

# Missing Persons



# Table of Contents

<b>1.0      Utah Missing Persons Clearinghouse.....</b>	<b>4</b>
1.1      Central Registry .....	4
1.2      Utah Missing Persons Clearinghouse Bulletin .....	4
1.3      NCIC Dental Entry for all Missing or Unidentified persons .....	5
1.4      Utah Missing Persons Database.....	4
<b>2.0      Criteria for Entry into the Utah Missing Persons Clearinghouse Bulletin .....</b>	<b>5</b>
2.1      Reporting a Missing Person.....	6
2.2      Establish a 24-hour Communication Network.....	6
2.3      Coordinate with the National Center for Missing and Exploited Children.....	6
2.3.2 Website maintained by the National Center for Missing and Exploited Children .....	7
<b>3.0      Federal and Utah State Laws for Missing Children .....</b>	<b>7</b>
3.1      Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) .....	7
3.3      Missing Children Act of 1982 (28 USC §534 (a)).....	8
3.4      Missing Children's Assistance Act of 1984 (28 USC §5771 et seq. as amended) .....	9
3.5      National Child Search Assistance Act (42 USC 5779 & 5780).....	9
3.6      Utah Law/Custodial Interference (UCA §76-5-303) .....	9
3.7      Suzanne's Law .....	10
3.8      Section 3702 of the Crime Control Act of 1990 (42 USC 5780) .....	11
3.10      Utah Uniform Child Prevention Act – Senate Bill 35.....	12

# Missing Persons Clearinghouse



## **1.0 Utah Missing Persons Clearinghouse**

The Utah Missing Persons Clearinghouse is under the direction of the Utah Department of Public Safety, Bureau of Criminal Identification. Utah Code Annotated [53-10-202](#) outlines the responsibilities and duties of the clearinghouse. Some of those responsibilities are:

- Establish a statewide central registry for the identification and location of missing persons
- Publish a directory or bulletin of missing persons
- Establish a 24-hour communications network
- Coordinate with the National Center for Missing and Exploited Children
- Coordinate with law enforcement and missing persons agencies nationwide
- Notify Utah Vital Statistics of all missing persons born in Utah
- NCIC dental entry of all missing and unidentified persons from Utah
- NCIC entry of all unidentified persons or human remains for the State of Utah

The Utah Missing Persons Clearinghouse can be reached at 385-499-1421 or 385-499-5500

### **1.1 Central Registry**

Each law enforcement agency investigating a report of a missing person shall provide information regarding that report to the division which shall include descriptive information and the date and location of the last known contact with the missing person. Agencies are able to search using various parameters on any person listed in Utah. BCI captures the information when an NCIC entry on a missing person is made. This stays in the Utah data base until the entry is removed from the NCIC files.

*Title XXXVII - National Child Search Assistance Act of 1990* is a federal law that requires law enforcement agencies to report each missing child under the age of 18 to NCIC. It also establishes that there is NO waiting period before accepting a missing child report. The federal law states that when a child is missing the information be entered immediately into NCIC and updated with additional information, including medical and dental information. To assist with the collection of data, Missing Person Data Collection Packets are available from BCI.

### **1.2 Utah Missing Persons Clearinghouse Bulletin**

The Clearinghouse has created a website for the bulletin. The Utah Missing Persons website address is <http://bci.utah.gov/missing-persons>. This site is continually updated when a person is a missing person waiver is submitted or whenever a missing person is located. Also linked to this site is the [National Center for Missing and Exploited Children](#), along with the Missing Persons Clearinghouses of other states. Utah law enforcement agencies may submit pictures and descriptions of missing persons to be posted on this website with permission from family/reporting party.

### **1.3 NCIC Dental Entry for all Missing or Unidentified persons**

Unlike other states, the Utah Missing Persons Clearinghouse enters the dental information into NCIC for local law enforcement agencies for all missing and unidentified persons. NCIC missing and unidentified person entry packets are available to assist law enforcement with obtaining proper information for the dental entry. The Clearinghouse works with a forensic dentist to properly chart the information before entry. Information to collect for proper coding includes:

- Original Radiographs
- Treatment Records
- Dental Photographs
- Dental Models
- Dentist Notes

### **1.4 Utah Missing Persons Database**

The Utah Missing Persons Database is housed in UCJIS and can be accessed by using the UMPQ transaction. This database pulls all missing persons that are entered into NCIC in Utah. Agencies are able to add correspondence if they come into contact with an individual listed as a missing person. To add correspondence the following information will need to be submitted:

- Date
- Method
  - Phone
  - Email
  - Website
  - Other
- Category
  - Vital statistics
  - School
  - BCI Website
  - AMBER Alert
  - Silver Alert
  - Endangered missing
  - Law Enforcement
  - Other
- Notes

Once correspondence is submitted, a UMPQ Broadcast message will be sent to the record owning agency.

### **2.0 Criteria for Entry into the Utah Missing Persons Clearinghouse Bulletin**

The following guidelines must be met before information on a missing or unidentified deceased/living person can be entered into the Utah Missing Persons Clearinghouse

Bulletin/website. A Utah missing person or a missing person from another state who is believed to be in Utah both qualify for entry into the Clearinghouse.

## **2.1 Reporting a Missing Person**

In order to report a missing person, the following must occur:

- The parent, spouse or guardian must contact a law enforcement agency to file a missing person report. The missing person must be entered into the National Crime Information Center (NCIC) files by the law enforcement agency.
- A *Utah Missing Persons Clearinghouse Report Form/Waiver*, (which is available from the BCI Missing Persons website under “Missing Person Waiver”,) must be completed, signed by appropriate reporting party and submitted to:
  - o Utah Missing Persons Clearinghouse  
4315 South 2700 West  
Suite 1300  
Taylorsville, UT 84129
- A current original photograph (color preferred) must be submitted with the waiver form. Please do not write on the back of the photo.
- All information must be approved by the law enforcement agency receiving the initial missing person report.
- The Utah Missing Persons Clearinghouse personnel will obtain permission to publish a law enforcement phone number to contact in the event the person is located or possible sighting information is received.
- In cases of parental abductions, a copy of the court-certified custody order stating the reporting parent has custody must be submitted to the Clearinghouse. If it is requested that the non-custodial parent’s photograph be included in the bulletin, an active felony warrant must be present in National Crime Information Center (NCIC) prior to publication of the photograph and must be confirmed by the investigating officer.
- The parent, spouse, guardian, or investigating officer must notify the Utah Missing Persons Clearinghouse immediately of the location or return of the missing person.

## **2.2 Establish a 24-hour Communication Network**

The 24-hour hotline is answered directly by an operator during normal business hours and is monitored after hours to receive messages left by the caller. Information on sightings of missing persons or requests for information may be directed to 1-888-770-6477.

## **2.3 Coordinate with the National Center for Missing and Exploited Children**

The National Center for Missing and Exploited Children (NCMEC) has resources established to assist parents and law enforcement in their efforts to locate missing children. NCMEC’s hotline number is 1-800-THE-LOST (1-800-843-5678). A current list of clearinghouse contacts for each state can be obtained from NCMEC or the Utah Clearinghouse.

### **2.3.1 Leads/Sightings and Information Dissemination**

Through its national toll-free hotline, NCMEC receives leads on missing and exploited child cases. These cases are then provided exclusively to the investigating law enforcement agencies. They also provide information from the on-line "Cybertips" program.

### **2.3.2 Website maintained by the National Center for Missing and Exploited Children**

The NCMEC website has features that allow users to search missing children cases that have been reported to them. This allows users to search by location, descriptors, names, etc. The website may be accessed at <http://www.missingkids.com>.

### **2.3.3 Age-enhancement, Facial Reconstruction, or Imaging/Identification Services**

NCMEC services include:

- Computerized age-progression of the photographs of long-term missing children
- Reconstruction of facial images from morgue photographs of unidentified deceased juveniles so that posters may be made to assist in the child's identification
- Computer assistance in creating artist composites
- Assistance in identifying faces of children from confiscated child pornography
- Training in imaging applications and techniques

If the agency does not have access to this website, please contact the Utah Missing Persons Clearinghouse at 801-281-5075 during office hours Monday through Thursday.

Federal and Utah State Laws for Missing Children

## **3.0 Federal and Utah State Laws for Missing Children**

Federal and state laws establish the principles for improving the tracing process, the definition of a missing person, the method of managing the central records, the realization of social and other rights of family members of missing persons, and other issues related to tracing missing persons.

### **3.1 Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)**

All fifty states, the District of Columbia, and the Virgin Islands have enacted the UCCJEA.

However, because of changes in the provisions, each state's laws will vary from one another. Utah's statute for the UCCJEA is §78-45c-201 to §78-45c-210 and provides the following:

- Establishes rules governing which state has jurisdiction to make or change a custody determination.
- Is applicable in proceedings regarding custody, visitation, and joint custody, but is not applicable in child support proceedings.
- Ensures that a person may obtain a custody determination even after a child has been abducted.

- Allows a child custody decree to be recognized in whatever state the child is located in without having to retry the whole custody case. (Note: The Parental Kidnapping Prevention Act [PKPA], in some instances, will prevent enforcement of a custody decree).
- Restricts the right of courts to conduct a custody hearing when a valid custody decree has already been established by another state.
- Limits the power of a court to change existing custody orders that were made in other states.
- Allows a judge to punish abductors by ordering them to pay all reasonable expenditures incurred by the parents in locating their child.

### **3.2 Parental Kidnapping Prevention Act (PKPA) of 1980 (28 USC §1738A)**

The PKPA is an expanded use of the “Federal Fugitive Felon Act” which includes charging abductors with a felony for fleeing the state. It also allows an Unlawful Flight to Avoid Prosecution (UFAP) to be placed on the abducting parent / family member when fleeing out of the state the child resides in, thus enlisting the investigative resources of the FBI and the U.S. DOJ.

### **3.3 Missing Children Act of 1982 (28 USC §534 (a))**

This act ensures that complete descriptions of missing children can be entered into NCIC even if the abductor has not been charged with a crime.

**3.4 Missing Children's Assistance Act of 1984 (28 USC §5771 et seq. as amended)**

This act requires that the Office of Juvenile Justice and Delinquency Prevention (OJJDP):

- Establish and maintain a national, toll-free telephone line to receive sighting reports of missing children and to provide information on reuniting the child and custodian.
- Establish and maintain a national clearinghouse of information about missing and exploited children.
- Provide technical assistance to law enforcement agencies, Nonprofit Organizations (NPOs), and families to help locate and recover missing children.
- Conduct a national study to find out the numbers of missing children. Publish research summaries regarding missing children. NCMEC performs most of these functions for OJJDP.

**3.5 National Child Search Assistance Act (42 USC 5779 & 5780)**

This act establishes the following:

- Forbids all law enforcement agencies from establishing ANY waiting period.
- Provides what information shall be included in the report, including the category under which the child is missing.
- Requires case information to be sent to state clearinghouses.
- Establishes that the entering agency update the record with any additional information, such as medical and dental records, no later than 60 days after the original entry.
- Dictates that the entering agency shall also institute or assist with search and investigative procedures as well as maintain a close liaison with NCMEC on missing children cases.

**3.6 Utah Law/Custodial Interference (UCA §76-5-303)**

Custodial Interference is when a person, parent, or other:

- Takes, entices, conceals, or detains a child under the age of 16 from its parent, guardian, or other lawful custodian without good cause. This must be done:
  - Knowing they have NO legal right to do so,
  - With the intent of holding the child for a substantially longer period of time than awarded by the courts.
- Has physical custody of a child under the age of 16, prior to a judicial award that would grant custody, visitation, or parent-time to another person. That person then hides or detains the child with the intent of depriving the other person of their court ordered rights.

Custodial Interference is a Class A Misdemeanor. It becomes a 3<sup>rd</sup> degree Felony when the child is removed from Utah.

### **3.7 Suzanne's Law**

On April 7, 2003, the United States Congress enacted Suzanne's Law that modified Title 42, United States Code, Section 5779(a). In accordance with this change, agencies are now required to immediately enter records into NCIC Missing Person Files for missing juveniles under the age 21. Previously, immediate entry was required for juveniles under the age 18. The federal law is named after Suzanne Lyall, a University of New York State at Albany student who has been missing since 1998.

From US Code Title 42 Chapter 72 Section 5779:

- (1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;
- (2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;
- (3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—
  - (A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;
  - (B) a recent photograph of the child, if available;
  - (C) the date and location of the last known contact with the child; and
  - (D) the category under which the child is reported missing; is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and
- (4) provide that after receiving reports as provided in paragraph (3), the law enforcement agency that entered the report into the National Crime Information Center shall—
  - (A) no later than 30 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days;
  - (B) institute or assist with appropriate search and investigative procedures;
  - (B) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution;

- (C) maintain close liaison with State and local child welfare systems and the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases; and
- (D) grant permission to the National Crime Information Center Terminal Contractor for the State to update the missing person record in the National Crime Information Center computer networks with additional information learned during the investigation relating to the missing person.

### **3.8 Section 3702 of the Crime Control Act of 1990 (42 USC 5780)**

Sec. 5780. And Sec. 5779 State Requirements:

- Each State reporting under the provisions of these of this title shall:

- (1) Ensure that no law enforcement agency within the state establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;
- (2) Ensure that no law enforcement agency within the state establishes or maintains any policy that requires the removal of a missing person entry from its state law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and
- (3) Provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include:
  - (A) The name, date of birth, sex, race, height, weight, and eye and hair color of the child;
  - (B) The date and location of the last known contact with the child; and
  - (C) The category under which the child is reported missing; is **entered immediately within 2 hours** into the state law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the state or other agency designated within the state to receive such reports; and
- (4) Provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall:
  - (A) No later than 60 days after the original entry of the record into the state law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;
  - (B) Institute or assist with appropriate search and investigative procedures; and
  - (C) Maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

### **3.9 Adam Walsh Child Protection and Safety Act**

From Section 154. Missing Child Reporting Requirements:

Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

- (1) By re-designating paragraphs (2) and (3) as paragraphs (3) and (4) respectively;
- (2) By inserting after paragraph (1) the following:

Ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and;

- (3) In paragraph (3), as re-designated, by striking 'immediately' and inserting 'within 2 hours of receipt'.

(b) Definitions- Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking 'if through subparagraph (B) and inserting a semicolon.

### **3.10 Utah Uniform Child Prevention Act - Senate Bill 35**

Effective as of January 1, 2008, Utah Code Annotated 78-62-101 to 78-62-112:

- Sets guidelines for judges to determine when a child is at risk of abduction;
- Requires a parent to file a petition with the court specifying risk factors that might lead to an abduction;
- Addresses specific issues for international abductions; and
- Allows a court to issue a warrant to take immediate physical custody of a child if it determines there is a risk for abduction.

**Questions about Missing Persons, AMBER Alerts, Endangered Missing Advisory, Silver Alerts, or Blue Alerts?**

**Please contact Ofa Vaisima at 385-499-1421 or [ovaisima@utah.gov](mailto:ovaisima@utah.gov) or Alex Martinez at 385-499-5500 or [mmartinez@utah.gov](mailto:mmartinez@utah.gov) and/or the UCJIS Help Desk at 801-965-4446. There is someone to assist you 24/7.**