

MISSING PERSON INVESTIGATIONS

<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		cross-reference: Missing College Student Cases- Investigative Guide Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management
effective date: March 27, 2008		amend date: August 07, 2023
		accreditation standards: NYSLEAP Standard(s): 44.3

I. PURPOSE

The purpose of this General Order is to establish and describe policies and procedures for department personnel investigating missing, lost, or abducted persons and incidents of custodial interference.

II. DEFINITIONS

- A. **Missing Child:** For this General Order, a missing child is defined as any person under the age of 18 missing from their 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 their lawful guardian by a person who has no legal right to do so.
- B. **Missing College Student:** Pursuant to the NYS Campus Safety Act of 1999, a missing college student is any person who is a "student of an institution (college or university), who resides in a facility owned or operated by such institution and who is reported as missing from his or her residence."
- C. **Vulnerable Adults:** For this Order, a missing vulnerable adult is a person at least 18 years old or older who suffers from Alzheimer's disease, dementia, autism or other cognitive disorder, brain injury, or mental disability and is reported missing and is at credible risk of harm. **Added 2/3/2016**
- D. **Unresolved Missing Person Cases:** Missing person cases that have been active longer than thirty (30) days.

III. POLICY

A. **Immediate Response**

The University Police Department will immediately accept and investigate reports of missing children, missing college students, vulnerable adults, and unidentified persons without delay. There shall be no required waiting period before a report will be accepted and investigated. **Amended 02/03/2016**

B. **Legal Requirements**

- 1. **New York State Law:** The NYS Executive Law (838-9) requires that "no law enforcement agency within the State shall establish or maintain any policy that requires the observance of a waiting period before the acceptance of a missing person report."
- 2. **Federal Law:** The *National Child Search Assistance Act of 1990 (42 USC § 5779 & § 5780)* requires that each missing child report must be "entered immediately into the NCIC computer network and the State Missing Children's Register."

IV. MISSING PERSON PRELIMINARY INVESTIGATIONS

- A. Usually, the preliminary investigation of missing persons is conducted by patrol officers. Personnel will adhere to the procedures set forth - in G.O. 1502 - *Preliminary Investigations and Closed Investigation Guide* when conducting the initial investigation. Upon receiving a report of a missing person, officers shall:
1. Respond to the scene without delay;
 2. Verify that the person is missing;
 3. Interview the person(s) who made the initial report and last had contact with the missing person;
 4. Identify the circumstances of the disappearance;
 5. Based on the available information, make an initial determination of the type of incident (i.e., runaway, missing without cause, lost, non-family or family abduction, injured, etc.);

Note: If the circumstances indicate that there may be a crime involved, the officer will immediately secure any location or area that may be a “crime scene,” or that may yield evidence.

6. Officers shall immediately notify an on-duty supervisor whenever a subject is missing. The on-duty supervisor shall notify, or cause notification of, the Investigator, Assistant Chief of Police, and the Chief of Police;
7. Complete a missing person report in Spillman and obtain a detailed description of the missing person (i.e., name, date of birth, clothing worn, physical appearance, nickname, abductor, vehicles, etc.);
8. Broadcast known details on all police communication systems, including an entry into the eJusticyNY system and Spillman CAD system. The supervisor shall make verification that the missing person’s information has been entered into eJusticeNY; **Amended 02/03/2016**
9. Personnel shall advise the Communications Center of the pertinent facts about the incident and request that an All Points Bulletin (APB) be broadcast. If a cell phone ping is deemed appropriate, assistance should be requested from the Communications Center at this time. The Communications Center, supervisor, or officer-in-charge will notify the Cortland City Police, Cortland County Sheriff’s Office, and the New York State Police via telephone;
10. When applicable, make notifications and request additional personnel if circumstances require;
11. Attempt to obtain permission from the appropriate person to search the subject’s residence hall room, bedroom, or other areas within the location for leads and signs of violence 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 evidentiary value;
12. Obtain a recent photograph that is an accurate depiction of the subject whenever possible.

- B. When conducting interviews of the person making the report (i.e., parents, friends, family, neighbors, or other witnesses), officers should attempt to determine:
1. Who last saw the subject;
 2. Where the subject was last seen;
 3. When the subject was noticed to be missing;
 4. The names of the subject's friends and their addresses and telephone numbers;
 5. If any unusual circumstances are surrounding the disappearance;
 6. If the subject talked about running away, self-harm, or committing suicide;
 7. Places the subject frequented;
 8. If the subject uses or was currently using, drugs or alcohol;
 9. If the subject recently experienced problems at work, school, home, or in their personal life;
 10. When and where each person interviewed last saw the subject
 11. The name and address or description of anyone last seen with the subject;
 12. Who has custody of the subject if the subject is a child;
 13. If the subject has a history of mental illness, serious medical conditions, or other conditions that require medication or treatment;
 14. If the subject has recently demonstrated any abnormal behavior.
- C. Depending on the circumstances involved, if the missing subject is a child, a disabled person, or a vulnerable adult, officers shall search the home and immediate vicinity, looking in any place where the subject might have fallen or is hidden from view. With the permission of an on-duty supervisor, officers may require assistance from the fire department or other search and rescue agencies in conducting search operations.
- D. Officers 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 officer assigned to the investigation and the phone numbers to contact the department.
- E. Officers shall assist in connecting the family members with victim support services when desired and appropriate.
- F. The on-duty officer-in-charge (OIC) is responsible for ensuring that proper procedures are followed, required notifications are made, required messages are sent, and required reports are properly completed for all missing person cases.

V. LARGE SCALE SEARCH OPERATIONS

- A. Officers 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 Investigator and the Chief of Police.
- B. Efforts may be guided by the 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 at missingkids.org/content/dam/missingkids/pdfs/publications/ne74/pdf

VI. MISSING PERSON REPORTING PROCEDURES

- A. If the subject reported missing has not been located after the completion of the preliminary investigation, the following procedures will be completed:
1. The investigating officer will complete a Spillman report detailing the facts and circumstances involved. All officers assisting in the preliminary investigation will complete supplemental narratives in the original Spillman report;
 2. Once the report is completed, the investigating officer will verify that the missing person's information has been correctly entered into eJusticeNY;
 3. The officer or supervisor may activate the **New York State AMBER Alert** at any time. This Alert is activated when an investigating law enforcement agency has reasonable cause to believe that an abduction of a child (under the age of 18) has occurred and 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. **A Law Enforcement Agency with an inquiry about an AMBER Alert may contact the NYSP Special Victims Unit through the State Police 24/7 Communications Section at 518-457-6811.** Added 02/03/2016
 4. When a missing child under the age of 21 or a college student of any age is deemed to be endangered, but the case does not meet AMBER Alert activation criteria, two alternative alert systems are available, known as the **Missing Child and College Student Alert Programs**. A missing child or college student can be at serious risk of bodily harm or death without an abduction occurring; Added 02/03/2016
 5. Requests for a Missing Child, Missing College Student, or Vulnerable Adult Alert must be made by the police agency investigating a disappearance by contacting the Missing Persons Clearinghouse (MPC) at **1-800-346-3543**. Added 02/03/2016
 6. The investigating officer will assemble a Missing Person Case file to include the following:
 - A copy of the Spillman report, including all supplemental narratives;
 - A copy of the DCJS Missing Person Data Collection Guide;
 - Any photos, fingerprint cards, or other forms of identification;
 - A copy of the eJusticeNY Missing Person Entry (MENT); and
 - All notes, other investigative reports, and requests for service and assistance.
- B. When the investigating officer has completed the report and all required eJusticeNY entries, they shall file the report in the appropriate location.
- C. The investigating officer will forward the *original* copies of the Spillman report and DCJS Missing Person Data Collection Guide to the on-duty supervisor for review. The on-duty supervisor receiving the reports will check the reports for completeness (including message number(s)). Both the original and the copy will then be forwarded to Records.

VII. MISSING PERSON INVESTIGATIONS

- A. The Chief of Police or the Assistant Chief of Police shall designate the investigator or officer to act as the coordinator for missing person investigations and records. The responsibilities of the personnel designated shall include, but are not limited to:
1. Maintaining a list of all active missing person cases on file with the department and providing copies of the list to patrol supervisors for assignment of follow-up investigations;
 2. Reviewing active missing person cases regularly and ensuring missing person case files are kept up-to-date;
 3. Completing and transmitting the DCJS 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;
 4. Acting as a liaison between the department, Family Court, juvenile group homes, and organizations dealing with juveniles as runaways or missing persons; and
 5. Canceling missing persons from the eJusticeNY system when appropriate.
- B. Follow-Up Investigations
1. Missing person cases will be assigned to an officer or the investigator for follow-up investigation. *See G.O. 1502 – Follow-Up Investigation Procedures;*
 2. Personnel assigned to investigate the case shall conduct a thorough follow-up investigation for thirty (30) days or until the subject is located. When conducting follow-ups, officers should utilize the following procedures as appropriate:
 - 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;
 - Check department records for prior contacts involving the subject or contacts since the subject's disappearance;
 - Check the subject's school or place of employment regarding their attendance;
 - Contact local jails, hospitals, and the regional Medical Examiners Officers and inquire about the subject or unidentified persons matching the subject's description;
 - Check eJusticeNY messages for unidentified persons matching the subject's description;
 - Contact airlines, railroads, and bus lines and request that they check records for the subject as a passenger;
 - Check local shelters and service agencies to determine if the subject is a resident or client;
 - When appropriate, contact credit card companies to determine if the subject's credit cards have been used since their disappearance; and
 - Following standard procedures, complete a supplemental narrative in the original Spillman report to document new information, case status, and/or actions taken at least every ten (10) days. *See G.O. 1502 – Follow-Up Investigation Procedures.* The officer/investigator filing the supplemental narrative will ensure that a copy of the updated report will be attached to the case file.

- C. Unresolved Missing Person Cases – Missing person cases that have been active longer than thirty (30) days. Personnel assigned to the investigation of an unresolved missing person case shall continue to:
 - 1. Update new information, as it surfaces, with DCJS via the eJusticeNY system, and in Spillman, maintain contact with the person’s family, keeping them informed of new developments during the ongoing investigation, unless doing so could compromise the investigation.
- D. 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**.
- E. Frequently, when dealing with the eJusticeNY entry of a missing person who is a juvenile PINS case, warrants are issued in addition to the department taking a missing person report of a runaway. In cases such as this, it shall be the department's policy to keep in effect any eJusticeNY missing person entries upon receiving a Family Court warrant. The eJusticeNY missing person entry shall not be canceled until notification is received of an arrest on such warrant.

VIII. MISSING PERSON CANCELLATION PROCEDURES

- A. Personnel receiving notification of the return or location of a missing person shall, if possible, make personal contact with the subject to confirm their location and well-being. The reporting officer will complete a supplemental narrative in the original Spillman report detailing the facts obtained concerning the incident. The reporting officer will then personally notify the investigating officer of the necessary cancellation(s).
 - 1. Personnel investigating or following up on a missing person case may complete the eJusticeNY cancellation using the procedures outlined in this section.
- B. The following procedures will be followed by the investigating officer or other designated personnel for closing out missing person cases:
 - 1. Pull the original eJusticeNY entry;
 - 2. Send the eJusticeNY cancellation and verify the cancellation with a “Canceled from Both Files” response message canceling the original attempt to locate the message. The eJusticeNY cancellation number will then be documented in a supplemental narrative in the original Spillman report.
 - 3. Affix the eJusticeNY printout to the case file;
 - 4. Make one (1) copy of the updated Spillman report and affix the copy as the top sheet of the case file. The updated case file will be submitted to the on-duty supervisor for review; and
 - 5. The on-duty supervisor shall verify the cancellation by checking for the “Canceled from Both Files” response. The on-duty supervisor shall forward the case file to the investigator. The investigator assigned shall file the case file within the appropriate location.

IX. PARENTAL KIDNAPPING/CUSTODIAL INTERFERENCE INVESTIGATIONS

- A. Incidents of parental abduction and custodial interference may originate as a civil matter, which may escalate into a crime.
- B. If there is information or evidence that there may be an attempt to remove the child(ren) from the jurisdiction, the responding officer will immediately notify the on-duty OIC. The OIC will ensure that all appropriate steps are taken to locate the child(ren) before being removed from the jurisdiction.
- C. In addition to following routine missing person investigation procedures, officers investigating a report of such an incident should:
 1. Verify the non-abducting parent's custody rights with any visitation provisions for the other parent and obtain a copy of the court document;
 2. Obtain information about the abducting parent (i.e., name, address, description, employment, social security number, vehicle information, and criminal history, if any); and
 3. The Chief of Police or Assistant Chief of Police shall assign responsibility to the investigator for follow-up investigations of parental abductions or custodial interference cases. The investigator(s), in addition to standard follow-up procedures, shall:
 - 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;
 - 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;
 - Notify the State Department in Washington, D.C., if the investigation reveals that the child may have been taken out of the country;
 - Obtain a subpoena for the abducting parent's records (i.e., telephone bills, bank records, and credit card charges);
 - Obtain a search warrant for the abducting parent's residence and, when appropriate, an arrest warrant for the abducting parent;
 - Assist in connecting the non-abducting parent with victim support services when desired and appropriate; and
 - When located, interview the abducted child to determine the abduction circumstances, checking for abuse and neglect.

X. UNIDENTIFIED CHILDREN AND INCOMPETENT PERSONS

- A. Whenever unidentified children or adult persons are taken into custody by the department, officers shall:
 1. Notify the on-duty supervisor;
 2. Canvas the area where the subject was found in an attempt to locate the subject's parents, guardian, care-taker, or witnesses who may have information regarding the subject;
 3. If attempts to locate the subject's parents or guardian fail, and the subject remains unidentified, the responsibility for follow-up investigation shall be assigned by the Chief of Police or Assistant

Chief of Police; and

4. Officers conducting follow-up investigations of unidentified children or adult persons shall:
 - Complete the "Unidentified Person Data Collection Guide" (DCJS-1507);
 - Fingerprint and photograph the subject;
 - Have the investigating officer send a message via the eJusticeNY system; and
 - Forward the Unidentified Person Data, Collection Guide (DCJS-1507), fingerprints, and photographs to the DCJS.
- B. Whenever an unidentified child is not reunited with their parents or guardian, the assigned investigator shall contact Cortland County Child Protective Services and arrange for temporary placement of the child.
- C. Whenever an unidentified vulnerable adult person is not returned to their home or guardian, officers shall transport the subject to Guthrie Cortland Regional Medical Center for examination and evaluation.

BY ORDER OF

Mark T. DePaull

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Chief of Police