



MAINE STATE POLICE GENERAL ORDER

E-39

SUBJECT: MAINE STATE POLICE POLICY REGARDING RESPONDING TO AND INVESTIGATING REPORTS OF MISSING PERSONS

EFFECTIVE DATE: 06.15.2020

EXPIRATION DATE: 06.15.2027

RECENT HISTORY: AMENDED (06.15.2020); REVISED (06.26.2015); TECHNICAL CHANGE (10.04.2011); RESCINDS POLICY #74 (11.01.1994)

DISTRIBUTION CODE: 2 (MAY BE DISCLOSED PUBLICLY)

APPLICABILITY CODE: S, Z

SIGNATURE OF COLONEL:

I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding responding to and investigating reports of missing persons.

II. POLICY

1. The policy of the Maine State Police is:
 - A. To respond to and thoroughly investigate as soon as reasonably possible all reports of missing persons, including, but not limited to, missing children and senior citizens;

- B. To consider every person reported as missing as “at risk” until reliable information evidencing the contrary is confirmed.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Amber Alert Plan. "Amber Alert Plan" means an early-warning system available for use by law enforcement to alert the public when a child has been abducted and law enforcement believes the child is in imminent danger of bodily harm.
 1. The plan is designed to enlist the public's assistance in the safe recovery of the victim and the apprehension of a suspect.
 2. More information regarding the Amber Alert Plan is included in the "Attachments" section of this policy.
 - B. Autism. "Autism" means a bio-neurological developmental disability that generally appears before the age of three (3), and that can impact the normal development of the brain in the areas of social interaction, communication skills, and cognitive function.
 1. Individuals with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities.
 2. They often suffer from numerous physical ailments that may include, as examples, allergies, asthma, epilepsy, digestive disorders, persistent viral infections, feeding disorders, sensory integration dysfunction, and sleeping disorders.
 - C. Citizen Alert System (“CAS”). "Citizen Alert System" means Maine.gov's “Citizen Alert System” that has been established as a way for Maine State Government to keep the public informed about events that may impact public health or safety.
 - D. Dementia. "Dementia" means a disease of the brain that causes problems with memory, thinking, and behavior.
 1. Other symptoms of dementia include confusion, getting lost in familiar places, misplacing things, and trouble with speaking or writing.
 2. Dementia usually affects the elderly, but may also affect those under the age of sixty-five (65) and as young as forty (40) years of age.

- E. LOCATER (**LO**st **C**hild **A**lert **T**Echnology **R**esource). "LOCATER" means a program to hasten the recovery of missing and abducted persons, locate and apprehend wanted persons, and announce crime alerts and rewards by providing law enforcement agencies the technology to rapidly disseminate images and information.
- F. Media. "Media" means print, radio, internet-based communication systems, or other methods of communicating information to the public.
- G. Missing Child. "Missing Child" means, for purposes of entry into National Crime Information Center ("NCIC") databases, a person who is younger than twenty-one (21) years of age and whose whereabouts are unknown to a parent, guardian, or person otherwise responsible for the person.
- H. Missing Senior Citizen. "Missing Senior Citizen" means:
 - 1. A person who at the time is first reported missing is sixty (60) years of age or older; or
 - 2. Under atypical circumstances, a person eighteen (18) to fifty-nine (59) years of age:
 - a. Who suffers from an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency or by a qualified medical professional; and
 - b. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency or by a qualified medical professional.
- I. Silver Alert. "Silver Alert" means a notice made pursuant to 25 MRSA, c. 259 to the public through law enforcement agencies, State agencies, and the media.
- J. Silver Alert Program. "Silver Alert Program" means the State of Maine alert program for missing senior citizens developed and implemented pursuant to 25 MRSA, c. 259.
- K. Unusual Circumstance. "Unusual circumstance" means any circumstance in which a missing person is **EITHER**:
 - 1. Thirteen (13) years of age or younger.
 - a. This age was established by the Federal "Missing Persons Assistance Act" because persons of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation;

OR

2. A person of any age who is believed to fit one or more of the following descriptors:

a. *The person is outside of the “zone of safety” for the person’s age developmental stage*

- (1) The zone of safety varies depending on the age of a person and the person’s developmental stage.

(A) For example, in the case of an infant, the zone of safety includes the immediate presence of an adult custodian, or the crib, stroller, or carriage in which the infant is placed.

(B) For a school-age child, the zone of safety may be the immediate neighborhood surrounding the child’s residence, as well as the route taken by the child between home and school;

b. *The person has diminished mental capacity*

- (1) If a person is developmentally disabled or not stable emotionally, or has difficulty communicating with others about the person’s needs or identity, or about such information as the person’s residential address, the person may be placed in danger of being exploited;

c. *The person is drug dependent*

- (1) Any dependency on drugs – be the drugs prescribed or illegal – puts a missing person at risk.

(A) For example, a diabetic or epileptic person needs medication on a regular basis, or the person’s health condition may become critical.

(B) For example, an illicit drug abuser may resort to crime or become the victim of exploitation in order to obtain illegal drugs;

- d. *The person is potentially a victim of foul play or sexual exploitation*
 - (1) Significant risk to a missing person must be presumed if investigation reveals indications of a possible abduction, violence at the scene of abduction, or signs of sexual abuse;
- e. *The person is in a life-threatening situation*
 - (1) The environment in which a missing is thought to possibly be located may be hazardous.
 - (A) Examples of such dangerous environments are a busy highway for a toddler or young child; an all-night truck stop for a young teenager; and a location experiencing extreme weather conditions hazardous to any person, regardless of age;
- f. *The person is missing from the person's residence;*
- g. *The person is believed to be with adults who could endanger the person's welfare*
 - (1) A missing child may be in danger of not only sexual exploitation or abuse, but of becoming involved in criminal activity such as burglary, shoplifting, or robbery as well;
- h. *The person is missing under circumstances inconsistent with the person's established patterns of behavior*
 - (1) Most persons have an established routine that is reasonably predictable.
 - (2) Significant, unexplained deviations from that routine increase the probability of risk to a missing person;
- i. *The person has gone missing in circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.*

IV. PROCEDURE

1. GENERAL

- A. Officers should become familiar with the information on missing persons (adults and children) provided by the National Center for Missing and Exploited Children at www.missingkids.com.
- B. Officers shall respond to a missing person report no matter how much time has passed since a person's disappearance, as a delay in reporting might indicate the existence of neglect or abuse within the missing person's family.
- C. In addition to the requirements set out in Maine law and in the Federal Missing Children Act, the report of any missing person – regardless of age – requires, within two hours after the report is received, the issuance of a File 6 and inclusion in the computer files of the Maine State Police and National Crime Information Center (“NCIC”).
 - 1. Within eight (8) hours after a missing person report is received, notification to the Maine State Police Major Crime Unit (“MCU”) of jurisdiction is required, unless there are suspicious or unusual circumstances, in which case immediate notification of that MCU is required.
 - a. An example of “unusual circumstances” is a reported absence of a person under circumstances inconsistent with established patterns of behavior of that person.
 - 2. Maine law also requires the Office of the Chief Medical Examiner to maintain information on missing persons.
 - a. Accordingly, if a person reported as missing is not located within twenty-four (24) hours after the report is made, notification to the Office of the Chief Medical Examiner must be made.

2. DETERMINATION OF UNUSUAL CIRCUMSTANCES

- A. If a determination is made that unusual circumstances exist in the disappearance of a missing person, a thorough investigation, including the use of all appropriate resources, must begin immediately, and applicable interagency response protocols should be activated.

3. RESPONSIBILITIES OF AN OFFICER FIRST RESPONDING TO A REPORT OF A MISSING PERSON

- A. An officer who first responds to a report of a missing person shall:

1. Go directly to the scene of where the report is originating;
2. Interview each person who made the report and complete the MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET;
3. Determine if the missing person suffers from autism, Alzheimer's, dementia, or memory impairment;
4. Obtain a complete description of the missing person;
5. Initiate a search of the missing person's residence and the area surrounding the residence;
6. If a search of the residence and the area surrounding the residence is unproductive, notify or consult with the Maine Warden Service ("MWS") regarding the case.
 - a. The MWS has the statutory responsibility to conduct searches for lost persons in the inland areas of Maine.
 - b. The MWS has the capability to assist agencies with or conduct searches for missing persons;
7. Confirm the custody status of the missing person;
8. Identify the circumstances of the disappearance and define the category of the missing person investigation;
9. Determine when, where, and by whom the missing person was last seen;
10. Interview each person who last had contact with the missing person;
11. Identify the missing person's zone of safety for the person's age and developmental stage;
12. If an abduction or possible abduction is suspected, obtain a description of the missing person's suspected abductor (or abductors) and other pertinent information;
13. Identify witnesses and obtain formal statements from them immediately;
14. Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted;
15. Have the missing person's parents, guardian, or legal custodian fill out a MAINE STATE POLICE NCIC MISSING PERSON AFFIDAVIT;
16. Provide detailed descriptive information to the Regional Communications Center of jurisdiction, so a local and statewide broadcast can occur;
17. Conduct a thorough search of the scene.
 - a. An officer shall not assume that searches conducted by distraught parents or others have been performed in a thorough manner;

18. Secure and safeguard the area as a potential crime scene;
 - a. First responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence.
 - b. In addition to external crime scenes, the missing person's residence -- and particularly the missing person's bedroom -- should be secured and protected until evidence and identification material (such as hair, fingerprints, bite marks, etc.) have been collected; and
 19. Prepare and complete any necessary reports and forms.
4. RESPONSIBILITIES OF A SUPERVISOR OF AN OFFICER FIRST RESPONDING TO A REPORT OF A MISSING PERSON
- A. The supervisor of an officer first responding to a report of a missing person shall:
1. Obtain a briefing from the officer first responding to the report, and then from other Maine State Police personnel at the scene;
 2. Determine if additional personnel and resources are needed to assist in the investigation;
 3. Consult with the MWS if a ground search is necessary;
 4. Initiate the Amber Alert, if the criteria for an abducted child is met;
 - a. The supervisor shall contact an MCU Supervisor to initiate the AMBER Alert, if the applicable guidelines warrant such;
 5. Establish an Incident Command Post.
 - a. The recommended protocol is the National Incident Management System ("NIMS").
 - b. Assistance can be obtained by contacting the Maine Emergency Management Agency and the Regional Communications Center of jurisdiction;
 - c. A missing person's residence **must not** be used as an Incident Command Post;
 6. Organize and coordinate search efforts;

7. Ensure that all required notifications have been made, including, but not limited to, notifications to law enforcement agencies that can assist in the investigation;
8. Appoint an officer to serve as the liaison between the Maine State Police and the missing person's family;
9. Ensure that applicable agency policies are followed;
10. Manage media relations; and
11. Initiate a Silver Alert if the statutory criteria are met for the issuance of a such an alert.
 - a. If a Silver Alert is made, the supervisor shall notify the Regional Communications Center of jurisdiction, which is to notify the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery System for Silver Alert activation statewide.
 - b. **A statewide Silver Alert notification should be made only after an exhaustive local search has been conducted, and when the disappearance of the missing senior citizen poses a credible threat to the safety and health of that person, as determined by a local law enforcement agency or a qualified medical professional.**

5. RESPONSIBILITIES OF THE INVESTIGATOR OF A REPORT OF A MISSING PERSON

A. An investigator assigned a report of a missing person shall:

1. Obtain a briefing from personnel who previously responded to the missing person report;
2. Verify the accuracy of all descriptive information;
3. Conduct an investigation of the area surrounding the residence of the missing person;
4. Obtain a brief history of recent family dynamics;
5. Explore the basis of, and try to reconcile, any conflicting information;
6. Implement effective case management;
7. Evaluate the need for additional resources and specialized services.
 - a. Resources such as the FBI, NCIC, state missing persons clearinghouses, and the National Center for Missing and Exploited Children should be considered;
8. Update descriptive information.

- a. If it appears that a missing person case will not be resolved promptly, then the investigator shall ensure that the descriptive record (especially that entered into the NCIC Missing Person File, the LOCATER System, and any other notification alert system that is available locally) is updated;
9. Monitor media relations to ensure that investigative objectives are not compromised; and
10. Initiate a Silver Alert if the statutory criteria are met for the issuance of such an alert.
 - a. If a Silver Alert is initiated, the investigator shall notify the Regional Communications Center of jurisdiction, which is to notify the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery System for Silver Alert activation statewide.
 - b. **A statewide Silver Alert notification should be made only after an exhaustive local search has been conducted, and when the disappearance of the missing senior citizen poses a credible threat to the safety and health of that person, as determined by a local law enforcement agency or a qualified medical professional.**

6. MISSING PERSONS SUFFERING FROM DEMENTIA

- A. Officers need to consider the following if a missing person suffers from any form of dementia:
 1. A missing person suffering from dementia shall be considered lost unless determined otherwise, and classified as having a disability and in personal immediate danger;
 2. The National Alzheimer's Association Safe Return Crisis Line must be notified of missing persons suffering from dementia, regardless of whether the person is registered with that program;
 3. Searches for the missing person should be conducted discretely and swiftly;
 4. Persons suffering from dementia tend to continue to wander throughout the day and night.
 - a. Unlike other missing persons, persons suffering from dementia tend to wander until they are physically

- unable to move (for example, they might become immobilized by forest brush).
 - b. Persons suffering from dementia tend to cross over paths and roads, and maintain a straight line of travel;
5. Most missing persons suffering from dementia are found alive within the first twenty-four (24) hours after going missing;
 6. The median distance traveled by a missing person suffering from dementia is a half-mile (0.5 mile) from the point where the person was last seen;
 7. In the initial six (6) to twelve (12) hours, the search for a missing person suffering from dementia should cover a five (5) mile radius from the point where the person was last seen, and the area within a one (1) mile radius of that point should be searched more than once;
 8. An officer is to call Medic Alert & Safe Return when the missing person suffering from dementia is found or recovered.

7. DISCOVERY OF UNIDENTIFIED PERSONS

- A. An officer assigned to the report of the discovery of an unidentified person, whether living or deceased, shall:
 1. Obtain a complete description of the unidentified person;
 2. Enter the unidentified persons description into the NCIC “Unidentified Person File”;
 3. Utilize all available resources to try to identify the unidentified person;
 - a. The NCMEC, Maine State Police missing person’s clearinghouses, and other organizations (such as the Office of the State Medical Examiner) may be of assistance;
 4. Cancel all notifications after identification is made and confirmed.

8. RETURN OR RECOVERY OF MISSING PERSONS

- A. An officer who is assigned to return or recover a missing person shall:
 1. Personally verify that the person found or recovered is, in fact, the reported missing person;

2. Arrange for intervention services to be made available to a found person, if necessary;
3. Complete the appropriate supplemental reports and cancel all outstanding notifications in NCIC and LOCATER files; and
4. If the found or recovered person was the subject of an Amber Alert or a Silver Alert, notify the media and any other notification systems utilized, as well as the Regional Communication Center of jurisdiction, which is to notify the Maine Department of Transportation, Maine Turnpike Authority, and the Maine Lottery Service, so that the alert is cancelled.

9. RUNAWAYS

- A. Officers must be generally familiar with 15 MRSA c. 511, "Interim care; runaways";
- B. Officers shall use the MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET when responding to a report of a runaway person;
- C. A juvenile who has left the care of her or his parents, guardian, or legal custodian without consent may be taken into interim care.
 1. A juvenile cannot be held involuntarily for more than six (6) hours while in interim care;
 2. An officer shall notify the Department of Health and Human Services that a juvenile has been taken into interim care.
- D. An officer should interview the juvenile about why he or she ran away, including, but not limited to, to determine whether the juvenile ran away because he or she was or is being abused;
- E. Officers shall notify parents, guardian, or legal custodian of a missing juvenile's whereabouts so that arrangements for the juvenile's return may be made, unless there is a reasonable possibility that the juvenile might be harmed if returned to the parents, guardian, or legal custodian.

10. CHILDREN MISSING FROM INTERIM CARE

- A. If a child in the interim care custody of DHHS goes missing, the Maine State Police shall, as appropriate, investigate or assist in the investigation of the report of the child's disappearance.
- B. After a child in the interim care custody of DHHS has been missing for forty-eight (48) hours, but not more than sixty (60) days, the Colonel, or her or his designee, may, if in the best interest of finding the child, transfer the responsibility for the investigation to the law

enforcement agency having jurisdiction over the permanent, State of Maine residence of the missing child.

ATTACHMENTS

MAINE STATE POLICE MISSING PERSON/WANDERER INFORMATION SHEET
MAINE STATE POLICE NCIC MISSING PERSON AFFIDAVIT

AMBER ALERT PLAN INFORMATION:

- Bureau of Consolidated Emergency Communications (BCEC) **Emergency Notification Policy**
 - BCEC Emergency Notification Policy - **Appendix 1**
 - BCEC Emergency Notification Policy - **Appendix 2**
- Maine Chiefs of Police Association Model Policy - **Appendix 2, Maine Amber Alert Policy**

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.