

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

4016

2005 SENATE JUDICIARY

SCR 4016

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4016

Senate Judiciary Committee

Conference Committee

Hearing Date February 8 , 2005

Tape Number	Side A	Side B	Meter #
1		X	1560 - 5290
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Study adopting a statewide procedure for conducting a missing persons investigation.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Sen Michael Every, Dist. #23 - Introduced the bill (meter 1560) I am referring this bill to Russell Turcotte, who disappeared and it took ND Police Dept two weeks of confusion to do something. This happened in my area. One thing that was clear was that in each location of the state the Law enforcement process is different and they do not communicate to the other. I have handed out a Delaware Law that is a very good law. - Att. #1. The first 24 hr. are critical and usually a murder happens with in the first three hours. Russell, Wolf Point Montana was reported to the Grande Forks Police July 2002 , and was found dead in the trees of Devils Lake November 2002. We believe that it was not necessary improperly handled but we do know that there were inconstancies. The other part of the hill is the "profiling" of the bill.

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Senate Judiciary Committee
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Dr. Volk, Volk Human Services, LLC. - Devils Lk, ND Submitted Testimony - Att. #2

Sen. Traynor asked if Mr. Every had any conversations with BCI? Yes and the Attorney
Generals Office along with Sen. Lyson who assisted me on this.

Jessica Ramey-Gillam, Volunteer Advocate, Dv. Lk (meter 2089) Gave Testimony - Att. #3

Linda Flynn Hanson, Mother of Russell Turcotte murder victim. (meter 2811) Ms. Hanson
gave a heart wrenching day by day description of her sons disappearance of 113 days.

Police "toolbox" - Att. #4

Testimony in Opposition of the Bill:

none

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Sen. Nelson made the motion to Do Pass and Senator Hacker seconded the motion. All were in
favor motion passes

Carrier: Senator Hacker

Senator John (Jack) T. Traynor, Chairman closed the Hearing

REPORT OF STANDING COMMITTEE (410)
February 8, 2005 1:13 p.m.

Module No: SR-25-2124
Carrier: Hacker
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4016: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the
Eleventh order on the calendar.

2005 HOUSE JUDICIARY

SCR 4016

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4016

House Judiciary Committee

Conference Committee

Hearing Date 3/14/05

Tape Number	Side A	Side B	Meter #
1	xx		30-47.9
Committee Clerk Signature <i>David Remox</i>			

Minutes: 12 members present, 2 members absent (Reps. Maragos and Charging).

Chairman DeKrey: We will open the hearing on SCR 4016.

Bonnie Palacek, ND Council on Abused Women's Services: Support. (See also written testimony of Linda Hanson). Explained the bill. This really is an area that deserves study. This is a brand new world to these families who are victims of domestic violence homicides, etc. In some states, there are guidelines so that there is a standardized process across that state to conduct these investigations. One of the things that Linda Hanson, this young man's mother, indicated that she didn't know what the rules were for hiring someone out of state. There was an equestrian search team from Texas, that their family made contact with, and they came to Grand Forks and then there was confusion about jurisdictional issues and so on. The family just wanted to do whatever they could possibly think of doing, in order to find their son, hopefully before it was too late. So during this 113 days, they had a number of experiences that probably could have been eased, if they had known what was coming next. Also, with rural law enforcement, urban

law enforcement, tribal jurisdictions, and so on, we felt there was a need for this kind of information. That's why we are supporting this study and would certainly lend whatever resources that we had during the Interim to support this kind of study.

Representative Delmore: I certainly agree with the resolution and what it says. Is there an age limit on the Amber alert. Is it for children only, like 18 and under, are you familiar with how that works. Because I don't think we do Amber alerts for adults, but I could be wrong.

Bonnie Palacek: I'm almost sure that there is an age limit, but I'm not sure what that age limit is. I do know, that reminds me, that one of the questions Russell Turcotte's family had, there was a perception that one can't start an investigation for 24 hours. I don't know if we are watching too much television, but that evidently is not the law in ND. That kind of investigation can be engaged immediately. But the family didn't know that; they believed that. It appeared that the law enforcement people were under the same assumption, that he's a kid, Grand Forks, he may be out with his friends, and here's his mom saying that's not the kind of person my son is. He had called me, and talked to him and I think something is wrong. I think there are a lot of issues of fact like that, including the Amber alert guidelines, that we need to clarify and maybe even put in a brochure a checklist or something like that, for both law enforcement and families.

Chairman DeKrey: Thank you.

Sen. Mike Every: I am a sponsor of this bill (see written testimony). As Bonnie said, this first came as a bill draft on how we handle missing person's investigations and through conversations with law enforcement, Bureau of Criminal Investigation, and the AG's office, we determined that it was probably a better idea to take a closer look at it with a study and that's where the resolution came from. Russell Turcotte disappeared on July 5, 2002, and on

November 5, 2002, he was found brutally murdered in the trees outside of Devils Lake. This resolution asks that we thoroughly study and explore all options that will improve the investigation procedures and the handling of missing person cases in the state of ND. Some states such as Delaware, have unified statutory requirements in place that are instrumented upon first notification of a missing person. I have attached a copy of DE's fairly comprehensive legislation, that we feel appropriately addresses many of the concerns and some articles that go along with it, I believe are in there. Our hope is that specific problems, and perhaps solutions will be addressed to further assist the families, and law enforcement officials in search of them, to bring home their loved ones (see written testimony).

Representative Meyer: Is there a standard amount of time now, when you call a police station and you're worried about a missing person, is there a process in ND, any set time that they wait before they do anything.

Sen. Mike Every: There is no standard time, each law enforcement agency operates by their own feel for what's happening. That's something that may need to be a statute such as that, like the one in Delaware would help, instead of determining, I guess the family knows best. Linda would testify to this, that Russell traveled a lot, and spent a lot of time on the road, and nobody knew better than her, when he was missing, that he was, in fact, missing. Law enforcement agencies take it upon themselves to determine whether or not it's actually a missing person investigation or the kid's off on the road doing this or that, but there is nothing in statute that says within 24 hours you have to contact this person or that person.

Representative Koppelman: Might a standard be a double-edged sword, from the standpoint that in ND, lots of times law enforcement know the families, where something like this may

come up, and if we had standards in law, unless it said no longer than...24 hours, it's a strict amount of time, it would, it could also preclude that law enforcement official from saying, I know the family, and the child, and this doesn't look right, I'm going to get on this right now. Couldn't it.

Sen. Mike Every: I agree, and I think that's why this needs to be studied, and in talking with the peace officers association, they will tell you the same thing, that the former sheriff in Williston, who happens to be on this resolution as well, would tell you the same thing. That we know these families, but maybe that needs to be looked at a little closer on how it may or may not be done better in Grand Forks, than it is in Williston.

Chairman DeKrey: Thank you. Further testimony in support.

Becky Dunker, Project Coordinator for Living On: Support (see written testimony & brochure).

Chairman DeKrey: Thank you. Further testimony in support, testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SCR 4016.

Representative Delmore: I move a Do Pass and place on the Consent calendar.

Representative Koppelman: Seconded.

12 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Delmore

Date: 3/14/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4016

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on Consent Calendar

Motion Made By Rep. Delmore Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	A				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Delmore

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 14, 2005 11:23 a.m.

Module No: HR-46-4846
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4016: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4016 was placed on the Tenth order on the calendar.

2005 TESTIMONY

SCR 4016

AH #1



HOME PAGE PAGE TOC

[§ 8531.](#) | [§ 8532.](#) | [§ 8533.](#) | [§ 8534.](#) | [§ 8535.](#) | [§ 8536.](#) | [§ 8537.](#) | [§ 8538.](#)**TITLE 11****Crimes and Criminal Procedure****PART V****Law-Enforcement Administration****CHAPTER 85. STATE BUREAU OF IDENTIFICATION****Subchapter II. Missing Persons****§ 8531. Definitions.**

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Complaint" shall mean any report, notification or information given to a law-enforcement officer that a person is missing or cannot, with reasonable care, be located;

(2) "Missing person" shall mean a person who is missing, and who also meets 1 of the following characteristics:

- a. Such person is physically or mentally disabled;
- b. Such person was, or is, in the company of another person under circumstances indicating that the missing person's safety may be in danger;
- c. Such person is missing under circumstances indicating that the disappearance was not voluntary;
- d. Such person is an unemancipated minor.

(3) "Unemancipated minor" shall mean a minor who has not married, and who resides with a parent or other legal guardian. (65 Del. Laws, c. 48, § 2.)

§ 8532. Original complaint.

A missing person complaint may be made to any county, town, city or state law-enforcement agency or any other appropriate state agency. Such complaint shall state the age of the missing person. When an agency has received a missing person complaint, such agency shall immediately disseminate all known facts concerning the missing person to all county and state law-enforcement agencies, and to any other law-enforcement agency which may be appropriate. A new missing person complaint shall have high priority. (65 Del. Laws, c. 48, § 2.)

§ 8533. Law-enforcement reports.

The law-enforcement agency which has primary jurisdiction in the area from which a missing person complaint has been filed shall prepare, as soon as practicable, a report on the missing person. Such report shall include, but is not limited to, the following:

- (1) All information contained in the original complaint;
- (2) All information or evidence gathered by the preliminary investigation, if one was made;
- (3) A statement, by the law-enforcement officer in charge, setting forth that officer's assessment of the case, based upon all evidence and information received;
- (4) Any additional, supplemental or unusual information which the agency feels may be of importance in locating the missing person. (65 Del. Laws, c. 48, § 2.)

§ 8534. Dissemination of missing person report.

Upon completion of the missing person report, the law-enforcement agency shall send a copy of the report to:

- (1) Each law-enforcement officer having jurisdiction over the location in which the missing person lives, or was last seen;
- (2) Each state agency which the reporting law-enforcement agency considers to be potentially involved, and each private agency known to the law-enforcement agency which has, as a part of its functions, the searching for or location of missing persons;
- (3) Each state agency to which the nearest relative to the missing person, or the complaint if no relative is located, requests that the report be sent; provided, however, that the forwarding of any report under this section shall be at the discretion of the law-enforcement agency;
- (4) Each law-enforcement agency which requests a copy of the missing person report. (65 Del. Laws, c. 48, § 2.)

§ 8535. Unemancipated minors.

(a) If a report of a missing person involves an unemancipated minor, the law-enforcement agency shall immediately transmit all proper information for inclusion into the National Crime Information Center (N.C.I.C.) computer.

(b) If a report of a missing person involves an unemancipated minor, the law-enforcement agency shall not prevent an immediate active investigation on the basis of any agency rule which specifies an automatic time limitation for a missing person investigation. (65 Del. Laws, c. 48, § 2.)

§ 8536. Dental records.

Each law-enforcement agency shall be provided with dental authorization forms, promulgated by the Attorney General, which when signed by a parent or guardian of a minor shall permit release of dental records to law-enforcement authorities. Where the missing person complaint indicates that the missing person is under 18 years of age, a properly executed dental authorization shall be taken to the family dentist and any other dentist who has records which would assist in identification of the missing person. Such dental identification shall be disseminated to the Medical Examiner and all other appropriate state agencies. (65 Del. Laws, c. 48, § 2.)

§ 8537. Unidentified deceased persons -- Duties of law-enforcement agency.

It shall be the duty of every law-enforcement agency to:

- (1) Acquire, collect, classify and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;
- (2) Acquire, collect, classify and preserve immediately any information which would assist in the location of any missing person, including any minor, and provide confirmation as to any entry to the parent, legal guardian or next of kin of such person; and the agency shall acquire, collect, classify and preserve such information as it deems necessary from each such parent, guardian or next of kin; and
- (3) Exchange such records and information as are provided for in this section with other law-enforcement agencies of this State, of any other state, or of the United States. With respect to missing minors, such information shall be transmitted immediately to other law-enforcement agencies. (65 Del. Laws, c. 48, § 2.)

§ 8538. Unidentified deceased persons -- Fingerprints.

The Medical Examiner shall promptly furnish the Department of Safety and Homeland Security with copies of the fingerprints of each unidentified deceased person. The copies of such fingerprints shall be on standardized cards, and shall be accompanied by descriptions and other identifying data, including any available information concerning the date and place of death. In any instance where it is not physically possible to furnish prints of all 10 fingers, the prints or partial prints of any fingers, together with identifying data, shall be forwarded by the Medical Examiner to the Department. (65 Del. Laws, c. 48, § 2; 74 Del. Laws, c. 110, § 138.)

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AH #2

VOLK HUMAN SERVICES, LLC

501 Third Street NE, Suite 1

Devils Lake, ND 58301

701-662-1911

Toll Free 1-877-846-4554

FAX 701-662-4770

gsvolk.volkhs@midconetwork.com

7 February 2005

TO: Senator Mike Every

FROM: Greg Volk, PsyD, FICPP

RE: Testimony to the Judiciary Committee

Dear Mr. Every:

I am submitting this brief letter to you to both supplement and support testimony to be given tomorrow by Linda Flynn and Jessica Ramey-Gillam to the Judiciary Committee. This testimony is related to the circumstances surrounding the murder of Ms. Flynn's son, Russell Turcotte, and subsequent changes that may be made in North Dakota to prevent a recurrence of the problems she experienced.

My concern in this regard is the emotional turmoil and distress that is experienced in the family members and loved ones when someone is missing. Loved ones experience distress at the first knowledge of a break in the routine of someone. This distress intensifies with the level of consistency the person normally has, the relationship of the break of routine has with the prominence of certain situations (e.g. Mr. Turcotte not arriving for the preparation of his best friend's wedding), the lack of alternative explanations for the break in routine, and the length of time in which the break in routine continues. Fear and anxiety create both emotional and physical reactions that are detrimental to a person's well-being.

When confronted with the current status of missing-person case management, loved ones often find a barrier to receiving help because for adults who go missing, there is a waiting period before an investigation begins. Ms. Flynn and Ms. Ramey-Gillam will provide testimony in this regard. When an already emotionally distressed person hits this barrier there can be several reactions. Often, people will be further frustrated by what appears to be a lack of sensitivity to the circumstances. Some can perceive that the information they provide is not given much, if any, credibility.

It is reasonable that when someone is missing and persons with intimate knowledge of the subject can attest to the breach in normal routine, law enforcement officials should consider such knowledge to be valid and of evidentiary value. Research into law enforcement and crime scene analysis indicates that the first 24 hours is the most crucial for gathering information and protecting remaining evidence, as well as finding someone alive in the event of abduction. What are the relative costs and benefits of supporting an initial investigation at the first report of

someone missing regardless of circumstances, particularly when a breach in the person's normal routine is noted? As the persons who are assigned the responsibility to "serve and protect," it appears reasonable based on research to consider at least an investigation into the nature of the disappearance, to establish whether or not the disappearance does reflect something "out of the ordinary" for the individual, and to follow-up on the concerns of loved ones.

Ms. Flynn will have with her information regarding the recommendations of a task force in the Seattle metropolitan area for missing-person cases. In general, these recommendations, as reported in the Seattle Post-Intelligencer (1/3/05), suggest a "tool box" that includes three primary resources:

1. A "best practices" policy for such cases that becomes a part of a department's operating procedures.
2. Family resource booklets to be provided to loved ones and that give advice for what they may do to assist in the search, provide information regarding coping, and offer additional community resource options.
3. A training DVD that expands upon the implementation of the "best practices" guidelines noted in #1 above.

Modifying the current standards regarding the investigation of missing-person cases is an opportunity for North Dakota to be proactive with regard to this procedure. Although such a modification will neither diminish the loss of Russell Turcotte, a vibrant young man, nor assuage the grief his loved ones have experienced, it may provide some comfort in the knowledge that in his death, Russell has continued to help others in need. In light of continued abductions, such as the Dru Sjodin case, it is both prudent and necessary to review how missing-person investigations are handled in North Dakota. It is my hope that the members of the Judiciary Committee will see this as well.

Thank you for the opportunity to provide this statement. Please give the testimony of Ms. Flynn and Ms. Ramey-Gillam as well as my letter your utmost attention and consideration. The decision you render is truly one of life and death.

Respectfully,



Greg Volk, PsyD, FICPP
Clinical Psychologist

cc: File

AA #3

Ladies and Gentlemen-

I first wish to thank you for your valuable time and consideration in this urgent matter.

I have been a volunteer Advocate in the Devils Lake area for the last 7 years. The majority of my Advocacy work has dealt with insufficient interpretation of Federal Rules and Regulations in IHS and HUD programs. Sen. Dorgan and Sen. Conrad's offices have been ever vigilant in their assistance and cooperation in resolutions of these issues. The primarily Native American base of my Advocacy was- and- is grateful... as am I.

Last year was the first instance that I assisted a victim of violent crime find their way through the maze of the *Federal* Justice System. The *overwhelming* importance of the victim and their family's "having a voice" in any criminal investigation should be paramount. As a survivor of violent crime myself, it is *difficult* to find words to express what it feels like not to be heard. This *active listening* always should include: open dialogue with law enforcement; respect for the families concerns, by law enforcement; notifying victims and loved ones of progress in investigations; sharing with families and victims the workings of prosecutorial discretion and pre-sentence reports of the offenders.

Even though current *Federal* Statute provides clear cut guidelines and requirements addressing the afore-mentioned issues, *problems can arise*. However, when problems do arise in a jurisdiction that has statutory requirements in place, at least the standard is set. What has happened during the Russell Turcotte missing person case and subsequent murder investigation illustrates the *desperate need* for uniformity within all law enforcements agencies in the state of North Dakota.

The illustration I speak of starts with the *wide disparity* between agencies in just who had jurisdiction in Russell's missing person case. I found this out first hand when I had to report my youngest son, age 20 at the time, missing to Devils Lake Police Department. A jurisdiction that an officer of the court, *I know personally*, had believed proper. Dispatch, told me in *no uncertain terms*-the report had to be made in Fargo, *the last place my son was known to be*.

Dispatch, are the fist line in the attempt to collect the *very first facts* in a missing person's case. It can be a frustrating gauntlet to run. *Both Linda and I, again, know this first hand*. Dispatch, should be just that: connect the appropriate authority with the caller after ascertaining the basis for the complaint. Triage of a missing person case should rest only with trained law enforcement investigators. Complainants should never have their concerns, or, complaints brushed off and belittled, *such as we had...*

The back bones of any missing person case are how tips and leads are followed up by investigators. The *common sense answer* is to do just that: follow up. However, in Russell's case at least one important caller was never contacted. The reasons for this

is a mystery to me, but then again much in this case is...My personal experience ? It took no less than 3 calls to convince our local law enforcement to contact a witness of a potential suspicious car sighting at the very location Russell's body was found, during a crucial time frame after his disappearance. Then, after our local department finally ascertained this information, we learned that it was never passed on to the BCI, when they took over the investigation.

Then, there is the question of assistance by promised by our state, by the Governors Office. The family had contacted Texas Equa Search. The help promised, by Governors Office, was pulled just days before this *Nationally and Internationally* known organization was assured that antequate help would be available. Whether this decision was based on vacuous personally or political agenda depends on just who you ask. I contacted Tim Miller, the head of this non-profit organization whose own daughter was brutally murdered. I asked him if he would be willing to give a statement on his personal observations of this case. He was packing for Sri Lanka in order to help victims of the Tsunami Disaster. While he stated that "...*e-mail me what ever you need and we'll send it...*" it has been understandably difficult to reach him at this time. As a third party, non-related, with no personal agenda I believe his insights would be *invaluable to this committee...*

While the Missing Persons bill presently before you, is *based* on Delaware Law, Washington state, has stepped up to the plate by providing their law enforcement agencies with a "Missing Person's Tool Box". This long over due action was prompted by an in-depth, ten part newspaper series on the plight of Missing Person's. This has now been made available to their Tribal, State Patrol, City, and Sheriffs law enforcement departments and investigators.

...Sheriffs departments...

There is one more void in the law enforcement picture that I believe needs to be addressed at this juncture: the under-funding and under-staffing of Sheriffs Departments.

Russell's body was found in a rural area. While much of the state of North Dakota is rural, the *absence of sheriff patrols shocked me* when I first moved to Devils Lake. Coming from an agriculture rich county in northern California, the Sheriffs Departments presence was known in *every corner of the county*. This included the desolate foothills I resided in... With an ever increasing Methamphetamine problem in our state, isolated farm families a far cry from town, a threat of eco-terrorism that is bound to hit this state at one time or another, one has to wonder...Would extra patrols have noticed supious activity where Russell was found ? Possibly...Would they have brought his body home sooner to his family ? Maybe...This is worth the committee's consideration especially when the *hee and call* of law enforcement has to petition local hunters and farmers to be on the look out for a body.

My personal experience has taught me that order to improve one's self, a clear, unforgiving analytical eye must be used. This is true of the individual as well as *of the state*. The states of Delaware and Washington have done just that...What as North Dakotans will we do to move forward, and learn from past errors in judgment and what common decency dictates in the way a missing persons family should be treated.

What ever has caused lapses in this one case, can be potentially corrected in the future with the passing of this bill. We believe it is beneficial for both law enforcement and victims, as well as loved ones...We also believe that it can be cost effective, in the long run...

I for one, as a mother and grandmother, cannot begin to *fathom the pain* that my friend Linda Flynn continues to live with in being robbed of her youngest son's life...the frustration and bewilderment of the actions or non-actions of law enforcement in her quest for justice...She is part of a sorority that no mother wishes to join...

- take a good look a the picture of her son, it could well be anyone of ours...

or one of yours...

ATT H 21

Police get standard missing-person 'toolbox'

Task force develops guides to help agencies and families respond to cases

By LEWIS KAMB
SEATTLE POST-INTELLIGENCER REPORTER

After more than a year's work, a state task force last month equipped law enforcement agencies across Washington with a package of newly developed training guidelines, model policies and other resources aimed at improving investigations of missing persons and unidentified body cases.

The task force's missing-person "toolbox" -- distributed in mid-December to more than 350 federal, tribal, county and city police and sheriff's departments statewide -- contains three main resources:

- A model "best practices" policy for accepting and investigating missing-person cases that can be made a part of an individual department's operating procedures.
- Booklets for families and friends of the missing that explain what to do when a loved one disappears, provides them with tips to help police investigate such cases and offers additional resources for help.
- And a training DVD for police developed by the Seattle Police Department that provides officers with "best practices" guidelines for handling missing-person cases, including what information they should gather and steps for collaborating with other agencies to properly follow up on such cases.

"Police need effective policies and procedures for responding to missing-person cases, and people confronting these crises need to know what they can do to assist," Attorney General Christine Gregoire said of the task force's work. "We think these materials will help in both respects."

In July 2003, Gregoire convened the state's "Task Force to Aid Missing-Person Investigations" -- a panel of federal, state and local law enforcement officers, forensics experts and crime victims advocates -- after publication of a 2003 Seattle Post-Intelligencer special report, "Without a Trace."

The newspaper's 10-part series detailed how police in Washington and across the nation repeatedly neglect missing-person reports, allowing recovered bodies to remain unidentified and killers to get away with murder.

Although widespread throughout policing, the problems revealed by the series mainly fell into two categories: officers' mishandling of cases -- through ignorance of state laws and best-practice protocols, indifference toward such cases or because of a lack of investigative training; and flawed national and state law enforcement computer systems

agencies continue to coordinate efforts and develop better systems to help solve these cases."

The P-I's special report found that Washington's missing-person system, while one of the best in the nation in terms of identifying bodies and recognizing patterns among killers, still has ample room for improvement. It also showed that the federal network for tracking missing-person cases is deeply flawed.

U.S. Rep. Jay Inslee said he plans to continue his push for a new nationwide missing-person database that would be accessible to medical examiners and coroners, who are now restricted from accessing the nation's main database for unidentified body and missing-persons cases.

Proponents say a Web-based system being developed with help from the Kitsap County Coroner's Office -- The Network of Medicolegal Investigative Systems, or NOMIS -- could improve death investigations and better link the anonymous dead to the known missing than the National Crime Information Center computer, the system law enforcement nationwide now uses for such cases.

"The sharing of investigative information is now recognized as a crucial part of our crime-fighting abilities, and I am working in Congress to sufficiently fund these efforts," said Inslee, a Democrat whose district includes Kitsap County.

CONTACT LAWMAKERS

Rep. Al O'Brien, D-Mountlake Terrace, is researching legislation that would create a statewide missing-person policy. To contact him call 800-562-6000.

P-I reporter Lewis Kamb can be reached at 206-448-8336 or lewiskamb@seattlepi.com

*Bonnie Palack
passed out*

113 days. My youngest son, Russell Douglas Turcotte was missing for 113 days. On the 114th day, I was officially notified that his body was positively identified, a victim of a brutal murder. I want to relay to you what I experienced in those 113 days of despair, fear, anger, and mostly a deep sense of helplessness.

Day one, July 14, 2002, by noon I felt that something was wrong with my son. Earlier that morning I had wired him money for a train ticket and had not heard from him. I then noticed on the Western Union slip, an 800 number to call to see the status of your wire transfer. I called the number and found that the wire had not been "paid" or picked up. This increased my anxiety, as I should have heard from him by then. I checked again a couple of times over the next few hours and it was always the same result, the money was not picked up, and my son did not call again which would have been highly unusual for him. Russell was a very family orientated young man who would never intentionally cause me to worry. I know that if he would have changed his plan, he would have called me and informed of those plans. He was anxious to return home for a number of reasons; one being that he was due to be best man for his childhood friend.

Finally, at approximately 3:00 p.m., I placed a call to the Grand Forks Police Department. I explained that my son had called me and requested money to be wired to him so that he could purchase a train ticket home. I explained my concern that he had not called me back to say he had the money, and that I had checked with Western Union to see if the money had been indeed picked up, to find that it had not. The dispatcher began taking his description, his height, his weight, color of hair, color of eyes, his build, and then the last question was his age. When the last question was answered, and I relayed to her that he was 19, she paused slightly, then kind of chuckled and said, "Ma'me, maybe you should wait a few more hours." I once again relayed that I was deeply concerned, that I called the number on my caller ID only to continually get a busy signal. She did look up the phone number for me, telling me it was a pay phone located at a Mini Mart, and then gave me the direct number of the store. I was told to call back later if I did not hear from him again.

Later that evening at approximately 10 p.m., I called the Grand Forks Police Department once again. I relayed that I was extremely worried by then as he had not called nor had the money been picked up. To my frustration I was then informed that I needed to call my local law enforcement agency to place the report. This seemed very strange to me. How was the Wolf Point Police Department supposed to help me? He was not physically in Wolf Point. He was physically in GRAND FORKS. Wolf Point police department came to my home and took the report. I was told that they had to type it up, then tele-fax it to the Grand Forks Police Department. Once this was all said and done, it was after midnight and Russell was then officially reported as a missing person.

Day two, I called GF police department to see if they had acted on the missing persons report, and wanted to know what the next step was. I was not given a clear answer. I felt desperately at a loss, not knowing what I should have been doing, but that something needed to be done. I called my middle son, Jacob and asked him to go look for his brother. I would have done this myself, but I was in a cast, walking on crutches and was

afraid to leave the phone. We had no clear plan, but one shortly fell into place. I gave him 2 pictures of his brother, told him to travel to GF, stopping at each town in-between to talk to law enforcement, and ask them to be on the look out for Russell, as we thought that he might have been in some kind of trouble. This initially did not mean foul play, it simply meant that he may of fallen, been hit by a car, any number of things that kept him from calling home again. Jacob reached GF later that evening, since he made many stops along the way. His first stop in GF was the police department. Since it was late at night, the police department administrative offices were closed and a buzzer was to be rung for assistance at the front entrance. Jacob rang the buzzer, informed them of his problem and was told to come back later in the evening or early in the morning, as they were "busy." We did everything that was humanly possible, contacted law enforcement, distributed fliers with Russell's picture and a phone number to call if anyone knew of his whereabouts. We as his family, searched for him, the best we knew how.

Day 16: The feeling of helplessness grew larger and larger. Out of this intense feeling of helplessness, I turned to law enforcement once again. I placed a call to the GF police department, asking to speak to the Chief of Police. I was asked, what is this in regards to? My son, Russell Turcotte was my response. The chief of police was on vacation but I could talk to Captain Kirby. Before being put through to the captain, the dispatcher, the same one that initially took my call on July 14th asked me, "So you haven't found your son?" No name was my reply. Captain Kirby listened patiently then told me that I did have reason for concern since it had been nearly two weeks. He told me he would assign a detective to the matter, and I felt my first sense of relief. The next day he called me back and informed me that he had assigned Detective Vigness to the matter. I then waited once again for some thing to take place.

Day 30: I had not heard from the detective and the day of the wedding had come and gone with no word from Russell. I called Detective Vigness to check on the progress. I was told that he had looked over the area where Russell was last seen, viewed the video tape from the mini-mart, where he had seen Russell enter the store, purchase a bottle of water and leave. He then stated that Russell was not "under any visible duress" in the videotape and did not know what else he could do.

Day 35: My oldest son's birthday. His younger brother did not call to wish him a happy birthday.

Day 51: His Dad's birthday. His youngest son did not call to wish him happy birthday.

Day 72: Russell's Aunt Maggie of Houston had been visiting with TexasEquusearch, a private organization that assists in missing person's cases. They conduct ground searches in the last know area of where the person was last seen. It was felt that since Russell was not heard from for such a long period of time, that a ground search was warranted. They agreed to help our family. The director of the organization, Mr. Tim Miller, began to plan for the search, contacting GF law enforcement, volunteers within his organization, and relaying to the family what needed to be done.

Day 87: Received an e-mail from Maggie that Tim Miller had informed her that he spoke with the police department in GF. They had received a call from the Governor's office and were asked to give us whatever we needed to conduct the search. They would provide 2 search centers, police would be present to assist and they were looking to open up the fairgrounds so there would be accommodations for the horses. We were very grateful for their assistance.

Day 93: Received an e-mail from Maggie that the GF police department did not have as much help as they originally said they could provide. They could supply 6 cell phones and topographical maps. This was 2 hours before Mr. Miller was leaving for ND. He said he would search for a command post himself upon arrival and that we would do the best we could. We called for as many family members as possible to assist, and prayed that it would be okay.

Day 95: arrived in GF, searching for something I did not want to find. We were in the city about a hour when we got call from Tim Miller, the police department wanted to have a meeting with TexasEquusearch and the family. We arrived at the police department not knowing what to expect. The meeting started with a very tense atmosphere, each party with a sense of awkwardness, not quite knowing how to proceed. Dialogue was exchanged, with nothing really being said. Finally, Maggie asked what law enforcement could do to assist, and wanted to know why the initial plans for assistance were not being made available as promised. Sergeant Remmer stated that they reason he had pulled back the assistance that was previously promised was due to the writings of a self-proclaimed Indian rights activist. I was appalled that this was happening; I stood up, held a picture of my son and simply stated, THIS IS ABOUT MY SON. I am here for one reason and one reason only and that was to find out what happened to my son. I had no involvement or knowledge of this person being a deterrent to the search for my son. We then moved forward and GF assisted very graciously and efficiently.

Day 99: My journey home, the search had taken place and nothing more was known about the whereabouts of my son. We were driving silently down the road, when the news came on the radio. They spoke of our search and of how nothing had been found. The next statement stunned me; law enforcement was asking that farmers, ranchers and hunters be on the look out for anything unusual, that indicate a "body." This was the first time ever that law enforcement conceded that some did in fact happen to my son.

Day 103: Russell's 20th birthday. Hugs were not exchanged, there was no cake to eat, I could not wish him happy birthday.

Day 106: returned to work, I did not know what else to do. I had a meeting to attend in Washington D.C. that had been planned since the beginning of July. So on I went.

Day 113: I was in D.C. due to give a presentation at 1 p.m. Right before the meeting I turned my cell phone off. After the meeting I packed my projector and other materials, I

would have 2 trips to make. On my way down to get the second one, I remembered my phone and switched it on. I noticed that I had one missed call. As I tried to retrieve the number on the display, my phone rang. Russell's father told me that a "body" had been found outside of Devils Lake, I needed to call Steve Harada of the WP to request dental records for my son. I was due to fly home the following morning; I spent a very sleepless night.

Day 114: I arrived in Billings on schedule, at approximately 2p.m. My mother was there to meet me. I felt very restless as I was waiting for the phone to ring, scared that I would hear what I did not want to hear. 20 minutes later it rang, my boyfriend informing me that it was indeed my son, I was to call Jeff Harada of the WP police department. Sergeant Harada informed me of the results, and then told me that I was to call Steve Hammery of the Devils Lake Sheriff's office, they needed to verify that I was "OFICALLY informed of the discovery of the remains of my son.

Which bring me here today; the days are too numerous to count. I feel that out of the tragedy of my son's death, that something positive must take place. That another family who in the future reports their loved one missing will be afforded the assistance of law enforcement in a professional and compassionate manner that could only benefit all. I say this knowing that as of January 2005, the National Crime Information Center reports that there are 44 active cases of missing persons in the state of North Dakota. 44 more families in the State of North Dakota.

Linda Flynn Hanson
March 14, 2005

Sen. Every

On July 15, 2002 Russell Turcotte of Wolf Point Montana, was reported missing to Grand forks police and on November 5, 2002 he was found brutally murdered outside Devils Lake.

This resolution asks that we thouroughly study and explore all options that will improve the investigation procedures in the handling of missing persons cases in the state of North Dakota.

Some states such as Delaware, have unified statutory requirements in place that are instrumented upon first notification of a missing person. I have attaced a copy of Delawares fairly comprehensive legislation that we feel appropriately addresses many of our concerns.

Our hope is that specific problems and perhaps solutions will be addressed to further assist families and law enforcement officials in their serch to bring loved ones home.

The first issue is the valuable loss of time between first notification of law enforcement agencies and when concerns are actually taken seriously. As you know, the first 48 hours in a missing person case is critical as most murders are committed with in the first three hours.

This study will help to determine a way to spare valuable time in future cases. All leads to law enforcement need to be followed up as soon as possible. There needs to be in place a mandatory requirement that law envocement call backs are within reasonable time.

The next issue needing to be addressed is the necessity of profiling the missing person upon first contact with law enforcement. An immediate search to attain any criminal or psychiatric back ground on a missing prerson can be one of the most useful tools to law enforcement.

I have also attached testimony of Dr. Greg Volk, a clinical pshycyatrlist from Devils Lake that will reenforce the significance of this need.

I have brought with me today Lynda Flynn, of Wolf Point Montana, the mother of Russel Turcotte. She will talk about her experience in trying to locate her son and her relationship to law enforcement.

I also have with me Jessie Gilliam a mother from Devils Lake that had a similar situation several years ago. Thankfully her story does not end in tradgedy.

Friday, March 14, 2003

Lawmakers, police seek better handling of missing-person cases

By LEWIS KAMB, LISE OLSEN AND MIKE BARBER
SEATTLE POST-INTELLIGENCER REPORTERS

Widespread failures in missing-person investigations across the state have prompted lawmakers and key law enforcement officials to seek immediate and long-term improvements to a system chronically resistant to change.

In the wake of the Seattle Post-Intelligencer's 10-part series, "Without a Trace: People go missing, killers go free," top law enforcement officials plan meetings to explore ways to improve communication among police agencies and the handling of missing-person cases, said Scott Blonien, senior assistant attorney general.

The meetings, yet unscheduled, will include representatives of the state Attorney General's Criminal Justice Division, the state's Homicide Investigation Tracking System, the State Patrol and the Washington Association of Sheriffs and Police Chiefs, or WASPC, a powerful law enforcement lobby.

King County Sheriff Dave Reichert, a WASPC executive board member, said the P-I's yearlong investigation has prompted his own discussions with local community officials about problems revealed in the system.

"What you reported on is just the tip of the iceberg when it comes to cooperation between police departments," said Reichert, who, as lead detective on the Green River serial murder investigation in the early 1980s, has experienced communications shortcomings firsthand in the handling of such cases.

The P-I special report detailed how local police -- through ignorance, indifference and lack of training -- repeatedly neglect missing-person reports, allowing cases to go ignored, recovered bodies to be left unidentified and killers to get away with murder.

There have been improvements in the past decade, especially in the handling of missing-children cases -- especially those involving abductions. But when it comes to reported runaways and missing-adult reports, a crucial nexus in unsolved homicides, the same "wheel" that investigators have had to reinvent to catch up on cold trails -- stretching back to the heyday of serial killer Ted Bundy in the 1970s and beyond -- must be reinvented now, officials said.

"Missing-persons cases and other investigations are not at the level they should be, and I think a lot of these chiefs out there hope that this will all just go away," Reichert said.



State Rep. Al O'Brien, D-Mountlake Terrace, a former longtime Seattle police officer familiar with problems in such investigations, said he is researching legislation that would create a statewide missing-person policy.

Such a policy should include the use of standardized missing-person report forms by all local departments and elimination of waiting periods for accepting missing-person reports, O'Brien said. Many departments refuse to take a report until an adult has been missing 24 hours or longer.

O'Brien, chairman of the state House of Representatives' Criminal Justice and Corrections Committee, said he also will seek more money for the state's Missing and Unidentified Persons Unit -- Washington's records repository for such cases.

The unit now has just one employee who is frequently pulled off for other duties. A back-up employee works part time, and the unit also relies heavily on the services of a volunteer -- Northgate dentist Gary Bell, who analyzes dental records that are critical in identifying bodies found.

The legislation could be ready for introduction in 2004, O'Brien said.

Washington State Patrol Chief Ronal Serpas, meanwhile, said he intends to develop formal training protocols for missing-person investigations. The State Patrol has said it will produce wallet-sized instruction cards to be distributed statewide to officers who can use them as a guide to collecting information critical to such investigations.

Serpas also said he plans to improve training materials, including the possible production of a new training video featuring some of Bell's success stories as a way to stress the importance of compliance with state law that requires police to obtain dental records for missing people.

The P-I found that police departments routinely fail to get dental records and send them to the state, and that even experienced police administrators were unaware of the requirement.

Serpas said many reforms must be made through WASPC and the state's Criminal Justice Training Commission, with each of the more than 270 law enforcement agencies in Washington making individual reforms.

"The accountability needs to be with the local department -- as close to the case as possible," Serpas said.

Investigators with the state Attorney General's Homicide Investigation Tracking System - a program that tries to track violent crime statewide to search for patterns and improve communication about such cases between local police agencies -- have said they intend to use the P-I series in its homicide training sessions periodically offered to police across Washington.

The HITS program may also seek to expand its database to include more missing-person cases, officials have said. The HITS computer now tracks only those missing-person cases that local police agencies have flagged as potentially involving "foul play."

The P-I series found that dozens of missing-person cases never receive such a designation from local departments, however, even though signs may indicate a crime has been committed.

Reichert, meanwhile, said he will continue his efforts to act on a statewide study aimed at better sharing police resources and addressing jurisdictional problems.

Many failures in missing-person investigations occur "because of turf wars" between departments, Reichert said, pointing to a case examined by the Post-Intelligencer as a prime example.

It documented the disappearance of Elizabeth Lamphere from a Kent bar in 1996, and how police in that city declined to take a report because Lamphere lived in Covington -- an area just outside the city in unincorporated King County.

Reichert's department took up the investigation, laying down the groundwork for a murder conviction against a Massachusetts trucker after Lamphere's body was eventually found months later in Kent.

"This is exactly why we need regionalized cooperation between police agencies," he said.

Gov. Gary Locke last year appointed a commission to study that aspect of the problem and WASPC also intends to present the findings of its own study on the issue to a legislative committee, Reichert added.

Reichert also said the P-I special report has prompted his office to study the creation of a missing-person policy for all police agencies in King County.

The Seattle Police Department already has revamped its missing-person unit and protocols for handling the reports in the wake of the newspaper's reporting. Other departments around the state say they're doing the same.

But WASPC Executive Director Larry Erickson cautioned that there is no quick fix on the horizon, and that there are plenty of other law enforcement needs for limited money.

In a year locked in a state budget crunch, Locke has yet to say specifically whether he will address the problems in the system.

"There are too many unsolved missing-persons cases and too many families who are living each day wondering if their loved ones will ever be found," Locke said in a written statement to the P-I. "It is important that local, state and national law enforcement

agencies continue to coordinate efforts and develop better systems to help solve these cases."

The P-I's special report found that Washington's missing-person system, while one of the best in the nation in terms of identifying bodies and recognizing patterns among killers, still has ample room for improvement. It also showed that the federal network for tracking missing-person cases is deeply flawed.

U.S. Rep. Jay Inslee said he plans to continue his push for a new nationwide missing-person database that would be accessible to medical examiners and coroners, who are now restricted from accessing the nation's main database for unidentified body and missing-persons cases.

Proponents say a Web-based system being developed with help from the Kitsap County Coroner's Office -- The Network of Medicolegal Investigative Systems, or NOMIS -- could improve death investigations and better link the anonymous dead to the known missing than the National Crime Information Center computer, the system law enforcement nationwide now uses for such cases.

"The sharing of investigative information is now recognized as a crucial part of our crime-fighting abilities, and I am working in Congress to sufficiently fund these efforts," said Inslee, a Democrat whose district includes Kitsap County.

CONTACT LAWMAKERS

Rep. Al O'Brien, D-Mountlake Terrace, is researching legislation that would create a statewide missing-person policy. To contact him call 800-562-6000.

P-I reporter Lewis Kamb can be reached at 206-448-8336 or lewiskamb@seattlepi.com

Projects Available Through Living On

Silent Witness Exhibit

In 1990 a group of women from Minnesota became upset after learning about the growing number of women being murdered by their partners or acquaintances. They felt an urgency to do something that would speak out against domestic violence, something that would commemorate the lives of the women whose lives had been lost. After much brainstorming they created free standing, life-sized, red wooden figures, each one bearing the name of a woman who once lived, worked, had neighbors, friends, family, children— whose life ended violently at the hands of a husband, ex-husband, partner, or acquaintance. The organizers called the figures Silent Witnesses. The mission of the Silent Witness National Initiative is to promote peace, healing, and responsibility in adult relationships in order to eliminate domestic murders.

Sheila's Shawls

Sheila's Shawls is a project sponsored by the Silent Witness National Initiative. Sheila's Shawls was created as a memorial for Sheila Wellstone, a tireless crusader on domestic violence issues. Sheila was killed tragically in a plane crash along with her husband Senator Paul Wellstone. Sheila's Shawls are presented to family and friends of domestic homicide victims in an attempt to provide love, comfort, hope, and healing.

For more information on the Silent Witness Initiative or Sheila's Shawls please contact NDCAWS at 701-255-6240.



Living On

**A Support Network For Friends
and Family Members of Domestic
Violence Homicide Victims**

NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES

418 East Rosser Avenue #320
Bismarck, ND 58501

Phone: 888-255-6240

Fax: 701-255-1904

Email: livingon@ndcaws.org

ndcaws@ndcaws.org

Website: www.ndcaws.org



**A Project of the
North Dakota Council on
Abused Women's Services**

Living On Support Network

Living On is a new initiative to assist friends and families of homicide victims in North Dakota. Victim service programs have been crucial in assisting the families of survivors over the years. They tend to be crisis oriented, however, and the need for on-going support has become more and more apparent.

Becky Dunker, the coordinator of Living On, knows too well the physical demands and emotional toll domestic violence murders have on families and communities. Becky lost a sister-in-law to a domestic violence homicide in 2001. During her search for better understanding of domestic violence, she developed a relationship with the North Dakota Council on Abused Women's Services and from there the idea of a support network was born. Her goals as coordinator are to provide mutual support and a network of understanding to those who are dealing with the murder of a loved one. She hopes to assist individuals with the grieving process and give them reasons for **Living On**.

Mission of Living On

Although everybody grieves and experiences emotional pain in very individual ways, when we come together to share our experiences, we see that there are many similarities too. **Living On** is a support network for friends and family members of domestic violence homicides who are coming together to support each other and make a difference in reducing violence in our communities. **Living On** will facilitate communication among individuals and organizations to share information, resources, and ideas to improve support and victim assistance to homicide victims' family and friends. Through this support network, survivors will be given a voice; a voice to speak to other survivors, so no one that goes through this type of trauma ever feels alone; a voice to speak out in honor of victims of homicides to ensure that victims receive the dignity and respect they deserve.

Goals of Living On

- *Facilitate support to family and friends of domestic violence homicides
- *Provide family and friends with services and resources
- *Provide a support network through internet access
- *Publish Quarterly Newsletters for Living On Network
- *Declare a day of mourning in remembrance of domestic violence homicide Victims
- *Introduce the Sheila's Show project to North Dakota
- *Establish a mobile Silent Witness Exhibit

*Who can so softly bind up the wound of another,
as he who has felt the same wound himself.*

-Thomas Jefferson

NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Chair DeKrey and Members of the Committee:

My name is Becky Dunker, project coordinator for Living On, which is a support network for family and friends of victims of domestic violence homicides. This network is a project of the North Dakota Council on Abused Women's Services and Living On was created after my sister in law was killed by her boyfriend in front of her 3 children. This incident led me to believe others who have had to deal with this scenario could use some assistance in understanding what will happen next.

As the project coordinator of Living On, I usually come in at the end of a missing person case. But I know all too well the frustration the family goes through in anticipation of information from authorities. In regards to a missing persons case, questions like where the loved one is, what is being done to find them, and if they are not found alive, who did it, usually arise.

As I understand Senate Bill 4016, North Dakota does not have standard procedures when it comes to missing person cases. North Dakota needs a standardized step by step procedure to assist authorities in finding someone. Especially for the small counties who don't deal with a situation like this very often. Not only the family members, but citizens of North Dakota want to know that every detail is covered to find a missing person and solve a case if the person is not found alive. As citizens, we want to know that a murderer has been caught.

Not only do the authorities need procedures, but the family needs procedures. They need to know the steps being taken to find their loved one. In the case of Norman and Yvonne Olson, it was months before one body was found and then a month later the other body is found in the same building. Family members were understandably frustrated with lack of information during this painful period. Family members need to know what their rights are. What kind of information will they receive? What are they allowed to do, for example, can the family contract with outside searchers? Will someone call them and let them know what is happening or do they have to call in to receive information. In the Russell Turcott case, the mother had to call the majority of the time to receive details of the latest efforts on the case. At her insistence to be updated on the case, someone would call now and then. Family members are in turmoil and need to know that everything possible is being done to find their loved one. They should not have to contact the authorities and insist on details.

I also would like to convey support from the family of Norman and Yvonne Olson for Resolution 4016. Blake Olson, son of Norman and Yvonne e-mailed the following statement:

"I can certainly see the benefit of having a procedure in place to use as a guideline when a missing persons case occurs. Also, I agree with you that the procedure should incorporate the rights and expectations for the family involved. From first hand

experience, I can tell you that the absence of any such process only breeds confusion, frustration, and false, or lack of, hope. But, the procedure is only as good as the organizations and personnel that exercise it. Some of the petty in fighting and turf battles that seem to occur when multiple jurisdictions are involved would only diminish its effectiveness."

Let's protect the citizens of North Dakota and pass this resolution to study the feasibility and desirability of adopting a statewide procedure for finding missing persons.