

Missing Persons and Amber Alert

August 5, 2010

NMDPS Accreditation Number: NM10181U

Missing Persons – Recent Action and Initiatives

- Albuquerque West Mesa Mass Grave Discovery
 - Heightened awareness regarding missing persons
- 2009 – Community Meeting(s) Albuquerque
 - LE, Media, Advocates, Citizens
 - Items Discovered Regarding Law Enforcement:
 - “Disconnect” between Clearinghouse and NCIC
 - LE largely unaware of their obligations under state law

Missing Persons – Recent Action and Initiatives (Continued)

- 2010 Regular Legislative Session
 - Senate Bill 55 Introduced
 - Passed and Signed into Law by Governor
- Results?
 - Mandatory LE Training (Recruit and Biennium)
 - Recompiled Statutes
 - Language changes and requirement changes

NM Statistics

- As Of June 30, 2010
 - 730 Missing Persons in NCIC
 - 455 Juvenile
 - 99 Endangered
 - 25 Involuntary
 - 32 Disability
 - 119 Other

The Law in New Mexico

- 29-15-1 Through 29-15-12, NMSA 1978
 - “Missing Persons Information and Reporting Act”
 - Original Law – 1995
 - Amended as to Current Form - 2010

“Line by Line”

- New Law
 - “A new section of the Law Enforcement Training Act is enacted to read: “Missing Person and Amber Alert Training – a minimum of four hours of combined missing person and AMBER alert training shall be included in the curriculum of each basic law enforcement training class. Missing person and AMBER alert training shall be included as a component of in-service training each year for certified police officers (*no hours designated*).
 - **This was not published in Chapter 29-7, NMSA, but is nevertheless “law”.

“Line by Line” Continued (New Language)

- 29-15-1 – Short Title
 - Missing Persons Information and Reporting Act
- 29-15-2 – Definitions
 - A. Child
 - B. Clearinghouse
 - C. Custodian
 - D. Endangered person

“Line by Line” Continued (New Language)

- 29-15-2 – Definitions (Continued)
 - D(4) – has Alzheimer’s disease or another degenerative brain disorder
- *****DANGER WILL ROBINSON*****
- Senate Bill 167 also passed and was signed into law, but failed to make it into publications commonly used by LE or DA’s.
 - Senate Bill 167 further amended the definition of “Endangered Person” to Include:
 - (4) has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any other jurisdiction;
 - (5) is or was protected by an order of protection pursuant to the Family Violence Protection Act;
 - DISCUSSION?

“Line by Line” Continued (New Language)

- 29-15-2 – Definitions (Continued)
 - E. Immediate Family Member
 - F. “law enforcement agency” means a law enforcement agency of the state, a state agency or a political subdivision of the state;
 - G. Lead Station
 - H. Missing Person
 - I. Missing Person Report
 - J. Person

“Line by Line” Continued (New Language)

- 29-15-2 – Definitions (Continued)
 - K. Possible Match
 - L. Reporter
 - M. State Agency
 - N. “State Registrar” definition

“Line by Line” Continued (New Language)

- 29-15-3 – Missing Persons Information Clearinghouse – Function
 - A. Established in DPS
 - B. Central repository **and shall be used** by all LE in New Mexico.
 - C. Clearinghouse shall;
 - System for communication
 - Centralized files
 - Communicate with NCIC

“Line by Line” Continued (New Language)

- 29-15-3 – Missing Persons Information
 - C. Clearinghouse shall;
 - Collect, process, maintain, disseminate information
 - Provide statewide toll free number
 - Disseminate info on preventing child abduction
 - Provide training and technical assistance
 - Establish media protocol(s)
 - D. Print and distribute flyers, etc.
 - E. Clearinghouse may accept grants, gifts, etc.

“Line by Line” Continued (New Language)

- 29-15-3.1 – Endangered Person Advisory
 - A. DPS shall issue if...
 - B. DPS shall develop and implement procedures
 - 1. Media
 - 2. Other
 - 3. Information about the endangered person

“Line by Line” Continued (New Language)

- 29-15-4 – Public Education Department; Cooperation
- 29-15-5 – Custodian or Immediate Family Member; Request for Information
 - A. Upon written or oral request, the agency **shall** request from the clearinghouse information concerning the missing person...
 - B. Agency **shall** report its findings to the custodian or immediate family within 7 calendar days (...or as soon as the results become available...)

“Line by Line” Continued (New Language)

- 29-15-6 – Missing Person Report Forms
 - A. The Clearinghouse shall distribute
 - B. A missing person report may be made to a law enforcement agency in person, or by telephone, electronic media, or other indirect method...
 - C. **Shall** be filed with the Clearinghouse

“Line by Line” Continued (New Language)

- 29-15-6 – Missing Person Report Forms (Continued...)

– D. Report form shall include:

- Name, including AKA's DOB SMT's
- Ht/Wt Gender Race
- Hair/Eye color Prosthetics Anomalies
- Blood Type OLN SOC
- Recent Photo Clothing Accessories
- Electronic Comm. Devices Why Missing? School/Emp
- Dentist and PCP Circumstances Risk?
- Vehicle Abductor Date last seen
- Other

“Line by Line” Continued (New Language)

- 29-15-7 – Law Enforcement Requirements; missing person reports; unidentified human remains
- A. A law enforcement agency shall accept without delay and without exception for any reason any report of a missing person and, no later than 2 hours after receiving a missing person report or additional or supplemental information, shall:

“Line by Line” Continued (New Language)

- 29-15-7 – Continued...**SHALL...**
 - Start an appropriate investigation...determine if endangered
 - Provide to the clearinghouse all information the agency has...
 - Enter the name of the missing person into NCIC/clearinghouse
 - If endangered, notify DPS for advisory

“Line by Line” Continued (New Language)

- 29-15-7 – Continued...
 - B. Info not readily available shall be obtained as soon as possible and no later than two hours after receipt, entered into the clearinghouse and NCIC.
 - C. All NM law enforcement agencies are required to enter information about all unidentified bodies or persons found in their jurisdiction into the Clearinghouse and NCIC...
 - AUTOMATION?

“Line by Line” Continued (New Language)

- 29-15-7.1 – Missing Child Reports; LE Agencies; Duties; Registrar
 - A. Upon a receiving report of missing child...
 1. No later than two hours... enter into NCIC
 2. Notify state registrar (flag birth certificate)
 - B. Recovered missing child procedures...
- 29-15-7.2 New Section – State Registrar Duties

“Line by Line” Continued (New Language)

- 29-15-8 – Release of Dental Records
 - A. LE **shall** provide dental record release form...
 - Compliant with HIPAA
 - Custodian or family member is authorized to sign
 - B. If no form, use HIPAA exception for LE
 - C. Shall send records to Clearinghouse???
 - DISCUSSION
 - D. Release of liability

“Line by Line” Continued (New Language)

- 29-15-9 – Cross check and matching
 - A. The clearinghouse shall...
 - B. LE that receives a match shall make arrangements for positive identification...complete investigation and notify clearinghouse
 - C. LE that receives notice of a match **shall** notify the OMI

“Line by Line” Continued

(New Language)

- 29-15-10 – Interagency cooperation
 - A. State agencies shall cooperate...
 - B. Release of info only to LE or clearinghouse...
- 29-15-11 – Confidentiality of Records
 - A. DPS shall have rules to keep MP records confidential...
 - 1. Are already confidential
 - 2. Part of an LE investigation
 - 3. Internal use
 - 4. Might hamper or interfere with investigation
 - B. Rule may provide for sharing with custodian/family

“Line by Line” Continued (New Language)

- 29-15-12 – Enforcement
 - A. The attorney general shall enforce compliance...

“Line by Line” Continued (New Language)

- QUESTIONS?

Amber Alert

29-15A

- The AMBER Alert™ Program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child.

Amber Alert 29-15A

- Why?
 - Non-familiar abductions statistics:
 - 44% of children die within the first hour
 - 74% within the first 3 hours
 - 1% survived more than 24 hours
 - #1 Reason for Stranger Abduction of a Child
 - Sexual Desire

Amber Alert

29-15A

- NM became an AMBER alert state in 2003
 - Primary Resource: Media
 - Secondary Stakeholders
 - DOT (Road signs)
 - NM Lottery (Lottery Machines)
 - Wireless Carriers

Amber Alert

29-15A

- 29-15A-1 – Short Title
 - AMBER Alert Law
- 29-15A-2 – Definitions
 - AMBER Alert
 - Authorized Requestor
 - Chief of State Police
 - Lead Station
 - State Police

Amber Alert

29-15A

- 29-15A-3 – Amber Alert Notification Plan
 - A. SP Shall develop plan
 - Notify the lead station
 - Other media
 - DoIT (email blast)
 - Wireless providers
 - Notify all LE in NM (NMLETS)
 - With information – child and abductor

Amber Alert

29-15A

- 29-15A-3 – Continued...
 - B. Distribute plan to LE in NM
 - C. May Declare an Amber Alert WHEN:
 - **Child under 18 has been abducted by an unrelated person**
 - **The child is in imminent danger of serious bodily harm or death, and;**
 - **There is specific information about the child or abductor that may assist in an expedient and successful end to the abduction.**

Amber Alert

29-15A

- 29-15A-4 – Amber Alert; Other Agencies
 - A. AMBER Alert is available to all LE in New Mexico
 - Local agencies can formulate local plans
 - B. If no local plan, must contact SP to initiate state plan.
 - C. SP must notify other states if information exists abductor has traveled across state lines.
- 29-15A-5 – Penalty for False Information

QUESTIONS?