

Breezy Point Police Department

**Developed by the
Members of Brandon's Law Working Group**

2009

**LAW-ENFORCEMENT
POLICY & PROCEDURES
FOR REPORTS OF MISSING PERSONS
*(Missing Children and Adults)***

**For the 2009 Minnesota Legislative Session
299C**

**RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS
MODEL POLICY**

Minnesota Statutes 299C.51-229C.5655, 390.25 and 626.8454

I. POLICY

It is the policy of the Breezy Point Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in Minnesota Statutes, Chapter 299C.52, subd. 1 (c) and (e) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law). **The statutorily mandatory procedures are highlighted in bold print.**

This policy addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by Minnesota Statutes Chapter 299C.52.

The Breezy Point Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this Model Policy.

II. DEFINITIONS

A. Missing: "The status of a person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located" (Minnesota Statutes, Chapter 299C.52, subd. 1 (c)).

B. Endangered: "A law enforcement official has recorded sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:

- 1) The person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
- 2) The person is missing under known dangerous circumstances;
- 3) The person is missing more than 30 days;
- 4) The person is under the age of 21 and at least one other factor in this paragraph is applicable;
- 5) There is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
- 6) The person does not have a pattern of running away or disappearing;
- 7) The person is mentally impaired;
- 8) There is evidence that the person may have been abducted by a noncustodial parent;
- 9) The person has been the subject of past threats or acts of violence;
- 10) There is evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical.
- 11) Any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

(Minnesota Statutes, Chapter 299C.52, subd. 1 (e)).

C. Child: “Any person under the age of 18 years or any person certified or known to be mentally incompetent” (Minnesota Statutes, Chapter 299C.52, subd. 1 (a)).

D. NCIC: The National Crime Information Center

E. CJIS: The Criminal Justice Information System

F. DNA: deoxyribonucleic acid from a human biological specimen (Minnesota Statutes, Chapter 299C.52.subd. 1 (f))

III. PROCEDURES

This agency will respond according to the following six types of general procedures:

- Initial Response
- Initial Investigation
- Investigation
- 30 Day Benchmark
- Prolonged Investigation, and
- Recovery/ Case Closure

A. INITIAL RESPONSE

1. **As required by Minnesota Statutes, Chapter 299C.53, subd. 1(a), Law Enforcement shall accept, without delay, any report of a missing person.** Law enforcement shall not refuse to accept a missing person report on the basis that:
 - a) the missing person is an adult;
 - b) the circumstances do not indicate foul play;
 - c) the person has been missing for a short period of time;
 - d) the person has been missing for a long amount of time;
 - e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
 - f) the circumstances suggest that the disappearance may be voluntary;
 - g) the reporting person does not have personal knowledge of the facts;
 - h) the reporting person cannot provide all of the information requested by the law enforcement agency;
 - i) the reporting person lacks a familial or other relationship with the missing person; or
 - j) for any other reason, except in cases where the law enforcement agency has direct knowledge, that the person is, in fact, not missing, and the whereabouts and welfare of the person are known at the time the report is filed.

2. **Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered.**
3. Obtain interpretive services if necessary.
4. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).
5. Determine when, where, and by whom the missing person was last seen.
6. Interview the individual(s) who last had contact with the person.
7. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.
8. **Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.** Fax the report to the Crow Wing County Sheriff's Office for entry into NCIC and check the custom attributes box for Hot Files in RMS.
 - a) As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall immediately enter missing children less than 21 years of age into the NCIC. A signed report is not required.
 - b) As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall immediately enter identifying and descriptive information about the person into the NCIC.
 - c) As required by 42 U.S.C. 5780 (3c) (Adam Walsh Act) ensure the record is entered within 2 hours of receipt into the National Crime Information Center computer networks.
 - d) To ensure maximum System effectiveness, Missing Person records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt by the entering agency.
9. Adults age 21 and older are required to have signed documentation supporting the stated conditions under which they are being declared missing before entry into the system, unless they are victims of a catastrophe. The documentation should be from a source such as a parent, legal guardian, next of kin, physician or other authority source including a neighbor or a friend. However when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice. For agencies using Electronic Records Management Systems (ERMS), some forms of signatures that are acceptable are: 1) Digitized signatures 2) Manual signatures scanned into the ERMS 3) The case officer's typed name into the report in the ERMS. When entering records into the NCIC missing person file, the entry person will:
 - a) Run a current DVS and CCH/III inquiry to obtain as many descriptors as possible regarding the subject. This check should include a check of whether medical/dental information is available regarding the subject. Any descriptors used must be documented in the officer's report or saved within the case file. Attempts to obtain medical/dental information must also be documented in the case file.
 - b) Enter a record into NCIC on the subject. This record should include all descriptors. Additional identifiers such as scars, marks and tattoos, aliases, additional dates of

birth, etc., should be added to the record through the use of the Enter Missing Person Supplemental Screen.

- c) After the record is entered, query the NCIC entry to obtain a hard copy for second party verification purposes.

10. **Enter complete descriptive information regarding suspects/vehicle in the NCIC system.**
11. Request investigative and supervisory assistance.
12. Update additional responding personnel.
13. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional and federal law enforcement agencies.
14. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
15. Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
16. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
17. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)
18. **As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.**
19. Implement multi-jurisdictional coordination / mutual aid plan as necessary; such as when:
 - a) the primary agency has limited resources;
 - b) the investigation crosses jurisdictional lines; and
 - c) jurisdictions have pre-established task forces or investigative teams.
20. Based on the preliminary investigation, determine whether or not a physical search is required. If so, begin implementing the Reflex Tasking Phase of your agencies' Search Plan immediately pursuant to Minnesota Statutes, Chapter 387.03. Simultaneously, conduct an Initial Investigation.

B. INITIAL INVESTIGATION

1. Conduct a neighborhood/vehicle canvas.
2. Arrange for use of helpful media coverage.
3. Maintain records of telephone communications/messages.

4. Ensure that everyone at the scene is identified and interviewed separately.
5. Search the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.
6. Assign an investigator or officer whose duties will include coordination of the investigation.

C. INVESTIGATION

1. Begin setting up the Command Post/Operation Base away from the person's residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
2. Establish the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in the area.
5. In cases involving children, obtain child protective agency records for reports of child abuse.
6. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
7. Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
8. Create a Missing Persons' Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
9. Update the NCIC file, as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
10. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
11. For persons' under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
 - A. Searches and Available Resources:
 - Ground Searches – personnel, vehicles, and/or mounted patrols/civil air patrol.
 - Canine Assisted –Tracking, Trailing, Air Scent, Disaster and Human Remains Detection K-9s

- Water and underwater searches – Boats, cameras, sonar and dive teams.
 - Air Searches – Civil Air Patrol, National Guard helicopters, State Patrol, DNR and fixed wing.
 - Cave Searches
- B. Investigative Resources:**
- Child interviewing
 - Polygraph
 - Profiling/behavioral analysis
 - Minnesota Sex and Violent Crime Analysis Programs
 - Crime analysis/computer assistance
 - Forensic artistry/Crime scene and evidence processing
 - Memory retrieval
- C. Interpretive Services**
- D. Telephone Services (traps, traces, triangulation, etc.)**
- E. Media Assistance (Local and National)**

- 13.** Secure electronic communication information such as the missing person's cell phone number, email address(s) and social networking site information.
- 14.** Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.
- 15.** Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

*****MISSING FOR OVER 30 DAYS**

If the person remains missing after 30 days from entry into NCIC, the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

- a) DNA samples from family members and, if possible, from the missing person;**
- b) Dental information and x-rays;**
- c) Additional photographs and video that may aid the investigation or identification;**
- d) Fingerprints; and**
- e) Other specific identifying information.**
- f) This information will be entered into the appropriate databases by BCA Clearinghouse personnel.**
- g) If the person is still missing after 30 days, change the NCIC classification to endangered.**

Agencies are required to verify and update NCIC 2000 missing person record entries with any additional information, including: Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics

(SMT) within 60 days of entry. If a record has a date of entry older than 30 days and any of the above fields are blank, a \$.K. Missing Information Notification identifying the blank fields will be transmitted. The \$.K. Missing Information Notification will also include the record.

**A notation shall be made in the case file indicating when this attempt was made and what the outcome was, ie: child has returned, dental records obtained, etc. This sixty (60) day update is mandatory FBI requirement on all missing persons records under the age of 21 and Breezy Point Police Department personnel shall document this attempt in the case file to show that this requirement has been met.

D. PROLONGED INVESTIGATION

1. Develop a profile of the possible abductor.
2. Consider the use of a polygraph for parents, spouse, and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
5. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
6. Develop a time-line and other visual exhibits.
7. Critique the results of the on-going investigation with appropriate investigative resources.
8. Arrange for periodic media coverage.
9. Consider utilizing rewards and crime-stoppers programs.
10. Update NCIC Missing Person File information, as necessary.
11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
12. Maintain contact with the family and/or the reporting party or designee as appropriate.

E. RECOVERY/CASE CLOSURE

Alive

1. Verify that the located person is the reported missing person.
2. If appropriate, arrange for a comprehensive physical examination of the victim.
3. Conduct a careful interview of the person, document the results of the interview, and involve

all appropriate agencies.

4. Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
5. Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
6. Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc), remove case from NCIC (as required by MN Statute 299C.53. subd 2) and other information systems and remove posters and other publications from circulation.
7. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

Deceased

1. Secure the crime scene.
2. Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.