



D72 America's National Tragedy: The Missing and Unidentified

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After attending this presentation, attendees will have a greater understanding of the importance of gathering comprehensive dental record data efficiently and compassionately while conducting missing person investigations. Attendees will learn of the significant variance in state-to-state dental record retention guidelines and/or mandates, thus allowing for enhancement of future investigations.

This presentation will impact the forensic science community by increasing the knowledge of the most critical elements of the antemortem dental record required, as well as useful supplemental records.

As of January 2011, the FBI reported 84,352 active Missing Person records (MPR) and 7,539 active Unidentified Person (UIP) records in the National Crime Information Center (NCIC). The problem: only 8,060 (10.47%) of MPR have dental data associated with them. It is reasonable to conclude that hundreds or thousands of registered missing persons are no longer missing but rather recovered and unidentified due to incomplete antemortem data collection.

The specific evidence a dental record provides to the antemortem and postmortem comparison review is critical to positive identification. An ideal dental detail entry into the NCIC facilitates the highest accuracy in possible correlations between unidentified and missing persons. All correlations, a "cross match" strong and weak, are generated as \$.M (dollar "M") analysis reports delivered daily from the Criminal Justice Information Services (CJIS) to the investigating agency. Case detectives and consulting experts review the reports for plausibility in meriting further investigation. Thus, the individual translating the dental record from written form into NCIC code for upload is as important to the case management as is the record itself.

This delegation should be given to a specifically trained NCIC dental coding expert; this is normally not the dentist who has supplied the dental record to investigators. A comprehensive antemortem dental record provided to an Odontologist will give the necessary data for postmortem comparison and expedites this reliable, scientifically sound, and cost-effective method of positive human identification. Often this data can be easily obtained by asking the correct questions of immediate family and the primary care dental provider for additional record collection.

Furthermore, during the course of new and cold case missing and unidentified person investigations, it is also important to note that dental record retention laws and/or guidelines vary significantly from state to state, and this can significantly impede the recovery of antemortem dental records even when a valid source for the record is located. This further delays identification, as well as forces more time and revenue consuming methods to be employed if dental identification cannot be utilized.

It will be shown that in several states there is no law or mandate to prohibit a dentist from destroying a patient record at any time he or she is inclined to do so. Data and graphs will be presented that are representative for the United States and Canada. Recommended antemortem dental record data that should be collected for missing person investigations and their transcribed results as entered into NCIC and the National Dental Image Repository (NDIR) will be discussed, as well as The Health Insurance Portability and Accountability Act (HIPAA) and its impact on dental record release for forensic investigations. The organizations NamUS, The Doe Network and the North American Missing Persons Network will be reviewed as adjuncts to the NCIC. These are available to law enforcement and the public for investigative lead development and community contribution to solving missing and unidentified person cases.

Other forensic investigations effected by dental record retention include: state conducted investigations into patient complaints of malpractice and/or diminished standard of care; patient or employee initiated reports of insurance fraud, and illegal record amendment or destruction. Experts of jurisprudence and forensic accounting will be able to apply the knowledge gained regarding dental record retention mandates in their practice states immediately for plaintiff, defendant, and expert witness deposition in civil casework. The knowledge gained may prioritize the process of evidentiary discovery within a state with a low or non-existent requirement for dental record retention, or when a statute of limitation for a claim being investigated approaches the threshold for legal dental record destruction within a state.

Police and law enforcement, medical legal investigators, cold case teams, family assistance facilitators, medical examiners, coroners, and forensic consultants have a significant focus upon unidentified persons, and



General Section - 2012

the investigation of criminal acts against them. A criminal and/or homicide investigation begins with the identity of the decedent, and the process is significantly impaired without it. The NCIC is a powerful investigative tool in the process of identification when the information uploaded into it is accurate, and knowledgeable experts review the reports created to keep investigative resources focused on likely matches.

Missing, Dental, NCIC