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**Title: Understanding Law Enforcement and Missing Person Cases**

**Intended Audience:**

Friends and Family of Missing Persons  
Victim Advocates

**About the Author:**

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**Understanding Law Enforcement and Missing Person Cases**

"Why?" "What?" "Where?" - Questions asked, and thought, hundreds of times when a loved one goes missing. The questions and fears are all consuming and often the answers are slow in coming. However, understanding the missing person investigation process may lessen the distress. This article will answer some of those questions for families, friends and others about this heartbreaking situation.

All missing person cases are the job of law enforcement. Families and friends need to understand that whatever the circumstances of the missing person may be – addiction problems, immigration status, etc. – law enforcement agencies will do whatever it takes to find the loved one. Nevertheless, they must act and investigate within the law. Although investigators are very concerned for the missing person and the family, it may not appear so because many maintain a business-like demeanor to keep their focus on the investigation.

There is no such thing as a typical missing person case. Each investigation differs depending on the missing individual and the circumstances surrounding their disappearance. Thus, missing person cases do not all fall under an Alert System. That is the reason no one should automatically criticize an agency for not issuing a special "Alert".

There are many laws, Acts and programs passed by the federal government to assist in finding missing children. **The Missing Children's Assistance Act**, established a National Resource Center and Clearinghouse on Missing and Exploited Children. **The National Center for Missing and Exploited Children (NCMEC)** a private, non-profit 501(c)(3) organization is the designated Resource Center and Clearinghouse. Their Mission is to provide information and resources to law enforcement, parents, children (including child victims), as well as to other professionals on issues regarding missing and sexually exploited children.

The **U.S. National Child Search Assistance Act** of 1990 requires each Federal, state, and local law enforcement agency to enter each case of a missing child under the age of 18 into NCIC (National Crime Information Center), an FBI Information System. The **Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act** includes “Suzanne’s Law”, which amends this minimum age for NCIC reporting requirements to any child younger than 21.

The U.S. Department of Justice, Programs’ Office, developed the “**Amber Alert**” as a legacy to Amber Hagerman. Amber, a nine-year-old girl, was kidnapped while riding her bicycle in Arlington, Texas. She was found murdered four days later. **The Amber Alert Plan** is a voluntary partnership between law enforcement agencies, broadcasters and transportation agencies. It has *recommended criteria* that law enforcement agencies may modify to fit their Program’s specific needs - thus, a child’s age may differ from state-to-state in the activation of the alert. To issue an Amber Alert, a state’s criteria must be met and the agency must have enough information to provide to the public for their assistance in locating the missing child. Some states have expanded their alert criteria to include missing adults who have mental disabilities. Although states may each have different criteria, every state must agree to honor another state’s request for an Amber Alert as long as the requesting state’s criteria are met.

The “**Silver Alert**”, a program in a number of states, is for senior citizens and any person believed to be suffering from dementia or other cognitive impairment, regardless of circumstances. In some states, age is not a factor – any missing person with cognitive impairment would be included in this Alert if the criteria were met.

Since 2005, many states and local communities have developed an **Endangered Missing Advisory (EMA)** or **Missing and Endangered Persons Advisory (MEPA)**. These advisories help fill the gaps for missing individuals who do not meet other alert criteria such as missing children who are endangered due to substance, physical, or sexual abuse but do not fit criteria for an Amber Alert. The new advisories can also provide a way to help in the recovery of missing adults.

The above mentioned “alerts” do not include the names of all the missing person laws, acts and programs enacted by the federal government, communities and states (such as Kentucky’s “**Golden Alert**”) or private organization programs. Readers should learn what programs are available in their state and locale.

**The Code Adam Act**, one of the country’s largest child-safety programs was created and named in memory of six-year-old Adam Walsh and became law in 2003. This program is mandatory for all Federal buildings. Other participating buildings, facilities and establishments identify themselves by a decal posted at their entrance. Participation in Code Adam is free. Employees of those establishments receive training to respond in a specific manner when a customer reports a missing child.

**Missing Adults:** It is not against the law for an adult to go missing. They have a right to leave without telling anyone. Because this is not a crime, law enforcement is limited to how they handle these investigations. Each investigation process depends upon the information collected. Myths still exist that a person must wait from 48 up to 72 hours, before reporting a missing adult. The fact is there is no waiting period to report a person missing.

Adults have a right to privacy – even from family. Not every missing adult is a victim of some criminal act. Most reported missing adults voluntarily return home, or are found within 48 – 72 hours after being reported missing. As hurtful as it may be, if an adult does not want to be found – it is their right. In addition to mental illness, substance abuse, and “foul play”, which would fit the criteria of one of the alerts or advisories, there are other reasons why an adult disappears voluntarily. They may be depressed; there may be marital discord, credit problems, or an abusive relationship, and at times, they are hiding from the very person making the report.

## When To Call and What To Do

In an **abduction situation, child or adult, 911 should be called immediately!** In 1993 and 2006, the Washington State Attorney General’s Office conducted a study of child homicide cases. The “Child Abduction Murder” studies examined approximately 775

cases involving children who were abducted and murdered. Of those cases, 76% of the children were killed within the first three hours and 88.5% of the children were killed within twenty-four hours<sup>1</sup>.

Time is not a friend of the missing. Regardless of the missing person's age and circumstances, families should call 911 as soon as they are concerned about the person's whereabouts. Typically, the family will have conducted a quick search of the residence, surrounding area or relevant location and checked with friends, relatives and perhaps hospitals. However, families should not hesitate to notify 911 first. When in doubt – call! Law enforcement agencies stated they had rather be called and arrive on scene to learn the missing person has been located, than not be called for hours resulting in a possible dire outcome.

## Initial Information Needed

- Age, sex and date of birth of the missing person
- Full physical description – height, weight, color and length of hair
- Name of the missing person
- How long the person has been missing
- If endangered (mental/physical condition, if in need of medication)
- Clothing, shoes, purse, backpack, jewelry; anything the person was wearing or carrying
- The last place seen
- The last person seen with
- Distinguishing characteristics: eyeglasses, tattoos, scars, marks, piercings, braces, dentures, gold teeth, etc.
- Vehicle last seen in: make, model, color - license plate if possible.
- **If an abduction**: the name of the alleged abductor (if known) and/or physical description, clothing and vehicle description, direction of travel, possible destination. In addition, if the alleged abductor drops anything or leaves anything at the scene, it should not be touched or moved from its location. If the item is in an area where it might be destroyed or damaged (such as a busy street, in water, strong winds), the 911 Dispatcher should be asked what should be done, if anything, to preserve it.

**Before Law Enforcement Arrives** at the reporting party's location, it is imperative that:

- The missing person's room and/or house, etc. should not be cleaned up or beds made, regardless of the conditions. Everything should be left as it was the last time the missing person was there.
- Dirty clothes should not be thrown into the laundry hamper or washing machine.
- The room, premises or area should not be sprayed with a fragrance or room freshener even if there is an odor. This applies to Nursing Homes also - many of which already have an institutional smell. Additional odors may create problems for scent detection canines if they are deployed.
- Anything that looks suspicious or out of the ordinary should not be touched or handled. If anything is picked up or moved law enforcement must be told to avoid evidentiary problems.
- If the missing person's vehicle is involved – no one should touch it or enter it. Law enforcement will conduct their own searches and investigations. Additional fingerprints and contamination create problems and more work for Crime Scene Technicians.

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<sup>1</sup> Washington State Attorney General's Office. "2006 Child Abduction Murder Study". Retrieved from [http://www.atg.wa.gov/uploadedFiles/Another/Supporting\\_Law\\_Enforcement/Homicide\\_Investigation\\_Tracking\\_System\\_\(HITS\)/Child\\_Abduction\\_Murder\\_Research/CMIIIPDF.pdf](http://www.atg.wa.gov/uploadedFiles/Another/Supporting_Law_Enforcement/Homicide_Investigation_Tracking_System_(HITS)/Child_Abduction_Murder_Research/CMIIIPDF.pdf).

- If the missing person was last seen at a particular spot e.g. a child sitting on their bicycle in the yard; an adult at a particular park bench, etc., that “Place Last Seen” area/spot is crucial to the investigation and should be cordoned off to keep people away from it. By doing so, it will protect trace evidence and will be easier for a scent detection canine, if used, to locate the person’s direction of travel and trail.

## Searching While Waiting for Law Enforcement

Initial search efforts by family and friends should be based on the circumstances. **If it is an abduction or suspected criminal act**, searching should be done ***only*** under the direction of law enforcement. Searching for a crime scene, without guidance, can be devastating to the well-being of the victim and a potential prosecution. However, in the case of a lost person or one who has wandered away, family, friends, and neighbors can begin or continue searching and making phone calls. In all types of missing person search efforts, searchers must never touch any evidence found. It is essential they mark the location with flagging tape or by other means without disturbing the scene and immediately notify law enforcement. Some missing person cases turn into homicide cases and the evidence found may be the key to identifying the perpetrator. Movement of evidence may change the outcome of a case. Conversely, searchers should never *leave* anything in the search areas e.g. cigarette butts, gum wrappers, matches, or anything they brought with them.

When children are missing, searches should include looking under things – even piles of clothes, behind things, in things - including vehicles, vehicle trunks, washing machines, clothes dryers and any place a child may crawl. It is amazing the small, strange places children will get into. Even if a door is locked, the door should be opened and that area searched. Some children will hide and not respond to their name being called because they are play-hiding, angry with a parent or guardian, are incapacitated and cannot, afraid of being punished – or for reasons no one would ever imagine.

When a four-year-old boy went missing in a small, rural Texas town, sheriff’s deputies and a group of townspeople, including the mayor, set off to search for him. They searched the extensive countryside surrounding his home for several hours – a countryside with wild animals and rattlesnakes. They called his name repeatedly as they searched. There were no sightings and no answer to their calls. As dusk began to settle in their fear grew. Then the mayor caught sight of a dog’s head sticking out of a large bush. A bush they had passed numerous times. Upon going to the dog, the mayor could barely see a child’s foot deep within the shrub and again called the child’s name. This time the child replied and crawled out. When asked if he had heard them calling the boy said “Yes”. When asked why he did not answer he said – “Because I was deer huntin’ and my daddy told me when you’re deer huntin’ you have to be *real* quiet!” The child had only his imaginary gun and his dog, and in his mind, he was doing the right thing – “being *real* quiet”.

Searching locked rooms and unusual places also applies to searching for those individuals suffering from Alzheimer’s disease or dementia. Nursing home staff should not eliminate searching a room simply because it is locked. There is always a chance that it was not locked when the person entered. Individuals have been located inside laundry carts and other strange places in “locked” rooms. In addition, nursing home staff should check each room, the names of the individuals in each room to ensure they are in the correct room, and the *number of people in each bed*. These things have happened.

## When Law Enforcement and the Reporting Party Meet

Some additional questions may be:

- Did the missing person take their wallet, car keys or other things they usually carry?
- The missing person’s telephone number and carrier
- Recent phone records if possible
- Recent photograph – not the prettiest or most handsome photo - one that shows how the missing person looks at the present time.
- Credit card numbers and bank information – if available
- Their computer habits (and passwords if known)

- Are any of their personal belongings missing?
- Names and contact information of friends and associates
- Name of anyone, who regularly calls the missing person but has not tried to reach them.
- Names of any enemies/suspects (people the missing had a problem with – including family members)
- Names and places the missing person recently mentioned
- Has the missing person recently done anything out of the ordinary?
- Has the missing person (especially in dementia and Alzheimer cases) talked about a particular place in the recent past? (old home, school, favorite fishing place, family member not living close). Never underestimate how far the person can walk or what they can do.

**Communication is everything!** It is of utmost importance that the family, caregiver and friends be completely honest with law enforcement – cooperating fully with all questions and requests. This is not the time for anyone to feel embarrassed if they know the missing person has emotional problems, substance addictions, suicidal behavior, immigration problems, past criminal matters, family or financial problems, or other issues. Leaving out vital information can cause delays in finding the missing person, or finding them alive.

A person should not shut down when asked a tough question. Tough questions have to be asked – and answered. Investigators are not trying to offend anyone - they are simply following standard investigative policy. Some investigators discuss the case procedures with the family first and explain what they should expect.

A number of law enforcement agencies establish one person, other than the lead investigator, to communicate with the family as the case progresses. There are also agencies whose investigator or representative communicates with the family at specific times or days. This helps the family know they will receive information at a certain time, even if it is hearing there is nothing new to report. Investigators have stated they prefer to provide updates to one particular person, be it a family member or liaison. By doing so, it is less likely the information will be misunderstood. It also saves time from repeating previous reports that can confuse family members and take time away from the investigation.

**There are things a Family can do** while additional searches are being conducted or while waiting as the investigation continues. Victim's Assistance professionals are generally available through the local agency or the state to assist in this matter. Families and friends may contribute to the investigation by constantly reviewing all aspects of the missing person's life: old friends, new friends, providing X-rays – dental and of any broken bones, locating more photographs – including photographs of jewelry the person usually wears, recent receipts and other telephone numbers. Prayer vigils have also offered comfort to numerous families.

## **If Families Undertake Additional Searches...**

Subsequent search efforts by family, friends and neighbors may help or hinder a case. Investigators state that *well-organized* searches conducted by family and friends for someone who is lost or wandered away can be invaluable.

If someone outside of law enforcement decides to organize a massive search, they must take certain steps. First, they must notify law enforcement of the date, time and locations they plan to search. The second step is to designate a Base Location where all volunteers meet. Third, whoever the coordinator is (family or friend) must develop a log of everyone who attends the effort. The log is simply a recording of driver's license information or other valid identification of all volunteers involved. This is significant because there have been times when perpetrators embedded themselves into a search effort. The perpetrator's motive is not only to learn how the investigation is progressing but also to possibly steer the searchers away from an area where the victim or evidence would be found.

A "Sign-In Sheet" is also necessary. That Sheet must indicate the volunteer's name, their assigned search area, and the time they leave Base to begin searching. For safety reasons, searchers must be in small groups - with one person in charge of each group. No one should search individually.

When the volunteer returns to Base, they must record the time on the Sign-In Sheet so the coordinators will know they have returned safely. Instructions must be given on what to do if they find evidence. Those instructions are “Do Not Touch” as was discussed previously in this article. Each group must also receive maps to document exactly where they searched and they must know they may have to testify in court. *Although it is a “massive search effort”, volunteers must be told that does not give them the right to trespass on private property.*

A recent major homicide trial brought many things to light for the public. One of which is the importance of knowing exactly what areas were searched and by whom, how well they were searched; what areas were not searched and the reason why. All of this has a major bearing on the case.

It is essential that volunteers dress in appropriate clothing and shoes for the climate and terrain. Volunteers should be equipped with enough water, sunscreen, and insect repellent or whatever is necessary to be in the elements for hours. They must consider what they may encounter in their search areas, including animals and snakes.

Children should not participate in searches. The searchers’ focus should be on the missing subject and evidence – not on watching a child so they do not get hurt, pick up items or get into mischief. Additionally, the condition of the victim or evidence, if found, may be horrid. No one should subject a child to a possible frightful scene. Adult searchers must also be prepared for what they may find. On occasion even experienced searchers may have to seek Critical Incident Stress counseling to help with the aftermath of some searches.

Volunteers should not bring their family pet dog on a search no matter how good a hunter they believe it is or how many times they say it “can find its ball”. This is stated bluntly for the reason that it has happened so many times. Having to contend with a pet dog, or dogs, creates a variety of potentially dangerous situations. The law enforcement agency will know of, or be able to locate, well trained, certified, Search and Rescue Dog Teams if needed. Those volunteer professionals spend hundreds, if not thousands, of hours training their dogs and on all things related to search operations for missing or deceased persons.

Lastly, each searcher must give an account (debrief) of the results of their search efforts *to the person* law enforcement mandates.

***Uncoordinated searches with untrained volunteers can result in serious problems including searchers becoming victims themselves!***

## **As The Investigation Progresses**

“Tips”, sightings, and names of suspects usually abound in the beginning of an investigation. As time passes, they become fewer. Leads are essential in helping solve a missing person’s case. The main thing for people, who are afraid to get involved, should know is that they can call a Tip Line anonymously with information. Any Tip on evidence or information - regardless whether the person believes it is significant or not - should be reported. To quote the July 2010 Department of Homeland Security Program for public awareness – “If You See Something, Say Something”.

Some information received is valid while other Tips can be ludicrous, hateful or horrific. Unfortunately, there are cruel, heartless people who enjoy giving false information – many times calling the family or making statements on blogs, with vile remarks, accusations or sadistic descriptions of the missing loved one. It is important to notify law enforcement if that occurs. Despite the content or improbability of the Tips, law enforcement weighs the validity, and investigates each one.

Individuals who wish investigators to call them back with the outcome of a Tip they provided, need to understand there is not always time to do so. There are investigators who always call the individuals back, but there are also agencies, with heavy caseloads or a shortage of manpower, who dedicate their time to pursuing the leads, which are overwhelming in some cases.

Families may become frustrated and say law enforcement “doesn’t tell them anything”. The necessity of investigators withholding certain information – even from the family – is to protect the integrity of the case and may be for strategic reasons. Any sensitive information revealed to family members or caregivers might be repeated to others or the media – intentionally or unintentionally

– and hinder or compromise the investigation. Additionally, law enforcement must protect names of suspects until resolution of the case. To release the names prematurely may cause the suspects to be unfairly harassed or intimidated.

There are family members who want to be involved in every search and be present at every “scene”. However, not every reported “scene” is actually a scene. Genuine scenes can be very contaminated or gruesome and a family’s presence could be detrimental to the case. Investigators are the only ones allowed on a crime scene. The family must understand the importance of this and respect it.

The family may not like law enforcement or at times have harsh words and say, “law enforcement isn’t doing enough.” However, those feelings may be due to their own personal anguish, not the reality of the job law enforcement is doing. Families who receive a briefing on the investigative process have a better understanding of what is happening.

**A Warning From Law Enforcement:** A family is very vulnerable in a time of crisis and should be aware of scam artists of all types. A variety of people – good people - will offer help in some way. Sadly, there are people and organizations who will attempt to take advantage of a family in distress. Often out of desperation, a family will turn to them believing their promises. Law enforcement must be advised of any guarantees or questionable offers.

At times the “help” may be in the form of being the family “spokesperson”. Designating someone the family does not know well as their spokesperson is a double-edged sword. While it could relieve the family of some pressures, investigators may not want to give details of the investigation to someone who has injected themselves into the situation – at times for their own agenda. Only someone the family knows well should be the Spokesperson, rather than a person who, through possibly slick talk, manipulated their way into the family’s confidence.

## Law Enforcement and National Search Organizations

There are many national search organizations established to help find missing persons. It must be emphasized that law enforcement is *always in charge* of the case and directs the investigation regardless which, or how many, search organizations become involved. The focus of any organization should be as a resource to law enforcement and the family. It should not be to garner media attention for their efforts.

Organizations dedicated to finding missing persons can be immensely helpful in locating missing persons and witnesses; providing comfort to the family and especially in keeping the missing person’s name in the public forefront. On the other hand, investigators stated that there are those who are guilty of giving false hope to families by making unrealistic claims and assurances when they know there are no new leads.

Each organization operates according to its own By-Laws, procedures and standards. Their services and deployment practices may vary, as is the way they obtain and screen volunteer searchers needed in a particular area. Law enforcement welcomes well-trained personnel. However, some, although well intentioned, do not have the necessary training. Contrary to some people’s beliefs, watching CSI on television does not constitute a trained individual.

If a national search organization becomes involved in a missing person case, a representative must contact the investigating agency far in advance of their arrival in that jurisdiction. Investigators also stipulate that all search efforts be coordinated through the investigating agency. To do otherwise is unprofessional, disrespectful to the agency, and may impede the investigation. The agency may advise that it would not be a good idea to search at a particular time. If so, the organization should not undertake the search. There may be conflicting events or occurrences in the community and law enforcement would not be able to support the search effort as is needed. When working with a multi-jurisdictional search all agencies involved must be included in the coordination.

Law enforcement agencies normally utilize all resources available to them. This includes local, trained search and rescue/recovery teams. Organizations should, *with approval of the agency*, include those search and rescue personnel in their efforts. Search and

rescue teams should never show up at a search location without the request of law enforcement. That is self-deploying and is a true sign of the lack of training and credibility.

Some organizations, such as KlaasKids, reach out to search teams they know are trained and certified in the disciplines needed. Some search areas require “ground-pounders” (foot searchers) and trailing or air scenting canine teams. Others may need watercraft, four-wheelers, horses and certified canine recovery teams. Search Managers should know what type teams they need for the mission.

Organizations usually mandate that all volunteers complete registration forms, liability waivers and provide their driver’s license for photocopying. In addition, there are organizations, whose members screen applications against registered sex offenders and names law enforcement may provide. That is something all organizations should attempt to do ahead of time. They should then provide a point-of-contact to law enforcement so investigators can conduct a background check of the people the organization screened. As previously mentioned, accepting anyone who shows up to “help”, without screening can have devastating effects on the investigation and the safe return of the loved one. Motives are sometimes hard to determine but historically, in times of tragedy, there are unscrupulous people who get involved.

Searchers need to be briefed on the situation by law enforcement. It is standard practice in the briefing process for law enforcement to discuss the importance of confidentiality and the taking of photographs. If law enforcement gives approval, they will state what types of photos may be taken. If volunteers do take photos, including cell phone photos, they must tell law enforcement and provide copies to the investigators. Volunteers should not post any details of the search on social networks. Everything said or done is discoverable for trial.

After law enforcement’s briefing, additional remarks, handouts and training (even a few minutes of training is helpful) should be given by the organization conducting the search efforts.

National organizations usually have a spokesperson. The information they provide to the media regarding a case should be professional, not self-serving, and approved by law enforcement. However, if the media asks searchers case-related questions the searchers must direct them to law enforcement for the answers. Law enforcement does not hold back information from the media because they are trying to “hide facts”. They are just postponing when the information will be made public. However, if there is a public safety issue they will make the public aware.

In addition, Tip Lines provided on organization websites may not be that of law enforcement but are the phone number of the organization itself. There are individuals who, for their own reasons, prefer to give information to organizations or Crime Stoppers rather than law enforcement. Investigators do not have an issue with that as long as the organization immediately funnels the Tip to law enforcement ONLY and ensures it reaches the proper investigator. No organizations should ever follow-up on a tip themselves or keep information from law enforcement! Incredible as it may seem, this has happened!

**An unexplained disappearance can be more puzzling than other crimes.** While providing information to the public for assistance in locating the missing person, it is essential that investigators withhold some things to protect the case in the event it becomes a criminal matter. According to the FBI, 692,944 missing person records were entered into NCIC during 2010. The number is staggering but new, cutting-edge techniques offer hope. New technology may be the key to finding a missing person.

Investigators understand a family’s torment – the rollercoaster of hopes and disappointments. They are aware of the family’s feelings of hopelessness and helplessness – they have been there before with others. They are aware that the hardest thing for a family is the not knowing where a loved one is - they too have families. Although investigators may not show it – their hearts grieve right along with the family - in fact, all those involved in a missing person case are deeply touched by the experience.

As I write, my heart aches - for the missing, for their families and friends, and for the Investigators who work these cases, share in the frustrations, and will not rest until they solve the disappearance and close the case.



**It is with sincere gratitude and thanks** to all the investigators, in virtually every branch of law enforcement, for taking time to answer my many questions. Due to agency restrictions or for personal reasons, the investigators wish to have their names withheld. In addition, I want to thank Todd Matthews<sup>2</sup>, for encouraging me to write this article and giving me the opportunity to include some things I have learned in my 20 years as a search and rescue/recovery K9 Handler. It is also with gratitude to the writers of the large number of documents, reports, and websites researched. All of which, if mentioned individually, would add pages to this already lengthy article. Once again – thank you.

#### A Few Informational Links

<http://www.namus.gov/>

<http://www.doenetwork.org/>

[http://www.ncmec.org/missingkids/servlet/PublicHomeServlet?LanguageCountry=en\\_US](http://www.ncmec.org/missingkids/servlet/PublicHomeServlet?LanguageCountry=en_US)

<http://www.beyondmissing.com/>

<http://www.ojp.usdoj.gov/>

<http://www.klaaskids.org/>

[http://www1.usw.salvationarmy.org/usw/www\\_usw.nsf/vw-sublinks/88256D3D006526AD88256BD0007BC197?openDocument](http://www1.usw.salvationarmy.org/usw/www_usw.nsf/vw-sublinks/88256D3D006526AD88256BD0007BC197?openDocument)

<http://www.fbi.gov/about-us/cjis/ncic/ncic-missing-person-and-unidentified-person-statistics-for-2010>

**Also Google: States with endangered missing persons advisory**

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<sup>2</sup> Todd Matthews is the Coroner of Overton County, Tennessee and one of the founders of the Doe Network.