



Bundeskriminalamt

Police processing of missing persons cases in Germany

Annex to Article 24

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1 Introduction

The Federal Criminal Police Office (*Bundeskriminalamt*, BKA) has been responsible for dealing with missing persons cases ever since its establishment as the central criminal police agency for the Federal Republic of Germany in 1951.

The duties of the BKA missing persons unit include

- searching for missing persons,
- identifying unidentified bodies and
- unknown helpless persons.

These three fields form a single unit because missing persons may be found in helpless situations, and because it may be possible to identify theretofore unknown bodies on the basis of a missing persons report.

2 When is a person considered missing by the police?

If a person, for inexplicable reasons, remains absent from his or her habitual place of residence, he/she is usually reported missing to the police by relatives or friends.

The police initiate a search for a missing person if

- a person has left his/her **accustomed environment**,
- his/her current whereabouts are **unknown and**
- it can be assumed that there is an imminent **danger to life and limb** of the person concerned (e.g. victim of a crime, accident, helplessness, suicidal intent).

Adults of sound mind and body have the right to freely choose their whereabouts without informing their relatives and friends thereof. Therefore, it is not the police's duty to investigate a person's whereabouts if the above danger to life and limb does not exist.

To the extent that there is such a danger, the search for a missing adult usually aims first to ascertain the whereabouts of the person concerned. If the whereabouts of the missing person have been ascertained, he/she is asked whether he/she agrees to his/her relatives being

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informed thereof. Relatives/friends are informed in accordance with the wishes of the missing person (with or without disclosing his/her whereabouts). If the person is well, has not become the victim of a crime and has not him-/herself committed a criminal offence, the police considers the case closed once the person's whereabouts have been ascertained.

Persons under 18 years of age (minors) are not allowed to themselves choose their whereabouts. In the case of minors, a danger to life and limb is generally assumed to exist. The police consider them to be missing if they have left their accustomed environment and their whereabouts are unknown. (For more detailed information, please refer to no. 5).

Missing minors, when found by the police, are taken into public care (e.g. a youth facility) until it is ensured that they can be returned home. This police measure should not be confused with an arrest; its purpose is to protect the minor concerned.

3 What measures do the police take in missing persons cases?

3.1 Duties of the local police station

3.1.1 Immediate search for a person

The statements of the person making the report provide the police with a basis for assessing the overall situation.

Thus it may be appropriate, particularly if there is an imminent danger to the life and limb of the missing person (e.g. a suicide threat) or if a child has gone missing, to initiate search measures – in some cases large-scale - immediately after the missing person report has been filed.

Very frequently, there are not enough staff available for a search covering a large area. For that reason, as a rule all available staff from the hundred-strong units of the **riot police** and, if necessary, units from other *Länder* or the **Federal Police** are alerted. **Local rescue services** (Red Cross, fire brigade, Federal Agency for Technical Relief) have the necessary local familiarity and are therefore indispensable.

If the premises are not easily accessible or the search takes place during the night, **search and rescue dogs, helicopters with thermal imaging cameras** or other technical equipment may

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be used as well.

Generally, the police station of the district in which the missing person has his/her place of residence or had his/her most recent abode, is the agency responsible for processing missing persons cases, including gathering material for identifying the person concerned.

3.1.2 Search notices within the police information system

Personal data of missing persons are registered in the computerized police information system (INPOL) and the information **on the “wanted person”** is then circulated using that system. All German police stations have access to this system. If the person concerned happens to be checked by the police during a police control, it is possible to establish that he/she is missing and which police station is processing the case.

3.2 The task of the BKA (Interpol Wiesbaden)

3.2.1 Domestic cases

When a person is reported missing in Germany, the case is processed by the local police station. If the local police have indications that the missing person may be abroad, or even in a particular place abroad, it will submit a **request for co-search to the Interpol bureaus** of the countries concerned.

In certain justified cases the BKA missing persons unit will, at the request of a domestic police station, launch a worldwide search for the missing person so that all Interpol member states will be informed about the missing person case.

Search requests to the States Parties to the Schengen Agreement are activated by "pressing a button" on the European search computer "Schengen Information System" (SIS) at the local police station.

The BKA will pass on any investigation results obtained from abroad to the requesting police station.

3.2.2 Requests from abroad

The BKA is Germany's "National Central Office for the International Criminal Police Organisation" (ICPO), better known as "Interpol".

In the case of search requests from foreign states, the BKA is the competent German police authority. All search measures, such as the checking of any evidence or clues regarding the

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possible whereabouts of a missing person in Germany, are initiated and coordinated by the BKA.

The result of the checks is passed on to the foreign Interpol bureau via the same channels. If the initial investigations in Germany do not yield any results, the person will be entered as a “missing person” in the INPOL police information system. The case will then be processed further by the BKA.

3.2.3 German nationals missing abroad

German nationals living or staying as tourists in a foreign country and foreign nationals whose first place of residence is in Germany, can be reported missing in the respective foreign country. In these cases, the BKA will be informed by the respective German mission (embassy or consulate) or by the Interpol bureau of the country concerned. The BKA’s missing persons unit will inform the German police station at the place of residence of the missing person and ask it to conduct the necessary checks.

Should the missing person have returned home or his/her whereabouts be known there, the foreign Interpol bureau will be informed and the search will be cancelled.

If the missing person’s whereabouts cannot be ascertained, the case will then be handled by the competent German police station. It will compile the identification materials (photos, fingerprints, dental chart) of the missing person and make them available to the foreign Interpol bureau via the Land Criminal Police Office and the BKA.

When appropriate, the BKA will involve other states in the search for the missing person.

3.2.4 “Database on unidentified bodies and missing persons”

By entering a missing person’s data in INPOL, the data will, overnight, be incorporated in the “unidentified bodies and missing persons” database. This database contains all the data on

- current missing persons cases,
- unidentified dead bodies,
- unidentified helpless persons

and all foreign cases reported to the BKA.

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The BKA and the 16 Land Criminal Police Offices have access to this database, which was established in 1992.

The database serves to detect links between missed persons and unidentified bodies by way of a computer-based comparison involving the description of the person and the circumstances of the case.

If a search in the “missing persons/unidentified bodies” database establishes that an unidentified body could be identical with a missing person, the authorities involved will be informed. They will check the features of the unidentified body against those of the missing person.

If the existing features are not sufficient to identify the person unambiguously, a DNA comparison will be carried out. If the body has been identified as the missing person, the family will be informed. All data relating to the missing person/the unidentified body will be removed from the database. As a matter of principle, the database contains only current cases.

4 How many persons are considered missing in Germany?

In order to gain an idea about the number of people gone missing in Germany, here are some figures:

In July 2007, more than 14,300 cases were stored in the “unidentified bodies/missing persons” database. Among them were 6,400 people reported missing in Germany. This figure includes cases which are cleared up within a few days, but it also covers persons who have been missing for up to 30 years. Every day, about 150 to 250 searches are newly registered or cancelled.

Experience has shown that about 50% of all missing persons cases are solved within the first week. After one month, more than 80% of all cases have been solved. The percentage of people missing for more than one year is only about 3%.

Almost two-thirds of all missing persons are male. About half of those gone missing are children and juveniles. Their disappearance can be due to very diverse reasons (problems at school or with parents, lovesickness etc.).

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If a missing person case is not cleared up, the search notice will be upheld for up to **30 years**.

5 Missing children

All **minors** are considered missing if they have left their accustomed environment and their whereabouts are unknown (to the person having custody). For as long as the investigations have not resulted in findings to the contrary, **it will be assumed, as a matter of precaution, that the life or the physical integrity of the person concerned is at risk.**

The topic of missing children is of great concern to the German public. Intense media coverage of individual cases suggests that all children are at great risk.

This sometimes creates the impression that

- the number of children who are not found or the number of unsolved cases is dramatically high;
- a substantial number of missing children who are not found are victims of so-called child pornography rings and the police do not do enough to stop this.

In 2010, a total of 13,926 children (of up to 14 years) were considered missing in Germany; by 1 March 2012, 13,833 of these cases were cleared up. This corresponds to a **clear-up rate of about 99 %.** The 93 cases still unsolved include 30 cases of child abduction and 8 cases of so-called unaccompanied refugee children.

In 2011, 4,729 children (under 14 years, i.e. up to 13 years) were recorded missing.

By 1 March 2012, 4,581 cases were cleared up.

On 1 March 2012, a total of 501 children (up to 14 years, i.e. 13 years at most) were listed as missing, starting from 3 March 1951, the earliest date in the missing persons records.

The majority of these 501 children are refugee children or children who were **abducted** from their parents or guardian.

Cases of child abduction are typically caused by parental arguments about custody, especially when the parents come from very different cultural backgrounds. The child abduction cases reported to the police are recorded as “missing person cases” for as long as the police cannot exclude that the child concerned is in danger. In most of these cases, however, the child is not in danger.

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With regard to the remaining missing children, it must be feared that they have become victims of a crime or an accident, are in a situation of helplessness or are no longer alive.

This includes the children who are likely to have drowned, but whose bodies have never been found.

All in all one can say that a great number of children go missing every day, but that, fortunately, the number of children whose fate will remain unknown for a long time is very small.

6 Search for relatives or friends

The Federal and *Länder* Police are often asked by private persons to help them find relatives such as (grand)parents or siblings, or former (school) friends.

However, the police are only able to help and take any steps if the "missing persons criteria" (cf. no. 2) are fulfilled. Very often the person concerned does not meet the criteria for being categorized as missing, in particular because his/her **life or limb is not at risk**.

In such cases, it is not rare that the persons concerned wanted to leave their family or circle of friends without telling them how they can be contacted.

In this situation, the police can only refer the relatives or friends to other institutions (such as search services).