



## **Missing Persons/Search & Rescue Study (SJR 64/HJR 62)**

**November 10, 2014**

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# SJR 64 and HJR 62



- Senate Joint Resolution 64 (SJR 64), introduced by Senator Ryan McDougle and House Joint Resolution 62 (HJR 62), introduced by Delegate David Albo were introduced during the Regular Session of the 2014 General Assembly.
- The resolutions specifically direct focus upon the current state of readiness of Virginia's law enforcement and search and rescue efforts for rapid and well-coordinated deployment in all missing, endangered, and abducted person cases.

# Methodology



- In order to address the mandates, staff:
  - Collected available literature and data;
  - Completed a 50-state statutory review;
  - Surveyed all law enforcement agencies;
    - 95% (128 of 135) of agencies responded.
  - Reviewed over 100 law enforcement agencies' general orders/policies pertaining to missing persons;
  - Met with families of missing persons, as well as numerous federal, state and local representatives; and,
  - Participated in a 3-day Land Search and Rescue (SAR) training.

# Background



- Recent cases have brought increased attention to the issue of missing persons. SJR 64 and HJR 62 specifically mention the cases of Alicia Showalter Reynolds, Alexis Murphy and Morgan Harrington.
- The recent abduction and murder of Hannah Graham has brought renewed national attention to this issue.

# Background

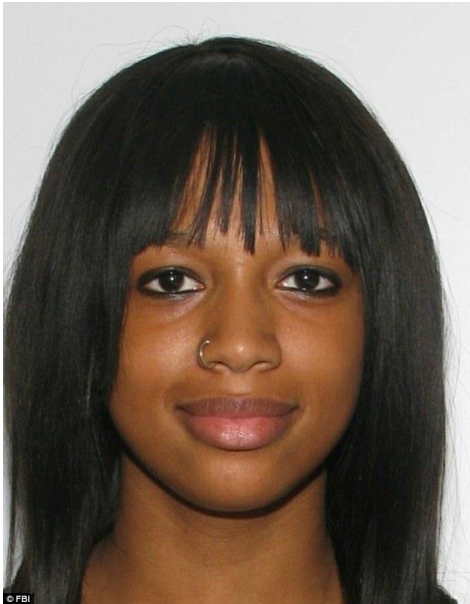


- Hannah Graham: 18 year old University of Virginia student who was last seen at the Downtown Mall in Charlottesville on September 13, 2014. Her body was later discovered on October 18, 2014, at an abandoned property in Albemarle County.

# Background



- Alexis Murphy: 17 year old Nelson County resident who disappeared on August 3, 2013. Her body has not yet been found; however, physical evidence led to the arrest and conviction of Randy Taylor for her murder.



# Background



Morgan Harrington: 20 year old Virginia Tech student who disappeared while attending a concert at the University of Virginia on October 17, 2009. Her remains were later discovered on January 26, 2010, approximately 10 miles away from the John Paul Jones Arena.



# Background



- Alicia Showalter Reynolds: 25 year old graduate student from Baltimore, MD who disappeared on March 2, 1996 while traveling to meet her mother in Charlottesville. Her vehicle was found later that day in Culpeper. Her remains were discovered May 7, 1996, approximately 15 miles from where she disappeared.

# Background: Virginia Data



- In Virginia, all missing person records are entered into the FBI's National Crime Information Center (NCIC) and the Va. Criminal Information Network (VCIN).
  - In CY2013, 10,946 missing person records were **entered** into NCIC/VCIN:
    - 84% (9,192 of 10,946) were for missing children;\* and,
    - 16% (1,754) were for missing adults.
  - As of October 21, 2014, there were just under 600 **active** missing person cases.
    - 367 children (ages 0 to 20)\* and 228 adults, respectively.
    - Includes active cases from as early as 1973.
- \* In 2003, federal law extended the age of mandatory missing children record entry to include individuals between the ages of 18-20 years old (42 USC 5779(c)).

# Background: Virginia Data



## Total Missing Persons Reported in Virginia by NCIC Category, CY13

NCIC Category	Child	Adult
Disability	61	534
Endangered	160	511
Involuntary	46	15
Juvenile	8,677	n/a
Other	248	694
<b>TOTAL</b>	<b>9,192</b>	<b>1,754</b>

Source: Va. State Police

# Virginia Law



- Va. Code definitions:
  - Va. Code § 52-32 defines a “missing child” as:
    - Any person who is under the age of 21 years, whose temporary or permanent residence is in Virginia, or is believed to be in Virginia, whose whereabouts are unknown to any parent, guardian, legal custodian or other person standing in loco parentis of the child, and who has been reported as missing to a law-enforcement agency within the Commonwealth.
  - Va. Code § 52-34.4 defines a “missing senior adult” as:
    - An adult whose whereabouts are unknown and who is over 60 years of age and suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver, including a diagnosis of Alzheimer's Disease or dementia, and whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.
- The Code of Virginia is silent on missing persons between 21 to 60 years of age.



- All 50 states have a designated Missing Child/Person Clearinghouse.
  - The *Missing Children Information Clearinghouse* was established per Va. Code § 52-31 and is organized and maintained by the Virginia State Police (VSP).
- There is NO waiting period for law enforcement to accept a report for a missing child or senior adult.
  - Va. Code §§ 15.2-1718 and 15.2-1718.1.

# Virginia Law



- Missing children and seniors must be reported to the Clearinghouse within 2 hours of the report.
  - Va. Code §§ 15.2-1718 and 15.2-1718.1.
- Law enforcement must notify the Clearinghouse immediately upon determining the location of a child.
  - Va. Code § 52-34.
- Law enforcement must notify the principal of the school where a missing child is or was most recently enrolled within 24 hours or the next business day.
  - Va. Code § 52-31.1.



- Virginia has several specialized statewide alert systems available that require the Va. State Police to develop uniform standards for:
  - AMBER Alert (Va. Code § 52-34.2);
  - Endangered Missing Child Media Alert (not defined by statute);
  - Senior Alert (Va. Code § 52-34.5); and,
  - Blue Alert (Va. Code § 52-34.8).
- Each alert system has very specific criteria that must be met in order for an alert to be broadcasted.
- There are no specific alert systems available for missing persons 21-60 years of age in Virginia.



- For example, in order for an **Amber Alert** to be activated, the following criteria must be met:
  - Law enforcement believes the child has been **abducted**;
  - Abducted child **must be 17 years of age or younger**, or is currently enrolled in a secondary school;
  - Law enforcement investigation has taken place that **verifies abduction** or eliminated alternative explanations;
  - **Sufficient information is available to disseminate to the public** that could assist in locating the child, suspect, and/or the suspect's vehicle; AND,
  - The Virginia "Amber Alert" Form authorizing release of information **must be signed**.
- If all of the criteria are not met, an AMBER Alert will not be issued.
  - However, an Endangered Missing Child Media Alert may be issued instead.





## Total Number of Alerts Requested vs. Activated, CY11-CY14

Type of Alert	CY11		CY12		CY13		CY14*	
	Requested	Activated	Requested	Activated	Requested	Activated	Requested	Activated
AMBER Alert	11	2	6	2	5	0	8	5
Endangered Alert	4	2	4	0	3	2	0	0
Senior Alert	10	2	14	9	13	6	11	7
Blue Alert	0	0	1	1	0	0	0	0

Source: Va. State Police; \* Total as of October 21, 2014.

# Resources and Collaboration



- The amount of time dedicated to *investigating* each missing person case can vary tremendously.
  - Minutes: The child was immediately found hiding in closet or down the street at a friend's house.
  - Decades: Missing person cases remain active in VCIN/NCIC indefinitely and require follow-up until case closure.

# Resources and Collaboration



- The amount of time dedicated to *searching* for each missing person can vary enormously as well.
- The key issue for all law enforcement agencies dealing with missing person cases involving SAR efforts is:
  - **SUSTAINABILITY.**
- Virginia relies heavily on the efforts of trained SAR volunteers.
- Preliminary figures for resources dedicated to the Hannah Graham case include a minimum of 4,000 individuals dispatched on more than 875 search tasks; 21,000 search hours; more than 94,000 miles driven to and from the search site; 35 days to locate her; and, evidence searches conducted for an additional 6 days.

# Resources and Collaboration



- Various resources exist to assist:
  - Va. Department of Emergency Management (VDEM) Search and Rescue Unit;
  - Va. Search and Rescue Council;
  - Va. State Police- Search and Recovery Team and Tactical Field Force;
  - Va. Department of Game and Inland Fisheries;
  - Neighboring or Other Virginia Law Enforcement Agencies;
  - Local/Neighboring Fire and Rescue;
  - Schools/School Resource Officers;
  - Other States' Law Enforcement;
  - Local/Regional Child Abduction Recovery Team (CART);
  - Federal Agencies;
  - National Center for Missing and Exploited Children (NCMEC);
  - Volunteer Search and Rescue Organizations; and,
  - Citizen Volunteers.

# Resources and Collaboration: State



- **VDEM's Search and Rescue Unit** provides a dual function of:
  - Assisting in SAR missions upon request.
  - Providing specialized SAR training to law enforcement, fire/rescue, EMS, emergency managers, volunteer SAR responders, and others who may have a duty to respond to a SAR emergency.
    - Offered at no cost to an average of 566 people over the past 5 years.
- Only 2 full-time employees currently administer the functions of this program.

# Resources and Collaboration: State



## Total VDEM SAR Missions, 2012-2014\*

Search and Rescue Response:	2014*	2013	2012
Search Missions (Totals):	84	101	107
Lost/Missing Persons	50	60	59
<i>Found Alive</i>	32	43	45
<i>Found Deceased</i>	12	13	10
<i>Remains Missing</i>	6	4	4
Cadaver/Evidence	15	14	19
Distress Beacons	1	3	5
Missing/Overdue Aircraft	1	1	0
Known Aircraft Crashes	17	23	24

Source: Va. Department of Emergency Management, Search and Rescue Unit; Figures as of October 31, 2014.\*

# Resources and Collaboration: State



## VDEM, Missing Persons by Type, 2014\*

Subject Type	2014*
Abduction	5
Autism	1
Cave	1
Child	3
Dementia	14
Despondent	7
Hiker	6
Hunter	2
Mental Illness	4
Missing NOS	4
Substance Abuse	1
Water	2
<b>Total</b>	<b>50</b>

Source: Va. Department of Emergency Management, Search and Rescue Unit; Figures as of October 31, 2014.\*

Note: These figures only apply to the subjects involved in search missions coordinated through VDEM.

# Resources and Collaboration: State



- **Va. Search and Rescue Council:**
  - Non-profit organization consisting of members of state and local government, and SAR organizations.
  - Fosters communication between organizations and helps to develop and coordinate the SAR system in Virginia.
  - Provides for the arrangement of personnel, facilities, equipment, and training for the effective and coordinated delivery of SAR services.
    - There are 22 volunteer SAR associations with 500 active volunteers that operate under an MOU with VDEM.
    - Estimated \$1.2 million worth of services donated per year.
  - The Council's resources will not participate in an incident without a direct request from a "responsible agent" (i.e., VDEM SAR Unit or local law enforcement agency).



# Resources and Collaboration: State



- **Va. State Police** provide resources that may be requested in a SAR emergency:
  - Missing Children Information Clearinghouse;
  - Search and Recovery Team;
    - 26 members.
    - Completed 89 recovery operations and assisted 27 other agencies in 2013.
  - Tactical Field Force;
    - Approximately 300 serve.
    - Essential for sustainability.
  - Aviation Unit, swift water and rope rescues, and bloodhound canine teams.

# Resources and Collaboration: Federal



- The National Center for Missing and Exploited Children (NCMEC) provides numerous services to law enforcement and families across the nation at no cost:
  - Team ADAM and Project ALERT;
  - Secondary distribution of AMBER Alerts;
  - Team HOPE/Family Advocacy Division Services;
  - Classroom and online training;
  - Reunification assistance;
  - Forensic imaging;
  - Extensive resources made available online.

# Key Findings & Recommendations



- Search and Rescue (SAR) is an **EMERGENCY**.
- SAR efforts have a clearly established methodology based on empirical evidence and experience in the field.
- SAR efforts are distinct from the criminal investigation.
  - However, SAR missions are based on intelligence/leads and are not random.

# Key Findings & Recommendations



- Staff recommendations, which are based upon the key findings of the study, focus upon the following areas:
  - Reporting and Notification;
  - Model Policies and Practices;
  - Training;
  - Resources; and,
  - Education and Awareness.

# Key Findings & Recommendations



- **Recommendation #1**: Create Va. Code § 15.2-1718.2 to establish a mechanism for receipt of reports for critically missing adults.
  - “Critically missing adult” means any missing adult between the ages of 21 to 60 years of age whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.
  - “Critically missing adult report” means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information and a photograph to the Department of State Police.

# Key Findings & Recommendations



- **Recommendation #1**(cont.):
  - No police or sheriff's department shall establish or maintain any policy which requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.
  - *Language is consistent with receipt of missing child and senior adult reports.*

# Key Findings & Recommendations



- VDEM's Search and Rescue Unit should be notified of all critically missing persons entered into VCIN.

# Key Findings & Recommendations



- **Recommendation #2:** Request Va. State Police to examine programmatic efforts to provide immediate notification to VDEM when a critically missing child or adult is entered into VCIN. Categories would only include the classifications of “endangered,” “involuntary” and “disability.”
  - VDEM currently only receives monthly reports for missing children. Immediate notification of reports that could potentially result in a search and rescue is imperative for awareness and preparedness.
  - *This could be handled by a letter request to the Va. State Police.*



# Key Findings & Recommendations



- Law enforcement accreditation bodies, VLEPSC and CALEA, require agencies to have a policy addressing certain items in regard to missing persons.
- Accreditation seeks to establish the best professional practices. The standards prescribe “what” agencies should be doing, but not “how” they should be doing it-that decision is left to individual agencies.

# Key Findings & Recommendations



- Staff analyzed current law enforcement agency policies on missing persons and SAR. Some of the findings include:
  - **Over half** indicated that no waiting period exists before taking any type of missing persons report.
  - In addition to Amber and Senior Alerts, some mentioned other programs available, such as *Project Lifesaver* and *A Child is Missing*.
  - **Only three** mentioned that officers should determine missing persons' access to or records of social media, chat rooms, emails, phone records, etc.
  - **Only seven** mentioned any type of family liaison.
  - **Only 25** of the submitted policies even mentioned search and rescue.
    - Of this number, only 8 entailed a fairly comprehensive general order or plan.

# Key Findings & Recommendations



- There are some model policies available relating to missing persons:
  - IACP's National Law Enforcement Policy Center
    - Missing Children Model Policy created in 2000.
    - Missing Person Model Policy in created in 1994.
      - Nearly 1/3 of agencies' policies model the 1994 model policy.
  - NCMEC's Missing Child Investigative Policy and Checklist
    - Only limited to children.
    - Very few Virginia law enforcement agencies clearly adopted some or all of the policy or checklist items.
  - Va. Department of Criminal Justice Services
    - Missing Persons with Alzheimer's Disease/Related Dementia (2-42) created in 2012.

# Key Findings & Recommendations



- Technology plays a key role in these cases and there may be limited opportunities to collect pertinent information.
  - Surveillance videos, social media, phone records, etc.
- Law enforcement may not be aware of the specific procedures to request this information or the time constraints on the availability of such information.

# Key Findings & Recommendations



- **Recommendation #3:** Amend Va. Code § 9.1-102 to require DCJS to establish and publish model policies for missing children, missing adults and search and rescue efforts.
  - Agencies require more guidance in creating more thorough general orders for adoption. There is currently no uniformity in missing person policies across the state. No model policy guidance for SAR is available.
  - Technology is crucial in many of these cases.

# Key Findings & Recommendations



- **Recommendation #4:** Request Crime Commission staff to facilitate convening DCJS, VDEM, VSP, Va. Sheriff's Assoc. and Va. Assoc. of Chiefs of Police, and others to create a detailed checklist for Virginia's first responders.
  - To be disseminated to the field as soon as possible.
  - Dispatchers, responding officers, supervisors, investigators, and other first responders require more detailed guidance in responding to these types of cases.

# Key Findings & Recommendations



- There is very limited training for recruits, command staff, investigators, and other first responders in regard to SAR training due to limited staff and resources to host the trainings.
- Survey results emphasize that law enforcement desires more training in responding to missing persons and SAR.
  - 87% (100 of 115) of responding agencies indicated that there is a need for **ALL** law enforcement officers to receive additional training.

# Key Findings & Recommendations



- **Recommendation #5:** Amend Va. Code § 9.1-102 to require DCJS to develop training standards for missing persons and search and rescue.
  - Training standards at various levels need to be reviewed, revised and developed as necessary to be made available to dispatchers, recruit/entry level, in-service, and command staff.
  - VDEM, VSP, and the Va. Association of Volunteer Rescue Squads (VAVRS) have well-established SAR training curricula that could easily be modified and adopted.



# Key Findings & Recommendations



- **Recommendation #6:** Create an additional FTE position at VSP's Clearinghouse to assist with responsibilities of training, record keeping, compliance, and technical assistance to law enforcement agencies in reporting missing persons.
  - Clearinghouse is operating under very limited resources and it is imperative that information is as up-to-date as possible in order to meet its mission effectively.
  - Entry of missing adults onto the Clearinghouse website is sporadic due to limited resources.
  - Unable to fully implement already developed prevention programs on child safety and internet safety.

# Key Findings & Recommendations



- **Recommendation #7:** Create a Search and Rescue Coordinator position at VDEM.
  - The dual role of VDEM to provide training and SAR operations makes it very difficult to provide needed services in both areas.
  - A director with clearly designated powers and duties will add clarity to search and rescue responsibilities and provide law enforcement with a much needed point of contact.

# Key Findings & Recommendations



- **Recommendation #8:** Create 2 regional SAR coordinator positions at VDEM to provide a regional response for missions and training needs.
  - There is a growing demand for first responder SAR training. The VDEM SAR program has to routinely turn away potential trainees. Trainings offered reach capacity up to 9 months or more in advance.
  - Additional FTE staff will allow for weekday training to be offered, which will allow more first responders to be trained.
  - Additional resources are necessary to rapidly deploy to actual search missions.
  - Can be modeled after existing VDEM regional approaches (i.e., HAZMAT).

# Key Findings & Recommendations



- **Recommendation #9:** Create a Search and Rescue Coordinator position at VSP.
  - Currently, the SAR Unit coordinator only serves part-time, which creates difficulties when pulled off the road for missions and trainings.
  - Va. Code is silent on SAR responsibilities. Ambiguity can lead to unnecessary delays and/or resistance in reaching out for assistance in these types of cases.
  - Provides law enforcement with a much needed point of contact.

# Key Findings & Recommendations



- **Recommendation #10:** Increase available resources for SAR equipment at VSP and VDEM.
  - Currently, members of their SAR teams have to purchase almost all of their own gear, including backpacks, radios/GPS, mapping technology, rain gear, compasses, safety gear, command tents, chainsaws, generators, etc.
  - *Crime Commission staff can work with VSP and VDEM to develop a formal request.*

# Key Findings & Recommendations



- **Recommendation #11**: Request DCJS to create a family resource guide for missing persons and make available online.
  - Families of missing persons often do not have adequate resources of information provided to them in these cases.
  - Law enforcement needs to have a resource to provide to families.
  - *Similar guides exist and could easily be modified and adopted.*

# Key Findings & Recommendations



- **Recommendation #12:** Coordinate with the Va. Sheriff's Association and the Va. Association of Chiefs of Police to promote law enforcement awareness.
  - Provide presentations at upcoming annual conferences;
  - Add VDEM to New Chief/Sheriff Schools;
  - Disseminate newsletters/bulletins to law enforcement.



## Discussion