



DIRECTIVE: O-15-2021

SUBJECT: RESPONSE TO REPORTS OF MISSING AND ENDANGERED PERSONS

EFFECTIVE DATE: 04/09/2021

APPENDIX: None

REFERENCE: MN Stat. 299C.51 – 299C.5655; 390.25; 626.8454; MN POST Board Model Policy; Replaces O-15-99

DISTRIBUTION: All Conservation Officers

This directive is for division use only and does not modify or supersede any law. Violations of this directive may form the basis for departmental administrative action. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense and should not apply to any criminal or civil proceeding except civil proceedings related to departmental administrative action.

I. POLICY

It is the policy of the Division of Enforcement to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons as defined in MN Stat. 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 MN Stat. 299C.52.

The Division of Enforcement 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 division has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All officers will comply with the procedures contained in this directive.

DIVISION OF ENFORCEMENT

DIRECTIVE: O-15-21

SUBJECT: Response to Reports of Missing and Endangered Persons

II. DEFINITIONS

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

CJIS - means The Criminal Justice Information System.

DNA - means "DNA" has the meaning given it in MN Stat. 299C.52, subd. 1 (b), Deoxyribonucleic acid from a human biological specimen

Endangered - has the meaning given it in MN Stat. 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.

Missing - has the meaning given it in MN Stat. 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".

NCIC - means The National Crime Information Center.

DIVISION OF ENFORCEMENT

DIRECTIVE: O-15-21

SUBJECT: Response to Reports of Missing and Endangered Persons

III. PROCEDURES

This division will respond according to the following type of general procedures:

- Initial Response

Note: Missing and endangered person investigations should immediately be turned over to local law enforcement whenever feasible.

A. Initial Response

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:
 - a) the missing person is an adult;
 - b) the circumstances do not indicate foul play;
 - c) the person has been missing for a short amount of time;
 - d) the person has been missing for a long amount of time;
 - e) there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
 - f) the circumstances suggest that the disappearance may be voluntary;
 - g) the reporting person does not have personal knowledge of the facts;
 - h) the reporting person cannot provide all of the information requested by the law enforcement agency;
 - i) the reporting person lacks a familial or other relationship with the missing person; or
 - j) 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. Dispatch an officer, to the scene, to conduct a preliminary investigation to determine whether the person is missing, and if missing, whether the person is endangered.
3. Obtain interpretive services if necessary.
4. Interview the person who made the initial report, and if the person is a child, the child's parent(s) or guardian(s).
5. Determine when, where, and by whom the missing person was last seen.
6. Interview the individual(s) who last had contact with the person.
7. Obtain a detailed description of the missing person, abductor, vehicles, etc. and ask for recent photo of missing person.

DIVISION OF ENFORCEMENT

DIRECTIVE: O-15-21

SUBJECT: Response to Reports of Missing and Endangered Persons

8. Immediately enter the complete descriptive and critical information, regarding the missing and endangered person, into the appropriate category of the NCIC Missing Person File.
 - a) 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.
 - b) 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.
9. Enter complete descriptive information regarding suspects/vehicle in the NCIC system.
10. Request investigative and supervisory assistance.
11. Update additional responding personnel.
12. Communicate known details promptly and as appropriate to other patrol units, local law enforcement agencies, and surrounding law enforcement agencies. 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.
13. Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
14. 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.
15. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
16. Activate protocols for working with the media. (AMBER Alert, Minnesota Crime Alert Network)
17. As required by MN Stat. Chapter 299C.53, subd. 1(b), consult with the Minnesota Bureau of Criminal Apprehension if the person is determined to be an endangered missing person. Request assistance as necessary.
18. Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
 - a) the primary agency has limited resources;
 - b) the investigation crosses jurisdictional lines; or
 - c) jurisdictions have pre-established task forces or investigative teams.
19. Based on the preliminary investigation, determine whether or not a physical search is required.
20. Ensure that the agency with primary jurisdiction takes control of the initial and ongoing investigation of the case and assist that agency if requested.

DIVISION OF ENFORCEMENT

DIRECTIVE: O-15-21

SUBJECT: Response to Reports of Missing and Endangered Persons

By Authority of:

Rodmen Smith Digitally signed by Rodmen Smith
Date: 2021.04.07 16:08:24 -05'00'

**COL Rodmen Smith
Chief Conservation Officer/Division Director
Division of Enforcement**