

## DEPARTMENT MANUAL

SOUTH LAKE MINNETONKA POLICE DEPARTMENT GENERAL ORDER	ISSUE DATE	EFFECTIVE DATE	NUMBER
	03/30/2022	03/30/2022	1006
MISSING & ENDANGERED PERSONS	DISTRIBUTION	RESCINDS	
	ALL PERSONNEL	327 – Dated 07/28/1995	

### INTRODUCTION:

The South Lake Minnetonka 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.

### PURPOSE:

It is the policy of the South Lake Minnetonka Police Department (SLMPD) to establish 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 (d)** (“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 Statute 299C.52**.

### DEFINITIONS:

**Missing:** According to **Minnesota Statutes, Chapter 299C.52, subd. 1 (d)**, “The status of a 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”.

**Endangered:** According to **Minnesota Statutes, Chapter 299C.52, subd. 1, (c)**, “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 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 noncustodial 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; or
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:** According to Minnesota **Statutes, Chapter 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 circumstance which would induce a reasonably prudent police or peace officer to believe that a crime has been or is about to be committed.

**NCIC:** Means The National Crime Information Center.

**CJIS:** Means The Criminal Justice Information System.

**DNA:** Means Deoxyribonucleic acid from a human biological specimen.  
Minnesota Statutes, Chapter 299C,52, subd. 1 (F)

## **POLICY:**

This Department has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All officers employed by this department will be informed of, and comply with, the following required procedures.

After the Department has receive a report of a missing person, obtained the basic facts of the case, descriptions of the missing person and abductor (if known), and determined that there is sufficient evidence to believe that the person is endangered, the department will respond according to the six types of general procedures: 1) Initial Response, 2) Initial Investigation, 3) Investigation, 4) 30 Day Benchmark, 5) Prolonged Investigation, and 6) Recovery/Case Closure.

The facts surrounding each missing and endangered person report will dictate what procedures are warranted, and in what order within each of the six categories. However, each of the procedures must be carried out immediately as circumstances warrant and many of the steps will need to be done simultaneously.

## **PROCEDURE:**

### **INITIAL RESPONSE PROCEDURES:**

1. As required by MN STAT 299C.53, subd. 1(a), Law Enforcement shall accept, without delay, 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 amount 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 SLMPD 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 SLMPD
  - The person lacks a familial or other relationship with the missing person or
  - For any other reason, except in cases where SLMPD 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. When a call of a missing and endangered person is received, all available police units will respond. This may include supervisory and investigative personnel. An officer will be dispatched to the scene to conduct a preliminary investigation. The initial responding officer should respond directly to the scene and should not delay response to conduct searches of surrounding areas or stopping suspicious individuals. Unless in immediate response to the missing person's safety, these activities can be handled by other responding units.
3. Interview the parent(s)/person who made the initial report.
4. Determine when, where, and by whom the missing person was last seen.
5. Interview the individuals who last had contact with the person.
6. Obtain a detailed description of the missing person/abductor/vehicles, etc.
7. Rebroadcast information to all other responding personnel as warranted. \*\*\*Consider the use of a TAC Channel\*\*\*.
8. Obtain recent photos and/or video of the missing person.
9. Identify the person's zone of safety for his or her age, developmental stage, and physical and mental state.
10. Obtain consent/permission and conduct a thorough search of the location where the person was reported missing from. Obtain a search warrant if necessary.
11. Obtain consent/permission and conduct a thorough search of the person's home even if different from the location being reported missing from. Obtain a search warrant if necessary.
12. After verifying that the person is in fact missing, load the NCIC Missing Person File (Involuntary Category) with complete descriptive information regarding the missing or abducted person.
  - As required by 42 U.S.C. 5779(a) (Suzanne's Law) law enforcement shall immediately enter missing children less than 21 years of age into the NCIC.
  - As required by MN STAT 299C.53, subd. 1(b), if the person is determined to be missing and endangered, the agency shall

immediately enter identifying and descriptive information about the person into the NCIC.

13. If the missing person is a child, law enforcement should confirm the person's custody status. First responders should ascertain whether a dispute over the child's custody might have played a role in the disappearance. Questions regarding whether the reporting party has full legal custody, if the noncustodial parent has been contesting custody, or if the missing child expressed a wish to leave with the other parent, may gain important insight into the case.
14. Additional resources should be requested to the area as warranted. Officers should consider neighboring police agencies, fire personnel, and city employees as potential resources to aid in the search or setting up of a perimeter. Consider the use of roadblocks if the situation and information warrants it. Road blocks may include the use of squad video to document people and vehicles leaving the area.
15. Confirm investigative and supervisory response.
16. The supervisor assigned to the report of a missing endangered person shall:
  - Respond immediately to the scene and obtain a briefing from first responders.
  - Determine if additional resources are needed.
  - Consider activation of the Amber Alert System.  
**BCA #651.793.7000**
  - Ensure a command post has been established (should not be located at the person's home or site of disappearance).
  - Organize and coordinate search and rescue efforts.
  - Obtain a list and map of predatory offenders who live or work in the area of the disappearance.
  - Ensure a liaison with the victim's family has been assigned.
  - Ensure all required notifications have been made.
  - Confirm that all required policies and procedures are observed.

- Establish a media staging area and manage media relations.
  - Ensure that each responder completes a written report documenting actions taken and observations made.
17. Contact the Bureau of Criminal Apprehension (**BCA #651-793-7000**) to activate an Amber Alert and the Crime Alert Network when applicable. Request additional investigative assistance from the BCA as necessary. (**Required by Minnesota Statute 299C.53**).
  18. Broadcast known details on a police communication channels, to other patrol units, other local law enforcement agencies, and, if necessary, use the National Law Enforcement Telecommunications System (NLETS) and the Minnesota Crime Alert Network to alert state, regional, and federal law enforcement agencies.
  19. Seal the crime scene. In addition to external crime scenes, the missing person's home should be secured and protected until evidence and identification material such as hair, fingerprints, and bite marks are collected. Do not allow individuals to leave the area until interviewed, and note anyone who may have left just prior to the arrival of law enforcement.
  20. If the victim is a child, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination, Team Adam, and other case assistance (**NCMEC #1-800-843-5678**).
  21. Determine if the victim or abductor(s) have a cellular phone and what service provider (**www.fonefinder.net**). Contact MN BCA to attempt real time detailed cell phone tracking (**BCA #651.793.7000**).

**INITIAL INVESTIGATION:**

1. Pursuant to **Minnesota Statute Chapter 387.03**, conduct a neighborhood/vehicle canvass (pay attention to out-of-the-way areas). If feasible, assign an officer to videotape all vehicles in the area.  
 \*\*\*Consider the use of HCSO Water Patrol and Excelsior Fire District/Long Lake Fire to conduct a shoreline and water search\*\*\*  
 \*\*\*Consider the use of MSP Helicopter depending on incident circumstances\*\*\*
2. Obtain a current list of registered predatory offenders who live or work in the area. Assign officers to check these locations and interview the individuals. Obtain consent to search, a search warrant or evaluate exigent circumstances. Consider assistance from probation (**Hennepin Co. Probation #612.348.7001**) if applicable.

3. Ensure that everyone at the scene is identified and interviewed separately.
4. Search the home, building, and surrounding areas where the incident took place, including all surrounding areas. Obtain signed consent or search warrant, whichever is appropriate.
5. Obtain surveillance footage from all nearby available locations. Consider contacting Minnesota Department of Transportation (**MnDOT #651.234.7500**) regarding DOT Camera footage if applicable.
6. Assign a trained and/or experienced investigator who duties will include coordination of the investigation.
7. Maintain records of telephone communications/messages.
8. Arrange for use of helpful media coverage.

#### **INVESTIGATION:**

1. Set up the Command Post away from the person's residence: know the specific responsibilities of the Command Post Supervisor, Public Information Officer, Search Coordinator, and Investigative Coordinator.
2. Establish the ability to "trap and trace" all incoming calls. Set up a separate telephone or cellular telephone for department use. **CenturyLink Law Enforcement Line #877.451.1980**
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. Obtain child protective agency records for reports of abuse on the child if applicable. **Hennepin County Child Protection #612.348.3552.**
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 a medical release for the person's medical and dental records and collect them.

8. Update the NCIC Missing Person File with any additional information regarding the person or suspect as necessary.
9. Interview delivery personnel; employees of gas, water, electric, and cable companies; taxi drivers; post office personnel; sanitation workers; etc.
10. Capture as much information as possible on who was around at the time of the abduction.
11. Collect surveillance footage from all area businesses for the period before and after the abduction.
12. Collect information from all area businesses on customers during the period before and after abduction (credit cards, checks, and people known to clerks).
13. Identify all area ATM's; plan to get a court order for all surveillance footage and transaction records for period before and after the abduction.
14. Determine if outside help is necessary and utilize local and state resources related to specialized investigative needs, including:
  - Crime Victim Advocates.  
**Hennepin Co Victim Services #612.348.4003**
  - Minnesota Bureau of Criminal Apprehension (BCA).  
**BCA #651.793.7000**
  - Federal Bureau of Investigation. **FBI #763.569.8000**
  - Hennepin County Attorney. **#612.348.5550**
  - Immigration and Customs Enforcement. **ICE #1.800.375.5283**
  - Minnesota State Patrol  
**MSP #651.282.6871 & West Metro District #651.582.1511**
  - Minnesota Crime Alert Network. **BCA #651.793.1120**
  - Investigative experts in the areas of sexual assault, child maltreatment, and/or homicide. **NCMEC #1.800.843.5678**
  - Searches:
    - i. Ground searches – personnel, vehicles, and/or mounted patrols and bike patrol.



- ii. Canine assisted – tracking, tailing, air scent, disaster and human remains detection K9’s.
- iii. Water and underwater searches – boats, cameras, sonar and dive teams.
- iv. Air searches – civil air patrol, National Guard helicopters, State Patrol, DNR and fixed wing.

- Investigative Resources:
  - i. Child Interviewing (**CornerHouse #612.813.8300**) ,
  - ii. Polygraph,
  - iii. Profiling/Behavioral Analysis (**FBI #763.569.8000**),
  - iv. MN Sex and Violent Crime Analysis Programs,
  - v. Crime Analysis/Computer Assistance (**BCA #651.793.7000**),
  - vi. Forensic Artistry/Crime Scene and Evidence Processing (**BCA #651.793.7000**),
  - vii. Memory Retrieval,
  - viii. Crime Analyst.
- Interpretive Services. **Language Line #877.261.6608; ID #909027**
- The Department of Natural Resources. **DNR #651.296.6157**
- Telephone Services (traps, traces, etc.). **BCA #651.793.7000**
- Media Assistance (Local and National).
- Team Adam (**NCMEC #1.800.843.5678**).
- State and Federal Probation. **DOC Investigations #651.642.0419**  
**Fed Prob - St. Paul #651.848.1250; Minneapolis #612.664.5400**

15. Secure electronic communication information such as the missing person’s cell phone number, email address(s) and social networking site information.

16. 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. Provide contact information and the family information packet (if available) to the family/reporting party or designee.

17. 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.

18. Establish an information-management system to track all leads in the case. All information gathered must be submitted in a timely manner to be entered into the information management system.
19. All members of the South Lake Minnetonka Police Department are expressly prohibited from conducting independent investigations or activities related to the abduction.

#### **MISSING FOR 30 DAYS:**

1. If the 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 in the investigation or identification;
  - Fingerprints;
  - And other specific information;
2. This information will be entered into the appropriate databases by BCA Clearinghouse personnel.
3. If the person is still missing after 30 days, change the NCIC classification to “Endangered”.

#### **PROLONGED INVESTIGATION:**

1. Develop a profile on the possible abductor. (**FBI #763.569.8000/ BCA #651.793.7000**)
2. Consider the use of polygraph for the parents and other key individuals.

3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and video footage, 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 identified in the investigation.
5. Develop timeline and other visual exhibits.
6. Critique the results of the on-going investigation with appropriate investigative resources.
7. Arrange for periodic media coverage. Investigators should review all notices prior to release to ensure that investigative objectives are not unintentionally compromised.
8. Utilize the SLMPD Crime Fund, Crime Stoppers, and National Center for Missing and Exploited Children for reward programs. (**NCMEC #1-800-843-5678; Crime Stoppers #651.452.7463**)
9. Update NCIC Missing Person File information as necessary.
10. Re-contact the National Center for Missing and Exploited Children for age progression assistance if the victim is a child. **NCMEC #1.800.843.5678**
11. Consider outside agency case review.

### **RECOVERY/CASE CLOSURE:**

#### **ALIVE:**

1. Verify that the located person is, in fact, the reported missing person. An officer should personally verify all returns. This allows the officer to personally assess the person's safety, gain intelligence about possible predators, protect any physical evidence, and help to prevent future incidents.
2. After receiving supervisor/investigator approval, 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.)

3. The person's body and clothing should be considered a crime scene. Arrange for a comprehensive physical examination of the victim to include forensic and medical examination.
4. Conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies. Consider using Corner House for this interview if the victim is a child.  
**Corner House #612.813.8300**
5. Contact the National Center for Missing and Exploited Children to utilize their standing resources for effective family reunification assistance if the victim is a child. **NCMEC #1.800.843.5678**
6. Remove case from NCIC and other information systems, and remove posters and other publications from circulation.
7. Perform constructive past-case critique. Re-assess the procedures used and update this procedure as appropriate.

**DECEASED:**

1. Secure the crime scene.
2. Contact medical examiner, and if needed a 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. (**NCMEC #1-800-843-5678; Hennepin County Victims Services #612.348.4003; Wetterling Resource Center #800.325.4673**)
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.