missing person reports will be prioritised in accordance with the Incident Attendance Policy and the NCPE/ACPO risk assessment.
- A Missing Person Database (MPDB) record will be created for all missing persons reported to Thames Valley Police.
- The BCUs are responsible for nominating 'Duty Supervisors' who will be police officers of inspector or sergeant rank.
- The Duty Supervisor has overall responsibility for the investigation and the risk assessment.
- Risk assessment is a continuous, cyclical process. The risk assessment must be reviewed in the light of every new piece of information in all cases.
- The initial risk assessment must be completed on the MPDB within 4 hours of the report.
- 'Risk assessment' includes assessing the level of risk posed to or by the individual
- The BCUs will adopt a partnership approach to the problem of children going missing from the care of local authorities and mental health trusts by Service Level Agreements and multi agency protocols.
- BCU Commanders will be responsible for the implementation of this policy.

4.0 Challenges & Representations

4.1. Any person affected by this policy and dissatisfied by its impact should contact their local police station. If the issue relates to how officers applied the policy, normal 'complaints against police' procedures apply. However if the issue relates to the policy itself and not to its local implementation, the matter should be referred to the policy holder. Final arbitration lies with the Chief Constable. The address of the policy holder is:

Detective Superintendent Crime Support
Thames Valley Police Headquarters
Kidlington
Oxon
OX5 2NX

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5.1. See Appendix A for specific instruction and Roles and Responsibilities.

5.2. The ACPO missing person policy defines a missing person as;
'Anyone whose whereabouts are unknown, whatever the circumstances of disappearance. They will be considered missing until located and their well-being or otherwise established'

5.3. The levels of risk posed by or to a missing person and the required response is defined by NCPE/ACPO as:

High Risk	
<p>The risk posed is <u>immediate</u> and there are substantial grounds for believing;</p> <ul style="list-style-type: none"> • that the subject is in danger through their own vulnerability; • or may have been the victim of a serious crime; • or the risk posed is immediate and there are substantial grounds for believing that the public is in danger. 	<p>This category requires the immediate deployment of police resources and a member of the BCU senior management team or similar command level must be involved in the examination of initial enquiry lines and approval of appropriate staffing levels. Such cases should lead to the appointment of an SIO. There should be a press/media strategy and/or close contact with outside agencies.</p>
Medium Risk	
<p>The risk posed is likely to place the subject in danger or they are a threat to themselves or others.</p>	<p>This category requires an active and measured response by police and other agencies in order to trace the missing person and support the person reporting</p>
Low Risk	
<p>There is no apparent threat of danger to either the subject or the public</p>	<p>In addition to recording the information on the PNC, the police will advise the person reporting the disappearance that following basic enquiries and unless circumstances change, further active enquiries will not be carried out by police. The missing person's details will be passed to National Missing Persons Helpline (NMPH) in line with the national protocol. Low risk missing persons, however, must be kept under review as risk can increase with the passage of time.</p>

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5.7 Children missing in unusual or unexplained circumstances will initially be classed as High Risk. The fact that they may be 'streetwise' or 'sensible', or be in the company of another child who is also missing will not in itself be sufficient to downgrade the risk.

5.8 All reports of children missing in such circumstances will be assessed as potential 'critical incidents' by the duty Supervisor and HBI. The decision making process will be recorded in the Command and Control log. Where it is identified that the report amounts to a critical incident the 'Critical Incident' policy will be complied with.

5.9 Other considerations in addition to those set out above by ACPO/NCPE will be to activate the High Risk Missing Person Trigger Plan. (Appendix D), and where the subject is a child, Child Rescue Alert and/or Multi Agency Child Protection Protocols.

5.10 Family Support.

5.10.1 Should always be done in a timely manner giving appropriate information to the family so they will feel supported by the police. It will be the responsibility of the Duty Supervisor in tandem with the Missing person coordinator to ensure that this is done.

5.10.2 In the event of a major incident such as death or abduction, a trained Family Liaison Officer should be nominated to ensure continuity.

5.10.3 Missing person's enquiries where Honour Based Violence (HBV) or Forced Marriage is suspected should be considered carefully with regard to Family Support. If there are antecedents, suspicions or known previous incidents of HBV, the risk is substantially increased to the missing person.

5.10.4 Where there are such suspicions, cases should be assessed as having the potential to be a critical incident.

5.10.5 Officers and staff should carefully consider third party missing person reports. Relatives may attempt to use police to locate a missing relative who has escaped/fled from HBV, or they may try to mislead officers by presenting another family member posing as the person you are seeking.

5.10.6 When dealing with missing person reports where the reporting person is not a relative e.g. employers or schools, consideration should be given as to why the family have not reported the individual missing.

Further information and guidance on Honour Based Violence is available on the Force Crime Management Unit intranet site.

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6.0 Communication

6.1 Links to Police National Legal Database Other

This policy should be read in conjunction with the Domestic Violence Policy, CPSCU policy, Home Office circular 44/03 and Standard Operating Procedures for Police Protection

6.2 Communications Strategy

A communication Strategy will be developed by the FCMU project manager
Target audience: All TVP personnel, and interested partner agencies

7.0 Compliance and Certification

7.1 Human Rights Certification

(i) Legal Basis

The legal basis for this document is derived from;*

- Police Act 1996 schedule 4
- Police and Criminal Evidence Act 1984 Section 17(1)(e)
- Mental Health Act 1959
- Child Abduction Act 1984
- Children Act 1989
- Children and Young Persons Act 1969
- Health and Safety at Work Act 1974

**the above list is not exhaustive*

(ii) Human Rights Articles Engaged

This policy has been drafted in accordance with the Human Rights Act and the principles underpinning it. It is acknowledged that this policy has the potential to engage the following articles:-

- Article 5 Right to Liberty
- Article 8 Right to Respect for Private and Family Life
- Article 2 Right to Life

In the event that an Article of the convention is engaged, then the legitimacy for the engagement is provided within the text of the Article:-

- Article 5 (1)(c) of the Convention (Right to Liberty) provides for '...the lawful arrest or detention of a person effected.. when it is reasonably considered necessary to

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prevent his committing an offence or fleeing after having done so...'

- Article 5 (1)(d) '...the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- Article 5 (1)(e) '...the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- Article 8 Right to Respect for Private and Family Life. A public authority may interfere with the exercise of this right in accordance with the law and as is necessary in a democratic society in the interests of:-
 - National security
 - Public safety or the economic well being of the country
 - The prevention of disorder or crime
 - The protection of health or morals
 - The protection of rights and freedom of others
- Article 2 (Right to Life)- The Police Service has a positive obligation under Article 2, which may include taking preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual.

(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

7.2 Diversity Impact Assessment

This policy has been subject of a Diversity Impact Assessment.

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any person regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

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7.4 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' may be processed and this data will be protected in accordance with the requirements of the Act.

Specific Information sharing protocols should be in place to ensure that all disclosures made in accordance with this policy take into account the individuals legislative rights.

7.5 Freedom of Information Act

This policy will be publicly available except for the Appendices, which contain detail of police tactics. (Exemption 31.1(a) FOIA 2000. It may be published on the Freedom of Information Internet site.

7.6 Protective Markings

This policy has been assessed as being NOT PROTECTIVELY MARKED

7.7 Health & Safety at Work

There are a number of Health and safety and welfare issues connected with this policy. They include;

1. The need for risk assessments to be conducted in respect of potential risks to staff who may need to detain missing persons under the Mental Health Act etc
2. Risk assessments to be conducted by supervisors on where and how missing children should be accommodated whilst awaiting escort by social services

This policy is to be read in conjunction with the Force Health and Safety Manual, which sets out the requirement for documented risk assessment by a competent person, when exposure to a particular hazard arising from workplace or pre-planned Policing work activity can be said to be 'reasonably foreseeable'.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy has been redrafted incorporating best value principles

8.2 Review Process

The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary at any time. This policy document will be reviewed annually or sooner if an operational need arises.

The review will take into account the following criteria:-

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations