



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **MISSING PERSONS
INVESTIGATIONS**

NUMBER: 6.20
ISSUED: 01/04/2016

SCOPE: All Department Personnel
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REFERENCE: The National Center for Missing &
Exploited Children

RESCINDS
 AMENDS
WILEAG 4TH EDITION
STANDARDS: 6.1.5, 6.6.5

INDEX AS: A Child Is Missing
Amber Alert
Investigation Procedures for Missing Persons
Missing Persons
Silver Alert
"Suzanne's Law"

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines and responsibilities for members of the Elkhart Lake 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 Elkhart Lake 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. **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.
- C. **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.
- D. **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.
- E. **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.

- F. **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.
- G. **ENDANGERED:** A person of any age who is missing under circumstances indicating that his/her physical safety is in danger.
- H. **INVOLUNTARY:** A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.
- I. **DISASTER/CATASTROPHE VICTIM:** A person of any age who is missing after a natural disaster or catastrophe.
- J. **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.
- K. **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.

III. PROCEDURES (WILEAG CORE 23-6.6.5.1)

- 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 upon determination of unusual 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**. *While all missing-child incidents should be investigated thoroughly, those involving unusual circumstances indicate a heightened likelihood of risk to the child and, therefore, require an intensive response.*
 - 2. If appropriate, existing interagency response protocols including; the **AMBER Alert** System, the WI Crime Alert Network, A Child Is Missing the **Locator** Program and/or Silver Alert, should be activated.
 - a. Amber Alert protocols are found on “Amber Alert Wisconsin” web site, www.amberalertwisconsin.org, along with required documents.
 - 1) Amber Alert Criteria:
 - a) Child must be 17 years of age or younger
 - b) Child must be in danger of serious bodily harm or death
 - c) Initiating agency must have enough descriptive information about the child, the suspect(s) and/or the suspect vehicle(s) to believe an immediate broadcast alert will help locate the child
 - b. The WI Crime Alert Network is at www.wisconsincrimealert.gov.
 - c. A Child Is Missing is at www.achildismissing.org
 - d. LOCATER (Lost Child Alert Technology Resources) www.locaterposters.org
 - e. Requests for Silver Alerts will be made to the Wisconsin Department of Justice -- Division of Criminal Investigation (DCI) through the Dane County Public Safety Communications Center at 608-267-3913.
 - 1) Dane County will take your name, the name of your agency and phone number you can be reached at and then contact the DCI on-call person.
 - 2) DCI will contact you and DCI will fill out the Silver Alert Request Form, taking the information over the phone. Silver Alert documents are available in the squad car and police department office. These documents will be filled out and placed in the Incident file and the information contained provided to DCI. DCI will then determine if all criteria have been met.
 - a) Criteria Fulfilled – DCI will handle issuance of the Silver Alert. Pictures of the person and vehicle (if available) will be emailed to

info@wisconsincrimealert.gov

- b) Criteria Not Fulfilled – A missing Endangered Alert should be sent out through the WI Crime Alert Network and DCI will offer to send this alert on behalf of our department.
 - 3) As Alzheimer's and dementia are not limited to those 60 and older, where individuals are missing and at risk but do not meet the criteria for a Silver Alert, officers are encouraged to issue a Missing/Endangered alert through the Wisconsin Crime Alert Network (III. 2. b. above).
3. 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.
- D. The initial officer or first responder assigned to the report of a missing person shall be responsible for: **(WILEAG CORE 23-6.6.5.3)**
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: **(WILEAG CORE 23-6.6.5.4)**
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/Investigator 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.
- H. The officer assigned to continue the investigation 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. The verification process should include all details developed during the preliminary investigation. During the interview process, the investigator should be alert to facts or statements that conflict with those gathered by the first responder.
 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. *Note: The National Center for Missing & Exploited Children (NCMEC) can provide computer software designed for effective case management.*
 7. Evaluating need for additional resources and specialized services. *Officers should be aware of the input that can be obtained from resources such as the FBI & NCIC (both contacted through the BCPSCC) and the National Center for Missing & Exploited Children (1-800-843-5678) — in particular **Team Adam**, which is a rapid-response team of experienced law-enforcement investigators.*
 8. Updating descriptive information within thirty days if person is still missing.
 9. Monitoring media relations.

I. Ongoing Investigations of missing persons should include but should not be limited to the following actions and activities:

1. Request release of dental records and any fingerprints available.
2. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.
3. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.
4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.
5. Provide identification and related information to all elements of this agency, the State DOJ missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
6. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief and the missing person's family.
7. The lead officer shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead officer as soon as any contact is made with the missing person.

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 Sheboygan 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.

Michael Meeusen
Chief of Police

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

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