

FRIDLEY POLICE

# GENERAL ORDER

SUBJECT: <b>Missing and Endangered Persons</b>	DATE OF ISSUE	NUMBER:
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## I. PURPOSE

The Fridley Police Department has established 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 (d) (“Minnesota Missing Children and Endangered Persons’ Program” referred to as Brandon’s Law).

This General Order 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.

## II. POLICY

The Fridley 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 General Order.

## III. DEFINITIONS

### 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 (d)).

### 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:

- The person is missing as a result of a confirmed abduction or under circumstances that indicate that the person’s disappearance was not voluntary;

- The person is missing under known dangerous circumstances;
- The person is missing more than 30 days;
- The person is under the age of 21 and at least **one other factor** in this paragraph is applicable;
- 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;
- The person does not have a pattern of running away or disappearing;
- The person is mentally impaired
- There is evidence that the person may have been abducted by a noncustodial parent;
- The person has been the subject of past threats or acts of violence;
- 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.
- 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 (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)).

### NCIC

The National Crime Information Center

### CJIS

The Criminal Justice Information System

### DNA

Deoxyribonucleic acid from a human biological specimen (Minnesota Statutes, Chapter 299C.52.subd. 1 (b))

#### IV. PROCEDURE

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), an officer shall accept, without delay, any report of a missing person. An officer **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. An officer receiving a report of a missing person shall conduct a preliminary investigation to determine whether the person is actually missing, and if missing, whether a missing person record may be entered into the NCIC Missing Person File using one of the following NCIC entry categories:
- a. Disability  

A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/ herself or others to personal and immediate danger.
  - b. Endangered  

A person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
  - c. Involuntary  

A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
  - d. Juvenile  

A person under the age of 18 who is missing and does not meet any of the entry criteria set forth in 1, 2, 3, or 5. This record type should be used only for juveniles who voluntarily run away. For example, a 2-year-old child reported missing should not be entered under record type J.
  - e. Catastrophe Victim  

A person of any age who is missing after a catastrophe, such as a tornado or plane crash. Catastrophe records may be entered by any agency involved in identifying victims of a disaster. No written documentation is required for entry into this category.
  - f. Other

A person age 18 or older not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.

3. Initial response procedures for a **missing and endangered person**:

a. As required by Minnesota Statutes, Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension.

1) Determine whether there is criteria for an AMBER Alert to be issued and if so, contact BCA with victim and suspect information.

2) Request assistance as necessary.

b. Obtain interpretive services if necessary.

c. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).

d. Determine when, where, and by whom the missing person was last seen.

e. Interview the individual(s) who last had contact with the person.

f. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.

g. NCIC Entry:

1) Following NCIC policy, complete descriptive and critical information regarding the missing and endangered person shall be entered into the appropriate category (Disability, Endangered, Involuntary, Runaway Juvenile, or Catastrophe Victim) of the NCIC Missing Person File. A current Department of Vehicle Services (DVS) and CCH/III inquiry will be performed to obtain personal descriptors and numeric identifiers in order to pack the record.

2) As required by 42 U.S.C. 5779(a) (Suzanne's Law), within two hours, NCIC identifying and description information about missing children less than 21 years of age and missing persons regardless of age determined to be endangered will be entered into NCIC. The two-hour

clock starts when minimum information required for entry is received. A statement that specifies the start of the 2-hour clock shall be documented in the report. Records for missing adults not determined to be endangered shall be entered immediately into NCIC upon receipt of the minimum amount of data required for entry, not to exceed three days.

- 3) Per the CJIS manual, version 03/31/97, section 10.2, 'A record of a missing adult (those 21 and over) may be entered in the Missing Person File provided the entering agency has signed documentation in its possession supporting the stated conditions under which the person is declared missing. This documentation will aid in the protection of the individual's right to privacy. The documentation must be from a source such as a parent, legal guardian, next of kin, physician, investigating officer or other authoritative source including friend or neighbor in unusual circumstances.' NCIC policy states "when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice." Signed documentation is not necessary for a catastrophe victim.
- 4) A missing person report filed with an agency which has jurisdiction is sufficient documentation for entering a juvenile in the NCIC Missing Person File."
- 5) Hot File entries, modifications and cancellations will be performed by either Central Communications or Fridley Police personnel per the *'Hot Files and Hit Confirmation Agreement with Anoka County Central Communications'* contract.
- 6) The Fridley Police Department is a non-24 hour agency, therefore all hot file entries will include in the MIS field either the ORI or the telephone number (including area code) for Anoka County Central Communications which has responsibility for responding to a hit confirmation request.
- 7) Second Party Verification: Fridley records personnel other than the entering party will conduct a 2<sup>nd</sup> party verification check of information entered in the NCIC/CJIS Hot Files. This verification should include querying and reviewing the record, ensuring that the record is 'packed' with all available information, that any available cross-checks (e.g, driver license and motor vehicle records) were made, and that data contained in the NCIC record matches and is documented by data in

the police report. The Second Party check will be documented in the case file.

- 8) Within 60 days after the original entry, the Fridley Police Department will verify and attempt to update the record of a person still listed as missing with medical and dental records, if available. Updated information and attempts to document this information shall be kept with the case file.
- h. Insure that complete descriptive information regarding suspects/vehicle is entered in the NCIC system.
- i. Request investigative and supervisory assistance.
- j. Update additional responding personnel.
- k. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use The International Justice & Public Safety Network (NLETS), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.
- l. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
- m. 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.
- n. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- o. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network, etc.).
- p. Implement multi-jurisdictional coordination / mutual aid plans as necessary.
- q. Based on the preliminary investigation, determine whether or not a physical search is required.

## **B. INITIAL INVESTIGATION**

Initial investigation procedures for a **missing and endangered person**:

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**

Investigation procedures for a **missing and endangered person**:

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 and follow up on all leads.
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. Available Search and Rescue (SAR) resources.
  - b. Investigative Resources.
  - 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.

16. *A Minnesota Missing Persons Bulletin Information and Release Form* will be supplied to the complainant

#### **D. 30-DAY BENCHMARK**

1. 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). Attempts to obtain this information will be documented in the case file:
  - 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.
2. If the person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.

#### **E. PROLONGED INVESTIGATION**

Prolonged investigation procedures for a **missing and endangered person**:

1. Develop a profile of the possible abductor.
2. Consider the use of a truth verification device 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.

**F. 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, Minnesota Missing/Unidentified Persons Clearinghouse, 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.