

TESTIMONY • LD496 • MAR 26 2025 9:30 AM • Tammy Lacher Scully, Belfast ME
CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE

Sen. Beebe-Center, Rep. Hasenfus & Members of the Committee: My name is Tammy Lacher Scully, mother of missing vulnerable adult Graham Lacher, and I am here in support of LD496. I've submitted several pages of testimony to you today, but I am not going to take up your time reading all of it. I do ask, though, that you please read it yourselves. I've included a detailed account of all the obstacles we've faced trying to find my disabled son. Another page is an official state document—a PDF posted on the dot gov site outlining Maine's missing-person protocols; on the other side of that document, I've identified several problems with those protocols in hopes that Maine can do better.

But today I'd like to talk about things related to this bill that I think can be done at little or no cost to the state.

1. Silver Alerts should be automatic & immediate for people who have already been identified by the state as vulnerable & at risk. The mechanism for sending Silver Alerts to Maine State Police already exists, so there is no added cost to this requirement. Local law enforcement just needs to know it has to be automatic & immediate & not vary from jurisdiction to jurisdiction.
2. These alerts should include all vulnerable people who go missing. Perhaps a person's vulnerability could be established as part of the paperwork that is already processed when an at-risk person is admitted to a medical facility or placed in a non-medical facility, such as a group home. I had to either supply or decline a do-not-resuscitate order when my son was in a facility; I would welcome the chance to sign an "Issue Immediate Public Alert in the Event of Elopement" order if such a thing existed.
3. Some version of the Silver Alert should accompany the File 6 report that is sent to all law enforcement when a vulnerable person goes missing. Currently, Dispatch Centers decide whether to pass along File 6 reports to officers, and we understand that not all seem relevant to their area. But the thing is that the longer a person is missing, the wider the search area becomes. Common sense tells you that even people missing on foot can travel surprisingly long distances in short order, and confining alerts to a single jurisdiction limits the chance of a successful outcome. I'm not sure if there's any part of Maine's current notification systems that could be used to better spread the word, but surely a mechanism can be found when matters of life and death are involved.
4. Alerting hospitals should be a low- to no-cost step that can be taken. The state already lists 47 hospitals (at a link I'm providing you: <https://www.maine.gov/dhhs/dlc/licensing-certification/medical-facilities/hospitals>). Each entry includes an IRS Form 990 containing all their contact information. Email addresses could be extracted from those to create a group email, which could go statewide at the touch of a button.
5. A similar group email could be sent to all libraries in the state. We know this because we were able to have one sent on our behalf by the Maine Library Association. Both libraries and hospitals could be notified at the same time MSP notifies the media, asking them to forward it to their employees/members.
6. We thoroughly understand the challenge of notifying all homeless shelters, soup kitchens and warming centers because we've attempted to do that ourselves. I wonder if Maine could figure out a way to tap into the many thousands of citizens interested in helping missing people by creating some sort of public/private group not unlike our search and rescue groups—where volunteers do the work, but the state's involvement lends credibility to their efforts.

There are many other problems with Maine's approach to missing persons that I haven't mentioned—such as why our only official means of publicizing a Silver Alert is operated at the discretion of the state's lottery commission instead of law enforcement. So I do also ask you to please consider establishing a study group to address what this bill does not.

We are not at odds with Maine law enforcement, and we don't have all the answers. We just want to help if we can. Last month, one of you noted that my family has done what anyone in our position would do. I actually think most families lack the time and resources to publicize, investigate and maintain their own search. My question to you: If your loved one was missing, can you think of anything the state could do differently that would help you find them? If the answer is yes, please vote Ought To Pass on some version of this bill. Thank you.

WONDERING WHY WE HAVEN'T FOUND MY DISABLED ADULT SON, GRAHAM LACHER, EIGHT MONTHS AFTER HE DISAPPEARED?

It might surprise you to know that, in reality, there is:

- NO OFFICIAL ONGOING SEARCH
- NO TRUE SYSTEMWIDE ALERT
- NO PROTOCOL FOR FOLLOWING UP ON POSSIBLE LEADS

Let's take them one at a time:

1) NO OFFICIAL SEARCH. If you follow this page, you know there was a brief, inadequate search by Bangor Maine Police Department (BPD) the day he went missing in June. We know it was inadequate because Graham was actually in the woods they briefly searched—he was shown on security footage there, and his hat was found there (we know it was his hat because it had his name written on the tag). Five days after he disappeared, there were planes, drones and dogs out looking for him, but we know now those efforts were more geared toward finding a body than a living person.

NO ONE IN LAW ENFORCEMENT IS OFFICIALLY LOOKING FOR GRAHAM NOW. In fact, many in law enforcement aren't aware that he's a missing person—a vulnerable adult, without ID or money, whose impaired judgment puts his life at risk. We know that many aren't aware because we've been told that, face to face, as we travel the state in search of him ourselves.

2) NO SYSTEMWIDE ALERT. Not only did we have to fight to get a Silver Alert issued for my son (it was delayed by hours—busy, early evening hours, when the public might have seen him), but we've learned that a Silver Alert isn't what most of us think it is.

- According to the state's website, a Silver Alert is issued by a local police department, which “will also contact the Maine Department of Public Safety's Communications center to

assist in getting the information out to the news media, the Maine Lottery Commission and the Maine Department of Transportation and the Maine Turnpike Authority.”

- **SILVER ALERTS ARE NOT SENT TO ALL MAINE POLICE DEPARTMENTS OR TO THE WARDEN SERVICE.** So it is no surprise that many of the law officers we've encountered throughout the state have not been aware of Graham's disappearance.

- But police are not alone in this. **SILVER ALERTS ARE ALSO NOT SENT TO AMBULANCES, HOSPITALS, HOMELESS SHELTERS, WARMING CENTERS, SOUP KITCHENS OR ANY OF THE AGENCIES THAT HELP THE HOMELESS.** If Graham is still alive, these are the services he is most likely to access.

- **SILVER ALERTS ARE ALSO NOT SENT TO SEARCH AND RESCUE GROUPS,** most of which do not get involved in a search unless they are invited by local law enforcement. In our case, BPD assigned an officer to Graham's case who didn't know a Silver Alert should be issued, who didn't invite the Warden Service despite the fact that Graham entered the woods, and who didn't invite any other search groups to join the effort. (We are lucky that the volunteer search group DEEMI does not wait to be invited, has conducted searches in response to possible sightings, and will do so again if Graham is spotted in the Penobscot County area.)

- 3) NO PROTOCOLS IN PLACE.** This part is especially heartbreaking. Even if someone sees Graham, recognizes him, and tries to get him help, we are not likely to know anything about it unless they contact us directly and we go out ourselves to try to find and help him.

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Despite official pleas for help from the public, **THERE IS ALMOST NO CHANCE LAW**

ENFORCEMENT WILL FOLLOW UP IN A TIMELY MANNER WHEN A POSSIBLE SIGHTING IS CALLED IN. There are many reasons for this.

- What the public is told to do is contradictory. The Silver Alert posted on the Dept. of Public Safety's website (and sent to media outlets) tells the public to contact BPD if they have information about Graham's whereabouts. BPD's press releases tell the public to contact their own local law enforcement agencies. We ourselves have been sent in jurisdictional circles when we've tried to get help following up on a lead. And we've been told by numerous members of the public that, they, too, have been sent in circles when trying to report a sighting.

- Calling 911 won't necessarily result in action. 911 calls go to local dispatch centers. Some serve police departments that are so big they don't place much emphasis on finding an adult male who is a missing person. And if they haven't been sent or don't understand that the Silver Alert means Graham is a vulnerable adult whose life is in danger, it's no surprise that they don't act. Other departments may be so small they don't have the resources to respond at all; we've been told more than once that they would do their best, but couldn't guarantee they'd be able to follow up.

- It is rare, nearly miraculous, when all the elements are present—when police receive a tip in a timely manner; know that Graham is a missing, vulnerable adult/subject of a Silver Alert; have the manpower to follow up immediately; encounter the person believed to be Graham; and make a positive ID either to confirm or eliminate the sighting. When that happens, we've found caring, compassionate law officers who do their best to help; what we need is a system that routinely—rather than rarely—helps them do that.

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Despite the fact that I am Graham's full, legal guardian (in other words: because he makes decisions that can endanger his life, my authority supersedes his own), I AM NOT AT

ALL LIKELY TO KNOW IF AN AGENCY OR SERVICE HAS INTERACTED WITH HIM.

- There is widespread misunderstanding, misinterpretation and misapplication of privacy rules. As Graham's full legal guardian, no person or agency is allowed to withhold information from me about his medical condition, whereabouts, or well-being. Yet I am repeatedly told they can't tell me anything because of privacy rules.

- We have encountered police who've told us they really can't do or say anything unless I can show them a "blue-paper." (A "blue paper" is an involuntary hospital commitment order issued by a judge after a health evaluation has been made of a patient and concludes they need treatment. It cannot be issued unless the patient is present; in other words, I can't have one in my possession because Graham is missing!).

- A disoriented man crying out for help was recently transported by ambulance to a hospital in a city with two hospitals. I called both and was told by both that no one fitting that description had been admitted. I followed up with local dispatch and found that the person was, indeed, admitted but was not Graham. So one of the hospitals lied to me, probably due to a misapplication of HIPAA laws designed to protect patient privacy. But here's the thing: I did not ask them to reveal the identity of the man admitted unless he was my son. If the patient had been my son, they would be violating my rights as his guardian by not telling me (not to mention Graham's right to a court-appointed advocate to work on his behalf).

I despair of ever getting this system to work for someone like my son!

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BOTTOM LINE: THERE IS NO OFFICIAL UNDERSTANDING OF WHAT TO DO OR WHEN TO DO IT WHEN SOMEONE LIKE MY SON GOES MISSING. AND HIS LIFE COULD WELL BE LOST BECAUSE OF THAT.

Missing Person Process Overview

NCIC Missing Person Entry and File 6 Missing Person Teletype Message

The process is typically initiated with a Missing Persons report to a law enforcement agency. It can also be initiated by a law enforcement officer in the course of his/her investigative duties, if they feel an individual meets any of the criteria.

In Maine, there are two separate and completely independent parts to the process for the entry of a Missing Person; the National Crime Information Center (NCIC) Missing Person database entry and a subsequent Administrative Message (teletype) that is sent electronically via our message switch to all law enforcement agencies statewide.

The NCIC Missing Person Record and File 6 message will remain active until the individual is located. When the individual is located, law enforcement determines whether or not any further action is warranted, i.e. medical or mental health evaluation, etc. The record is subsequently removed from the NCIC database and the File 6 message is canceled.

Below is a brief explanation of how each part works.

NCIC Missing Persons Entry:

The individual must meet one of the following criteria/categories in order to qualify for entry into the national database:

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

If it is determined that the individual falls into one of these categories, the investigating officer authorizes entry into the NCIC, which is made by the servicing dispatch center. Once the entry into the NCIC has been made, law enforcement nationwide will be alerted to the missing person status upon making an inquiry on the subject's name and DOB or vehicle (if included in the record).

File 6 Administrative Message (teletype):

Following the entry into the NCIC Missing person File, the respective dispatch agency will send a File 6 Administrative Message, which is delivered electronically via our message switch to all law enforcement agencies statewide. The message includes the individual's name and DOB, as well as physical demographics and a brief description of the circumstances by which the person is missing and any officer safety information.

Once the message is delivered, each law enforcement agency determines whether the message is relevant to them and may share with their patrol officers via general broadcast or through the CAD/RMS messaging.

**In accordance with Title 34, United States Code, Section 41307(a), agencies are required to enter records into the NCIC Missing Person File for missing individuals under the age of 21.*

NOTE: This appears to be an official [maine.gov](https://www.maine.gov) document, but there is no URL that ties it to a particular agency or author. It is simply posted online as a PDF

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Missing Person Process Overview NCIC Missing ... - Maine.gov

IN OTHER WORDS:

The process of tracking missing person cases and ensuring they are handled properly is impossible to measure because it involves multiple agencies, varied protocols, and different systems.

The problems are:

1. **Inconsistent Reporting and Data Sharing:** Not all law enforcement agencies share data the same way, leading to delays and gaps in how they report missing persons to databases like NamUs or NCIC. This makes it harder to track cases in real time and across jurisdictions.
2. **Subjectivity:** Each agency has its own set of priorities or protocols for determining whether a case is "high risk" enough to warrant immediate action. The decision to escalate or prioritize a case therefore is subjective, with agencies having no obligation to follow objectively established "best practices."
3. **Technology Barriers:** The CAD/RMS systems aren't interoperable between jurisdictions, which leads to miscommunications and delays in the dissemination of key information. Additionally, agencies use different databases, limiting their ability to properly track and share information about missing persons.
4. **Lack of Public Awareness:** The general public knows very little about the inconsistent, internal processes law enforcement follows. So when it comes to missing persons, it's easy for the public to think police are mishandling things—as they may well be; the point is, the public can't know one way or the other.
5. **Resource Constraints:** Law enforcement agencies, particularly smaller ones, may face resource constraints (e.g., limited staff, budget, technology) that can impact how thoroughly they handle missing persons cases, especially when the case isn't deemed an "emergency" at the outset. Is there any way Maine can minimize mishandling of missing person cases due to insufficient resource allocation?

The people of Maine deserve:

- **more transparency into what police are doing to find missing people;**
- **better accessibility to data related to missing person cases;**
- **standardized protocols based on best practices; and**
- **adequate resources allocated so law enforcement can do more to find our missing loved ones.**

MAINE CAN DO BETTER