

## Missing Persons

### 315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**Endangered** - A person the Office has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

- (a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
- (b) The person is missing under known dangerous circumstances.
- (c) The person is missing more than 30 days.
- (d) The person is under the age of 21 and at least one other factor is applicable.
- (e) There is evidence that 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.
- (f) The person does not have a pattern of running away or disappearing.
- (g) The person is mentally impaired.
- (h) There is evidence that a non-custodial parent may have abducted the person.
- (i) The person has been the subject of past threats or acts of violence.
- (j) There is evidence that 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.
- (k) Any other factor the Office deems to indicate 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.
- (l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.
- (m) Qualify for a state AMBER Alert™ pursuant to Minn. Stat. § 299A.61, Subd. 1.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information

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Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

### **315.2 POLICY**

The Nobles County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

### **315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

### **315.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

#### **315.4.1 INVESTIGATIVE RESOURCES AND SUPPORT**

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Any support assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or endangered person (Minn. Stat. § 299C.53 Subd. 3). If necessary, use the International Justice and Public Safety Network (NLETS), the Minnesota Crime Alert Network and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.

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### 315.4.2 INVESTIGATION OF MISSING AND ENDANGERED PERSONS

If it is determined the person is missing and endangered, the handling deputy shall immediately (Minn. Stat. § 299C.53 Subd. 1 (b)):

- (a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the NCIC system for persons under 21 years of age (42 USC. 5779 (a)).
- (b) Ensure the information is broadcast regionally, statewide and nationally, or solicit the assistance of the Bureau of Criminal Apprehension to make the broadcasts.
- (c) Consult with the Bureau of Criminal Apprehension and request assistance as necessary.
- (d) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.
- (e) Implement multi-jurisdictional coordination and mutual aid plans when necessary. Factors to consider include:
  - 1. Inadequate Office resources.
  - 2. The investigation crosses jurisdictional lines.
  - 3. Existence of pre-established task forces or investigative teams.
- (f) Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
- (g) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- (h) Activate protocols for working with the media, including AMBER Alert and Minnesota Crime Alert Network.

For cases involving missing children the investigator shall comply with federal laws regarding the reporting and investigation of missing children cases (Minn. Stat. § 299C.53 Subd. 4).

### 315.4.3 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a Command Post or Operation Base placed into operation a reasonable distance from the crime scene. Staff and assign the responsibilities for Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Provide two liaison deputies (one at the command post and one at the crime scene), if possible. The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and crime should consider various elements, including:

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- (a) Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Office use and follow-up on all leads.
- (b) Compilation of a list of known sex offenders in the region.
- (c) In cases of infant abduction, investigate claims of home births made in the area.
- (d) In cases involving children, obtain child protective agency records for reports of child abuse.
- (e) Review of records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- (f) Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
- (g) Creating 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.
- (h) Update the NCIC file as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
- (i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- (j) For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
- (k) Determine if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
  - 1. Investigative resources.
  - 2. Interpretive resources.
  - 3. Telephone services, such as traps, traces and triangulation.
  - 4. Media assistance from local and national sources
- (l) Use of secure electronic communication information, such as the missing person's cellular telephone number, e-mail address(es) and social networking site information.
- (m) Appointing a deputy 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.
- (n) Providing 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 Office determines that disclosure would not adversely affect the ability to locate

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or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

### 315.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.
- (c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
- (d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
- (e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
- (f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).
- (g) Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.
- (h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.
- (i) Ensure that entries are made into the appropriate missing person networks:
  1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (j) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (k) Collect and/or review:
  1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
    - (a) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  2. Any documents that may assist in the investigation, such as court orders regarding custody.

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3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
  - (l) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
  - (m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
  - (n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
    1. The primary agency has limited resources.
    2. The investigation crosses jurisdictional lines.
    3. Jurisdictions have pre-established task forces or investigative teams.

### 315.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison deputies (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

- (a) Establishing the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for office use and follow-up on all leads.
- (b) Compiling a list of known sex offenders in the region.
- (c) In cases of infant abduction, investigating claims of home births made in the area.
- (d) In cases involving children, obtaining child protective agency records for reports of child abuse.
- (e) Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- (f) Obtaining the missing person's medical and dental records, fingerprints and a biological sample when practicable or within 30 days.
- (g) Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.

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- (h) Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
- (i) Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
  - 1. Investigative resources (e.g., search and rescue).
  - 2. Interpretive resources.
  - 3. Telephone services, such as traps, traces and triangulation.
  - 4. Media assistance from local and national sources.
- (j) Using secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and information from social networking sites.
- (k) Appointing a deputy to communicate with the family/reporting party or their designee. The deputy will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.
- (l) Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the office's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

### 315.5.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, Records Center personnel shall send a teletype to the US Department of Justice and the NCIC within two hours after accepting the report (42 USC. § 5779(a) and 42 USC. § 5780(3)). To assist the Department of Public Safety, the teletype must note if the case involves an endangered person.

### 315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### 315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Center.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.

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- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 315.6.2 RECORDS CENTER RESPONSIBILITIES

The responsibilities of the Records Center receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### 315.6.3 SCHOOL NOTIFICATION

As necessary, the handling investigator will request that the school district in which a missing child is enrolled flag the pupil's records in such a manner that it is clear the record is that of a missing pupil. The school is responsible to flag the missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Minn. Stat. § 123B.08).

## 315.7 MISSING PERSONS LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

- (a) When a missing person is located alive, the investigation may be concluded after completion of the following:
  - 1. Verification 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.



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5. Depending 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), remove case from NCIC (Minn. Stat. § 299C.53. Subd. 2) and other information systems and remove posters and other publications from circulation.
  7. Perform constructive post-case critique. Reassess the procedures used and update the Office policy and procedures as appropriate.
- (b) When a missing person is located deceased, additional investigation includes the following:
1. Secure the crime scene if this Office has jurisdiction.
  2. Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
  3. Collect and preserve any evidence at the scene.
  4. Depending on 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. Reassess the procedures used and update the Office policy and procedures as appropriate.

### 315.7.1 RECOVERED MISSING DATA ENTRY

When a missing person who was reported by another jurisdiction is located, the Office shall notify the original law enforcement agency having jurisdiction over the investigation. That agency shall cancel the entry from the NCIC computer (Minn. Stat. § 299C.53 Subd. 2).

When this office discovers that a missing person being handled by this office has been found, the Records Center shall cancel the NCIC entry (Minn. Stat. § 299C.53 Subd. 3). If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24 hours to the U.S. Department of Justice noting that information.

### 315.7.2 DECEASED FOUND TO BE A MISSING PERSON

If a deceased person has been identified as a missing person, the Bureau of Criminal Apprehension or this office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

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### **315.8 MISSING PERSONS FROM SEX OFFENDER PROGRAM**

The administrator of a Minnesota sex offender treatment program facility or his/her authorized designee is mandated by law to report patients who are absent without authorization. Deputies receiving these reports are required to complete a missing person's report and ensure the information is entered into the missing persons' file of the National Crime Information Center (NCIC) database and other applicable missing persons' databases. Where there is probable cause of a violation of Minn. Stat. § 609.485 (escape from custody), the investigating deputy shall also seek a felony arrest warrant and ensure the warrant is entered into the NCIC database (Minn. Stat. § 253B.185).

Upon notice of a patient missing from a sex offender program, the reporting deputy should advise the Shift Sergeant of the circumstances as soon as practicable.

After receiving either a missing person's report or a court-issued "apprehend and hold" order, deputies shall detain a sex offender treatment patient who has been located, and return the patient to the custody of the program. A detained patient should not be held in a jail or lockup unless there is no other feasible place of detention for the patient, the detention is for less than 24 hours, and there are protections in place (including segregation) to ensure the safety of the patient. This is not applicable to a patient arrested for a criminal offense, such as a violation of Minn. Stat. § 609.485 (escape from custody) (Minn. Stat. § 253B.185).

### **315.9 SECTION TITLE**

### **315.10 SECTION TITLE**