



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



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4	

**SUBJECT: MISSING AND ENDANGERED PERSONS INVESTIGATIONS
ALERTS AND ADVISORIES**

1.0 PURPOSE

The purpose of this policy is to provide Department of Public Safety employees with guidelines for the investigation of missing persons-related incidents and establish guidelines for the implementation of AMBER Alerts, SILVER Alerts, BRITTANY Alerts, and endangered missing person advisories.

2.0 POLICY

It is the policy of the Department of Public Safety to investigate all reports of missing persons regardless of whether the person is an adult or child. Particular care will be exercised in cases of persons who may be considered endangered, mentally or physically impaired, under a doctor's care, on life-sustaining medication or have been abducted. Additionally, the department holds that every person reported as missing will be considered "at risk" until significant information to the contrary is confirmed. DPS is committed to assisting other law enforcement agencies in the State of New Mexico with AMBER/SILVER/BRITTANY Alert situations and other endangered person advisories that arise. This policy provides guidelines for the issuance of an AMBER/SILVER/BRITTANY Alert and endangered person advisories.

APPLICABILITY

This policy applies to all DPS employees.

3.0 REFERENCES

- A. Amber Alert Law, Chapter 29 Article 15A NMSA 1978
- B. Brittany Alert Advisory, Chapter 29 Article 15 NMSA 1978
- C. CALEA Standards Chapter 41 – Patrol
- D. Endangered Person Advisory 29-15-3.1 NMSA 1978
- E. Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- F. Missing Persons Information and Reporting Act 29-15-1 to 29-15-12 NMSA 1978
- G. National Child Search Assistance Act
- H. NCIC Federal Regulations
- I. PROTECT Act of 2003; "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today"
- J. Silver Alert Advisory, Chapter 29 Article 15 NMSA 1978
- K. Suzanne's Law (Section 3701 Of the Crime Control Act)

4.0 DEFINITIONS

- A. AMBER Alert** – A declaration by the authorized requestor that a child abduction has occurred and that notifications and broadcasts should be made pursuant to the Amber Alert notification plan and DPS policy.
- B. Authorized Requestor** – The person(s) designated by the Chief of the State Police to implement the Amber Alert and/or Silver Alert notification plan and authorized by DPS to issue an Endangered Person Advisory. Normally the Public Information Officer or the Chief's authorized user of the EAS, Headquarters Duty Officer.
- C. BRITTANY Alert** – An advisory relating to an endangered person: who is a missing person; and about whom there is a clear indication that the person has a developmental disability as defined in 28-16A-6 NMSA 1978 and that the person's health or safety is at risk.
- D. Child** – An individual under the age of eighteen (18) years who is not emancipated.
- E. Clearinghouse** – The New Mexico Missing Persons Information Clearinghouse (DPS Law Enforcement Records Bureau).
- F. Custodian** – A parent, guardian, or other person who exercises legal physical control, care, or custody of a child.
- G. Developmental Disability** – A severe chronic disability of a person that is attributable to a mental or physical impairment, including the result from trauma to the brain, or combination of mental and physical impairments.
- H. Duty Officer** – A command staff officer on call for the State Police division "Headquarters Duty Officer".
- I. Emergency Alert System (EAS)** – A national warning system in the US, which allows for an immediate distribution of information.
- J. Endangered Person** – A missing person who is in imminent danger of causing harm to themselves or another, is in imminent danger of being harmed or has been harmed by another, and/or has Alzheimer's disease or another degenerative brain disorder.
- K. Endangered Person Advisory** – DPS procedures for disseminating, as rapidly as possible, information about an endangered person, which includes; notification to the lead station of the endangered person advisory; notification to other public and private media sources and members of the public as necessary; providing information about the endangered person, including all identifying information, to the lead station and other media sources.
- L. Immediate Family Member** – The spouse or nearest relative of a person.
- M. Lead Station** – AM radio station (KKOB), which has been designated as the "state primary station" by the Federal Communications Commission (FCC) for the Emergency Alert System.
- N. Missing Child** – An individual who is less than twenty-one (21) years old and reported to any law enforcement agency as abducted, lost, or a runaway.

- O. Missing Person** – A person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law or the person voluntarily left the care and control of his custodian without the custodian's consent and without intent to return.
- P. Person** – An individual regardless of his/her age
- Q. Public Information Officer (PIO)** – Department of Public Safety or State Police Information Officer, which provides a central point for information to be gathered and disseminated on an event.
- R. Reporting Person** – The person who reports a missing person. *Must be a custodian for a child under twenty-one (21) years old.*
- S. SILVER Alert** – This advisory is a notification relating to an endangered person who is confirmed to be a missing person, who is fifty (50) years or older and whom there is clear indication that the individual has an irreversible deterioration of intellectual faculties.
- T. State Registrar** – The employee so designated by the Health Services Division of the Health and Environment Department (Department of Health), pursuant to the Vital Statistics Act.

5.0 PROCEDURE

A. Missing Persons/Child

1. Telecommunications personnel who receive incoming reports concerning endangered persons shall immediately, or as soon as practical:
 - a. Contact an officer/supervisor or criminal agent/supervisor to inform them of the incident.
 - b. Obtain sufficient information from the reporting party to broadcast a "Be on the Lookout" (BOLO) alerting other officers about the circumstances of the adult/child disappearance.
2. DPS commissioned officers upon receiving a missing and/or endangered person report shall:
 - a. **Immediately** begin an investigation, including but not limited to the following:
 - i. Obtain identification, clothing description, last known location, distinguishing marks, and other pertinent information from the reporting party to broadcast a "Be on the Lookout" (BOLO), alerting other officers about the circumstances of the adult/child disappearance, as appropriate.
 - ii. Provide identification of missing person and a brief summary of the circumstances relating to the missing persons investigation to all elements of this agency, neighboring agencies and, if stranger-to-stranger abduction is suspected, the FBI.

- iii. Collect all available information to complete *Attachment B. Missing Persons Clearinghouse (MPCH) Report Form*, including physical description, last known location, etc. Refer to department policy *OPR: 39 Criminal Investigations* for details of conducting criminal investigations.
- iv. Treat areas of interest as potential crime scenes as appropriate. Refer to department policy *OPR: 40 Crime Scenes* for details of processing crime scenes.
- v. Evaluate whether or not additional resources are needed, e.g. supervisor, Investigations Bureau, Crime Scene Investigators, etc.
- vi. Complete and fax *Attachment B. Missing Persons Clearinghouse (MPCH) Report Form* to the DPS Clearinghouse coordinator.
- vii. Refer to *Attachment A. Missing Persons Investigative Checklist* (Officer, Supervisor, and Criminal Investigator) to ensure all pertinent criteria are being met.
- viii. In the event the person is determined to be missing under unexplained or suspicious circumstances or deemed to be an endangered person/child, complete in its entirety and provide *Attachment I. Endangered Person Advisory Report Form* to the DPS Clearinghouse Coordinator.
- ix. Consider if the person is believed to be in danger because of age, health, mental or physical disability, and environment or weather conditions, in the company of a potentially dangerous person, or some other factor that may place the person in imminent peril.
- x. Consider if there is information that may be beneficial to the public to assist in locating the missing person.
- xi. Immediately enter the name of the missing person/child into the Clearinghouse and the National Crime Information Center (NCIC), endangered person file.
- xii. Provide notification of the investigation to the DPS headquarters clearinghouse staff through the appropriate chain-of-command. After normal working hours, contact the on-call duty officer to provide detailed information on the missing/endangered person investigation.
- xiii. The DPS and State Police PIO shall also be contacted to coordinate issuance of an Endangered Persons Advisory. The PIO or district commander should be consulted prior to any information being released to the media concerning the missing/endangered person.
- xiv. Provide immediate notification of the investigation to the DPS headquarters staff through the appropriate chain of command. After normal working hours, contact the on-call duty officer to provide detailed information on the missing/endangered person investigation. The department Public Information Officer (PIO) may also be contacted to coordinate assistance from media personnel. The PIO should be

consulted prior to any information being released to the media concerning the missing/endangered person.

- xv. Evaluate whether or not information received justifies the conducting of a search of a given area. If an area search is justified, the investigating officer shall make reasonable attempts to obtain supervisory authorization to mobilize additional resources necessary to conduct an area search. In the event the investigating officer is unable to contact a supervisor, the officer shall make the final determination of whether or not to conduct the search.
 - xvi. Upon receiving a report of a missing/runaway child, ensure that the State Registrar is notified within twenty-four (24) hours by telephone, facsimile, or electronic transmission, of the missing child. Within three (3) days of the initial notification, the officer must complete and fax *Attachment C. Missing Child Notification Birth Certificate Flag Request Form* to the New Mexico Vital Records and Health Statistics.
 - xvii. All pertinent information not immediately available shall be obtained as soon as practical. This updated information shall be added to the original report as a supplement and the NCIC entry should be updated, as appropriate.
 - xviii. At the time a missing person report is made, the investigating officer shall provide *Attachment D. Dental Record Release Form* to the custodian or immediate family member of the missing person. The officer shall endorse the *Attachment D. Dental Record Release Form* with a notation that a missing person report has been made in compliance with the provisions of the Missing Persons Information Act. When the *Attachment D. Dental Record Release Form* is properly completed by the custodian or immediate family member of the missing person and contains the endorsement, the form is sufficient to permit a dentist or physician in this state to release dental records relating to the missing person.
 - xix. Investigating officers/agents shall maintain routine, on-going contact with the reporting person and/or missing person's closest relative concerning progress and follow up leads on the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator when and if any contact is made with the missing person.
- 3. **Immediately** after a missing person/child is located, the investigating officer/agent **shall** request the person's entry be cleared from NCIC.
 - 4. Within twenty-four (24) hours of receiving information a missing child was located, the investigating officer/agent shall complete *Attachment E. Missing Child Notification Birth Certificate Flag **Cancellation** Request Form* and fax it to New Mexico Vital Records and Health Statistics and notify the State Registrar in writing that the missing child has been located.
 - 5. Following the missing child/person being located, the investigating officer/agent shall consider interviewing the child/person to determine if other criminal activity

may have been committed or permitted, e.g., child/adult/elderly abuse, neglect, etc.

B. Unidentified Bodies

The agency is required to enter information about all unidentified bodies of persons found in their jurisdiction into the Clearinghouse and the National Crime Information Center Unidentified Person file, including all available identifying features of the body and a description of the clothing found on the body.

C. AMBER ALERTS

DPS will participate in the AMBER Alert, a resource available to assist law enforcement agencies with the hopeful recovery of abducted children. AMBER Alerts will enhance services and increase coordination of services for missing and exploited children and their families.

1. The authorized requester may declare an AMBER alert when the requester has reason to believe that:
 - a. a child under the age of eighteen (18) has been abducted.
 - b. the child is in imminent danger of serious bodily harm or death : and
 - c. there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.
2. DPS commissioned officers/agents taking a missing person report of a child meeting the Amber Alert guidelines outlined above **will** immediately request the entry of the missing/endangered child information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file.
3. Operational Guidelines for AMBER Alerts
 - a. Intradepartmental Activation Procedures
 - i. An authorized requestor will contact KKOB Radio via telephone at the following numbers 1 (505) 767-6770 or 1 (505) 767-9189.
 - ii. A statement will be recorded for broadcast following the gathering of information on *Attachment A: AMBER Alert Report Form*. This form will assist in preparation of a statement.
 - iii. KKOB Radio will request the name and "code" from the requestor, confirming the validity of the AMBER Alert request.
 - iv. Enter the missing child's information and other critical data elements into the National Crime and Information Center (NCIC).
 - v. Nothing in this policy shall prohibit officials at the district or headquarters level from utilizing any other available resource, including, but not limited to the Radio Communications Bureau, the General Services Department, the State Highway and Transportation Department, HAM/Shortwave Radio Operations, Emergency Alert System (EAS).

- b. Activation Procedures for other Law Enforcement Agencies
 - i. An agency other than the DPS, investigating child abduction, may request the issuance of an AMBER Alert through our agency.
 - ii. The agency representative of the agency requesting an AMBER Alert will be referred to the PIO or Headquarters Duty Officer. The Authorized Requestor will determine if the criteria for an AMBER Alert are met and if the request is valid.

4. Deactivation Procedures for all AMBER Alerts

Only the Authorized Requestor may determine the validity of a request to terminate an active AMBER Alert. They will consider the following when making that determination:

- a. If the child has been located and confirmed safe, then the NCIC entry will be removed.
- b. The Authorized Requestor and the investigating agency are the only personnel who can cancel an AMBER Alert after an **eight (8) hour period**.

NOTE: DPS authorization to participate may be withdrawn if these guidelines/procedures are violated.

D. SILVER ALERTS

DPS will participate in the SILVER Alert to address missing endangered adults meeting criteria specific to this alert. A SILVER Alert Advisory will be issued after review and investigation of a missing person report of a person meeting SILVER Alert guidelines. After an independent determination has been made that the missing person is a person subject to the alert, a notification relating to a SILVER Alert will be made.

- 1. General Guidelines for a SILVER Alert
 - a. The individual is a **missing person** whose whereabouts are unknown to the person's custodian or immediate family member.
 - b. The individual is fifty (50) years or older.
 - c. There is clear indication that the individual has an irreversible deterioration of intellectual faculties such as Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury.
- 2. DPS commissioned officers/agents taking a missing person report of a person meeting the Silver Alert guidelines outlined above **will** immediately request the entry of the missing/endangered person information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file.
- 3. Operational Guidelines for SILVER Alerts
 - a. Intradepartmental Activation Procedures

- i. An authorized requestor will contact KKO Radio via telephone at the following numbers 1 (505) 767-6770 or 1 (505) 767-9189.
 - ii. A statement will be recorded for broadcast following the gathering of information on *Attachment C: SILVER Alert Report Form*. The form will assist in preparation of a statement.
 - iii. KKO Radio will request the name and “code” from the requestor, confirming the validity of the SILVER Alert request.
 - iv. Entry of the missing person’s information and other critical data elements into the National Crime and Information Center (NCIC).
 - v. Nothing in this policy shall prohibit officials at the district or headquarters level from utilizing any other available resource, including, but not limited to the Radio Communications Bureau, the General Services Department, the State Highway and Transportation Department, HAM/Shortwave Radio Operations, Emergency Alert System (EAS).
 - b. Activation Procedures for other Law Enforcement Agencies
 - i. An agency other than the DPS, investigating an endangered missing person report, may request the issuance of a SILVER Alert through our agency.
 - ii. The agency representative of the agency requesting a SILVER Alert will be referred to the PIO or Headquarters Duty Officer. The Authorized Requestor will determine if the criteria for a SILVER Alert are met and if the request is valid.
4. Deactivation Procedures for SILVER Alerts
- Only the Authorized Requestor may determine the validity of a request to terminate an active SILVER Alert and will consider the following to make that determination;
- a. If the missing person has been located and confirmed safe, then the NCIC entry will be removed.
 - b. The Authorized Requestor and the investigating agency are the only personnel who can cancel a SILVER Alert after an **eight (8) hour period**.

E. BRITTANY ALERTS

DPS will participate in the BRITTANY Alert to assist in the search for a person that has a developmental disability. A BRITTANY Alert Advisory will be issued after review and investigation of a missing person report of a person meeting BRITTANY Alert guidelines. After an independent determination has been made that the missing person is a person subject to the alert, a notification relating to a BRITTANY Alert will be made.

1. General Guidelines for a BRITTANY Alert
 - a. The individual is a **missing person** whose whereabouts are unknown to the person’s custodian or immediate family member.
 - b. whom there is a clear indication that the person has a developmental disability.

- c. that the person's health or safety is at risk.
- 2. DPS commissioned officers/agents taking a missing person report of a person meeting the BRITTANY Alert guidelines outlined above **will** immediately request the entry of the missing/endangered person information into the New Mexico Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) missing person file.
- 3. Operational Guidelines for BRITTANY Alerts
 - a. Intradepartmental Activation Procedures
 - i. An authorized requestor will contact KKOB Radio via telephone at the following numbers 1 (505) 767-6770 or 1 (505) 767-9189.
 - ii. A statement will be recorded for broadcast following the gathering of information on *Attachment B: BRITTANY Alert Report Form*. The form will assist in preparation of a statement.
 - iii. KKOB Radio will request the name and "code" from the requestor, confirming the validity of the BRITTANY Alert request.
 - iv. Entry of the missing person's information and other critical data elements into the National Crime and Information Center (NCIC).
 - v. Nothing in this policy shall prohibit officials at the district or headquarters level from utilizing any other available resource, including, but not limited to the Radio Communications Bureau, the General Services Department, the State Highway and Transportation Department, HAM/Shortwave Radio Operations, Emergency Alert System (EAS).
 - b. Activation Procedures for other Law Enforcement Agencies
 - i. An agency other than the DPS, investigating an endangered missing person report, may request the issuance of a BRITTANY Alert through our agency.
 - ii. The agency representative of the agency requesting a BRITTANY Alert will be referred to the PIO or Headquarters Duty Officer. The Authorized Requestor will determine if the criteria for a BRITTANY Alert are met and if the request is valid.
- 4. Deactivation Procedures for BRITTANY Alerts

Only the Authorized Requestor may determine the validity of a request to terminate an active BRITTANY Alert and will consider the following to make that determination;

 - a. If the missing person has been located and confirmed safe, then the NCIC entry will be removed.
 - b. The Authorized Requestor and the investigating agency are the only personnel who can cancel a BRITTANY Alert after an **eight (8) hour period**.

F. Endangered Person Advisory

An Endangered Person Advisory includes DPS procedures utilized for disseminating, as rapidly as possible, information about an endangered person. An endangered person advisory will be issued in the event a person is determined to be missing under unexplained or suspicious circumstances or deemed to be an endangered person/child. DPS will issue endangered person advisories as necessary.

2. General guidelines for an Endangered Person Advisory.

Endangered or “at risk” persons are those who meet or when one or more of the following exist:

- a. A missing child thirteen (13) years of age or younger (National Child Search Assistance Act).
- b. Out of the safety zone for his/her age, developmental stage, or mental and physical condition.
- c. Diminished mental capacity or suicidal tendencies.
- d. Drug dependent requires life or health sustaining medications.
- e. A potential victim of foul play or sexual exploitation.
- f. In a life-threatening situation.
- g. Absent from home for more than twenty-four (24) hours before being reported to law enforcement as missing.
- h. Believed to be with others who could endanger his/her welfare.
- i. Is absent under circumstances inconsistent with established patterns of behavior.

3. *Attachment I: Endangered Person Advisory Report Form* **will** be filled out in its entirety and provided to the DPS Clearinghouse Coordinator (LERB) in every instance where an Amber Alert, a Silver Alert, a Brittany Alert, or an Endangered Person Advisory is required.

G. Investigative Process

1. The investigative checklists attached to this policy are provided as a tool for the investigation and oversight of missing persons-related investigations. The forms may be used to the extent necessary.
2. A copy of the completed forms should be included in the case file for future reference.

7.0 ATTACHMENTS

A. Missing Persons Investigative Checklists

B. Missing Persons Clearinghouse (MPCH) Report Form

C. Birth Certificate Flag Request Form

D. DPS Dental Records Release Form

E. Birth Certificate Flag Cancellation Request Form

F. AMBER Alert Report Form

G. BRITTANY Alert Report Form

H. SILVER Alert Report Form

I. Endangered Person Advisory Report Form

8.0 APPROVAL

APPROVED BY: S/ Scott Weaver DATE: July 7, 2016
DPS Cabinet Secretary