

MALDEN POLICE DEPARTMENT MISSING PERSONS POLICY

Massachusetts police accreditation standards referenced: [41.2.5 a, b, c, d, e, f](#); [41.2.6 a, b, c, d, e, f](#)

GENERAL ORDER

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ISSUING AUTHORITY

Salvatore Gennetti
Police Commissioner

Salvatore Gennetti



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 the Malden Police Department to ensure that reports of missing persons are promptly recorded, assessed, and investigated. In particular, great care shall be exercised in investigating any missing child case, as all missing or unidentified children must be considered at risk. It is the policy of the Malden Police Department to initiate an Amber Alert for serious cases of child abduction, where the child's life is in imminent danger of serious bodily harm or death and specific criteria supporting the Amber Alert Activation have been met (See Amber Alert Activation Policy).

[41.2.6 a](#), [41.2.6 d](#)

III. PROCEDURES

A. Initial Report/Preliminary Investigation

1. Initial Report

- a. When a person (adult or juvenile) is reported missing, the following information shall be taken in person: **41.2.5 a, 41.2.6 e**
 - i. A description of the missing person (adult or juvenile), including the name, age, sex, physical description and description of clothing; **41.2.5 a, 41.2.6 e**
 - ii. Time and place at which the person was last seen, the names and relationships of anyone who may be with the person, and any likely destination;
 - iii. Details regarding any known mental, emotional or physical impairment of the missing person and whether [s]he requires any medications; if medications are required, the type, frequency, and last administration should be ascertained, if possible;
 - iv. The name and address of the person making the report and his/her relationship with the missing person;
 - v. 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;
 - vi. Whether the person has ever been reported missing on previous occasions;
 - vii. 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;
 - viii. Whether the person is drug dependent (prescribed medication, or user's habit); and
 - ix. The reason for any delay in reporting the person missing.
- b. Upon receipt of the necessary information the officer will complete the missing person supplement form and obtain a signature from the reporting party. The officer shall immediately enter this information into the

2. The officer taking the report shall record the following information:
 - a. Whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained;
41.2.6 e, f
 - b. Whether the child may be with adults, including parents and other relatives, who may endanger the welfare of the child; and
41.2.6 e, f
 - c. The name of the school the child attends and, if relevant, the name of the person who was supposed to pick up the child. **41.2.6 e, f**
3. Massachusetts law requires that whenever a parent, guardian, or governmental unit responsible for a child reports the child missing, police officers are required to immediately enter relevant information into the central register for missing persons.ⁱ **41.2.6 b, e, f**
4. A cruiser shall be dispatched to the residence or other location where the report originated as soon as possible to begin the investigation. **41.2.6 e, f**
 - a. Massachusetts law requires that whenever a parent, guardian, or governmental unit responsible for a child reports the child missing, police officers are required immediately to undertake to locate the missing child.ⁱⁱ
 - b. A permanent record shall be made of what activity is undertaken to locate the child.
5. When a juvenile is reported missing from his/her residence, the officer shall attempt to obtain consent to a search of the house where the child resides and once consent is obtained a search shall be conducted.

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.ⁱⁱⁱ
6. The last known elementary or secondary school where the child was enrolled shall be notified in accordance with Massachusetts law.^{iv}
7. A check should be made of the last place the child was reportedly seen, including interviews of individuals who were present at the actual scene of the disappearance, as well as friend's houses, arcades, playgrounds, places of employment and other places frequented by the child, as well as local hospitals.

8. The juvenile officer, if any, shall be notified, regardless of to whom the investigation is assigned.

C. Follow-Up Investigation 41.2.5 e, 41.2.6 e, f

1. The investigating officer should interview the person who initiated the report to verify information already available and to obtain further facts which may be helpful.
2. **PHOTOGRAPHS:** The investigating officer shall obtain a photograph of the missing person, if one has not been previously obtained. The photo and description should be posted and distributed to all uniform patrol and plain clothes officers to ensure all officers have information needed for missing person recovery.
3. In all cases of a missing person, regardless of age, the investigating officer shall request from a family member or next of kin of the missing person:
 - a. Written authorization for the release of medical and dental records,^v as well as a copy of such records; (see attachment for sample release form) and
 - b. A copy of the missing person's fingerprints, if available.
4. Where appropriate, police records should be consulted for any further information about the missing person.
5. The District Attorney's office and the State Police Missing Persons Clearing House should be notified in any case in which their resources may be helpful. **41.2.6 c**
6. In any case where it appears that the missing person may not be found locally or within a reasonable amount of time, the investigating officer shall order notification of the following agencies and data bases, if not previously notified: LEAPS/CJIS, NCIC, and OCA. In cases of apparent stranger abductions, the FBI should be contacted. **41.2.6 c**
7. **MEDIA NOTIFICATION:** Notification of the general public through any of the news media can be valuable in locating a missing person. 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.
8. **CONTACT WITH REPORTING PARTY:** Investigators assigned to a missing person case should maintain contact with the family members and/or the reporting party. An initial follow-up report shall be filed within 10 days of the filing of the

missing person report, with additional reports on the status of the investigation filed at least every thirty (30) days as long as the case remains open. **41.2.5 d**

D. Special Considerations - Missing Juveniles 41.2.5 f, 41.2.6 f

1. Voluntarily Missing (Run Away) 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 Requiring Assistance* (CRA) order from the juvenile court as soon as possible to aid in the recovery of the juvenile.
- 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 Children & Families* (DCF).^{vi}

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.^{vii} 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, and credit bureaus should be made in an attempt to locate the abductor.
- 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. The

District Attorney's office should be notified in non-custodial parental kidnapping cases to expedite court procedures. 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. Abduction of Juvenile

- a. Stranger abduction cases require special considerations that the juvenile be considered at-risk and in extreme danger and therefore every available resource of the department shall be utilized to find the juvenile and ensure his/her safety. **41.2.5 f**
- 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

- a. Juveniles missing for unknown reasons shall be assumed to be kidnapped and investigated aggressively.

E. Special Considerations – Alzheimer's disease

1. When a person with Alzheimer's is reported missing, an investigation shall be initiated immediately as such persons are considered at risk. **41.2.5 f**
2. The officer taking the missing person report 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.
3. 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.

F. Recovery of Missing Person

1. Recovery in Jurisdiction of Department

- a. Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.
- b. The Officer-in-Charge shall ensure:
 - i. Notification of all of the agencies notified of the situation or involved in the recovery effort;
 - ii. The removal of the information from data bases which had been previously contacted; and **41.2.6 c**
 - iii. That the investigating officer is notified that the missing person has been located.
- 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.
- 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 Children & Families* (DCF) 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. 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.
- f. Officers locating a missing person shall file a report detailing the circumstances surrounding the finding of the person and any particular difficulties encountered (for example, reluctance or refusal to return home) should be noted, 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 Children & Families*.^{viii} Any other appropriate follow-up action, including the filing of criminal charges, should be taken.
- g. If a missing person is found dead, the procedures outlined in the applicable statute and departmental policy *Dead Bodies*, requiring notification of the Medical Examiner and the District Attorney or his/her representative, shall be followed.^{ix} If the deceased is not identified, the police should also act to

ensure that the Medical Examiner notifies the Department of Public Safety (Missing Persons Unit) and furnishes other identifying data, in compliance with the requirements of state law.^x

2. Recovery in Outside Jurisdiction

- a. Upon notification that a missing person has been found outside the department's jurisdiction, the Officer-in-Charge shall ensure:
 - i. Notification of all of the agencies previously notified or involved;
 - ii. The removal of the information from data bases which had been previously contacted; and **41.2.6 c**
 - iii. That the investigating officer is notified 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.

ATTACHMENT

Authorization for Release of Medical and Dental Records

I, _____, do hereby
(name of parent, guardian or family member)

authorize the doctors and dentists listed below to release to the

_____ any and all medical and dental
(investigating agency)

records or other information which may facilitate the location and

identification of _____, who is
(name of missing person)

currently missing. I authorize this release on the condition that the police and other persons who receive such information will use it only for the purposes of locating and identifying said missing person and will otherwise hold the information in strict confidence.

(signature) (date)

NAMES AND ADDRESSES OF DOCTORS AND DENTISTS

Dr. _____
(name) _____
(address)

Dr. _____
(name) _____
(address)

Dr. _____
(name) _____
(address)

ⁱM.G.L. c. 22A, s. 4

ⁱⁱM.G.L. c. 22A, s. 4

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

^{iv} M.G.L. c. 22A, s. 9

^vM.G.L. c. 22A, s. 6

^{vi}M.G.L. c. 119, s. 51A

^{vii}M.G.L. c. 265, s. 26A

^{viii}M.G.L. c. 119, s. 51A

^{ix}M.G.L. c. 38, s. 6

^xM.G.L. c. 22A, s. 5