

East Grand Forks Police Department Response to Reports of Missing and Endangered Persons

Directive: 41.2.5

Reference: RFSLEA 41.2.5, MN STAT 299C.51-299C.5655, 390.25 and 626.8454, BCA Missing Person Policy, Brandon's Law

Authorized by: _____
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I. POLICY

It is the policy of the East Grand Forks 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 MN STAT Chapter 299C.52, subd. 1 (c) and (d) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law).

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

The East Grand Forks 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 Directive.

II. DEFINITIONS

A. *Missing:* Per MN STAT 299C,52, subd. 1 (d), "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".

B. *Endangered:* Per MN STAT 299C,52, subd. 1, (c), "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; or
- 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.

C. *Child:* Per MN STAT 299C,52, subd. 1 (a), "Any person under the age of 18 years or any person certified or known to be mentally incompetent".

D. *Special Needs Person:* A person who has a special needs condition that may be defined as, but not limited to, autism spectrum disorder, Down Syndrome, intellectual disabilities, traumatic brain injury, dementia (such as Alzheimer's Disease) or any other condition characterized by physical, social or cognitive impairments, or communication challenges.

E. *Elevated Risk Factors:* A missing child who is 13 years of age or younger, or who is believed or determined to be:

- 1) out of the zone of safety for his or her age and developmental stage;
- 2) affected by a psychological or behavioral condition;
- 3) requires medication;
- 4) drug involved (i.e. illegal substances);
- 5) a potential victim of foul play or sexual exploitation;
- 6) in a life-threatening situation;
- 7) reported to the police as missing after a delay on the part of the parents, guardians, caregiver, without plausible explanation for the delay;
- 8) with adults or older juveniles who could endanger his or her welfare; and/or
- 9) absent under circumstances inconsistent with established patterns of behavior and the deviation cannot be explained.

F. *Zone of Safety:* The distance a child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation based on age, developmental stage, and related matters.

G. *NCIC:* National Crime Information Center.

H. *CJIS* means The Criminal Justice Information System.

I. *DNA* means “DNA” has the meaning given it in MN STAT 299C.52, subd. 1 (b), Deoxyribonucleic acid from a human biological specimen.

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 MN STAT 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 amount 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. Interview the person who made the initial report, and if that person is a child, the child’s parent(s) or guardian(s).
4. Determine when, where, and by whom the missing person was last seen.
5. Interview the individual(s) who last had contact with the person.
6. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photos/videos of the missing person. Descriptions should include; gender, ethnicity, height, weight, hair color and clothing worn. **If the missing person is a person with special needs then ask the questions listed in Appendix A found at the end of this Directive.**
7. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File (This must be completed within two hours per Federal law).

- 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.
- b) As required by MN STAT 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.
 - i. 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.
 - ii. 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.
 - iii. 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.
8. Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
9. Request investigative and supervisory assistance.
10. Update additional responding personnel.
11. 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.
12. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
13. 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.
14. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
15. Activate protocols including AMBER Alert and/or Minnesota Crime Alert Network as appropriate – consider elevated risk factors.
16. As required by MN STAT 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.
17. Implement multi-jurisdictional coordination/mutual aid plans as appropriate.

18. Based on the preliminary investigation, determine whether or not a physical search is required.
19. Determine if the missing person is enrolled in Project Lifesaver and if so activate a Project Lifesaver search team.
20. Even if the missing person occurred elsewhere, conduct a thorough search of the missing person's home.
21. If the missing person is a child determine custody status and investigate custody disputes and whether the child had expressed a desire to live with the non-custodial parent.
22. Attempt to contact the missing person through cellular communications and social media as appropriate.
23. **Incidents involving missing persons who are considered endangered or who are children with elevated risk factors should be treated as critical incidents and require an elevated response from law enforcement.**
 - a) Identify hazards in the area where the person was last seen and dispatch personnel to those locations, paying special attention to bodies of water and locations of interest to the child.
 - b) If possible, secure identified hazardous areas near where the missing person was last seen to prevent the missing person from entering those areas.
 - c) Provide any information about the missing person's special needs condition to search and rescue personnel.

B. INITIAL INVESTIGATION

1. Conduct a canvas of the neighborhood and identify and interview residents and others within the area that the missing person was last seen and identify all vehicles in the vicinity neighborhood.
2. Maintain records of telephone communications/messages.
3. Ensure that everyone at the scene is identified and interviewed separately.
4. Search the home, building or other area/location where the incident took place and conduct a search of all surrounding areas. Obtain consent or a search warrant if necessary. Use search canines as appropriate and available.
5. Assign an investigator or officer whose duties will include coordination of the investigation.
6. Prepare a media release/press conference to get information regarding the Missing Person and/or Suspect out to the public as soon as possible.
7. Conduct fact-finding interviews with all witnesses, family and friends, classmates, co-workers, etc. of the missing person as appropriate.
8. Obtain access to the missing person's social media accounts and review activity.

C. INVESTIGATION

1. Begin setting up the Command Post/Base of Operations away from the Missing Person's residence. Depending on the size/scope of the search/investigation, specific responsibilities/assignments such as Incident Commander, Media Liaison, Search Coordinator, Investigative Coordinator, Support Unit Coordinator, and Family Liaison officer may need to be established. Assignments/roles may need to be added/modified as the nature of the investigation changes.

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. 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. Blood Type (BLT)
- c. Dental information and x-rays (DCH)
- d. Jewelry Type (JWT)
- e. Additional photographs and video that may aid the investigation or identification.
- f. Fingerprints. (FPC)
- g. Scars, marks and tattoos and other specific identifying information. (SMT)

Agencies are required to verify and update NCIC 2000 missing person record entries with any of the above information within 60 days of initial entry. 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.

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, i.e.: 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 East Grand Forks 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 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.

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 (including a Sexual Assault Kit if a sexual assault is believed to have occurred).

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 STAT 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 medical examiner to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending upon the circumstances, consider the need for intervention, counseling or other services for the family/reporting party or designee.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive Missing Person post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.
7. Depending upon the cause of death initiate any additional investigations as appropriate.

This Directive rescinds East Grand Forks Police Department Policy # 58 – Missing Persons and # 149 – Missing/Endangered Children Investigation effective this date.

Appendix A

Missing Persons with Special Needs

1. Is the person wearing or carrying any tracking technology device? If so which one and how is location information accessed?
2. Is the person attracted to water? If so, can the person swim?
3. Is the person attracted to active roadways and highways, trains, heavy equipment, fire equipment, parks or road signs?
4. Does the person have a history of wandering? If so, where was he or she found and what physical features associated with those episodes may have attracted him or her?
5. Where does the person like to go? Do they have a favorite place?
6. Is the person verbal or nonverbal? What are his or her communication abilities?
7. How will the person likely react to his or her name being called?
8. Will the person respond to a particular voice such as that of their mother, father, sister or brother?
9. Does the person have a favorite song, toy or character?
10. Does the person know his or her parent's names, home address and phone number?
11. Does the person have any specific dislikes, fears or behavioral triggers? How will he or she typically react to negative stimuli?
12. How might the person react to sirens, helicopters, airplanes, search dogs, people in uniform, or those participating in a search team?
13. How does the person respond to pain or injury?
14. How does the person respond to being touched?
15. Does the person wear a medical ID tag?
16. Does the person have any other sensory, medical, physical conditions, or dietary issues and requirements?
17. Is the person taking any medications, and, if so, what type and what are the risks, side effects involved with delayed or missed doses?
18. Does the person become upset easily and if so what methods are used to calm him or her?