

# NEW MEXICO LAW ENFORCEMENT ACADEMY

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## Missing Persons & Alerts (NM240014)

New Mexico Law Enforcement Academy

Annual In-Service Training Curriculum 2024

**COURSE TITLE:**

2024-2025 In-Service Missing Person and Amber Alert

**TERMINAL LEARNING OBJECTIVE:**

Identify the procedures for filing and Amber, Brittany, and Silver Alert to include endangered persons.

**ENABLING LEARNING OBJECTIVES:**

Upon completion of this course:

1. Identify the functions of the NM Missing Persons Clearinghouse
2. Identify the procedures for conducting a basic missing person investigation.
3. Identify the procedures for notifying appropriate organizations of a missing person.
4. Identify procedures for filing Amber Alert, Brittany Alert, Silver Alert and Endangered Persons Advisory.
5. Identify proper forms to fill out for each missing person category.

**INSTRUCTIONAL METHODS:**

**Classroom Lecture & Discussion**

**HANDOUTS:**

**Power Point Slides and NMDPS Forms**

**COURSE DURATION:**

**1 hour**

**CURRICULUM REFERENCES:**

**NMDPS Records**

National Center for Missing and Exploited Children  
New Mexico Department of Public Safety Departmental Procedures  
New Mexico Statute 29-15-2  
New Mexico Statute 28-16A-6  
House Bill 16  
Senate Bill 42  
House Bill 131

*2020 NCIC Missing Person and Unidentified Person Statistics.* (2021, March 4). Federal Bureau of Investigation. Retrieved January 18, 2022, from <https://www.fbi.gov/file-repository/2020-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

U.S. Department of Justice. (2019). *AMBER Alert Best Practices 2nd Edition* (2nd ed.). <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252759.pdf>

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*Guidelines for Issuing AMBER Alerts.* (n.d.). AMBER Alert. Retrieved January 20, 2022, from <https://amberalert.ojp.gov/about/guidelines-for-issuing-alerts>

NMDPS. (n.d.). *Silver Alert Information.* NM Department of Public Safety. Retrieved January 25, 2022, from <https://www.dps.nm.gov/silver-alert-information>

Samuels, C. (2021, January 21). *Dementia Wandering: Causes and Prevention.* A Place for Mom. Retrieved February 7, 2022, from <https://www.aplaceformom.com/caregiver-resources/articles/dementia-wandering-causes-prevention>

Dube, N. (2009, January). *Silver Alert Legislation* (No. 2009-R-0008). OLR Research Report. <https://www.cga.ct.gov/2009/rpt/2009-R-0008.htm>

Wikipedia contributors. (2021, November 5). *Silver Alert.* Wikipedia. Retrieved February 8, 2022, from [https://en.wikipedia.org/wiki/Silver\\_Alert#:~:text=Thirty%2Dseven%20states%20and%20the,similar%20programs%20targeting%20missing%20seniors.](https://en.wikipedia.org/wiki/Silver_Alert#:~:text=Thirty%2Dseven%20states%20and%20the,similar%20programs%20targeting%20missing%20seniors.)

Bureau of Justice Assistance. (2021, May 13). *National Ashanti Alert Network | Overview.* Retrieved February 10, 2022, from <https://bja.ojp.gov/program/national-ashanti-alert-network/overview>

Songfacts. (n.d.). *The Way.* Retrieved February 10, 2022, from <https://www.songfacts.com/facts/fastball/the-way>

Waddell, B. (2021, November 1). *Incomplete Data Complicates the Search for Missing Native American Women.* US News. Retrieved February 9, 2022, from <https://www.usnews.com/news/best-states/articles/2021-11-01/the-link-between-missing-indigenous-women-and-missing-data>

Hume, W. (2021, November 23). *Spotty data and media bias delay justice for missing and murdered Indigenous people.* The Conversation. Retrieved February 9, 2022, from <https://theconversation.com/spotty-data-and-media-bias-delay-justice-for-missing-and-murdered-indigenous-people-168919>

**EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED:**

**Computer & screen**

**TARGET AUDIENCE:**

**Law Enforcement & Telecommunicators**

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**INSTRUCTOR RATIO:**

**1:30**

**EVALUATION STRATEGY:**

**Discussion**

**AUTHOR & ORINATION DATE:**

**REVISION / REVIEW DATE(S):**

**1/28/22**

**12/5/2023**

**REVISED / REVIEWED BY:**

**NMLEAB**

**Course Content:**

## A. Introduction

### Course Objectives:

- ✓ Identify the functions of the NM Missing Persons Clearinghouse
- ✓ Identify the procedures for conducting a basic missing person investigation.
- ✓ Identify the procedures for notifying appropriate organizations of a missing person.
- ✓ Identify procedures for filing Amber Alert, Brittany Alert, Silver Alert and Endangered Persons Advisory.
- ✓ Identify proper forms to fill out for each missing person category.

### NM Statutes

#### The Missing Persons Information and Reporting Act:

- 29-15-1 through 29-15-12
- Missing persons, Children, Endangered Brittany, Silver Alerts/Advisory
- Clearinghouse function
- AMBER Alert Law:
- 29-15A-1 through 29-15A-5

#### 29-15-7 NMSA Missing Persons – Law Enforcement Requirements

- Law Enforcement SHALL accept without delay/exception a report of missing person.
- **Shall, within two hours start an investigation (This begins the time we receive the initial call from dispatch)**
- Provide all the info to the clearinghouse.
- Enter name of the missing into clearinghouse/NCIC
- Determine if the person is endangered & notify DPS.

#### 29-15-7 NMSA Missing Persons –Law Enforcement Requirement

- Obtain follow-up information as soon as possible & enter pertinent info into NCIC.
- Enter detailed information regarding unidentified remains into NCIC.
- Clearinghouse may already have the info.

#### 29-15-3 “The Clearinghouse”

- Central repository of information regarding missing persons
  - Created and maintained by DPS.
    - DPS Law Enforcement Records Bureau
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- Collect, process, maintain & disseminate records on missing persons.
  - Compile stats on missing persons
  - Provide training on missing persons.
  - Connected to NCIC

The preferred way to submit clearing house information is by email along with any photographs or additional information that can be provided.

#### Procedures

- Each agency should have their own procedures for conducting a missing persons investigation.
- Recommended procedures:
  1. Telecommunications personnel who receive incoming reports concerning missing/endangered persons shall immediately, or as soon as practical and within the **2-hour** federal requirements:
    - a. Contact an officer/supervisor or criminal agent/supervisor to inform them of the incident.
    - b. Obtain sufficient information from the reporting party to broadcast a “Be on the Lookout” (BOLO) alerting other officers about the circumstances of the adult/child disappearance.
  2. Law enforcement personnel:
    - a. Immediately begin an investigation
      - 1) Obtain identification, clothing description, last known location, distinguishing marks other pertinent information and report for BOLO.
      - 2) Provide summary of circumstances to
        - Intra-agency
        - Inter-agency
        - FBI Duty Agent – (505) 889-1300
  3. Collect all available information to complete Missing Persons Clearinghouse report form MPCH.
  4. Treat areas of interest as potential crime scenes
  5. Evaluate and determine if additional resources are needed i.e., supervisor, crime scene team, etc.
    - a. If there is a possibility or potential Alert (AMBER, Brittany, or Silver) that is needing to be issued, be sure to contact the NMSP and request to speak to their “On Call” PIO (public information officer) Their PIO will run through the requirements and checklists. If it qualifies, they will issue the alert statewide. It will still be the investigative agency’s responsibility to ensure that the person gets entered into NCIC as a missing person through their dispatch center.
  6. Email to notify appropriate personnel for entry of information into NCIC & ensure MPCH form sent to NMDPS.
  7. Refer to Missing Persons **Investigative Checklist** to ensure pertinent criteria are met.

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8. In the event it is determined that a person is missing under suspicious circumstances or endangered, complete Endangered Person Advisory report form and send it to DPS Clearinghouse.
    - Consider age, health, mental or physical disability, environment/weather or with a dangerous person when determining “endangered.”
  9. Consider any information available that may be beneficial to the public to assist in locating the missing person.
  10. Immediately enter into NCIC and NMCH.
  11. Contact State Police to coordinate the issuance of an Endangered Persons Advisory.
  12. Evaluate whether the information warrants a search of a given area.
    - Contact State Police to coordinate **large** scale searches.
  13. Upon receiving a report of a missing/runaway child, within 24 hours notify the State Registrar and submit a Birth Certificate Flag Request form to NM Vital records.
  14. Provide Dental Record Release form to custodian or immediate family member to sign.
  15. Maintain contact with family and keep them informed
  16. Update NCIC and MPCH with any new information ASAP within 48 hours.

Question? Can you clear a person as a missing person with just a phone call stating that the person has returned home safe?

Answer: **NO!** You must be sure an officer has verified that the missing person has returned home safely and is not returned home and potentially buried in the back yard. (as an example)

2. Immediately after missing person is located, request entry cleared from NCIC,
  - remove birth certificate flag if applicable using Birth Certificate Flag Cancellation Request form.
  - Follow up investigations to determine if other criminal activity contributed to the disappearance i.e., child abuse, etc.
1. ENDANGERED PERSON ADVISORY: An Endangered Person Advisory is not just a substitute for those who do not fit into either the AMBER Alert, SILVER Alert, or Brittany Alert guidelines. There are some specific guidelines that must be met for a missing person to qualify for an Endangered Person Advisory.
  - i. Missing child 13 or younger.
  - ii. Out of the safety zone for their age, developmental stage, or mental and physical condition.
  - iii. Diminished mental capacity or suicidal tendencies.
  - iv. Drug dependence requires life or health sustaining medications.
  - v. Potential victim of foul play or sexual exploitation.
  - vi. In a life-threatening situation.
  - vii. Absent from home for more than 24 hours before being reported to law enforcement as missing.

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- viii. Believed to be with others who could endanger their welfare.
  - ix. Absent under circumstances inconsistent with established patterns of behavior.

Procedure: The procedure you will find is very similar to that of a person requiring an AMBER, Brittany, or Silver Alert.

1. **Immediately** request entry of information into NCIC.
  2. Fill out Endangered Person Advisory Report form and forward it to MPCH.
  3. Follow the procedures listed above.
  4. Contact State Police.
  5. State Police will determine if conditions are met and issue Endangered Person Advisory.
  6. When the endangered person is located, immediately notify State Police.
  7. Only the State Police can remove an Endangered Person Advisory.
  8. Immediately request removal from NCIC and send information to the MPCH.
- I. Amber Alert
- a. Every 40 seconds a child goes missing in the United States.
  - b. As of December 2020, NCIC contained 89,637 active missing persons records. Juveniles under 18 account for about 34% of those records.
  - c. To date the Amber Alert program has been credited with locating 1,000 children.
- II.
- a. WHAT IS AN AMBER ALERT? AMBER Alerts are issued for abducted children that meet the AMBER Alert criteria. AMBER Alert is only one tool that law enforcement can use to find abducted children. AMBER Alerts are used in the most serious cases that meet the AMBER criteria. Overuse of AMBER Alert could result in the public becoming desensitized to Alerts when they are issued.
  - b. The AMBER Alert is a resource available to assist law enforcement agencies with the hopeful recovery of abducted children. The goal is to recover the child or children before any harm comes to them and return them to their families alive.
  - c. Under New Mexico state law, the Department of Public Safety is the agency given authority to issue these alerts. This does not mean they are the only agency who can take the initial call, make the NCIC entries, etc. This just means the New Mexico Department of Public safety is the agency who will notify the lead station and inform them of an alert. NM DPS has given permission to at least one agency in New Mexico to issue their own alerts, that is the only other agency who can contact the lead station and initiate and alert.

Why is it called an AMBER Alert? AMBER stands for America's Missing: Broadcast Emergency Response and was created as a legacy to a child who was kidnapped in Arlington, Texas, and then brutally murdered. Other states and communities soon set up their own AMBER plans as the idea was adopted across the nation.



- i. AMBER STANDS FOR:
1. **A - AMERICA'S**
  2. **M - MISSING**
  3. **B - BROADCAST**
  4. **E - EMERGENCY**
  5. **R - RESPONSE**

That's why it is in all capital letters. But really, Amber was a little girl-

- d. In 1996 Amber Hagarman was riding her bicycle with her brother in Arlington, TX. They were riding from their grandparents' house to a nearby abandoned grocery store, something they did together frequently. A neighbor heard her screaming and being forced into a black pickup. The neighbor immediately called 911 to report what he saw, but unfortunately, Amber's body was found by someone walking their dog 4 days later.
- i. To this day her killer has not been found.
- e. Another mother, Diana Simone saw this news story and called a local radio station and asked if there was a way to use their weather alert notification program to also alert when a child had been taken. She wanted it to be called Amber's plan.

Around 60% of the time two hours have passed before the call is made to dispatch to report a child as missing. This means time is even more important to get that information as soon as we can and entered into the system. It is imperative we get the info entered as soon as we can, because if we take up to our 2 hours, that is now 4 hours that has potentially passed and the hopes of recovering that child drastically decreases. Any missing persons call, time is of the essence.

- i. Get stats on time and missing children survival rates.
1. **44% die within the first hour**
  2. **76% die within the first three hours**
  3. **1% survive after 24 hours, of that 1% - 99% are killed within 7 days.**
  4. **40% are dead before they were even reported as missing.**
- f. The killer is statistically just as likely to be a friend as a stranger. 44% of the time the victims and killers were strangers, and 42% of the time they were friends or acquaintances.

#### Procedures- Amber Alert

- Age 17 or less.
- Evidence child abduction.
- Reason to believe child is in imminent danger.
- Specific information available about child or abductor to assist in expedient end to abduction.
- **Immediately** request entry of information into NCIC and MPCH.
- Notify authorized requester of Amber Alert System (in most cases....State Police).

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- The authorized requestor will determine if the request meets stringent criteria and an Amber Alert may or may not be approved.
  - Amber Alerts are sent out region wide following existing protocol.
  - When the child is located, immediately notify the authorized requestor.
  - Only the authorized requestor can remove and Amber Alert.
  - Immediately request removal from NCIC and send information the MPCH.

According to DPS policy the requirements for a Silver Alert activation are:

- Individual is a missing person whose whereabouts are unknown to the person's custodian or immediate family member.
- 50 years or older.
- Clear indication that the individual has an irreversible deterioration of intellectual faculties such as Alzheimer's disease, dementia, or another degenerative brain disorder or a brain injury.  
IMPORTANT- A diagnosis is preferred but is not required.

#### I. Silver Alerts

1. 6 in 10 Alzheimer's patients will wander away from homes or caregivers.
2. If not located in 24 hours survival rate is 66%.
3. Silver Alerts can vary by state, there is no national set of guidelines or regulations regarding activating a Silver Alert.
  - i. In New Mexico in 2013 Governor Susana Martinez signed the Silver Alert Law. This person must be 50 years old or older with an irreversible deterioration of intellectual faculties.
4. History
  - i. 28 states have SILVER Alert programs. Not all state programs are named Silver Alerts, some states use Gold Alerts, or something similar.
    1. 9 states have programs to help locate missing seniors that have criteria similar to Silver Alert programs but are not called "Silver Alert"
    2. 9 more states have missing-persons alert systems that have broader criteria than conventional "Silver Alert" programs. These can apply to all missing people regardless of age or impairment.
  - ii. The "Silver Alert" or "Senior Alert" program originated in 2006 in Colorado. The general guidelines throughout the 37 states that currently have silver alert programs are that the individual must be at least 60 years old and have verifiable cognitive impairment, and law enforcement must determine that their disappearance poses a risk to their health and safety.
  - iii. In April 2008 Representative Gus Bilirakis from Florida introduced "The Silver Alert Grant Program Act of 2008 into the house of representatives. This would give a federal grant of at least \$100,000 per state to create or improve Silver Alert programs. In May 2008,

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Representative Lloyd Dogget from Texas introduced legislation to expand on that bill and included provisions to create a coordinated national Silver Alert network in all 50 states. This bill passed, however, the Senate read the act in 2009 twice and referred it to the Committee on the Judiciary, it was re-introduced in 2015 but was not voted on.

Procedures to entering a Silver Alert is very similar to the Amber Alert.

- **Immediately** request entry of information into NCIC and MPCH
- Notify State Police for request for issuance of Silver Alert
- The State Police PIO will determine if the request meets criteria and a Silver Alert may or may not be approved.
- Silver Alerts are sent out region wide following existing protocol.
- When the person is located, immediately notify State Police
- Only State Police can remove a Silver Alert.
- Immediately request removal from NCIC and send information the MPCH.

#### Brittany Alerts

1. The individual is a missing person whose whereabouts are unknown to the person's custodian or immediate family member
2. Whom there is a clear indication that the person has a developmental disability
3. That the person's health or safety is at risk
  - a. Who is Brittany?
    - iv. Brittany Redford-Gonzales was a developmentally disabled 25-year-old with the intellectual capacity of an 11-year-old when she went missing for 18 days. She packed some belongings and left her Edgewood home in the middle of a snowstorm. Deputies believed Brittany met someone on-line and this person was taking advantage of her.
    - v. Authorities found Brittany two and a half weeks later 200 miles from home with an ex-boyfriend. The same ex-boyfriend who had been a person of interest during Brittany's disappearance. (<https://www.krqe.com/news/woman-found-alive-2-weeks-after-disappearance/1020369386>)
    - vi. Because of the narrow scope of an Amber Alert, one could not be issued for Brittany's disappearance. The Tarrant County Sheriff's department did ask for the public's assistance in the search for Brittany two days after her disappearance. (<https://www.krqe.com/news/police-look-for-help-finding-missing-woman/1020367037>)

- a. Brittany Alert Bill (Senate Bill 21) was brought to NM Senate and passed in 2016. This bill was created in an attempt to bridge the gap between AMBER and Silver alerts when there are still vulnerable people at risk of going missing without the media or public's help in finding them.

#### Brittany Alert Procedures

1. **Immediately** request entry of information into NCIC and MPCH
2. Notify State Police for request for issuance of Brittany Alert
3. The State Police PIO will determine if the request meets criteria and a Brittany Alert may or may not be approved.
4. Brittany Alerts are sent out region wide following existing protocol.
5. When the person is located, immediately notify State Police
6. Only State Police can remove an Brittany Alert.
7. Immediately request removal from NCIC and send information the MPCH.

#### Unidentified Bodies

- Agencies are required to enter all information about unidentified bodies found in their jurisdiction into NCIC and MPCH
- Include all available identifying features and description of body and clothing, jewelry etc.

#### Review MPCH Forms (Missing Persons Clearinghouse Forms)

#### Important Contacts

- NM Missing Person's Clearinghouse
  - 1-800-457-3463/505-827-9026
  - Fax: 505-827-3399
  - Email: [dps.missingperson@state.nm.us](mailto:dps.missingperson@state.nm.us)
  - FBI Duty Agent : 505-889-1300
  - NM Vital Records/State Registrar
    - 1-866-534-0051/505-827-0121
    - Fax: 505-827-1751

## COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF:

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

**RECOMMENDED CURRICULUM CHANGES:** Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)

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ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

Alternative curriculum was taught.

Accreditation number of alternative curriculum:

SIGNATURE

DATE

Primary Instructor

Reviewed by Program Coordinator

Reviewed by

Reviewed by Director/Chief or Designee