Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Persons identified by the New York model policy and data collection guide for missing persons as high-risk or endangered, including persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances (Executive Law § 837-f-2):

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
9. Physically disabled.
10. Missing for any length of time after a catastrophe.

(c) Qualify for a state AMBER Alert™ (under 18 years of age, abducted and at risk for harm).

(d) Are college students of any age, when there is reason to believe their well-being may be in jeopardy.

(e) Are determined to be vulnerable adults (Executive Law § 837-f-1).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes missing children (under the age of 18), whether due to a stranger, familial or acquaintance abduction, as well as runaways and children who are lost or missing under unknown circumstances; college students of any age when there is suspicion that their well-being is in jeopardy; and vulnerable adults or any adult when there is suspicion that their well-being is in jeopardy.

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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 New York State Division of Criminal Justice Services (DCJS), New York eJusticeNY Integrated Justice Portal and the New York State Missing Person Clearinghouse (MPC).

Missing vulnerable adult - A person 18 years or older who is missing and has a cognitive impairment, mental disability or brain disorder, and is believed to be at a credible risk of harm (Executive Law § 837-f-1).

316.2 POLICY

The Greece Police Department 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 (Executive Law § 838).

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Operations Bureau shall ensure the following forms and kits are developed and available:

- Missing person report forms, including those developed by DCJS (see attachment)
- Missing person investigation guidelines that provide investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical and dental records release forms (see attachment)
- Biological sample collection kits

See attached excerpts from the Missing Person portion of the NYS DCJS website, including excerpts from the NYS DCJS Missing Person Data Guide (additional information may be located at www.criminaljustice.ny.gov/missing/i_safety/forms.htm):

316.4 ACCEPTANCE OF REPORTS

Any member encountering an individual 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.

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316.5 INITIAL INVESTIGATION

Officers 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.

(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 at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast an alert if the person is under 21 years of age and deemed to be endangered or there is evidence that the missing person is at risk (see the Public Alerts Policy). The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age and endangered or may otherwise be at risk (Executive Law § 221).

(e) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is at risk.
2. Without delay, when it involves a missing child (9 NYCRR § 6055.3).
3. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) 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 at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

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316.6 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.

316.6.1 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 Staff Services.

(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.

(e) Ensuring that records have been entered into the appropriate missing person 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.

316.6.2 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

The responsibilities of the Staff Services 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) Coordinating with the NCIC Terminal Contractor for New York to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

(e) Ensuring that a list of closed missing person cases is submitted to the DCJS twice a year (Executive Law § 837-m).

(f) Ensuring that regulations and policies required by missing person networks are followed (9 NYCRR § 6055.2).

(g) Forwarding reports to the New York State Violent Crimes Analysis Program (VICAP) as required by Executive Law § 221-b.

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316.7 CRIMINAL INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school (Education Law § 3222).

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update DCJS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Shall obtain and forward medical records, dental records, photos, X-rays, and biological samples, as applicable (Executive Law § 838).

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to any other agency that is a stakeholder or requires them, including DCJS, and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Shall consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

(l) Shall prepare a written report, in the form prescribed by VICAP, where circumstances indicate a strong possibility of foul play, within 30 days of beginning the missing person investigation (Executive Law § 221-b).

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316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The CID commanding officer or their designee should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the agency or the agencies that are stakeholders in missing person cases, including DCJS.

(b) The missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported to DCJS as soon as possible.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(f) Appropriate missing person files are purged and destroyed as required (Executive Law § 837-e; Executive Law § 838).

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

See DCJS NCIC Unidentified Person Data Guide

316.9 CASE CLOSURE

The Criminal Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Town of Greece or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Administration Deputy Chief should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio/Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cell phone use).

(n) Media relations.

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