

**HERMANTOWN POLICE DEPARTMENT
GENERAL ORDER**

SUBJECT: RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS	NUMBER: 223.00
	EFFECTIVE DATE: 03/20/97
	AMENDED DATE: 10/18/11
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I. PURPOSE

This policy establishes guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in Minnesota Statutes, Chapter 299C.52, subd. 1 (c) and (e) (“Minnesota Missing Children and Endangered Persons’ Program” referred to as Brandon’s Law).

This policy addresses investigations where the person has been determined to be both missing and endangered and includes all procedures required by Minnesota Statutes Chapter 299C.52.

II. POLICY

The Hermantown Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons.

III. DEFINITIONS

“Missing” means the status of a person after a law enforcement agency that has received a report of a missing person has conducted a preliminary investigation and determined that the person cannot be located. (M.S. 299C.52)

“Endangered” means that a law enforcement official has received sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a person is at risk of physical injury or death:

- the person is missing as a result of a confirmed abduction or under circumstances that indicate the person’s disappearance was not voluntary;
- the person is missing under known dangerous circumstances;

- the person is missing more than 30 days;
- the person is under the age of 21 and at least one other factor in this paragraph is applicable;
- there is evidence 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;
- the person does not have a pattern of running away or disappearing;
- the person is mentally impaired;
- there is evidence that the person may have been abducted by a noncustodial parent;
- the person has been the subject of past threats or acts of violence;
- there is evidence 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; or
- any other factor that the law enforcement agency deems to indicate that 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.

IV. INITIAL RESPONSE

Officers shall accept, without delay, any report of a missing person. The officer may not refuse to accept a missing person report on the basis that:

- the missing person is an adult;
- the circumstances do not indicate foul play;
- the person has been missing for a short period of time;
- the person has been missing for a long period of time;
- there is no indication that the person was in the jurisdiction of the Hermantown Police Department at the time of the disappearance;
- the circumstances suggest that the disappearance may be voluntary;
- the reporting person does not have personal knowledge of the facts;
- the reporting person cannot provide all of the information requested by the officer;
- the reporting person lacks a familial or other relationship with the missing person;
- or
- for any other reason, except in cases where the officer has direct knowledge that the person is, in fact, not missing and the whereabouts and welfare of the person are known at the time the report is being made.

If a person is determined to be missing and endangered, officers must treat it as an in-progress major crime and ensure that their shift sergeant is notified. Time is a serious factor and assistance must be summoned early in the investigation.

Once it is determined that the person is missing and endangered, the investigating officer(s) must:

- Locate and interview witnesses, parents, family members, etc. obtaining descriptive information about the person (including recent photographs) and abductor (if applicable);
- If appropriate, search the last known location of the victim, including the victim's home to ensure that the person is not present and to determine if there is a potential for trace evidence (officers must be aware that the parents, family members, etc. could be suspects and take that into consideration prior to searching and ensure that they have consent, exigent circumstances, or consider a search warrant.
- Broadcast descriptive information as soon as possible;
- Determine if there is an identified crime scene and take control of it which may include requiring the victim family to depart from their residence.

The shift sergeant or their designee must:

- Notify the Minnesota Bureau of Criminal Apprehension (M.S. 299C.53) at 1-800-832-6446 (Section IV);
- Notify the Chief;
- Instruct the communications center to enter the person in NCIC as missing and within two (2) hours of receiving the call from dispatch (U.S. Code, Title 42, Section 5781).
- Instruct the communications center to notify all appropriate law enforcement agencies in the state and, if deemed appropriate, law enforcement agencies in adjacent states and jurisdictions of any information that may aid in the prompt location and safe return of a missing and endangered person.

V. AMBER ALERT

An AMBER ALERT may be activated if the following criteria are met:

- A child 17 years of age or younger is abducted;
- There is reason to believe the victim is in immediate danger of physical injury, or physical or sexual abuse, and
- There is information available to disseminate to the general public which could assist with the safe recovery of the victim and/or the apprehension of the suspect.

When all of these conditions are met, the shift sergeant, or their designee, contacts the Minnesota Bureau of Criminal Apprehension (BCA) at **1-800-832-6446**. The BCA will need descriptive information about the child and the abductor. The BCA activates the MN Crime Alert Network (MCAN) and works in conjunction with the Minnesota Duty Officer from the Division of Emergency Management to activate the alert over the State Emergency Alert System (EAS).

The duty officer activates the EAS which immediately delivers the information to all participating radio and television stations. Stations are requested to broadcast the information every fifteen minutes for the first two hours, then every half hour for the next three hours.

The BCA must be immediately notified of the recovery of the child in order to cancel the AMBER ALERT.

VI. PROLONGED INVESTIGATION

Sufficient personnel must be assigned to explore all relevant avenues of investigation. The Chief should be notified and a lead investigator assigned.

Mutual aid should be utilized to augment the department's resources and provide services the department does not possess. The St. Louis County Sheriff's Office, Duluth Police Department, BCA, and FBI should be considered as resources.

In the event of a suspected abduction/kidnapping, officers are prohibited from calling the person's cell phone, or the perpetrators cell phone, if known. This decision is left to the lead investigator after careful consideration of the consequences and in an effort to determine the location of the phone.

Registered Predatory Offenders should be considered if the identity of the suspect is not known.

The National Center for Missing and Exploited Children (NCMEC) may be contacted at 1-800-THE-LOST (1-800-843-5678). They can assist with the distribution of photographs and the acquisition of additional resources.

Upon receiving notification from the BCA that a person, who was initially determined to be missing, but not endangered, has been missing for 30 days, an investigation shall be conducted to determine if the person is still missing. If the person is still missing, they shall be considered endangered. Once the person is determined to be missing and endangered, the investigator(s) shall attempt to obtain:

- DNA samples from family members and, if possible, from the missing person along with any needed documentation, including consent forms, required for the use of state and federal DNA databases;
- Dental information and x-rays, and an authorization to release dental information or x-rays of the missing person;
- Any additional photographs of the missing person that may aid in the investigation or an identification; and
- Fingerprints.

Additional information or materials received by investigators shall immediately be entered into the applicable state or federal database as soon as possible.

VII. RECOVERY / CASE CLOSURE

When a missing and endangered person has been located, the investigator(s) shall:

- Verify that the person is the reported missing person;
- Cancel alerts (Minnesota Crime Alert, AMBER ALERT, etc.), remove case from NCIC (as required by M.S. 299C.53 subd. 2) and other information systems, and remove posters and other publications from circulation.
- Upon locating a missing and endangered person who was reported missing in another jurisdiction, officers shall instruct the communications center to notify the law enforcement agency having jurisdiction over the investigation, and that agency shall be responsible for making the appropriate cancelations.
- If appropriate, arrange for a comprehensive physical examination of the victim;
- 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, the disclosure of the person's whereabouts and contact information cannot be given out without their consent);
- 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;
- Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate;
- If applicable, the case will be prepared for prosecution as any other major felony;
- If a deceased's remains are identified as a missing person, the investigator(s) shall attempt to locate family members of the deceased person and inform them of the death and location of the deceased person's remains. All efforts to locate and notify family members shall be recorded in the Case Activity Log (CAL).

VIII. COMMENTS

Rescinds:	N/A
Standards Reference:	N/A
Statute/Ordinance Reference:	M.S. 299C.52 – Minnesota Missing Children and Endangered Persons Program. M.S. 299C.53 – Missing Persons Report; Duties of Commissioner and Law Enforcement Agencies.

Response to Reports of Missing and Endangered Persons

G.O. 223.00

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U.S. Code, Title 42, Section 5781 – Missing Person
Record Entry Requirements.

General Order Reference:

N/A

BY AUTHORITY OF:

JAMES M. CRACE

Chief of Police