700.37 RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS

POLICY

Janesville Police Department personnel shall respond to and investigate all reports of missing and/or endangered persons as defined in MN Statute 299C.52, subdivision 1(c) and (d) (Minnesota Missing Children and Endangered Persons Program or Brandon's Law). This policy addresses investigations of persons who are missing and/or endangered, and includes the procedures required by MN Statute 299C.52.

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

DEFINITIONS

Child: has the meaning given it in MN Statute 299C.52, subdivision 1(a).

DNA: has the meaning given it in MN Statute 299C.52, subdivision 1(b).

Endangered: has the meaning given to it in MN Statute 299C.52, subdivision 1(c). Any of the following circumstances indicate that a missing person is at risk of physical injury or death, and therefore endangered:

- Missing because of a confirmed abduction, or under circumstances that indicate that the person's disappearance was not voluntary.
- Missing under known dangerous circumstances.
- Missing more than 30 days.
- Under the age of 21 and at least one other factor in this paragraph is applicable.
- Evidence the person needs 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.
- Does not have a pattern of running away or disappearing.
- Mentally impaired (has an intellectual disability or substantial psychotic disorder).
- Evidence the person may have been abducted by a noncustodial parent.
- Has been the subject of past threats or acts of violence.
- Evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate, effective investigation and search and rescue efforts are critical.

Any other factor this agency has determined indicates 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/or endangered (this may include information that the missing person suffers from anxiety, depression, PTSD, mental impairment, or an active addiction to or abuse of alcohol, prescribed medications, or controlled substances.

MMBWG: refers to the Missing and Murdered Black Women and Girls Office of the Minnesota Department of Public Safety.

MMIR: refers to the Missing and Murdered Indigenous Relatives Office of the Minnesota Department of Public Safety.

Missing: has the meaning given to it in MN Statute 299C.52, subdivision 1(d).

Missing Person Networks: are databases or computer networks available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children (NCMEC), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

Unmanned Aerial Vehicles or UAV: has the same meaning given to it in MN Statute 626.19, subdivision 1(a)(3).

PROCEDURE

This agency will respond according to the following six types of general procedures (when relevant):

- Initial Response
- Initial Investigation
- Investigation
- 30-day Benchmark
- Prolonged Investigation
- Recovery / Case Closure

INITIAL RESPONSE

As required by MN Statute 299C.53, subdivision 1(a), "A law enforcement agency shall accept without delay any report of a missing person" when the report is made in person. An agency may also accept reports by telephone or other electronic means to the extent the reporting is consistent with the agency's policies or practices. A report shall be accepted

regardless of where the person was last seen, where the person resides, or any question of jurisdiction. When taking a missing person report, officers shall complete the tasks listed below as applicable.

- An officer shall conduct a preliminary investigation to determine whether the person is missing and/or endangered.
- When necessary, obtain interpretative services.
- Interview the person who made the initial report. If that person is a child, interview the child's parent(s) or guardian(s).
- Determine when, where, and by whom the missing person was last seen.
- Interview the individual(s) who last had contact with the missing and/or endangered person.
- Obtain a detailed description of the missing and/or endangered person, abductor, vehicles, etc., and ask for a recent photo of the person and any other persons or items of importance.
- Obtain cell phone number(s) for the missing person and suspect(s).
- Collect and preserve the missing and/or endangered person's cellphone(s), tablet(s), and computer(s).
- Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under the age of 18 years and/or there is evidence that the missing person is endangered, and the broadcast would not further endanger the missing person. The alert should be broadcast as soon as is practical but in no event more than one hour after determining the missing person is under the age of 18 years or may be endangered.
- Immediately enter the missing person's complete descriptive and critical information into the appropriate category of the National Crime Information Center's (NCIC) Missing Person File.
    - As required by 34 U.S.C. 41307, law enforcement shall, as soon as possible, enter missing children less than 21 years of age into the NCIC and NamUs databases.
    - As required by MN Statute 299C.53, subdivision 1(b), if the person is determined to be missing and/or endangered, the agency shall as soon as possible enter identifying and descriptive information about the person into the NCIC.
- Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
- If needed, request investigative and supervisory assistance as soon as practical.
- Update additional responding personnel.
- Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. Use the International Justice & Public Safety Network (Nlets), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert regional, state and federal law enforcement agencies.
- Notify the family of services available through the Minnesota Missing/Unidentified Persons Clearinghouse.

- Secure the crime scene and/or last known location of the missing person and attempt to identify and interview persons in the area at the time of the incident.
- Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- Activate protocols for working with the media (AMBER Alert, Minnesota Crime Alert Network).
- As required by MN Statute 299C.53, subdivision 1(b), consult with the Minnesota Bureau of Criminal Apprehension (BCA) if the missing person is determined to be endangered. Request assistance as necessary.
- Implement multi-jurisdictional coordination/mutual aid plan when:
    - the primary agency has limited resources,
    - the investigation crosses jurisdictional lines, or
    - jurisdictions have pre-established task forces or investigative teams.
- Based on the preliminary investigation, determine whether a physical search is required.

INITIAL INVESTIGATION

During the initial investigation, an investigator or officer should be assigned to the case for the purposes of coordinating and overseeing the investigation/search. The investigator or officer shall ensure the following steps are taken.

- Seek assistance from the BCA, Missing and Murdered Black Women and Girls Office, Missing and Murdered Indigenous Relatives Office or other state agencies.
- Seek assistance from culturally based community organizations.
- Assign an investigator as a family liaison and primary point of contact for the family and create a communication plan for keeping the family updated.
- Provide general information to the family/reporting party or designee about the investigation; only to the extent that disclosure would not adversely affect locating and protecting the missing person, apprehending a suspect, and future prosecution.
- Conduct a canvass of the neighborhood and of vehicles in the vicinity.
- Send emergency phone subpoenas to phone providers for the missing person's and suspect's phone(s).
- Arrange for news media and social media coverage.
- Maintain records of all communications/messages.
- Ensure that everyone at the scene is identified and interviewed separately.
- Search the home/building/property where the incident took place, and conduct a search of all surrounding areas. Obtain consent or a search warrant as necessary.

INVESTIGATION

If the missing and/or endangered person is not located during the initial investigation, the investigator or officer overseeing the investigation shall ensure the following steps are taken (as applicable).

- Set up the command post/operation base in an appropriate location (i.e., away from the person's residence). assign responsibilities to personnel such as Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication officer, and Support Unit Coordinator. Consider appointing two liaison officers; one will remain at the command post and one at the victim's residence. The role of the liaison officer at the victim's residence will include facilitating support and advocacy for the family.
- Establish the ability to "trap and trace" all incoming calls.
- Set up a tip line (phone line, website, app, etc.) for developing and investigating leads.
- Attempt to determine the missing person's location through GPS-enabled devices and any social media accounts they may have.
- Establish a geo-fence at any potential last known time and location points or crime scene to identify any devices that were in that geographic area during that time.
- Identify, secure, and collect all home/business/public surveillance video from last known location and crime scene sites.
- Compile a list of known sex offenders in the region.
- In cases of infant abduction, investigate claims of home births made in the area.
- In cases involving children, obtain child protective agency records for reports of child abuse.
- Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
- Obtain the missing person's medical and dental records, fingerprints, and DNA when practical or within 30 days.
- Create a Missing Person Profile with detailed information from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
- Update the NCIC file with any additional information regarding the missing person, suspect(s), and/or vehicle(s).
- Interview delivery personnel, utility company employees, taxi drivers, post office personnel, sanitation workers, etc.
- For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
- If the missing person is believed to be a Black female, contact the Missing and Murdered Black Women and Girls Office for assistance and to utilize their available resources.
- If the missing person is believed to be an Indigenous person, contact the Missing and Murdered Indigenous Relatives Office for assistance and to utilize their available resources.

- Determine if outside help is needed and utilize local, state, and federal resources related to specialized investigative needs including:
    - available Search and Rescue (SAR) resources,
    - investigative resources,
    - interpretative services,
    - telephone services (traps, traces, triangulation, etc.), and
    - media assistance (local and national).
- Secure electronic communication information such as the missing person's cell phone number, email address, and social networking accounts.

MISSING FOR OVER 30 DAYS

If the person is still missing 30 days after being entered 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):

- DNA samples from family members and, if possible, from the missing person,
- dental information and x-rays,
- additional photographs and video that may aid the investigation or identification,
- fingerprints, and
- other specific identifying information.

This information will be entered into the appropriate databases by BCA personnel. If the person is still missing after 30 days, the case file shall be reviewed to determine whether any additional information received on the missing person indicates that the person is endangered, then update the record in NCIC to reflect the status change.

PROLONGED INVESTIGATION

During a prolonged missing and/or endangered person investigation, the primary investigator or officer assigned shall, when practical, do the following to maintain transparency and further develop the investigation.

- Maintain contact with the family and/or the reporting party or designee.
- Use truth verification devices with parents, spouse, and other key individuals.
- Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videos, re-interview key individuals and re-examine all physical evidence collected.
- Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified during the investigation.
- Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet, or credit card activity.
- Develop a timeline and other visual exhibits.

- Critique the results of the on-going investigation with appropriate investigative resources.
- Arrange for periodic media coverage.
- Utilize rewards and crime-stoppers programs.
- Update NCIC Missing Person File information.
- Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.

RECOVERY/CASE CLOSURE

Alive. When a missing and/or endangered person is located and alive, personnel shall ensure the following steps are taken when applicable.

- Verify that the located person is the reported missing person.
- If appropriate, arrange for a comprehensive physical examination of the person.
- Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
- 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.)
- Consider the need for reunification assistance, intervention, counseling, or other services for either the found person or family/reporting party.
- Cancel alerts (Minnesota Crime Alert, AMBER Alert, etc.); remove case from NCIC (as required by MN Statute 299C.53. subdivision 2), NamUs and other information systems; and remove posters and other publications from circulation.
- Perform a constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

Unidentified Persons. Agency personnel investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves shall ensure the following steps are taken when applicable.

- Obtain a complete description of the person.
- Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- Use available resources, such as those related to missing persons, to identify the person.

Deceased. When an unidentified or potential missing and/or endangered person is recovered and deceased, agency personnel shall ensure the following steps are taken when applicable.

- Secure the crime scene.

- Contact the coroner, medical examiner, or forensic anthropologist to arrange for body recovery and examination.
- Collect and preserve any evidence at the scene.
- Consider the need for intervention, counseling, or other services for the family/reporting party or designee.
- Cancel alerts and remove the case from NCIC, NamUs and other information systems, and remove posters and other publications from circulation.
- Perform constructive post-case critique. Assess the procedures used and update the department's policy and procedures as appropriate.

UNMANNED AERIAL VEHCILES

UAVs may be used without a search warrant during a search for a missing and/or endangered person so long as one of the exceptions listed in MN Statute 626.19, subdivision 3 applies to the circumstances of the case.

TRAINING

All personnel shall receive training on this agency's missing and/or endangered persons policy and procedures during field training (or upon initial hire) and as updates occur.

STATUTORY REFERENCES

- MINNESOTA MISSING PERSONS ACT
  - MN STATUTE 299C.51 – Citation
  - MN STATUTE 299C.52 – Minnesota Missing Children and Endangered Persons Program
  - MN STATUTE 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies
  - MN STATUTE 299C.535 – Request for Additional Information on Missing Person
  - MN STATUTE 299C.54 – Missing Children Bulletin
  - MN STATUTE 299C.55 – Training
  - MN STATUTE 299C.56 – Release of Medical Data
  - MN STATUTE 299C.565 – Missing Person Report
  - MN STATUTE 299C.5655 – Missing Persons; Standardized Reports and Procedures
- MN STATUTE 390.25 – Unidentified Deceased Persons
- MN STATUTE 626.8454 – Manual and Policy for Investigating Cases Involving Children Who are Missing and Endangered
- MN STATUTE 626.19 – Use of Unmanned Aerial Vehicles
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- 34 U.S.C. 41307 – Reporting Requirements for Missing Children