



House of Representatives

General Assembly

File No. 552

January Session, 2009

House Bill No. 6563

House of Representatives, April 8, 2009

The Committee on Public Health reported through REP. RITTER of the 38th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) For the purposes of
2 sections 2 to 8, inclusive, of this act and section 10 of this act, "law
3 enforcement agency" means the Division of State Police within the
4 Department of Public Safety or any municipal police department.

5 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A law enforcement
6 agency shall accept without delay any report of a missing person.

7 (b) No law enforcement agency may refuse to accept a missing
8 person report on the basis that:

9 (1) The missing person is an adult;

10 (2) The circumstances do not indicate foul play;

11 (3) The missing person has been missing for a short period of time;

12 (4) The missing person has been missing for a long period of time;

13 (5) There is no indication that the missing person was in the
14 jurisdiction served by the law enforcement agency at the time of the
15 disappearance;

16 (6) The circumstances suggest that the disappearance may be
17 voluntary;

18 (7) The person reporting does not have personal knowledge of the
19 facts;

20 (8) The person reporting cannot provide all of the information
21 requested by the law enforcement agency; or

22 (9) The person reporting lacks a familial or other relationship with
23 the missing person.

24 (c) No law enforcement agency may refuse to accept a missing
25 person report for any reason except where the law enforcement agency
26 has direct knowledge that the person is, in fact, not missing and the
27 exact whereabouts and welfare of the person are known to the agency
28 at the time the report is being made.

29 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) The law enforcement
30 agency shall notify the person making the report, a family member or
31 any other person in a position to assist the law enforcement agency in
32 its efforts to locate the missing person by providing to that person or
33 family member:

34 (1) General information about the handling of the missing person
35 case or about intended efforts in the case to the extent that the law
36 enforcement agency determines that disclosure would not adversely
37 affect its ability to locate or protect the missing person or to apprehend
38 or prosecute any person criminally involved in the disappearance; and

39 (2) Information advising the person making the report and other
40 involved persons that if the missing person remains missing, they

41 should contact the law enforcement agency to provide additional
42 information and materials that will aid in locating the missing person,
43 such as any credit or debit cards the missing person has access to,
44 other banking or financial information and any records of cellular
45 telephone use.

46 (b) In those cases where DNA samples are requested, the law
47 enforcement agency shall notify the person or family member that all
48 such DNA samples are provided on a voluntary basis and shall be
49 used solely to help locate or identify the missing person and shall not
50 be used for any other purpose.

51 (c) The law enforcement agency, upon acceptance of a missing
52 person report, shall inform the person filing the report that there are
53 two clearinghouses for missing persons' information. If the person
54 reported missing is seventeen years of age or under, the person filing
55 the report shall be provided with contact information for the National
56 Center for Missing and Exploited Children. If the person reported
57 missing is eighteen years of age or older, the person filing the report
58 shall be provided with contact information for the National Center for
59 Missing Adults.

60 (d) If the person identified in the missing person report remains
61 missing for thirty days, and the additional information and materials
62 specified in subdivisions (1) to (4), inclusive, of this subsection have
63 not been received, the law enforcement agency shall attempt to obtain:

64 (1) DNA samples from family members and, if possible, from the
65 missing person, along with any needed documentation, including any
66 consent forms, required for the use of state or federal DNA databases;

67 (2) Dental information and x-rays of the missing person, and an
68 authorization to release dental or skeletal x-rays of the missing person;

69 (3) Any additional photographs of the missing person that may aid
70 the investigation or an identification; and

71 (4) Fingerprints of the missing person.

72 (e) The law enforcement agency shall not be required to obtain
73 written authorization before it releases publicly any photograph that
74 may aid in the investigation or identification of the missing person.

75 (f) All DNA samples obtained in a missing person case shall be
76 immediately forwarded to the Division of Scientific Services within the
77 Department of Public Safety for analysis. The division shall establish
78 procedures for determining how to prioritize analysis of the samples
79 relating to missing persons cases.

80 (g) The law enforcement agency shall enter information relevant to
81 the Federal Bureau of Investigation's Violent Criminal Apprehension
82 Program as soon as possible.

83 (h) Nothing in this section shall be construed to preclude a law
84 enforcement agency from obtaining any of the materials identified in
85 this section before the thirtieth day following the filing of the missing
86 person report.

87 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this
88 section and sections 5 to 7, inclusive, of this act, "high risk missing
89 person" means a person whose whereabouts are not currently known
90 and the circumstances indicate that the person may be at risk of injury
91 or death.

92 (b) The circumstances that indicate that a person is a high risk
93 missing person include, but are not limited to, any of the following:

94 (1) The person is missing as a result of an abduction by a stranger;

95 (2) The person is missing under suspicious circumstances;

96 (3) The person is missing under unknown circumstances;

97 (4) The person is missing under known dangerous circumstances;

98 (5) The person is missing more than thirty days;

99 (6) The person has already been designated as a high risk missing

100 person by another law enforcement agency;

101 (7) There is evidence that the person is at risk because:

102 (A) The person is in need of medical attention or prescription
103 medication;

104 (B) The person does not have a pattern of running away or
105 disappearing;

106 (C) The person may have been abducted by a noncustodial parent;

107 (D) The person is mentally impaired;

108 (E) The person is under twenty-one years of age; or

109 (F) The person has been the subject of past threats or acts of
110 violence; or

111 (8) Any other factor that may, in the judgment of the chief of the law
112 enforcement agency receiving the missing person report, indicate that
113 the person may be at risk.

114 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) Upon the initial receipt of
115 a missing person report, a law enforcement agency shall seek to
116 determine whether the person reported missing is a high risk missing
117 person.

118 (b) A finding that a person reported missing is not a high risk
119 missing person shall not preclude a later determination, based on
120 further investigation or the discovery of additional information, that
121 the missing person is a high risk missing person.

122 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) Whenever a law
123 enforcement agency determines that a missing person is a high risk
124 missing person, it shall notify the unit of the Division of State Police
125 within the Department of Public Safety that investigates missing
126 persons. The law enforcement agency shall immediately provide the
127 unit with the information that is most likely to aid in the location and

128 safe return of the high risk missing person. As soon as practicable, the
129 law enforcement agency shall provide all other information obtained
130 relating to the missing person case to the unit.

131 (b) The Division of State Police within the Department of Public
132 Safety shall, when deemed appropriate and likely to facilitate a
133 resolution to a particular missing person report, activate the
134 emergency alert system that broadcasts or disseminates information
135 concerning the abduction of a child.

136 (c) The unit of the Division of State Police within the Department of
137 Public Safety that investigates missing persons shall promptly notify
138 the Chief Medical Examiner, all law enforcement agencies within the
139 state and, if deemed appropriate, law enforcement agencies in adjacent
140 states or jurisdictions of the information that may aid in the prompt
141 location and safe return of the high risk missing person, including, but
142 not limited to, a request to use thermal imaging equipment possessed
143 by such law enforcement agency.

144 (d) Local law enforcement agencies that receive notification from
145 said unit pursuant to subsection (c) of this section shall forward such
146 information immediately to its officers and members, including, but
147 not limited to, at roll call.

148 Sec. 7. (NEW) (*Effective October 1, 2009*) (a) The unit of the Division
149 of State Police within the Department of Public Safety that investigates
150 missing persons shall, as appropriate, enter all collected information
151 relating to the missing person case to applicable federal databases. The
152 information shall be provided in accordance with applicable
153 guidelines relating to the databases, as follows:

154 (1) A missing person report, and relevant information, in a high risk
155 missing person case shall be entered in the National Crime
156 Information Center database immediately, but not later than two hours
157 after the determination that the missing person is a high risk missing
158 person.

159 (2) A missing person report, and relevant information, in a case not
160 involving a high risk missing person shall be entered in the National
161 Crime Information Center database not later than twenty-four hours
162 after the initial filing of the missing person report.

163 (3) All DNA profiles shall be uploaded into the missing persons
164 database of the Division of Scientific Services of the Department of
165 Public Safety and all appropriate and suitable federal database
166 systems.

167 (4) Information relevant to the Federal Bureau of Investigation's
168 Violent Criminal Apprehension Program shall be entered as soon as
169 practicable.

170 (b) All due care shall be given to ensure that the data, particularly
171 medical and dental records, entered in state and federal databases is
172 accurate and, to the greatest extent possible, complete.

173 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) The Police Officer
174 Standards and Training Council shall provide information to local law
175 enforcement agencies about best practices and protocols for handling
176 death scene investigations.

177 (b) The Police Officer Standards and Training Council shall identify
178 any publications or training opportunities that may be available to
179 local law enforcement officers concerning the handling of death scene
180 investigations.

181 Sec. 9. (NEW) (*Effective October 1, 2009*) (a) After performing any
182 death scene investigation, as deemed appropriate under the
183 circumstances, the official with custody of the human remains shall
184 ensure that the human remains are delivered to the Office of the Chief
185 Medical Examiner.

186 (b) The Chief Medical Examiner shall make reasonable attempts to
187 promptly identify human remains. These actions may include, but are
188 not limited to, obtaining:

- 189 (1) Photographs of the human remains;
- 190 (2) Dental or skeletal x-rays;
- 191 (3) Photographs of items found with the human remains;
- 192 (4) Fingerprints from the human remains, if possible;
- 193 (5) Samples of tissue suitable for DNA typing, if possible;
- 194 (6) Samples of whole bone or hair suitable for DNA typing; and
- 195 (7) Any other information that may support identification efforts.
- 196 (c) No person shall dispose of or engage in actions that will
197 materially affect the unidentified human remains before the Chief
198 Medical Examiner obtains (1) samples suitable for DNA identification,
199 and (2) photographs of the unidentified human remains, and all other
200 appropriate steps for identification have been exhausted.
- 201 (d) Unidentified human remains shall not be cremated.
- 202 (e) The Chief Medical Examiner shall make reasonable efforts to
203 obtain prompt DNA analysis of biological samples if the human
204 remains have not been identified by other means within thirty days.
- 205 (f) The Chief Medical Examiner shall seek support from appropriate
206 state and federal agencies to assist in the identification of unidentified
207 human remains. Such assistance may include, but not be limited to,
208 available mitochondrial or nuclear DNA testing, federal grants for
209 DNA testing or federal grants for crime laboratory or medical
210 examiner office improvement.
- 211 (g) The Chief Medical Examiner shall promptly enter information in
212 state and federal databases that may aid in the identification of a
213 missing person. Information shall be entered into federal databases as
214 follows:
- 215 (1) Information for the National Crime Information Center shall be

216 entered within twenty-four hours;

217 (2) DNA profiles and information shall be entered into the National
218 DNA Index System within five business days after the completion of
219 the DNA analysis and procedures necessary for the entry of the DNA
220 profile; and

221 (3) Information sought by the Violent Criminal Apprehension
222 Program database shall be entered as soon as practicable.

223 (h) Nothing in this section shall be construed to preclude the Office
224 of the Chief Medical Examiner or a law enforcement agency from
225 taking other actions to facilitate the identification of unidentified
226 human remains including efforts to publicize information, descriptions
227 or photographs that may aid in the identification of the unidentified
228 human remains, including allowing family members to identify a
229 missing person, provided, in taking these actions, all due consideration
230 shall be given to protect the dignity and well-being of the missing
231 person and the family of the missing person.

232 Sec. 10. (NEW) (*Effective October 1, 2009*) Agencies handling the
233 remains identified to be those of a missing person shall notify the law
234 enforcement agency handling the missing person's case. Documented
235 efforts shall be made to locate family members of the deceased person
236 to inform them of the death and location of the remains of their family
237 member.

238 Sec. 11. Section 7-294o of the general statutes is repealed and the
239 following is substituted in lieu thereof (*Effective October 1, 2009*):

240 (a) Not later than January 1, 2008, the Police Officer Standards and
241 Training Council shall develop and implement a policy concerning the
242 acceptance of missing person reports by law enforcement agencies in
243 this state and such agencies' response thereto. Such policy shall
244 include, but not be limited to, (1) guidelines for the acceptance of a
245 missing person report, (2) the types of information that a law
246 enforcement agency should seek to ascertain and record concerning

247 the missing person that would aid in locating the missing person, (3)
 248 the circumstances that indicate that a missing person is a high risk
 249 missing person, (4) the types of information that a law enforcement
 250 agency should provide to the person making the missing person
 251 report, a family member or any other person in a position to assist the
 252 law enforcement agency in its efforts to locate the missing person, and
 253 (5) the responsibilities of a law enforcement agency in responding to a
 254 missing person report and the manner of such response, including
 255 preferred methods of response that are sensitive to the emotions of the
 256 person making such report. The council shall create a disc or other
 257 software that police officers may access while in a police motor vehicle
 258 that contains step-by-step instructions to follow upon receipt of a
 259 report of a missing person.

260 (b) Each police basic or review training program conducted or
 261 administered by the Division of State Police within the Department of
 262 Public Safety, the Police Officer Standards and Training Council or a
 263 municipal police department in the state shall include training in the
 264 policy developed pursuant to subsection (a) of this section and training
 265 in the use of the National Missing and Unidentified Persons System
 266 created by the Office of Justice Program's National Institute of Justice.

267 Sec. 12. Sections 29-1e and 29-1f of the general statutes are repealed.
 268 (Effective October 1, 2009)

| | | |
|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2009 | New section |
| Sec. 2 | October 1, 2009 | New section |
| Sec. 3 | October 1, 2009 | New section |
| Sec. 4 | October 1, 2009 | New section |
| Sec. 5 | October 1, 2009 | New section |
| Sec. 6 | October 1, 2009 | New section |
| Sec. 7 | October 1, 2009 | New section |
| Sec. 8 | October 1, 2009 | New section |
| Sec. 9 | October 1, 2009 | New section |
| Sec. 10 | October 1, 2009 | New section |

| | | |
|---------|------------------------|------------------|
| Sec. 11 | <i>October 1, 2009</i> | 7-294o |
| Sec. 12 | <i>October 1, 2009</i> | Repealer section |

PS *Joint Favorable C/R* PH

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 10 \$ | FY 11 \$ |
|---|----------------|-----------|-----------|
| Public Safety, Dept. | GF - Cost | 47,000 | 48,400 |
| Police Officer Std. & Training Council | GF - Cost | See Below | See Below |
| Office of the Chief Medical Examiner | GF - See Below | See Below | See Below |
| Comptroller Misc. Accounts (Fringe Benefits) ¹ | GF - Cost | 12,000 | 12,300 |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 10 \$ | FY 11 \$ |
|--------------------------------------|--------|-----------|-----------|
| Various Municipal Police Departments | Cost | Potential | Potential |

Explanation

The bill establishes uniform practices and procedures to which law enforcement agencies and the Office of the Chief Medical Examiner (OCME) must adhere when receiving and investigating missing persons reports. This results in a cost of \$47,000 in FY 10 and \$48,400 to the Department of Public Safety’s Missing Persons Unit, a potential cost to various municipal police departments throughout the state, and a cost to the Police Officers Standards and Training Council (POST).

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

The Department of Public Safety (DPS) currently maintains a Missing Children Information Clearinghouse containing information on missing persons under the age of 18. The bill eliminates the Clearinghouse, and instead expands the responsibilities of the Missing Persons Unit within the Division of State Police. Although DPS currently maintains such a Unit, there are no staff dedicated specifically to it and as such it is anticipated that one additional Trooper would be required to carry out the provisions of the bill at a cost of approximately \$59,000 in FY 10 and \$60,700 in FY 11, including fringes. It is anticipated that one Detective currently within the Department would be able to undertake supervisory responsibilities of the Unit at no additional cost.

Sections 4, 5, and 6 establish guidelines and procedures for dealing with missing persons deemed to be “high risk,” as defined in the bill. While both the DPS Administration and Operations Manual and POST guidelines contain suggested procedures for dealing with “high risk” missing persons cases, the bill mandates expanded procedures regarding such cases that result in a potential cost to various municipal police departments that must conform current practices to the requirements of the bill. There were a total of 7,126 missing persons reported in calendar year 2008 statewide; under the bill’s definition, it is anticipated that a significant number of these cases would be deemed “high risk” and as such would have to be treated as codified in the bill.

Sections 8 and 10 require POST to provide best practices information to local law enforcement agencies and to create and disseminate software that may be accessed by police while in a motor vehicle, respectively. While best practices information could be researched and disseminated within the course of employees’ current duties and at no additional cost, the requirement that POST provide such information on software that may be accessed from an officer’s motor vehicle results in a cost to the agency.

Certain provisions of the bill codify various current practices of the

Office of the Chief Medical Examiner and will not result in a fiscal impact. The agency will not be able to fulfill the provisions of Sec. 9 (e), (f), and (g) of the bill, as only a police agency may submit such material to the Division of Scientific Services of the Department of Public Safety.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Source(s): Public Safety and Security Committee Public Hearing Testimony 3/3/09; Police Officers Standards and Training Council Guidelines for Handling Missing Persons Investigations and Acceptance of Reports

OLR Bill Analysis**HB 6563*****AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.*****SUMMARY:**

This bill establishes practices and procedures to govern the way state and local police handle reports of missing persons. It repeals the narrower law on the Missing Children Information Clearinghouse, which primarily deals with cases involving missing children under age 18.

The bill:

1. requires police departments promptly to accept reports of a missing person, unless they know for sure that the person is not missing;
2. sets procedures that departments must follow when receiving and investigating a missing person report, and sets deadlines for taking certain actions;
3. requires that when a high-risk person (e.g., person mentally impaired, needing medical attention, or under age 21) is reported missing, police contact the Department of Public Safety (DPS) Missing Persons Unit, which must contact local police departments and enter the missing person report in the National Crime Information Center database immediately;
4. requires the State Police, if appropriate and likely to facilitate a resolution to a missing person case, to activate the emergency alert system that broadcasts or disseminates child abduction information (AMBER alert, see BACKGROUND);

5. requires the Chief Medical Examiner's (CME) Office to take certain steps with regard to unidentified human remains and prohibits cremating such remains; and
6. expands the responsibilities of the Police Officers Standards and Training Council (POST) and the training responsibilities of local police departments with regard to missing persons.

EFFECTIVE DATE: October 1, 2009

POLICE OBLIGATION TO TAKE REPORTS

This bill eliminates the Missing Children Information Clearinghouse, which is the state's central repository of information on missing children and others (see BACKGROUND). It, instead, establishes procedures governing the way police handle reports of missing adults and children.

The bill requires police departments to promptly accept all reports of missing persons, unless they have direct knowledge that the person is not missing and know the exact whereabouts and welfare of the person at the time the report is being made. Departments cannot refuse to accept a report because:

1. the missing person is an adult,
2. foul play is not indicated,
3. the person has been missing for too short or too long a time,
4. nothing indicates that the missing person was in the department's jurisdiction at the time of the disappearance,
5. the circumstances suggest that the disappearance may be voluntary,
6. the person making the report (reporter) does not know all of the facts or cannot provide all of the information the agency requests, or

7. the reporter is not a relative or otherwise related to the missing person.

The bill eliminates the Missing Children Information Clearinghouse, which is the state's central repository of information on missing children and others (see BACKGROUND).

POLICE OBLIGATION TO PROVIDE CERTAIN INFORMATION TO FILER OF MISSING PERSON REPORT

Clearinghouse Information

A department receiving a missing person report must inform the reporter of the two clearinghouses for information on missing persons and give the reporter contact information for the (1) National Center for Missing and Exploited Children, if the missing person is age 17 or younger and (2) National Center for Missing Adults, if the missing person is age 18 or older.

Other Information

The department must also give the reporter, a relative (presumably of the missing person), or anyone who can help find the person, general information on its handling of, or intended efforts in, the case. The department must do this to the extent that it determines that disclosure will not adversely affect its ability to find or protect the person or to apprehend or prosecute anyone criminally involved in the disappearance. The department must advise the parties that if the person is not located, they should give the department additional information and material that will help locate him or her. This includes any credit or debit cards to which the person has access, other banking or financial information, and any records of cellular telephone use.

Right to Refuse to Provide DNA Sample

If a department requests DNA samples, it must inform the reporter, relative, or third-party that providing the samples is voluntary and the samples will be used solely to help locate or identify the missing person. It must immediately forward all DNA samples it obtains to the DPS' Division of Scientific Services for analysis. The division must

establish procedures for determining how to prioritize analysis of the samples in missing person cases.

DEADLINE FOR CERTAIN ACTIONS

If a missing person is not located within 30 days after a report is filed, the department must attempt to obtain the following information and material if it has not obtained them:

1. DNA samples from relatives and, if possible, from the missing person, along with any needed documentation, including any consent forms, required to use state or federal DNA databases;
2. the missing person's dental records and an authorization to release such records;
3. the missing person's fingerprints; and
4. any additional photographs of the missing person that may aid the investigation or an identification.

The bill specifies that a department (1) does not have to obtain written authorization to release publicly any photograph that may aid the investigation or identification of the missing person and (2) may obtain any of the above information or material before the 30th day after the report filing.

The bill requires the department to enter information relevant to the Federal Bureau of Investigations' (FBI) Violent Criminal Apprehension Program as soon as possible.

HIGH-RISK MISSING PERSONS

Determination

When a police department initially receives a missing person report, it must try to determine if the person reported missing is a high-risk missing person. An initial finding that a person is not a high-risk may be changed, based on further investigation or information.

Definition

The bill defines a “high risk missing person” as one whose whereabouts are not currently known and the circumstances indicate that the person may be at risk of injury or death.

The circumstances that indicate that a person is a high-risk missing person include the following:

1. the person is missing (a) as a result of an abduction by a stranger, (b) under suspicious, unknown, or dangerous circumstances, or (c) for more than 30 days;
2. another law enforcement agency has already been designated the person as a high-risk missing person;
3. the person (a) needs medical attention or prescription medication, (b) is not in the habit of running away or disappearing, (c) may have been abducted by a noncustodial parent, (d) is mentally impaired, (e) is under age 21, or (f) has been the subject of past threats or acts of violence; or
4. any other factor that may, in the judgment of the police chief of the department receiving the missing person report, indicate that the person may be at risk.

Notification Requirements for High-Risk Missing Persons

If a police department determines that a person reported missing is in a high-risk group, it must notify the State Police Missing Persons Unit. It must provide the unit immediately with the information most likely to help find and safely return the person and, as soon as practicable, with all other information it obtains on the case.

The unit must promptly provide the CME, all local police departments, and, if deemed appropriate, police departments in adjacent states or jurisdictions with the information that may aid in the prompt location and safe return of the high-risk missing person, including a request to use thermal imaging equipment possessed by such departments. Local departments so notified must immediately

inform their officers and members, including at roll call.

INFORMATION REQUIRED TO BE ENTERED IN FEDERAL DATABASES

The Missing Persons Unit must enter, as appropriate, all information it collects on a missing person case in applicable federal databases, under applicable guidelines relating to the databases, as follows:

1. a missing person report, and relevant information, in a high-risk missing person case must be entered in the National Crime Information Center (NCIC) database immediately, but not later than two hours after the determination that the person is a high-risk missing person;
2. a missing person report, and relevant information, in a case not involving a high-risk missing person must be entered in the NCIC database not later than 24 hours after the initial filing report is filed;
3. all DNA profiles must be uploaded into the missing persons database of the Division of Scientific Services and all appropriate and suitable federal databases; and
4. information relevant to the FBI Violent Criminal Apprehension Program must be entered as soon as practicable.

The unit must use due care to ensure that the information, particularly medical and dental records, entered in the databases is accurate and, to the greatest extent possible, complete.

IDENTIFICATION AND DISPOSAL OF HUMAN REMAINS

CME Responsibility to Attempt to Identify Human Remains

After performing any death scene investigation, as deemed appropriate under the circumstances, the official with custody of the human remains must ensure that they are delivered to the CME's Office. The CME must make reasonable attempts to promptly identify

remains. These actions may include obtaining:

1. photographs of the remains and any items found with them;
2. dental or skeletal x-rays;
3. fingerprints from the remains, if possible;
4. samples of tissue, if possible, or whole bones or hair suitable for DNA typing; and
5. any other information that may help with the identification.

The bill prohibits anyone from disposing of, or engaging in actions that will materially affect the, unidentified human remains before the CME obtains (1) samples suitable for DNA identification and (2) photographs of the remains, and all other appropriate steps for identification have been exhausted.

The bill prohibits (apparently forever) the cremation of unidentified human remains. (It provides no penalties for violation.)

It requires the CME to make reasonable efforts to obtain prompt DNA analysis of biological samples if the human remains have not been identified by other means within 30 days. It requires the CME to seek support from appropriate state and federal agencies to help identify such remains. Assistance may include available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants to improve the crime laboratory or CME's office.

CME Responsibility to Enter Certain Information in Federal Databases

The CME must promptly enter in state and federal databases information that may help to identify a missing person. Information must be entered into federal databases as follows:

1. NCIC information, within 24 hours;
2. DNA profiles and information must be entered into the National

DNA Index System within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and

3. information sought by the Violent Criminal Apprehension Program database must be entered as soon as practicable.

The bill does not preclude the CME or police departments from taking other actions to facilitate identification of unidentified human remains. These include making efforts to publicize information, descriptions, or photographs that may help with identification, and allowing relatives to identify a missing person. In taking these actions, the CME and departments must give all due consideration to protecting the dignity and well-being of the missing person and his or her relatives.

Other Agencies' Responsibilities with Regard to Human Remains

Agencies handling remains identified as those of a missing person must notify the police department handling the missing person's case. Documented efforts must be made to locate relatives of the deceased to inform them of the death and location of the remains.

AMBER ALERT

The bill requires the State Police must, when deemed appropriate and likely to facilitate a resolution to a particular missing person case, activate the emergency alert system that broadcasts or disseminates information on child abductions (see BACKGROUND).

POST RESPONSIBILITIES

Death Scene Investigations

The bill requires POST to inform local police departments about best practices and protocols for handling death scene investigations. It must identify any publications or training opportunities that may be available to local police on the handling of such investigations.

Missing Person Policy

By law, POST must develop and implement a policy governing the

way police departments take and respond to reports of missing persons. The bill requires POST to include in the policy preferred methods of responding to a missing person report that are sensitive to the reporter's emotions. It requires the council to create a disc or other software that police may access in their police vehicles that contains step-by-step instructions to follow upon receipt of a report of a missing person.

Training Programs

The bill requires each police basic or review training program conducted or administered by the State Police, POST, or a municipal police department to include training in (1) the POST missing person policy and (2) the use of the National Missing and Unidentified Persons System created by the Office of Justice Program's National Institute of Justice.

BACKGROUND

Missing Children Information Clearinghouse

The Missing Children Information Clearinghouse is the state's central repository of information on missing children and others. The information it collects is to be used to help locate missing children and, within available resources, other missing persons.

Among its other statutorily defined responsibilities, the clearinghouse investigates reports of missing children (in response to local requests) and cooperates with other police departments' investigations, tries to assure that its information is accurate and complete, and has established an intrastate system for communicating information on missing children. Police departments must submit reports of all missing children under age 18 to the clearinghouse. Parents may also notify the clearinghouse once they report to local police.

AMBER Alert

Connecticut's Amber Plan is a cooperative effort among the State Police, the Connecticut Association of Police Chiefs, local police, and

the Connecticut Broadcasters Association. It is based on a national model. It calls for broadcasters immediately to interrupt their programming to broadcast information over the Emergency Alert System about a non-family child abduction. The plan does not cover runaway children or children taken during custody disputes.

For the plan to be activated, the child must usually be under age 16 (but older children may be considered on a case-by-case basis), law enforcement officials must determine the child is in danger of serious bodily harm or death, and they must have enough descriptive information to believe that a broadcast will help. If the situation meets these criteria, a local police official contacts the State Police message center, where staff records an audio alert with the information. This emergency message is sent to two primary radio and television stations, each of which airs an emergency tone and then either interrupts programming or scrolls the message at the bottom of the screen. Other media pick up the message from these stations.

Missing Children Under Age 15

By law, police departments receiving a report of a missing child under age 15 must immediately accept the report and notify all on-duty police officers and other appropriate law enforcement agencies (CGS § 7-282c).

Federal Law

Federal law requires state law enforcement agencies to enact certain practice and procedures regarding missing children. It prohibits states from establishing policies that require a waiting period before accepting a missing child or unidentified person report. It also requires that information be entered immediately upon receipt of the report in the state law enforcement system and NCIC computer networks and made available to the Missing Children Information Clearinghouse in the state (42 USC § 5780).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference

Yea 16 Nay 5 (03/10/2009)

Public Health Committee

Joint Favorable

Yea 22 Nay 8 (03/23/2009)