

## 2.09 Missing Persons



# MISSING PERSONS

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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>41.2.5, 41.2.6</b>		February 16, 2017	
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## I. GENERAL CONSIDERATIONS AND GUIDELINES

A missing person is one who is absent with no apparent reason or under circumstances which may indicate involuntary disappearance. It should be remembered that missing persons are not fugitives and often have voluntarily left home for personal reasons, of which the person making the report may be reluctant to inform the police. Despite limited resources and the fact that many of these reports may be unfounded or unnecessary; the department cannot ignore such reports and must be prepared to respond to all missing persons reports.

## II. POLICY

It is the policy of this department to:

- A. Ensure that reports of missing persons are promptly recorded, assessed, and investigated.
- B. Ensure that response to calls for missing children shall be given a priority, and great care shall be exercised in investigating any missing child case, as all missing children must be considered at risk until circumstance prove otherwise.[41.2.6(a)]

## III. DEFINITIONS

- A. **AMBER Alert:** (America's Missing: Broadcast Emergency Response) – A voluntary, cooperative effort involving the Massachusetts Chiefs of Police Association, State Police, MEMA, and local broadcasters. Radio, cable and television stations statewide will receive a child abduction alert message and may broadcast it every thirty minutes for up to four hours

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to solicit the public's assistance in recovering an abducted child and quickly apprehending the suspect.

### **IV. PROCEDURES**

#### ***A. Missing Persons, Initial Response***

##### **1. CALL TAKER**

- a. Upon receipt of a missing person complaint, the call taker shall log the call and screen the incident for an appropriate initial police response.
- b. The dispatcher shall immediately ascertain:
  - 1) The age of the person;
  - 2) Circumstance under which [s]he was discovered missing;
    - a) Missing from home;
    - b) Missing from a public place;
    - c) Missing for several days;
    - d) Runaway; or
    - e) Overdue.
  - 3) Endangerment (medical condition, handicap, clothing, abduction).
- c. If the call is a report of a missing child or any person considered to be in immediate danger, the call shall be considered high priority and the dispatcher shall:
  - 1) Immediately dispatch two patrols to respond to the scene (if a second patrol is available);
  - 2) Notify the supervisor; [42.2.6(b)]
  - 3) Notify the on-duty detective or Investigations Supervisor.
- d. For all other missing person calls, the dispatcher shall dispatch an officer to take a report and begin a preliminary investigation.
- e. Officers should patrol local locations where the missing person may be located, if circumstances permit.
- f. The dispatcher shall obtain other information, if possible, to relay to responding officers to aid them.

##### **2. PRELIMINARY INVESTIGATION [41.2.5(A)]**

- a. An officer shall be assigned to assess the situation and conduct a preliminary investigation.
- b. As much of the following information as possible shall be obtained:

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- 1) A description of the missing person, including:
    - a) Name;
    - b) Age;
    - c) Gender;
    - d) Physical description;
    - e) Clothing description;
    - f) Details of any known mental, emotional or physical impairment and any medications. If medications are required,
      - i. The type,
      - ii. Frequency, and
      - iii. Last administration should be ascertained, if possible;
  - 2) Time and place at which the person was last seen;
  - 3) Names and relationships of anyone who may be with the person;
  - 4) Any likely destination;
  - 5) The name and address of the person making the report and his/her relationship with the missing person;
  - 6) The extent of any search already performed by the caller or other parties, including a list of friends, coworkers, and associates who have been contacted and a list of any who have not been reached;
  - 7) Whether the person has ever been reported missing on previous occasions;
  - 8) Other information that may be useful in locating the person (for example, particular habits or personal interests, places frequented, location of out-of-town relatives or friends, etc.) and determining whether the person is a potential victim of foul play;
  - 9) Whether the person is drug dependent (prescribed medication, or user's habit); and
  - 10) The reason for any delay in reporting the person missing.
- c. Appropriate steps shall be taken if the missing person is considered to be "at risk," including juveniles, the elderly, the mentally impaired or the suicidal. Further information is available in **Special Considerations** in this policy.

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### 3. DISSEMINATION OF MISSING PERSON INFORMATION [42.2.5(B)]

- a. CJIS Entry: The dispatcher shall enter the missing person into the CJIS Missing Persons data base. If appropriate, an administrative message may also be sent regarding the missing person. For further information, see the department policy on **Communications**. [42.2.5(c)]
  - 1) Missing Person Under 21: Immediately upon notification of the incident by the reporting party, even if a written report has not yet been completed.<sup>1</sup>
  - 2) Missing Person 21 or Older: Immediately once a missing person report has been completed and signed by the reporting party.
- b. The dispatcher shall broadcast to all personnel on duty all information necessary for the recognition and identification of the missing person.
- c. If appropriate, the dispatcher may broadcast the missing person information to other government departments (highway and water departments, etc.) and other police agencies (neighboring police, State Police).

### ***B. Missing Children, Initial Response***

- 1. The initial response to missing children complaints shall include the procedures outlined in the previous section, and in addition, the following procedures as well.
- 2. FIRST ARRIVING OFFICER
  - a. The officer taking the report for the preliminary investigation shall quickly evaluate the situation, and seek consent (if necessary) for police to conduct an immediate hasty search of the area where the child was last seen (including the home).
  - b. The officer shall notify the supervisor if the circumstances appear to meet the criteria for an AMBER Alert.
  - c. The reporting officer shall obtain the following mandatory information for entry into CJIS: [41.2.6(c)]
    - a) Date of birth;
    - b) Date of emancipation (age 18);
    - c) Date of last contact;
    - d) Eye color;
    - e) Hair color;
    - f) Height;

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- g) Name;
- h) Race;
- i) Sex; and
- j) Weight.

- d. The officer shall determine other relevant information, such as:
  - 1) Whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained;
  - 2) Whether the child may be with adults, including parents and other relatives, who may endanger the welfare of the child; and
  - 3) The name of the school the child attends and, if relevant, the name of the person who was supposed to pick up the child.

### 3. ADDITIONAL OFFICERS

- a. If a young child is reported to be immediately missing, the second (and subsequent, if necessary) officer will conduct a hasty search of the area in which the child was last seen, to include the child's home and the curtilage of the home. Children, though missing, are often discovered to be hiding or sleeping.

NOTE: In order to enter private property in search of a missing person, ordinarily a search warrant is required. However, in a true emergency situation, there is no need for a warrant to enter premises where the officer has reason to believe the missing person is located.<sup>2</sup>

- b. If the child is reported missing from a public area, such as a store or mall, additional resources must be brought to bear quickly. Such resources may include:
  - 1) Additional police;
  - 2) Store employees;
  - 3) Mall security; and
  - 4) Other government employees.

- c. If the child is missing in a rural area, conduct a hasty search. See **Search and Rescue** in the department policy on **Special Operations**.

- d. A permanent record shall be made of what activity is undertaken to locate the child.

### 4. "AMBER" ALERT [41.2.6(D)]

- a. Criteria for Alert: The AMBER alert system may be activated providing:

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- 1) The child is age 17 or younger;
  - 2) The police believe the child is in danger of serious bodily harm or death; and
  - 3) There is enough descriptive information about the child, abductor, and/or the suspect's vehicle to believe the immediate broadcast alert will help.
- b. An AMBER alert is not appropriate in cases where:
- 1) No foul play is suspected;
  - 2) The child is a runaway;
  - 3) The child is missing as a result of a custodial dispute and the child is not considered to be at risk of bodily harm or death; or
  - 4) An adult is missing.
- c. A supervisor may authorize a request for an AMBER alert.
- 1) An AMBER Alert activation request form should be completed prior to making such request. A current photo of the child, suspect, and/or suspect vehicle, should be provided if available, preferably in electronic format.
  - 2) The request shall be reviewed by a supervisor to ensure that, in the supervisor's opinion, the criteria for such an activation request have been met and that such an activation is appropriate.
  - 3) The request shall be made either:
    - a) Orally by telephone by calling the State Police Communications Section 508-820-2121; or
    - b) By faxing an AMBER Alert activation request, 508-820-2150.
  - 4) The request will be screened by a State Police AMBER Alert Activation Officer. The supervisor shall be prepared to confirm the information with the State Police AMBER Alert Activation Officer.
- d. Termination: The State Police Communication Section shall be notified immediately in the event that the child is found or recovered, or if the circumstances no longer meet the activation criteria.

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### **C. Follow-Up Investigation [41.2.5(e), 41.2.6(f)]**

#### 1. INVESTIGATOR

- a. The investigating officer should interview the person who reported the person missing to verify information already available and to obtain further facts which may be helpful to the investigation.
- b. Where appropriate, police records should be consulted for any further information about the missing person.

#### 2. ADDITIONAL MATERIALS

- a. The investigator shall request written authorization for the release of medical and dental records. (See Release Form.)<sup>3</sup>
- b. The investigator may request additional materials for investigative purposes, as appropriate:
  - 1) Photographs of the victim for disbursal to police patrols, the media, and other organizations supporting the search or investigation;
  - 2) A DNA kit (if available) or a toothbrush, brush, or other source of cells for DNA testing; and
  - 3) A copy of the missing person's fingerprints, if available.

#### 3. INVESTIGATOR NOTIFICATIONS

- a. The District Attorney's office (CPAC) may be notified.
- b. The Massachusetts Missing Persons Clearing House should be notified: Commonwealth Fusion Center, 124 Acton Street, Maynard, MA, 01754, Voice (978) 451-3700, FAX: (978) 451-3707.
- c. In cases of apparent stranger abductions, the FBI field office should be contacted at the Worcester office: Special FBI Agent in Charge, 120 Front Street, Suite 810-G, Worcester, MA ,business # 508-798-1502, fax #- 508-798-1515.

#### 4. MISSING CHILDREN NOTIFICATIONS

- a. The juvenile officer, if any, shall be notified, regardless of to whom the investigation is assigned.
- b. MANDATORY: The last known elementary or secondary school where the child was enrolled shall be notified in accordance with Massachusetts law.<sup>4</sup>
  - 1) Such schools are required to mark the records of missing children and report any requests for such records to police.
  - 2) Upon finding the child, the school shall be notified in order to remove "lost child" markings.

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- c. National Center for Missing and Exploited Children HOTLINE: Report missing children, 1-800-THE-LOST (1-800-843-5678).
- 5. MEDIA NOTIFICATION: Notification of the general public through any of the news media can be valuable in locating a missing person.
  - a. A decision to use the media shall be made after approval by the Chief of Police and consultation with the family of the missing person.
  - b. Considerations should be made for “at risk” missing persons.
- 6. CONTACT WITH REPORTING PARTY: Investigators assigned to a missing person case should maintain contact with the family members and/or the reporting party. A follow-up report shall be filed within ten (10) days of the filing of the missing person report, with additional reports on the status of the investigation filed at least every month for as long as the case remains open.

### ***D. Special Considerations***

- 1. VOLUNTARILY MISSING (RUNAWAY) JUVENILES
  - a. A voluntarily missing case investigation focuses on the family, friends, school, and lifestyle of the missing juvenile.
  - b. In determining whether a juvenile is voluntarily missing, officers should consider whether the juvenile took any items to which [s]he has a particular sentimental attachment.
  - c. Other units in the department and nearby jurisdictions should be informed of the case and provided with pictures of the missing juvenile.
  - d. The officer should instruct the parent(s) to secure a Child in Need of Services (CHINS) warrant from the juvenile court as soon as possible to aid in the recovery of the juvenile.
    - 1) The CHINS warrant will be entered into WMS by the court.
    - 2) An officer may arrest a runaway child without a CHINS warrant if the officer has probable cause to believe that the child has run away from the home of his/her parents and may not respond to a summons (will run away again).<sup>5</sup>
  - e. Any indication of neglect or abuse in the family should be considered, and upon recovery of the missing juvenile, appropriate follow-up action shall be taken by the investigating officer where appropriate, including filing a neglect and abuse report with the Department of Social Services.<sup>6</sup>



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### 2. PARENTAL KIDNAPPING

- a. A non-custodial parental kidnapping case requires a thorough investigation, as the abducting parent is in violation of the law, and the juvenile abducted by a parent may be in serious danger.<sup>7</sup> The investigation focuses on the abductor parent, his/her friends and relatives, and on the needs of the juvenile for public care.
- b. A thorough check of bank records, employment, labor unions, credit bureaus, and any other governmental agencies should be made in an attempt to locate the abductor.
  - 1) Child Support Enforcement, Massachusetts Department of Revenue: 1-800-332-2733
  - 2) Federal Parent Locator Service: (202) 260-7855 FAX: (202) 401-5647
- c. If friends or relatives are thought to be in contact with the abductor through the mail, the postal inspector's office may be asked to place a "cover" on that individual's mail.
- d. When sufficient supporting data is provided, criminal charges should be filed against the abductor parent and an arrest warrant obtained.
  - 1) The District Attorney's office should be notified in noncustodial parental kidnapping cases to expedite court procedures.
  - 2) In certain cases, the District Attorney's office may seek a Federal Unlawful Flight to Avoid Prosecution Warrant through the United States Attorney's office.

### 3. STRANGER ABDUCTION OF JUVENILES

- a. Stranger abduction cases require that the juvenile be considered in extreme danger and, therefore, every available resource of the department shall be utilized to find the juvenile and ensure his/her safety.
  - b. A command post should be set up away from the juvenile's home. An officer should be stationed at the house to maintain communication between the command post and the parents.
  - c. The District Attorney's office and State Police Missing Persons Unit should be notified in all stranger abduction cases. The FBI should also be informed of the abduction.
4. JUVENILES MISSING FOR UNKNOWN REASONS: Juveniles missing for unknown reasons shall be assumed to be kidnapped and investigated aggressively.

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### 5. ALZHEIMER'S DISEASE

- a. When a person with Alzheimer's is reported missing, an investigation shall be initiated immediately, as such persons are considered at risk.
- b. The officer taking the missing person report or dispatcher shall telephone **Safe Return** at 1-800-572-1122. **Safe Return** is a national Alzheimer registry available to law enforcement to help resolve lost elder cases. The Alzheimer's Association operates **Safe Return** twenty-four hours per day. It will issue a Fax Alert to area police departments, hospitals, shelters and elder service agencies and will follow up with the missing person's caregivers. The investigating officer shall notify **Safe Return** when the person is located.
- c. Patrol officers shall periodically recheck the area where the person was last seen. These individuals are usually found within a mile or two from where they disappeared. They will usually not respond to shouts nor will they cry out for help.

### ***E. Recovery of Missing Person [41.2.6(f)]***

#### 1. REPORTED MISSING AND RECOVERED IN THE JURISDICTION OF THIS DEPARTMENT

- a. Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.
- b. If the recovered person was reported missing to this department, the Officer-in-Charge shall ensure:
  - 1) Notification of all of the agencies involved in the recovery effort, to include:
    - a) Law Enforcement agencies;
    - b) AMBER Alert 508-820-2121, (FAX) 508-820-2150;
    - c) The last elementary school attended;
    - d) National Center for Missing and Exploited Children 1-800-THE-LOST (1-800-843-5678);
    - e) Missing Persons Clearing House (Fusion Center) Voice (978) 451-3700, FAX: (978) 451-3707; and
    - f) Safe Return (Alzheimer's) 1-800-572-1122.
  - 2) The removal of the information from CJIS; [41.2.5(c)]
  - 3) That the investigating officer is notified that the missing person has been located.

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- c. When an adult missing person is located, the investigating officer shall notify the party originating the report of the status of the missing person, bearing in mind the missing person's right to privacy. [41.2.5(d)]
  - d. When a missing juvenile is found, the investigating officer shall notify the parent or legal guardian of the juvenile's location so that the parent or guardian may retrieve the juvenile. If the parent or guardian is unable to do so, the Department of Social Services shall be notified in an effort to provide temporary custody for the child.
  - e. All missing persons, when found, shall be questioned as to their whereabouts and activities.
  - f. Officers should determine whether the missing person was the victim of any crime during the period of absence. Eliciting a full account of the missing person's whereabouts is essential to future corroboration of the missing person's story.
  - g. Officers locating a missing person shall file a report detailing the circumstances surrounding the finding of the person, and note any particular difficulties encountered (for example, reluctance or refusal to return home), as this may signal neglect or abuse in the family. If there is any indication of neglect or abuse of a child, a report should be filed with the Department of Social Services.<sup>8</sup> Any other appropriate follow-up action, including the filing of criminal charges, should be taken.
  - h. If a missing person is found dead, see the department policy on **Dead Bodies** for further information.
2. REPORTED MISSING IN THIS JURISDICTION AND RECOVERED IN OUTSIDE JURISDICTION
- a. Upon notification that a missing person has been found outside the department's jurisdiction, the Officer-in-Charge shall ensure:
    - 1) Notification of all of the agencies previously notified or involved;
    - 2) The removal of the information from NCIC; and [41.2.5(c)]
    - 3) Notification of the investigating officer that the missing person has been located.
  - b. The investigating officer shall notify the party originating the report.
  - c. The investigating officer shall file a report detailing the conclusion of the missing person's investigation in accordance with departmental procedures.

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3. REPORTED MISSING OUTSIDE OF THIS JURISDICTION AND RECOVERED IN THIS JURISDICTION
  - a. The jurisdiction shall be notified of the recovery, circumstances, and condition of the recovered missing person.
  - b. The supervisor will ensure that any needed or requested investigative assistance is provided.
  - c. The department shall assist in arranging accommodations or contact DSS in the event that the person is a juvenile.
  - d. Children: Transportation and Accommodations: The National Center for Missing & Exploited Children's (NCMEC) Hotline coordinates a program to assist families in the reunification process by arranging for transportation and lodging for families who cannot afford these costs when picking up their missing child once found: 1-800-THE-LOST (1-800-843-5678).
4. CHILD ABANDONMENT
  - a. In cases where children have been reported to be, or appear to be abandoned, and an officer has reason to believe that such child is abandoned, the following procedure applies:
    - 1) Take the child into custody.
    - 2) Provide any medical assistance.
    - 3) Interview the child in an attempt to determine:
      - a) The identity of the caretaker(s);
      - b) Relatives in the immediate area; and
      - c) Circumstance of the abandonment.
    - 4) Notify the Department of Social Services to transfer custody.
    - 5) Conduct an appropriate investigation to:
      - a) Locate the parent, guardian, or caretaker;
      - b) Determine the circumstance of the abandonment; and
      - c) Identify any criminal violations.
5. RECOVERED UNIDENTIFIED PERSONS
  - a. Follow the procedure above.
  - b. Obtain information for entry into the CJIS Unidentified Persons File. Obtain appropriate data for the following mandatory data fields:
    - 1) Body parts status (if deceased);
    - 2) X-Rays available;

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- 3) Manner and cause of death;
  - 4) Date body found;
  - 5) Estimated year of birth;
  - 6) Eye color;
  - 7) Footprints available (mandatory in certain cases);
  - 8) Fingerprint classification (mandatory in certain cases);
  - 9) Hair color;
  - 10) Height;
  - 11) Race;
  - 12) Sex; and
  - 13) Weight.
- c. Complete instructions for CJIS entry are available in the CJIS Users Manual, Part 10, Unidentified Persons File.
  - d. Contact the National Center for Missing and Exploited Children: 1-800-THE-LOST (1-800-843-5678).
  - e. The Massachusetts Missing Persons Clearing House should be notified: Commonwealth Fusion Center, Voice (978) 451-3700, FAX: (978) 451-3707.

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<sup>1</sup> M.G.L. c. 22A, §4.

<sup>2</sup> *Com. v. Bates*, 28 Mass. App. Ct. 217, 548 N.E.2d 889 (1990).

<sup>3</sup> M.G.L. c. 22A, §6.

<sup>4</sup> M.G.L. c. 22A, §9.

<sup>5</sup> M.G.L. c. 119, §39H.

<sup>6</sup> M.G.L. c. 119, §51A.

<sup>7</sup> M.G.L. c. 265, §26A.

<sup>8</sup> M.G.L. c. 119, §51A.