

## **Rules and Procedures**

### **Rule 317**

**December 30, 1992**

#### **Rule 317 - MISSING CHILDREN AND PERSONS**

This rule is issued in order to establish uniform procedures to ensure that reports of missing persons are promptly recorded, assessed and investigated. Initial Police response to the report of a missing person is critical to the effective collection of evidence and tracing of leads, as crucial evidence may be lost if it is subsequently discovered that the person was abducted. In particular, great care must be exercised in investigating any missing child cases, as all missing children are at risk.

#### **I. General Considerations**

With the establishment by the FBI of a federal clearing house of information concerning missing children and another clearing house for recording unidentified dead bodies, it is essential for law enforcement officers to gather complete information when they are informed that a person is missing. It is also necessary for this department to ensure that complete information is supplied to the federal agencies. Therefore, the following procedures shall be strictly complied with by all Police Department personnel.

#### **II. Definitions**

The following definitions are in common use by both the NCIC and MCH Systems Board. In order to comply with both NCIC and State definitions of missing person categories, Officers should be guided by the below listed definitions:

- a. **Disability:** A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- b. **Endangered:** A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety may be in danger.
- c. **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.
- d. **Juvenile:** A person who is missing and declared unemancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria set forth in a, b, c, or e.
- e. **Catastrophe Victim:** A person of any age who is missing after a catastrophe.

f. Parental Kidnapping: MGL 265-26A provides in part that, "Whoever, being a relative of a child less than eighteen years old, without lawful authority, holds or intends to hold such a child permanently or for a protracted period, or takes or entices such a child from his lawful custodian..."

### III. INITIAL RESPONSE & RESPONSIBILITIES

Sec. 1 The primary responding officer who is informed that a child or a person is missing shall take a full description including whether or not the person is either mentally or physically impaired, together with all other information which may aid in locating the missing person and will notify Operations so that an immediate broadcast can be made.

The Officer will also record the name, address, telephone number, relationship and signature of the complainant and record all information received promptly on a Boston Police Department Incident Report Form 1.1 and Boston Police Department Missing Person Form 2602 to his Duty Supervisor.

Sec. 2 An Officer, upon receiving a report of a missing child or person will notify the Missing Persons Unit, Tel.# 343-4687, who in turn will fill out Boston Police Department Form 2608 and initiate an NCIC entry.

The Duty Supervisor shall forward a copy of the Form 1.1 and Form 2602 to the Missing Persons Unit.

Sec. 3 If the report concerns a missing child, the Officer also shall inquire:

- a. whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained;
- b. whether the child is believed to be with adults, including parents and other relatives, who may endanger the welfare of the child.

To facilitate follow-up procedures, all department personnel should be aware that children under the age of eighteen (18) years shall be recorded as missing children. District Commanders shall ensure that at least once each day for five (5) days after a report is received that a child under the age of eighteen (18) years is missing, an Officer under his command shall visit or contact the home of the complainant to ascertain whether the child who was reported missing has returned.

After the initial five-day period, a complainant who has reported a child under the age of eighteen (18) years as missing shall be visited or contacted at least once a week until the child has been located. The name of the person contacting the complainant as well as the date and time that each contact was made shall be recorded in the missing person file.

When it appears that a crime such as a kidnapping may have occurred, the Supervisor shall ensure that a copy of Boston Police Department Form 1.1 report is sent forthwith to the Bureau of Investigative Services. The Duty Supervisor shall also treat the incident as a Missing Persons incident (endangered) and the Missing Persons Unit shall be notified.

Sec. 4 District Commanders shall ensure that separate active and inactive files are maintained for missing children and for missing persons.

Each follow-up contact with the complainant is recorded with the date, time and name of the person making such contact on the 1.1 report.

#### IV. THE ELDERLY, MENTAL ILLNESS, OR DISEASE

Sec. 1 Whenever a missing person report is received involving a resident who is suspected to be suffering from Alzheimer's Disease, is in poor mental health, or is sixty (60) years of age or older, the District Commander shall ensure that at least once a day for five (5) days after a report is received that a missing person who is suspected of suffering from Alzheimer's Disease, sixty (60) years of age, or is of poor mental health, an Officer under his command shall visit or contact the home of the complainant to determine whether the victim has returned.

Whenever the victim of the missing persons report is sixty (60) years or older, the Senior Response Unit (SRU) shall coordinate with the District Officers in establishing a plan of action appropriate for the situation, as well as notify the City of Boston Commission on Affairs of the Elderly of their activities.

After the initial five-day period, a complainant who has reported a suspected victim of Alzheimer's Disease, a person of poor mental health, a person sixty (60) years of age or older missing shall be visited or contacted at least once per week until the person is located.

The name of the Officer contacting the complainant as well as the date and time that each contact was made shall be recorded on the missing persons report.

Sec. 2 The District Commander shall also ensure that a complainant is visited or contacted at least once each week by an Officer of his command when the complainant has reported a person over the age of eighteen (18) years as being missing.

#### V. PRELIMINARY INVESTIGATION

Sec. 1 Cases involving missing persons shall be assigned for investigation by the Officer-In-Charge of the District.

Sec. 2 The initial responding officer should conduct a preliminary inquiry which should include an interview with the person who initiated the report to verify information already furnished and to obtain further facts which may be helpful, including the following information:

- a. whether the person is drug dependent.
- b. if there is a delay in the reporting of a missing person ascertain the reason for such delay.
- c. in the case of a child, school attending and, if relevant, person who was supposed to pick up the child or other mode of transportation.
- d. the extent of any search already performed by the caller or other parties, including a list of friends, co-workers and associates who have been contacted and a list of any who have not been reached;
- e. details regarding any known mental, emotional or physical impairment of the missing person and whether he or she requires any medications; if medications are required, the type, frequency and last administration should be ascertained, if possible;
- f. whether the person has ever been reported missing on previous occasions;
- g. 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.
- h. In the case of a missing child, 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 friends, house, arcades, playgrounds, place of employment, and other places frequented by the child, as well as local hospitals.
- i. Where appropriate, police records should be consulted for any further information about the missing child.

Sec. 3 In the case of a missing child, parental consent to a search of the house for the child should be obtained and such a search should be conducted.

Sec. 4 Photographs of the missing person always should be obtained, if available. Such photographs, with an accompanying description should be posted in the Police Station where it may be viewed by all Officers. A copy of the photo should be sent to the Missing Persons Unit. The responding officer should ensure that the complainant's signature is obtained to release and disseminate information and photographs to any other agency or to the media if it should become necessary.

## VI. FOLLOW-UP INVESTIGATION

Sec. 1 The second phase of the investigation of a missing person case is the follow-up investigation. This will require a careful review of the initial reports, additional interviews if deemed appropriate or any other area of exploration necessary to locate the missing person.

Sec. 2 In cases of a missing person, regardless of age, the investigating officer should request from the parent, legal guardian, or reporting entity, when deemed appropriate, (1) written authorization for the release of medical and dental records, as well as a copy of such records; and (2) a copy of the missing person's fingerprints.

Sec. 3 Each missing child case requires a suitable follow-up by police. The investigating officer should ensure that BPD Form 2602 is filled out properly to be certain that Federal reporting requirements are complied with. Whenever a child is reported missing by a parent, guardian, or governmental unit responsible for the child, Mass. General Laws, Chap. 22A, Sec. 4, requires that police immediately undertake to locate the child. It is a further requirement of law that the police notify the child's school of the disappearance whether or not school is in session and it is also a requirement of law that the school notify the police when someone requests such child's records or when they have any information as to the whereabouts of the child (M.G.L. c. 22A. s.9). Great caution must be exercised before classifying a child as voluntarily missing.

Sec. 4 A VOLUNTARY MISSING CASE investigation focuses on the family, friends, school, and life-style of the missing youth. Survival resources that the youth may have should be considered. In determining whether a child is voluntarily missing, officer should consider whether the child took any items to which he or she has a particular sentimental attachment. Other units in the department and nearby jurisdictions should be informed of the case and provided with pictures of the missing youth. The Officer should instruct the parent to secure a Child in Need of Services (CHINS) warrant from the juvenile court as soon as possible to aid in recovery of the child. Any indication of neglect or abuse in the family should be considered and, upon recovery of the missing child, appropriate action should taken by the investigating officer, including filing a neglect and abuse report with the Department of Social Services (DSS).

Sec. 5 A PARENTAL KIDNAPPING CASE requires a thorough investigation as the abducting parent may be in violation of Mass. General Laws, Chap. 265, Sec. 26A, and the child abducted by a parent may be in serious danger. The investigation focuses on the abductor parent, his or her friends and relatives, and on the needs of the child for public services, such as education, health care, and child care. A thorough check of bank records, employment, labor unions, credit bureaus, and the Federal Parent Locator Service, Tel.# 202-401-9267, should be made in an attempt to locate the abductor. If friends or relatives are thought to be in contact with the abductor through mail, the postal inspector's office may be asked to place a "cover" on that individual's mail. 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 may seek a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant through the United States Attorney's Office.

Sec. 6 ABDUCTION CASES require that the child be considered in extreme danger and are therefore subject to mobilization of every available resource of the investigating agency. The search for an abducted child has two (2) purposes: (1) primarily, to find the child and ensure his or her safety, and (2) secondarily, to identify, locate, and apprehend the perpetrator and prepare a case that will result in his or her conviction in a criminal court.

Sec. 7 UNKNOWN MISSING CASES should be investigated using all of the techniques discussed in the other three categories. A child who is missing due to unknown causes should be assumed to be in extreme danger until facts emerge that indicate otherwise. An immediate investigation should be conducted and is required by law in the case of a missing child. There should be no waiting period established before taking action. If any unusual circumstances are present every available resource should be made available and an extensive search and investigation conducted.

a. The District Commander or Duty Supervisor will determine the need of outside resources, agencies, or special equipment.

b. Notification of the general public through any of the news media can be valuable in locating a missing person. A decision to use such facilities shall be made after approval by the the Officer-in-Charge and in coordination with Informational Services and consultation with the family of the missing person.

## VII. RECOVERY OF MISSING PERSONS

Sec. 1 Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.

Sec. 2 When Officers locate an adult missing person, the party originating the report of the status of the missing person, bearing in mind the missing person's right to privacy, shall be notified.

Sec. 3 When a missing child is found, the district of occurrence shall be notified and the Duty Supervisor shall request that the parent or legal guardian come to the station for the child. If the parent or guardian cannot be notified, the district of recovery shall be notified to convey the child to a hospital to provide temporary custody for the child. The Department of Social Services (DSS) shall be notified.

Sec. 4 If a missing person is found outside of the City of Boston jurisdiction, the Boston Police Department Missing Persons Unit shall be notified. It should be the responsibility of the Missing Persons Unit to notify the Boston Police District which initiated the missing person report and the Duty Supervisor of that district shall ensure that a supplemental 1.1 report is made.

If a missing person is found in a Boston police district other than the district reporting the person missing, the recovering district shall notify the Missing Persons Unit and the Duty Supervisor so that the necessary reports and notifications can be made.

Sec. 5 All missing persons, when found, shall be questioned as to their whereabouts and activities. Police should also 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 persons story. If there is any indication of

neglect or abuse of a child, a Chapter 119, sec. 51A report should be filed with the Department of Social Services (DSS).

Sec. 6 Officers locating a person who may, because of age, physical or mental condition including amnesia, not be able to identify himself, should conduct an immediate on scene investigation. This should include a precise recording of the condition of the subject as well as questioning any person present. The Officer should also notify the Missing Persons Unit, who will be responsible for initiating an administrative message via N.C.I.C.

Sec. 7 If a missing person is found dead, the Homicide Unit, the Medical Examiner and the District Attorney or his representative shall be notified. If the deceased is not identified, the Department of Public Safety (Missing Persons Unit) shall be notified with as much information as possible including the following if it is pertinent:

a. Unidentified Deceased - Any unidentified deceased person and/or body parts when a body has been dismembered.

b. Unidentified Catastrophe Victim - Any unidentified disaster victim and/or body parts when a body has been dismembered as a result of a disaster.