

Sunday, July 20, 2008

EVERYTHING YOU NEED TO KNOW WHEN YOUR LOVED ONE GOES MISSING

WHAT EVERY FAMILY MUST KNOW:

When a loved one is reported missing there is every right to expect that some large law enforcement investigative machine trundles into action; police fan out in all directions, and the search is on for the missing person. I am sorry to say that nothing can be further from the truth!

In the real world missing-person detectives are overwhelmed by the sheer volume of missing persons cases and a plethora of other investigative duties, including investigating rapes, assaults, burglaries, etc. Most detectives receive no special training in missing persons investigation, which is unfortunate in light of the fact that the missing person assignment is like no other type of law enforcement duty – requiring an entirely different kind of focus and skill set.

This is the reality. We can cry about it, or we understand what to do about it! Until federal and state legislation catches up and mandates every law enforcement agency in the country investigate missing person cases properly, it is up to you to make the right choices and ensure that what must be done, is done correctly.

WHAT EVERY FAMILY MUST DO:

We must ensure that if a loved one is missing that we put everything into play that will ensure that they are detected when they appear on law enforcement's radar. We must erect "Velcro Walls" in cyberspace; walls created from identifier records that relate to the missing person, and catch hold of corresponding identifier records for an unidentified person ANYWHERE in the United States (or beyond).

The fact is that a vast majority of missing persons return on their own, without any intervention by law enforcement (which is another reason that some police officers are loath to dedicate time and resources to a missing person, particularly runaways – believing that 95% of the time they just come home anyway!). However, for that small percentage that do not return, we all know that they are on this planet somewhere, and that they are either actively hiding from us, need our help, or are ignorant of our search for them.

It is estimated that there are over 40,000 unidentified persons under investigation across the US. This is a staggering number. Even more staggering is that only about 7,000 are being actively entered into the FBI's NCIC (the National Crime Information Center)! Although most of the unidentified persons are deceased, it is estimated that as many as 30% to 40% are living. Some are unwilling to identify themselves; they are actively hiding from us. Some are unable to identify themselves; they are confused by Alzheimer's, incapacitated by mental disability, or by injury – or they are dead. Whatever the reason, alive or not, how can it be that these persons have not been identified? How many must be on the rolls of the 111,000 active long-term missing persons cases in the US?

This is why:

Forget what you saw on last night's episode of CSI! There are only three scientifically-acceptable ways to identify someone who is either unwilling or unable to identify themselves: fingerprints, dental records, and DNA.

Notice I did not mention photographs. It isn't that photographs do not have their uses; statistically one in six missing persons returns home as a direct result of a photograph on a poster or a website. It is just that they do the unidentified person investigator no good. No competent investigator will swear in a court of law that a photograph matches a decedent – there are far too many post-mortem changes, and too many people appear similar. That mugshot may be probable cause to stop a suspect, but that officer will next confirm the identity with fingerprints, or by some other means.

Keep the photographs on the posters and websites, but the only type of imaging that is of any use to a forensic investigator is a “smiling” photograph depicting the missing person's teeth, or a “talking” video, showing the missing person's teeth. Those can be compared to an unidentified person's teeth by a forensic dentist.

Fingerprints, dental records, and DNA! These are the critical minimum records that must be submitted into law enforcement's searchable databases.

Currently, on average missing persons records across the United States include the following records at the following rates:

Fingerprints – Less than 1%

Dental Records – About 4%

DNA – Much less than 1%

No wonder there are 40,000 unidentified persons!

CRITICAL FIRST STEP:

The first step is the most critical: The missing loved one **MUST** be reported missing to a law enforcement agency, and that agency **MUST** enter the record into NCIC (the National Crime Information Center). This must happen **IMMEDIATELY**. Federal law prohibits the establishment of a waiting period to report someone missing. I don't care if the person was last seen walking out the door ten minutes ago- they are gone now!

There is a “logic convention” in law enforcement that the person should be reported missing to the agency with jurisdiction over the place of residence. The reasoning seems to be that a person is likely to return to familiar locations, such as home. However, serious consideration should be given to the location that the person was last seen – particularly if the story is that the person was seen being bundled into the back seat of a blacked-out Mafia car! In California Penal Code 14205 is specific: “All local police and sheriffs' departments shall accept any report of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property... the reports shall be submitted within four hours after acceptance to NCIC via CLETS.” Technically that means that it doesn't matter whether the person was never in California, and was last seen on the Space Shuttle! If the phone rings at a police station in California, and a person is missing, the report should be taken. It doesn't matter if little Jenny has just run away for the 10th time – for all we know, this time she ran straight into the arms of Jack the Ripper! The family will encounter some typical law enforcement attitudes: “There is no law against being missing!” True, but there isn't any law against taking the report – and in fact, at least in California, there is a law against **NOT** taking the report! “There is no evidence that anything bad has happened.” True, but **absence of evidence is not evidence of absence!** Since Jenny is missing we have no reason to believe she is safe, either. Unless the investigator believes that she is in the Penthouse Suite at the local Holiday Inn, eating bon-bons and sipping ice tea, then she is **probably living on the streets with every scum-sucking ba***rd in society trolling like sharks for little girls just like her!** **Take the report and get the information broadcasting in NCIC!**

Nothing happens without the NCIC record. The NCIC computer chugs away all night long looking for matches between unidentified and missing person records. If a possible match is found between two records, a teletype is sent to both agencies. We receive approximately 1,500 of these match-ups per year for San Bernardino's 250 long term unidentified person cases. It is then up to the agencies to compare the identifier records, IF they were collected.

If one or the other record is not in NCIC, there IS NO WAY TO MATCH THEM TOGETHER!

THE IDENTIFIERS:

The family MUST assist law enforcement in locating, securing, and submitting these records. Not only must they assist, but **they must sometimes INSIST that law enforcement take these records, AND they must make sure that these records are properly submitted into the searchable databases.** Many law enforcement investigators I speak to across the country do not know what must be done with these records. This is what must happen:

FINGERPRINTS

The missing person's fingerprints may be located via a wide variety of sources, including (but not limited to): arrests, employment and background applications, military service, and even through check-cashing facilities and social services. If the missing person in California had ever applied for a driver's license or identification card, a right thumbprint is available to law enforcement at the California Department of Motor Vehicles. The fingerprints (yes, even the single thumbprint) should be "registered" (not just "run") into Automated Fingerprint Identification System (AFIS - State) AND the Integrated Fingerprint Identification System (IAFIS - FBI). Many investigators are under the impression that only criminal fingerprint records may be "registered" into AFIS. The fact is that AFIS is a database to be used for law enforcement purposes, and this is one of its purposes!

IAFIS has a much more enlightened and progressive attitude. Fingerprints can be submitted by mail (after submission to AFIS) to the FBI, CJIS Division, in Clarksburg, WV, or by FAX. IAFIS is broken into regions across the United States, each with a regional coordinator (information available on-line at <http://www.fbi.gov/hq/cjisd/iafis.htm>).

Family members should assist the missing person investigator by locating any possible fingerprints sources, and assisting in getting these submitted.

It is critical that the fingerprint record (AFIS and IAFIS) be referenced by tracking number in the NCIC record. Such a comment may be stated as follows: "FINGERPRINTS ON FILE WITH SAN BERNARDINO COUNTY SHERIFF CAL-ID (909-890-5000) CAL-ID #9999999."

DENTAL RECORDS

These records are perishable, and MUST be obtained as soon as possible! California dental and medical providers are only required to maintain these records for 7 years. This sounds like a long time, unless you consider that the missing person may have not seen a dentist for five years, disappeared two years ago, and may not be found for another ten years. Lock down the records NOW!

Order copies – leave original records with dental or medical providers and tell them to "freeze" the file forever. Once obtained, these records must be mailed (or emailed) to your state missing persons clearinghouse. For a list of missing person clearinghouses by state refer to the National Center for Missing and Exploited Children website: The NCIC record must be updated to describe the availability of dental X-rays and charts, and the dental characteristics must be coded for entry into the NCIC record:

DENTAL INFORMATION – DXR/Y - DENTAL CHARACTERISTICS (DCH) ARE AVAILABLE

DENTAL CHARACTERISTICS

1X 32X

2MO 31DO

3M 30V

4V 29V

5V 28V

6V 27/

7/ 26/

8/ 25V

9V 24V

10V 23V

11V 22V

12V 21V

13V 20V

14O 19MODF

15DO 18O

16V 17X

These dental characteristics are critical for the quick comparisons and rule-outs by a trained unidentified person investigator by comparing which of the missing person's teeth have modifications (fillings or other dental work) with the deceased person's (or unidentified living person's) teeth. For example, if a missing person has a filling in tooth number 14, and the same tooth for the unidentified person has never been modified – it is a rule out: teeth don't heal. These dental records (charts and X-rays) should also be entered into The National Dental Image Repository (NDIR), which is available to law enforcement through the FBI's LEO network (Law Enforcement On-line). The NCIC record should be modified to state the following: "DENTAL X-RAYS AND CHARTS AVAILABLE ON NDIR." The Unidentified Persons Investigator wouldn't even need to contact the missing person investigating agency to check the dental X-rays directly.

DNA

The best source of a missing person's DNA is from the missing person himself (or herself) – referred to as a "direct" DNA sample. Missing persons leave their DNA behind on toothbrushes, shaving razors, hairbrushes, finger and toenail clippings, unwashed clothing, hats, chewing gum, etc. Use your imagination. If these items were not left behind (and even if they were), "reference" DNA samples should be obtained from blood relatives.

The best "reference DNA" would come from the missing person's identical twin siblings or both biological parents. If one parent is not available, then the available parent (hopefully the mother, because it is the mother that passes down mtDNA) should be sampled, along with as many full siblings as possible.

The sampling procedure is simple; basically a q-tip is swabbed on the inside of the subject's mouth. But, the sample should not be submitted to just any DNA lab. Since our goal is to have the missing person's DNA profile to be available for comparison to unidentified persons nationwide, the samples must be entered into the Combined DNA Index System (CODIS - FBI). There are only a few DNA labs certified to complete a DNA profile and submit to CODIS (a list of such labs are available on the CODIS website). California has one: Department of Justice, Missing/Unidentified Persons DNA Program (DOJ-DNA). They accept personal items (toothbrushes, etc.) and buccal swabs. If the missing person was

reported to a California law enforcement agency, then regardless of where the missing person's family member is located, the agency should contact California DOJ and request that the free kits be mailed to the investigator. If the missing person was reported to a law enforcement agency in a state that does not have its own certified lab, then DNA samples may be submitted to either the Federal Bureau of Investigation directly, or to the Center for Human Identification at the University of North Texas (Phone: 800-763-3147).

On average it will take a period of months for a missing person's DNA profile to be developed and entered into CODIS. The NCIC record must be updated to describe the availability of a DNA sample in CODIS, including any reference numbers.

NCIC RE-VISITED

After the identifiers have been entered into the searchable databases, I recommend that the family verify that the NCIC record has been updated. The NCIC's position is that the NCIC teletype is for "Law Enforcement Use Only," so many investigators will not show this printout to the family. I queried NCIC myself and was told that a copy of the NCIC may not be given to anyone, but that they have no objection to allowing the family to see record in order to verify its accuracy. I recently investigated an unidentified person case for which the identification was delayed 19 months because the Alaska State Police refused to take the missing person case for six months after the mother first reported that the 18 year old girl disappeared (a violation of Alaska State law), and then entered the Date of Last Contact as the date the missing person report was taken, rather than when the girl was last heard from. This effectively eliminated the chance that NCIC would match the two cases, because the girl is reportedly seen six months after she was dead in my Morgue! The 19 months that this mother suffered in fear, not knowing what had happened to her daughter, could have been prevented if the agency had taken the report (as required by law), and certainly shortened by a year had the family been allowed to review the contents of the NCIC record for accuracy. After all, the NCIC record is made up of information PROVIDED BY THE FAMILY.

TEAMWORK

A missing person is too important to be left to one person. **Those family members who wish to "leave it to the professionals," and sit back on the couch to let the police do the work will probably get out of this what they put into it.** I prefer the Team Approach, with the family involved in a productive way. We must help law enforcement to accomplish this mission, and if they do not know how, we can show them the way.

Will law enforcement accept your assistance? Perhaps not willingly. We in law enforcement tend to think that we don't need any help, and some investigators will view the family as hindrance. That's too bad. **The missing person is YOUR LOVED ONE. You may have to be insistent. You may ruffle some feathers. Is there anything more important?**

If there is any way that I can assist, please contact me:

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