



**Jan/Feb 2010**

## **D E T E C T I V E S   C O R N E R**

### **MISSING PERSON INVESTIGATIONS**

Although being a “Missing Person” is not a crime, law enforcement agencies become involved in missing person investigations quite often. In larger departments, there are detectives assigned to do nothing but missing person investigations. Sometimes the missing person may be determined to have been kidnapped or abducted, and in some cases, murdered. In those cases, the “missing person” case turns into a criminal matter and investigators from the homicide division take over the investigation.

#### **F.S. 937**

Florida Statute 937 entitled ‘Missing Person Investigations’ requires that every law enforcement agency within the state formulate and enact a departmental policy for the handling of missing person reports and investigations. This statute states, in part; “

#### **937.021 Missing child and missing adult reports.--**

(1) Law enforcement agencies in this state shall adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. The policies must ensure that cases involving missing children and adults are investigated promptly using appropriate resources.

The Atlantis Police Department has established such a policy under General Order III-22. The policy is 12 pages in length and outlines the manner in which all missing person cases are handled in the city.

### **CLASSIFICATION OF MISSING PERSONS**

When a person is reported to a law enforcement agency as a missing person, the officer assigned to take the report must determine the classification under which the report will be filed. This is necessary for entering the person into FCIC/NCIC databases (Florida Crime Information Center, National Crime Information Center).

There are several classifications of missing persons. A person could be Missing Under Unusual Circumstances, Missing and Endangered, or Involuntarily Missing. An adult who does not come home from work on time is not considered a Missing Person. In some cases, a law enforcement officer may take an “Attempt To Locate” report on such an adult, but this person would not be entered into FCIC/NCIC as a missing person.



## **AMBER ALERT PLAN**

In order for a child to be entered into Florida's Amber Alert Plan, the following criteria must be met; 1) The child must be in danger of serious bodily harm or death, 2) under the age of 18 years, 3) there must be enough descriptive information to believe that an Amber Alert broadcast would be helpful in locating the child, 4) a clear indication of an abduction 5) must be requested by the law enforcement agency having jurisdiction in the case.

## **SILVER ALERT PLAN**

The standardized criteria for the Florida Silver Alert Plan are as follows:

1. Missing person must be 60 years or older and there must be a clear indication that the individual has an irreversible deterioration of intellectual faculties (i.e., dementia). This must be verified by law enforcement or;
2. under extraordinary circumstances when a person age 18 to 59 has irreversible deterioration of intellectual faculties and law enforcement has determined the missing person lacks the capacity to consent, and that the use of dynamic message signs may be the only possible way to rescue the missing person.

The primary criteria for FDOT/FHP/FDLE dynamic message sign activation, in which all criteria must be met, in addition to the above are:

- o Local law enforcement has already activated a local or regional alert by contacting media outlet in theirs and/or surrounding jurisdictions;
- o The law enforcement agency's investigation must conclude that the disappearance poses a credible threat to the person's welfare and safety;
- o There must be a description of the vehicle, and a tag number to display on the Florida Department of Transportation dynamic message signs;
- o Local law enforcement must verify vehicle and tag information;
- o Local law enforcement agency must have entered the missing person into the Florida Crime Information Center and issued a statewide BOLO to other law enforcement/911 centers.

## **OTHER INVESTIGATIVE REQUIREMENTS OF F.S. 937**

In addition to the statutory requirement that all law enforcement agencies establish a policy for the investigation of missing persons, there are additional statutory requirements that law enforcement must follow. Florida Statute 937.031 requires law enforcement to request written consent for dental records from the family or next of kin of a missing person who has not been located within 30 days. Additionally, F.S. 937.021(6) requires law enforcement to attempt to obtain a biological specimen for DNA analysis if the missing person is not located within 90 days.

## **IN CONCLUSION...**

Most missing persons are found within a few hours of the time they are reported missing. When they can't be located quickly, missing person cases can be time consuming and tedious investigations. Due to statutory requirements they can also be costly.

Families with children should consider participating in a Child Identification Program such as was offered by the Atlantis Police Department and the Palm Beach County Sheriff's Office during Fall Festival 2009 at Kintz Park. Families with adults who tend to "wander off " from home or who are suffering for dementia and would be unable to communicate with law enforcement or others, should they become lost and in need of assistance, should consider having their family member wear an ID bracelet or necklace with their name a contact telephone number.

Should you have any questions about missing person's investigations, feel free to contact myself or any other Atlantis Police Officer.

Sincerely,

*Det. Marvin Jenne*

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ATLANTIS POLICE DEPARTMENT

