

MISSING PERSONS

STANDARD NO(S): 44.3

DATE: May 24, 2016

REFER TO: John Cleere

I. **OBJECTIVE:**

The purpose of this policy is to establish and describe policies and procedures for investigating missing, lost or abducted persons, unidentified persons and incidents of custodial interference.

II. **POLICY:**

It is the policy of the Seneca County Sheriff's Office to immediately accept and investigate reports of missing, lost or abducted persons, unidentified persons and incidents of custodial interference and to promptly transmit all pertinent information to the Division of Criminal Justice Services (DCJS). It is further the policy of this office to investigate these instances in compliance with New York State and Federal statutes pertaining to missing children.

III. **DEFINITIONS:**

- A. **MISSING CHILD:** For purposes of this order, a missing child is defined as “any person **under the age of eighteen (18) years** missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child’s care and any child known to have been taken, enticed, or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so”. §837-e New York State Executive Law.
- B. **MISSING COLLEGE STUDENT:** Any person **under the age of twenty-one (21) years** or a college student of **any age** who is a “student of an institution (college or university) who resides in a facility owned and operated by such institution and who is reported as missing from his or her residence”.
- C. **MISSING VULNERABLE ADULT:** A person the **age of eighteen (18) or older** who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a credible threat of harm to such a missing individual.
- D. **MISSING ADULT:** A person the **age of eighteen (18) or older** and whose absence is contrary to their normal patterns of behavior.

E. AMBER ALERT SYSTEM: A cooperative effort between law enforcement and the broadcast media in the event of child abduction. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets. *NYSP COMSEC (518) 457-6811*

F. MISSING CHILD/COLLEGE STUDENT ALERT: When a missing child or college student is deemed endangered, but the case does not meet AMBER Alert activation criteria, an alternative alert system is available. Missing Child/College Student Alert is a cooperative effort between law enforcement and the broadcast media in the event of child abduction. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets.

Requests for a *Missing Child/ College Student Alert* are made by contacting the NYS DCJS Missing Persons Clearinghouse at 1-800-346-3543 or at missingpersons@dcjs.ny.gov

G. MISSING VULNERABLE ADULT ALERT: Modeled after the AMBER Alert program, a Missing Vulnerable Adult Alert is an emergency system in which law enforcement can broadcast regional or statewide alerts for missing adults 18 years and older who have a cognitive disorder, mental disability or brain disorder and law enforcement has deemed there is a credible risk of harm to such missing individual. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets, including activation of highway signs when there is known vehicle information.

Requests for a *Missing Vulnerable Adult Alert* are made by contacting the NYS DCJS Missing Persons Clearinghouse at 1-800-346-3543 or at missingpersons@dcjs.ny.gov

H. PROJECT LIFESAVER: Locates and rescues missing persons through proven radio technology and a specially trained search and rescue team. Clients that are enrolled in the Project Lifesaver program wear a personalized wristband that emits a tracking signal. See LEMOI 8-5.

I. UNRESOLVED MISSING PERSON CASES: Missing person cases that have been active longer than thirty (30) days.

J. PROTECT ACT OF 2003: This Act was modified to include a new requirement that police agencies enter every person **under the age of twenty-one (21)** into the NCIC missing person database.

K. ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006: Requires police agencies to enter missing child information **within two (2) hours** of taking a report and prohibits the removal of the information if a child turns 18 years old before being located.

L. RUNAWAY: A person **under the age of 18** and absent from legal residence without consent of parents or legal guardian. *NYS Executive Law Section 532-a(1)*

M. UNIDENTIFIED PERSON: May be living or dead, adult or juvenile. An unidentified living person example is a walk away from an assisted living facility before the name of the person is obtained.

IV. PROCEDURES

A. Legal Requirements:

1. NYS Executive Law § 838 states: “Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a **missing child report**. Upon receipt of a missing child report, criminal justice agencies shall make entries of such reports to the register in the manner provided by Section 837-e of this Article.” This applies to all types of missing child cases, including stranger abductions, acquaintance abductions, familial abductions, runaways and lost/unknown circumstances
2. NYS Executive Law § 838 states: “Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy that requires the observance of a waiting period before accepting and investigating a report of a **missing vulnerable adult**. Upon receipt of a report of such missing vulnerable adult, criminal justice agencies shall make entries of such report in the manner provided by subdivision eleven of this section.
3. The National Child Search Assistance Act of 1990 (42USC §§5779 and 5780) requires that each missing child report must be “entered immediately in the NCIC computer network and the State Missing Child’s Register.”

B. General Investigative Requirements:

1. Due to the potential complexity and diverse nature of missing and unidentified person investigations, this type of incident demands swift and effective action by this office.
2. The potential for tragedy demands that supervisors continually monitor the progress of these investigations and be ever vigilant to take command of the situation if the need arises.
3. Immediately upon receiving a report of a missing person or unidentified person, a patrol unit shall be assigned and a preliminary investigation shall be conducted.
4. There is no requirement that the reporting person wait for any period of time to report the missing/unidentified person.
5. No missing person report will be denied on the basis that:
 - a. The missing person is an adult;

- b. The circumstances do not indicate foul play;
- c. The circumstances suggest that the disappearance may be voluntary;
- d. The person reporting the missing person does not have the personal knowledge of the facts;
- e. The missing person is a visitor;
- f. The reporting person cannot provide all the information requested;
- g. The reporting person lacks a familial or other relationship to the missing person;

C. Initial Deputy Responsibilities:

1. Respond to the scene without delay and thoroughly investigate.
2. Verify that the person is, in fact, missing. Depending on the circumstances involved, if the missing subject is a child or mentally incompetent person, deputies shall search the home and immediate vicinity looking in any place the subject might be able to crawl into or hide. Deputies may, with permission of the duty supervisor, request assistance from the Fire Department or a K-9 in conducting search operations.
3. Interview the person(s) making the report and last had contact with the missing person.
4. Identify the circumstances of the disappearance.
5. Based on available information, make an initial determination of the type of incident (e.g., runaway, family or non-family abduction, vulnerable adult, other (lost, unknown) etc.)
Note: If the **circumstances indicate** that there may be **a crime involved**, the **deputy will immediately secure** any **location or area** that may be a **crime scene or that may yield evidence**.
6. Complete both a New York State Missing Person and Incident Report and obtain a detailed description of the missing person (e.g., name, date of birth, clothing worn, physical appearance, nickname, etc.), abductor, vehicles, etc.
7. As information is received, broadcast known details on all law enforcement communication systems, including DCJS/NCIC and any other available systems.
8. Cause for an entry to be made into the DCJS/NCIC via the eJustice Portal system as quickly as possible.
9. When applicable, make notifications and request additional personnel if circumstances necessitate.

10. Attempt to obtain permission from the appropriate person to search the subject's bedroom or other areas within the location for leads and signs of violence and/or foul play. If there is an identifiable location that could possibly be classified as a crime scene, or at least a site where the contents should not be disturbed, secure the location to preserve possible items of evidence.
11. Obtain a recent photograph of the subject whenever available. It is not required to obtain written authorization before releasing publicly any photograph that would aid in the investigation or identification of the missing person.
12. Confirm the child's custody status, if relevant.
13. When conducting interviews of the person making the report (e.g., parents, guardian, family, friends, neighbors, or other witnesses), deputies should attempt to determine:
 - a. Who last saw subject;
 - b. Where was the subject last seen;
 - c. When was the subject first noticed to be missing and by whom;
 - d. The names of the subject's friends and their addresses and phone numbers;
 - e. If there are any unusual circumstances surrounding the disappearance;
 - f. If the subject had talked about suicide or running away;
 - g. Places the subject frequented;
 - h. If there were any family problems affecting the subject;
 - i. If the subject uses alcohol or drugs;
 - j. If the subject recently experienced any problems at school or work;
 - k. When and where each person interviewed last saw the subject;
 - l. The name and address or description of anyone last seen with the subject;
 - m. Who has custody of the subject, if the subject is a child;
 - n. If the subject has a history of mental illness, serious medical conditions, handicaps, or other conditions that require medication or treatment; and
 - o. If the subject has recently demonstrated any abnormal behavior.
 - p. On-line screen names;
 - q. Facebook® and other social networking access;
 - r. Access to credit card information;
 - s. Access to vehicles;
 - t. Wireless telephone number(s) and carrier;
 - u. Access to bankbooks, bank account(s)

14. Deputies shall immediately notify the duty supervisor whenever the subject is missing under unusual circumstances that would require immediate action and the mobilization of additional resources. The on-duty supervisor shall notify, or cause notification of the Department Lieutenants, Chief Deputy, Undersheriff and the Sheriff when:
 - a. It appears that the subject is missing under circumstances that suggest foul play.
 - b. Due to the age of the missing person (either young or old), he or she may be unable to properly safeguard or care for himself/herself.
 - c. The individual is a juvenile in the company of adults who could endanger his/her safety and well-being.
 - d. The individual suffers from mental, psychological, and/or medical conditions that are potentially life threatening if left untreated/unattended or indicate the individual may not be able to properly care for himself/herself.
 - e. The individual is a patient of a mental institution and is considered potentially dangerous to himself/herself or others and the circumstances require an immediate response.
 - f. The individual is involved in a boating, swimming or other sporting accident or natural disaster.
15. Deputies should instruct the family to notify all relatives, particularly those living out of state, of the subject's disappearance, providing them with the name of the deputy assigned to the investigation and the phone numbers for contacting the Office.
16. Request additional personnel and resources if circumstances require.
17. Consideration should be given to immediately requesting an investigator to the scene and implementing the Incident Command System.
18. Check the NY State DCJS Public Registry of Sex Offenders to determine if any registered offenders live in close proximity to the missing person's last known location, residence, school, etc.
 - If there is a positive response, investigate including an in person check/interview.
19. Utilize a crime scene entry/exit log, when necessary.
20. Determine if any of the missing person's personal items are known to be missing from the area/scene.
21. Complete all reports and forms prior to reporting off duty.
22. The duty supervisor is responsible to ensure that proper procedures are followed, required notifications are made, required computer entries are made, and required reports are properly completed for all missing person cases.

D. Search Operations:

1. Deputies should remain alert to unusual circumstances surrounding the person's disappearance that would require immediate action and the mobilization of additional resources. When unusual circumstances exist, the on-duty supervisor shall contact the Chief Deputy, Undersheriff and Sheriff. A K-9 unit or the Fire Department may be requested if it may be of assistance in the particular circumstances.
2. Efforts may be guided by information contained in the Missing and Abducted Children: "A Law Enforcement Guide to Case Investigation and Program Management" manual published by the National Center for Missing and Exploited Children located in the Deputies Patrol Room.
3. If the person is enrolled in the Project Lifesaver Program, follow procedures set forth in LEMOI 8-5.

E. Missing Person Reporting Procedures:

1. If, during the preliminary investigation, the subject reported missing is located and his/her well-being confirmed, the investigating deputy will complete a report detailing all actions taken and the outcome of the investigations. The completed Missing Person Report and any additional reports will be submitted for review following current Sheriff Office procedures.
2. If the subject reported missing has not been located after the completion of the preliminary investigation, the investigating deputy will complete a report detailing the facts and circumstances involved. All personnel assisting in the preliminary investigation will complete supplemental reports to the original report.
3. The Missing Person Report and any associated reports will be forwarded to the duty supervisor for review. The duty supervisor receiving the Report(s) will check them for completeness.

F. Missing Person Investigations:

1. The CID Lieutenant shall act as the coordinator for missing person investigations and records. The responsibilities shall include, but are not limited to:
 - a. Establish and maintain liaison with missing person's family and other involved agencies.
 - b. Maintaining a list of all active missing person cases on file with the Office and providing copies of the list to patrol supervisors for assignment of follow-up investigations;
 - c. Reviewing missing person cases on a regular basis and ensuring Missing Person Case Files are kept up-to-date;

- d. Completing and transmitting the “Missing Person Data Collection Guide” (DCJS-1508) to the Division of Criminal Justice Services (DCJS) for missing person cases that have not been closed within thirty (30) days; and
 - e. Cause the cancellation of the missing person entry from the eJustice system when appropriate.
2. Personnel assigned to investigate the case shall conduct a thorough follow-up investigation for a period of thirty (30) days or until the subject is located. When conducting follow-ups, personnel should utilize the following procedures as appropriate:
- a. If the subject is a school aged child, contact school officials to request that they flag the child’s school records and seek permission to search the child’s locker for leads.
 - b. Check office records for prior contacts involving the subject or contacts that have occurred since the subject’s disappearance.
 - c. Check the subject’s school or place of employment regarding his/her attendance.
 - d. Contact local jails, hospitals and the Medical Examiners Office’s and inquire about the subject or unidentified persons matching the subject’s description.
 - e. Check eJustice messages for unidentified persons matching the subject’s description.
 - f. Contact local bus lines and request that they check records for the subject as a passenger.
 - g. Check with Department of Social Services to determine if the subject is receiving benefits.
 - h. When appropriate, contact credit card companies to determine if the subject's credit cards have been used since his/her disappearance.
 - i. File a supplemental report to document new information or actions taken at least weekly, documenting actions taken and the status of the case.
3. Unresolved Missing Person Cases – Missing person cases that have been active longer than 30 days. Personnel assigned to the investigation of an unresolved missing person case shall continue to:
- a. Update new information with DCJS as it surfaces.
 - b. Maintain contact with the person's family, keeping them informed of new developments during the ongoing investigation, unless doing so could compromise the investigation.
 - c. File a Supplemental Report at least weekly documenting actions taken and the status of the case.
 - d. Obtain dental information and x-rays, and an authorization to release dental or skeletal x-rays of the missing person. The resulting profile shall be coded and entered into NCIC by modification of the existing record.
 - e. Obtain any fingerprints of the missing person. The resulting profile shall be coded and entered into NCIC by modification of the existing record.

4. Technical assistance regarding runaway and missing person cases is available through the National Center for Missing and Exploited Children at 1-800-THE-LOST and the National Runaway Switchboard at 1-800-621-4000.
5. Frequently, when dealing with the eJustice entry of a missing person who is a juvenile Person In Need Of Supervision (PINS) case, warrants are issued in addition to the Office taking a missing person report of a runaway. In such cases, it shall be the policy of the Office to keep in effect any eJustice missing person entries upon the receipt of a Family Court warrant. The eJustice missing person entry shall not be cancelled until notification is received of an arrest on such warrant, or withdrawal of the warrant.

G. Missing Person Cancellation Procedures:

1. Personnel receiving notification of the return or location of a missing person shall, make personal contact with the subject to confirm his/her location and well-being. Personnel will document these contacts on a supplemental report and will notify the E-911 or other designated personnel of the necessary cancellations.
2. If the missing person is located outside of the Sheriff Office's jurisdiction, and it is impractical to make personal contact, the jurisdiction in which the missing person was found will be asked to verify his/her location and well-being.

H. Parental Abduction/Custodial Interference Investigations:

1. Incidents of parental abduction and custodial interference may originate as a civil matter, but may also escalate into a crime.
2. If there is information or evidence that there may be attempt to remove the child(ren) from the jurisdiction, the responding deputy will immediately notify the duty supervisor. The supervisor will ensure that all appropriate steps are taken to locate the child (ren) before removal from the jurisdiction.
3. In addition to following normal missing person investigation procedures, officers investigating a report of possible parental abduction or custodial interference should:
 - a. Verify the non-abducting parent's custody rights with any visitation provisions for the other parent and obtain a copy of the court document.
 - b. Obtain information about the abducting parent (e.g. name, address, description, employment, social security number, vehicle information and criminal history, if any).
 - c. The CID Lieutenant shall assign responsibility to specific investigators for follow-up investigations of parental abductions or custodial interference cases. The assigned investigator(s), in addition to standard follow-up procedures, shall:
 - 1) Request the non-abducting parent secure a certified copy of the

custodial decree containing the raised seal of the issuing court, which will be necessary should the child be taken to another state or country.

- 2) Utilize, when necessary, the services of the Federal Bureau of Investigation and/or the Federal Parent Locator Service of the United States Department of Health and Human Services at (315) 422 0141.
- 3) Notify the State Department in Washington, D.C. if the investigation reveals that the child may have been taken out of the country.
- 4) Obtain a subpoena for the abducting parent's records (e.g. telephone bills, bank records and credit card charges).
- 5) Obtain a search warrant for the abducting parent's residence and, when appropriate, an arrest warrant for the abducting parent.
- 6) Refer the non-abducting parent to referral services when necessary.
- 7) When located, interview the abducted child to determine the circumstances of the abduction, checking for abuse and neglect.

I. Runaways:

1. Upon apprehension of a runaway juvenile, the personnel will contact the child's family to arrange for the child's safe return home. If the deputy reasonably concludes that the child's well-being cannot be reasonably maintained in the home or with another responsible adult approved by the family, then the officer will contact the Probation Department for assistance with detention of the runaway.
2. Juvenile's already receiving probation services are assigned a probation officer. Deputies should contact the juveniles' probation officer.
3. Runaways from other States
 - a. Upon apprehension of a runaway youth from another state, deputies shall promptly contact the Probation Department to arrange the youth's detention at the Youth Care Facility.
 - b. Upon being contacted, the probation officer shall give approval for detention of that runaway or shall assist with scheduling an immediate court appearance if the youth is apprehended during normal business hours. The County Attorney's Office shall be contacted the next business day, and the procedures under the Interstate Compact on Juveniles, § 1801 of the Unconsolidated Laws of the State of New York shall be followed.

J. New York State Ambert Alert:

1. Can be activated when an investigating law enforcement agency has reasonable cause to believe that:
 - a. An abduction of a child (under the age of 18) has occurred, and
 - b. The child is believed to be in danger of serious bodily harm or death, either due to the actions of another or due to a proven mental or physical condition.
 - c. Even if formal activation criteria have been met, activation may be impractical if available information is not specific enough and/or an extended period of time passed since the disappearance.
 - d. For example, an AMBER Alert specifying involvement of a white van (without a license plate number) could actually hinder an investigation by causing the public to inundate police agencies with possible sightings.
 - e. Note that "Reasonable Cause to Believe" means that from eyewitness accounts, OR by eliminating other possibilities, your investigation leads you to believe that a child has been abducted.
 - f. Familial abductions qualify only if a child is endangered by the actions of the abducting family member.
 - g. Contact the NYSP Communications Section (COMSEC) 518-457-6811 if a case may qualify for an AMBER Alert.
 - h. Whenever an AMBER Alert request does not meet activation criteria, requesting agencies are referred to other NYSP investigative resources and to the NYS DCJS Missing Persons Clearinghouse (MPC) for possible issuance of a Missing Child/College Student Alert.

K. MISSING VULNERABLE ADULT ALERT:

1. Each of the following criteria shall be met before a Missing Vulnerable Adult Alert may be issued:
 - a. The missing person must be 18 years of age or older who has a cognitive disorder, mental disability or brain disorder.
 - b. Cognitive disorder, mental disability or brain disorder may include dementia, Alzheimer's, Autism, Down-Syndrome, or a person with Schizophrenia who is suicidal or has another life threatening illness. Suicide risk without the existence of a cognitive disorder, mental disability or brain disorder does not qualify. Depression does not qualify unless the person is suicidal or has another life threatening illness.
 - c. Law enforcement has determined that there is a credible risk of harm to such missing individual.
 - d. The Missing Vulnerable Adult must be entered into DCJS/NCIC as a Vulnerable Adult.