

**The Commonwealth of Massachusetts  
Executive Office of Public Safety & Security**



**Missing Persons Task Force Report  
December 2020**

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Governor

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## **Introduction**

The Legislature established the Missing Persons Task Force in Chapter 489 of the Acts of 2014. The law formally codified the state's existing Amber Alert program and strengthened the Commonwealth's policies and procedures for managing missing persons cases.

Task Force members are tasked with four key mandates: (1) to identify and review federal laws, general laws, regulations, policies, and procedures mandating or guiding the receipt, processing, and investigation of missing persons reports by law enforcement agencies in the Commonwealth, including persons under 18 years of age and persons who have been abducted; (2) to identify, for the preceding 10 calendar years: (i) the number of missing person cases reported to law enforcement agencies; (ii) the number of investigations begun and the number of investigations still open after 30 days; and (iii) the number of instances when the person reported missing is under 18 years of age; (3) to recommend changes, if necessary, to such state laws, regulations, policies, and procedures, and; (4) to file a report containing its findings, together with any recommended legislation, with the clerks of the House and Senate and the Joint Committee on Public Safety and Homeland Security.

## **Membership**

Assistant Undersecretary Angela F. F. Davis, Chair  
Designee of Executive Office of Public Safety and Security

Lieutenant Ann Marie Robertson  
Designee of Massachusetts State Police

Deputy Commissioner Lian Hogan  
Designee of Department of Children and Families

Erica E. Cushna, Esquire  
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## **Background**

Nationwide estimates indicate there are as many as 90,000 active missing person cases at any given time. A national Bureau of Justice Statistics survey found that medical examiners and coroner offices receive on average 4,400 unidentified human bodies

annually, with 1,000 remaining unidentified after one year.<sup>1</sup> The growing national cold case backlog of nameless victims, unknown perpetrators, and families searching for loved ones has led to the development of several free tools and resources relevant to the current report. In 2006, the National Center for Forensic Science convened a focus group of medical examiners, coroners, death investigators, and forensic science and technology experts that resulted in the creation of the National Missing and Unidentified Persons Systems (“NamUs”).<sup>2</sup>

NamUs was established in 2007 and is an online nationwide centralized repository for information and resources for missing persons, unidentified persons, and unclaimed decedent records.<sup>3</sup> NamUs is free, secure, searchable, and was designed to facilitate data sharing across jurisdictions to help resolve cases. NamUs has two interfaces that are pertinent to this research: the missing persons database and the unidentified persons database. The missing persons interface captures demographic data, circumstantial details, and information about the date an individual was last seen alive. This information may be entered by families, victims’ advocates, or registered users from the general public and is reviewed by regional NamUs coordinators and the law enforcement agency leading the investigation. Medical examiners and coroners are responsible for data entry of unidentified persons into NamUs. The unidentified person interface data is gathered from forensic expert reports, and includes information such as postmortem interval (“PMI”), that is, the time between death and discovery. Routinely, the records from the missing persons and unidentified persons databases are scanned for possible matches which, when discovered, are forwarded to investigating agencies for further evaluation.<sup>4</sup>

As of April 20, 2019, there are 15,893 open missing person cases and 12,674 open unidentified person cases logged into NamUs. This does not represent the complete universe of missing persons cases reported to the FBI and recorded in NCIC. There is no federal mandate requiring law enforcement to enter missing or unidentified person case record data into NamUs. According to the National Academy of Science, there is a critical need for a federal requirement that Medical Examiners/Coroners enter information on unidentified persons into federal databases.<sup>5</sup> NamUs facilitates data sharing between

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<sup>1</sup> NamUs Fact sheet October 2014

<sup>2</sup> Whitcomb et al. AAFS Proceedings S1 (p19)

[https://aafs.org/common/Uploaded%20files/Resources/Proceedings/2009\\_Proceedings.pdf](https://aafs.org/common/Uploaded%20files/Resources/Proceedings/2009_Proceedings.pdf)

<sup>3</sup> <https://www.namus.gov/About>

<sup>4</sup> Schoff SK 2018 Estimating the Postmortem Interval in Florida: A Regional Validation Study Using Geospatial Analysis (dissertation) University of Florida

<sup>5</sup> National Academy of Science, 2009 Strengthening Forensic Science in the United States | <https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>

that system and the National Crime Information Center database (“NCIC”) of the Federal Bureau of Investigation (“FBI”).

“Billy’s Law”<sup>6</sup>, formally titled the “Help Find the Missing Act”, provides federal incentive grants to facilitate reporting into these systems and for other purposes. It has several key provisions, including:

- The U.S. Office of the Attorney General (“USOAG”) will share/transfer/enter NCIC missing person and unidentified human remains case data to NamUs within 30 days of initial case entry;
- USOAG will update the NCIC data entry to allow for simultaneous entry to both NCIC and NamUs;
- Minimum data requirements for missing persons: name, date of birth, city and state of residence, gender, race, height, weight, eye color, and hair color of the missing person; date and location of last known contact; and category in which the missing person is classified;
- Minimum data requirements for unidentified persons: age, gender, race, height, weight, hair color, and eye color of the unidentified person; distinguishing characteristics such as scars, marks, tattoos, piercings, and other unique physical characteristics; a description of clothing found on the unidentified person; city and state where found; contact for investigative agency; and availability of DNA in CODIS; and
- USOAG should develop best practices for medical examiners/coroners, federal, state, local, and tribal law enforcement agencies outlining collection reporting and analysis of data and information on missing persons and unidentified human remains and how Medical Examiners / Coroners and law enforcement should use and access NCIC and NamUS.

## **Federal Legislation, Policy, and Regulatory Review**

### *Federal Guidance*

The U.S. Department of Justice Criminal Resource Manual lays out the following guidance regarding FBI assistance in missing person cases: “In a missing person case, as

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<sup>6</sup> Billy’s Law is named after Billy Smolinki, a missing man from Connecticut  
| <https://www.congress.gov/bill/114th-congress/senate-bill/2105>

a matter of cooperation, the Federal Bureau of Investigation (FBI) will, at the request of a state or local law enforcement agency, make available the facilities of the FBI Identification Division and the FBI Laboratory. Information pertaining to certain categories of missing persons, including missing children, may be entered into the missing person file of the FBI operated National Crime Information Center (NCIC) by the local law enforcement agencies and, since passage of the Missing Children Act (Pub. L. 97-272, amending, 28 U.S.C. § 534), by parents of missing children if the local law enforcement agency will not do so.”<sup>7</sup>

The National Crime Information Center, or NCIC, has been called the “lifeline of law enforcement” and serves as an electronic clearinghouse of national crime data. Criminal justice agencies enter records in NCIC that are accessible to all law enforcement agencies across the country. The NCIC database consists of 14 person files. Among those relevant to this mandate are the Unidentified Person File and the Missing Person File. All records entered into the NCIC files for missing and unidentified persons are maintained indefinitely, unless they are removed by the entering criminal justice agency.

The NCIC’s Unidentified Person File was established in 1983. State law enforcement use of NCIC’s Unidentified Person File is voluntary. As of December 2019, there were 8,188 unidentified person records in NCIC. The Unidentified Person File contains information regarding:

- unidentified deceased persons;
- persons of any age who are living and unable to determine their identity; and
- unidentified catastrophe victims.

The NCIC’s Missing Person File was established in 1975. It includes the records on individuals, including children, who have been reported missing by law enforcement and where there is a reasonable concern for their safety. Law enforcement is required to initiate missing person investigations without a wait period for any individual under the age of 21 and report the missing person to the NCIC. The NCIC’s Missing Person File contains records for individuals reported missing who:

- have a proven physical or mental disability;
- are missing under circumstances indicating that they may be in physical danger;
- are missing after a catastrophe;

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<sup>7</sup> FBI ASSISTANCE IN MISSING PERSONS CASES, <https://www.justice.gov/jm/criminal-resource-manual-1035-fbi-assistance-missing-persons-cases>

- are missing under circumstances indicating their disappearance may not have been voluntary;
- are under the age of 21 and do not meet the above criteria; or <sup>8</sup>
- are 21 and older and do not meet any of the above criteria but for whom there is a reasonable concern for their safety.

As of December 2019, NCIC contained 87,438 active missing person records. Of those cases, 35% are persons under the age of 18 and 44% are persons under the age of 21.<sup>9</sup>

In 2003, the PROTECT Act was signed into law, establishing the AMBER Alert system to disseminate information to the public about potential child abductions. Pursuant to the PROTECT Act, the U.S. Department of Justice has issued guidance for AMBER activation criteria which is designed to achieve a uniform, interoperable network of AMBER plans across the country and to minimize potentially deadly delays initiating investigations. Additionally, the PROTECT Act implemented Suzanne’s Law, which ensures there is no waiting period before law enforcement initiates an investigation of a missing person under 21 years of age and requires law enforcement to report the missing person to the NCIC of the Department of Justice.<sup>10</sup> As of May 2020, there have been 988 children successfully recovered through the AMBER Alert system.<sup>11</sup>

While each state must adopt its own AMBER Alert plan, the Department of Justice recommends the following minimum standard or guidelines that states adopt voluntarily:

- there is a reasonable belief by law enforcement that an abduction has occurred;
- the law enforcement agency believes that the child is in imminent danger of serious bodily injury or death;
- there is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child;
- the abduction is of a child aged 17 years or younger; and

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<sup>8</sup> Public Law 101-647, 104 statute 4967, Crime Control Act of 1990 modified April 7, 2003 by “Suzanne’s Law” that changed the age of mandatory missing person record entry from under 18 to under 21 [ref. 42 USC 5770 (c)]

<sup>9</sup> <https://www.fbi.gov/file-repository/2019-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

<sup>10</sup> Suzanne’s Law | <https://www.govinfo.gov/content/pkg/BILLS-106s1201is/pdf/BILLS-106s1201is.pdf>

<sup>11</sup> DOJ AMBER ALERT FAQ, <https://amberalert.ojp.gov/about/faqs>

- the child’s name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system.<sup>12</sup>

#### *Federal Grant Programs*

34 U.S.C. § 20504 outlines federal grant opportunities available to states for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.<sup>13</sup> Similarly, 34 U.S.C. § 21902 establishes an Ashanti Alert communications network to provide assistance to regional and local search efforts for missing adults.<sup>14</sup> Missing Americans Alert Program, 34 U.S.C. § 12621, outlines a grant program to reduce injury and death of missing Americans with dementia and developmental disabilities.<sup>15</sup> The Commonwealth’s Missing Persons Task Force would encourage grant applications for additional federal funding.

The Executive Office of Public Safety and Security is the recipient of the Adam Walsh Act Implementation Grant funding to strengthen the Sex Offender Registration and Notification process. The funds are administered by the Department of Justice, and the state has received an average of \$300K annually since 2017. The funds have gone directly to the Sex Offender Registry Board for the purchase of technology and programs that support the tracking of sex offenders, as well as law enforcement training.

#### *Federal Databases*

The NCIC’s Missing Person File came online in 1975 and maintains records on individuals, including children, who have been reported missing by law enforcement where there is a reasonable concern for their safety.

NamUs was created and funded by the National Institute of Justice in 2007 and is managed by the University of North Texas Health Science Center. Law enforcement is not federally mandated to enter missing or unidentified person case record data into NamUs.

Currently, the NCIC’s Missing Persons and NamUs databases do not populate one another, and as a result, they contain fragmented information. In 2016, the United States Government Accountability Organization (“GAO”) published a study on this limitation

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<sup>12</sup> GUIDELINES FOR ISSUING AMBER ALERTS, <https://www.amberalert.gov/guidelines.htm>

<sup>13</sup> 34 U.S.C. § 20504 (2018).

<sup>14</sup> 34 U.S.C. § 21902 (2018).

<sup>15</sup> 34 U.S.C. § 12621 (2018).



to information sharing<sup>16</sup>. The GAO acknowledged that NCIC's user base is significantly larger than NamUs and that only a few law enforcement agencies utilize NamUs. On the other hand, the public enters data into NamUs and does not have access to NCIC. The GAO recommended the DOJ facilitate more efficient sharing of information on missing persons and unidentified remains across databases.

In Massachusetts, NamUs has 149 missing person entries and 170 unidentified person entries as of May 2020.<sup>17</sup> According to the National Academy of Science,<sup>18</sup> there is critical need for a federal requirement that Medical Examiners/Coroners enter information on unidentified persons into a federal database. Nationwide, there are as many as 90,000 active missing person cases at any given time, and 4,400 unidentified remains are found every year, with over 1,000 remaining unidentified after one year.<sup>19</sup>

## **State Legislation, Policy, and Regulatory Review**

### *Massachusetts Laws*

There are Massachusetts General Laws that mandate or guide the receipt, processing, and investigation of missing persons by law enforcement in the Commonwealth. Added to the General Laws by Chapter 356 of the Acts of 1984, and last amended by Chapter 489 of the Acts of 2014, G.L. c. 22A, entitled "Missing Persons," mandates the establishment of "a statewide central register containing all necessary and available identifying information of a missing child in the commonwealth."<sup>20</sup> The statewide central register in Massachusetts is the Missing Persons file of the Criminal Justice Information System ("CJIS") managed by the Massachusetts Department of Criminal Justice Information Services ("DCJIS").

G.L. c. 22A requires police officers or other law enforcement officials, upon receiving a report of a missing child, to enter the relevant identifying information into the central register immediately, and to "immediately undertake to locate such missing child."<sup>21</sup> Additionally, G.L. c. 22A requires that certain Commonwealth agencies which are

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<sup>16</sup> Missing Persons and Unidentified Remains: Opportunities May Exist to Share Information More Efficiently, GAO Report to Congressional Committees  
<https://www.hsdl.org/?view&did=793632>

<sup>17</sup> It should be noted that the NamUs database can fluctuate based on new additions and removals from the database.

<sup>18</sup> 2009 Strengthening Forensic Science in the United States  
<https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>

<sup>19</sup> NamUs Fact sheet October 2014

<sup>20</sup> G.L. c. 22A, § 2 (2015).

<sup>21</sup> G.L. c. 22A, § 4 (2015).

charged with the care and custody of children report a missing child under their custody to the central register and provide relevant identifying data.<sup>22</sup>

Further, state law requires that the Massachusetts State Police establish and maintain “AMBER” and “Silver” Alert Plans to assist in the recovery of abducted children under the age of 18 and adult persons with serious memory impairments such as Alzheimer’s disease or other dementia through notification to the general public and law enforcement agencies.<sup>23</sup>

Massachusetts law also requires the provision of relevant identifying information of deceased persons to the State Police. In the case of a deceased person who cannot be identified, the medical examiner must provide the State Police with copies of fingerprints, dental records, personal descriptions, and other identifying data, including the date and place of death.<sup>24</sup> Likewise, the State Police crime laboratory must provide records, including DNA records and analysis, to criminal justice, law enforcement, and prosecuting agencies for identification purposes.<sup>25</sup>

In 2005, the National Criminal Justice Reference Services published a Model State Missing Persons Statute developed with the assistance of federal, state, and local law enforcement, forensic scientists, legislators, victim advocates, and families. The model statute broadly recommends the following actions for law enforcement and medicolegal agencies:

- Accept all missing persons reports without delay and share information with state and regional authorities;
- Take DNA samples from unidentified remains within 30 days of the missing persons report and add the profile to national, state, and local databases;
- Respond to high-risk missing persons immediately; and
- Prohibit the cremation of unidentified remains and ensure DNA analysis on all unidentified human remains cases.<sup>26</sup>

Prior to the Model Statute, several states including California, Kansas, Nevada, New Mexico and Texas had laws related to missing persons and the identification of human remains.<sup>27</sup> Many other states including Connecticut, Colorado, Hawaii, Illinois, Indiana,

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<sup>22</sup> G.L. c. 22A, § 7 (2015).

<sup>23</sup> G.L. c. 22C, § 71 (2015); G.L. c. 6A, § 18L (2010).

<sup>24</sup> G.L. c. 22A, § 5 (2015).

<sup>25</sup> G.L. c. 22E, § 10B (2015).

<sup>26</sup> Nancy Ritter, “Missing Persons and Unidentified Remains: The Nation’s Silent Mass Disaster” (2007) 256 N.I.J. Journal <https://www.nij.gov/journals/256/pages/missing-persons.aspx#back1>

<sup>27</sup> *Ibid.*

Massachusetts, New Jersey, and Oregon have introduced legislation based on the model statute.<sup>28</sup>

State efforts in the last several years have incorporated elements of the Model Statute, Billy's Law and Suzanne's Law (see table below). The state of New York became the first to mandate medical examiner and coroner's offices input unidentified persons data into NamUs and requires all missing children reports to be electronically shared with NamUs within 30 days. Connecticut law mandates all law enforcement participate in NamUs training modules, a free service funded by a National Institute of Justice grant aimed at educating law enforcement, medical examiners, and coroners. Michigan law requires law enforcement to immediately enter data into both NCIC and NamUS after conducting preliminary investigations for all missing and unidentified persons including children. The state of New Jersey is the first to require a comprehensive plan and timeline for collecting and implementing DNA evidence from missing person cases. Law enforcement must collect and submit DNA reference samples for individuals missing for more than 30 days to the University of North Texas Human Identification DNA Laboratory, a free service for analysis and uploading to the CODIS Missing Person file. Oklahoma law mandates copies of unidentified persons records to be provided to NamUs and to require law enforcement to immediately obtain authorization for dental records from individuals reporting a missing person and transfer or forward the dental records to NamUs within 10 days as well as establish a training program for law enforcement on missing and unidentified person cases. According to NamUs System Administrator, the states that are leading the way on missing and unidentified persons cases are those with forensic anthropologists, like Oklahoma.

In Massachusetts, a version of the Model Statute was introduced again in January 2019 as House Bill 2132. At the time of this report, the bill in its current form was reported favorably by the Joint Committee on Public Safety and Homeland Security to House Ways and Means on October 2, 2019.<sup>29</sup>

In addition, proposed Massachusetts Senate Bill 2480 would permit familial DNA searching and partial matches for the purpose of investigating certain unsolved crimes. The legislation was filed in Massachusetts in January 2020 and referred to the Joint Committee on the Judiciary. Familial searching is the process of purposefully searching a DNA databank for partial matches of indirect associations between a convicted offender's DNA profile and a DNA profile developed from a crime scene. This evidence

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<sup>28</sup> [www.spcoalition.org](http://www.spcoalition.org) "Missing Person Legislation- By State" data obtained from NamUs (<https://www.findthemissing.org/home/resources>)

<sup>29</sup> H. 2132 <https://malegislature.gov/Bills/191/H2132>

would have a significantly positive impact on investigations and would allow DNA partial and full matches to be shared with law enforcement. The MPTF recommends that the legislature enact legislation as recommended by the Forensic Science Oversight Board to ensure proper use.

Overview of Missing Persons Laws in Other States					
State	Bill	Legislative History	Date signed; effective	Bill Summary/Notes	Type of Death Investigation System
<a href="#">AR</a>	<i>Pending</i> HB 1881	4.5.2019 Passed Senate 3.29.2019 Passed House	<i>Pending</i> Gov. Asa Hutchinson (R);	Requirement that law enforcement shall input UP/MP data into NCIC and NamUs within 30 days and obtain biometric data including DNA samples, dental and medical records. Statewide requirement for law enforcement to be trained for investigating unidentified and missing person cases.	County Coroner System
<a href="#">OK</a>	HB 2640 Francine's Law	4.8.2019 Passed Senate 3.7.2019 Passed House	4.15.2019 Gov. Kevin Stitt (R); 11.1.2019	Chief ME must provide copies of records for UP's to NamUs and OK State Bureau of Investigations; Law enforcement agencies will immediately obtain authorizations for dental records from individual reporting MP and transfer/forward to NamUs within 10 days of receipt; remove waiting periods for accepting reports for missing child; direct council to establish training for MP/UP cases and requiring law enforcement training on MP/UP.	Centralized State ME System 2 State Forensic Anthropologists
<a href="#">MI</a>	HB 4633	3.22.2018 Passed Senate 3.1.2018 Passed House	4.2.2018 Gov. Rick Snyder (R); 7.4.2018	Law enforcement after receiving report of MP/ UP and Unknown including children, after conducting preliminary report are required to immediately enter data into NCIC and NamUs (e.g., dental, x-ray, physical characteristics, cause and manner).	County ME System
<a href="#">NY</a>	S 6739	2018 session	11.29.2018 Gov. Andrew Cuomo (D);	First state to mandate Coroners/ME's input data on unidentified persons to NamUs. Division shall transmit electronic report of missing child to NamUs within 30 days of entry into register. Each agency to submit report into to missing persons clearing house, which transmits to NCIC and NamUS. Enter all data for UP/MP to NamUs in 180 days.	Mixed County ME/C System several State Forensic Anthros post-9/11
<a href="#">CT</a>	HB 6113	Enacted July 8, 2011	10.1.2011 Gov. Daniel Malloy (D);	Versions of this law came before CT Legislator four times before it was passed. Law enforcement training on NamUs.	Centralized State ME System
<a href="#">TN</a>	HB 44	April 19, 2017 Passed Senate April 17, 2017 Passed House	5. 2. 2017 Gov. Bill Haslam (R); 6.1.2017	Law enforcement responsible for: gathering, entering, and sharing MP data with NamUs; including authorization for dental records for individuals missing more than 30 days; dental records including x-rays uploaded to NamUs within 10 days; when MP has been found sheriff/chief of police/medical examiner/regional law enforcement shall report to NamUs within 24 hours individual was found.	County ME System

## Data Review

The number of missing persons cases reported by DCJIS and NCIC to law enforcement agencies in Massachusetts:

- FBI NCIC data from Jan 1, 2005 to August 12, 2019 show 2,202 “Active” missing persons records;
- 62,917 “Cleared” records<sup>30</sup> (i.e., the missing person was found);
- 109,895 “Canceled” records<sup>31</sup>;
- In total, Active (2,202) + Cleared (62,917) + Canceled (109,895) = 175,014 records

Approximately 6% of the state’s active missing person cases have been entered into the federal NamUs database. The vast majority (90%) of these active missing person cases have been open for more than 30 days. Currently the state does not have any laws, policy or regulations mandating the collection and retention of medical and dental reports and biometric data for missing person cases. Only 4% of the state’s active unidentified person cases have been entered into the federal NCIC database.

### *Number of Investigations Started*

Presently we do not have a statewide law enforcement repository that captures when an investigation begins. From the NCIC data, it could be asserted that all *active* and *cleared* cases (65,119) represent those in which an investigation was begun, however, this number does not include the cleared cases from 2005-2012 due to system limitations. All Massachusetts records removed from the FBI Missing Persons File, including those cleared, would have been marked as canceled from 2005 until 2012. This represents 87,407 records.

### *Number of Investigations Open After 30 Days*

We currently have the date and time of cases entered into NCIC but do not receive that same information from the FBI for when the cases are “Cleared” or “Canceled.” Possessing this information would allow us to see how long cases were open, presuming all agencies entered missing persons records into NCIC within 2 hours of receipt of the report ([42 U.S.C. § 5780](#)).

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<sup>30</sup> Massachusetts did not have the ability to clear a record until the state transitioned to a new message switch in November of 2012. All records removed from FBI Missing Persons File before 2012 would have been marked as canceled.

<sup>31</sup> “Canceled” records are those removed for some other reason than the person was located.

### *Number of Investigations Under 18 Years of Age*

Of the *active* missing person (n=2202) entries into NCIC database with the FBI, 57% (n=1262) are children under the age of 18. Of the *active* missing person entries under 18, 89% (n=1123) are 13-17 (which is 51% of the total). Of the *active* missing person cases, 63% (n=1393) are under the age of 21.<sup>32</sup> Among the missing person entries under 21, 90% (n=1254) are 13-20 (which is 57% of the total entries).

## **Missing Persons Task Force Recommendations**

### *Legislative*

House Bill 2132 has been introduced several times dating back to at least 2009. As stated above, the bill is currently with the House Committee on Ways and Means. The bill as currently drafted does not require the export, sharing, or transfer of unidentified or missing person data with NamUs and could be strengthened by adding the following:

- A requirement for information to be entered into VICAP, Violent Criminal Apprehension Program;
- Missing Person report accepted by law enforcement without delay and entered into CJIS;
- Missing person(s) in “high risk cases” shall be entered into CJIS immediately. High risk cases include those instances where the missing person is especially vulnerable or where there is a clear threat to the individual’s safety. For example, missing person cases involving an individual with urgent medical or mental health needs, or possible stranger abductions, would be considered high risk;
- Timeframe for DNA collection for unidentified person cases. All eligible DNA profiles shall be uploaded into the appropriate level/index of Combined DNA Index System (CODIS) after completion of the DNA analysis and other procedures require for database entry;
- State Police shall enter unidentified person information into NCIC and NamUs without delay;
- State Police shall provide information to local law enforcement agencies about the best practices for handling the death scene investigation as well as process for handling human remains;
- Assess the biological profile of unidentified persons, when possible.

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<sup>32</sup> “Suzanne’s Law” changed the age of mandatory missing child record immediately be entered to NCIC from under 18 to under 21 [[42 USC 5779 \(c\)](#)]

### *Training*

Training for law enforcement regarding missing persons should be examined. A NamUs information packet should be provided to law enforcement agencies which could then be handed out to individuals reporting missing persons. This will allow those individuals to be aware of NamUs and encourage them to enter data on their missing person into the system. Model protocols for processing and investigating missing persons cases in order to improve training throughout state and local law enforcement agencies should be set and shared throughout the state.

NamUs which is operated by the University of North Texas Center for Human Identification's Forensic Services Unit ("UNTCHI") offers five free online training modules created by RTI International and funded through a National Institute of Justice Grant.<sup>33</sup> Each module takes approximately one hour to complete. *Investigating Strategies: Missing and Unidentified Persons Cases* is one of the modules and covers a range of investigative strategies and considerations for handling missing and unidentified person cases. Although it is designed primarily for law enforcement, medical examiners, and coroners charged with the investigation of missing and unidentified person cases. The module will also help family members of missing persons, victim advocates, and the general public gain a deeper understanding of the tools used in these investigations and the proper handling of sensitive information. This course could be delivered in a web-based on-demand format which will allow participants flexibility in participation. Upon completing this course, participants will understand how DNA, fingerprints, and dental records can be used as well as the role of NCIC and NamUs in missing and unidentified investigations.

The Task Force suggests the creation of a training manual with law enforcement guidelines which includes protocols and available training for missing persons cases.

### *Resources*

Currently the Massachusetts State Police use a data collection system called ACISS. It is recommended that older information is uploaded into the current systems used by the Massachusetts State Police by methods of best practices, including the use of civilian assistants and partnerships with institutions of higher education.

The task force determined that only 129 of the 2202 active missing person cases in Massachusetts have been uploaded to NamUs by law enforcement agencies and only 7 of the 175 active unidentified person cases have been uploaded to NCIC by the OCME.

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<sup>33</sup> NIJ Grant 2007-DN-CX-K234 and 2009-DN-BX-K184



Having accurate and precise information implemented into these databases (NCIC and NamUs) are critical to solving the states missing and unidentified person cases. To date in Massachusetts, NamUs has aided with the resolution of 49 missing person cases and 58 unidentified person cases.<sup>34</sup> The task force review of best practices found that states like Oklahoma and New York employ several full-time forensic anthropologists who serve as identification managers in addition to typical skeletal casework. In addition, a recent report from several medical examiner's offices indicate a growing reliance on forensic anthropologists beyond traditional skeletal casework of estimating a biological profile (age, sex, ancestry, and stature), to also include trauma analysis, identification management, assisting with mass disaster preparedness, search for missing persons, and recovery of human remains<sup>35</sup>.

Massachusetts could benefit from utilizing forensic anthropologists, assigned to OCME, working as consultants on identification of unknown remains and missing person inquiries. Currently the OCME has no uniform system for entering cases into NamUs, something that would be expected to be part of the responsibilities for these positions. The OCME reported to the task force that there are likely more unidentified cases going back to the 1970s that are not yet in either database, something these positions could rectify. The addition of two full time forensic anthropologists in the identification unit will increase the statewide resources affecting the forensic investigations. The forensic anthropologists will also be expected to assist when appropriate with the search for missing persons and recovery of human remains. Currently, the OCME has one part-time forensic anthropologist and therefore the state is not able to benefit from the expertise of forensic anthropologists in missing person searches and in the medicolegal investigation at death scenes of badly decomposed, skeletonize, fragmented, burned, or buried remains.

Since missing persons do not fall under OCME jurisdiction, the Task Force supports the addition of a Missing Persons Coordinator within EOPSS. Since the OCME case management system does not currently allow for tracking missing persons, the OCME could then refer any missing persons calls to the Missing Persons Coordinator. This position would be the universal contact for ensuring various stakeholders are connected to appropriate resources, including serving as a point of contact for families of missing persons. This position would also oversee the two FTE forensic anthropologists updating the data entered into all the appropriate places retrospectively to reduce the

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<sup>34</sup> <https://www.namus.gov/>

<sup>35</sup> Crowder et al. The Utility of Forensic Anthropology in the Medical Examiner's Office 2016 Academic forensic Pathology: The Official Publication of the national Association of Medical Examiners.

backlog, and to ensure that the appropriate process for documenting and identifying missing persons and unidentified persons data is implemented. This person may be tasked with creation and implementation of the best practice model for how missing and unidentified persons data should be shared, following the Ohio and Oklahoma approach, for all state agencies. This position should reside within the Executive Office of Public Safety and Security.

The OCME also supports the development of a statewide cloud-based database for all medical and dental records to be submitted by a provider prior to being destroyed, since most providers only retain records for seven years. This would allow the OCME to search and utilize medical/dental records for decedents that have been missing for over seven years, which will better assist in identifying unknown decedents. Dental records are often the best way to identify decomposed decedents. The Missing Persons Task Force recommends that OCME develop guidelines on the searching, use, or sharing of the medical and dental records stored in this database, and that such records are only used by OCME to identify remains or unidentified decedents.

The OCME supports the development of a system to allow for direct access to all MA dentists, (through the MA Dental Society (MDS) is one entry point) to allow for mass communication to all dentists regarding unknown/unidentified decedents that may have been a patient. This would be more efficient than reaching out to individual practices that may or may not have records on a decedent. The OCME has open and ongoing discussions with the MDS regarding initiatives for decedent identification. Information sharing amongst the appropriate government and private agencies when it involves missing, endangered, or exploited children is paramount to solving those cases. Agencies must have the ability to communicate fully to protect children from harm or vanishing.

Municipality	Number of Active Cases	County	Average Age
Abington	1	Plymouth	23
Agawam	1	Hampden	17
Amesbury	1	Essex	43
Amherst	2	Hampshire	26
Arlington	31	Middlesex	16
Ashburnham	1	Worcester	25
Ashland	3	Middlesex	15

Athol	1	Worcester	41
Attleboro	6	Bristol	24
Barnstable	4	Barnstable	25
Barre	1	Worcester	14
Belchertown	5	Hampshire	21
Berkley	2	Bristol	32
Beverly	3	Essex	14
Billerica	2	Middlesex	27
Blackstone	2	Worcester	44
Bolton	1	Worcester	44
Boston	909	Suffolk	28
Brockton	94	Plymouth	22
Brookline	2	Norfolk	40
Burlington	3	Middlesex	29
Canton	1	Norfolk	41
Chelmsford	1	Middlesex	42
Chelsea	31	Suffolk	21
Chicopee	11	Hampden	29
Clinton	1	Worcester	56
Dalton	2	Berkshire	6
Dartmouth	1	Bristol	22
Dedham	5	Norfolk	46
Dennis	2	Barnstable	72
Dracut	1	Middlesex	21
Dukes County Sheriff	1	Dukes	28
East Bridgewater	1	Plymouth	49
Easton	1	Bristol	32
Everett	46	Middlesex	26
Fall River	81	Bristol	20
Falmouth	2	Barnstable	41
FBI	3	N/A	32
Fitchburg	6	Worcester	29
Framingham	10	Middlesex	16
Gloucester	5	Essex	30
Great Barrington	1	Berkshire	16

Greenfield	2	Franklin	16
Hadley	2	Hampshire	54
Hanson	4	Plymouth	44
Haverhill	12	Essex	23
Hingham	2	Plymouth	16
Holbrook	6	Norfolk	13
Holden	1	Worcester	17
Holyoke	33	Hampden	24
Hudson	2	Middlesex	50
Lakeville	1	Plymouth	42
Lawrence	44	Essex	25
Leominster	11	Worcester	32
Lexington	1	Middlesex	17
Longmeadow	1	Hampden	8
Lowell	45	Middlesex	27
Ludlow	2	Hampden	24
Lunenburg	1	Worcester	29
Lynn	53	Essex	23
Manchester-by-the-Sea	1	Essex	18
Malden	11	Middlesex	29
Mansfield	1	Bristol	17
Marlborough	5	Middlesex	26
Marshfield	2	Plymouth	4
Medfield	2	Norfolk	67
Medford	39	Middlesex	23
Melrose	10	Middlesex	41
Methuen	6	Essex	28
Middleborough	2	Plymouth	39
Middleton	1	Essex	33
Milford	3	Worcester	44
Millbury	3	Worcester	49
Millis	1	Norfolk	48
Milton	5	Norfolk	26
MSP Boston	4	Suffolk	25
MSP Holden	1	Worcester	16
MSP Lee	2	Berkshire	19

MSP Leominster	15	Worcester	15
MSP Middleborough	2	Plymouth	36
MSP Milton	1	Norfolk	16
MSP New Braintree	3	Worcester	15
MSP Russell	1	Hampden	59
MSP Shelburne	1	Franklin	64
Nahant	1	Essex	59
Nantucket	1	Nantucket	60
Natick	16	Middlesex	22
New Bedford	120	Bristol	21
Newburyport	11	Essex	24
Newton	4	Middlesex	25
North Adams	1	Berkshire	15
North Andover	2	Essex	13
North Attleborough	1	Bristol	31
Northampton	5	Hampshire	38
Northbridge	1	Worcester	25
Norton	1	Bristol	34
Orange	2	Franklin	16
Otis	5	Berkshire	23
Paxton	2	Worcester	67
Peabody	3	Essex	38
Pembroke	1	Plymouth	14
Pepperell	1	Middlesex	17
Quincy	8	Norfolk	34
Randolph	5	Norfolk	32
Raynham	1	Bristol	45
Revere	24	Suffolk	30
Rochester	7	Plymouth	18
Rockport	2	Essex	28
Rutland	3	Worcester	16
Salem	24	Essex	18
Salisbury	1	Essex	17
Sandwich	1	Barnstable	51

Scituate	3	Plymouth	51
Sharon	1	Norfolk	4
Shrewsbury	2	Worcester	49
Somerset	1	Bristol	17
Somerville	12	Middlesex	24
South Hadley	1	Hampshire	53
Southbridge	2	Worcester	16
Springfield	44	Hampden	24
Stoneham	3	Middlesex	24
Stoughton	5	Norfolk	22
Sudbury	1	Middlesex	17
Suffolk County	4	Suffolk	33
Taunton	12	Bristol	35
Tewksbury	2	Middlesex	25
UMASS Lowell	1	Middlesex	49
Walpole	6	Norfolk	22
Waltham	9	Middlesex	25
Ware	1	Hampshire	17
Wareham	6	Plymouth	40
Warren	1	Worcester	35
Watertown	3	Middlesex	12
Webster	3	Worcester	10
West Springfield	5	Hampden	27
Westborough	4	Worcester	19
Westfield	3	Hampden	39
Westport	3	Bristol	22
Weymouth	11	Norfolk	26
Whitman	1	Plymouth	55
Wilmington	3	Middlesex	15
Winchendon	3	Worcester	31
Winthrop	2	Suffolk	57
Woburn	6	Middlesex	39
Worcester	148	Worcester	26
Wrentham	1	Norfolk	7
Yarmouth	1	Barnstable	67
Total	2201		26

**NCIC: MASSACHUSETTS MISSING PERSONS DATA**

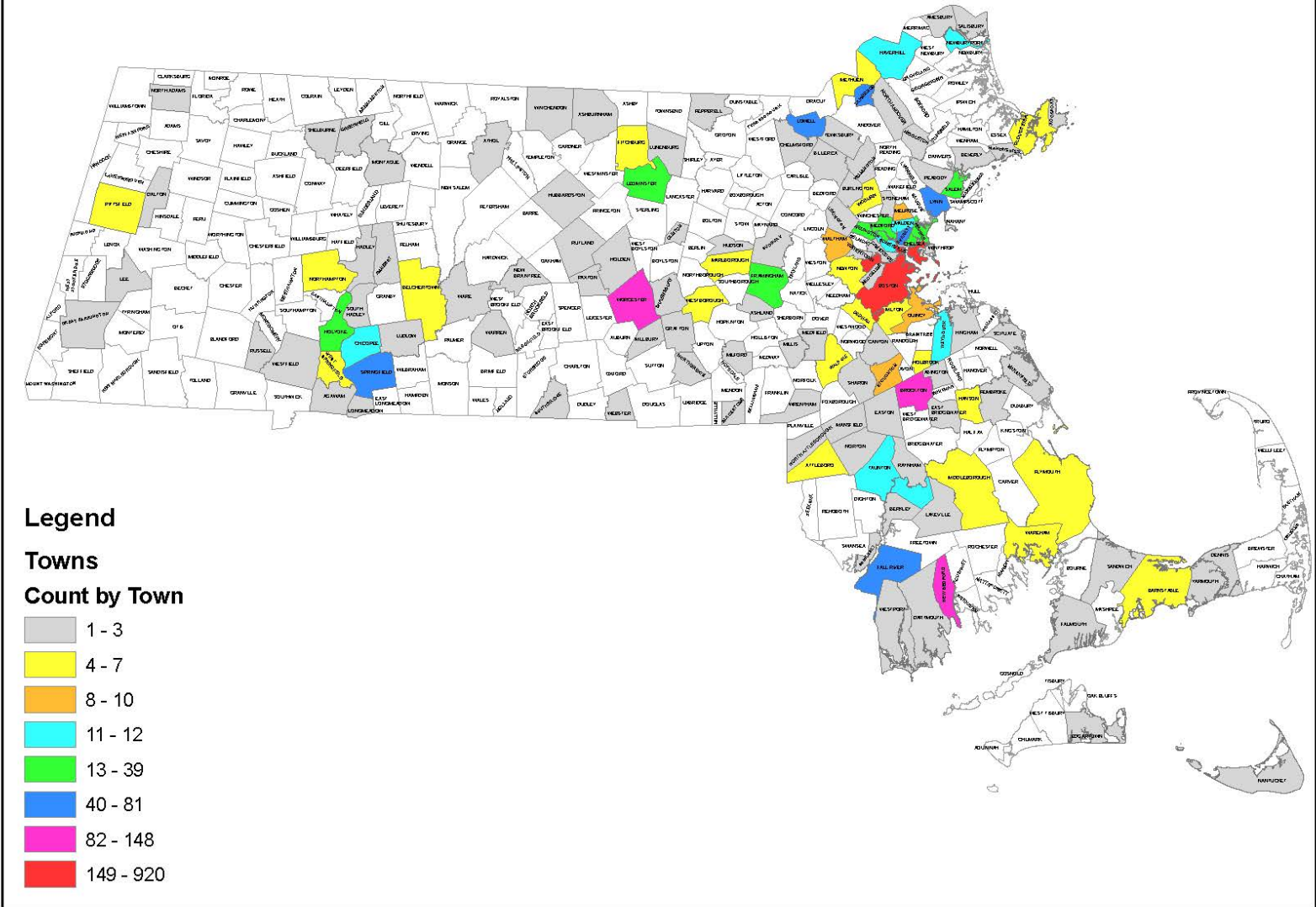
<b>YEAR</b>	<b>ACTIVE</b>	<b>PURGED<sup>36</sup></b>	<b>TOTAL</b>
2018	2094	11499	13593
2017	2106	13867	15973
2016	2073	12572	14654
2015	1884	10603	12487
2014	1909	11227	13136
2013	2201	10286	12487
2012	2304	10327	12631
2011	2143	10504	12647
2010	1907	11347	13254
2009	1827	11561	13388
2008	1802	12884	14686
2007	1566	12886	14452
2006	1909	13975	15884
2005	655	12733	13388

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<sup>36</sup>Purged records are records that have been removed from the system because the missing

persons report has either been cancelled or cleared by law enforcement authorities.

# Missing Persons by Reporting Agency





# Massachusetts General Laws Relative to Missing Persons

## G.L. c. 22A, § 4 (2015)

### Entry of Information relative to missing children; access to data

Section 4. Whenever a parent, guardian, or governmental unit responsible for a child, reports to any police officer or law enforcement official that a child is missing, such police officer or official shall immediately cause to be entered into the central register relevant information relative to said missing child. Such police officer or law enforcement official shall also immediately undertake to locate such missing child.

Police officers, law enforcement officials and others so designated by the colonel of state police solely for the purpose of locating a missing child shall have access to the fingerprints and other data and information concerning the missing child on file with the central register.

## G.L. c. 22A, § 7 (2015)

### Reports of missing child to central register

Section 7. Notwithstanding the provisions of any special or general law to the contrary, the department of children and families, the department of youth services, the department of public health, and the department of mental health shall report a missing child under its custody to the central register and shall provide said central register with available identifying data relating to said missing child.

## G.L. c. 22C, § 71 (2015)

### AMBER Alert Activation

Section 71. (a) The department shall establish and maintain an AMBER alert plan to assist in the recovery of abducted children under the age of 18 through notification to the general public and law enforcement agencies. The department shall establish protocols and procedures necessary for the operation of the plan and shall educate and inform law enforcement agencies and the public of its availability.

(b) If a law enforcement agency determines that a child has been abducted and that the circumstances of the abduction indicate that the child is in serious danger of bodily harm or death, the agency shall obtain descriptive information for the AMBER alert plan and provide the descriptive information to the department. Thereafter, the law enforcement agency shall identify a point of contact within the agency capable of providing regular updates to the department about the abduction.

(c) The law enforcement agency reporting the abducted child shall obtain a picture of the child.

(d) The department may activate an AMBER alert plan, upon a determination that the following criteria have been met: (i) a child has been abducted; (ii) the child is in danger of serious bodily harm or death; and (iii) sufficient information exists to believe that activation of an AMBER alert plan may help locate the child.

(e) The department may notify appropriate state agencies and authorities, including, but not limited to, the Massachusetts Department of Transportation, Massachusetts emergency management agency, the state lottery commission, the Massachusetts Bay Transportation Authority and the Massachusetts Port Authority of the activation of the AMBER alert plan.

(f) The department shall notify the broadcast media serving the commonwealth of the establishment of a statewide AMBER alert plan and invite their voluntary participation. The department shall arrange for participating broadcast media to voluntarily agree, upon notice from the department, to transmit emergency alerts to inform the public of a child abduction that has occurred within their broadcast service regions. Information, material and records transmitted or maintained pursuant to an emergency alert under this section shall not, as a result of any such alert or transmission, be a public record in the custody of the department or other state agencies and authorities and such information, material and records shall not be disclosed except as provided by this section.

(g) The department shall enter all information required by the United States Department of Justice on said child into the National Crime Information Center of the United States Department of Justice.

(h) The AMBER alert plan shall remain activated until terminated upon the direction of the colonel.

(i) The AMBER alert plan shall not be activated for children considered to be runaways or incidents involving child custody disputes, except in cases of abduction if a threat of serious bodily harm or death exists against the child.

- (j) The department may coordinate with the law enforcement agencies in jurisdictions outside the commonwealth, including the federal government, who are responsible for the recovery of abducted children.
- (k) The department, in consultation with the state 911 department, shall establish training guidelines for 911 call takers and dispatchers on the AMBER alert plan.
- (l) The colonel, in consultation with the secretary of public safety and security, shall adopt rules and regulations necessary to implement this section.
- (m) The department shall prepare and publish information for law enforcement agencies relative to best practices for a report of a missing person. The department shall recommend procedures for law enforcement in responding to a report of a missing person, a report of a missing person who is under 18 and a person under 18 who has been abducted. The department may identify publications and training opportunities that may be available to law enforcement agencies concerning investigations of missing persons.
- (n) The department shall prepare and publish information for law enforcement agencies relative to best practices for handling death scene investigations. The department shall recommend procedures for law enforcement in processing, preserving, storing and testing DNA samples from human remains and the processing of DNA samples in missing person cases. The department may identify publications and training opportunities that may be available to law enforcement agencies concerning the handling of death scene investigations.
- (o) The colonel, the department and all department employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error or omission occurring or alleged to occur in connection with or pursuant to an AMBER alert plan under this section.

**G.L. c. 6A, § 18L (2010)**

**Agencies within the Executive Office of Public Safety and Security (EOPSS)**

Section 18. The following state agencies are hereby declared to be within the executive office of public safety and security: the department of fire services; the office of grants and research and the highway safety division; the municipal police

training committee; the Massachusetts department of criminal justice information services; the state 911 department; the department of state police; the office of the chief medical examiner; the Massachusetts emergency management agency; the military department; the department of correction, including the parole board; the sex offender registry board; and all other agencies and boards within said departments, committees and boards.

**G.L. c. 22A, § 5 (2015)**

**Deceased persons; fingerprints and identifying data; dental examinations; comparisons to missing persons files**

Section 5. The medical examiner shall promptly furnish the department of the state police with copies of fingerprints, personal descriptions and other identifying data, including the date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the medical examiner where the deceased is not identified or the medical examiner is not satisfied with the decedent's identification. In any case where it is not physically possible to furnish prints of the 10 fingers of the deceased, prints or partial prints of any fingers with other identifying data shall be provided to the department of the state police.

Additionally, the medical examiner shall cause a dentist to carry out a dental examination in any case where the deceased cannot be identified. The medical examiner may forward the dental records to the department on a form supplied by the department of the state police for such purposes.

The department of the state police shall compare the fingerprints received from the medical examiners to fingerprints on file with the department of the state police to attempt to determine the identity of the deceased. Other descriptive data supplied with the fingerprints shall also be compared to records maintained by the department concerning missing persons. The department of the state police shall submit the results of the comparisons to the appropriate medical examiner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

**G.L. c. 22E, § 10B (2015)**

Section 10(b): The director shall make DNA records available upon written or electronic request to: (1) local, state and federal criminal justice and law enforcement and prosecuting agencies, including forensic laboratories serving such

agencies, for identification purposes in order to further official criminal investigations or prosecutions; provided, however, that any DNA sample obtained directly from a person not otherwise required to provide a DNA sample under this chapter and delivered to the director for comparison with DNA records in the state DNA database shall have been obtained pursuant to a warrant; (2) the FBI for storage and maintenance in CODIS; and (3) any person who has been identified and charged with a criminal offense as a result of a search of DNA records stored in the state DNA database; provided, however, that such access shall be limited to DNA information pertaining to such individual