



# Shifting Viewpoints from Missing to Murdered Advocacy



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# Being Missing Isn't a Crime



While a crime often occurs during, after, or before a missing person episode, being missing in and of itself is not a crime. Law Enforcement whether state, tribal, or federal is regulated and given their power through statute, case law, and constitutions. (State, Tribal, and Federal Constitutions)

This collection of laws collectively embodies what's known as police powers. These powers at their very minimum require that a police investigation an actual crime. Probable Cause is a legal doctrine a LEA often cites in missing person cases. (The missing person's phone, computer communications, sexual relationships, religion etc.)

What you actually need in a missing person case if you believe it to be a crime is reasonable suspicion.

# Reasonable Suspicion



Reasonable suspicion is a lower threshold that enables LIMITED police intrusions.

The suspicions must be

1. Specific AND
2. Articuable

Facts that when combined it would lead a reasonable person to believe that criminal activity is occurring.

# Misdemeanor vs Felony

In Oklahoma if not seen by law enforcement officer, they seek warrants through courts. Exception for domestic violence in most states. (If there is physical injury visible within last 72 hours)

In Kansas police officer is instructed to determine if probable cause exist to arrest for domestic violence whether it be a misdemeanor or felony.

Warrant vs Warrantless Arrest- in general police need to see the misdemeanor act occur to arrest without a warrant, but need a warrant after probable cause is shown to a judge who determines if the probable cause meets minimum probable cause standards.

# What Does Missing and Murdered Advocacy Look like?

- Have family search room
- Find out last known clothes and location
- Flier dissemination
- Help keep family calm
- Bridge gap with police
- Some have tip lines
- Keep the missing case alive
- Help file a police report and this is important!!**

The standard protocol for responding to a missing person is to get their name and picture out as far as possible in order to get tips about their location. Flier distribution accounts for a majority of solved missing person cases.

\*Federal law requires that missing minors be added to the NCIC within two hours of notification to a police department.

<https://amberadvocate.org/resources/investigative-checklists/> to steal policies and checklists 😊



# A checklist

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The Police Report

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Gathering Evidence

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Gathering Resources

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Build a Flier

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Location of Interest

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Schedule Flier Dissemination  
Gatherings

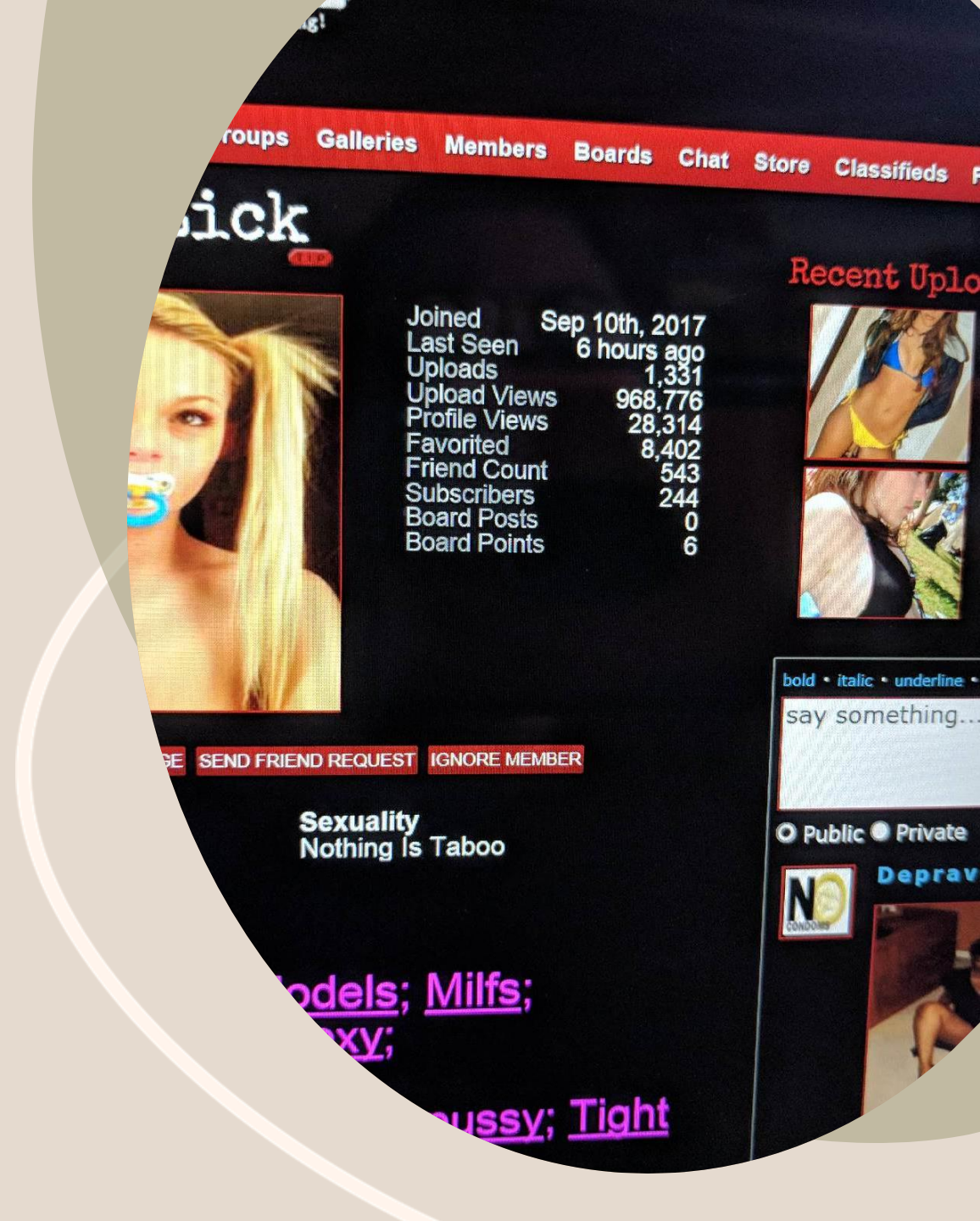
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Collect and Share Tip Cards

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# Fact Driven Missing Person's Reports







# TRAUMA LIBRARY

## Stay Away from Feelings

LAW ENFORCEMENT IN GENERAL DOES NOT HAVE A SYSTEM THAT IF THIS AND THIS OCCUR THEN THIS RESPONSE IS REQUIRED IN MISSING PERSON CASES. SAYING I FEEL LIKE NEVER ENDS WELL

# What to say instead

- I feel like she was being groomed.
  - In the past three months, I have found communication that was inappropriate for a minor. The text have included inappropriate material such as an adult male asking for pictures of my minor child.
- I feel like he didn't know what he was doing when he left.
  - When my son was five, I got him from the foster care system where he was first diagnosed with major depression. Major depressive episodes have resulted in him not understanding what was going on around him. I have found suicide notes he has left before, and he most recently told a friend via text that if his relationship ends, he will kill himself.
- I feel like this isn't a response she would likely do.
  - In the past three years, my granddaughter and I have had a few arguments. She struggled with the move to live with me. However, we haven't fought about it in six months. About six months ago she met a guy at work that started making her feel better about herself. She stopped arguing with me completely. He is ten years older than her, but since she only saw him at work, I thought it would be okay. Today I found she was gone so I checked the phone bill. I realized he was texting her multiple times a day. I read the phone bill, and yesterday he text her 200 times. The times he text her a day has grown from 3 or 4 times a week to more than a hundred times a day for the last 3 months.



Now You Try



# But What Happens When It's a Death?

- FLIERS STILL WORK
- CREATE A FLIER ROTATION
- CREATE A MEDIA AND PRESS RELEASE PLAN
  - Anniversaries and Reward for Info
- WHEN DEATH IS CERTAIN
  - Don't forget NAMUS (IHS!!!)
  - Search and rescue (CUE)
  - File additional reports if needed and make contact with medical examiner.
- MENTAL HEALTH SUPPORT



# Death Investigations Body/No Body

- For the majority of cases, location of the remains is crucial in bringing about adjudication for the family without other extenuating evidence.
- Remains where the death is suspicious have to have a medicolegal/death investigation done on them.
- Autopsies can take as long as twelve months or more in some cases.
- Blood and tissue testing for various substance can take anywhere from a week to sixteen to get back results.
- Extra samples saved for a limited time. (Oklahoma is 12 months, and Kansas is the wild wild west so it varies by district/agency/policy.)
- **Cause of death-** blunt force trauma, overdose, strangulation
- **Manner of Death-** Suicide, accidental, homicide, unknown

# Manner of Death Matters

- If the manner of death is anything other than suspicious, unknown, or homicide, or any other unnatural manner of death, law enforcement cannot proceed with an investigation because it is not a crime.
- Some deaths that are commonly suspicious as a homicide covered by other incidents- smoke inhalation from fire, small body water deaths, and overdose are examples.
- Strangulations are easy to miss without internal investigation with swabs, x-rays, and soft tissue examination.

# Oklahoma

- CHANDRA TURNER ACT
- FAMILY ADVOCATE AT ME OFFICE
- DEATH INVESTIGATIONS BY LAW ENFORCEMENT AND ME INVESTIGATOR IS SUPPOSED TO BE INDEPENDENT PER ME POLICY. (RARELY IS IF EVER)





# Kansas

- DEATH INVESTIGATION POLICY DIFFERENT BY COUNTY
- IN GENERAL A LAW ENFORCEMENT AGENCY CONTACTS A CORONER OR MEDICAL EXAMINER TO DO A MEDICOLEGAL INVESTIGATION.
  - Johnson, Brown, Jackson, Douglas, and Doniphan all have different policies.
  - The coroner and law enforcement operate under different authorities, and can disagree on the need for an autopsy.
  - Autopsies are generally done by contracted company.





# Questions?

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