



"Lady Justice" used with permission from DG Smalling, Choctaw Nation

# Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Operation Lady Justice

## • National Crime Information Center (NCIC) Missing Person File

The Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services Division manages and maintains the NCIC which includes the Missing Person File. Over 18,000 federal, state, local, tribal, and territorial criminal justice agencies from all 50 states, U.S. territories, and Canada enter records into the NCIC. Access to, use of, and dissemination of the information contained within the NCIC is strictly governed by Title 28, Code of Federal Regulations (C.F.R.), Part 20. More specifically, 28 C.F.R., Part 20, authorizes access to the NCIC to criminal justice agencies performing the administration of criminal justice, unless otherwise authorized under federal statute or Executive Order.

The entry of any type of record into the NCIC is strictly voluntary and participation varies from state to state, with the only exception being missing persons under the age of 21. In accordance with Title 34, United States Code, Section 41307 (Suzanne's Law), a record for a missing person under the age of 21 must be entered into NCIC by federal, state and local law enforcement agencies. In addition, the Adam Walsh Child Protection and Safety Act of 2006 mandates entry of those individuals into the NCIC within 2 hours of receipt of the minimum data required to enter an NCIC record. The FBI does not track each states' criteria for NCIC record entry, and only ensures that record entry is completed according to established NCIC policies.

Agencies must have a missing person report (electronic or hard copy) on file to support a missing person entry. A missing person record will remain active until the entering agency clears or cancels the record, the missing person is located by another agency, or the record is purged due to not being validated by the entering agency. Missing Person File record validation occurs in one of two ways. If a state participates in the online validation process, the missing person record will be automatically purged from the NCIC if the record is not validated within a month of receiving the Failure to Validate notification. If a state manually validates their missing person records, and does not validate the record within a month of receiving the Failure to Validate notification, the record will remain active in the NCIC until the state or entering agency determines whether the record needs to be cleared or canceled, or it is determined the individual is still missing and the record needs to remain in the NCIC.

Active missing person records are also required to be validated within 90 days of initial entry, and annually after that, by the entering agency for accuracy and completeness. The NCIC does not maintain information related to the results of missing person cases. Those results would possibly be maintained in the local agencies' missing person case files.



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In order to be entered into the NCIC Missing Person File, an individual must meet one of the following criteria:

- **Disability:** a person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/herself or others to personal and immediate danger.
- **Endangered:** a person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
- **Involuntary:** a person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, for example, abduction or kidnapping.
- **Juvenile:** a person who is missing and not declared emancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria set forth in the Disability, Endangered, Involuntary, or Catastrophe Victim categories.
- **Catastrophe Victim:** a person of any age who is missing after a catastrophe.
- **Other:** a person not meeting the criteria for entry in any other category who is missing and 1) for whom there is a reasonable concern for his/her safety or 2) who is under age 21 and declared emancipated by the laws of his/her state of residence.

The following fields are mandatory in order for a missing person record to be accepted into the NCIC:

- |                         |                                |
|-------------------------|--------------------------------|
| • Name                  | Weight                         |
| • Sex                   | Eye Color                      |
| • Race                  | Hair Color                     |
| • Date of Birth*        | Missing Person Type            |
| • Date of Emancipation* | Date of Last Contact           |
| • Height                | Originating Agency Case Number |

\* It is to be noted the Date of Birth and/or Date of Emancipation are required only when the individual is being entered under the Juvenile criteria.

In addition, at least one of the following numeric identifiers must be included when the individual is being entered under a criteria other than Juvenile:

- Date of Birth
- FBI Number
- Miscellaneous Number
- Social Security Number
- Operator's License Number Data Set
- License Plate Data Set
- Vehicle Data Set

To further assist agencies in locating missing individuals, the NCIC Cross-Match functionality conducts an automatic comparison of records in the NCIC Missing and Unidentified Person Files based on personal descriptors and dental characteristics. This comparison is performed daily on records entered or modified in the Missing and Unidentified Person Files during the previous day and generates a list of potential matching candidates that is provided to both the entering/modifying and candidate record agencies.



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