

New York State Executive Law
§§ 837-e, 837-f, 837f-1 and 838

§ 837-e. Statewide Central Register for Missing Children.

1. There is hereby established through electronic data processing and related procedures, a statewide central register for missing children which shall be compatible with the national crime information center register maintained pursuant to the federal missing children act of nineteen hundred eighty-two, such missing child hereinafter defined as any person under the age of eighteen years missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so.

1-a. (a) Upon the entry of a report of a missing child born in New York into the register, the division shall notify the commissioner of the state department of health or if the child was born in the city of New York, the commissioner of the New York city department of health, of such entry and shall provide such commissioner with information concerning the identity of the missing child and request that the birth certificate record of such child be flagged in accordance with section four thousand one hundred of the public health law.

(b) If the division has reason to believe that a missing child has at any time been enrolled in a New York school, it shall notify the last known school at which time the school shall flag the missing child's schooling record in accordance with section three thousand two hundred twenty-two of the education law. If the division has reason to believe that a child who is listed as a missing child is currently enrolled in and attending a New York school, it shall notify the school and upon receiving notification, such school shall immediately notify the statewide central register for missing children within the division of criminal justice services.

(c) Upon learning of the recovery of any missing child whose birth certificate record or schooling record has been flagged as the result of notification made pursuant to this subdivision, the division shall so notify the state commissioner of health or if the child was born in the city of New York, the commissioner of the New York city department of health, and the school as appropriate.

2. The following may make inquiries to determine if any entries in the register or in the national crime information center register could match the subject of the inquiry:

(a) a police or criminal justice agency investigating a report of a missing or unidentified child, whether living or deceased; and

(b) the agency licensing, certifying or registering a family day care home, day care center or head start program funded pursuant to Title V of the Federal Economic Opportunity Act of nineteen hundred sixty-four as amended, when an operator or director of such program has reasonable cause to believe that a child in attendance at the home, center or program may be a missing person provided, however, that upon notification that such child appears to match a child registered herein such agency shall immediately notify such operator or director to contact an appropriate local criminal justice agency; and

(c) a district attorney or a county medical examiner or coroner upon a showing that information contained in the register may be necessary for the determination of an issue regarding a missing or unidentified child; and

(d) an authorized agency or state official pursuant to subdivision seven of section three hundred seventy-two of the social services law; and

(e) a superintendent of schools or his authorized representative pursuant to paragraph a of subdivision two of section three thousand two hundred twelve of the education law. No civil or criminal liability shall arise or attach to any school district or employee thereof for any act or omission to act as a result of, or in connection with, the duties or activities authorized or directed by this paragraph.

3. The central register shall contain all available identifying data of any child including, but not limited to, fingerprints, blood types, dental information, and photographs subject to the following conditions:

(a) Except as provided for in paragraph (c) of this subdivision and in section eight hundred thirty-seven-f of this article, the data contained in the register shall be confidential.

(b) Any person who knowingly and intentionally permits the release of any data and information contained in the central register to persons or agencies not permitted by this title shall be guilty of a class A misdemeanor.

(c) Such data may be made available only to:

- (i) a police or criminal justice agency investigating a report of a missing child or unidentified child, whether living or deceased;
- (ii) the public at large, to expedite the finding of a missing child, when the parent or legal guardian of such a child provides written authorization to the investigating police department for the release of such data except when, according to such department, the release of such data would jeopardize the investigation or the safety of the child. When such department deems the release of such data to be appropriate, it shall transmit such written authorization to the division; and
- (iii) any qualified person engaged in bona fide research when approved by the commissioner, provided that the researcher in no event disclose information tending to identify the child or his or her family or caregiver.

4. The commissioner shall promulgate rules and regulations:

- (a) insuring the timeliness, completeness and confidentiality of the data contained in the register;
- (b) prescribing the manner in which entries to the register shall be made and updated as the investigation progresses;
- (c) prescribing the form and manner in which entries and inquiries to the register and notices to other agencies and entities shall be made and processed;
- (d) insuring that criminal justice agencies and agencies defined by subdivision seven of section three hundred seventy-two of the social services law making inquiries to the register will be promptly informed if any entries in the statewide central register or in the national crime information center register could match the subject of the inquiry;
- (e) insuring the proper disposition of all obsolete register data, provided however that such data for a person who has reached the age of eighteen and remains missing shall be preserved; and
- (f) linking the register with the national crime information center register.

5. the division shall not charge a fee for inquiries made pursuant to this section.

6. When a person previously reported missing has been found alive and there is no ground for criminal action, the superintendent of state police, sheriff, chief of police, coroner or medical examiner, or other criminal justice agency shall purge and destroy identifying material contained in such records and documents with respect to such person which are made and maintained pursuant to this section and shall report to the division that the person has been found and that the identifying materials contained in such records and documents have been so purged or destroyed. After receiving such a report, the division shall purge identifying material contained in such records with respect to such person and/or destroy any identifying material contained in documents which are maintained pursuant to this section.

§ 837-f. Missing and Exploited Children Clearinghouse.

There is hereby established within the division a missing and exploited children clearinghouse to provide a comprehensive and coordinated approach to the tragic problems of missing and exploited children. In addition to the activities of the statewide central register for missing children, the commissioner shall be authorized to:

1. Plan and implement programs to ensure the most effective use of federal, state and local resources in the investigation of missing and exploited children;
2. Exchange information and resources with other states, and within New York state, concerning missing and exploited children;
3. Establish a case data base which will include non-identifying information on reported children and facts developed in the phases of a search, and analyze such data for the purposes of: assisting law enforcement in their current investigations of missing and exploited children, developing prevention programs and increasing understanding of the nature and extent of the problem; and share the data and analysis on a regular basis with the National Center for Missing and Exploited Children;
4. Disseminate a directory of resources to assist in the locating of missing children;
5. Cooperate with public and private schools and organizations to develop education and prevention programs concerning child safety for communities, parents and children;
6. Provide assistance in returning recovered children who are located out-of-state;
7. By January first, nineteen hundred eighty-seven arrange for the development of a curriculum for the training of law enforcement personnel investigating cases involving missing and exploited children;
8. Assist federal, state and local agencies in the investigation of cases involving missing and exploited children;
9. Utilize available resources to duplicate photographs and posters of children reported as missing by police and with consent of parents, guardians or others legally responsible, disseminate this information throughout the state;
10. Beginning on January first, nineteen hundred eighty-seven, disseminate, on a regular basis, a bulletin containing information on children in the missing children's register to the state education department which shall then forward such bulletin to every public and private school where parents, guardians or others legally responsible for such children have given consent;
- 10-a. (a) By November first, nineteen hundred ninety-seven prescribe general guidelines to enable the state legislature and state agencies to assist in the location and recovery of missing children. The guidelines shall provide information relating to:
 - (i) the form and manner in which materials and information pertaining to missing children including but not limited to biographical data and pictures, sketches or other likenesses may be included in stationery, newsletters and other written or electronic printings;
 - (ii) appropriate sources from which such materials and information may be obtained;
 - (iii) the procedures by which such materials and information may be obtained; and
 - (iv) any other matter the clearinghouse considers appropriate.
- (b) By January first, nineteen hundred ninety-eight arrange for the transmission of biographical information and pictures, sketches or other likenesses of missing children to state agencies, departments and the legislature to use in printings.
11. Operate a toll-free twenty-four hour hotline for the public to use to relay information concerning missing children;
12. Submit an annual report to the governor and legislature regarding the activities of the clearinghouse including statistical information involving reported cases of missing children pursuant to section eight hundred thirty-seven-m of this article and a summary of the division's efforts with respect to the use of monies from the missing and exploited children clearinghouse fund created pursuant to section ninety-two-w of the state finance law; and
13. Take such other steps as necessary to assist in education, prevention, service provision and investigation of cases involving missing and exploited children.

14. (a) In consultation with the division of state police and other appropriate agencies, develop, and regularly update and distribute, model missing child prompt response and notification plans, which shall be available for use, in their discretion, as appropriate, by local communities and law enforcement personnel. Such plans shall involve a pro-active, coordinated response, planned in advance, that may be promptly triggered by law enforcement personnel upon confirmation by a police officer, peace officer or police agency of a report of a missing child, as defined in subdivision one of section eight hundred thirty-seven-e of this article.

(b) Such plans shall, at a minimum, provide that: (i) the name of such missing child, a description of the child and other pertinent information may be promptly dispatched over the police communication system, pursuant to subdivision three of section two hundred twenty-one of this chapter; (ii) such information may be immediately provided orally, electronically or by facsimile transmission to one or more radio stations and other broadcast media outlets serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such radio stations and other broadcast media outlets in like manner; (iii) such information may be immediately provided by electronic mail message to one or more internet service providers and commercial mobile service providers serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such internet service providers in like manner; (iv) participating radio stations and other participating broadcast media outlets serving the community may voluntarily agree to promptly broadcast a missing child alert providing pertinent details concerning the child's disappearance, breaking into regular programming where appropriate; (v) participating internet service providers and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message a missing child alert providing pertinent details concerning the child's disappearance; (vi) police agencies not connected with the basic police communication system in use in such jurisdiction may transmit such information to the nearest or most convenient electronic entry point, from which point it may be promptly dispatched, in conformity with the orders, rules or regulations governing the system; and (vii) no dispatch or transmission of a report concerning a missing child shall be required by such plan if the investigating police department advises, in its discretion, that the release of such information may jeopardize the investigation or the safety of the child, or requests forbearance for any reason.

(c) The commissioner shall also designate a unit within the division that shall assist law enforcement agencies and representatives of radio stations, broadcast media outlets, internet service providers and commercial mobile service providers in the design, implementation and improvement of missing child prompt response and notification plans. Such unit shall make ongoing outreach efforts to local government entities and local law enforcement agencies to assist such entities and agencies in the implementation and operation of such plans with the goal of implementing and operating such plans in every jurisdiction in New York state.

(d) The commissioner shall also maintain and make available to appropriate state and local law enforcement agencies up-to-date information concerning technological advances that may assist in facilitating the recovery of missing children. Such information shall include, but not be limited to, technology using computer assisted imaging to "age enhance" photographs of missing children, and technology that may be used to enter such photographs and other pertinent information concerning missing children into a database accessible to appropriate officials and persons.

§ 837-f-1. Missing vulnerable adults clearinghouse. There is hereby established within the division a missing vulnerable adults clearinghouse to provide a comprehensive and coordinated approach to the problem of missing vulnerable adults.

1. For purposes of this section:

(a) "Vulnerable adult" shall mean an individual eighteen years of age or older who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a credible threat of harm to such missing individual.

(b) "Missing vulnerable adult alert" shall mean a method to disseminate information regarding a missing vulnerable adult to the general public in a manner consistent with paragraph (n) of subdivision two of this section.

2. The commissioner shall be authorized to:

(a) plan and implement programs to ensure the most effective use of federal, state, and local resources in the investigation of missing vulnerable adults;

(b) disseminate a directory of resources to assist in locating missing vulnerable adults;

(c) cooperate with the department of health, office of mental health, office for people with developmental disabilities, office for the aging, and other public and private organizations to develop education and prevention programs concerning the safety of vulnerable adults;

(d) assist federal, state, and local agencies in the investigation of cases involving missing vulnerable adults;

(e) utilize available resources to duplicate photographs and posters of vulnerable adults reported as missing by police and disseminate this information throughout the state;

(f) provide assistance in returning missing vulnerable adults who are located out of state;

(g) develop a curriculum for the training of law enforcement personnel investigating cases involving missing vulnerable adults, including recognition and management of vulnerable adults;

(h) operate a toll-free twenty-four hour hotline for the public to use to relay information concerning missing vulnerable adults;

(i) establish a case database that shall include non-identifying information on reported missing vulnerable adults and facts developed in the phases of a search; and analyze such data for the purposes of assisting law enforcement in their current investigations of missing vulnerable adults, developing prevention programs and increasing understanding of the nature and extent of the problem;

(j) prescribe general guidelines to enable state agencies to assist in the location and recovery of missing vulnerable adults. The guidelines shall provide information relating to:

(i) the form and manner in which materials and information pertaining to missing vulnerable adults, including, but not limited to, biographical data and pictures, sketches, or other likenesses, may be included in stationary, newsletters, and other written or electronic printings, provided such guidelines are consistent with paragraph (n) of this subdivision;

(ii) appropriate sources from which such materials and information may be obtained;

(iii) the procedures by which such materials and information may be obtained; and

(iv) any other matter the clearinghouse may deem important;

(k) maintain and make available to appropriate state and local law enforcement agencies information concerning technological advances that may assist in facilitating the recovery of missing vulnerable adults;

(l) take such other steps as necessary to assist in education, prevention, service provision, and investigation of cases involving missing vulnerable adults;

(m) (i) In consultation with the division of state police and other appropriate agencies, develop, regularly update, and distribute model missing vulnerable adult prompt response and notification plans. Such plans shall be available for use by local communities and law enforcement personnel, and shall involve a proactive, coordinated response that may be promptly triggered by law enforcement personnel upon confirmation by a police officer, peace officer, or police agency of a report of a missing vulnerable adult, as defined in subdivision one of this section.

(ii) Such plans shall, at a minimum, provide that: (A) the name of the missing vulnerable adult, a description of the missing individual, and other pertinent information may be promptly dispatched over the police communication system pursuant to subdivision three of section two hundred twenty-one of this chapter; (B) such information may be immediately provided, in a manner consistent with paragraph (n) of this subdivision, both (1) orally, electronically, or by facsimile transmission to one or more radio stations and other broadcast media outlets serving the community including, but not limited to, those who have voluntarily agreed in advance to promptly notify other such radio stations and broadcast media outlets in like manner and (2) by electronic mail message to one or more internet service providers and commercial mobile service providers serving the community including, but not limited to, those which have voluntarily agreed in advance to promptly notify other such internet service providers in like manner; (C) participating radio stations and other participating broadcast media outlets serving the community may voluntarily agree to promptly broadcast a missing vulnerable adult alert providing pertinent details concerning the missing vulnerable adult's disappearance, breaking into regular programming where appropriate; (D) participating internet service providers and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message a missing vulnerable adult alert providing pertinent details concerning the missing vulnerable adult's disappearance; (E) police agencies not connected with the basic police communication system in use in such jurisdiction may transmit such information to the nearest or most convenient electronic entry point, from which point it may be promptly dispatched in conformity with the orders, rules, or regulations governing the system; (F) a statewide response may be initiated as soon as the division deems it is necessary to find the missing vulnerable adult. Such a plan may not require the issuance of an alert if the investigating police department, in its discretion, advises that the release of such information may jeopardize the investigation or the safety of the missing vulnerable adult or the investigating police department requests forbearance for any reason.

(iii) The commissioner shall also designate a unit within the division that shall assist law enforcement agencies and representatives of radio stations, broadcast media outlets, internet service providers, and commercial mobile service providers in the design, implementation, and improvement of missing vulnerable adult response and notification plans. Such unit shall make ongoing outreach efforts to local government entities and local law enforcement agencies to assist such entities and agencies in the implementation and operation of such plans with the goal of implementing and operating such plans in every jurisdiction in New York state.

(n) disseminate specific medical information about a missing vulnerable adult to the extent that such medical information indicates a physical quality or behavioral trait that is readily apparent and contributes to a physical or behavioral description of the missing vulnerable adult, provided that more extensive information relating to the missing vulnerable adult's medical diagnosis and condition may be provided to law enforcement personnel as needed.

3. The commissioner shall submit an annual report to the governor and legislature regarding the activities of the missing vulnerable adults clearinghouse, including statistical information involving reported cases of missing vulnerable adults and a summary of the division's efforts with respect to the activities authorized under subdivision two of this section.

§ 838. Identification of Unknown Dead and Missing Persons.

1. Every county medical examiner and coroner shall furnish the division promptly with copies of fingerprints on standardized eight inch by eight inch fingerprint cards, personal descriptions and other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the coroner where the deceased is not identified or the medical examiner or coroner is not satisfied with the decedent's identification.

2. In any case where it is not physically possible to furnish prints of the ten fingers of the deceased, prints or partial prints of any fingers with other identifying data shall be forwarded by the county medical examiner or coroner to the division.

3. In addition to the foregoing provisions of this section, the county medical examiner or coroner shall cause a dentist authorized to practice pursuant to article one hundred thirty-three of the education law or a dental student in a registered school of dentistry in this state to carry out a dental examination of the deceased. The medical examiner or coroner shall forward the dental examination records to the division on a form supplied by the division for that purpose.

4. The division shall compare the fingerprints received from the county medical examiners or coroners to fingerprints on file with the division for purposes of attempting to determine the identity of the deceased. Other descriptive data supplied with the fingerprints shall also be compared to records maintained by the division concerning missing persons. The division shall submit the results of the comparisons to the appropriate medical examiner or coroner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

5. (a) (i) When any person makes a report of a missing person to a law enforcement authority, the authority shall request a member of the family or next of kin of the missing person to authorize the release to the division of the dental records of the person reported missing. The release shall be on a form supplied by the division. If the person reported missing is still missing thirty days after the report is made, the law enforcement authority shall deliver the release to the dentist or dentists of the missing person, and request the dentist or dentists to deliver such records, including dental x-rays, to the division within ten days. The form of such request shall also include means by which the law enforcement authority shall be notified of the delivery of such records.

(ii) When the person reported missing has not been found within thirty days and no family or next of kin exists or can be located, the law enforcement authority may execute a written declaration, stating that an active investigation seeking the location of the missing person is being conducted, and that the dental records are necessary for the exclusive purpose of furthering the investigation. Such written declaration, signed by a peace officer, is sufficient authority for the dentist or dentists to release the missing person's dental records, including dental x-rays, to the division.

(b) Upon receipt of a properly executed release and request or declaration, the dentist or dentists shall forward the dental records, including dental x-rays, to the division, where a file shall be maintained concerning persons reported to it as missing and who have not been reported to it as found. The file shall contain dental records and such other information as the division finds to be relevant to assisting in the location of a missing person. The law enforcement authority shall be notified of the delivery of such records.

6. The division shall compare the dental records received from the county medical examiners or coroners to dental records of missing persons on file with the division. The division shall submit the results of the comparison to the appropriate medical examiner or coroner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

7. When a person previously reported missing has been found, the superintendent of state police, sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall erase all records with respect to such person and/or destroy any documents which are maintained pursuant to this section and shall report to the division that the person has been found and that the records and documents have been so erased or destroyed. After receiving such a report, the division shall erase all records with respect to such person and/or destroy any documents which are maintained pursuant to this section.

8. The information contained in the division's missing person files shall be made available by it to law enforcement agencies attempting to locate missing persons.

9. Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy which requires the observance of a waiting period before accepting and investigating a missing child report. Upon receipt of a report of a missing child, criminal justice agencies shall make entries of such report to the register in the manner provided by section eight hundred thirty-seven-e of this article.

New York State Official Compilation of Codes Rules and Regulations - Part 6055

Central Register For Missing Children

Statutory Authority: Executive Law, Article 35, §837-e (4)(c)

9 NYCRR §6055.1 Purpose.

The purpose of this Part is to establish procedures providing for participation in the Statewide Central Register for Missing Children (hereinafter referred to as the Register).

9 NYCRR 6055.2 Confidentiality.

(a) Information contained in the Register shall be confidential and made available only to those agencies and individuals authorized by section 837-e of the Executive Law.

(b) Any agency or individual to which Register information is made available will be subject to the rules, regulations and policies of the Division of Criminal Justice Services (DCJS). If such information is made available through the New York State Police Information Network (NYSPIN) and the National Crime Information Center (NCIC), the agency or individual will be subject to the NYSPIN and NCIC rules, regulations and policies dealing with the security and privacy of such information.

Note: Any person who knowingly and intentionally permits the release of any information contained in the Register to persons or agencies not authorized to receive it, by section 837-e of the Executive Law, shall be guilty of a class A misdemeanor as provided in the law.

9 NYCRR 6055.3 Entries into the Register.

(a) Information pertaining to a missing child shall be reported to the Register by criminal justice agencies without delay.

(b) Register information shall be entered through NYSPIN or other telecommunications network approved by DCJS. A DCJS form entitled "Missing Person Data Collection Guide" or equivalent shall be used to assist agencies to facilitate such entry. If an agency does not have access to an approved terminal, the agency shall forward the completed data collection guide to DCJS for entry in the Register.

(c) All available identifying information pertaining to any missing child, including but not limited to fingerprints, blood types, dental information and photographs, shall be forwarded to DCJS for inclusion in the Register.

9 NYCRR 6055.4 Inquiries to the Register.

(a) Inquiries. Inquiries may be made, by those agencies and individuals authorized in section 837-e of the Executive Law, by any means, including:

- (1) the telephone hotline system located at DCJS;
- (2) fingerprint cards or correspondence concerning persons under criminal investigation, arrested, incarcerated, applying for employment, licenses, or for any other valid reason; or
- (3) terminals located in criminal justice agencies having direct on-line access to the DCJS computer data base, or which have access to the DCJS data base through NYSPIN.

(b) Processing. DCJS will conduct an immediate search of the Register to determine if a probable identification can be made and promptly advise the inquirer. If a probable identification is made, the inquirer, if not a police or criminal justice agency, shall immediately notify the appropriate police or criminal justice agency. Such agency may then contact DCJS for relevant Register information to assist in further investigation and to determine positive identification.

9 NYCRR §6055.5 Disposition of obsolete Register information.

(a) All information contained in the DCJS Register shall remain in the Register until cancelled.

- (1) Notice of cancellation shall be forwarded to DCJS by the original reporting agency.
- (2) Register reports on file at DCJS will also be reviewed periodically to confirm that the subjects of such reports are still missing. Register information will be cancelled if an originating agency fails to reply to a confirmation request issued for this purpose.

(b) Upon cancellation of a missing child report, the following procedures will be followed by DCJS to insure the proper disposition of Register information:

- (1) All information contained in the DCJS Register will be deleted to prevent future dissemination. However, such information may be retained on collateral files for statistical and research purposes.
- (2) Fingerprints, dental records, X-rays and photographs will be destroyed or returned to the originating agency.
- (3) Fingerprints sent to the FBI Identification Division will be retrieved and destroyed or returned to the originating agency.
- (4) A notice of cancellation or destruction will be sent to the originating agency.

9 NYCRR §6055.6 NCIC Register.

DCJS Statewide Register is linked with the NCIC National Register in Washington. All DCJS Register entries, inquiries and cancellations will be automatically transmitted to the NCIC Register and will be processed consistent with NCIC procedures.

9 NYCRR §6055.7 Flagging birth and school records.

Purpose. The purpose of this section is to improve the ability to locate missing children. This section permits agencies of State and local governments to share information that may assist in locating missing children.

(a) Processing.

- (1) If there is an indication that a missing child has been forcibly abducted or is categorized as endangered, immediately after entry into the Register, DCJS will notify the Commissioner of the New York State Department of Health, or if the child was born in the City of New York, the Commissioner of the New York City Department of Health, that a child has been reported as missing and request flagging of the appropriate records. If there is no indication that a missing child has been forcibly abducted or categorized as endangered or if a missing child is categorized as a runaway, within 30 days from the date of entry into the Register, DCJS will notify the commissioner of the New York State Department of Health, or if the child was born in the city of New York, the commissioner of the New York City Department of Health, that a child has been reported as missing and request flagging of the appropriate records. If DCJS has reason to believe that a missing child has at any time been, or is enrolled in a New York State school, it shall notify the last known school district of the missing child.
- (2) Upon learning of the recovery of any missing child whose birth record or school record has been flagged, DCJS shall notify the Commissioner of the New York State Department of Health, or the Commissioner of the New York City Department of Health if the child was born in the City of New York, and the child's last known school district, as appropriate.

(b) Form and manner of notifications to other agencies and entities.

- (1) Notifications shall be made via mail, telephone, fax or other electronic interface, or as agreed to by the agencies involved, depending on the immediacy of the circumstances.