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# MONTANA'S MISSING & ENDANGERED RESPONSE SUMMARY

A REVIEW OF EXISTING PROGRAMS AND SERVICES

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HELENA, MONTANA

# MONTANA'S MISSING & ENDANGERED RESPONSE SUMMARY

## OVERVIEW

This document serves to provide an overview of the mechanisms and services available in Montana when missing or runaway children are reported to law enforcement.

## MONTANA PROGRAMS & SERVICES

The following state and local agencies respond to reports of missing and endangered children through the listed programs.

### MONTANA DEPARTMENT OF JUSTICE

#### **Criminal Justice Information Network (CJIN)**

The Criminal Justice Information Network (CJIN), serves as the state link to the FBI's National Crime Information Center (NCIC) and the International Justice and Public Safety Network (NLETS). CJIN collects, stores and disseminates criminal records, fingerprint information, driver's records, and other law enforcement sensitive information, as well as serving as the data entry point for police agencies to enter missing children and adults.

The Division of Criminal Investigation at the Montana Department of Justice, oversees the CJIN services program. CJIN's responsibilities also include managing a number of missing person programs such as the Montana Missing Persons Clearinghouse and AMBER Alert notifications.

#### **The Montana Missing Persons Clearinghouse**

**(MMPC)** is a central hub for information pertaining to persons reported missing in Montana.

Since 1985, the Montana Missing Persons Clearinghouse (MMPC) has assisted law enforcement agencies in several ways. Specific assistance includes:

- Monitoring Montana law enforcement agency entries for missing persons into state and national databases.
- Assisting law enforcement agencies in the identification of missing and unidentified persons.
- Providing general assistance and information to the public concerning missing persons in Montana.
- Working closely with the National Center for Missing and Exploited Children (NCMEC) and National Missing and Unidentified Person System (NamUs).
- Working closely with other state missing person clearinghouses to aid in locating children who have been unlawfully taken out of Montana or brought into Montana.
- Maintaining an online database of missing persons in Montana to ensure that elementary and secondary schools throughout the state are aware of school-age children who are missing.
- Responding to Hague requests from the U.S. Department of State on children taken from, or to, foreign countries, often in child custody disputes.



## Montana Missing Persons

Friday, August 4, 2017 8:05 AM



**Name:** BIRTHMARK, JASMINE ROSE  
**DOB:** 9/11/2002      **Age:** 14  
**Gender:** Female      **Race:** Native American  
**Last seen:** 7/12/2017      **Days Missing:** 23  
**Investigating Agency:** Billings Police Department  
 (406) 657-8461



**Name:** BIRDINGROUND, LESLIE HEAVEN  
**DOB:** 4/26/2003      **Age:** 14  
**Gender:** Female      **Race:** Native American  
**Last seen:** 6/1/2017      **Days Missing:** 64  
**Investigating Agency:** Yellowstone County Sheriff  
 (406) 256-2929



**Name:** COCHRANE-WASSON, HAYLEY LOUISE  
**DOB:** 4/15/2001      **Age:** 16  
**Gender:** Female      **Race:** White  
**Last seen:** 6/1/2017      **Days Missing:** 64  
**Investigating Agency:** Yellowstone County Sheriff  
 (406) 256-2929



**Name:** DEPUTEE, JONATHAN JASHON JR  
**DOB:** 7/2/2000      **Age:** 17  
**Gender:** Male      **Race:** Native American  
**Last seen:** 8/2/2017      **Days Missing:** 2  
**Investigating Agency:** Billings Police Department  
 (406) 657-8461

### SCREEN CAPTURE SAMPLE

#### Current Information:

August 2, 2017 - the Clearinghouse has 92 children ages 0-18 entered in the NCIC Missing Person file by Montana law enforcement agencies. Of the 92, 36 children are entered with the Race listed as Native American which is 39% of the total reported missing children in Montana.

#### Montana Missing Person System (MMPS)

The DOJ Missing Person database and public website was implemented in 2008 and provides up to date searchable information on missing persons. The database may be used by schools and community members to see a list of active missing person cases and report a sighting or contact with a missing person. DOJ Division of Criminal Investigation CJIN Services posts frequent reports of missing children to the public website for the Montana Office of Public Instruction. The link to the report is:

[https://media.dojmt.gov/wp-content/uploads/missingchildren\\_photo\\_20170804.pdf](https://media.dojmt.gov/wp-content/uploads/missingchildren_photo_20170804.pdf)

The Office of Public Instruction (OPI) and school districts in Montana refer to these reports when students are registering to attend school and have been very supportive and helpful to the process. School personnel sometimes send the Montana Missing Persons Clearinghouse a more recent photograph of a missing child or notify the Clearinghouse a missing child is currently in school so local law enforcement can be sent to locate the child.

#### AMBER Alert

The Montana DOJ AMBER Alert Program was established in 2003. AMBER Alert provides public notifications of children abducted under life threatening circumstances. At DOJ, the trained staff at CJIN Services launches an AMBER Alert when a law enforcement agency requests one and the circumstances qualify. AMBER Alerts have very specific requirements to ensure alerts are only issued when a child is abducted:



- i. There must be a reasonable belief by law enforcement that a child has been abducted or has disappeared under suspicious circumstances.

- ii. The investigating law enforcement agency believes the child is in imminent danger of serious bodily injury or death.
- iii. The missing child's age must be 17 years or younger, or the child has a proven mental or physical disability.
- iv. The investigating law enforcement agency must provide enough descriptive information about the victim and circumstances of the abduction for the AMBER Alert to be activated.
- v. The child's name and other critical data elements have been entered into the National Crime Information Center (NCIC) Missing Persons File.

### **Missing and Endangered Persons (MEPA)**

If a situation does not meet the criteria for issuing an AMBER Alert, but there is reason to believe a missing person is in danger, DOJ can issue a Missing and Endangered Person Advisory (MEPA), which is a public notification but not as widespread as an AMBER Alert. On June 27, 2008, DOJ launched the MEPA program which gave Montana law enforcement agencies another tool to find missing children and adults. A MEPA allows agencies to quickly get the word out to the public and to other law enforcement around the state and the region. MEPA guidelines call for a local agency to first determine whether the case is appropriate for an AMBER Alert. If not, the agency can request an advisory. MEPA provides Montana law enforcement agencies another option to respond to the types of missing person cases they typically deal with, including runaways, lost children, children involved in custody disputes and missing adults.

- DCI will issue a MEPA through the National Weather System, the DOJ Public website and the Montana Lottery.
- Media – either in a specific region of the state or statewide – are notified via the Weather Service system or by e-mail or fax.
- The requesting agency may also decide to send the advisory to border ports of entry or other public agencies.
- If the missing person is under age 21, the National Center for Missing and Exploited Children (NCMEC) is notified.

### **DOJ Office of the Child and Family Ombudsman**

- i. DPHHS Child and Family Services Division is required to report missing children who are in the custody of the state.
- ii. The Ombudsman may assist collecting information that will help locate the child.
- iii. The Ombudsman maintains records of the children reported missing from the Child and Family Services Division and the outcomes of each case.

### **DOJ Human Trafficking Project**

The DOJ Division of Criminal Investigation Human Trafficking Project provides statewide training to law enforcement. Training includes recognizing signs of trafficking and appropriate responses to victims of trafficking. Trafficking victims are frequently missing and always exploited persons.

The DOJ Division of Criminal Investigation has an agent responsible for investigation of human trafficking and specifically investigation of missing and exploited children who may be trafficked.

## MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

### **Child and Family Services Centralized Intake Bureau**

All missing children in legal custody of the state must be reported to Centralized Intake and to law enforcement agencies with jurisdiction. This reporting requirement applies to children missing from tribal lands or American Indian children placed off tribal lands.

The Montana Department of Justice provides assistance to the Child and Family Services Division locating missing children through the Montana Analysis and Technical Information Center (MATIC).

## MONTANA OFFICE OF PUBLIC INSTRUCTION

The superintendent of public instruction is required to assist in locating missing children by providing a monthly list of missing school children to school districts.

Each school district is required to report any contact with a missing child to local law enforcement.

## MONTANA STATE, COUNTY AND MUNICIPAL LAW ENFORCEMENT ENTITIES

Montana law enforcement agencies take reports of missing children from multiple sources including: citizens, parents, residential centers, agencies, group care facilities, schools and more. Law enforcement agencies respond by collecting information about the child and initiating searches.

Tribal law enforcement agencies also take reports of missing children from multiple sources and respond collecting information about the child and initiating searches.

Both local and tribal law enforcement agencies with CJIN access can enter missing children into the national NCIC Missing Person File, which automatically alerts the Montana Missing Persons Clearinghouse. Agencies without CJIN access can request missing children entries from supporting agencies.

## NATIONAL RESOURCES

### NATIONAL CRIME INFORMATION CENTER (NCIC)

The FBI manages the National Crime Information Center utilized by all law enforcement agencies in the United States by serving as an electronic clearinghouse of crime data. It helps criminal justice professionals apprehend fugitives, locate missing persons, recover stolen property, and identify terrorists, amongst many other things.

When a child is reported missing to law enforcement, federal law requires that the child be entered into the FBI's National Crime Information Center within two hours.

According to the FBI, in 2016 there were 465,676 NCIC entries for missing children. Similarly, in 2015, the total number of missing children entries into NCIC was 460,699.

This number represents reports of missing children. That means if a child runs away multiple times in a year, each instance would be entered into NCIC separately and counted in the yearly total. Likewise, if an entry is withdrawn and amended or updated, that would also be reflected in the total.



## NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (NCMEC)

The non-profit National Center for Missing & Exploited Children (NCMEC) also plays an important role in assisting law enforcement with investigations.

When an AMBER Alert is triggered, NCMEC expands the traditional reach of notifications through an extensive network of additional partners and deploys consultants for on-site assistance in the most serious missing child cases. Their services also include an extensive database of runaways or missing children so child exploitation investigators can use biometrics to try match the faces of possible victims.

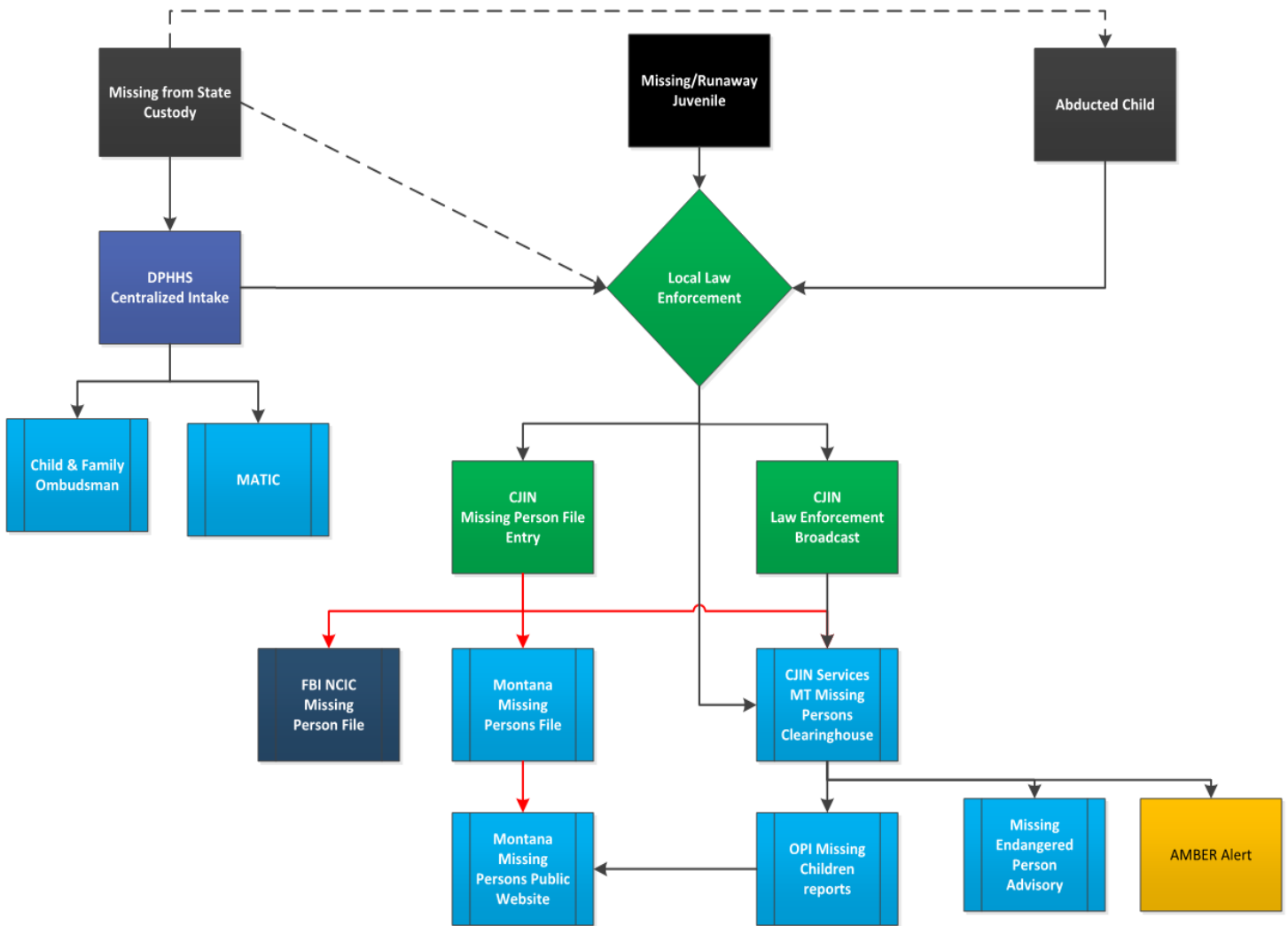


## GAPS IN CURRENT PROGRAMS

Over the years, CJIN Services has struggled with some aspects of each program. When managing the MMPC, agencies do not consistently enter the missing child in the National Crime Information Center database. This failure can occur for numerous reasons although CJIN staff are quick to assist all agencies in loading the required information. Other times, CJIN finds that agencies are reluctant to take missing person(s) reports when they suspect the missing youth is a runaway. The MMPC takes the stance that all reports get entered into the database regardless of whether it is a suspected runaway situation.

- Not enough public exposure to the topic of missing persons, missing juveniles, or the various services available.
- Lack of consistent and continuing training for local law enforcement.
- Missing children reports are manually created and posted on the DOJ public website by CJIN Services staff. Missing persons are constantly being entered and located, so not having real time reports results in outdated information being provided to the public.
- Possible confusion in the fact that the Montana Missing Persons Clearinghouse deals with adult and juvenile missing persons, when the intent of the Montana Missing Children Act was to provide a central location just for reported missing juveniles.
- No mechanism for consistent state wide investigative follow-up on reported missing persons or tracking dental record required by statute 44-2-401 MCA
- No centralized data or management of unidentified persons or recovered body parts.

FLOWCHART REPORTING EXAMPLE



## MONTANA CODE ANNOTATED

### MONTANA MISSING CHILDREN ACT

**44-2-501. Short title.** This part may be cited as the "Missing Children Act of 1985".

**History:** En. Sec. 1, Ch. 559, L. 1985.

**44-2-502. Definitions.** As used in this part, the following definitions apply:

(1) "Missing child" means any person who has been reported as missing to a law enforcement authority and:

- (a) who is under 21 years of age;
- (b) whose temporary or permanent residence is in Montana or is believed to be in Montana; and
- (c) whose location has not been determined.

(2) "Missing child report" means a report prepared on a form designed by the department of justice for use by private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in [44-2-503](#).

**History:** En. Sec. 2, Ch. 559, L. 1985; amd. Sec. 1, Ch. 79, L. 2015.

**44-2-503. Missing children information program.** (1) The department of justice shall establish a missing children information program to create a central repository to aid in the location of missing children in Montana.

(2) The missing children information program shall:

- (a) establish a system of intrastate communication of information relating to any child determined to be missing by the parent, guardian, or legal custodian of the child or by a law enforcement authority;
- (b) provide a centralized file for the exchange of information on missing children within the state, including information obtained under the provisions of [44-2-401](#);
- (c) interface with the national crime information center computer system for exchange of information on children suspected of interstate travel; and
- (d) provide the superintendent of public instruction each month with a list of missing Montana school children for the purposes of [44-2-506](#).

**History:** En. Sec. 3, Ch. 559, L. 1985.

**44-2-504. Reports to missing children information program.** (1) All state, county, and municipal law enforcement authorities shall submit to the missing children information program provided for in [44-2-503](#) any missing child report and other information required by [44-2-401](#).

(2) Any parent, guardian, or legal custodian may submit a missing child report to the missing children information program on any child whose whereabouts is unknown, regardless of the circumstances, subsequent to making a report to the appropriate law enforcement authority within the county in which the child became missing.

(3) The parent, guardian, or legal custodian responsible for notifying the missing children information program or a law enforcement authority of a missing child shall immediately notify the authority and the program of any child whose location has been determined.

**History:** En. Sec. 4, Ch. 559, L. 1985.



**44-2-505. Duties of law enforcement authority.** Whenever a parent, guardian, or legal custodian of a child files a report with a law enforcement authority that the child is missing, the law enforcement authority shall within 2 hours of the report:

- (1) inform all on-duty law enforcement officers of the existence of the missing child report;
- (2) communicate the report to all other law enforcement authorities having jurisdiction in the county; and
- (3) enter the missing child report into the national crime information center computer system.

**History:** En. Sec. 5, Ch. 559, L. 1985; amd. Sec. 2, Ch. 79, L. 2015.

**44-2-506. List of missing Montana school children.** (1) The superintendent of public instruction shall assist the **missing children information program** provided for in [44-2-503](#) in identifying and locating missing children who are enrolled in Montana public school districts in kindergarten through grade 12 by:

- (a) collecting each month a list of missing Montana school children as provided by the **missing children information program** provided for in [44-2-503](#);
  - (b) distributing the list of missing school children on a monthly basis, unless the list has no change from the previous month's information, to all school districts admitting children to kindergarten through grade 12;
  - (c) designing the list to include pertinent available information for identification of the missing school child, including if possible a recent photograph of the child; and
  - (d) notifying the appropriate law enforcement agency and the missing children information program as soon as any additional information is obtained or contact is made with respect to a missing school child.
- (2) Each school district in Montana shall:
- (a) distribute to each school building within the district the list of missing school children provided for in subsection (1); and
  - (b) notify the appropriate law enforcement agency at the earliest known contact with any child whose name appears on the list of missing school children.

**History:** En. Sec. 6, Ch. 559, L. 1985.

**44-2-507. Notice to parents of children absent from school.** The trustees of any elementary or high school district shall establish procedures to be followed by school personnel for attempting to contact by the end of a school day any parent, guardian, or legal custodian whose child is absent from school but who has not reported the child as absent for the school day to determine whether the parent, guardian, or legal custodian is aware of the child's absence from school.

**History:** En. Sec. 7, Ch. 559, L. 1985.

**44-2-511. School enrollment **procedures to aid identification of missing children.**** (1) When a child enrolls in a school district for the first time, the school district shall:

- (a) require that the child's parent, guardian, or legal custodian present to the school, within 40 days of enrollment, proof of identity of the child; and
  - (b) request the appropriate school records of the child from the previous school attended by the child. The school enrolling the child shall make the request within 40 days of enrollment of the child.
- (2) If a child's parent, guardian, or legal custodian does not present the proof of identity required in

subsection (1) within 40 days of enrollment or if the school district does not receive the school records of the child within 60 days of enrollment, **the school shall notify the missing children information program** provided in [44-2-503](#) and a local law enforcement authority of the fact that no proof of identity has been presented for the child.

(3) A school district that receives a request for the school records of a child shall transfer the records to the requesting school as soon as possible.

(4) When a school district receives a notice from a law enforcement authority, parent, guardian, or legal custodian that a child who is or has been enrolled in that school has been reported as a missing child, the school district shall:

(a) flag in some manner the student records of the child; and

(b) **notify the missing children information program and a local law enforcement authority** if a request for the school records is received from another school district.

(5) If it is necessary for a local law enforcement authority to conduct an investigation on a missing child, school personnel may not inform the person claiming custody of the child of the investigation while it is being conducted.

(6) For the purposes of this section:

(a) "proof of identity" means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity; and

(b) "school district" means a school district as defined in [20-6-101](#) or a nonpublic elementary school or high school in the state.

**History:** En. Sec. 1, Ch. 407, L. 1987.