POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **MISSING PERSONS INVESTIGATIONS**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: 165.785, 175.51, 968.373(8), The National Center for Missing & Exploited Children

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PURPOSE: The purpose of this Policy & Procedure is to establish guidelines and responsibilities for members of the Sturgeon Bay Police Department regarding the Department's response to reports of missing persons.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURES

IV. RECOVERY OF MISSING PERSON AND CASE CLOSURE

I. POLICY

A. It is the policy of the [ANYTOWN] Police Department to thoroughly investigate all reports of missing persons. Additionally, the Department holds that every person reported as missing will be considered at risk until significant information to the contrary is confirmed.

B. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, the Department will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing-person report, the Department will assume reporting and investigative

responsibility.

C. Questions concerning parental custody occasionally arise in relation to missing-child reports. It is the policy of the Department to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be shown that the child has been removed, without explanation, from his or her usual place of residence.

II. DEFINITIONS

A. A CHILD IS MISSING (ACIM): A Child Is Missing, Inc. is an Alert & Recovery Center, a non-profit organization that assists law enforcement in the early search and recovery of missing children, the elderly (often with Alzheimer's or Dementia, the disabled (often with Autism or Down Syndrome), on-campus college students, and other vulnerable populations, in the first hours of the search. The service is free to law enforcement and available 24/7, 365. ACIM is a Citizen-Based, Public/ Private Partnership with No Jurisdictional Restraints.

B. ADULT AT RISK: means an adult who has a developmental disability, who suffers from Alzheimer's disease or dementia, or who suffers from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the adult incapable of getting to a familiar location without assistance.

C. AMBER ALERT SYSTEM: The Amber Alert is an emergency child abduction alert. Its purpose is to SAVE THE LIFE OF A CHILD.

1. “SUZANNE’S LAW”: 42U.S.C 5779(c) requires law enforcement to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing, as part of the national AMBER ALERT SYSTEM. Any person under the age of 21 is considered a missing child.

D. DISABILITY: A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

E. DISASTER/CATASTROPHE VICTIM: A person of any age who is missing after a natural disaster or catastrophe.

F. ENDANGERED: A person of any age who is missing under circumstances indicating that his/her physical safety is in danger.

G. GREEN ALERT/VETERAN AT RISK: means a veteran or an active-duty member of the armed forces, the National Guard, or the military reserve forces of the United States, who is known, based on the information provided by the person making the report, to have a physical or mental health condition that is related to his or her service.

H. INVOLUNTARY: A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

I. KELSEY SMITH ACT 968.373(8): is an exception to requiring a warrant to a provider of an electronic communication service for the disclosure of the location of a communications device for an emergency involving danger of death or serious physical injury to any person and is relevant to preventing the death or injury or to mitigate the injury.

J. MISSING ADULT: is a person who is 18 years of age or older and whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the unusual circumstances listed in K below.

K. MISSING CHILD: is a person who is younger than 21 years of age and whose whereabouts are unknown to his or her parent, guardian, or responsible party.

L. MISSING CHILD ALERT: The person at risk has **not attained the age of 18 years, AND**, the person is believed to be incapable of returning home without assistance due to a physical or mental condition or disability, **OR**, the person has **not attained the age of 10 years, AND**,

1. The individual(s) location is unknown, and,

2. It is within 72 hours of the individual's disappearance, and,

3. Their situation does not qualify for another alert (e.g., AMBER Alert).

4. The individual has been entered as missing into National Crime Information Center (NCIC).

5. There is sufficient information available to disseminate to the public that could assist in locating the missing person.

M. OTHER: A person who is over the age of 18 not meeting the criteria for entry in any other category and for whom there is a reasonable concern for his/her safety.

N. SILVER ALERT SYSTEM: The Silver Alert Program is a State-wide program to help locate missing persons who are over 60 years of age and believed to have Alzheimer's, dementia, or another permanent cognitive impairment that poses a threat to their health or safety.

O. UNUSUAL CIRCUMSTANCES: refers to:

1. A missing child 13 years of age or younger. This age was established by the federal Missing Children Assistance Act because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation on the streets.
   – or
2. A child or an adult who is missing and believed to be one or more of the items

noted below. The zone of safety will vary depending on the age of the missing person and his or her developmental stage.

In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed.

For a school-aged child the zone of safety might be the immediate neighborhood or the route taken between home and school.

a) Out of the zone of safety for his or her age and physical and mental condition.

b) Mentally diminished.

c) Drug dependent. In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being. This in no way limits an officer's discretion in determining exigent circumstances regarding an adult's use of illicit drugs.

d) A potential victim of foul play or sexual exploitation.

e) In a life-threatening situation.

f) Absent from home for more than 24 hours before being reported to law enforcement as missing.

g) Believed to be with persons who could endanger his or her welfare.

h) Is absent under circumstances inconsistent with established patterns of behavior.

P. WISCONSIN CRIME ALERT NETWORK (WCAN): a Wisconsin Department of Justice (WIDOJ) system utilized to send crime bulletins to other law enforcement agencies and specific public recipient groups.

II. PROCEDURES

A. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this Policy & Procedure. .

B. Actions to be taken depending upon specific circumstances.

1. If it is determined that unusual circumstances are involved in the report of a missing adult or child, the person will be considered **at-risk**.

2. Assess whether an Amber Alert, Silver Alert, Green Alert, and/or Wisconsin Crime Alert Network (WCAN) under §165.785 and §175.51 is warranted and criteria are met. (Refer to Amber Alert, Silver Alert, or Green Alert forms). Consider activation of the "A Child is Missing" program.

   Consider involvement of NCMEC (National Center for Missing and Exploited Children) personnel and resources and Digital billboard (LAMAR signs Janesville 1-800-362-9442).

3. Missing Child Alert: The Missing Child Alert will be disseminated through the Wisconsin Crime Alert Network, Wireless Emergency Alert (WEA)*, the Wisconsin Lottery terminals throughout Wisconsin, along with the Department of Transportation's Dynamic Messaging Boards.

   ***Wireless Emergency Alerts (WEA) will be sent to mobile devices up to a 5 miles radius from the last known location, between the hours of 8am-9pm.**

   If the Missing Child Alert is approved, DCI will handle the issuance of the Alert. If the situation does not meet the criteria, but the individuals are missing and at risk, your agency is encouraged to issue a Missing Endangered Person Alert through the Wisconsin Crime Alert Network. DCI can send out such an alert on your behalf if needed.

   a) Missing Child Alert Request Instructions

      To request a Missing Child Alert, **call the Wisconsin State Patrol Traffic Management Center at 1-844-977-4357**. They will take your contact information and a DCI Representative will immediately call you back. The DCI Representative will provide you with your login information to access the Missing Child Alert online request form.

      THERE ARE NO FORMS TO FILL OUT PRIOR TO MAKING YOUR MISSING CHILD ALERT REQUEST.

4. KELSEY SMITH ACT: Assess whether there is an emergency situation where any person, adult or juvenile is in danger of death or serious physical injury. If that person has a communication device and the service provider is known, the following shall be done as soon as possible.

   a) The Officer shall use the Department form to request the service provider to provide any geographical information that they have in real-time and/or for the last 48 hours, depending upon the circumstances. NOTE….the form may not be needed if the customer or subscriber consents to the disclosure(s).

   b) The Officer or a Dispatcher shall submit the form to the provider via email or any other method of communication requested by the provider.

c) Information regarding the request to the provider shall also be provided by the WI DOJ on their website, WILENET.widoj.gov.

d) Upon receiving the information, the Officer shall immediately continue the investigation following Department protocol for missing/endangered persons.

e) The customer or subscriber of the device shall be notified within 30 days after the date of the call for the emergency of the emergency situation that required the disclosure(s).

f) If the location of the device is disclosed and evidence of criminal activity was obtained as a result of the disclosure, the Department shall, within 3 days of the disclosure, apply to a Judge for an order retroactively authorizing the emergency disclosure. The Judge shall promptly issue an order if the disclosure was necessary. If the Judge determines it was not necessary, the evidence shall be suppressed in any criminal proceeding.

g) The disclosure(s) by the provider will be immune from any criminal or civil actions for the acts or omissions of the disclosure(s).

C. Depending upon the policies of the Door County Communications Center, Telecommunicators receiving the report of a missing person are responsible for:

1. Determining if circumstances of the report meet the definition of a missing child or adult as set forth in Section III.

2. Dispatching, in an immediate manner, an officer to the scene of the report.

3. Notifying the Chief or designee.

4. Transmitting the appropriate radio alerts and other notifications.

5. Searching available agency records for related information.

6. Safeguarding all pertinent records.

7. Initiating media contact including activation of the AMBER Alert System, Silver Alert, Green Alert, Locator Program, and/or other immediate, community-notification methods (A Child is Missing reverse 911) when appropriate per the Chief.

D. The initial officer or first responder assigned to the report of a missing person shall be responsible for:

1. Responding, in a prompt manner, to the scene of the report.
2. Interviewing the person(s) who made the initial report.

3. Obtaining a description of the missing person. Recent photographs and/or

videotape should be secured if available.

4. Verifying that the person is in fact missing.

5. Confirming custody status.

6. Identifying the circumstances of the disappearance.

7. Determining when, where, and by whom the missing person was last seen.

8. Interviewing the individual(s) who last had contact with the missing person.

9. Identifying the missing person's zone of safety for his or her age and physical and mental state.

10. Making an initial determination of the type of incident.

11. Obtaining a description of the suspected abductor(s) and other pertinent information.

12. Determining the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted and waivers are signed to enter information into systems.

13. Providing detailed descriptive information to the communications unit for broadcast updates.

14. Identifying and interviewing everyone at the scene.

15. Conduct a thorough search of the scene or any other area of relevance, such as high school locker.

16. Securing and safeguarding the area as a potential crime scene.

17. Preparing necessary reports and completing appropriate forms.

E. The Chief or designee shall be responsible for:

1. Obtaining a briefing from the first responder(s) and other agency personnel at the scene.

2. Determining if additional personnel and resources are needed to assist in the investigation. Detectives shall be contacted for their input and/or involvement for situations with unusual circumstances.

3. Establishing a command post, if needed.
4. Organizing and coordinating search efforts.

5. Ensuring that all required notifications have been made.

6. Establishing a liaison with the victim's family. Families of a missing person will experience extreme stress. The Chief or designee should establish a liaison with the victim family who can explain what investigative actions are being employed and what they can do to assist in the search.

7. Confirming that all agency policies and procedures are observed.

8. Managing media relations, also refer to Policy & Procedure 8.01: Public Relations.

F. The Officer assigned to the report of a missing person shall be responsible for:

1. Obtaining a briefing from agency personnel at the scene.

2. Verifying the accuracy of all descriptive information.

3. Conducting a neighborhood investigation, if appropriate.

4. Obtaining a brief history of recent family dynamics.

5. Exploring the basis for conflicting information.

6. Implementing effective case management.

7. Evaluating need for additional resources and specialized services.

8. Updating descriptive information within thirty days if person is still missing.

9. Monitoring media relations.

G. An officer assigned to the report of an unidentified person, whether living or deceased, shall be responsible for:

1. Obtaining a complete description.

2. Entering the unidentified person's description into the NCIC Unidentified Person File.

3. Utilizing all available resources to aid in identification of the person.

4. Canceling all notifications after identification is confirmed.

IV. RECOVERY OF MISSING PERSON AND CASE CLOSURE

A. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:

1. Advise them that they are the subject of a missing person investigation.

2. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and

3. Make provisions to transmit this information to the reporting party or next-of-kin, if permitted by the missing person.

B. In all cases, reporting parties shall be informed of the well-being of the located missing person. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

C. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

D. In cases involving juveniles, officers shall ensure that:

1. The return of the juvenile is verified by meeting with the child in person when possible.

2. The juvenile receives medical attention, if necessary, in a timely manner;

3. Initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible, and/or whether an abusive or negligent home environment was a contributing factor; and

4. That parents, guardians, and/or the person reporting the missing youth are notified in a timely manner.

E. Upon location of a missing person, all agencies and information systems previously contacted for assistance shall be notified and/or updated, cancelled, etc.

F. Where indicated, follow-up action shall include filing of an abuse and neglect report with [COUNTY] County Human Services immediately or as soon as practicable within 12 hours.

G. The case report shall include a complete report on the whereabouts, actions, and activities of children while missing.

H. Where indicated, criminal charges shall be considered.

Chief of Police
Clinton Henry

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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