

WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0006

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Application: All Sworn Personnel & CSOs

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SUBJECT: MISSING PERSONS

PURPOSE

To establish guidelines and responsibilities for the consistent response to and investigation of all reports regarding missing, endangered, and vulnerable persons as defined in MN Statutes, Chapter 299C.52, subd. 1 (c) and (d) ("Minnesota Missing Children and Endangered Persons' Program" referred to as Brandon's Law).

POLICY

The Willmar 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.

The facts surrounding each missing or endangered person report will dictate which procedures are warranted, and what the order and priority should be for each procedure. Each of the procedures must be carried out promptly, as circumstances warrant, and some of the steps may need to be done simultaneously by other officers.

DEFINITIONS

Missing Person – The status of any person after a law enforcement agency has received a report of a missing person, has conducted a preliminary investigation, and determined that the person cannot be located. [MN Statutes, Chapter 299C.52, subd. 1(d)].

Endangered Missing Person – Has the meaning given it in MN Statutes, Chapter 299C.52, subd. 1 (c), a person whom sufficient evidence indicates is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:

1. the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;
2. the person is missing under known dangerous circumstances;
3. the person is missing more than 30 days;

4. the person is under the age of 21 and at least one other factor in this paragraph is applicable;
5. 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;
6. the person does not have a pattern of running away or disappearing;
7. the person is mentally impaired;
8. there is evidence that the person may have been abducted by a non-custodial parent;
9. the person has been the subject of past threats or acts of violence;
10. 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.
11. 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.

Child – has the meaning given it in MN Statute 299C.52, subd. 1 (a), “Any person under the age of 18 years or any person certified or known to be mentally incompetent”.

Sufficient Evidence – means articulable facts and circumstances which would induce a reasonable prudent peace officer to believe that a particular condition exists.

Vulnerable Person – has the meaning assigned in M.S. 626.5572, subd. 21, and shall additionally include persons whose well-being may be in imminent danger due to physical or mental disability, illness, age, or weather conditions.

Amber Alert Plan – requires that all of the following criteria be met before an Amber Alert is issued:

- The person is age 17 or younger;
- There is reason to believe the victim is in imminent danger of serious bodily injury or death; 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.

The Amber Alert Plan is not activated by a law enforcement agency for every child abduction, only when the above specific requirements of the plan are met. When the decision to activate an alert has been made, the law enforcement agency contacts the Bureau of Criminal Apprehension (BCA) to request activation of the Amber Plan which is then handled by the BCA. The BCA activates the MN Crime Alert Network (MCAN) and then works with the duty officer from Homeland Security Emergency Management to activate the alert over the State Emergency Alert System (EAS).

MCAN – “Minnesota Crime Alert Network”.

NCIC – the FBI’s “National Crime Information Center”.

CJIS – “Criminal Justice Information System”.

NCMEC – the National Center for Missing and Exploited Children.

DNA – means “DNA” has the meaning given it in MN Statute 299C.52, subd.1 (b), Deoxyribonucleic acid from a human biological specimen.

EAS – “Emergency Alert System”.

PROCEDURE

The Willmar Police Department will respond according to the following six types of general procedures:

- Initial Response
- Initial Investigation
- Investigation
- 30-Day Benchmark
- Prolonged Investigation, and
- Recover/Case Closure

INITIAL RESPONSE

1. Always complete a [Missing Person Report form](#) and a narrative (dictated) report to include initial information, witness statements, and actions taken to locate missing person. Supplemental reports should be completed by any officer who receives additional information on whereabouts and the actions taken to locate. As required by MN Statute 299C.53, subd. 1(a), law enforcement shall respond without delay to any report of a missing person. Law enforcement shall 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 amount of time;
- there is no indication that the missing person was in the jurisdiction served by the law enforcement agency 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 law enforcement agency;
- the reporting person lacks a familial or other relationship with the missing person; or
- for any other reason, except in cases where the law enforcement agency 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 filed.

2. Determine status. The officer(s) at the scene will need to determine whether the person is missing, and if missing, whether the person is endangered.

- Obtain interpretive services if necessary.
 - Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).
 - Determine when, where, and with whom the missing person was last seen.
 - Interview the individual(s) who last had contact with the person.
 - Obtain a detailed description of the missing person, abductor, vehicles, etc., and ask for a recent photo of the missing person.
3. Enter information into NCIC. Person(s) identified as either a "missing child" or a "missing and endangered person" require immediate entry of data into the NCIC database.

The officer(s) shall immediately enter complete and descriptive information into the appropriate categories of the [Missing Person Report form](#) and give it to Dispatch for immediate entry. By law, immediate NCIC entry is necessary when:

- Any missing person is less than 21 years of age. [Required by 42 U.S.C. 5779(a) - (Suzanne's Law)].
 - Any person is determined to be missing and endangered. [Required by Minnesota Statutes, Chapter 299C.53, subd. 1(b) - (Brandon's Law)].
 - If the missing person is under commitment by a court, the "Committed Person Information" section of the [Missing Person Report form](#) shall be filled out by staff making the report.
 - The [Missing Person Report form](#) must be signed by an adult or by law enforcement in the instance where a child is reporting a missing parent.
 - Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
4. Determine urgency. Although due diligence will be given towards all missing person reports, different situations will dictate different law enforcement response and use of resources.

Non-Endangered Missing Person(s) – If it is determined that the reported missing person is not an "endangered person", the officer shall:

- Take a [Missing Person Report](#) and file it with NCIC.
- Check any leads to determine the possible whereabouts of the missing person.
- If any leads point to a location outside the officer's jurisdiction, notify the appropriate law enforcement agency, requesting assistance in following up those leads.

Endangered Missing Person(s) – If it is determined that the reported missing person is an "endangered person", the officer shall:

- Immediately notify the on-duty shift supervisor who should then:
 - Immediately direct available officer resources towards rapid response efforts in locating the missing person.

- Update additional responding personnel.
 - Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies.
 - Contact both the Chief of Police and Captain to advise them of the situation.
 - Consult with the Minnesota Bureau of Criminal Apprehension [as required by MN Statute, Chapter 299C.53, subd. 1(b)].
 - If necessary, use the International Justice & Public Safety Network (NLETS), the Minnesota Crime Alert Network, and MNJIS KOPS Alert to alert state, regional and federal law enforcement agencies.
- Request assistance as necessary. The investigating officer at the scene or the shift supervisor is responsible to make sure this call is made. Contact information is:
 - Minnesota State Duty Officer 1-800-422-0798 or,
 - BCA Operations Center (651) 793-7000
- If the facts of the report meet the Amber Plan criteria, an Amber Alert will be issued through the State Duty Officer.
 - Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
 - Obtain and protect uncontaminated scent articles of the missing person for possible use by search canines.
 - Based on the information received, determine whether or not a physical search is required.
 - Secure the crime scene and/or last known position of the missing person and attempt to identify and interview persons in the area at the time of the incident.
 - Protect and investigate the scene as necessary.
 - Determine the last known location of the person, when it was, who had contact with him/her, and whether there may be any additional witnesses.
 - Secure a potential crime scene and other evidence if there is any indication the person may have been abducted, assaulted, or injured.
 - If the initial reporting person is not the parent or legal guardian of the missing person, make contact with the appropriate next of kin.
 - Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network).

- Implement multi-jurisdictional coordination/mutual aid plan as necessary; such as when:
 - the primary agency has limited resources;
 - the investigation crosses jurisdictional lines; and
 - jurisdictions have pre-established task forces or investigative teams.
- 5. If the person is missing as part of a multi-casualty disaster, the procedure established by Emergency Management for the incident shall be followed.
- 6. In some instances, the location of a missing person is known or discovered during the initial response/investigation and it becomes inappropriate to disclose their location to the reporting party. (Examples of this may be a person who is at a Shelter House and protected from an inquiring stalker or when the person who is located requests his/her location not be disclosed).

In those instances, the officer should not file a formal missing person report (because the person is not missing) nor should he/she advise the reporting person the location of the missing person's whereabouts. However, the officer shall document the confirmation of the reported missing person's status and the reason for non-disclosure on the ICR.

We do not look for long lost friends, classmates, etc., who someone reports as missing just because they would like to regain contact with that person or want to know where they might be. Always document the reason someone is reporting another person as missing.

INITIAL INVESTIGATION AND SEARCHES – (Investigative options to consider when responding to a missing person report)

1. Conduct a neighborhood/vehicle canvas. Searches should be thorough, organized and documented.
2. The initial search shall be done as soon and as thoroughly as possible to determine whether the missing person may in fact be present but sleeping, ill, injured, or hiding; whether a route of travel from the last known location can be established; whether any evidence exists of a crime or the need for specialized investigation; and whether there may be a need for additional search and rescue personnel or specialized resources.
3. Permission to search should be obtained from the person in charge of the premises. The home of the missing person should be checked even if he or she is believed to have gone missing from school, work, or another location.
4. Arrange for use of helpful media coverage.
5. Maintain records of telephone communications/messages.
6. Ensure that everyone at the scene is identified and interviewed separately.

7. Search the home, building or other area/location where the incident took place including all surrounding areas. Obtain consent.
8. The on-duty supervisor may coordinate or assign responsibility for coordination of an initial search for the missing person.
9. In the case of a missing person who is not an “endangered missing person”, the responding officer should be responsible for ensuring initial leads on the probable location of the person are checked prior to entering the person in the NCIC system.
10. If a child is missing from a place of business or public event, determine whether the business’ emergency plan has been activated. Business or event personnel may be used to assist in covering all potential exits and searching the premises. Obtain appropriate security tapes and other location recordings for review.
11. Assign an investigator or officer whose duties will include coordination of the investigation.
 - Request investigative and supervisory assistance as needed.
 - Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. If necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional and federal law enforcement agencies.

INVESTIGATION AND SEARCHES – (Complete on all “endangered missing persons”)

1. Begin setting up the Command Post/Operations Base away from the person’s residence. Know the specific responsibilities of the Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communications Officer, Support Unit Coordinator, and two liaison officers (one at the command post and one at the victim’s residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
2. Establish the ability to “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use.
3. Compile a list of known sex offenders in the region.
4. In cases of infant abduction, investigate claims of home births made in the area.
5. In cases involving children, obtain child protective agency records for reports of child abuse.
6. Review records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

7. Obtain the missing person's medical and dental records, fingerprints and DNA, when practical, or within 30 days.
8. Create a Missing Person's Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.
9. Update the NCIC file, as necessary, with any additional information regarding the missing person, suspect(s) and vehicle(s).
10. Interview delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
11. For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine if outside help is needed and utilize local, state and federal resources related to specialized investigative needs, including:
 - a. Available Search and Rescue (SAR) resources
 - b. Investigative Resources
 - c. Interpretive Services
 - d. Telephone Services (traps, traces, triangulation, etc.)
 - e. Media Assistance (Local and National)
13. Secure electronic communication information such as the missing person's cell phone number, email address, and social networking site information.
14. Appoint an officer who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or designee.
15. Provide general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.
16. Ensure that everyone at the scene is identified and interviewed separately.
17. In addition to completing the [Missing Person Report form](#), officers should obtain as much additional detailed information about the missing person as possible. All additional information shall be documented using supplemental reports.
18. If the report of a missing child meets the four (4) Amber Alert Criteria, a request shall be made during contact with the BCA for activation of the Amber Alert Plan. Amber Plan criteria and procedures are available for review on the BCA web site (see [Addendum A](#)).

19. The reporting parent or guardian shall be advised of use of the Minnesota Missing Children Clearinghouse form (see attached Addendum for contact information). The officer should determine what level of publicity is desired in attempting to locate a missing person, keeping in mind that time and publicity may be of the essence in effecting a safe return of the individual.
20. Whenever possible, one officer should stay with the reporting person and/or parent/legal guardian to obtain necessary information for the [Missing Person Report form](#), NCIC entry, Amber Alert or MCAN publication, and facilitate communication. If possible, a clear, color, head-and-shoulders photograph of the missing person should be obtained. Scan the photograph(s) for distribution and return original.
21. The reporting person and parent/guardian should be instructed to notify the communications center immediately if the missing person is located or returns home.
22. Instruct the parent/guardian to make no changes to any computer to which the missing person had access, with preference for not shutting it off.
23. If an at-risk missing child or endangered or vulnerable adult has not been located following the initial search, immediate consideration should be given to activation of additional search resources and investigators, and to timely local publicity. Publicity methods to be considered include fax to area radio and television stations, use of the cable television override system, message to surrounding law enforcement agencies, and use of the Minnesota Crime Alert Network.

30-DAY BENCH MARK – (Persons missing for over 30 days)

When a person remains missing after 30 days from entry into NCIC, the local law enforcement agency will be contacted by the BCA Missing and Unidentified Persons Clearinghouse to request the following information (if not already received):

- DNA samples from family members and, if possible, from the missing person;
- Dental information and x-rays;
- Additional photographs and video that may aid the investigation or identification;
- Fingerprints; and
- Other specific identifying information.

This information will be entered into the appropriate databases by BCA Clearinghouse personnel.

When a person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person is endangered and update the record in NCIC to reflect the status change.

PROLONGED INVESTIGATION

1. Develop a profile of the possible abductor.

2. Consider the use of a truth verification device for parents, spouse, and other key individuals.
3. Re-read all reports and transcripts of interviews, re-visit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
5. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
6. Develop a time-line and other visual exhibits.
7. Critique the results of the on-going investigation with appropriate investigative resources.
8. Arrange for periodic media coverage. Poster and publicity assistance is available from the NCMEC (www.ncmec.org) or the National Center for Missing Adults. These organizations will also provide direct assistance and advice to family members.
9. Consider utilizing rewards and crime-stoppers programs.
10. Update NCIC Missing Person File information, as necessary.
11. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
12. Maintain contact with the family and/or the reporting party or designee as appropriate.

RECOVERY AND CASE CLOSURE

Found Alive – (Entered into NCIC as a “non-endangered missing” person)

1. The person who signed the original [Missing Person Report form](#) when reporting the person as missing, must also sign the “Missing Person Cancellation Request” form. The officer who receives the information that the missing person has been located is responsible for getting this form completed. Phone call verification will not be accepted. This is done to prevent a “runaway” person from simply calling in that they have returned (acting as a parent) and then just automatically being updated as “found” in the NCIC databases. Signed confirmation is necessary.
2. After confirmation, the officer shall ensure the missing status gets updated in the CJIS/NCIC database records by Dispatch. Any other active alerts or postings shall also be cancelled.

Found Alive – (Entered into NCIC as an “endangered missing” person)

1. Verify that the located person is the reported missing person.
2. Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies.
3. If appropriate, arrange for a comprehensive physical examination of the victim.
4. Notify the family/reporting party that the missing person has been located. (In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information).
5. Dependent 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.
6. Cancel alerts (Minnesota Crime Alert, Amber Alert, etc.), remove case from NCIC (as required by MN Statute 299C.53. subd. 2) and other information systems, remove posters and other publications from circulation.
7. Perform constructive post-cause critique. Re-assess the procedures used and update the department’s policy and procedures as appropriate.

Deceased Persons

1. Secure the crime scene.
2. Contact coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive post-case critique. Re-assess the procedures used and update the department’s policy and procedures as appropriate.

Recovery of Persons Missing From Another Jurisdiction

- Upon notification from another law enforcement agency or other reliable source that a missing person may be in Willmar, every attempt should be made to assist in the effective investigation of their disappearance and the recovery of the missing person.

- When an officer recovers a person who has been reported as missing from another jurisdiction, determination should be made of the necessity for medical care and investigation of crimes of which the missing person was a victim.
- When the missing person is recovered, a “locate” indication shall be filed by the communications center with the NCIC missing person file. The originating agency will be notified of the recovery as soon as possible.

ACCOUNTABILITY

It is the responsibility of each officer to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

CLN/sae

Addendum A

Additional Resources – May 2014

Minnesota Bureau of Criminal Apprehension

- **Minnesota Crimes Against Children Task Force**
- **Minnesota State Clearinghouse for Missing Children/Persons**

1-800-832-6446 (law enforcement only)
651-793-7000
1430 Maryland Ave E, St. Paul, MN 55106
www.dps.mn.gov/division/bca

MN State Patrol Flight Section

651-539-1300

Kandiyohi County Emergency Management

320-235-5133

Contact Kandiyohi County Emergency Communications Center to have personnel paged for after-hours call-out.

Command Post, Emergency Management Center, search personnel and equipment.

National Center for Missing and Exploited Children

1-800-THE-LOST (1-800-843-5678)
www.missingkids.org

Jacob Wetterling Foundation

1-800-325-HOPE (1-800-325-4673)
www.jwrc.org

Water Search & Rescue, through-ice recovery - Contact Kandiyohi County Sheriff's Office, Water Safety Division

WILLMAR POLICE DEPARTMENT MISSING PERSON REPORT

(Information in CAPS / BOLD is mandatory for NCIC entry)

Case # _____

Date Reported _____

<input type="radio"/> Adult	<input type="checkbox"/> Unaccounted for
	<input type="checkbox"/> Endangered missing
<input type="radio"/> Juvenile	<input type="checkbox"/> Voluntary (runaway)
	<input type="checkbox"/> Endangered
<input type="checkbox"/> Abduct - Parent	
<input type="checkbox"/> Abduct - Stranger	

NAME: _____ **DOB:** _____ **Age:** _____
(Last) (First) (Middle)

ADDRESS: _____
(Street) (City) (State) (Zip Code)

SEX: _____ **RACE:** _____

SKIN (color/tone): _____

Complexion: _____

HEIGHT: _____ **WEIGHT:** _____ **Build:** _____

EYE COLOR: _____ **Glasses or Contacts** _____

HAIR COLOR: _____ **Hair Style:** _____

Facial Hair: _____

BIRTHMARKS: _____

TATTOOS OR PIERCINGS: _____

DEFORMITIES OR SCARS: _____

Occupation or School: _____

Driver's License Number: _____

Social Security Number: _____

Last seen wearing: _____

Jewelry worn, belongings: _____

Probable Destination: _____

Vehicle Year, Make and Model: _____

License Plate Number: _____ State: _____

Vehicle Color: _____

Addiction to alcohol or other drugs: _____

Medical problems or loss of memory: _____

Tendency to violence or self-harm: _____

Last Contact - Date: _____ Time: _____

Location of Last Contact: _____

Juvenile: Date of Emancipation: _____

Reported By: _____

Date of Birth: _____ Relationship: _____

Address: _____

(H) Phone: _____ (W/C) Phone: _____

AUTHORIZED SIGNATURE: _____

Printed Name: _____

Date: _____

Insert or Attach Photo Here if Available

Legal Custody Issues:

Custodial Parent / Guardian: _____

Address: _____

(H) Phone: _____ (W) Phone: _____

Other adult(s) in household: _____

Non-Custodial Parent / Guardian: _____

Address: _____

(H) Phone: _____ (W) Phone: _____

Other Custody Information: _____

Other Pertinent Information: _____

Report Taken By (Officer): _____ **Badge:** _____ **Date \ Time Reported:** _____

COMMITTED PERSON INFORMATION
Type of Commitment (mental health, juvenile, etc.): _____
Unit of Residence: _____
Phone: _____
Significant Psychiatric or Disability Concerns: _____

County of Commitment: _____
Expiration: _____
Reported on Date: _____ Time: _____
Reported by Staff (print): _____
Staff Signature: _____

LOCATED
Date: _____ Time: _____
Location: _____
Located By: _____
Follow-up interview conducted? Yes / No
By Whom: _____

NCIC ENTRY INFORMATION
Entered By: _____
Date: _____ Time: _____
NIC: _____
Cancelled By: _____
Date: _____ Time: _____

