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HEARING 1

Response and Reporting for Missing Persons Cases

QUESTIONS FOR WITNESS TESTIMONIES

Wednesday, March 11, 2020

State Capitol, Room 3191

1:00 p.m.

WITNESSES

- Charles Evans – California Peace Officer Standards and Training
- Deputy Sheriff Alyssa Carroll – Mariposa Sheriff Department
- Chela Cotrell – Communications Supervisor, Citrus Heights Police Department
- Kevin Papineau – Criminal Investigator, Sacramento County District Attorney's Office
- B.J. Spamer – Executive Director, NamUS
- Christine DePoyster – Crime Analyst, FBI-VICAP
- Megan Eschleman, Program Manager, Missing and Unidentified Persons Section and Linda Schweig, Assistant Director, Violent Crime Information Center Branch – CA DOJ MUPS

WITNESS TESTIMONY OVERVIEW

1. Charles Evans of POST to: Give an overview of the CA Peace Officers Standards and Training (POST) manual for the investigation of missing



persons. Provide a description of what the POST Manual sets forth for the roles of the responding patrol person, dispatcher, and the detective as it applies to missing persons. Identify aspects of Missing Person's investigations that can be improved through consistency and timeliness.

2. Deputy Sheriff Alyssa Carroll of the Mariposa Sheriff Department to: Present an overview of her training and experience in responding to calls concerning missing persons. Provide input and suggestions for improving response to a missing person's call.
3. Chela Cotrell, Dispatcher of Citrus Heights Police Department to: Give an overview of her training and experience in handling calls concerning missing persons. Provide a description of her administrative duties to initiate and enter missing person's cases into the respective databases.
4. Kevin Papineau, Criminal Investigator, Sacramento County District Attorney's Office to: Describe his training and experience with handling missing person's investigations and how cases are handed from the police officer to the detective for follow up.
5. B.J. Spamer, Executive Director of NamUS to: Give an overview of the National Missing and Unidentified Persons System (NamUs) and how it accepts information concerning missing persons. Describe how California can contribute to the mission of NamUs and the most efficient process for the entry of missing persons into their database.
6. Christine DePoyster, Crime Analyst of FBI-VICAP to: Present an overview of the FBI's Violent Crime Apprehension Program (VICAP) and how it accepts information concerning missing persons. Discuss what criteria qualifies a missing person's case to be entered into VICAP.
7. Megan Eschleman, Program Manager, Missing and Unidentified Persons Section and Linda Schweig, Assistant Director, Violent Crime Information Center Branch for CA DOJ MUPS to: Give an overview of the California

Department of Justice Missing and Unidentified Persons Unit (MUPS) and to present the coordination, analysis, and oversight provided by MUPS to California law enforcement. Describe the database that MUPS uses to track missing persons and how the MUPS database interacts with other government databases. Discuss the process by which California law enforcement and MUPS attempts to identify unidentified recovered remains.

MISSING PERSON'S INVESTIGATIONS

First witness-Charles Evans, CA POST

I would like to begin with Mr. Charles Evans from POST, the Commission on Peace Officers Standards and Training, which sets the training standards for all of California law enforcement. Thank you for being here. I have a series of questions that we can start with, unless you have opening remarks.

1. For our general understanding what is CA POST?
2. Can you please describe in a general manner, what steps POST sets out for investigations into missing person's cases? Has this changed over time, or has it remained stable?
3. Are the steps simply "best practices" that are laid out or are they based on specific actions required by law? How would you best describe the situation? Are these "requirements"?
4. Can you please, to the best of your ability, advise us on the response times designated in the POST guidelines? In terms of contacting the initial caller, contacting potential witnesses, family members, placing information in particular databases – Are there time-standards for these actions?
5. Is there any analysis to determine how closely the POST requirements are being followed by law enforcement personnel? Has this ever been studied, and in particular has missing person's case responses ever been studied?

6. Does POST ever receive suggestions from law enforcement for additions, deletions, or changes to the POST missing person's guidelines?
 - a. If so, how is that accomplished? Is there a formal or informal process to making changes?
7. Moreover, speaking to the effectiveness of the POST guidelines – how is that determined? Does POST conduct audits or field investigations for example?
8. Again, in general do POST guidelines ever change, and if so, what leads to the change?
9. Does POST concern itself with familiarity of missing person's reporting, through NCIC, VICAP, and NAMuS – which are the three main databases where information on missing persons can be entered? Is there training on using these databases?
 - a. If not, then should there be?
10. Does POST training consider the circumstances in which someone is missing? For example, is an elderly individual who walks out of his or her house treated any differently than say a college student who does not return to his or her dorm room or apartment?
11. Is there anything else you would like to add?

Committee members, do you have any other questions? Thank you Mr. Evans for providing your testimony and answering our questions. The information you have provided is very helpful.

Second Witness- Deputy Sheriff Alyssa Carroll, Mariposa Sheriff Department

Our second witness today is Deputy Sheriff Alyssa Carroll with the Mariposa County Sheriff's Department. Deputy Carroll has been with the Mariposa department for three years and has a great deal of experience with missing

person's cases. We hope to get a clearer view of what actually happens in the field when an officer encounters a missing person's request.

Again thank you for being here, I have a series of questions, if we can start?

1. To the best of your ability, based on your training and experience, please describe the normal progress of a missing person's call starting with the complaint call in.
2. In your experience, what is the normal response time to answering a missing person's complaint call – Start from the time when the call comes in, then what happens, and by who, and by when?
3. In your experience, how does the responding officer in terms of scene assessment, information taken, and descriptors of the missing victim, handle a missing person's complaint call – take us through that process? Does a responding officer – or is this someone else's responsibility – take this information immediately at the scene?
4. What kind of information does the officer have before making contact with the complainant, for example, does the responding officer attempt to determine if there have been previous calls from the same complainant? Does the officer receive criminal history information of the complainant and victim prior to contact? In addition, does this information have any bearing on how the compliant is addressed?
5. What happens if a police unit is not available to answer a missing person's complaint call? How does your department handle that?
6. What materials does the officer use to guide the officer's response and to gain information from the complainant use? Is there a standard form that your agency uses, or is it simply notes that you take down?
7. Does an officer responding to a missing child complaint respond differently or do anything differently, depending on the missing person's age? For example, are missing children treated differently than say an adult, or an elderly person – from the responding officer's perspective?

8. Who is responsible for inputting the missing person's information into NCIC - the National Crime Information Center database - and other concerned databases? How does that work in your department?
 - a. And how long from the time that an officer makes contact with a complainant, does this information go into a database? Are you aware of any standards for this activity?
9. In terms of databases, are you familiar with VICAP or NamUS for example? These are other national databases.
 - a. Can you please describe for us your role as it pertains to NamUs and VICAP?
10. What happens if you are in the process of writing up the call and are called into service for an emergency? Who completes the missing person's write-up and data entry?
11. Who is assigned to follow up the investigation of missing persons cases? I assume it is a detective, is that correct? At that point, is the officer involved or no longer involved in the case?
12. How soon is the follow up investigation started after the complaint is comes in? Do you know how soon a detective is assigned to cases?
13. What victim rights information is provided to the complainant, and does the information provided depend on the complainant's relation to the victim? Is that something you would provide as an initial contact, or is this information provided afterwards?
14. Is there anything else you would like to add to this discussion that we might not have covered?

Thank you Deputy Carroll. We appreciate you taking the time to help us better understand this process.

Moving along, let us hear from our third witness, Dispatcher Chela Cottrell with the Citrus Heights Police Department. Ms. Cotrell has served in law enforcement for seventeen years and she is here to give us an overview of her training and experience in handling calls concerning missing persons.

Thank you Ms. Cottrell for being here this afternoon. Like the other witnesses, I have a series of questions for you. So let's start.

Third Witness – Chela Cotrell, Communications Supervisor, Citrus Heights Police Department

1. Ms. Cotrell please describe how a missing person's call is handled after the complaint comes in. (Does dispatch receive the actual call?)
2. What do you expect to occur after you dispatch patrol to the missing person call?
3. What information is transmitted back to you?
4. Who is responsible for entering the missing person data into the database? Do you know whether this is standard procedure for all departments or simply your department?
5. Can you please explain what the CA State CLETS – the California Law Enforcement Telecommunication System is? How does CLETS interact with NCIC?
 - a. Do you interact with the FBI VICAP program and/or NamUs?
6. After receiving the missing person's information from the officer, what do you do next with the case? After finishing these elements, is there anything else you do with the case?
7. Can you describe to us how are you trained? Are you provided with the CA POST manual?
8. It is my understanding that the Citrus Heights Police Department partners with the "Project Lifesaver" program, and that you are involved in this effort. Can you describe for the committee, what Project Lifesaver does?
9. How exactly is it "Project Lifesaver" devices used?
10. In addition, are there operational benefits, for example, in terms of resource management?

Thank you Ms. Cotrell for being here and sharing this important information. The committee is certainly open to any other suggestions you may have in addressing missing persons cases, and I'd like to provide you with the opportunity to share

any additional information that you feel would be helpful for us to better understand what happens in the field during missing persons cases, so do you have anything else that you would like to add?

Next, we will hear from our fourth witness, Mr. Kevin Papineau, who is a Criminal Investigator with the Sacramento County District Attorney's Office

Mr. Papineau will be describing his experience of handling missing person's cases from a police detective's perspective.

1. Fourth Witness – Kevin Papineau, Criminal Investigator, Sacramento County District Attorney's Office

1. Detective Papineau how do detectives receive missing person's cases from patrol officers? Is it any different from say receiving a missing person's case that was called over the telephone to the police department?
2. When being assigned the missing person's case, does the detective verify the victim is listed in all concerned missing persons databases?
 - a. If so, what database or databases do you use? And do you know if this is standard practice among all law enforcement agencies?
3. Does the detective redo the initial complaint call for completeness? Is this a common practice?
4. Who is responsible for collecting the physical items that can be used for retrieving a victim's DNA and other physical descriptors? Is this a standard procedure in missing person's cases?
5. Who manages the missing person's file once it is entered into a state or national database? For example, is it the assigned detective's responsibility or is this a departmental responsibility?
6. When is a missing victim removed from a database such as NCIC or NamUS? Is this a formal or informal procedure? Is this solely at the discretion of the detective or some other official in the department?

7. In your experience and observation, how are the needs or concerns of the victim's family handled? Is there a standard for making contact with the victim's family?
 - a. How about in keeping in contact with the victim's family? Are there any standards or standard operating procedures?
8. As part of your investigation, do you make the victim's family aware of their rights according to victim/witness laws? If so, what materials do you use if any?

Detective Papineau thank you for being here. I appreciate you taking the time to inform the committee of your work and for giving your perspective. Again, is there anything else the committee should be aware of on this matter?

MISSING PERSON'S DATABASES

Okay, let us switch over to a discussion on databases and the investigatory work that is associated with the use of collected data. I would like to invite B.J. Spamer, Christine DePoyster, Megan Eschleman, and Linda Schweig, to come to the table. Thank you all for being here.

I know there has been some discussion of NCIC, the National Crime Information Center, database which serves as a centralized clearinghouse of crime data. Today, we are fortunate to have individuals who can provide information and expertise on three other databases that can assist in the discovery – or in unfortunate cases – the recovery of missing or unidentified individuals.

I am particularly glad to have these folks here so that we can all get a better handle on the scope and limits of these national databases and what they can mean for law enforcement's ability to solve cases here in California.

Let us start with B.J. Spamer with NamUs, which is the National Missing and Unidentified Persons System. Thank you for being here Ms. Spamer. As with other witnesses, I have a set of questions but first would like to offer you the opportunity to make a few brief statements if you would like? --- Okay, let us get into some questions-

Fifth Witness- B. J. Spamer, Executive Director, NamUs

1. Can you provide the committee with some of your professional background, how long have you worked in this field? And how long have you been with NamUs?
2. Can you give us a brief history of NamUS? How was it started and why.
3. What is NamUS intended to do? What would be the best way to characterize NamUS?
4. Can you give us an overview of the differences between NamUS and NCIC, for example, from your perspective?
5. Likewise, can you give us an overview of the difference between NamUS and VICAP (who we will hearing from next), from your perspective?
6. How does NamUS communicate with NCIC? VICAP, for example or does it?
7. How would you describe the percentage of participation in NamUS, meaning – is it commonly used by all law enforcement agencies?
8. How would you compare the effort needed to enter data into NamUs as opposed to NCIC, meaning, how cumbersome or not, is the data requirement for entering information into NamUs?
9. It is my understanding that NamUs also has a public participation component, where individuals can enter data about a missing person into their particular file. Can you explain that process to the committee please? How exactly does that work and what are some of the safeguards in the system?
10. At least eight states have statutorily required their law enforcement agencies to require data on missing individuals to be entered into the NamUs system. What is your opinion on such a requirement?
11. From your perspective, has California, for the most part, utilized this database, or is it under-utilized in California?

Thank you Ms. Spamer for your testimony, I appreciate the information you provided and your willingness to clear up some matters and improve our understanding of NamUs.

Okay, next we will hear from Christine DePoyster, Crime Analyst for the FBI who can help shed some light on the VICAP system – the Violent Criminal Apprehension Program:

Sixth Witness Violent Crime Apprehension Program (VICAP) – Christine DePoyster, Crime Analyst, FBI

Ms. DePoyster, thank you for being here and taking the time to address the committee. Let's start with a few questions.

1. Can you provide the committee with some of your professional background, how long have you worked in this field? And how long have you worked with VICAP?
2. Mr. Graham, can you give us a brief history of VICAP?
3. How is it used for missing person's matters for example? Meaning, is this database well suited for missing person's cases?
4. It is believed that a missing person must be the victim of a crime in order to be entered into the VICAP's Missing Persons Database. Is this reasonable given that when a person is reported missing, many times the existence of a violent crime is not known?
 - a. So to be clear, should the information be entered or not entered into the VICAP system?
5. What are the benefits of using the ViCAP system?
6. It is my understanding that the ViCAP system has a number of fields for data to be entered and that it can be cumbersome, can you speak directly to these concerns?
 - a. What kind of training is available for law enforcement personnel to better utilize ViCAP if any?

Ms. DePoyster, is there anything more you would like to add that could help the committee understand the value of VICAP? Again, thank you Ms. DePoyster for taking the time to address the committee. The information you provided was very helpful.

Seventh and Eighth witnesses, Megan Eschleman, Program Manager, Missing and Unidentified Persons Section and Linda Schweig, Assistant Director, Violent Crime Information Center Branch – CA DOJ MUPS

Our final witnesses this afternoon are Ms. Megan Eschleman, Program Manager for the Missing and Unidentified Persons Section and Ms. Linda Schweig, Assistant Director for the Violent Crime Information Center Branch of the CA Department of Justice, who will speak to us about MUPS, the Missing and Unidentified Persons Unit.

I know it's been a long day. Ms. Eschleman and Ms. Schweig thank you both for being here. I appreciate you giving the committee an overview of MUPS and how it fits within the larger picture of missing person's investigations. Again, I have a series of questions that either one of you may answer. If you have an opening statement that would be great, or we can simply jump into a series of questions that I have, either way is fine.

1. Can you please describe the function and purpose of MUPS?
2. How does MUPS interact with local law enforcement? What would be the best way to describe this interaction?
3. Is NCIC the primary vehicle that you use for tracking missing person's cases? Does MUPS enter information into NCIC or is this a local law enforcement responsibility?
4. Does MUPS interact with the FBI VICAP? Or NAMuS? And, if so, can you characterize those interactions, meaning in what capacity do you interact with those databases and services?
5. How do you resolve or address issues over database accuracy – for example, does MUPS have a separate database for missing persons, or

must the data and information first go through NCIC or NamUS? What happens if there are conflicts between the databases?

Ms. Eschleman and Ms. Schweig, thank you very much for sharing information on MUPS. I appreciate you taking the committee through this process. Is there anything else that you feel the committee should be aware of regarding the MUPS unit?

Committee members, are there any questions or points that you would like to better understand or need additional information? I think we covered a great amount of information this afternoon.

Okay, I want to thank all of the witnesses for attending this first hearing of the Committee on Missing Persons. I think we learned a great deal this afternoon. This helps set a basis of our understanding as to how missing person's cases are addressed in California and it gives us a great starting place for further discussions. Again, thank you for attending this hearing, and we certainly will have more to come in the near future.