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Senate Select Committee on Missing and Unidentified Persons

Background Information

Wednesday, March 11, 2020

State Capitol, Room 3191

1:00 p.m.

As of 2018, there were over 600,000 missing person files in the FBI National Crime Information Center's (NCIC) database. Seventy-four percent of them are young people under the age of 21, and more than half of these files are females.

Missing person cases can sit dormant for weeks, months or years with roughly 90,000 remaining "active" at any one time. This workload is on top of the approximately 4,400 unidentified human remains that are recovered every year with at least 1,000 of those bodies remaining missing for more than one year.

In California, there were 39,954 reported adults missing and 76,000 children reported missing at the end of 2018.

How law enforcement responds to reports of missing individuals as well as unidentified remains can vary among the state's many law enforcement agencies. And there are consequences both big and small to this circumstance with time playing an important role in all cases. Most investigators will tell you that the first 12 to 24 hours are the most critical in an active missing person's investigation – the longer it takes to report a case, the less likely a positive outcome will occur. For children, time is even more critical since 76% of abducted children who perish will do so within the critical 24 hour time frame. Besides official interventions,



there is also great confusion among the public, with many individuals believing that there is a necessary waiting period before a missing person can even be reported. It is important to note that there is no delay, or waiting period associated with initiating and working a missing person's case. In matters involving the FBI, there is also no delay.

Keeping track of missing person's information can be daunting with the number of missing and unidentified people in some cases overwhelming the capacity of some law enforcement agencies and medical examiners. Not to mention the number of inquiries from family members who often feel that they are left out of the process.

Some experts in the field have noted that, as with any large database, the information collected, even if it is adequately collected and reported, could be riddled with errors. This is most pronounced with older cases that were reported and handled before investigative techniques were updated and have sat undisturbed for years. But there are also concerns with current practices and how they may hamper the speed at which a missing person is entered into the various databases, searched for, and in those unfortunate cases, are identified when remains are discovered.

To establish a foundational understanding of current policy and practices for investigating missing person's calls, the committee's inaugural hearing will review law enforcement's existing process for responding to a missing person's call and how missing persons are reported and entered into the appropriate databases. Issues surrounding response times and certain investigative steps to enable a greater level of consistency in investigation of missing person's cases will be explored.

Further hearings will address issues surrounding the explosion of new technologies that are being developed and implemented worldwide in identifying potential perpetrators of crimes as well as unidentified remains. We will also explore DNA matching technologies, such as those that recently helped identify the Golden State killer, for example, in order to gain a better understanding of their potential and limitations. The Committee also plans to look at the State's

capacity to investigate "cold cases" with existing and new technologies and will look at what it would take to make California a leader in this area.

This hearing will start with what is considered the first step in the process, the rules and practices in reporting a missing person. At stake is whether response times and certain investigative steps be followed as a means to enable a greater level of consistency in the investigation of a missing person's case.

A representative from the California Peace Officers Standards and Training office will provide the committee with background and programmatic principles to better understand what the investigative guidelines are statewide. Next a law enforcement veteran will describe the actual experience of responding to and reporting a missing person's case. We will also hear from a county dispatcher who is the point of contact for a missing person's case response. This will help us to determine if current policies and procedures cover the actual needs of a missing person case.

After a law enforcement officer has responded to a missing person's call, the case is usually transferred to a detective. We will learn what is involved in such a case from a detective who has worked a wide variety of cases.

An integral part of every missing person's investigation is the appropriate reporting of the missing person's information to the appropriate database. We will explore how the three government-sponsored databases are used to recover missing persons.

Currently, missing persons are reported to the National Crime Information Center, one of the country's oldest electronic clearinghouse for crime data. Established in 1967, the database consists of 21 particular files, including one for missing persons and another for unidentified persons. These records are accessible to law enforcement agencies nationwide. It is operated under a shared management agreement between the FBI and federal, state, local and tribal law enforcement users. The system averages 12.6 million transactions per day.

In 2007 the National Institute of Justice in an effort to maximize the use of DNA technology launched the NamUS Missing Persons database. The information in

stored in NamUS provides criminal justice professionals with the ability to access shared case information from medical examiners and coroners who can store and share information on the NamUS system. The database can make automatic case comparisons that allow for associations between missing persons and unidentified persons.

NamUS has expanded its services over the years to include additional information on missing persons, as well as the ability to locate family members for DNA sample collection and next of kin death notifications. A fingerprint unit was created in cooperation with the FBI's search unit as an additional service available to law enforcement personnel.

Comprising of three databases: Missing Persons, Unidentified Persons, and Unclaimed Persons, NamUS is a free online system the public has access to, in addition to law enforcement agencies. It is considered a two-sided online system since it has the capability of allowing the public to enter information on missing loved ones. An advanced search feature allows the public and law enforcement users to make a match based on unique features such as scars, tattoos, jewelry or other physical descriptions. In an effort to improve missing person recoveries, at least nine states have adopted laws requiring state agencies to submit information to NamUS.

In addition, the FBI's Violent Crime Apprehension Program (ViCAP) has been accepting missing person's submissions due to the frequency of a missing person's case being associated with a violent crime. ViCAP was created in 1985 and Organized within the Bureau's National Center for the Analysis of Violent Crime. It allows local law enforcement personnel to enter information to compare data to other cases in order to correlate and match possible connections. ViCAP maintains the largest investigative repository of major violent crime cases.

We will hear from representatives of all three aforementioned databases as we learn about their utility and position within the larger context of addressing missing person's cases.

Lastly, the California Department of Justice Missing and Unidentified Persons Unit (MUPS) is the state's entity responsible for analyzing and tracking missing person's cases as well as efforts to identify recovered remains. They have a long record of effective oversight of missing person's case management and coordination. The Unit maintains statewide files containing dental records, photographs and physical characteristics of missing and unidentified persons. We will hear from a representative of MUPS to discuss their current function within the greater facet of investigating missing person's cases.