

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.