

# Missing and Abducted Children:

## A Law-Enforcement Guide to Case Investigation and Program Management





# **Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management**

**Edited by  
Stephen E. Steidel**

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# Acknowledgments

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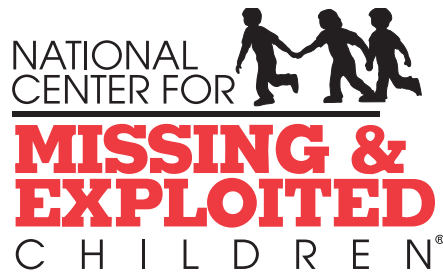
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Thanks also to the many individuals, both from within NCMEC and from associated agencies and organizations, who were always willing to share their experience, knowledge, and ideas to help ensure this guide contains the most meaningful and accurate information possible.

A special thanks is extended to NCMEC volunteer Sheila Chapman-Panizza for her assistance with this manuscript.





September 14, 2006

Dear Friends In Law Enforcement:

Congratulations on receiving this third edition of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. We are proud the U.S. Department of Justice was part of the development of this important guide to assist law enforcement in investigating missing- and abducted-children cases. The partnership between the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice and National Center for Missing & Exploited Children (NCMEC) allows us to provide key resources in your search for missing and abducted children.

We commend the work you do to serve and protect families in your jurisdiction and hope you will call on us to help in these cases. In the words of Attorney General Alberto R. Gonzales, "Our society has no place for those who prey on children.... The Justice Department and our partners in the law enforcement community are committed to stopping this terrible practice and protecting our children." In addition, after a recent visit to NCMEC, Attorney General Gonzales stated, "We were inspired by all that the people of the National Center do to protect children. Your unyielding efforts are critical to law enforcement and a lifeline to parents, and I am deeply grateful for the relationship we at the Justice Department have with you."

You have our every wish for continued success in helping child victims of abduction and sexual exploitation.

Sincerely,

Ernie Allen  
President and Chief Executive Officer  
National Center for Missing & Exploited Children



## Foreword

In the summer of 1981 my 6-year-old son Adam was abducted from a Florida shopping mall and found murdered two weeks later. His death focused national attention on the tragic and frustrating search faced by families of missing children each year. Adam's mother, Revé, and I have since traveled all across this country as advocates requesting more law-enforcement resources to assist in this search process. One major achievement in this campaign was the creation of the National Center for Missing & Exploited Children® (NCMEC) in 1984.

Since its creation NCMEC has worked closely with many officers and investigators from this nation's thousands of law-enforcement agencies in the search for missing, abducted, and exploited children. This partnership has emerged into a vast network of investigative resources available to law enforcement that might otherwise be inaccessible.

These resources include technical assistance in cases of missing and exploited children provided by former law-enforcement and social-service professionals with expertise in this field; a 24-hour, toll-free Hotline to receive reports and sightings of missing children with all leads immediately forwarded to the law-enforcement agency handling the investigation; a worldwide CyberTipline for online reporting of the sexual exploitation of children; nationwide distribution of photographs of and descriptions about missing children; preparation of age-enhanced photographs of long-term missing children; and analysis of case information and leads — all provided free-of-charge from NCMEC's office in Alexandria, Virginia. As a result of this network, more complex cases have been resolved, more children have been recovered, and more searching families have been reunited with their children.

This guide, *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*, is another resource in NCMEC's continuing commitment to assist law enforcement in the search for missing children. Its two goals are to provide

- Officers with a step-by-step guide about how to respond to and investigate missing-child cases
- Administrators with the programmatic framework to manage the missing child response within their agency's jurisdiction

In addition this guide is a means to facilitate the development of the specialized skills needed to effectively respond to a missing-child case and provide awareness of the many available resources. Individual chapters offer information about topics ranging from an issue perspective to specific investigative techniques to be used in all phases of any type of missing-child case to investigative considerations and resources to media and management issues.

The format employed in this guide was chosen to serve as both a quick "how-to" and resource for those wanting a more in-depth treatment of the issue. In addition to a detailed table of contents and index, each chapter begins with a red tab divider and quick reference to highlight key topics presented within it.

This guide builds on NCMEC's more than 22 years of experience in this field and is the fundamental text for *Responding to Missing and Abducted Children (ReMAC)* — a federally funded 4 1/2-day course specifically designed for law-enforcement officers. *ReMAC* has been conducted on a regional basis throughout the country. This guide also replaces the previous NCMEC publication titled *Investigator's Guide to Missing Child Cases: For Law-Enforcement Officers Locating Missing Children*. We once again thank the many dedicated individuals who created that comprehensive document which for years served as one of the only guides available to assist officers with missing-child investigations. Many of the investigative techniques mentioned in that book remain valid today and have been incorporated into this guide.

Every effort has been made to preserve the integrity and thoroughness of both this guide and the *ReMAC* program. Much of the success of the *ReMAC* classroom presentation comes from the distribution of many booklets, pamphlets, lists, and other handout materials accompanying each topic. Whenever possible the material contained in these handouts has been incorporated into the applicable section of this guide. When such inclusion is inappropriate, reference is made to the item and information provided about how it may be obtained. A great deal of care was taken to help ensure readers are able to access all sources of information referenced in this guide. In case a source or reference cited cannot be accessed from the information provided, please call NCMEC's National Missing Children's Division toll-free at **1-888-24-NCMEC (1-888-246-2632)** to request assistance in securing that information.

Revé and I hope the material presented in this guide will prove helpful when performing your important duties in the area of child protection. We welcome your comments about this publication and look forward to any suggestions for future editions.

Before you begin reading this guide, however, please allow me to share some of NCMEC's successes with you. Revé and I continue to reflect on the number of families and professionals NCMEC has already been able to help. Through June 2006 NCMEC has

- Received more than 2 million calls on its toll-free Hotline from people requesting assistance in missing- and exploited-child cases, calling to report the sighting of a missing child or the sexual exploitation of a child, and requesting general information about the issue and safety tips to help better safeguard their families.<sup>1</sup>
- Assisted law enforcement and families in the recovery of more than 104,000 children.<sup>2</sup>
- Distributed thousands of photographs nationally of the individual missing children reported to NCMEC. Approximately 1 in 6.6 children featured in that campaign has been recovered—as a direct result of those efforts.<sup>3</sup>
- Implemented a unit to age-enhance the photographs of long-term missing children.
- Printed more than 40 million copies of various publications for professionals offering assistance with these cases and families about how to help prevent these crimes.<sup>4</sup>

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<sup>1</sup> John B. Rabun, Jr. *NCMEC Quarterly Progress Report, July 26, 2006*. Alexandria, Virginia: National Center for Missing & Exploited Children, page 3.

<sup>2</sup> *Id.*, page 9.

<sup>3</sup> *Id.*, page 11.

<sup>4</sup> *Id.*, page 51.

- Trained more than 218,000 law-enforcement, criminal/juvenile-justice, and healthcare professionals in the United States and many other countries in child-sexual-exploitation and missing-child-case detection, identification, investigation, and prevention.<sup>5</sup>

We are grateful to the dedicated law-enforcement officers who work these difficult and emotionally draining cases. We know one of the best ways to further our goal of bringing about the swift and safe recovery of every missing child is to respond to the needs of law-enforcement agencies and individual officers who are on the “front line” of child protection. Thus, do not hesitate to call on the National Center for Missing & Exploited Children and use the many other resources listed in this guide to assist in your efforts to help each and every family of a missing child within your jurisdiction. Remember, working together we are able to provide even greater protection to those who are least able to protect themselves — our children.

John Walsh  
Child Advocate and  
Host of “America’s Most Wanted”



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<sup>5</sup> *Id.*, page 32.





# An Issue Perspective

by Stephen E. Steidel

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The investigative techniques, available resources, and management options addressed in this guide reflect the progression of historical developments in the missing- and exploited-child issue. It is important, therefore, to review the major developments bringing the issue to its current status. Familiarity with the many missing-children initiatives occurring in the past, especially within the last three decades, along with an understanding of how those issues helped shape public opinion, influence government reaction, and transform law-enforcement response, will help investigators and planners anticipate trends and identify programs permitting law enforcement's response to be on the leading edge of the missing children's issue — now and in the future.

## Historical Overview

Historically children in immediate danger have always struck a responsive chord with law enforcement. Law enforcement has unquestioningly perceived the kidnapped, abducted, or lost young child as someone who needs their immediate, skilled assistance. The perception of law-enforcement responsibilities in cases involving the runaway child or the abduction of a child by a noncustodial family member, however, has not been as clear.

In the past the runaway child, especially the older teen, was viewed as a social problem best handled by families, teachers, or social-service professionals. Such attitudes resulted in law-enforcement practices including refusal to take reports, imposition of waiting periods, reluctance to send out notifications, inability or failure to enter cases in the National Crime Information Center (NCIC) system, low investigative priority, and the placement of recovered runaways in secure-detention facilities until they could be reunited with their families or assisted by social-service agencies.

Likewise the criminal-justice system's response to family-abduction cases was one of confusion concerning what actions were authorized when a child's custody was in question. Because there were few criminal statutes before the late 1970s addressing family-abduction issues, there was no requirement for official law-enforcement involvement in those situations in those days. During that time, when officers responded to calls initially thought to be domestic disturbances but later determined to be custody arguments with each party displaying conflicting court documents, the most common law-enforcement action was to refer all parties to the appropriate civil court for settlement. Seldom was there any effort to assure the immediate welfare of the often-traumatized child who was caught in the crossfire between opposing family members.

Fortunately today law-enforcement professionals have come to recognize all missing children, regardless of the reason for their disappearance, may be at-risk of violence, victimization, and exploitation. As a result agency administrators across the nation are evaluating their departments' response to reports of missing children and formulating effective policies and procedures aimed at the swift resolution of all cases.

Much of the progress made in law-enforcement's response to missing and exploited children may be traced to the enactment of effective legislation and creation of valuable resources. Some of the more significant milestones are listed in Figure 1 and described below.

## Significant Measures Enacted to Assist Children At-Risk

Year	Event
1932	Passage of the Federal Kidnapping Act
1961	Adoption of the Fugitive Felon Act subsequently amended in 1970 to implement the Unlawful Flight to Avoid Service of Process
1968-1983	Adoption of the Uniform Child Custody Jurisdiction Act by all states within the United States of America
1974	Passage of the Juvenile Justice and Delinquency Prevention Act Passage of the Runaway and Homeless Youth Act
1975	Institution of the NCIC Missing Person File by the Federal Bureau of Investigation (FBI)
1980	Passage of the Parental Kidnapping Prevention Act
1982	Passage of the Missing Children Act
1983	Institution of the NCIC Unidentified Person File by the FBI
1984	Establishment of the National Center for Missing & Exploited Children® Passage of the Missing Children's Assistance Act
1988	United States became a signatory to the Hague Convention on the Civil Aspects of International Child Abduction Passage of the International Child Abduction Remedies Act Amendment of Subchapter III of the Juvenile Justice and Delinquency Prevention Act to Create the Transitional Living Program for Homeless Youth
1990	Passage of the National Child Search Assistance Act
1993	Enactment of the International Parental Kidnapping Crime Act
1994	Passage of the Violent Crime Control and Law Enforcement Act including the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and Child Safety Act
1997	Adoption of the Uniform Child Custody Jurisdiction and Enforcement Act
2000	Passage of the Child Abuse Prevention and Enforcement Act known as Jennifer's Law
2003	Enactment of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003
2006	Passage of the Adam Walsh Child Protection and Safety Act of 2006

**Figure 1**

The taking and holding of an individual, especially a child, for ransom or other illegal purpose, has always been viewed by society as a most serious crime deserving the harshest penalty. From the beginning state criminal laws have included statutes prohibiting kidnapping and nonfamily abduction. The national government, in reaction to the country's outrage over the infamous Lindbergh infant kidnapping in 1932, enacted the Federal Kidnapping Act (FKA, 18 U.S.C. § 1201 *et seq.*) authorizing U.S. Department of Justice intervention when interstate travel is suspected in kidnapping cases. Law-enforcement officers, as noted earlier, explicitly understood their role in such crimes as one of immediate response and aggressive investigation. The laws were clear and so was society's mandate to law enforcement to recover the victim and apprehend the criminal.

Less clear, however, was what society expected from law-enforcement officers when working with the runaway child or incidents of family abduction. Because children who voluntarily left home were classified as **status offenders** and not criminals, law-enforcement officers were aware they had only limited authority in such cases. In most cases the recovered child was either taken to a law-enforcement facility to await a parent/guardian's<sup>6</sup> arrival or, if more appropriate, directly to the child's home.

Before the mid-1970s officers had an additional option when working with a habitual runaway or voluntarily missing child who appeared to be an immediate danger to him- or herself or others. That option was referred to as **secure detention**. When confronted with a habitual runaway, for example, an officer had the option of placing the child in a secure facility where he or she would be held until court was in session. Usually the selected facility was a secure children's shelter housing only those individuals designated by the state as juveniles. In communities without access to a shelter, however, a child might be placed in the jurisdiction's regular adult lock-up or jail, thus creating a controversy resulting in broad government action in 1974 as noted below.

*Societal expectations of law enforcement in cases of family abduction were even less clear than those expressed regarding runaways.*

Societal expectations of law enforcement in cases of family abduction were even less clear than those expressed regarding runaways. For years individual states struggled to devise a strategy for addressing custody disputes both locally and from other jurisdictions and states. The need for such a strategy became more apparent in the 1960s as divorce rates increased and cross-country travel became easier. If unhappy with the home state's decision in a custody dispute, the noncustodial family member frequently abducted his or her child(ren) and settled in a state where custody would be granted without serious consideration of a previous determination. This process was known as **forum or "judge" shopping**. The parent/guardian often found the new state would not recognize the original decree, leaving the alternatives of losing the child or "snatching" the child back in order to return to the home state. Between 1968 and 1983, faced with rapid increases in these situations, every state adopted the **Uniform Child Custody Jurisdiction Act (UCCJA, 9(1A) U.L.A. 271)**. Despite its limitations, as discussed on page 9 in regard to the Uniform Child Custody Jurisdiction and Enforcement Act, this was a model code attempting to establish which state has jurisdiction to make, modify, or enforce a custody determination.

In 1974 people in the United States and their lawmakers made tentative steps toward addressing the issues of child welfare and protection within the juvenile-justice system. Those steps had a major impact on the handling of missing-children cases by providing more tools for intervention.

While many law-enforcement officers considered the limited use of secure detention as the only option available in selected status-offender cases, such as

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<sup>6</sup> Unless otherwise noted this guide uses the term parent/guardian to refer to the child's biological parent, the person(s) with legal custody or guardianship of the child, or those persons acting in such a capacity on behalf of the child during a crisis whether a family member, friend, or governmental agency.

controlling the habitual runaway, increasing numbers of social-service professionals and children's rights proponents argued such detention was inappropriate, and indeed harmful, for children who had committed no crime. During the early 1970s these proponents testified at U.S. Congressional hearings about incidents in which recovered runaways and other status offenders were detained in regular lock-ups and, in some cases, in proximity to adult violators.

In response to these hearings, and in reaction to other issues related to child protection, in 1974 the U.S. Congress passed the **Juvenile Justice and Delinquency Prevention Act** (JJDP, 42 U.S.C. § 5601 *et seq.*). To encourage jurisdictions to prevent status offenders from being placed in any type of secure detention, the newly created Office of Juvenile Justice and Delinquency Prevention (OJJDP), within the U.S. Department of Justice, was authorized to distribute grants and provide support to those states developing alternate procedural methods. Subchapter III of the JJDP, referred to as the **Runaway and Homeless Youth Act** (RHYA) of 1974, also became part of the JJDP, 42 U.S.C. § 5701 *et seq.* This Act provided for nonsecure facilities where youngsters in need received safe shelter, counseling, and education until an effective family reunion could be accomplished. The RHYA and its provisions, such as the **National Runaway Switchboard** (NRS), remain in effect today and are administered through the U.S. Department of Health and Human Services. The NRS, at **1-800-RUNAWAY** or **www.1800RUNAWAY.org**, assists runaway and homeless children in communicating with their families and service providers by funding temporary shelters for these children, providing crisis intervention counseling to at-risk children and their families, and providing message delivery services between at-risk children and their families.

It quickly became clear communication among law-enforcement agencies concerning notification and information about missing children was in need of improvement. Recognizing that need, in 1975 the **National Crime Information Center** (NCIC), an automated, information-sharing system maintained by the FBI, instituted the **Missing Person File**. With the introduction of this file, officers anywhere in the nation could verify the report of a missing child who had been entered into the system and access case information within minutes of its entry by the reporting or "originating" law-enforcement agency.

As more states adopted the UCCJA, many followed its recommendation about the need for specific criminal sanctions to make its provisions effective. In drafting statutes to provide for these sanctions, some states made the crime of family abduction a misdemeanor while others made it a felony. The remaining states created degrees of crime in which the basic abduction was considered a misdemeanor while certain aggravating factors, such as danger to the child or leaving the state, moved the offense into the felony range.

As individual states enacted criminal, family-abduction statutes, groups representing law-enforcement officers; prosecutors; nonprofit, missing-children organizations; and families emphasized the need for direction from the federal government in the investigation and adjudication of these cases. In response the U.S. Congress enacted the **Parental Kidnapping Prevention Act** (PKPA, 28 U.S.C. § 1738A) in 1980.

The PKPA had a significant impact on law enforcement since, for the first time, it extended certain federal investigative resources to local authorities. Specifically the PKPA expanded use of the federal Fugitive Felon Act (18 U.S.C. § 1073 (1961)) to include abductors who had been charged with a felony and were

known to have fled the state. With the aid of the regional U.S. Attorney, an **Unlawful Flight to Avoid Prosecution charge** (UFAP as enacted in the Unlawful Flight to Avoid Service of Process section of 18 U.S.C. § 1073 (1970) of the Fugitive Felon Act) could be placed against the abductor thereby enlisting the investigative resources of the FBI and U.S. Department of Justice. Another investigative method authorized by the PKPA involved extending the resources of the **Federal Parent Locator Service** (FPLS, 42 U.S.C. § 663 (1988)) in the search for abducting family members in the same manner it attempts to trace child-support delinquents.

In the late 1970s and early 1980s, three incidents occurred shocking the country and creating a nationwide focus on the subject of missing and exploited children. Those events were the murders of 29 boys and young men in Atlanta from 1979 to 1981; the abduction of 7-year-old Etan Patz from a New York City neighborhood in May of 1979; and the July 1981 abduction and murder of 6-year-old Adam Walsh in Hollywood, Florida.

Voicing the nation's concern, families of missing children testified before U.S. Congressional committees about the tragedy of such incidents and need for additional resources to help in the investigation of each case. In response the U.S. Congress passed the **Missing Children Act** (MCA, 28 U.S.C. § 534(a)) in 1982. Specifically the MCA called on law enforcement to strenuously investigate **every** missing-child case and enter all pertinent information about the incident into the NCIC Missing Person File. It also required the FBI to provide assistance in appropriate cases and confirm NCIC entries for the child's parents/guardians. The MCA served to announce the federal government viewed the protection of missing children as a priority issue.

Missing-person investigators acquired a significant resource when NCIC inaugurated the **Unidentified Person File** in June 1983. The records maintained in this file allowed law-enforcement officers to compare information from their missing-children cases against descriptions of unidentified bodies from jurisdictions across the country. A significant enhancement in that resource was obtained in 2000 with the passage of the **Child Abuse Prevention and Enforcement Act** (CAPEA, Pub. L. No. 106-177), also known as "Jennifer's Law." Jennifer's Law is intended as a mechanism to be used to compile all descriptive information about deceased, unidentified persons throughout the United States whose cases are entered into NCIC.

The U.S. Congress displayed its continuing commitment to the issue of missing and exploited children by enacting the **Missing Children's Assistance Act** (MCAA, 42 U.S.C. § 5771 *et seq.*) in 1984. Recognizing "federal assistance is urgently needed to coordinate and assist in the national problem of missing and abducted children," the U.S. Congress directed OJJDP to establish a private organization to operate a national clearinghouse of information about missing and exploited children; maintain a toll-free, 24-hour, national telephone Hotline to take information about missing and exploited children; provide technical assistance to law enforcement, nonprofit/missing-children organizations, and families to help locate missing children; develop training programs to aid law

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enforcement in the investigation of missing- and exploited-child cases; and heighten the public's awareness concerning the issues of missing and exploited children. Many of the individuals and groups whose efforts led to the creation of this clearinghouse were present in April 1984 when the **National Center for Missing & Exploited Children** (NCMEC) opened.

Occasionally investigations of family-abduction cases are further complicated when the child is removed from the United States. Investigators and searching families found assistance in these situations in 1988 when the United States became a signatory to the **Hague Convention on the Civil Aspects of International Child Abduction**, a treaty governing the return of internationally abducted children, and the accompanying **International Child Abduction Remedies Act** (ICARA, 42 U.S.C. §§ 11601-11610 of 1988) was passed. This Act established procedures for bringing court actions in the United States for the return of abducted children pursuant to this Hague Convention. This Hague Convention has contributed to the successful return of many children when the other nation is also a signatory of the treaty. Through June 2006 this Hague Convention was in force between the United States and 55 other countries.

Also in 1988 Subchapter III of the Juvenile Justice and Delinquency Prevention Act was amended to create the **Transitional Living Program for Homeless Youth** (TLP) in response to the growing concern for those who need long-term, supportive-assistance, emergency-shelter programs were not designed to provide. The TLP was designed to assist homeless children, ages 16 through 21, make a successful transition to self-sufficient living and avoid long-term dependency on social-service programs.

While most of the nation's law-enforcement agencies came to realize all missing children, including those who left home voluntarily, were at-risk of victimization and exploitation, some agencies remained reluctant to take a report of certain missing children, most often runaways. In response the U.S. Congress passed the **National Child Search Assistance Act** (NCSAA, 42 U.S.C. §§ 5779 and 5780 of 1990), which mandated certain actions including

- No federal, state, or local law-enforcement agency will establish or observe a waiting period before accepting a missing-child case
- All agencies will enter, without delay,<sup>7</sup> reports of missing children younger than 18 years of age into the NCIC Missing Person File
- Agencies will update identifying information about each case in NCIC within 60 days
- Each case will receive proper investigative action
- Investigators will maintain a close liaison with NCMEC about appropriate cases

The **International Parental Kidnapping Crime Act** (IPKCA, 18 U.S.C. § 1204) took effect in December 1993. This Act makes it a criminal offense to remove a child from the United States or retain a child (who has been in the United States) outside of the United States with intent to obstruct the lawful exercise of parental rights.

The **Violent Crime Control and Law Enforcement Act** (VCCLEA, Pub. L. No. 103-322) was enacted in September 1994. The Act contains several provisions addressing the issue of missing and exploited children including the

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<sup>7</sup> The Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act, Pub. L. No. 109-248) mandates entry must now be made by law enforcement within two hours of receipt of a report of a missing or abducted child.



- **Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act**, which requires any person convicted of a criminal offense committed against a minor or who is convicted of a sexually violent felony to register a current address with a designated law-enforcement agency for 10 years after release from prison, placement on parole, supervised release, or probation. The Act also permits law enforcement to disclose registration information to the community in the interest of public safety. **Note:** The Adam Walsh Act, enacted on July 27, 2006, places more comprehensive registration requirements on sex offenders and state registration programs. States must implement these new requirements within three years from the date of enactment. Guidelines on state implementation of the Adam Walsh Act will be published by the U.S. Department of Justice.
- **Child Safety Act**, which provides for the establishment of supervised visitation centers to permit children at-risk of harm from their families to visit them in a safer environment.

In 1997 the **Uniform Child Custody Jurisdiction and Enforcement Act** (UCCJEA, 9(1A) U.L.A. 657) was enacted and has now been adopted by most states. The UCCJEA is intended as an improvement over its predecessor, the UCCJA. It clarifies UCCJA provisions that have received conflicting interpretations in courts across the country, codifies practices that have effectively reduced interstate conflict, conforms jurisdictional standards to those of the federal Parental Kidnapping Prevention Act to help ensure interstate enforceability of orders, and adds protections for victims of domestic violence who move out of state for safe haven. **Note:** Additional information about the UCCJA, UCCJEA, PKPA, Hague Convention on the Civil Aspects of International Child Abduction, and International Child Abduction Remedies Act may be found in the NCMEC publication titled *Family Abduction: Prevention and Response*. The English- and Spanish-language versions of this book may be viewed, downloaded, and ordered online from the “More Publications” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com).

The **Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003**, otherwise known as the **PROTECT Act**, (Pub. L. No. 108-21) gives law-enforcement authorities valuable tools to deter, detect, investigate, prosecute, and punish crimes committed against children; strengthens laws against child pornography; and addresses deficiencies in federal sentencing policies and practices. Provisions specifically relating to missing or abducted children include an increase in the base-offense level for kidnapping; a mandatory 20-year sentence for an offender whose kidnapping victim is a nonfamily-member minor; attempt liability for international family kidnapping; **Suzanne’s Law**, which requires each federal, state, and local law-enforcement agency to enter information about missing children younger than the age of 21 into the FBI’s NCIC database; **America’s Missing: Broadcast Emergency Response (AMBER) Alert** provisions calling for the national coordination of state and local AMBER Alert programs, and the development of guidelines for the issuance and dissemination of AMBER Alerts; and a **Code Adam** program requiring designated authorities for public buildings to establish procedures for locating a child who is missing in the building.

And, most recently, the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. No. 109-248), provides consistency among state sex-offender registration and community-notification laws, amends the requirements for entering

information about missing children in NCIC, increases penalties for certain federal offenses involving children and gives law-enforcement authorities more resources to investigate and prosecute crimes committed against children on the Internet. Provisions include registration of sex offenders before release from prison, in-person periodic verification of registry information, a federal and state felony penalty for failure to comply with registration duties, tracking of fugitive sex offenders by the U.S. Marshals Service, more comprehensive state sex-offender web sites, mandatory entry of missing-child reports into NCIC within two hours of receipt, removal of a statute of limitations for federal felony child sexual offenses, mandatory minimum sentences for federal crimes committed against children, the creation of additional Internet Crimes Against Children (ICAC) Task Forces, and additional Computer Forensic Analysts dedicated to child sexual exploitation cases.

Law-enforcement officers may take pride in knowing over the years their profession has been instrumental in the creation of significant child-protection measures — measures used across the nation today to more safely recover missing children and protect others from harm. Along with legislators, the courts, and other child-protection advocates, law enforcement will continue to play a key role in addressing future challenges.

## The Numbers

Even before the early 1980s when the nation's attention became focused on the dangers faced by missing children, efforts were made to gain insight into the actual number of children who could be categorized each year as "missing." For example the *National Statistical Survey on Runaway Youth*, conducted in conjunction with the Runaway and Homeless Youth Act, estimated 1.7% of youth, equating to a range of 519,500 to 635,000 children age 10 to 17 had overnight runaway incidents in 1975.<sup>8</sup>

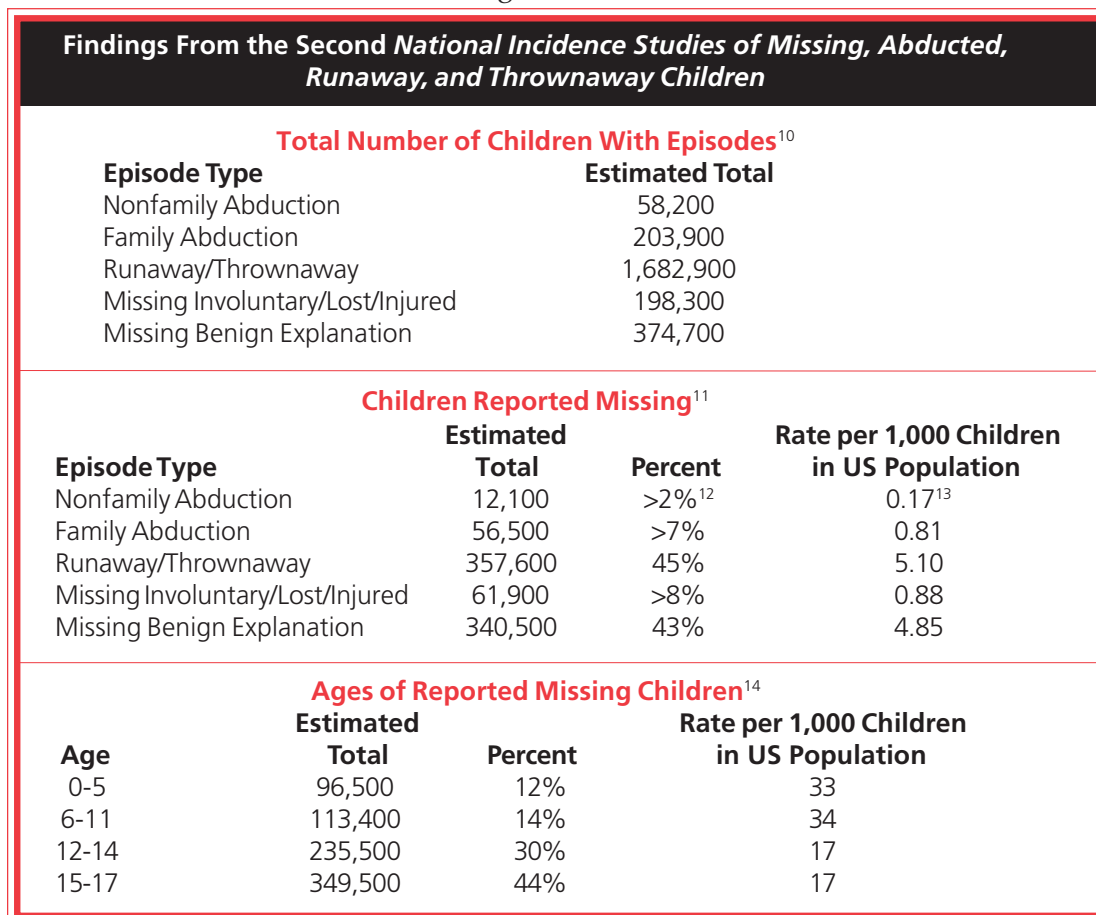
The U.S. Congressional hearings resulting in the Missing Children Act included testimony indicating "2 million youngsters disappeared each year and as many as 5,000 were murdered through kidnapping and abduction." While these figures were submitted without substantiation and considered exaggerated by practitioners, they were repeated often enough to convince OJJDP a definitive survey was needed to provide credibility to the entire issue. As a result, and pursuant to the Missing Children's Assistance Act, OJJDP is required to conduct periodic national incidence studies to determine the actual number of children reported missing and number of missing children who are recovered for a given year. This ongoing information-gathering effort is known as the *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART)*.

The first such study, *NISMART-1*, collected and evaluated information from the target year of 1988 and concluded what had in the past been called the missing-children problem was in reality a set of at least five different and distinct problems of family abduction; nonfamily abduction; runaways; thrownaways; and lost, injured, or otherwise missing children. *NISMART-1* made it clear law enforcement needs to understand missing children is a multifaceted problem and often requires the expenditure of resources beyond those traditionally used to "find a missing child."<sup>9</sup>

<sup>8</sup> *National Statistical Survey on Runaway Youth*. Princeton, NJ: Opinion Research Corporation, 1976, page i.

<sup>9</sup> David Finkelhor, Gerald Hotaling, and Andrea Sedlak. *Missing, Abducted, Runaway, and Thrownaway Children in America; First Report: Numbers and Characteristics National Incidence Studies*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, May 1990, NCJ 123667.

NISMART-2 focused on the year 1999. Law enforcement should note NISMART-2 estimated the number of all missing children, including those who were both reported and not reported to a law-enforcement agency or nonprofit, missing-children organization, such as NCMEC. See Figure 2 below for details about NISMART-2 findings.



**Figure 2**

Another method for determining statistical information about missing children is to evaluate **NCIC Missing Person File** records. In 2005, 834,536 persons — 690,521 juveniles and 144,015 adults — were reported missing and entered into the FBI’s National Crime Information Center databases.<sup>15</sup> **Note:** Along with its informational recordkeeping capabilities, NCIC is also a valuable investigative tool for law enforcement. Additional information about NCIC is found throughout this guide, including an in-depth description beginning on page 167.

For information about other sources of statistical information regarding the extent and nature of this problem see Figure 3 below.

<sup>10</sup> Andrea J. Sedlak, David Finkelhor, Heather Hammer, and Dana J. Schultz. “National Estimates of Missing Children: An Overview,” *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, page 10, NCJ 196465 [hereafter Sedlak].

<sup>11</sup> *Id.*, page 6.

<sup>12</sup> *Id.* Estimate is based on an extremely small sample of cases. Its precision, therefore, is unreliable.

<sup>13</sup> *Id.* Estimate is based on an extremely small sample of cases. Its precision, therefore, is unreliable.

<sup>14</sup> Sedlak, page 7.

<sup>15</sup> Personal communication from Technical Information Specialist, Criminal Justice Information Service (CJIS) Division Intelligence Group-NCIC Unit, Programs Development Section, CJIS Division, FBI, February 21, 2006.

### Sources of Statistical Information About Missing and At-Risk Children

Organization	Type of Information	To Contact Call/See
National Center for Missing & Exploited Children	National data about missing children	<b>1-877-446-2632 Extension 6111</b>
National Crime Information Center	National data about entries made into NCIC Missing Person File	<b>304-625-2000</b>
Missing-Children Clearinghouses	Data about missing children within a particular state/territory/region	Contact individual clearinghouses as listed at NCMEC's web site, <a href="http://www.missingkids.com">www.missingkids.com</a> by clicking on the "More Services" link on the homepage and then on the "NCMEC Clearinghouse Program" link
Nonprofit, Missing-Children Organizations	Local data about missing children	To find the group nearest your location visit <a href="http://www.amecoinc.org">www.amecoinc.org</a>
National Clearinghouse on Families and Youth	Information about runaway and homeless children	<b>301-608-8098</b>

Figure 3

## Law Enforcement's Response to Reports of Missing Children

Along with accurately estimating the number of children reported missing each year, OJJDP also recognized the need to measure the priorities and procedures the nation's law-enforcement agencies followed when investigating reports of missing children. This evaluation was necessary, in part, to assess the accuracy of U.S. Congressional testimony from families and advocates of missing children who maintained law enforcement often placed "conditions" on accepting these reports.

Thus the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention funded the national study of *Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth*.<sup>16</sup> Key findings included law-enforcement agencies are faced with the need to make a number of

<sup>16</sup> James J. Collins, Linda L. Powers, Mary Ellen McCalla, Christopher L. Ringwalt, and Robert M. Lucas. *Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth: Research Summary*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, December 1993, NCJ 145644, page 2. This survey consisted of three components. In 1987, 791 law-enforcement agencies throughout the United States responded to a mail survey sent to 1,060 randomly selected law-enforcement agencies. In 1988, 30 agencies responding to the mail survey were systematically selected to participate in on-site interviews. And between March and July 1989 interviews were conducted with 960 parents or caretakers who had reported a child missing.

decisions when they receive a report of a missing child including judgments about the

- Type of case being reported and any risks of harm involved
- Kind and level of resources needed to be committed
- Level of social-service posture needed to appropriately respond including such things as trying to mediate family conflicts<sup>17</sup>

It also concluded the information provided to law enforcement about cases is often insufficient for accurate and unambiguous case classification and risk assessment. This absence of sufficient information for clear decisionmaking requires law enforcement to exercise discretion in its choice of response. In such cases factors such as departmental policy, resource availability, parental preferences, and the subjective evaluation of law enforcement all influence the investigative response.<sup>18</sup>

Findings from this study determined detailed, written law-enforcement agency policies for responding to missing-child cases were associated with more proactive investigation and the exercise of discretion in cases is shaped by a variety of factors including the perceived risk of harm to the child and the wishes and attitudes of the parents.<sup>19</sup>

In the years since the law-enforcement study was released, its recommendations have been implemented by agencies across the nation. In particular more officers are now guided by comprehensive policies and procedures addressing every stage of the case from call intake through the investigative response and on to successful resolution.

### **Model Policies**

NCMEC, in association with the International Association of Chiefs of Police (IACP), has created two model policy and procedure documents. One model policy is specifically focused on an agency's response to, investigation of, and recovery of missing children while the other document includes all missing-person case types, with specific emphasis on missing children. Both model policies may be viewed and downloaded from the "Training" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

### **Agency Accreditation**

Law-enforcement administrators contemplating national accreditation for their agency should also note the Commission for Accreditation of Law Enforcement Agencies, Inc., (CALEA<sup>®</sup>) now requires the establishment of a comprehensive response policy about missing children. Additionally CALEA certified agencies will require such a policy before re-accreditation is approved.

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<sup>17</sup> James J. Collins, Linda L. Powers, Mary Ellen McCalla, Christopher L. Ringwalt, and Robert M. Lucas. *Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth: Final Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, November 1993, NCJ 143397, page 5 [hereafter Collins].

<sup>18</sup> *Id.*, page 7.

<sup>19</sup> *Id.*, page 12.



## Significant Trends, Projects, and Programs

Officers handling missing-children cases realize, along with learning the most current, up-to-date investigative techniques, they also must be aware of other elements having an impact on how the issue is viewed within their own community and agency. Through such awareness officers will be able to learn about effective training courses, gather information developed in research projects, evaluate programs implemented in other jurisdictions, and share opinions and strategies with colleagues from across the country. This total issue awareness, combined with specific investigative knowledge, helps the officer understand the situation and respond correctly to even the most complex missing-child case. While new trends, projects, and programs are frequently being introduced or reviewed, the law-enforcement professional may be especially interested in those listed below.

### Law-Enforcement Training

Law-enforcement agencies across the country are steadily improving the training received by their officers about the subject of missing and exploited children. Local jurisdictions, often supported by state criminal-justice training agencies, are including blocks of instruction not only in recruit training, but during in-service programs as well. While training about the topic of missing children is mandated in only a few states, many jurisdictions have voluntarily designed and included such instruction because child protection has become a top agency priority. In one such effort in the midwest, the state's primary training entity has created a Missing Persons Investigative Program, which awards a certificate to officers who successfully complete a number of required and elective courses — including several focused on the investigation of missing-children cases.

In addition to state and local efforts the federal government continues to offer specialized programs aimed at strengthening law enforcement's response to cases of missing children. For instance segments about the investigation of missing-children cases have been included in several OJJDP-sponsored training courses, which are offered free-of-charge. OJJDP's primary training program addressing this subject is *Responding to Missing and Abducted Children (ReMAC)*, a 4½-day course attended by thousands of investigators since 1992. For information about OJJDP-sponsored training opportunities, contact Fox Valley Technical College at 1-800-648-4966 or visit <http://dept.fvtc.edu/ojjdp>.

NCMEC also provides specialized training opportunities. Information about those programs, also offered free-of-charge, may be viewed at the "Training" section of NCMEC's web site, [www.missingkids.com](http://www.missingkids.com), or by contacting the Training Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

### The AMBER Alert and Other Missing-Children Notification Programs

Just a few years ago, when a child was believed abducted, responding officers immediately broadcast information about the incident over law-enforcement communications networks. Within minutes all officers within the agency along with personnel from surrounding jurisdictions were aware of the situation including information about the child and abductor. The hope was one of those

officers placed him- or herself in a position where the abductor's vehicle would be seen or some other observation would lead to the child's safe recovery. Additionally, if it was believed informing the public about the child's disappearance would be beneficial, media protocols were activated and information reached the public, usually as part of scheduled news broadcasts or daily newspaper coverage.

On the afternoon of January 13, 1996, Amber Hagerman, a 9-year-old girl who lived in Arlington, Texas, was last seen riding her bike in a parking lot. A witness saw a man with a black, flat-bed truck talk to the child and snatch her from her bicycle. Four days later the child's body was found in a creek eight miles from her home. Her murder remains unsolved. Individuals living in the Dallas/Fort Worth area were outraged and began calling radio stations not only to vent their anger and frustration but also to offer suggestions to prevent such crimes in the future. One person, Diana Simone, suggested a program be implemented to allow the use of the Emergency Alert System to notify the public when a child has been abducted. If the community were aware then they too could assist in the search. Ms. Simone's only request was this program be dedicated to the memory of Amber. At this suggestion broadcasters met with local law enforcement and created the AMBER Plan. Today, because of a partnership between law enforcement, broadcasters, and transportation officials, procedures are in place across the nation to help ensure rapid dissemination of critical information to the public about certain abducted-child cases. As a result of this innovative procedure, children's lives are being saved.

While recognizing Amber Hagerman's legacy as the origin of this process, the term **AMBER Alert** has now come to symbolize its nationwide application — **America's Missing: Broadcast Emergency Response**. Initially AMBER Alert plans were created in individual regions of the country. In 2001 members of the Dallas/Fort Worth AMBER Plan approached NCMEC with the suggestion this worthwhile program become a national campaign. NCMEC and the National Association of Broadcasters helped promote the national campaign, and then with enactment of the PROTECT Act in April 2003, a National AMBER Alert Coordinator was named by President George W. Bush. As a result every state in the nation now administers such a program as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Officers are reminded to keep up-to-date on the latest AMBER Alerts issued in their state by either checking with their AMBER Alert Coordinator or signing up to receive free wireless AMBER Alerts on their cellular telephones by going to [www.wirelessamberalerts.org](http://www.wirelessamberalerts.org). **Note:** Additional information about the national AMBER Alert effort may be found at [www.amberalert.gov](http://www.amberalert.gov). AMBER Alert information is also available at the "AMBER Alert" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com). Law enforcement should become familiar with the established criteria for activation of an AMBER Alert in their jurisdiction. To learn who the AMBER Alert Coordinator is in a particular area, law enforcement should contact either the missing-children clearinghouse in their area or NCMEC's Special Operations Division at 1-888-24-NCMEC (1-888-246-2632).

**Secondary Distribution of AMBER Alerts** In addition to the primary AMBER Alert distribution system, including broadcast media and transportation officials, a mechanism has been created by NCMEC at the direction of the U.S. Department of Justice for the secondary distribution of AMBER Alerts

through agreements between NCMEC and nationally known communication companies. When NCMEC receives AMBER Alerts from AMBER Alert Coordinators recognized by the U.S. Department of Justice, it disseminates the Alerts to the secondary distributors who relay geographically targeted messages to customers through their networks such as cellular telephones, pagers, and the Internet. Access to the communication capabilities of these large companies increases the chances for abducted children to be safely recovered.

**Alternate Notification Systems** Often a missing-child incident will not meet the specific criteria required for activation of an AMBER Alert, even though the child is deemed to be at-risk. On those occasions officers might consider use of alternate and targeted notification systems. One such system is described as a high-speed telephone communications service for emergency notifications capable of delivering customized, prerecorded emergency messages directly to homes and businesses. This technology, also referred to as “reverse 911,” is capable of placing thousands of recorded calls per hour. In another effort to inform the public about a missing-child incident, some communities have entered into an agreement with the local cable television provider which “interrupts” programming on all channels to broadcast a message with information about a child’s disappearance. One other method employs a cooperative effort between NCMEC and the U.S. Postal Inspection Service (USPIS) called “Deliver Me Home.” Upon a request from the investigating law-enforcement agency, NCMEC creates a master missing-child flier, which is then duplicated and distributed by USPIS personnel throughout the target area. Other systems include use of broadcast faxes, broadcast E-mails, and placement of information on vehicles.

Law-enforcement planners are encouraged to evaluate these and other alternate notification systems that may be employed in their community when the rapid dissemination of information about a missing child is needed. **Note:** Any of these alternate notification systems may also be used in conjunction with an AMBER Alert to promptly reach those individuals who may not be listening to media broadcasts or likely to view a highway-information sign. **For more information about the notification methods noted above, contact NCMEC’s Special Operations Division at 1-888-24-NCMEC (1-888-246-2632).**

### **Protecting Children from Online Victimization**

Historically those who preyed on children found their victims in places where children tended to gather — schoolyards, playgrounds, and shopping malls. Today the Internet provides a new place to target children for criminal acts. Officers responding to the report of a missing child need to understand what is initially reported as a runaway may, in fact, be a child who has been “lured away.” With so many children online and vulnerable, it is extremely important for law enforcement to learn as much as possible about Internet crimes committed against children so they may prevent victimization and prosecute those who commit these crimes.

Law enforcement received a significant resource in 1998 when OJJDP initiated its ICAC Task-Force Program, a national effort to combat the threat of those who use the Internet to sexually exploit children. Through this program state and local law-enforcement agencies may acquire the skills, equipment, and personnel resources to effectively respond to offenses committed online. The program encourages law-enforcement agencies to develop specialized



multijurisdictional, multiagency responses to prevent, interdict, investigate, and prosecute Internet crimes committed against children. At the time of publication, 46 ICAC Task Forces were participating in the program. Each Task Force is composed of federal, state, and local law-enforcement personnel; federal and local prosecution officials; local educators, and service providers such as mental-health professionals. These Task Forces serve as valuable regional resources for law-enforcement personnel and others who work on child-victimization issues. Information about the ICAC Task-Force Program, including the location of each Task Force, is available at [www.icactraining.org](http://www.icactraining.org) or 1-877-798-7682.

### **Developing Child-Safety Programs**

When law-enforcement officers take their initial oath of office they swear “to serve and protect” the people of their community. They soon learn, however, the word “protect” takes many different forms including one of a safety educator. Because residents of a community tend to rely on law enforcement in times of need, there is a natural inclination to turn to law enforcement with requests related to crime prevention and personal safety. The concern, in particular, for the safety of the children in a community often results in the appearance of an officer before groups of children in schools, youth organizations, and other gatherings of children.

Children of all ages are more visually and educationally sophisticated today than ever before. The simple “Stranger-Danger” programs of the past are no longer effective for several reasons including they fail to take into account victimization by individuals the child might encounter on a regular basis. To help ensure their appearance will have the maximum effect on an audience of children, officers are urged to identify programs used successfully by their law-enforcement colleagues in other regions of the nation and evaluate presentations found on web sites dedicated to child safety.

NCMEC is available to offer guidance about the development or selection of effective community-based, personal-safety programs for children by calling toll-free at 1-866-476-2338. Additionally NCMEC provides an assortment of prevention-based publications to supplement a child-safety presentation or event. These publications may be viewed, downloaded, and ordered from the “More Publications” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com).

### **Investigation of Family-Abduction Cases by the Prosecutor’s Office**

Because of the complexity associated with cases of family abduction, more jurisdictions are developing cooperative agreements in which the prosecutor’s office assumes investigative responsibility from local law enforcement. Reasons cited for such action include local law-enforcement agencies, especially those seldom experiencing such incidents, will not have to assign already limited personnel resources to complex cases often requiring months or years to resolve; the staff at the prosecutor’s office is better prepared to evaluate custody decrees and other legal documents; attorneys in the prosecutor’s office may be more effective in working with the lawyer for the abducting family member; prosecutor’s offices often have ready access to certain databases, such as credit-bureau files, to track the whereabouts of the abductor; prosecution of the violator is simplified; and law-enforcement investigators may be apprised of case progress and called in to assist if circumstances warrant.

## **Missing-Children Clearinghouses**

Law-enforcement officers who have received assistance from a missing-children clearinghouse may attest to the important function it performs as an investigative resource. Clearinghouses not only act as a registry for all missing-child cases within that state, territory, or district, but may also assist an officer whose investigation reaches into other jurisdictions, states, or even countries. In addition some clearinghouses are able to provide specific resources to the investigator such as database checks, flier preparation and distribution, and search-and-rescue assistance. Officers are encouraged to learn more about the resources available from these clearinghouses, which are operational in each state, the District of Columbia, Puerto Rico, and Canada. For a listing of these clearinghouses visit NCMEC's web site at [www.missingkids.com](http://www.missingkids.com) and from the homepage use the "More Services" link and then the "NCMEC Clearinghouse Program" link.

## **Newborn/Infant Abduction Program**

The abduction, by nonfamily members, of infants, birth through 6 months, continues to be a subject of concern for families, healthcare professionals, law-enforcement officials, and NCMEC. With the goal of preventing crimes committed against children, NCMEC — in cooperation with the FBI; International Association for Healthcare Security and Safety (IAHSS); Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN); National Association of Neonatal Nurses (NANN); and The Academy of Neonatal Nursing (ANN) — has studied infant abductions, a nontraditional form of abduction not known to be related to the sexual exploitation of children, from birthing/healthcare facilities, homes, and other sites and considers them preventable in large part by "hardening the target" or making it more difficult to abduct an infant.

The recent trend seen in this area is while traditionally there has been no use of violence committed against mothers within healthcare facilities, of the infants abducted from homes through December 2005, 29 percent involved some form of violent act committed against the mother including homicide. This trend shows the location of the abduction in the last few years has moved primarily to the home. Thus the importance of patient education before postpartum discharge is paramount.<sup>20</sup>

To bring this prevention message to as many families and facilities as possible, teams of professionals appear before healthcare administrators, nursing staff members, and security personnel to educate them about effective methods to lessen the likelihood of an abduction while newborn babies are in their care. In addition NCMEC has published several documents defining the issue and discussing prevention techniques. Resources and technical assistance concerning the subject of newborn and infant abduction are available from NCMEC's Training Division at 1-888-24-NCMEC (1-888-246-2632). Law enforcement's role in the investigation of infant abductions is also covered in-depth in the section titled "Regarding Newborn/Infant Abductions" beginning on page 61.

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<sup>20</sup> John B. Rabun, Jr. *For Healthcare Professionals: Guidelines on Prevention of and Response to Infant Abductions*. Alexandria, Virginia: National Center for Missing & Exploited Children, eighth edition, 2005 [hereafter Rabun].

## Identifying and Tracking the Sex Offender

Law-enforcement officers are aware of information indicating those who sexually victimize children are responsible for many abduction incidents. As a result investigative efforts in such cases are often directed toward identifying those who either live, work, or frequent the area where an abduction took place. In support of their investigative efforts officers should be aware of several initiatives aimed at identifying and tracking sex offenders and obstructing their access to children.

- Legislation permitting the careful screening (background checks) of all individuals who seek to work or volunteer in positions bringing them into frequent contact with children
- The enactment of laws requiring convicted sex offenders, upon release from prison or placement on parole or probation, to register their current address and identification information with law enforcement
- The establishment of statewide genetic databases containing deoxyribonucleic acid (DNA) samples from the blood or saliva of convicted sex offenders
- The creation of state and federal databases designed to track the whereabouts of convicted sex offenders

A detailed discussion regarding the current status of sex-offender registration and problems it poses for law-enforcement is found at the “Sex-Offender Laws” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com). The web site also includes links to federal and state databases containing information about known offenders. Additionally NCMEC’s Case Analysis and Support Division and Exploited Child Unit are available to offer sex-offender, case-related resources and technical assistance by calling 1-888-24-NCMEC (1-888-246-2632).

## Extending Resources to Missing Young Adults

The PROTECT Act of 2003 contains a provision recognizing the concern of the U.S. Congress for the safety of missing young adults, ages 18 to 20, especially those whose disappearance is out of keeping with their normal pattern of behavior. The provision, known as Suzanne’s Law, extends to these young adults some of the same reporting and investigative procedures already provided to children younger than 18. In accordance with Suzanne’s Law, law enforcement is now required to enter the report of a missing 18- to 20-year-old into the NCIC Missing Person File without delay and conduct an investigation into the young adult’s disappearance. Additionally this law enables NCMEC to include pictures and descriptive information regarding these cases on its web site, [www.missingkids.com](http://www.missingkids.com), and distribute material regarding the person’s disappearance. See “Appendix A: NCIC Missing-Person-File Categories” on page 213 for additional details about entering information about 18 to 20 year olds into the NCIC Missing Person File.

## **Children Missing From Care Project**

This project, a cooperative effort between NCMEC and the Child Welfare League of America, was initiated in response to the heightened awareness of the risk of harm faced by children who become missing from out-of-home care. Reasons for disappearances range from action by the child such as running away; actions of others such as abduction by a noncustodial parent/guardian, an acquaintance, or an unknown person; or inattentiveness of the custodial agency. The primary goal of this project is to provide comprehensive guidance to child-welfare and law-enforcement agencies with respect to monitoring the status of children in out-of-home care and responding effectively when such a child is missing. The issue of children missing from care and the law-enforcement/child-welfare relationship in reporting, recovering, and retaining these children is addressed in the chapter titled "Management Issues," beginning on page 191. *Children Missing From Care: The Law-Enforcement Response*, a guide published based on this collaboration, may be viewed, downloaded, and ordered from the "More Publications" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

## **Reunification of Missing Children**

The recovery of a missing child may be a confusing and traumatic event for the child and family. Whatever the circumstances or type of case, a law-enforcement officer is usually the only nonfamily person present at the time of recovery. As a result officers are often called upon to manage reunification meetings with little training or support. Planning effectively for the initial reunification may set the stage for the child's recovery and reintegration into the family. Reunification resources and best-practice methods are available to assist officers in this important task. Chapters of this publication addressing nonfamily abduction, family abduction, and runaway children each include references to the issue of reunification and offer specific recommendations for successfully managing the effective return of a missing child.

## **Obtaining Resource Material**

In addition to the many publications and other materials available from NCMEC's web site at [www.missingkids.com](http://www.missingkids.com), law-enforcement professionals may call upon another significant resource for learning about innovative programs, including information aimed at improving an agency's response to cases of missing and exploited children. The **National Criminal Justice Reference Service (NCJRS)**, administered by the U.S. Department of Justice, collects and disseminates publications, research findings, and program evaluations concerning issues of interest to law enforcement. NCJRS has become a comprehensive information resource to assist law-enforcement officers and administrators in meeting the challenges presented by today's diverse criminal-justice issues. Additionally NCJRS has information specialists available to respond to inquiries by providing information, publications, and referrals. NCJRS resources are available for download at [www.ncjrs.gov](http://www.ncjrs.gov) or by calling 1-800-851-3420.

## Conclusion

Throughout this chapter attention has been focused on facts, statistics, and programs related to missing and exploited children in order to provide a historical perspective about the development of the issue. It is important for law-enforcement investigators, trainers, planners, and administrators to obtain a sense of the magnitude and effect, both positive and negative, this highly emotionally charged issue carries. **Remember, the primary objective must always remain the safe return of children — children with names, faces, and loved ones anxious for their safety.**

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# The Initial Response

by Stephen E. Steidel

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## Initial-Response Investigative Checklist

The purpose of this Investigative Checklist is to provide law-enforcement officers and agencies with a guide for the investigation of missing-child cases. Law-enforcement administrators should ensure their agencies have established effective policies and procedures for the handling of missing/abducted-child investigations. Compliance with an agency's standard operating procedures, by officers conducting missing-child investigations, may result in efficient operations and resolution of the incident.

This checklist is not intended to be followed step-by-step by officers during each missing-child investigation. It is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations. Please consult the text of this chapter for details about the items listed.

**Note:** The material contained in this Checklist is found in the National Center for Missing & Exploited Children® (NCMEC) Publication #88 titled *Investigative Checklist for First Responders*. This checklist is laminated for durability and may be easily carried in a briefcase or kept in a glove compartment or other place within a law-enforcement vehicle. This checklist, if not received with this guide, and additional copies of it may be viewed, downloaded, and ordered from the "More Publications" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

To request technical assistance for specific cases, please call NCMEC toll-free at **1-800-THE-LOST® (1-800-843-5678)**.

### Administrative

- [ ] Intake report from parent/guardian.
- [ ] Obtain basic facts about, details about, and a brief description of the missing child and abductor.
- [ ] Dispatch officer to scene to conduct a preliminary investigation.
- [ ] Search juvenile/incident records for previous incidents related to missing child and prior law-enforcement activity in the area including prowlers, indecent exposure, and attempted abductions. Inform responding officer of any pertinent information.
- [ ] Broadcast known details, **on all law-enforcement communication channels**, to other patrol units, other local law-enforcement agencies, and surrounding law-enforcement agencies. If necessary, use the Nlets telecommunication network to directly alert agencies in multistate areas.
- [ ] Activate established **fugitive search plans** (prearranged plans among participating law-enforcement agencies designed to apprehend fleeing fugitives) if necessary.
- [ ] Maintain records/recordings of telephone communications/messages.

- [ ] Activate established protocols for working with the media including activation of an **America's Missing: Broadcast Emergency Response (AMBER) Alert** or other immediate community-notification system.

### **First Responder**

- [ ] If circumstances warrant, consider activating patrol-vehicle-mounted video camera when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
- [ ] Interview parent(s)/guardian(s)/person who made the initial report.
- [ ] Confirm the child is in fact missing.
- [ ] Verify the child's custody status.
- [ ] Identify the circumstances of the disappearance.
- [ ] Determine when, where, and by whom the missing child was last seen.
- [ ] Interview the individuals who last had contact with the child.
- [ ] Identify the child's zone of safety for his or her age and developmental stage.
- [ ] Based on the available information, make an **initial** determination of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
- [ ] Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
- [ ] Secure photographs/videotapes of the missing child/abductor.
- [ ] Evaluate whether the circumstances of the child's disappearance meet **AMBER Alert criteria** and/or other immediate community-notification protocol. Discuss plan activation with supervisor.
- [ ] Relay detailed descriptive information to communications unit for broadcast updates.
- [ ] Determine need for additional personnel including investigative and supervisory staff.
- [ ] Brief and bring up-to-date all additional responding personnel.
- [ ] Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.

- [ ] Note name, address, home/business telephone numbers of each person.
  - [ ] Determine each person's relationship to the missing child.
  - [ ] Note information each person may have about the child's disappearance.
  - [ ] Determine when/where each person last saw the child.
  - [ ] Ask each one, "What do you think happened to the child?"
  - [ ] Obtain names/addresses/telephone numbers of the child's friends/associates and other relatives and friends of the family.
- [ ] Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
  - [ ] Obtain and note permission to search home or building where incident took place.
  - [ ] Conduct an immediate, thorough search of the missing child's home, **even if the child was reported missing from a different location.**
  - [ ] Seal/protect scene and area of the child's home (including the child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so evidence is not destroyed during or after the initial search and to help ensure items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
  - [ ] Evaluate the contents and appearance of the child's room/residence.
  - [ ] Inquire if the child has access to the Internet and evaluate its role in the disappearance.
  - [ ] Ascertain if the child has a cellular telephone or other electronic communication device.
  - [ ] Extend search to surrounding areas including vehicles and other places of concealment.
  - [ ] Treat areas of interest as potential crime scenes.
  - [ ] Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
  - [ ] Interview other family members, friends/associates of the child, and friends of the family to determine
    - [ ] When each last saw the child.
    - [ ] What they think happened to the child.

- [ ] Review sex-offender registries to determine if individuals designated as sexual predators live, work, or might otherwise be associated with area of the child's disappearance.
- [ ] Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File within two hours of report receipt and any information about a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to use the Child-Abduction flag whenever possible.)
- [ ] Prepare flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
- [ ] Prepare reports/make all required notifications.

### **Supervisory Officer**

- [ ] Obtain briefing and written reports from the first responding officer and other personnel at the scene.
- [ ] Decide if circumstances of the child's disappearance meet the protocol in place for activation of an **AMBER Alert** and/or other immediate community-notification systems.
- [ ] Determine if additional personnel are needed to assist in the investigation.
- [ ] Establish a command post away from the child's residence.
- [ ] Determine if additional assistance is necessary from
  - [ ] State Police.
  - [ ] Missing-Children Clearinghouse.
  - [ ] FBI.
  - [ ] Specialized Units.
  - [ ] Victim-Witness Services.
  - [ ] NCMEC's Project ALERT/Team Adam.
- [ ] Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- [ ] Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- [ ] Verify all required notifications are made.
- [ ] Ensure all agency policies and procedures are in compliance.

- [ ] Be available to make any decisions or determinations as they develop.
- [ ] Use media including radio, television, and newspapers to assist in the search throughout the duration of the case.

### **Investigative Officer**

- [ ] Obtain briefing from the first responding officer and other on-scene personnel.
- [ ] Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- [ ] Initiate a neighborhood canvass using a standardized questionnaire.
- [ ] Obtain a brief, recent history of family dynamics.
- [ ] Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- [ ] Collect article(s) of the child's clothing for scent-tracking purposes.
- [ ] Review and evaluate all available information and evidence collected.
- [ ] Secure the child's latest medical and dental records.
- [ ] Contact landfill management and request they segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
- [ ] Develop and execute an investigative plan.
- [ ] Conduct a criminal-history check on all principal suspects and participants in the investigation.
- [ ] Determine what additional resources and specialized services are required.
- [ ] Ensure details of the case have been reported to NCMEC.
- [ ] Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse, the FBI, and other appropriate agencies.
- [ ] Establish a telephone hotline for receipt of tips and leads.
- [ ] Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

In cases of **Nonfamily Abduction** see chapter beginning on page 49  
**Family Abduction** see chapter beginning on page 79  
**Runaway Children** see chapter beginning on page 109  
**Unknown Missing Children** Treat as **Nonfamily Abduction**



The purpose of this chapter is to provide law-enforcement officers with information enabling them to make accurate decisions regarding the appropriate response to reports of missing or abducted children. The decisions made and actions taken during the preliminary stages have a profound effect on the outcome of the case. The capability to rapidly assess a situation based on the available facts and take appropriate action is a necessity. **Understanding the highly emotional nature of a missing-child case is also a vital part of being able to accurately assess the situation.**

At one time or another most parents/guardians experience those terrifying few minutes when their child wanders away or is several hours late in coming home and cannot be immediately located. Heartbeats race, panic sets in, and a frantic search is begun in which every possible spot where the child might be found is combed. During those initial moments parents/guardians imagine their child in the most fearful situations either trapped in some unseen place, lying injured or unconscious out of everyone's sight, or abducted by some unknown person for unspeakable purposes. Thankfully, in the vast majority of these situations, the child is soon located uninjured. Everyone begins to relax, tears are dried, hugs get mixed with a little scolding, and life returns to normal.

*Understanding the highly emotional nature of a missing-child case is also a vital part of being able to accurately assess the situation.*

It is believed in hundreds of thousands of cases each year, however, life is anything but normal once a child is discovered to be missing.<sup>21</sup> The response parents/guardians receive from law-enforcement agencies when calling under those circumstances is unquestionably one of the most critical in the entire missing-child investigative process. While it is true most of these children are either found or return on their own within a few days, law-enforcement agencies must assess whether the child's return was due to an effective and well-organized investigative response or the result of coincidence and chance.

When a law-enforcement agency receives the report of a missing child, there is seldom a clear indication as to whether the child has simply wandered off or been delayed and will be found in a short time or is instead the victim of foul play. The attitude or approach an agency and its officers take in the initial response to these situations may actually determine whether the child is recovered and returned home safely or remains missing for months or even years or, worse yet, is never located. This initial reaction, therefore, must be considered as a **critical stage** in the entire law-enforcement response.

The critical importance of an effective initial response was also made dramatically clear in findings from *Investigative Case Management for Missing Children Homicides*, a law-enforcement study conducted for the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) by

<sup>21</sup> As reported by Andrea J. Sedlak, David Finkelhor, Heather Hammer, and Dana J. Schultz in "National Estimates of Missing Children: An Overview," *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*, Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, NCJ 196465, page 5, an estimated 797,500 children were reported missing in 1999. And in 2005, 834,536 persons — 690,521 juveniles and 144,015 adults — were reported missing and entered into the FBI's NCIC databases. That fact is based on a personal communication from Technical Information Specialist, Criminal Justice Information Service (CJIS) Division Intelligence Group-NCIC Unit, Programs Development Section, CJIS Division, Federal Bureau of Investigation on February 21, 2006.

the Washington State Attorney General's office.<sup>22</sup> This nationwide study found in cases where a child is killed during an abduction 44% will die within an hour of the abduction and 74% will be killed within 3 hours of the abduction.<sup>23</sup>

If first responders approach these cases with an opinion the child has become lost or, in the case of an older child, has left voluntarily and will most likely return in a few hours or days, officers may overlook many details they are otherwise trained to observe. By forming such a preliminary opinion officers will miss the opportunity to immediately identify critical information such as a witness who was driving through the neighborhood and observed the child talking to someone or interview an individual who saw the child walking toward a park, wooded area, or dangerous construction site. For these and many other reasons, not the least of which is liability, it is recommended law-enforcement agencies respond to every report of a missing child as if the child is in immediate danger.

An assessment will need to be made as to the seriousness of the situation and probable danger the child is in to allow for the assignment of resources to search for the child. In making this initial assessment be sure to position your investigation so as not to preclude other more serious situations. Assume the child is in danger until facts contradict that assumption. Consider all possibilities including situations in which the child has been abducted by a nonfamily member, is the victim of a violent custodial dispute, or is missing under circumstances threatening his or her welfare or safety. When officers respond in this manner they will be more likely to collect initial evidence or information that might otherwise be lost during the critical, early stages of an investigation.

## Initial-Response Components

### Administrative Component

A landmark study conducted by the U.S. Department of Justice determined detailed, written law-enforcement agency policies for responding to missing-child cases were associated with more proactive investigations.<sup>24</sup> As well as describing the roles and responsibilities of officers or units assigned to specific investigative functions, comprehensive policies and procedures should include directions concerning the actions to take place when a report is first received.

For the checklist of actions law-enforcement administrators should consider in these situations see the section titled "Administrative" beginning on page 27. Following is a discussion of those actions and related procedures law-enforcement agencies may wish to consider when a missing-child case is first reported.

**Call Intake** Most law-enforcement agencies employ individuals trained at taking calls from persons who are emotionally distraught. These call takers have found an effective technique for both calming the caller and obtaining the most valuable information, is to inform the caller an officer is responding to the scene. Once an

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<sup>22</sup> Kenneth A. Hanfland, Robert D. Keppel, and Joseph G. Weis. *Investigative Case Management for Missing Children Homicides*. Olympia, Washington: Office of the Attorney General, State of Washington, and U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, May 1997, NCJ 201253 [hereafter Hanfland].

<sup>23</sup> *Id.*, page 9.

<sup>24</sup> Collins, *op. cit.*, n. 17, page 12.

individual is assured assistance is en route, he or she is more likely to think logically and provide direct answers to the operator's questions.

During the initial call, standard, predetermined questions should be asked with the responses relayed to the responding officer. Call takers need to obtain the basic facts and details of the situation while obtaining a brief description of the missing child and any suspected abductor(s). If the agency does not have a system for audio recording of these calls, the operator should make thorough notes of exact comments and terminology used by the caller. Such information may prove to be of great value during both the investigative process and subsequent prosecution stage.

Since the ability to accurately assess a missing-child report begins with the quality of information received, communications personnel should be able to immediately provide the officer with an overview of agency records concerning the child or family. For example the dispatcher should have the technology to inform the responding officer if the child has been the subject of a previous missing-child report or other law-enforcement action and reports of abuse or neglect have been recorded at the incident location. In addition the dispatcher should be able to relay information about prior law-enforcement activity in the area where the child was last seen such as complaints about prowlers, indecent exposure, and attempted abductions.

**Radio Broadcasts** Rather than wait for the responding officer to reach the scene and gather additional information, it is recommended agencies broadcast an immediate alert, on **all law-enforcement** communication channels, to **all** other patrol units providing as much information about the child and circumstances of the disappearance as possible. Although this initial radio broadcast may not contain complete information, the relaying of facts known, at that point in time, to other officers may lead to a prompt, safe recovery. As more information is obtained, either by the call taker or responding officer, additional broadcasts need to supplement the original announcement.

*...it is recommended agencies broadcast an immediate alert, on all law-enforcement communication channels, to all other patrol units providing as much information about the child and circumstances of the disappearance as possible.*

Besides agency-wide notifications, agencies should prepare radio bulletins for broadcast throughout the region, again on **all** law-enforcement communications channels. As in the case of the initial local broadcast, information forwarded to agencies within the immediate region needs to be updated as more facts become known. Delaying the initial regional broadcast until all information is gathered not only slows the resources these agencies may offer but further jeopardizes the safety of the missing child. **Note:** Telecommunications personnel should also review "Appendix A: NCIC Missing-Person-File Categories" on page 213 to help ensure the circumstances of the child's disappearance are entered in the correct **National Crime Information Center** (NCIC) Missing-Person-File category.

**Nlets** To help ensure thorough dissemination of all facts surrounding the disappearance of a child, local and regional radio broadcasts should be immediately followed-up with written communications. By using the **National Law Enforcement Telecommunications System** (Nlets), hard-copy information regarding the case may be directed to law-enforcement agencies in any or all

regions of the country. As with radio broadcasts, initial information entered in the Nlets system should be regularly updated as facts and leads become known.

**Fugitive Search Plans** If circumstances warrant, activate any prearranged plans among participating law-enforcement agencies to apprehend fleeing fugitives. Such fugitive search plans may be effective in cases where a child has been abducted and the abductor is attempting to transport the child out of the immediate area.

**Media Relations** A final administrative responsibility concerns the activation of protocols for working with the media during high-profile, missing-child cases, such as the AMBER Alert program. Since observation by the public may be an effective supplement to an ongoing investigation, agency spokespersons or public-information officers should be prepared to immediately use an array of information-dissemination methods. Such methods should not be used unnecessarily, but only in those situations when public awareness may realistically affect case resolution.

### **First-Responder Component**

As the first responder to the report of a missing child, the patrol officer is best situated to take the initial account and conduct the preliminary investigation. In addition to around-the-clock availability, an officer assigned to routine patrol duties is usually familiar with a community or neighborhood and is likely to notice any unusual activity or suspicious persons.

**Responding to the Scene** Response should be prompt. Even if the assigned patrol officer has been provided with initial information such as the child's description and other facts about the incident, it would be inappropriate to delay response to circle through parks, check playgrounds, or stop suspicious individuals. Those activities are more appropriately handled by other patrol units in the area.

**On-Scene Activities** Upon arrival at the scene the first responder's duties should follow the same logical progression of activity that would be applied in other significant incidents. These activities are wide-ranging. For the checklist of activities to consider at this point in the investigation see the section titled "First Responder" beginning on page 28. Following is a discussion of those items and related procedures law-enforcement agencies may wish to consider at this point in the investigation.

Once the officer arrives on the scene he or she must interview the complainant to obtain a detailed description of the missing child, abductor, vehicles involved and identify and interview those who last saw the child. When interviewing those present at the scene, identify the "zone of safety" for the child's age and developmental stage. Try to determine how far the child could travel from the spot where last seen before he or she would likely be at-risk of being injured or exploited.

At this point the officer needs to make an **initial** classification of the case and gather enough information to commence investigative actions. Answers obtained to interview questions will enable the officer to make an initial assessment as to whether the child is lost, has been abducted, or has left voluntarily. Questions concerning custody disputes and the possible involvement of a noncustodial family member should also be raised during this interview. Parents/guardians also should be asked to provide a complete description of the child. This interview should take place in an area where interruptions are minimal.

**Officers should exercise extreme caution in “labeling” or “classifying” a missing-child case. Classifying a case into a category generally considered as “less urgent” will often affect the way in which initial evidence or information is gathered. Even if the initial information suggests such a classification, it is strongly recommended officers run “parallel investigations” taking all possibilities into account until the case category is clearly determined.**

Responding officers will often encounter several types of people at the scene of a missing-child report. Other members of the household, relatives, neighbors, and friends of the child may be present and able to provide additional information about the circumstances of the disappearance or insight into recent events in the life of the missing child. Each should be interviewed separately in an attempt to obtain honest answers not influenced by the presence of other individuals. It is also recommended officers record the names of all individuals present at the scene for future investigative reference.

Verify the fact the child is missing so other officers may either continue their involvement in the case or resume regular duties. Remember distraught parents/guardians may not completely check the house for a young child who could be playing hide-n-seek or listen to the answering machine to hear a message from their teenager saying he or she is coming home later than planned. Discuss with the parents/guardians every obvious location as to where the child could be to make sure no area or possibility has been overlooked.

*Verify the fact the child  
is missing....*

Officers should remain alert to any unusual circumstances surrounding the child’s disappearance requiring immediate action and the mobilization of all available resources. See Figure 4 below for a listing of **unusual circumstances**. When unusual circumstances exist, law-enforcement agencies should “pull out all the stops” by calling in additional personnel, supervisory investigative assistance, special support units such as K-9 and aviation, and any other available resources.



### Unusual Circumstances

- The missing child is 13 years of age or younger
- The missing child is believed to be out of the zone of safety for his or her age and developmental stage
- The missing child is mentally incapacitated
- The missing child is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
- The missing child has been absent from home for more than 24 hours before being reported to law enforcement
- Based on available information it is determined the missing child is in a life-threatening situation
- Based on available information it is believed the missing child is in the company of an individual who could endanger his or her welfare
- The absence is inconsistent with his or her established patterns of behavior and the deviation cannot be readily explained
- Other circumstances are involved in the disappearance causing a reasonable person to conclude the child should be considered "at-risk"

Figure 4

After interviewing the complainant the responding officer should have enough information to fully update the description of the child and circumstances of the disappearance. If warranted, supplemental radio broadcasts should be prepared containing all additional information.

If there is an identifiable location, including the child's home or bedroom, that could possibly be classified as a crime scene, or at least as a site where the contents should not be disturbed, responding officers are responsible for safeguarding the integrity of the location to preserve any items eventually identified as evidence. Obtain and note permission to search the area. Be sure to search any surrounding areas including vehicles and other places of concealment. Care should be taken to avoid contamination of the area where the child was last seen. Search dogs if/when needed will be more effective if the area has not been compromised by large groups of people. Likewise the use of diesel and other air-contaminating vehicles and devices should be discouraged until the search has been completed.

Officers must make every effort to assume immediate control of any site filled with people who threaten to overwhelm or overrun a possible crime scene. This may be accomplished by identifying those individuals who are significantly respected by the group, besides the parents/guardians, and asking them to act as intermediaries between the officer and crowd. Once this control is in place, the officer may direct some people be used to protect the scene while others are detailed to tasks such as walking or driving through local parks, playgrounds, and construction sites or checking places in the neighborhood attractive to children. Additionally family members or friends may be assigned to make telephone calls to all neighbors or places where there is a possibility the child may be found. Finally one member of the group should be asked to record the identities and activities of those present and, if possible, take photographs of and/or scan the crowd with a video camera. Help ensure **everyone** at the scene is properly identified, his or her relationship to the child is noted, and his or her observation

about “what happened to the child” is recorded. Abductors and/or their accomplices have been known to “assist” in the search for a missing child to learn how the investigation is progressing or try to impede the investigation in some way. Thus a carefully compiled record of all persons present at the scene may be beneficial later in the investigation.

If the child was last seen in an area or place other than his or her home, officers are urged to undertake a thorough search of the child’s home, even if the parents/guardians claim to have already done so. As was recommended at the crime scene, obtain and note permission to conduct a search of the child’s home. Officers should take this opportunity to secure either the last clothes worn by the child or current bed sheets for possible use by K-9 units in a ground search. Also obtain any recent photographs and videotapes of the child for use in distributing the child’s visual image to the public through the use of fliers and broadcast by the media. Such activity greatly enhances the chances of receiving leads regarding the child’s whereabouts. In addition secure the child’s fingerprints. If fingerprints are not available, secure items that may have the child’s fingerprints and teeth impressions for identification purposes. Also secure any items that may contain the child’s deoxyribonucleic acid (DNA) such as toothbrush, hairbrush, chewed gum, or blood/used bandage.

After initial interviews have been conducted and potential crime scenes have been either searched or secured, the responding officer should help ensure a complete description of the child and circumstances surrounding the disappearance are entered in the NCIC Missing Person File within two hours of report receipt. Care should be taken to verify the proper file category is designated. Categories include Disability, Endangered, Involuntary, Juvenile, and Catastrophe. For a complete description of NCIC filing categories and a description of the “flags” to be used when entering a missing child’s record see “Appendix A: NCIC Missing-Person-File Categories” on page 213 and “Appendix B: NCIC Child-Abduction Flag” on page 215. Officers should confer with their agency’s NCIC data-entry person for more information regarding NCIC requirements.

*...the responding officer should help ensure a complete description of the child and circumstances surrounding the disappearance are entered in the NCIC Missing Person File within two hours of report receipt.*

Actions taken by officers during the preliminary stages of an incident are of extreme importance, especially if the case develops into a criminal matter or long-term investigation. Information gathered by the responding officer, such as persons present at the incident location, comments of the complainant, and appearance of the scene, may be instrumental in the eventual case resolution. To record this important information responding officers should prepare a chronological account of their involvement and actions in the case from the time of assignment to the point of dismissal. Officers should include everything, not just events that seem to have a direct bearing on the case. When completed this summary should be promptly submitted and become part of the investigative case file.

With the wide variation in staffing among law-enforcement agencies, some first responders will be assisted by surrounding patrol units, investigators, supervisory staff, and officers from specialized units. Other officers, however,

may be required to assume a wider range of notification tasks to arrange for assistance. Once officers in these situations have determined the need for continuing case activity, requests should be made to help ensure the presence of agency supervision at the scene. At the direction of the supervisor, officers may then expedite investigations and improve the chances of a recovery by notifying units or agencies that could provide immediate investigative assistance.

All available information about the missing child and circumstances of the disappearance should be reported to NCMEC, which offers a wealth of resources from photo distribution to placement of personnel to provide on-site technical assistance. In addition call and advise your local FBI office of the situation. The FBI has many investigative resources to offer, especially in cases of nonfamily abduction.

To help ensure proper handling of tips and leads, establish a dedicated telephone line for their receipt. Also establish a leads-management system to prioritize incoming information. As noted earlier, NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632). Also the forms beginning on page 154 will assist with leads management. The methodology employed for leads management should be part of the response policy and procedure.

### **Supervisory Component**

The presence of a supervisor at the scene of a missing-child report not only provides the responding officer with guidance concerning immediate information-gathering but also permits the implementation of other investigative resources. Once provided with the relevant facts of the incident, the immediate supervisor becomes responsible for overall case coordination thereby permitting responding officers to focus attention on specifically assigned tasks.

For a checklist of these responsibilities see the section titled "Supervisory Officer" beginning on page 30. Below is a discussion of those items and related supervisory procedures to consider at this point in the investigation.

**Debriefing the First Responder** Supervisors arriving at the scene should debrief the first responder(s), investigator(s), and any other personnel at the scene out of the presence of the family, friends of the family, and/or any other individuals who may be present. Doing so will allow officers to speak freely about the events that have transpired so far and pass along initial impressions and opinions, especially if they might be challenged or misconstrued by others. Supervisors should verify the first responder has performed the essential activities as noted beginning on page 28 such as securing the scene, searching the home, gathering descriptive information and photographs, and entering all pertinent information into NCIC files within two hours of report receipt.

**Establishing a Command Post** As with any investigative process, where coordination of activities will be necessary, a supervisor may decide to establish some type of central-resource facility or command post from which investigative efforts may be directed. A command post is a field headquarters/office for scene management; used to organize people and investigative efforts; used to decide the division of investigative labor on-site; an on-site chain of command; and a focal point for inquiries, intelligence-gathering, and media contacts.



A command post should be established when the number of people at a scene exceeds the capability of the on-site supervisor's ability to exercise control. It is also needed when multiple units are being controlled by varied supervisors, multiple activities are taking place all at one time, and extraordinary incidents such as child abduction and child homicide have occurred creating an implied hazard to the community.

*A command post should be established when the number of people at a scene exceeds the capability of the on-site supervisor's ability to exercise control.*

The location of a command post should be carefully considered. The command post should be close enough to the center of activity to facilitate control and coordination but sufficiently isolated to allow a free exchange of ideas among responders. Although an officer may be placed inside the home for a short period of time for support or investigative purposes, "control" of case investigation should always be made from a site away from the home. A command post in the child's home is difficult to withdraw when that location is no longer practical and could be an undue burden on the family. Consider placing the command post at the outer-perimeter of the abduction scene, which may or may not be the child's home. Doing so allows easy, safe, and controlled access to personnel at the scene and removal of the command post itself, as time and/or the situation dictates, with minimal disruption to the victim's family.

**Mobilizing Investigative Resources** Once it has been determined the child is missing under circumstances that will most likely require assistance from additional agencies and organizations, the supervisor should determine what additional personnel, resources, equipment, and agencies are needed and mobilize their use. See the chapter titled "Investigative Resources" beginning on page 161 for additional information about agencies and resources available to assist in these cases. This mobilization may be accomplished swiftly and efficiently if the groups involved have participated in preincident planning sessions where an organized response strategy has been agreed upon. For additional information about this topic see the section titled "Preincident Planning" beginning on page 177.

**Implementing Perimeter Patrol** To intensify efforts aimed at locating a missing child or obtain information about events surrounding the disappearance, a supervisor may consider using a technique called directed perimeter patrol. For the period of time immediately following receipt of a missing-child report, available patrol and other support units are directed to saturate the area where the child was last seen to ask residents, shopkeepers, workers, and passersby if they know, saw, or heard anything that might be associated with the incident. Depending on factors such as terrain, population distribution, and commercial activity, perimeter patrol is often "tiered" to place the greatest number of officers in the exact area where the child was last seen while using smaller groups of officers in the geographic areas radiating out from that initial point.

**Maintaining Media Relations** Since the media are often aware of an incident almost at the same time law enforcement is notified, interest in the details of a missing-child case may create added confusion for a supervisor at an already turbulent scene. If preplanning for these types of incidents has been conducted, and guidelines for working with the media are in place, a supervisor need only activate

those predetermined procedures. If not, the immediate supervisor should request or delegate someone from the agency to be the media liaison.

*If the investigation would be aided by immediate broadcast of the child's description and photograph, including the activation of an AMBER Alert, a press conference held at the command post may be of value.*

If the investigation would be aided by immediate broadcast of the child's description and photograph, including activation of an AMBER Alert, a press conference held at the command post may be of value. Broadcast the department's telephone number for use by individuals who have information about the case. This number should be a dedicated telephone line or newly established hotline staffed by personnel who are able to quickly relay leads to investigators. Press releases or conferences should be distributed/held at regular intervals regardless of case progress. For additional information about this topic see the chapter titled "Crisis Media Relations" beginning on page 181.

**Supervising the Situation** As in any investigation, supervision of the process is critical. Coordination and cooperation among **all** personnel involved in the investigation must be maintained. The supervisor must help ensure all agency policies and procedures are followed and all required notifications are made. Above all the supervisor must be available to make necessary decisions or determinations as they develop.

It is also the supervisor's duty to help ensure reports are completed by **all** assigned personnel. Copies of each report should be collected, reviewed, and stored within the master file containing all documents generated by the incident. Besides the master file, the supervisor should direct a case-activity log be maintained chronologically listing the various investigative and administrative efforts conducted in relation to the incident. See sample investigative and log forms beginning on page 154.

In addition the supervisor needs to identify and secure all appropriate support services for the family. These may include social services, mental-health professionals, victim-witness programs, and media relations.

### **Investigative Component**

While subsequent chapters in this guide will present specific investigative techniques for handling subjects such as nonfamily abductions, family abductions, and runaways, there are certain common activities applying to the role of investigative personnel during the initial response to a missing-child report. For the checklist of activities to consider at this point in the investigation see the section titled "Investigative Officer" on page 31. Below is a discussion of those items and related procedures law-enforcement agencies may wish to consider at this point in the investigation.

**Debriefing the First Responder(s)** After assuming control of the investigation, but before meeting with the family of the missing child and witnesses who may have been identified during earlier stages of the case, investigators should conduct a thorough debriefing of all agency personnel at the scene. Information and insight gained from these individuals, especially the first responder(s), will be of significant

value as the investigator formulates an approach to upcoming interviews and devises future case strategies.

**Interviewing Witnesses** As in other types of major cases, after the collection of available information and data, the investigative team needs to begin the fact-finding, interview process. After interviewing parents/guardians, other family members, neighbors, witnesses, and other individuals, investigators should “compare notes” with the first responder, immediate supervisor, and other agency personnel who have had contact with the persons interviewed. Work through any conflicting information and verify the accuracy of all facts obtained. This collaborative evaluation will provide the investigative staff with a solid foundation upon which to structure future case directions.

It is critical to obtain a brief family history from the persons present at the scene and verify, to the best of the agency’s ability, the accuracy of that information. Such information may offer invaluable insights as to what may have happened to the child and/or where the child may now be located. At this point in the investigation, review and evaluate all information and evidence collected, develop and execute an investigative follow-up plan, and determine what additional resources and specialized services are required.

While the initial response steps mentioned so far in this chapter may seem extensive, time-consuming, and labor intensive, law enforcement is urged to commence this preliminary investigation as soon as possible after the original missing-child report has been received. Experienced investigators are well aware of the fact the longer an individual is delayed between observing something and describing it to an officer, the less accurate his or her description will be. Waiting to conduct initial witness interviews, therefore, may well result in the omission of facts that would have been recalled had the witness been interviewed earlier.

*...commence this  
preliminary investigation  
as soon  
as possible....*

**Developing Assessment Criteria** Information gained from witnesses, family, and law-enforcement officers will be of significant value in helping an investigator develop a complete assessment of the missing-child incident. Answers to the questions below will aid in developing an accurate assessment.

- Is the child actually missing?
- Is the child missing voluntarily?
- Has the child been abducted?
- Is the abductor known?
- Is the location of the abductor and child known?
- Is the destination of the abductor and child known?
- What are the mental/physical/moral characteristics of the abductor?
- What are the mental/physical/developmental characteristics of the child?
- If the abductor is a parent/guardian, is the incident a misunderstanding rather than an abduction?
- Does the incident involve the violation of a court order?
- Is there probable cause to believe a criminal offense has occurred?
- Has anyone made a false report in this case?

*Major cases will arise... when the investigative resources available from other agencies and organizations will be needed to supplement those of the initial agency.*

**Activating Response Protocols** In most missing-child investigations the resources of local law enforcement are sufficient to undertake the case. Major cases will arise, however, when the investigative resources available from other agencies and organizations will be needed to supplement those of the initial agency. As the case progresses more uniformed officers; additional search-team personnel; and investigative assistance from regional, state, or federal agencies may be needed.

Identifying available resources and evaluating their services while in the midst of an immediate, high-visibility investigation are tasks requiring significant personnel time and also delay the response of urgently needed assistance. The time to identify and arrange assistance of resource agencies and organizations is **not** while a case is underway, but beforehand when collaborative protocols may be more easily agreed upon and appropriate response methods developed. For additional information about resources to consider having in place in preparation for an agency's missing-child response see the section titled "Preincident Planning" beginning on page 177.

### **Search Component**

As information is gathered by both first responders and investigative personnel involved in the initial stages of a missing-child case, the option to activate a full-scale search operation is a constant consideration. For further information about circumstances under which such immediate action is warranted see the criteria for assessing "unusual circumstances" in "Figure 4" on page 38. With this potential in mind, the agency representative designated as the Search Operation Coordinator (SOC) should be involved in the investigation from the onset. This will not only allow the SOC to evaluate the extent of likely search parameters, but also to identify and safeguard items belonging to the child that may aid scent dogs in the actual operation. In addition, by being present as the case develops and search potential increases, the SOC may establish preliminary contact with additional resources and arrange for their immediate response, if needed. Here again, the benefits of coordinated, preincident planning are evident.

When the operation is underway, it is recommended the SOC remain at a central location, most likely the command post, and coordinate the activities of those involved in the actual search. By doing so the SOC is able to evaluate any new information coming in from investigators or other search components and direct operations accordingly.

When carrying out a search, try to provide maps of the area and a photograph of the child to searchers. Teams of at least two individuals should be assigned and when searching, once again, an area already covered, different teams of searchers should be assigned. Be aware individuals involved in the abduction or any cover-up of the abduction have been known to volunteer in search operations. Law-enforcement agencies need to safeguard against such a possibility. See Figure 5 below for a listing of the fundamentals of the search function.

### Search Fundamentals

- Maintain separate search activity log for each search
- Log names and affiliations of **all** searchers, both sworn officers and civilians, along with their general area of search assignment
- Thoroughly brief search-team leaders with all information needed to conduct a complete operation
- Instruct all searchers about the search pattern(s) to be used and techniques employed
- Instruct searchers to bring items found to the attention of the appropriate search-team leader **without** touching or disturbing them
- Control searchers so no one works alone
- Document **all** search activity
- Safeguard against the use of inappropriate individuals in the search process

Figure 5

Keep in mind, especially when searching for small-statured children, no area should be overlooked. Thoroughly search places such as closets, basements, attics, crawl spaces, under laundry, refrigerators, freezers, washing machines, clothes dryers, wells, doghouses, shrubs, swimming pools, vehicles, tree houses, under beds and pieces of furniture, out-buildings, roof tops, inside sofa beds, and luggage/trunks.

Based on the circumstances of the child's disappearance, law-enforcement agencies should consider

- Deploying canine units, both air and ground scent
- Forcing entry into abandoned cars including trunks and spare-tire wells
- Sealing off any apartment complex where the child was last observed and searching vehicles as they leave the complex
- Requesting the presence of a prosecutor/county attorney for assistance in search-warrant preparation
- Conducting a systematic and thoroughly documented search
- Notifying and revisiting homes in which no one was originally found during the initial search
- Using search and rescue organizations, fire departments, military units, explorer scout groups, and other volunteers for large-scale search operations
- Identifying all nonsworn searchers
- Videotaping the search as it commences and progresses to verify participants

For additional information about searches, including managing the search process, see the section titled "Searches and the Searching Process" beginning on page 137.

## Conclusion

**Efforts undertaken by law-enforcement agencies during the initial stages of a missing-child report may often make the difference between a case with a swift conclusion and one evolving into months or even years of stressful, unresolved investigation.** While the investigative aspect of a missing-child case is similar, in many ways, to other major cases, few of these other situations have



the added emotional stress created by the unexplained disappearance of a child. When not anticipated and prepared for, this stress may adversely affect the outcome of a missing-child case.

Preparation and preincident planning are central to the development of an effective law-enforcement response to missing-child cases. Obviously preincident planning does not just happen. It comes about when an agency, jurisdiction, or region recognizes this one area of child protection deserves improved, coordinated attention. It also comes about when all related resources within the community, and those who pledge to respond from a distance, agree on a protocol that dismisses rivalries and places the safety of the child as the first and foremost goal. For additional information about this concept see the section titled "Preincident Planning" beginning on page 177.

NCMEC's National Missing Children's Division is available toll-free at **1-888-24-NCMEC (1-888-246-2632)** to offer resources and technical assistance for any of the suggestions presented in this chapter.

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# Nonfamily Abduction

by Charles Masino and H. Wayne Sheppard

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## Nonfamily-Abduction Investigative Checklist

Review all steps outlined in the “Initial-Response Investigative Checklist” beginning on page 27. In addition, in cases of nonfamily abduction, consider the steps listed below. Please consult the text of this chapter for details about the items listed.

### Initial Investigation

- [ ] Assign an officer to victim’s residence with the ability to record and “trap and trace” all incoming calls. Consider setting up a separate telephone line or cellular telephone for agency use.
- [ ] Conduct neighborhood/vehicle canvass.
- [ ] Compile list of known sex offenders in the region.
- [ ] Develop profile of possible abductor.
- [ ] Consider use of polygraph for parents/guardians and other key individuals.
- [ ] In cases of infant abduction, investigate claims of home births made in that area.
- [ ] Fully load National Crime Information Center (NCIC) Missing Person File within two hours of report receipt (involuntary category) with complete descriptive information, medical information, dental information, and use the Child-Abduction (“CA”) flag as described in “Appendix B: NCIC Child-Abduction Flag” on page 215.
- [ ] Use Nlets and other information systems to alert local, state, regional, and federal law-enforcement agencies.
- [ ] Review records found in various law-enforcement databases, including Nlets, for attempted abductions with case similarities.
- [ ] Provide support for family through nonprofit, missing-children organization.

### Prolonged Investigation

- [ ] Reread all reports and transcripts of interviews.
- [ ] Revisit the crime scene.
- [ ] Review all potential witness/suspect information obtained in the initial investigation and consider background checks for anyone identified in the investigation.
- [ ] Review all photographs and videotapes.

- [ ] Reexamine all physical evidence collected.
- [ ] Determine if case file contains deoxyribonucleic acid (DNA) evidence from child and biological parent(s).
- [ ] Review child-protective-agency records for reports of sexual exploitation/abuse about the child.
- [ ] Develop timelines and other visual exhibits.
- [ ] Reinterview key individuals.
- [ ] Interview individuals such as delivery personnel; employees of gas, water, electric, and cable companies; taxi drivers; post-office personnel; and garbage handlers.
- [ ] Critique results of the ongoing investigation with appropriate investigative resources.
- [ ] Arrange for periodic media coverage.
- [ ] Use rewards and crime-stopper programs.
- [ ] Contact NCMEC for photo dissemination, age-progression, and other case assistance.
- [ ] Update NCIC Missing Person File information as necessary.

### **Recovery/Case Closure**

- [ ] Arrange for a comprehensive physical examination of the victim.
- [ ] Conduct a careful interview of the child, document the results of the interview, and involve all appropriate agencies.
- [ ] Provide effective reunification techniques.
- [ ] Cancel alarms and remove case from NCIC and other information systems.
- [ ] Perform constructive post-case critique.

**Note:** To request technical assistance for specific cases, please call the National Center for Missing & Exploited Children® (NCMEC) toll-free at **1-800-THE-LOST® (1-800-843-5678)**.

## Key Findings From NISMART-2 Regarding Nonfamily Abduction

### Nonfamily abduction is defined as an episode in which a

- Nonfamily perpetrator takes a child by the use of physical force or threat of bodily harm or detains a child for a substantial period of time, at least 1 hour, in an isolated place by the use of physical force or threat of bodily harm without lawful authority or parental/guardian permission or
- Child, without lawful authority or parental/guardian permission, is taken or detained or voluntarily accompanies a nonfamily perpetrator who conceals the child's whereabouts, demands ransom, or expresses the intention to keep the child permanently.

***Stereotypical kidnapping*** is defined as pertaining to the more serious abduction in which a child is taken or detained overnight, transported a distance of 50 or more miles, held for ransom or abducted with intent to keep the child permanently, or killed.<sup>25</sup>

- An estimated total of 58,200 children were abducted by a nonfamily perpetrator in 1999
- Of that total an estimated 115 children were victims of stereotypical kidnappings<sup>26</sup>
- In stereotypical kidnappings, 40% of these children were killed<sup>27</sup>
- In only 21% (12,100) of these cases was the child reported missing and law enforcement became involved while the child was still missing<sup>28</sup>
- Youth ages 15 to 17 were the most frequent victims of these nonfamily abductions (59%)
- Girls were more frequent victims than boys in this study, making up about two-thirds of all victims<sup>29</sup>
- Nearly half of these victims (46%) were sexually assaulted by the perpetrator<sup>30</sup>

**An overview of NISMART-2 is found on page 11.**

Figure 6

During their careers most law-enforcement officers encounter cases severely testing their investigative knowledge and ability. Yet only a few will face what some describe as their most difficult and emotionally charged investigative experience, namely the abduction of a child by an unknown individual. Although this is the least common type of missing-child case, it is among the most dreaded. While time is the enemy in all missing-child cases, it is especially critical when a child is taken by a nonfamily member because these children are often considered to be in great danger. Many times this type of investigation is conducted in an atmosphere in which there is sparse evidence, few leads, no witnesses, and

<sup>25</sup> David Finkelhor, Heather Hammer, and Andrea J. Sedlak. "Nonfamily Abducted Children: National Estimates and Characteristics." *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, NCJ 196467, page 2.

<sup>26</sup> *Id.*, page 6.

<sup>27</sup> *Id.*, page 10.

<sup>28</sup> *Id.*, page 6.

<sup>29</sup> *Id.*, page 7.

<sup>30</sup> *Id.*, page 10.

community outrage over the crime. This chapter, therefore, is designed to provide law-enforcement officers with a comprehensive and tactical plan to locate and return nonfamily abducted children, identify and arrest the abductor(s), and help ensure prosecution of all guilty parties.

**Note:** In the past the term “stranger abduction” was often used to describe the taking of a child by an unknown individual. Today use of the word “stranger” is discouraged. Experience has shown abductors of children are often known to the child or family in some way — a family friend, neighbor, or other acquaintance. To refer to these cases as “stranger abductions” creates at least two problems. One it may inadvertently cause officers to focus the investigation on the search for a random abductor who just happened to cross paths with the child. And use of the word “stranger” as in “stranger danger” sends the wrong educational message to children who, in reality, need to understand abductors and other exploiters of children fit many descriptions — including individuals they may know or have regular contact with.

## The Initial Response

Since few nonfamily abductions are witnessed, the first responder, usually a uniformed patrol officer, plays an important role in assessing the disappearance of a child. By using effective procedures and a comprehensive tactical plan, the first responder will be able to promptly assess the situation and employ resources to recover the missing child. To help ensure time is not wasted during the critical first hours of a case, officers should not only be trained in case assessment, but should also be guided by clearly written departmental policies and procedures. **Note:** NCMEC has developed a model, law-enforcement policy and procedure for reports of missing and abducted children. This document is available for viewing and downloading from the “Training” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com).

While some cases are promptly assessed as abductions, due to age of the child or circumstances of the disappearance, others present the first responder with conditions that might delay application of the required resources. For example a toddler missing for two hours will produce a full-scale agency response, while a 10-year-old who is two hours late returning from the store or a teenager who has not returned home by an agreed-upon curfew time, might cause the untrained officer, lacking clear written policies and procedures, to view the situation as needing little or no immediate attention. To assess each incident thoroughly, officers must consider factors in the child’s background such as any prior missing reports and conditions both at home and school. Interviews with family members, combined with the officer’s training and investigative intuition, will reveal if this episode is so out of character for the child that the potential for foul play is high, thereby requiring a full-agency response. Agency policies and procedures should include guidance to aid the officer in recognizing “unusual circumstances” warranting an immediate, full-scale response. See Figure 7 below for a list of unusual circumstances.

A key study has found abducted children face the greatest danger during the first few hours after the abduction.<sup>31</sup> Thus effective training of first responders and investigative officers, as well as a clearly written tactical plan, are critical to case resolution and, more importantly, victim survival. **Note:** There is a range of available training courses covering the investigation of missing- and abducted-children cases, as well as other programs focused on preventing and/or investigating child exploitation. To learn more about those training opportunities visit the “Training” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com) and Fox Valley Technical College’s web site at <http://dept.fvtc.edu/ojdp>.

*A key study has found abducted children face the greatest danger during the first few hours after the abduction.*

In nonfamily-abduction cases law-enforcement agencies are strongly urged to use and incorporate into their operational orders, the “Initial-Response Investigative Checklist” beginning on page 27 and “Nonfamily-Abduction Investigative Checklist” beginning on page 51. The suggested actions for the first responders and investigative officers, along with the listing of methods to handle the initial investigation, are found in those checklists. Those actions should be completed as thoroughly and quickly as possible in order to obtain the greatest amount of information and secure all available evidence.

When investigating the nonfamily abduction of a child, officers must be aware of two basic considerations. **First, and foremost, is the safe return of the victim.** Second, and equally important, is the building of a solid prosecution case against the abductor. To accomplish both goals officers must be prepared to use, and the law-enforcement agency prepared to provide, every available resource.

Unusual Circumstances	
<input type="checkbox"/>	The missing child is 13 years of age or younger
<input type="checkbox"/>	The missing child is believed to be out of the zone of safety for his or her age and developmental stage
<input type="checkbox"/>	The missing child is mentally incapacitated
<input type="checkbox"/>	The missing child is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
<input type="checkbox"/>	The missing child has been absent from home for more than 24 hours before being reported to law enforcement
<input type="checkbox"/>	Based on available information it is determined the missing child is in a life-threatening situation
<input type="checkbox"/>	Based on available information it is believed the missing child is in the company of an individual who could endanger his or her welfare
<input type="checkbox"/>	The absence is inconsistent with his or her established patterns of behavior and the deviation cannot be readily explained
<input type="checkbox"/>	Other circumstances are involved in the disappearance that would cause a reasonable person to conclude the child should be considered “at-risk”

Figure 7

<sup>31</sup> According to Hanfland, *op. cit.*, n. 22, page 9, when an abducted child was killed it happened 44% of the time within 1 hour of the abduction and 74% of the time within 3 hours of the abduction.

## Tactical Considerations

Tactical considerations in *all nonfamily-abduction investigations* include conducting a neighborhood investigation, creating an information-management system, employing the polygraph, establishing a command post, managing relations with the family, and developing a liaison with community groups and nonprofit, missing-children organizations.

### Neighborhood Canvass

In the publication titled *Child Abduction Response Plan*, the Federal Bureau of Investigation (FBI) states the objective of a neighborhood canvass is to identify and interview all individuals within the abduction and/or last known sighting area during the window of opportunity, which is the last time the missing child was seen through the time the child was discovered missing. Often someone within the neighborhood witnesses the incident but will not realize the importance of what he or she saw until contacted by authorities or being made aware of the missing child through the media. Unless the neighborhood canvass is immediately and thoroughly conducted, valuable information regarding the disappearance may be lost.<sup>32</sup>

A neighborhood canvass usually consists of several officers or investigators spreading out through a neighborhood to gather meaningful information from residents, workers, and any others who spend time there. In order for the information to be most useful, however, canvassers must use a standardized set of questions to assure completeness and uniformity of answers and facilitate the establishment of a database to track all information obtained. Every effort must be expended to record information about those interviewed in order to allow an opportunity for subsequent interviews of neighbors based on receipt of new information about the disappearance of the child.

### Information-Management System

While each case of suspected nonfamily abduction has its own unique characteristics, one common factor may be found in every investigation. If this factor is anticipated and planned for before an actual incident, measures may be put in place to increase the success of future investigations. If neglected, or left to chance at the time of an investigation, valuable leads are likely to be neglected, and important information may be overlooked. This common factor is the extraordinary volume of incoming information associated with a missing- or abducted-child case and the corresponding need for effective information-management techniques.

Not so long ago, law-enforcement information management usually meant case folders overflowing with handwritten forms; clipboards full of investigative lead sheets; file boxes with stacks of 3x5 index cards; walls covered with pin maps and cluttered bulletin boards; and drawers full of scribbled notes, unanswered call-back memos, and unlabeled or unexplained photographs. While this system was occasionally successful because someone could organize and retrieve meaningful information, it was more often the cause of aggravation, frustration, and inefficiency.

<sup>32</sup> *Child Abduction Response Plan: An Investigative Guide*. Washington, DC: Federal Bureau of Investigation, U.S. Department of Justice, 1998, page 20. Available from FBI Field Division offices.



Fortunately today's affordable computer systems and the ongoing advancements in automated, data-collection software have provided law enforcement with a means to simplify information management in serious cases and significantly improve the likelihood of a recovery. Agencies and investigators should seek case-management programs or develop individualized programs designed for their own specific needs. Programs should be obtained to file, index, analyze, and compare the large volume of data likely to be generated in a child-abduction case. And programs should be tested under trial situations not only to make corrections and adjustments, but also to train those individuals who will be using the system during actual investigations. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

### **Use of Polygraph**

Volumes have been written about the polygraph as a law-enforcement resource and when its use may be most valuable during an investigation. Some officers consider the simple mention of using the polygraph an effective means of gauging an individual's reaction to specific questions during an interview.

While opinions may differ concerning the validity and effectiveness of the polygraph, officers who do advocate its use recommend holding examinations **early** in the investigative process. Among the reasons for such a decision are leads obtained early in the investigation are more easily followed up when staffing levels are highest; individuals who are prime suspects and/or parents/guardians may not sense an accusatory purpose in the test since it is probably being conducted on several people at the same time; certain suspects may be cleared by an effectively administered polygraph thereby permitting limited resources to be focused elsewhere; and tests administered later in an investigation are often viewed as placing some measure of blame upon the parents/guardians or an admission officers remain far from resolving the case.

*While opinions may differ concerning the validity and effectiveness of the polygraph, officers who do advocate its use recommend holding examinations early in the investigative process.*

### **Establishing a Command Post**

A command post is a field office for scene management establishing a central location to organize people; direct investigative efforts; and serve as a focal point for inquires, intelligence-gathering, and media relations. A command post should be activated when the number of people at a scene exceeds the capability of the on-site supervisor's ability to exercise control. It should be close enough to the center of activity to facilitate control, but far enough away to allow a free exchange of ideas among responders. Consider placing the command post at the outer perimeter of the abduction scene.

If the missing child has not been located within a reasonable period of time and on-scene investigative activities have essentially been completed, the difficult task of shutting down the command post and relocating case management to another location, most probably agency headquarters, must be addressed. If

properly planned for, this action need not be viewed as anything other than a relocation of investigative activity to a more suitable site. To minimize criticism and perceptual problems in command-post shutdown, meet privately with the family and tell them the investigation is being relocated. Explain the reasons for the move and assure them relocation should not be construed as a reduced investigative effort. If a negative reaction is anticipated from the media, take control by issuing a press release stating the investigation is able to be better managed from a new location.

### **Family Liaison**

Child-abduction cases are unique situations taking an emotional toll on all involved, but most especially on parents/guardians. It is not uncommon for investigators to find victim families in an emotional state causing them to react in ways not in keeping with their “expected” role. Investigators should not automatically assume such seemingly “inappropriate” behavior is an indicator of parental/guardian involvement in the disappearance. Seemingly hostile, unconcerned, or indifferent attitudes may be normal reactions for that particular individual. What is perceived to be “normal” behavior is often judged by how we think we would react in a similar situation or other victim families have acted in past nonfamily abductions. Stated frankly there is no way to predict what individual reaction will be.

Consequently investigators should be especially aware of their actions when working with victim families. Parents/guardians and other immediate family members should be assured every resource is being used to recover their child. For both investigative and support purposes agencies should immediately assign an officer to remain with the family during the critical initial phase of an investigation. Many law-enforcement agencies also use a certified social worker or psychologist to work with the family during every stage of the case. Explore use of victim-witness support staff members from the prosecutor’s office. **Note:** Focus groups conducted by NCMEC with family members of children who were abducted by nonfamily members list failure of the law-enforcement agency to provide adequate communication as the primary complaint.

From an investigative standpoint the officer assigned to the family is able to help secure the child’s room to prevent evidence from being destroyed, maintain all recording and other communications equipment, develop rapport with family members who may reveal relevant information, and observe family routine and lifestyle. In the role of family support, an officer assigned to the residence is able to

- Brief family members about what the investigation will entail
- Prepare them for possibilities such as ransom requests, crank calls, threats, psychics, and private investigators
- Describe the stress factors likely to evolve as the situation develops and how the family may influence the investigation in both positive and negative ways
- Screen and record the names of all visitors to the home
- Arrange for professional assistance to help the family cope with the emotional aspect of the situation
- Prepare the family for an eventual outcome such as recovery, reunification, injury, or death

In cases where the child is not quickly found, consider assigning at least one other officer to this detail so law-enforcement personnel are able to share this responsibility. In long-term investigations it is critical to ensure continued family cooperation. One method to help ensure this cooperation is to periodically conduct a private, comprehensive meeting between the family and primary investigative personnel. The purpose of these meetings is to give the family an opportunity to offer their evaluation of the law-enforcement response and suggest additional investigative action they feel would be productive. If a thorough investigation has been performed, their requests should be few and easy to accommodate.

*In long-term investigations it is critical to ensure continued family cooperation.*

Inform the family of future investigative techniques or efforts to be employed and include information about any available silent-witness or crime-stopper programs, award incentives, and media coverage that may help develop leads in the case. Explain the fact the child's NCIC entry is available to every law-enforcement officer in the United States and Canada. Also, since positive identification may eventually become an issue, if possible a DNA sample — such as a buccal swab — should be obtained from the biological parent(s). Give family members tasks to assist in the investigation such as writing down their versions of the events surrounding the disappearance and compiling additional lists of friends and relatives. Assure the family you will contact them on a regular basis to advise them of the status of the case. Also reassure them they may contact the investigative team whenever necessary. And finally reaffirm for them the investigation will remain open and active as long as necessary.

### **Liaison With Community Groups and Nonprofit Organizations**

The emotions arising during missing-child investigations, especially in those cases where a nonfamily abduction is suspected, are not limited solely to immediate family members or assigned investigators. Residents of the child's town or city, in particular, closely share the sense of loss with the family and often focus their actions through the establishment of an organization dedicated to the youngster's safe return.

Even with all of the investigative demands created by high-visibility, missing-or abducted-child cases, officers must not forget these organizations — when their energies are channeled in positive directions — may provide services to significantly enhance the possibility of a recovery. Conversely, if left undirected or without close liaison to the investigative team, these same groups might overlook the meaningfulness of any important information they receive and thereby inadvertently jeopardize case outcome.

The people who are drawn to participate in these groups come from all backgrounds and often bring with them real talents for organization and group management. While the printing and mass distribution of the missing-child flier often becomes their earliest and most common task, other activities such as hotline staffing, lead management, computerized-systems development, and media relations often follow. Because of the extensive tasks these organizations often perform, it should be clear to investigators a cooperative, professional relationship must be promptly established to avoid errors in case management, delays in case resolution, and even the loss of community support for the law-enforcement effort.

*While the involvement of [other groups and organizations] and the many tasks they may perform are appreciated by the investigative team, law-enforcement control of the overall investigation must be firmly established and understood.*

While the involvement of these individuals and the many tasks they may perform are appreciated by the investigative team, law-enforcement control of the overall investigation must be firmly established and understood. This control is best accomplished by assigning an officer as direct liaison with the community group. The assigned officer should be viewed by the group as an active member of the investigative team, not just someone sent by the law-enforcement agency to provide the appearance of cooperation. By initiating this liaison law enforcement may educate the community group about the importance of investigative objectives.

In addition to “grass-roots” groups formed in direct response to a missing- or abducted-child case, officers may also seek assistance from an established non-profit, missing-children organization (NPO). While most NPOs in this category were originally formed in response to a single missing-child incident, several have developed into multifaceted organizations offering a wide range of services to both law enforcement and the child’s family. If law enforcement has not established working relationships with such a local organization in the past, officers should carefully assess the services they provide and share with them case-related information furthering the investigative effort. For more information about these groups see the section titled “Nonprofit, Missing-Children Organizations” beginning on page 170.

### **Consultation With NCMEC’s Team Adam**

Officers faced with a child abduction are encouraged to promptly use all the resources of the National Center for Missing & Exploited Children. Foremost among those resources — especially during the early stages of an investigation — is the on-site availability of specialists from NCMEC’s Team Adam. Patterned after the National Transportation Safety Board’s system for sending specialists to the site of a serious transportation incident, NCMEC’s Team Adam sends experienced, investigative specialists to the site of serious child abductions and cases of child sexual exploitation. These “rapid-response” specialists, who work in full cooperation with federal, state, and local law-enforcement agencies, provide technical assistance and equipment to local investigators, provide access to NCMEC’s extensive resources, and assist the victim’s family and media as appropriate.

## **Investigative Considerations**

### **General**

An investigator assigned to the report of a nonfamily abduction must be confident the case is able to be solved and child recovered. Confidence comes from a combination of training, experience, and knowledge about the resources available to enhance the likelihood of a recovery.

Interviews with investigators who have handled nonfamily-child abductions stress the importance of using both “logical” and “innovative” thought processes to determine possible abduction scenarios. In other words the investigator must

logically analyze the circumstances of the disappearance and determine who is the most likely person responsible for the disappearance whether someone unknown to the family, a family member, a neighbor, or some other person. For example if a child is missing from an apartment playground with other children present and adults in the immediate area, it is unlikely a person unknown in the neighborhood entered the complex and abducted the child. Such a person would likely be concerned about being seen if the child resisted. These facts may lead the investigator to logically conclude the family and/or child knew the abductor. Investigative emphasis may then be focused on the interview of family, friends, and area residents.

An example of innovative thinking is found in the disappearance of a young pizza-delivery employee who was abducted during a nighttime delivery and later found murdered. The investigation was stalled until an investigator determined the suspect called in an order for pizza and had it delivered to an abandoned home, where the employee was abducted. The investigator learned the order was for a Hawaiian pizza without pineapple, a standard ingredient. In checking the store's records, which are kept for 12 months, only two such pizzas were ordered without the pineapple in the last year, leading to the identification of a suspect who later confessed to the crime.

### **Regarding Newborn/Infant Abductions<sup>33</sup>**

A special category of nonfamily abduction is the unlawful taking of an infant, **birth through 6 months of age**, from a healthcare facility, a home, or some other site. Because the dynamics and investigative techniques of this type of nonfamily abduction are different from the more traditional types of nonfamily abductions discussed earlier in this chapter, this section discusses those differences.

**Statistics** Based on research conducted by NCMEC, 234 cases of completed infant abduction occurred between 1983 and 2005 — or an average of 0 to 12 per year. **Note:** Because a number of cases may not have reached NCMEC's attention, this figure may be conservative. (As a point of comparison, there were 4.12 million births in the United States in 2004<sup>34</sup> and there were more than 3,000 birthing facilities.<sup>35</sup>)

In 116 of the 234 cases studied, the infants were abducted from a healthcare facility while 88 were abducted from the home, following many of the same patterns as the hospital abductions but with the addition of violence committed against the mother. Thirty (30) additional infants were abducted from other places such as malls, offices, and parking lots. Through 2005, 11 abducted infants remain missing.

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<sup>33</sup> The information in this section is adapted from Rabun, *op. cit.*, n. 20, pages inside cover, 1-7, 35-36, and 50-51.

<sup>34</sup> According to "Births, Marriages, Divorces, and Deaths: Provisional Data for 2004" in *National Vital Statistics Reports*, Vol. 53, No. 21, June 28, 2005, page 1, there were 2,121,000 live births in 2004, the most recent year of available data.

<sup>35</sup> According to *U.S. News & World Report: Best Health* as of February 2006 there were 2,832 hospitals with obstetric units (accessed March 23, 2006, at [www.usnews.com/servlets/AHASearch](http://www.usnews.com/servlets/AHASearch)) and according to the American Association of Birth Centers there were 170 birth centers in the United States through 2004 (accessed March 22, 2006, at [www.birthcenters.org/news/bcgrowing.php](http://www.birthcenters.org/news/bcgrowing.php)).



Of all the infants abducted from healthcare facilities, 96 percent were located and safely returned, usually within a few days to two weeks. **Anecdotal evidence would suggest, however, there may be abduction attempts at most birthing facilities each year.**

**The Abductor** The abductor is almost always a female, frequently overweight, ranging in age from 12 to 50 years. Many of these women are gainfully employed. While she appears “normal,” the woman is most likely compulsive, suffers from low self-esteem, often fakes one or more pregnancies, and relies on manipulation and lying as a coping mechanism in her interpersonal relationships. Sometimes she wishes either to “replace” an infant she has lost or experience a “vicarious birthing” of an infant she is for some reason unable to conceive or carry to term. The baby may be used in an attempt to maintain/save a relationship with her husband, boyfriend, or “significant other.” On occasion an abductor may be involved in a fertility program at/near the facility from which she attempts to abduct an infant. Of the 224 cases where the abductor’s race is known, 86 are Caucasian, 93 are Black, and 45 are Hispanic. The race/skin color of the abductor almost always matches the infant’s or reflects that of the abductor’s significant other. See the description of the “typical” abductor in Figure 8 below.

**The “Typical” Newborn/Infant Abductor**  
(Developed from an analysis of 234 cases occurring 1983-2005.)

- Female of “child-bearing” age (range 12 to 50), often overweight
- Most likely compulsive; most often relies on manipulation, lying, and deception
- Frequently indicates she has lost a baby or is incapable of having one
- Often married or cohabitating; companion’s desire for a child or the abductor’s desire to provide her companion with “his” child may be the motivation for the abduction
- Usually lives in the community where the abduction takes place
- Frequently initially visits nursery and maternity units at more than one healthcare facility prior to the abduction; asks detailed questions about procedures and the maternity floor layout; frequently uses a fire-exit stairwell for her escape; and may also move to the home setting
- Usually plans the abduction, but does not necessarily target a specific infant; frequently seizes on any opportunity present
- Frequently impersonates a nurse or other healthcare personnel
- Often becomes familiar with healthcare staff members and even victim families
- Demonstrates a capability to provide “good” care to the baby once the abduction occurs

**There is no guarantee an infant abductor will fit this description.**

Figure 8

The abducted infant is perceived by the abductor as “**her newborn** baby.” A strong gender preference in the abduction of these infants is not revealed in the data.

Although the crime may be precipitated by impulse and opportunity, the abductor has usually laid careful plans for finding another person’s infant to take and call her own. In addition, prior to the abduction, the abductor will often exhibit “nesting” instincts by “announcing her pregnancy” and purchasing items for an infant in the same way an expectant mother prepares for the birth of her baby. The positive attention she receives from family and friends “validates” her actions. Unfortunately this “nesting” activity feeds the need for the woman to “produce” a baby at the expected time of arrival.

Many of these abductors have a significant other at the time of the abduction, and a high percentage of them have already given birth to at least one child. Typically, of the women married/cohabitating/involved in a relationship at the time they abduct an infant, their significant other — sometimes a considerably older or younger person — is not known to be involved in the planning or execution of the abduction, but may be an unwitting partner to the crime. The significant other is often very gullible in wanting to believe his wife/girlfriend/companion indeed gave birth to or adopted the infant now in her possession and may vehemently defend against law enforcement’s attempts to retrieve the baby.

*Many of these [infant] abductors have a significant other at the time of the abduction, and a high percentage of them have already given birth to at least one child.*

The vast majority of these women take on the “role” of a nurse or other healthcare staff member, such as a lab technician, health-department employee, social worker, or photographer, and represent themselves as such to the victim mother and anyone else in the room with the mother. Once the abductor assumes this role she asks to take the baby for tests, to be weighed, to be photographed, or for other logical purposes in the healthcare setting. Obviously, arriving at the decision to ask the mother if she can take the infant for a “test” or “photograph” takes forethought on the part of the abductor. The pretense of being someone else is most often seen in abductors who use interpersonal coping skills including manipulation, conning, lying, and ruses. These women demonstrate a capability to provide “good” care to the baby once the abduction occurs. The infants who have been recovered seem to have suffered no ill effects and were found in good physical health. The abductors, in fact, consider the babies to be “their own.” There is no indication these are “copycat” crimes, and most abductors are found in the same general community where the abduction occurred.

These crimes are not always committed by the stereotypical “stranger.” In most cases abductors made themselves known and achieved some degree of familiarity with healthcare personnel, procedures, and the victim families. The abductor, a person who is compulsively driven to obtain an infant, often visits the nursery and maternity unit for several days before the abduction, repeatedly asking detailed questions about healthcare-facility procedures and becoming familiar with the layout of the maternity unit. They often visit or “surveil” more than one healthcare facility in the community to assess security measures and explore infant populations, somewhat like “window shopping.”

The abductor may not target a specific infant for abduction. When an opportunity arises she may quickly snatch an available victim, often be visible in the hallway for as little as four seconds with the baby in her arms, and escape via a

fire-exit stairwell. Since the abductor is compelled to show off her new infant to others, use of the media to publicize the abduction is critical in encouraging people to report situations they find peculiar. Most often infants are recovered as a direct result of the leads generated by media coverage of the abduction when the abductor is **not** portrayed in the media as a “hardened criminal.”

**Use of Violence** In 118 cases (50%) of reported infant abductions between 1983 and 2005 they occurred somewhere other than in a healthcare facility. In fact, because of the training provided to healthcare professionals and the technologies installed in healthcare and similar facilities, infant abductions now occur more frequently at homes or other locations. Unfortunately infant abductions from these other locations have created an increased likelihood of direct confrontation and heightened the risk of violence.

Of the 234 infant abductions between 1983 and 2005, 39 cases included some level of violence during the abduction. Violence is defined as display of a weapon, physical assault of the mother, and homicide. Twenty-six (26) of those incidents occurred in homes, 7 occurred on the healthcare premises, and 6 occurred at other locations. Of the 39 cases, 21 mothers were killed by the abductor(s). In the extreme, 8 women were still pregnant and their fetus cut from their womb by the abductor(s).

**The Response** When a newborn/infant is abducted, use the items listed in the “Initial-Response Investigative Checklist” beginning on page 27 and “Nonfamily-Abduction Investigative Checklist” beginning on page 51 and be sure to call NCMEC toll-free at **1-800-THE-LOST**<sup>®</sup> (1-800-843-5678). NCMEC is in an excellent position to advise, provide technical assistance, network with other agencies and organizations, assist in obtaining media coverage of the abduction, and coordinate dissemination of the child’s photograph as mandated by federal law (42 U.S.C. § 5771 *et seq.*).

Clearly first responders will secure the crime scene and gather as many facts as possible. Depending on the scenario, it is important all pertinent information regarding the victim mother (if the victim of an abduction) and/or victim infant is entered into NCIC within two hours of report receipt. Additionally, if the abduction occurs at the home where a computer is found, this must be examined forensically for possible links to the abductor.

Abductors have been known to make contact with the victim in many ways. Some initiate contact while the new mother is still a patient in a healthcare facility. Others make contact during the pregnancy itself. As noted earlier, some pose as a nurse or other healthcare, hospital, or related staff member/volunteer. They have also answered newspaper advertisements placed by victim families to sell a vehicle or those searching for a babysitter. Sometimes the abductor is a casual acquaintance of another member of the victim’s family or an old friend from school.

The profile of the typical abductor must be kept in mind throughout the investigation. Remember the abductor is extremely adept at portraying herself to others as something she is not. She uses lying, manipulation, and deceit in her everyday interaction with others. Some abductors will never tell their new partner they are unable to have children, and, in order to hold on to this person, will claim they are pregnant. Others have been able to convince their own family they are pregnant even when those family members were aware the abductor had surgery in prior years to prevent a pregnancy from occurring.



A majority of abductors will present the abducted infant to their partner as his child, as well as to friends and family. Determining who these individuals are and where they live may facilitate in the recovery of the infant. It shouldn't be assumed the race/ethnicity of the abducted infant will match that of the abductor. In order to convince her partner the child she is presenting to him is actually his, the infant's skin color may match or be similar to his.

Disseminating information to the public about the abduction is one of the most effective ways to recover this type of missing child. Law enforcement should immediately solicit the assistance of the media in disseminating as much information as possible about the abduction to elicit vital information the public may have about the case. Any release of information concerning an infant abduction should be well planned and agreed upon by the healthcare facility and law-enforcement authorities involved. Care should be taken to keep the family fully informed. As with any other type of missing-child case, consider designating **one** law-enforcement official to handle media inquiries for all investigative data.

*Using the news media, no matter where the abduction occurred, may be extremely helpful in generating lead information about the case.*

Using the news media, no matter where the abduction occurred, may be extremely helpful in generating lead information about the case. If photographs of the missing infant are available, they need to be shown to the public. Videotaped footage of the abductor or photographs, if available, is also helpful. The basic question posed to the public should be, "Who has a baby today and did not have one yesterday?"

Dissemination of information about health issues for the missing infant may actually frighten the abductor and she may simply abandon the infant, which may have dire consequences. In that regard if there is a "safe haven" abandoned baby law in effect, checking with all the healthcare facilities, fire stations, and law-enforcement stations/substations in your jurisdiction and neighboring jurisdictions may also lead to the recovery of the infant as the abductor may panic and drop the infant off on the pretense she gave birth at home.

Polygraphing the baby's parents/guardians early in the case could prove beneficial. See the section titled "Use of Polygraph" on page 57 for additional details about this investigative technique. Be aware, however, polygraphing the baby's mother within 24 hours of the delivery, or while medicated, is ill advised.

Law enforcement should treat a case of infant abduction as a serious, felony crime requiring immediate response. To deter future crimes the abductor should be charged and every effort made to sustain a conviction.

For additional information about this topic view, download, and order the book titled *For Healthcare Professionals: Guidelines on Prevention of and Response to Infant Abductions* from the "More Publications" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

## Crime-Scene Analysis and Offender Profiles

The myriad of crimes committed against children, such as abduction, rape, sexual assault, and/or homicide, and the interaction between the victim and offender when these crimes are committed, offer clues to investigators based on the behaviors demonstrated prior to, during, and after the criminal act. These interactions — commonly referred to as precrime, crime, and postcrime behaviors — when analyzed, provide leads for investigators to follow in furtherance of their efforts to solve the crime. Additionally the consideration of demographics, analysis of victimology, and assessment of the crime scene play a vital role in the investigative process. The investigator, when armed with this knowledge, greatly enhances his or her ability to effectively investigate and solve violent crimes.

*When a child abduction occurs investigators...consider theories posed to them and then institute investigative measures to prove or disprove these theories.*

Understanding the potential seriousness of nonfamily abductions, investigators undoubtedly will be tasked with the responsibility to interpret crime scenes as part of their investigative effort to solve these crimes. The purpose of this chapter is to provide law-enforcement officers with a working knowledge of the discipline of behavioral analysis of violent crime and its usefulness to the investigative response to child abductions.

Historically the primary focus by law enforcement in its response to a violent crime has been to determine what happened and then take investigative direction from there. The focus must, however, also extend to determine why it occurred. An understanding of “what happened” and “why it happened” will greatly increase the probability of determining “who did it.” These three important questions, once answered, move the investigative process forward towards the recovery of the child and apprehension of the offender.

When a child abduction occurs investigators will be faced with having to consider theories posed to them and then institute investigative measures to prove or disprove these theories. The investigative measures must be timely and should be designed and coordinated in a manner allowing the investigator to narrow the scope and focus of the investigation as it moves forward. As referenced above these measures should take into account demographics, victimology, victim and offender-risk assessment, and an analysis of the crime scene including not only the forensic application but the behavioral application as well.

**Criminal-Investigation Assessment Process** The specific location, or demographics, of the abduction, such as a house, playground, or school, and the overall area in which the abduction occurred offers investigators some insight into who may have committed the crime. A sociological analysis to include demographics, such as population densities, age range, gender, education levels, average household income, occupations, crime rates, religious makeup, and the possible transient nature of the area, should be conducted to narrow the field of potential abductors. Through this sociological analysis investigators must weigh the “possibility” versus the “probability” of the abductor having been someone from the area such as a family member, an acquaintance, or someone completely unknown to the victim. This process is the first step in narrowing the investigative focus.

In conjunction with the sociological analysis and victimology, the investigator must then determine the likelihood the child has fallen victim to an abduction or other type of crime. This **victim risk assessment** will further serve to focus the

investigative effort by giving prioritization to those theories developed through the assessment with a higher degree of occurrence. Contingent upon available resources, alternate theories should be followed-up on contemporaneous with the main investigative effort.

**Assessment of the crime scene**, a reflective function, provides a behavioral snapshot of the interaction between the victim and offender. This interaction will often produce evidence at the scene from both a forensic and behavioral perspective. The crime scene should be assessed in three stages based on the known or suspected activities of the victim and offender.

The first part of the assessment should focus on “precrime” behaviors, specifically the activities of the victim and offender before the commission of the crime. If investigators are able to develop a timeline of the victim during this first stage of the assessment process, they will need to pay close attention to any deviations in the victim’s pattern of behavior. Those deviations may indeed offer clues as to “why” the child became a victim.

The second part of the assessment process should focus on “crime” behaviors, specifically the interaction of the victim and offender during the commission of the crime. This is a critical stage in the assessment process because the majority of the behaviors of the victim and offender are revealed at this stage in the assessment process. An understanding of “what happened,” “how it happened,” and the all important “why it happened” may be further clarified at this stage and provide additional insight into who may have committed the crime in the manner revealed. The investigators should always remember the “absence of evidence is equally important as the presence of evidence” at the scene of a crime.

The third part of the assessment process should focus on “postcrime” behaviors, specifically the actions of the victim and offender after the crime has been committed. In child abductions determining what occurred after the commission of the crime may be problematic; however, investigators should focus on clues about what may have occurred immediately after the commission of the crime, such as is there evidence the abductor fled on foot or in a vehicle, as part of the assessment process. For instance in child-abduction homicides, body-recovery sites may provide “postcrime” behaviors of the offender such as postmortem activity usually found in the form of aberrant behavior, which is often indicative of certain types of offenders. Therefore the behavioral analysis of any physical, direct, or circumstantial evidence by its presence or absence, meeting a recognizable pattern of behavior will provide direction to the investigative process.

By assessing the crime scene in this manner investigators are able to determine the likelihood of whether or not the victim and offender may have known each other. Furthermore, based on the research of known patterns of behavior of offenders, this assessment process may assist in identifying the personality traits of the offender and provide a suspect profile allowing for the formulation of investigative and interview strategies based on that profile. **Note:** For additional discussion about crime-scene searches, see the chapter titled “Investigative Considerations” beginning on page 127.

**Suspect Profiles** Based on a reflective crime-scene assessment a profile is a projected cluster of attitudinal, behavioral, and identity factors of an offender. Therefore when investigators recognize these clusters of behavior through a crime-scene assessment they are able to further narrow their investigative efforts towards this type of offender.

The information below highlights two offender typologies — the **Power Reassurance Offender** and **Anger Excitation/Sadistic Offender**. These typologies are further divided into the three categories of crime-scene dynamics, homicidal pattern, and suspect profile. They represent offenders who have committed abductions as well as rape and sexual or nonsexual homicides. The victims range from children to adults and cross both genders. **Note:** This information is not all-inclusive and particular individuals falling within these categories may not exhibit all of the behaviors listed. This information is presented as an overview to the topic of offender typologies. Additional assistance in this area may be obtained from resources such as the FBI's National Center for the Analysis of Violent Crime (NCAVC) where risk assessments, crime-scene assessments, and offender profiles are available. Additional resources in this area are available from the FBI's Behavioral Science Unit (BCU) and Child Abduction and Serial Killer Unit (CASKU). NCAVC, BCU, and CASKU may be reached through local FBI field offices.

<b>The Power Reassurance Offender</b>		
<p><b>Typical Crime-Scene Dynamics</b></p> <ul style="list-style-type: none"> <li>■ Victim is chosen for fantasy development of the offender</li> <li>■ Rape is followed by an overkill of the victim</li> <li>■ Primary goal is power through a fantasy script</li> <li>■ Fantasy includes idealized seduction and conquest of the victim</li> <li>■ Offender seeks verbal reassurance from the victim</li> <li>■ Offender feels an attachment to the victim</li> <li>■ Offender feels the act is between two consenting persons even though an abduction has occurred</li> <li>■ Emotional explosion occurs, resulting in the killing of the victim, when the victim challenges the fantasized seduction scenario</li> </ul>	<p><b>Typical Homicidal Pattern</b></p> <ul style="list-style-type: none"> <li>■ Offender may enter the crime scene with a weapon to gain initial control</li> <li>■ Offender will try to act out a preprogrammed fantasy after the initial assault</li> <li>■ Offender kills in a frenzy when fear of losing control of the situation is prompted by the victim challenging the offender's fantasy</li> <li>■ Weapons used include clothing, fists, or knives</li> <li>■ When sexual behavior occurs, it is likely to be postmortem</li> <li>■ When the victim's body is defiled it may have foreign-object insertions and display post-mortem mutilation</li> <li>■ Offender makes no attempt to conceal or destroy items of evidentiary value</li> </ul>	<p><b>Typical Suspect Profile: Offender Appears Likely To</b></p> <ul style="list-style-type: none"> <li>■ Be emotionally scattered</li> <li>■ Be disheveled</li> <li>■ Be isolative and/or asocial</li> <li>■ Have menial and/or low-task employment</li> <li>■ Have a history of an inadequate sex life and extensive history of sexual fantasy substitutions — fetishes</li> <li>■ Sexually enjoy erotic pornography</li> <li>■ Be socially isolated with few or no friends</li> <li>■ Be single and viewed as a "weirdo"</li> <li>■ Be educationally identified as an underachiever</li> <li>■ Repeat crime episodically</li> </ul>

**Figure 9**

## The Anger Excitation/Sadistic Offender

### Typical Crime-Scene Dynamics

- Crime is precipitated by a highly specialized fantasy system
- Crime of luxury in which the offender will devote time, money, and resources necessary to plan and carry out crimes
- Abduction victim may be chosen to fit a symbolic category as part of the fantasy system
- Attraction to the victim may be complementary to the offender's fetishes
- Offender displays a ruse or con in making contact with the victim
- Vehicle will be in close proximity for a quick abduction if contact is made on foot
- Fantasy of the assault or abduction is put into action with an equipped rape or murder kit

### Typical Homicidal Pattern

- Sexual assault and homicide are preplanned
- Satisfaction is found in the killing continuum, not in the death
- Antemortem cutting, bruising, and various forms of incomplete strangulation are prevalent
- Victim's body may reveal signs of washing, shaving, and burns
- Sexual-victimization evidence is revealed by localized areas of brutalization, bite marks, skin tears, and foreign-object insertion
- Victim's body may be left in a bizarre state
- Offender may collect personal objects belonging to the victim
- Offender may move the victim's body to one or more locations after the killing
- Offender will carefully reclaim abduction or murder kits
- Offender will make a concerted effort to destroy items of evidentiary value
- Offender may alter or stage the crime scene
- Offender may repeat the crime sporadically and episodically depending on internal stressors

### Typical Suspect Profile: Offender Appears Likely To

- Be considered bright and socially facile
- Be intelligent
- Have no mental difficulties
- Be nonemotional and show a lack of emotion relative to the criminal act
- Have no or demonstrate minimal use of alcohol or drugs during the commission of the crime
- Be a conventional and law-abiding person
- Enjoy a good marriage/relationship with spouse or significant other
- Seek employment requiring little or no supervision
- Have two or more years of college education

Figure 10

The concept of behavioral analysis of violent crime, including the crime-scene assessment process, is but one additional tool law enforcement may employ in its efforts to thoroughly investigate incidents of violent crime. The information contained in this section is the result of the combined efforts of many disciplines coming together in a collaborative and cooperative manner to provide law enforcement with meaningful insight into the criminal mind. The intent is to provide investigators with an understanding and working knowledge of the patterns of behavior of offenders who commit crimes against children in the hopes of enhancing law enforcement's ability to respond to and resolve these crimes as expeditiously as possible. NCMEC's Case Analysis Support Division is available to provide additional information and resources in this area and may be reached toll-free at 1-888-24-NCMEC (1-888-246-2632).



## The Prolonged Investigation

This phase in the investigative process occurs when it becomes apparent the child will not be quickly located, most immediate leads have been exhausted, and command operations have been relocated away from the scene. While some observers might view this stage as one of passively awaiting new information to emerge, in reality, it presents an opportunity for law enforcement to restructure a logical, consistent, and tenacious investigative plan eventually leading to the recovery of the child and arrest of the abductor.

For a checklist of actions that may prove beneficial during the prolonged investigative stage see the section titled “Prolonged Investigation” beginning on page 51. Below is a discussion of those actions and related procedures law-enforcement agencies may wish to consider at this point in the investigation.

Revisit the crime scene at the same time of day the abduction occurred and carefully observe the surroundings. Keep in mind many children are acquainted or familiar with their abductor before the abduction. Do not assume the perpetrator had to be totally unknown to the child. The abductor could be a person who is peripherally involved in the child’s life such as someone who passes the child’s bus stop every morning or an individual who gives the child quarters at the video arcade. While observing the site determine who would be more likely as an abductor – someone completely unknown or familiar to the child? Talk to persons entering the area to learn if they have been interviewed and were present on the day in question. An in-depth examination of the mentality and motivation of those individuals who prey on children for sexual purposes is found in the NCMEC publication titled *Child Molesters: A Behavioral Analysis*. This book was published in conjunction with the FBI. This book may be viewed, downloaded, or ordered from the “More Publications” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com).

Take time to thoroughly reread all reports. Crosscheck every supplemental report and checklist to help ensure all lead information was followed-up. Develop a clear picture as to what, when, and where every event actually occurred. The preparation of timelines and other graphic displays will be invaluable in this process.

Conduct a thorough canvass of the area. Some individuals having knowledge of the child’s disappearance may not have been available at the time of the original canvass or may now possess new or unrevealed information.

Review and reevaluate any photographs taken and/or videotapes filmed at the scene on the day of the abduction. Observe faces in the crowd to determine their identities and show the photographs to the parents/guardians. Determine the accuracy of times given by the parents/guardians and all witnesses. Accuracy should be based on their having looked at a clock or watch or relating their memory of the event to the airing of a particular television program or normal arrival times, not just a guess. Reinterview witnesses to determine why they said a particular time.

A reinterview of all principal witnesses involved in the case could provide valuable new information. Be prepared by formulating questions before the actual interview and reviewing the original interviews.

Identify and list all possible suspects. The list should include individuals with a prior criminal history who had access to the child, gave a questionable interview or unsubstantiated alibi, and/or gave incorrect or untruthful information during questioning. Focus investigative efforts on these individuals. Use the media to solicit new information. Also consider using the services of NCMEC to disseminate photographs of and information about the missing child.

Refer the family to local support groups and/or a nonprofit, missing-children organization specializing in the stresses created when a child is missing or abducted. NCMEC may be of assistance in locating appropriate organizations. Consider offering rewards through silent-witness or crime-stopper programs. Determine whether evidence containing the child's DNA has been obtained. If possible secure DNA samples from biological parent(s) for future identification needs.

Encourage noninvolved investigators, such as NCMEC's Project ALERT Representatives and other law-enforcement colleagues, to review actions taken in the case to date and ask for their suggestions. **Note:** A description of the resources available through NCMEC's Project ALERT is found on page 166. Prepare for the emotional stresses associated with a prolonged investigation. Remain focused on the positive indications a pragmatic, logical investigation with continual case review will eventually get results. Take encouragement from knowing cases are routinely solved by tenacious investigators, after months or even years have passed.

One caution for an agency with a prolonged missing-child investigation is to safeguard against the "personalization" of the case by the lead investigator. If this happens the investigator could lose his or her objectivity, leading to the investigator "fixing" on one theory of what happened to the child to the exclusion of all other possibilities and/or his or her unwillingness to share leads and information with other officers, agencies, and task forces assisting with the investigation. Such behavior is detrimental to case resolution. This should be monitored and immediately corrected by the lead investigator's supervisor(s) if exhibited.

In addition there are times when derogatory information is revealed about the child's family members during the course of a prolonged investigation. Although law enforcement needs to carefully investigate any such allegations to determine if they have a bearing on the child's disappearance, care must be taken to help ensure this new information does not become the entire focus of the investigation. Law-enforcement officers need to ask themselves if they are once again looking at the parents/guardians because they truly believe they are involved in the disappearance or because there is nothing else to do in the investigation.

Such situations underscore the need to polygraph all appropriate persons/suspects — including the parents/guardians — **early** in the investigation. Although most people do not like to be polygraphed and investigators may be reluctant to make this request of parents/guardians, it is best to be honest and direct by informing them of the critical need to fulfill this investigative guideline early on in the process. Doing so may help avoid awkward situations with the parent/guardian later in the investigation and the misdirection of valuable law-enforcement resources during the investigation.

*Refer the family to local support groups and/or a nonprofit, missing-children organization specializing in the stresses created when a child is missing or abducted.*



## Recovery/Case Closure

*No missing-child case should be closed without positive identification being made of the located child.*

Planning for the eventual safe return or recovery of an abducted child is as essential as development of the many investigative techniques mentioned earlier in this chapter. **Note:** No missing-child case should be closed without positive identification being made of the located child. Information gathered during this stage could be crucial to the identification and prosecution of the suspect. For the checklist of items to consider when a child is recovered see the section titled “Recovery/Case Closure” on page 52. Below is a discussion of those actions and related procedures.

Arrange for an immediate, complete physical of the child including examination for and collection of evidence of possible sexual exploitation. Also make arrangements to interview the child to determine what happened while he or she was gone. The selection of a suitable site to interview the child is extremely important, as is the order of questions to elicit the most meaningful replies. In preparation for interviews, when it is suspected the abducted child has been the victim of sexual exploitation, the investigator may wish to obtain literature about this topic from the National Children’s Advocacy Center at 256-533-KIDS (5437) or [www.nationalcac.org](http://www.nationalcac.org).

Law enforcement also needs to prepare for those occasions when a child does not survive an abduction. In addition to the issues of crime-scene preservation and analysis, officers need to use great care in notifying the family about the tragic case outcome. This difficult task could be aided through the assistance of existing community resources experienced in grief counseling.

Finally, don’t forget to remove information about the child and/or wanted person from NCIC. Additionally it is also the appropriate time to conduct a **post-case critique** in order to evaluate agency response and make any modifications necessary for future incidents. Factors to evaluate include overall management, information-management systems, computer use, interagency communication, investigative strategies, evidence handling, training, media interaction, logistics, and legal issues.

### Reunification Issues of Nonfamily Abductions<sup>36</sup>

Recovered children who were abducted by a nonfamily member often have initial concerns about their safety and being reabducted. Often they do not believe they are “really safe” upon recovery. Once recovered these child victims may initially appear to be coping very well. It is common for children who have experienced trauma to be talkative initially and have excellent recall of details. This is a good time for the investigating officer to obtain critical and timely information from the child regarding the abduction and subsequent events.

Officers and families need to be aware this initial period of euphoria and the child’s immediate and initial disclosure of information about his or her abduction

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<sup>36</sup> The information in this section is adapted from *Recovery and Reunification of Missing Children: A Team Approach* edited by Kathryn M. Turman. Alexandria, Virginia: National Center for Missing & Exploited Children, March 1995, pages 17-18 [hereafter Turman].

may quickly be replaced by a feeling of numbness. Child victims may appear to be detached and distant from family members and friends, apathetic in day-to-day activities, and uninterested in things and activities they previously enjoyed. They may exhibit feelings of denial or avoidance of the abduction event. Teenage victims may show blunted emotions, apathy, and denial of any intrusive thoughts or negative feelings about the abduction event. They may insist their normal life and activities will not be affected by the abduction. Families may misinterpret the numbness reaction of the recovered child as emotional callousness or adjustment. This numbness is the child's way of coping with overwhelming emotions regarding the abduction and recovery. It is important to remember the lack of emotion is symptomatic and indicative of ongoing trauma. The period of emotional numbness may last from a few weeks to many months.

There may also be a great deal of pressure from the public and media to know details about the abduction and have access to the child victim. Because the recovered child appears to be coping or may even appear euphoric, it may seem harmless to expose the child to media interviews. For most child victims the reality of what they have experienced will hit them within hours or days of recovery. When that happens they may find it difficult to cope with the public exposure of their victimization. This exposure may lead them to feel they have been revictimized or exploited even further.

Professionals involved in the recovery of an abducted child should counsel families to protect their children from well-intentioned, but potentially exploitive well-wishers and media representatives. Investigators should counsel the victim and family members about the limits of case information to be provided to the media. Family members should be cautioned about the potential harm to their child from media exposure following recovery. Parents/guardians need to be reassured they have the right to provide their child with the privacy he or she needs. This may be difficult to do, particularly when the media may have played a role in the recovery of the child.

Officers should be prepared to handle the intense media interest that may accompany the recovery of an abducted child. The establishment of a command post and media briefings by a trained public-information officer will alleviate some of the chaos and provide needed privacy for the recovered child and family. Media and well-wishers should be encouraged to allow the family time and privacy. Rather than allowing the child to be overwhelmed by large numbers of family members and friends, the first post-recovery meeting should include only **immediate** family members.

In many cases child victims of abduction assume they will not be missed and no one is looking for them. Upon recovery they are surprised to realize major efforts were undertaken to find them. Many abducted children fear or believe they will never see their families again or be killed. The interpersonal relationship developed between the child victim and abductor during the event has been shown to be an important factor in establishing psychological control during the abduction. The process by which this relationship develops may be critical to understanding the child's emotional responses following recovery. The recovered child may seem ambivalent about the abductor. Because of the vulnerability of

*Officers should be prepared to handle the intense media interest that may accompany the recovery of an abducted child.*

the child, the desire to see the abductor punished may conflict with fears of reprisal. The child may fear the abductor or friends of the abductor will return. The child is primarily dependent on adults for assurances, but may feel adults “failed” to protect him or her from the first incident.<sup>37</sup>

### **Guidelines for Handling the Reunification of a Nonfamily-Abducted Child<sup>38</sup>**

The agency responsible for facilitating the reunion should

- Arrange for a comprehensive physical examination of the victim, determine any immediate physical or emotional needs of the child, and help ensure those needs are met.
- Conduct a careful interview of the child, document the results of the interview, and involve all appropriate agencies.
- Notify the child’s parents/guardians of the recovery and request they bring only immediate family members to a designated private location for the reunion.
- Brief the parents/guardians about their child’s condition and ask them to refrain from making a public announcement about the child’s recovery.
- Instruct the parents/guardians to bring along a change of clothing for the child and any familiar or favorite items left behind when the child was abducted.
- Arrange to have a victim-witness advocate and mental-health professional assigned to the child and family as soon as possible. These advocates should be present at the reunion and available to assist the family with both short- and long-term reunification issues.
- Issue a press release and/or hold a press conference announcing appropriate details about the recovery. Always balance the public’s “right to know” with the need to protect the dignity of the victim family and integrity of the case.
- Cancel alarms and have the case removed from the FBI’s NCIC databases and any other information systems used during the search.

**Note:** NCMEC is able to serve as a valuable resource during the reunification process. NCMEC’s Family Advocacy Division has developed a network of mental- and public-health professionals who are able to provide reunification guidance to local law-enforcement officers. The Family Advocacy Division may be reached toll-free at 1-888-24-NCMEC (1-888-246-2632).

### **Conclusion**

Incidents of nonfamily-child abduction are among the most complex and difficult a law-enforcement investigator or agency will ever face. The emotional aspect of these cases, combined with an overwhelming sense of urgency to locate the child, places additional stresses on those involved in the investigation and often adversely affects the potential for recovery of the child. These challenges are best addressed through the use of a sound tactical plan, implemented in a timely manner,

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<sup>37</sup> C. Hatcher. *A Conceptual Framework for Victimology: The Adult and Hostage Experience*. Paper presented at the American Psychological Convention, Los Angeles, California, 1981.

<sup>38</sup> The information in this section is adapted from Turman, *op. cit.*, n. 36, page 18.

supported by innovative investigative techniques. Such measures will help in the safe return of an abducted child and the conviction of an abductor.

With proper planning in place, investigators will be able to implement guidelines and procedures, which were rationally and logically developed well before a case actually occurs. Like any other type of case, child-abduction investigations require the application of practical procedures in an orderly, systematic fashion. **Planning is the key.** Being prepared with sound investigative techniques and an awareness of all available resources will greatly enhance the likelihood of recovering a child. For additional information about this concept see the section titled "Preincident Planning" beginning on page 177.

NCMEC's National Missing Children's Division is available toll-free at 1-888-24-NCMEC (1-888-246-2632) to offer resources and technical assistance for any of the suggestions presented in this chapter.

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*Reunification of Abducted Children: A Guide for Law Enforcement* (1999-2000).





# Family Abduction

by David Barnard and David Peery

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## Family-Abduction Investigative Checklist

Review all steps outlined in the “Initial-Response Investigative Checklist” beginning on page 27. In addition, in cases of family abduction, consider the steps listed below. Please consult the text of this chapter for details about the items listed.

### The Initial Investigation

- [ ] Examine court records. To help ensure accuracy and current status of information, check with the issuing judge/clerk of that court.
- [ ] Conduct a background investigation of both parents/guardians.
- [ ] Provide tasks for left-behind parent/guardian.
- [ ] Interview family members and friends of the abductor.
- [ ] Enter information about the child and abductor within two hours of report receipt into the National Crime Information Center (NCIC) Missing Person File (Involuntary Category). See “Appendix A: NCIC Missing-Person-File Categories” beginning on page 213 for definitions of NCIC categories.
- [ ] Obtain and evaluate all information that may indicate location of abductor.
- [ ] Consider use of civil procedures such as Writ of Habeas Corpus (pick-up order) and Writ of Assistance.
- [ ] Confirm all civil orders imposed with the issuing judge or clerk of that court.
- [ ] Coordinate the issuance of a civil bench warrant or, if necessary, an arrest warrant for the abductor.
- [ ] Coordinate the issuance of a family-court, pick-up order for the child.
- [ ] Confirm entry of warrant information into NCIC’s Missing Person File (child) and Wanted Person File (abductor).
- [ ] Provide support for family through nonprofit, missing-children organization(s).

### The Prolonged Investigation

- [ ] Once all civil remedies have been exhausted in interstate, domestic cases, secure a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant if facts support issuance. For international cases contact the International Missing Children’s Division of the National Center for Missing & Exploited Children® (NCMEC) toll-free at 1-888-24-NCMEC (1-888-246-2632) to seek assistance in regard to identifying the appropriate remedy in a given international case such as the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention) or an International Parental Kidnapping Crime Act (IPKCA, Pub. L. No. 103-173) warrant where this Hague Convention is not applicable.

- [ ] Identify and “flag” all pertinent sources of information about both the child, such as school, medical, birth, and abductor such as employment, education, professional associations.
- [ ] Use information sources such as credit bureaus, database systems, motor-vehicle bureaus, and the Federal Parent Locator Service (FPLS, 42 U.S.C. § 663 (1988)), child-support services to search for abductor(s) through identifiers such as Social Security Number, name, and date of birth.
- [ ] Request U.S. Postal Service authorities to provide change-of-address information and assistance in setting up a mail cover, when appropriate, on selected family members or friends of the abductor.
- [ ] Identify and evaluate other records about abductor that may provide information such as employment records, occupational licenses, organization memberships, social interests, hobbies, and other lifestyle indicators.
- [ ] Assist left-behind parent/guardian in missing-child poster preparation and distribution.

### **International Abductions**

- [ ] Contact the U.S. Department of State and NCMEC’s International Missing Children’s Division toll-free at 1-888-24-NCMEC (1-888-246-2632) for assistance in civil aspects of the abduction and potential for return of the child through legal and diplomatic channels. NCMEC’s International Missing Children’s Division also provides legal-technical assistance for these investigations and is able to assess whether other agencies could provide additional resources in the case.
- [ ] Seek information from Interpol, the International Criminal Police Organization, concerning criminal proceedings against the abductor.
- [ ] Become familiar with customs and laws concerning custody matters in the country in which the abductor may be retaining the child.

### **Recovery/Case Closure**

- [ ] If recovery involves another state, ascertain what enforcement provisions are available through that state’s Uniform Child Custody Jurisdiction Act or Uniform Child Custody Jurisdiction and Enforcement Act.
- [ ] Notify child-protective-service workers about the possible need for temporary shelter care until the left-behind parent/guardian or investigator arrives.
- [ ] Execute civil habeas corpus or arrest abductor away from the child if possible.
- [ ] Conduct separate, thorough interviews of the child and abductor. Document the results of the interviews, and involve all appropriate agencies.
- [ ] Provide effective reunification techniques using the guidelines in “Reunification Issues of Family Abduction” beginning on page 103.
- [ ] Cancel alarms and remove case from NCIC and other information systems.

**Note:** To request technical assistance for specific cases, please call NCMEC toll-free at **1-800-THE-LOST® (1-800-843-5678)**.

## Key Findings From *NISMART-2* Regarding Family Abduction

### A family abduction is defined as

**the taking or keeping of a child by a family member in violation of a custody order, a decree, or other legitimate custodial rights, where the taking or keeping involved some elements of concealment, flight, or intent to deprive a lawful custodian indefinitely of custodial privileges.**<sup>39</sup>

- An estimated 203,900 children were taken in family abductions during the study year of 1999. Of that number, 117,200 (57%), were counted as “caretaker missing” defined as the caretaker did not know where the child was, became alarmed for at least an hour, and looked for the child.<sup>40</sup>
- In 28% of these cases (56,500), authorities were notified and requested to assist in locating the children.<sup>41</sup>
- Biological fathers took 53% of these family-abducted children, while 25% were taken by biological mothers. In the remainder of these cases grandparents, uncles, aunts, siblings, stepparents, and boyfriends of the mothers abducted the children.<sup>42</sup>
- Of these family-abducted children 44% were younger than 6.<sup>43</sup>
- Of those abduction victims 51% were girls and 49% were boys.<sup>44</sup>
- Of these children 63% were with the abducting family member under lawful circumstances immediately prior to the abduction.<sup>45</sup>

**An overview of *NISMART-2* is found on page 11.**

Figure 11

Historically society has been intolerant of government intervention in matters involving the family. For example even when overwhelming abuses and misconduct led to the creation of laws regarding crisis intervention in domestic violence and child abuse, law enforcement often found it difficult to impose itself in the privacy of the home. Like those two predecessors, family abduction has faced similar obstacles. In the past law enforcement’s reply to a report of family abduction was often, “The child’s not missing — they’re with the other parent,” or “This isn’t criminal, it’s a family matter.” Fortunately those attitudes and reactions are no longer prevalent. Today, because of effective legislation and decisive action by enlightened law-enforcement professionals, there is no longer any doubt regarding family abduction’s real impact. Family abduction is a criminal act in every jurisdiction, and, more importantly, is now recognized as a form of child abuse.

<sup>39</sup> Heather Hammer, David Finkelhor, and Andrea J. Sedlak. “Children Abducted by Family Members: National Estimates and Characteristics.” *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, NCJ 196466, page 2.

<sup>40</sup> *Id.*, page 3.

<sup>41</sup> *Id.*, page 4.

<sup>42</sup> *Id.*, page 6.

<sup>43</sup> *Id.*, page 5.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*, pages 5-6.

*The emotional scarring caused by these events requires officers to recognize family abduction...as an insidious form of child abuse.*

We also now recognize children are deeply and permanently affected by family abduction. The emotional scarring caused by these events requires officers to recognize family abduction not as a harmless offense where two parents/guardians are arguing over who “loves the child more,” but instead as an insidious form of child abuse. The history of the issue has also demonstrated law enforcement has a much broader responsibility than the simple act of “retrieval.” By responding promptly, professionally, and efficiently to reports of family abduction, officers and the agencies they represent become, in effect, a means of protection for the child.

## Laws

Laws and definitions regarding criminal custodial interference will vary considerably from state-to-state. Some apply to married couples only while others do not penalize a custodial parent for absconding with a child or denying visitation. Several legislative initiatives, however, have helped define law enforcement’s response to the issue of family abduction. See Figure 12 below for a listing of those key initiatives. For the purposes of this chapter it will be a general premise no parent/guardian should arbitrarily be denied access to his or her child and criminal intent to do so should be considered a potential violation of law. **Note:** For a state-by-state directory of family-abduction laws and resources, see the NCMEC publication titled *Family Abduction: Prevention and Response*, which is available in English and Spanish. This book may be viewed, downloaded, and ordered from the “More Publications” section of [www.missingkids.com](http://www.missingkids.com).

### Legislative Initiatives Impacting Family Abduction

**Missing Children Act** (MCA, 28 U.S.C. § 534(a) (1982)) Among other provisions this Act mandates complete descriptions of missing children may be entered into NCIC’s databases even if the abductor has not been charged with a crime.

**National Child Search Assistance Act** (NCSAA, 42 U.S.C. §§ 5779 and 5780 (1990)) This Act includes mandates eliminating waiting periods before taking a missing-child report, including family-abduction cases; requiring immediate entry<sup>46</sup> of information into the NCIC Missing Person File; and requiring close liaison with NCMEC on appropriate missing-child cases.

**International Child Abduction Remedies Act** (ICARA, 42 U.S.C. §§ 11601-11610 (1988)) Adopted in 1988 this Act establishes legal rights and procedures for the implementation of the **Hague Convention on the Civil Aspects of International Child Abduction** in the United States. It requires the prompt return of children who have been wrongfully removed or retained in the United States and establishes a mechanism for parents/guardians to secure visitation rights with their children.

**Uniform Child Custody Jurisdiction Act** (UCCJA, 9(1A) U.L.A. 271) First drafted in 1968, by 1983 the UCCJA was adopted in all 50 states and the District of Columbia. The Act determined when a state has jurisdiction to make a custody order and provided procedures for interstate enforcement of orders in custody conflicts. The UCCJA has essentially been superceded in most states by the Uniform Child Custody Jurisdiction and Enforcement Act noted below.

<sup>46</sup> The Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. No. 109-248) mandates entry must now be made by law enforcement within two hours of receipt of a report of a missing or abducted child.

**Uniform Child Custody Jurisdiction and Enforcement Act** (UCCJEA, 9(1A) U.L.A. 657) This Act, approved in 1997, addresses inconsistent application and interpretation of the UCCJA, and adds expedited enforcement proceedings. The UCCJEA gives home-state priority, defines continuing exclusive jurisdiction, and mandates recognition and enforcement of out-of-state custody orders. Most states recognize the provisions of the UCCJEA.

**Parental Kidnapping Prevention Act** (PKPA, 28 U.S.C. § 1738A (1980)) This Act requires authorities of every state to enforce and not modify orders made by the state court exercising proper jurisdiction. It also authorizes the use of the UFAP warrant, as enacted in the Unlawful Flight to Avoid Service of Process section (18 U.S.C. § 1073 (1970) of the Fugitive Felon Act) and the Federal Parent Locator Service (FPLS, 42 U.S.C. § 663 (1988)) in family abductions.

The UFAP warrant is incorporated at 18 U.S.C. § 1073 (1961) of the **Fugitive Felon Act**. UFAP allows federal law enforcement to pursue an abductor who "...moves or travels in interstate or foreign commerce with intent either to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he or she flees, for a crime, or an attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees **or** to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place, is charged **or** to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a state empowered by the law of such state to conduct investigations of alleged criminal activities, shall be fined under this title or imprisoned not more than five years, or both...." Generally the abductor's underlying crime is a violation of state custodial interference laws or criminal interference with visitation laws.

**International Parental Kidnapping Crime Act** (IPKCA, Pub. L. No. 103-173) This 1993 Act makes it a federal crime to remove a child, younger than 16 years of age, from the United States or retain such a child, who has been in the United States, outside the United States with the intent to obstruct the lawful exercise of parental/guardian rights including custody **and** visitation rights. This Act also makes it a crime to attempt to remove a child. This important provision empowers law enforcement to act **before** an abduction occurs. Application of this statute is not limited to "taking parents" and applies to any person who removes a child from the United States without proper authorization.

Figure 12

## The Child-Victim

To truly understand the plight of a child abducted by a family member, an officer must first realize what preceded the abduction. For this dramatic flight to occur one would have to assume it was prefaced by the impending breakdown of the family unit. In this process the child may well have been exposed to domestic violence, alcoholism, abuse, and other problems commonly affecting dysfunctional families. If the family had already gone through a formal or informal separation or divorce, the child may have already been uprooted from the family home and the loss of neighbors and school friends is a normal casualty of relocation.

When an abduction takes place the child may be told the left-behind parent/guardian and/or family members did not love or want him or her, was hurting him or her, or died.<sup>47</sup> The child may also be brainwashed to believe the searching parent will harm him or her.<sup>48</sup> In one case the mother of two grade-school children convinced them their father was a well-known serial killer who intended to murder them.

<sup>47</sup> Turman, *op. cit.*, n. 36, page 20.

<sup>48</sup> *Id.*



Typically deception becomes a part of the child's life, and the child may be forced to adopt a "fugitive" lifestyle. The child may have to learn a new name, lie about where he or she is from, or invent a new family history. The child may be taught to fear those he or she is supposed to trust including law enforcement, doctors, teachers, and counselors. Unable to share confidences, close relationships are hard to develop and isolation may quickly set in. Unfortunately the child may even blame him- or herself not only for the separation from left-behind family members and friends but for this new transient existence as well. Some abductors will coach a child into "disclosing" abuse by left-behind family members so as to perpetuate his or her control either during or after an abduction. Occasionally an abductor may seek assistance from groups aiding individuals "on the run." These groups, often referred to as the "Underground Network," provide safe-houses, false identification, and even employment.

## Investigative Issues

### Jurisdiction

Either through confusion or neglect, the criminal-justice system often creates a dilemma for left-behind parents/guardians who, while trying to work within the system, get passed from agency-to-agency in a search for the right place to have their complaint investigated. Most commonly the agency with initial investigative jurisdiction is the one covering the community in which the child resides or the one from which the child has been taken. The jurisdiction as to which court is the proper one to make a custody determination may be the same one where the original kidnapping occurred or it could be the jurisdiction in which the child was located. Clearly it is essential for criminal-justice systems within each state to operate under a consensus regarding the issue of jurisdiction in custodial interference. From a law-enforcement standpoint, the National Child Search Assistance Act does not specify which agency is responsible for taking a missing-child report. It does, however, require a report be taken without delay. And the Adam Walsh Child Protection and Safety Act of 2006 mandates entry must be made by law enforcement within two hours receipt of a report of a missing or abducted child into NCIC's Missing Person File. The agency where the child is reported missing should therefore have jurisdiction and responsibility for the preliminary investigation.

### Civil Law

Pursuing a criminal charge in a family-abduction incident often relies on whether a solid foundation has been laid in civil court. The union of both the civil and criminal process requires an officer to be familiar with the appropriate civil court and effect its rulings may have on a criminal case. An officer investigating a fraud case involving embezzlement, for instance, must

- Determine the civil relationship of the parties
- Distinguish the contractual rights of each
- Consult with a specialist, such as an auditor or accountant, in order to present a "prosecutable" case

The course of a fraud investigation and its related elements are similar to those found in a family abduction. What is the relationship of the parties to the child? Do those parties have "legal standing" in court? If there are no court

documents filed, does that negate either party's rights? The answers to these and other questions are often complex and may vary from state-to-state. Consultation with an attorney familiar with family-law issues is highly recommended. And law enforcement should determine if all civil remedies have been exhausted prior to the application of criminal remedies.

### **Enforcement of Custody Orders**

Officers should exercise extreme caution when considering actions directly affecting the physical custody of a child. All too often "court" is convened in the field, and an exchange of custody is coerced. These decisions are often based on limited knowledge, invalid or unsupported court documents, or simply the persistent pressure of a parent/guardian or his or her attorney. The consequences of such arbitrary actions may be devastating.

**Liability** Inappropriate or unauthorized actions by an officer who has been called to "accompany and assist" in a child-custody question may bring about significant liability concerns for both the officer and municipality. Several litigants have asked courts to review claims alleging officers acted contrary to their authority when intervening, at the request of the other parent/guardian, in a custody claim. In one case, *Shields v. Martin*, 706 P.2d 21 (Idaho 1985), the court found a city police officer acted improperly when he "assisted" a mother to remove her child from a daycare center based on the contents of a 4-year-old custody decree from another state later found to be invalid. The officer was also criticized for ordering the operator of the daycare center to release the child without calling the custodial father. The end result was the officer's liability resulted in a sizable award to the father.

In another case, *Hufford v. Rodgers*, 912 F.2d 1338 (11th Cir. 1990), a father presented a fraudulently altered custody document to a Florida sheriff's department and requested assistance in recovering his child. Deputies went to the home of the ex-wife at 11:30 P.M., entered without permission, and forcibly placed the child in the father's custody. The father fled and more than 15 months elapsed before the child was recovered. The sheriff's department was found liable under the theory deputies were improperly trained and supervised.

Several other decisions have had a significant impact on an officer's actions regarding family abduction and the issue of custody. They include

- *Troxel v. Granville* (530 U.S. 57 (2000)) in which the U.S. Supreme Court ruled a parent's right to the "Care, Custody, and Control" of his or her child is a right guaranteed by the Constitution. Thus an officer is required to enforce a parent's constitutional right.
- *Henderson v. Mojave County, AZ* (54 F.3rd 592 (9th Cir. 1995)) in which the federal Court of Appeals ruled police officers are also officers of the court and, as such, should be able to determine what constitutional rights have been established. Additionally they must have the ability to tell when a court order has been overruled. Essentially police officers must have knowledge of what is a valid order.

*Inappropriate or unauthorized actions by an officer who has been called to "accompany and assist" in a child-custody question may bring about significant liability concerns for both the officer and municipality.*

- *Suboh v. District Attorney's Office of Suffolk* (298 F.3rd 81 (1st Cir. 2002)) in which the federal Court of Appeals addressed an officer's civil liability and established a three-prong test to an officer's right to qualified immunity.

The frequency in civil-liability suits against law-enforcement personnel and the courts' rulings in matters of child custody, abduction, and recovery illustrate officers must have an understanding of the civil aspects of family-abduction cases. By educating themselves in both the civil and criminal aspects of family abductions, officers will not only protect the child but themselves and their jurisdictions as well.

**Restraints in Civil Law** Officers must keep in mind two principles strenuously defended in society today. One is **parental rights**. Governmental interference with these rights is strictly controlled by legislation. The other is **due process** and the concept one's civil rights cannot be abrogated without a fair and impartial hearing. Court orders are neither infallible nor obvious in their authority or scope. Do law-enforcement officers have sufficient knowledge to interpret court documents? Is it an actual existing order or a proposed or conformed order (signed by an attorney instead of a judge)? Is the order still in effect or was it canceled by a superseding order? Is the order actually directed to a person or agency, such as law enforcement, to carry out or has the "order" simply been filed to put a custody arrangement in effect?

Judges who issue orders related to child custody often rely on the integrity of law enforcement to act as an extension of the court. If, for example, an officer finds an informant's affidavit to be faulty, a judge would expect the officer to suspend any action on a search warrant he or she had signed. In the same manner, while protection orders are a valuable tool for addressing domestic-violence issues, they may be abused. Parents/guardians trying to prevail in custody disputes may try to manipulate the court system by offering false affidavits in order to obtain an emergency, *ex-parte* order (one-party testimony) giving them custody. These and other *ex-parte* orders are plentiful, and it is not unusual for each parent/guardian to brandish conflicting orders obtained from different local courts. These orders should be served and the respondent notified of his or her obligation to comply. Law enforcement should also warn a reluctant party he or she could face both civil and criminal sanctions by not complying with the current order. Forced removal of the children, however, is ill-advised. Such *ex-parte* orders, in fact, are often the first strategic step in a family abduction. Officers, therefore, should not hesitate to directly contact the issuing judge or clerk of that court to verify the current status of orders associated with the situation.

**Restraints in Criminal Law** The same cautions hold when a criminal warrant exists. A criminal action does not replace or negate the authority of civil law, nor allow for indiscriminate changes in custody. Officers must keep in mind a criminal action or warrant is the extension of an investigation into allegations of wrongdoing, not a determination of guilt. Also, since the abductor is usually absent when the situation is being formulated, the case is necessarily restricted to one party's statement. In such a situation a subsequent warrant might be looked at as warily as the *ex-parte* civil orders previously discussed.

**Exigent Circumstances** What happens, for example, when an officer responds to a confrontation between parties at an airport over custody of a child? For instance when a father calls claiming his ex-wife is abducting their child and preparing to leave the country, knowledge of state and federal laws and how to readily access available resources is critical in these situations. If the person is not stopped, his or her departure could result in irreversible circumstances. An officer should know, or be able to immediately ascertain, if state laws about custodial interference provide for emergency intervention. May the mother be detained long enough to determine the facts? If there are not sufficient criteria in the criminal statutes, could provisions to intervene be found in state statutes/definitions regarding “abuse” or “neglect”?

An officer will at least need to show “probable cause” in order to intervene in such a situation. Can criminal intent to deprive the other parent/guardian of rightful contact be demonstrated? If not, there are few laws denying normal travel or vacations. **Note:** The International Parental Kidnapping Crime Act makes it a crime to even “attempt” to remove a child from the United States. Thus this provision empowers law enforcement to act **before** an abduction occurs.

An officer should immediately take steps to screen the complainant’s allegations. Is he or she the one actually interfering with a lawful visitation period? Is this a ploy to harass his or her ex-spouse? If the child is old enough to verbalize thoughts, interview the child separately. What is the child’s understanding of this trip? An abductor’s patented alibi may be undone by the candid observations of a child. An officer should also review the child’s travel documents. Has a one-way rather than roundtrip ticket been purchased? If the child holds a passport, has contact been made with the U.S. Department of State to determine if the passport has been “flagged” to prevent flight?

**Keep the Issues of Custody and Abuse Separate** In some cases where law-enforcement agencies have initially failed to become involved in a family-abduction case, a parent/guardian has been known to attempt to convince officers his or her child is being exposed to a harmful environment and, due to this, the child should be returned to him or her. At this point it is important for an officer to set aside the original issue of custody and focus on the standard procedures used in a “child at-risk” situation. Consult with children’s services and, if appropriate, place the child in shelter care until an emergency hearing determines permanent placement.

**Summary** Law-enforcement officers are often called on to make immediate, Solomon-like determinations regarding the custody of a child. The interplay and overlap between civil and criminal law in evaluating issues of custodial interference has made this task even more complex. Arbitrary or “best guess” resolutions are clearly not appropriate. Knowledge of state laws and knowing consultation is often required will preclude unnecessary grief for families as well as liability concerns for the officer and agency. Use of special “pick-up” orders guaranteeing a form of due process may be a comprehensive answer to these very difficult situations by limiting law enforcement’s role to one of only “picking-up.” For more information about this concept see the section titled “Use of Civil Orders in Family Abductions” beginning on page 95.

## The Initial Investigation

### The Investigator's Perspective

The very nature of family abduction ensures an investigating officer will be working with troubled families. It is important, therefore, for an officer to consider all sides of the case while keeping in mind the real victim is the child. Locating a child; contributing to an appropriate reunification; and protecting the child's right to have a meaningful relationship with both parents, without compromising the child's safety, by ensuring the court of competent jurisdiction, rather than one parent unilaterally, decides what custodial arrangement is in the child's best interest is

*The very nature of family abduction ensures an investigating officer will be working with troubled families.*

directly linked to the insights an officer is able to develop concerning the left-behind parent/guardian, the child, the abductor, and others closely associated with the family. When receiving a report of a child who has been abducted by a family member, law-enforcement officers need to review the procedures listed in the "Initial-Response Investigative Checklist" beginning on page 27 and "Family-Abduction Investigative Checklist" beginning on page 81. Below is a discussion of those items and related procedures law-enforcement agencies may wish to consider during the initial investigation.

**Activating an AMBER Alert** Perhaps the most important task facing the first responder to any missing-child report, including a family-abducted child, is to assess the amount of risk faced by the missing child. Simply put, is the child in danger? Does the noncustodial family member who has taken the child present an imminent risk to the child's health and safety? If so first responders need to determine if sufficient information is available to satisfy the activation criteria for the immediate issuance of an America's Missing: Broadcast Emergency Response (AMBER) Alert. Equally important is evaluating if activation of an AMBER Alert will help recover the child. Remember, AMBER Alerts are designed to rapidly notify the public of an abducted child in grave danger. If the public has already been notified of the child's disappearance, then activating an AMBER Alert may not serve any valid purpose and in fact may cause confusion. Law enforcement must guard against overuse of the AMBER Alert program as such will lead to desensitizing the public.

**Review of the Court File** One of the first steps in an investigation is to review the **original** court file where important information and evidence is gathered. Access to court files may be arranged through the prosecutor's office; the sheriff's civil division; or, most effectively, the court itself. It is also beneficial to have an order on file from the court allowing access to "sealed" files because cases addressing sensitive issues often have limited access. The civil-court file may hold a wealth of information including identifying data about all parties involved, notices and dates of service, history of drug or alcohol abuse, history of child abuse, prior contempt actions, passport information, financial/employment records, records from other states, mental-health history, domestic-violence history, correspondence, listing of prior residences/contacts, and a history of interference



with custody/visitation. It is critically important to ensure review of all current court documents. Also keep in mind information about court decisions made but not yet filed or issued may be obtained from the issuing judge or clerk of that court.

Interestingly enough an abductor or his or her attorney may decline to participate in any interview. Yet they will often fill the court file with motions, affidavits from friends/family, and statements from the abductor virtually acknowledging guilt. The history and dates compiled from these files may provide a timeline invaluable in supporting a criminal case. A review of the file may also be helpful when preparing for interviews with any of the key individuals involved in the case.

**Background Investigation** With the perspective the child is law enforcement's client, it is essential an objective inquiry be made regarding both the abductor and left-behind parent/guardian. Depending on the case this could include backgrounds about associated family members, fiancés/fiancées, or companions. The reality an officer must face is **the child might very well be at-risk with either parent/guardian**. In fact it is not unusual to have concurrent, related investigations develop during an initial investigation for crimes such as child abuse, neglect, incest, and assault. Forewarned of problems, a judge or caseworker may make informed decisions about how to proceed once the child is recovered. Investigative inquiries might include checks of criminal history, daycare facilities, prior law-enforcement reports/contacts, children's services records, and school records.

**Dissemination of Information** In a nonfamily abduction immediate coordination with the media and a poster-distribution campaign may be necessary because law enforcement's first obstacle is the anonymity of the abductor. In a family abduction, however, this approach often tends to work against a recovery. Since the abductor is known, there are numerous leads and contacts that need to be explored before such exposure occurs. An abductor may initially feel empowered because the abduction has placed him or her "in control." He or she may assume the other party will have no recourse or offer a passive response. This complacency may be an investigative advantage and often leads to a relatively quick recovery. After reasonable investigative opportunities have failed to locate the abductor and/or child, more aggressive public distribution of case-related material, such as a flier disseminated through NCMEC's photo-distribution system, may be used.

**Child Abducted From the Custody of Child Protective Services** It is not unusual for families being supervised by Child Protective Services (CPS)/Juvenile Court to "fail to comply" with the conditions imposed by a court order or even deny caseworkers contact with the child. This is often remedied by a local pick-up order issued by the court. There are some cases, however, in which the abduction of a child in CPS custody by the parent/guardian presents an extreme hazard to the child and criminal charges must be considered. It is important any decision to file charges involve the caseworker; his or her supervisor; the legal representative for the agency, such as the Attorney General or County Attorney; and the child's attorney in those cases where such representation exists. At the time of the abduction could the agency have been considered the legal custodian or was the action taken by CPS an informal placement? Had the court issued an order placing the child in the care and custody of CPS? What is the ultimate

commitment of the agency? If the child is removed from the state, are authorities prepared to return the child to its jurisdiction and continue supervision? If the child is recovered, CPS must continue to work closely with the prosecuting attorney so the child and witnesses are available for trial. CPS recommendations, for disposition in juvenile/family court and the eventual sentencing recommendations in criminal court, should parallel and/or complement each other.

### **Working With the Left-Behind Parent/Guardian**

The loss of a child has a devastating effect on any parent/guardian regardless of who the abductor might be. The environment of a home is shattered, a relationship is severed, and everyday routines bring about reminders of the loss. These parents/guardians may be truly traumatized and will not always rationally deal with the situation.

The quality of the left-behind parent/guardian's relationship with the child and/or abductor might have a significant bearing on his or her demeanor. If, for instance, the parent/guardian perceives he or she has been neglectful in any way, it may result in guilt and depression. Aggressive, overbearing behavior may be the result of a perceived unresponsiveness by the "system" or reaction to the various stresses afflicting him or her during the course of the investigation. In addition a parent/guardian will sometimes deal with the circumstances by depersonalizing the loss. The search may become more of a "cause" or obsession serving to distract from the pain he or she is sure to experience.

It is important for an investigator to establish a level of trust and solid working relationship with the left-behind parent/guardian because both could be "partners" for an extended period of time. An officer should be candid with the left-behind parent/guardian about the time constraints caused by other cases but, at the same time, reassure him or her there is a law-enforcement commitment to find the child. If this trust is established, an officer may help ensure the left-behind parent/guardian retains the proper focus and directs his or her energy in positive ways. If not, the left-behind parent/guardian may well become a divisive force jeopardizing the outcome of the case.

It is also important to use the left-behind parent/guardian's energy. His or her most important task will be to help ensure a solid foundation is laid in civil court. This could prove critical both at the time of the recovery and during strategic phases of the criminal process. The parent/guardian needs to understand although law enforcement may be able to initiate an investigation and even locate the child, without such a foundation in place the recovering agency/court system may not feel obligated to release the child to him or her if the custody issue has not been properly resolved.

If the child is removed from the left-behind state, a civil attorney with a background in custodial interference and the UCCJA/UCCJEA may be a valuable asset. It is important, however, to understand this attorney's role is to represent the interests of the parent/guardian, not the child. He or she will be obliged to present the parent/guardian and case in a positive light. Thus it is unlikely the attorney will volunteer any information reflecting negatively on the parent/guardian. In these situations some civil courts will appoint an advocate, commonly known as a guardian ad litem, to assist or represent the child.

A parent/guardian must also be prepared, on short notice, to travel to the location where the child has been located, bringing certified copies of all custody



orders and documentation of custody for review by the appropriate court in order to reassume custody. His or her presence might be crucial at a hearing regarding the release of the child. He or she may also wish to consider having a local attorney available. He or she should be directed to compile a chronological history of the family, such as births or moves; significant events, such as domestic-violence history, abuse, separation; and a listing of friends/family around the country who might assist the abductor.

The left-behind parent/guardian should also supply a wide range of photographs of the child, the abductor, and any accomplices to aid in the search process. A one-dimensional view of an individual is too narrow to rely on for an accurate identification. Whether searching an airport terminal or a schoolyard, a distinctive impression of an individual may make that person stand out in a crowd. Additional photographs will reveal side profiles, different hairstyles, and other details that may prove to be significant. Allow a photo lab to screen the photographs as well. They should be able to offer suggestions about the best quality reproduction.

During initial interviews with the left-behind parent/guardian it is important to establish the fact that to be effective the search should be coordinated through the assigned investigator. Some frantic parents/guardians will rally the community, media, and anyone else in a shotgun approach to the problem. Reputable private-investigation firms will initially postpone any involvement until they know their potential client has exhausted resources already available through law enforcement. If their expertise is called for later, the supplementary investigative role should coincide with the needs of the primary law-enforcement investigation. In some cases a parent/guardian's hysteria may lead to thoughts of a "snatch-back." This should be clearly discouraged under any and all circumstances.

The abductor will usually try, directly or indirectly, to keep him- or herself informed about what is happening. The left-behind parent/guardian has an important role to play in helping to ensure the right message gets across — a believable one which does not provoke the abductor into further harmful actions. Communications with the abductor's family and associates may convey hurt, frustration, confusion, and/or a sense of betrayal because these are expected emotions. The tone of these expressions, however, must be controlled and non-threatening. This approach may have a disarming effect on the abductor's family and friends, if not the abductor him- or herself. The abductor's conversations with mutual friends may be less guarded, and bits of information leaked in this way may resolve a case. While leaving lines of communication open, the left-behind parent/guardian should **not** infer he or she is accepting the forced change in custody. This would not only make the strategy transparent but could also be misconstrued at civil or criminal hearings.

**Monitoring Communications** It may be beneficial for the investigator if the left-behind parent/guardian has a telephone-recording system. If the abductor or child leaves a message, the tape needs to be saved as evidence. If an operator asks the left-behind parent/guardian if he or she will accept a collect call, the left-

*In some cases a parent/guardian's hysteria may lead to thoughts of a "snatch-back." This should be clearly discouraged under any and all circumstances.*

behind parent/guardian should agree but, in a routine manner, ask the operator to call back with time and charges. When the operator calls back, the originating telephone number may be obtained. If a second person is able to listen in on the call, he or she will be able to substantiate the conversations and act as a witness later. Telephone-company billings may be an excellent source of information/evidence. Cellular telephones may also be tracked if warranted. It will be helpful if the date and time of all calls are recorded.

Investigators should view correspondence from the abductor with suspicion. It is not uncommon for letters to be sent to an accomplice who then forwards them with distant or foreign postmarks as a form of disinformation. The envelopes and letters should be handled as evidence because fingerprints and handwriting samples could prove to be important later. Postmarks may give location information and date and need to be compared with the return address, if supplied. Check to see if the envelope or stamp is of a foreign origin.

**Hidden Agendas** In working with the left-behind parent/guardian it is important to look for any possible hidden agenda. Those motivations may vary from innocence to loathsomeness. In some cases his or her motivations may be based on practical matters such as a loss of his or her means of support. In others he or she is not so much concerned with the return of the child as with manipulating the estranged partner back into a relationship. Discovery of such an agenda should not cause an officer to abort the search, only to modify the approach concerning recovery and placement.

### **Working With the Abductor**

Any number of factors may precipitate an abduction including separation, a contested visitation schedule, domestic violence, differences in child-rearing strategies, and/or conflicts over support payments. These are usually the excuses and not the motivating factors. The abductor will often convince him- or herself all hope of correcting a perceived problem has been exhausted. In that case he or she is convinced abduction is the only solution. Investigators need to use caution when working with the abductor and his or her family. An investigation perceived as arrest or punishment-centered rather than child-centered may cause the abductor to make strenuous concealment efforts.

In reality an abductor may be a self-centered individual who simply wants to have things his or her own way. He or she generally has a lack of healthy decision-making abilities and difficulty in negotiating and working within the system. He or she literally does not feel obliged to adhere to a custody arrangement or include others in child-rearing decisions. For that matter the abductor is often reluctant to concede any authority to those empowered to intervene in family issues such as children's services, doctors, therapists, law enforcement, or judges. Unlike a nonfamily abduction the investigator's potential for communication, both direct and indirect, with the abductor is high. Law enforcement could promote this by cultivating contacts within the abductor's circle of family and friends. Initially officers should anticipate natural obstacles such as loyalty and defensiveness from those family members and friends, however, this may be overcome if the contacts are able to sense the investigator's neutrality and genuine concern for the child.

An officer's first contact with an abductor on the run may well be the most pivotal point in the entire investigation. Keep information about the abductor in mind. The officer's approach must not be judgmental. An officer's task is to take an obsessed, righteous-feeling individual and get him or her to reassess. Again accepting officer impartiality is the key. As an agent of the left-behind parent/guardian an officer may be viewed as an adversary, a representative of the child, or a possible advocate. The first goal is to convince the abductor he or she made a bad decision, but is not necessarily a bad person. A leading question might be, "What do you hope to achieve?" The response to this question will likely center around the welfare of the child and need to provide protection. Some suggestions that may help in discussions with the abductor include informing him or her "capture is inevitable," an explanation of the "destructive effects" of the abduction and subsequent lifestyle on the child, and a listing of viable "alternatives" to resolve the situation. Make the abductor aware if the child has suffered abuse, he or she is in no position to seek needed therapy and without professional intervention the injury to the child could be compounded.

*An officer's first contact with an abductor on the run may well be the most pivotal point in the entire investigation.*

Tell the abductor he or she will not be able to help the child from a jail cell and by remaining "on the run" will unwittingly put the left-behind parent/guardian in control. Point out civil and criminal sanctions may strip the abductor of custodial rights and permanently damage his or her reputation. These could be sobering thoughts if the abductor had not given them much consideration beforehand.

Provide the abductor with some reasons for hope. Explain a voluntary return would be a good-faith gesture that could restore some credibility in the eyes of the court. Also assure him or her any issues regarding abuse would receive immediate attention. Offer direction about how to use the system the abductor abandoned.

### **Use of Civil Orders in Family Abductions**

A number of states have succeeded in taking a proactive response to family abductions by using special court orders authorizing immediate action by law enforcement in custodial interference situations. Existing state statutes will determine the type of civil order available in each particular region including Writ of Habeas Corpus, Writ of Assistance, or Writ in Lieu of Writ of Habeas Corpus. Statutes will also determine the type of authority that could be incorporated into the order such as search and/or arrest language. Petitions for these orders might be filed by a parent/guardian (in propria persona) by a private attorney, the prosecutor's office, or the attorney general's office depending on the circumstances.

Such an order may be obtained on an expedited *ex-parte* basis and directs a law-enforcement agency to locate and take a child into custody for the purpose of an emergency hearing. Whatever limitations a criminal case may have, the authority of these civil orders stands alone and provides the investigator with the necessary tools or leverage to affect a quick, effective recovery. Ideally this order ensures due process under the law as well as providing protection for the child.

Used properly it also addresses the **liability issues** besetting agencies attempting to intervene in these situations.

In working with out-of-state agencies such orders demonstrate the home state's courts have reviewed the current court file and feel circumstances warranted the issuance of an exceptional order on behalf of the child. A corresponding order may then be issued from that jurisdiction. It is also important the abductor and his or her attorney know no motions or arguments on behalf of the abductor will be heard until the court is satisfied the child has been returned.

Almost every state uses the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act authorizing the prosecutor and law enforcement to use civil court to obtain the return of the child. The UCCJEA authorizes the court to issue a protective-custody warrant for the child. The left-behind parent/guardian files an affidavit supporting the exigent circumstances in cases where the child is in physical danger or may be removed from the jurisdiction of the court. The warrant may authorize law enforcement to enter private property to recover the child, and, if necessary, force entry. The child is placed in protective custody, and a hearing is held the next judicial day.

See Figure 13 below for an example of the Writ of Habeas Corpus used in King County, Washington.

**Example of the Writ of Habeas Corpus**

The Writ of Habeas Corpus is treated as an emergency order and issued by the Presiding Judge once a petitioner demonstrates a child is unlawfully being withheld from the person having a right to custody. The Writ is normally obtained by a private attorney or a parent/guardian (in propria persona). Either the Prosecutor's Office or Attorney General's Office may petition for a Writ under the circumstances noted below.

**Prosecutor's Office**

- In conjunction with a criminal warrant for Custodial Interference obtained by his or her office
- In conjunction with another jurisdiction's criminal warrant to be acted on within the County

**Attorney General's Office**

- To recover a child removed from "protective custody" who is considered to be at extreme risk
- In Hague Convention/international cases he or she responds to requests from the U.S. Central Authority

**Authority Provided**

- Orders child be immediately taken into custody and authorizes placement with children's services if necessary (when court is not in session)
- Statewide search warrant for any location the child may be or where information pertaining to the child's whereabouts may be found
- Statewide arrest authority for any individual who obstructs an order
- There is no expiration date on the Writ

**Figure 13**

## Evaluating/Filing a Criminal Charge

Officers will find even in aggravated cases of family abduction the left-behind parent/guardian may not want to pursue a criminal charge. After all the witnesses might include his or her child, family, and close friends who have already undergone a trying episode. The testimony elicited by the defense could also tend to be extremely personal and exploitive. Parents/guardians need to be advised of this possibility when making a decision to support a criminal charge. Furthermore the result may be incarceration, thereby potentially severing a parent-child relationship and destroying the parent/guardian's ability to support the child.

Left-behind parents/guardians should, however, be made aware of the **positive aspects** of a criminal charge. The authority and legitimacy a felony warrant adds to a search effort may be the determining factor in the success or failure of a recovery. A criminal warrant might be the only consideration for some jurisdictions as to whether they will render assistance in locating an abductor and child. While civil remedies and sanctions may support family stability, civil enforcement against a noncooperative and resourceful parent/guardian may be unbelievably costly. A criminal conviction, however, may bolster and support any civil-court actions. Simply leaving the state may render a civil-contempt warrant nearly useless. Failure to comply with criminal-sentencing conditions, however, may lead to the revocation of a suspended sentence and issuance of a felony warrant. Sentencing requirements may help ensure treatment recommendations are pursued or supported. See Figure 14 below for a partial checklist of questions an officer should consider before filing a charge.

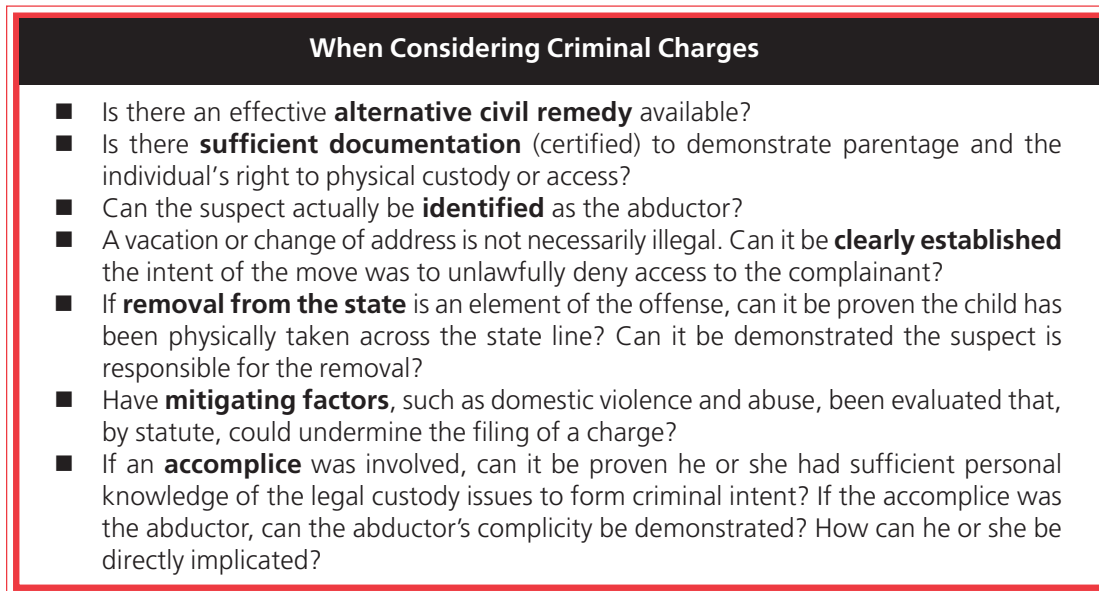


Figure 14

## Entries Into NCIC

The victim of a family abduction should be identified in the NCIC Missing Person File as either an "Involuntary Missing" or an "Endangered Missing" (abuse/neglect involved), depending on the nature of the case. In addition there should be supporting documentation available in the agency's communications center or



records division so information is available when the investigator is not. The packet should include pertinent documentation from the case file including warrant information, civil orders, and “faxable” photographs. The abductor’s name should be included in the miscellaneous field. Information listed in this field, however, will not result in a “hit” if run through NCIC. The supplemental sections of the NCIC field that may result in a “hit” are those where aliases and vehicles are listed.

Few jurisdictions are willing to hold a child indefinitely. They usually want an assurance a parent/guardian or law-enforcement representative will be immediately responding to take custody of the child. Some states are funded to handle such recoveries, but others are not.

## The Prolonged Investigation

### The Federal UFAP Warrant

Using the federal Unlawful Flight to Avoid Prosecution charge, as authorized by the Parental Kidnapping Prevention Act, may prove effective for officers investigating family abductions. In these cases the federal statute incorporates an amendment specifically addressing the applicability of the UFAP in family-abduction incidents in which the key elements of interstate travel and intent to avoid prosecution under the laws of the state from which one flees are required. In addition the statute does not require an abductor be indicted or charged at the time of flight, however, the originating state must be willing to extend extradition to all 50 states. **Note:** Because it may be extremely difficult, if not virtually impossible, to retrieve a child from certain countries, the Federal Bureau of Investigation (FBI) championed special additional language that appears in the International Parental Kidnapping Crime Act allowing law enforcement to seek an IPKCA warrant when a mere “attempt” has been made to abduct a child, thereby allowing proactive prevention of international abduction before it happens.

A UFAP warrant is not required in order to affect an out-of-state arrest. In fact in less aggravated cases where the circumstances are relatively “simple,” it might be considered inappropriate and time-consuming. In any out-of-state flight involving evasive behavior and/or a willingness to go into a transient or underground existence, however, a UFAP warrant will improve an officer’s ability to conduct an effective investigation. **Note:** A UFAP warrant cannot be issued until a state felony warrant has been issued and is on file.

Absent a UFAP warrant any federal or international agency, such as the U.S. Department of State, Passport Services, and Interpol, will be relegated to rendering relatively passive assistance to an investigation. For instance without a UFAP warrant a regional FBI office would have to restrict its involvement to routine information requests such as driver’s license data or criminal-history or “rap” sheet. Once the federal warrant is in place, however, an agent is assigned the warrant as part of his or her caseload. At that point requests may be made to other regional offices to respond to leads, interview witnesses, subpoena records, and supplement a local officer’s search efforts in many strategic areas.

When it becomes clear to an investigator early resolution of a family-abduction case is doubtful, several investigative techniques may be employed to determine the whereabouts of an abductor. In addition to the investigative techniques noted below, officers should refer to the NCMEC publication titled *Family Abduction: Prevention and Response*. It offers checklists, details avenues of search, and describes

resources valuable for both parents/guardians and investigators. The English- and Spanish-language versions of this book may be viewed, downloaded, and ordered from the “More Publications” section of [www.missingkids.com](http://www.missingkids.com).

### **School Records**

The federal **Family Educational Rights and Privacy Act** (FERPA, 20 U.S.C. § 1232g (1974)) allows a parent/guardian to ascertain if his or her child’s school records have been transferred to a new school or copies have been sent to the other parent/guardian. If the records have been forwarded, the parent/guardian is entitled to learn the name, address, and telephone number of the new school. Through use of a court order a parent/guardian has the right to block such a transfer of records. This is not recommended, however, as it eliminates a means of tracing the abductor’s movements. If an investigator suspects a new destination, do not overlook **private-school** systems. In checking with school personnel an officer may find the parent/guardian discussed the pending move. Even if there was an attempt to hide the move, the child may have confided in a classmate or teacher.

One final note regarding school records involves the prevalence of **home schooling** and how it affords an abductor the opportunity to avoid the “mainstream” education system. Most states require at least notification to the locality or state a certain child is being home schooled. By identifying how and where home-schooling records are maintained within the state, an investigator may determine if an abducted child is on such a list. When checking names, officers are reminded to include information such as any aliases or maiden names the abductor may have used in the past.

### **Other Records to Flag**

Other significant records to consider requesting and/or flagging include court records, records at licensing agencies, birth records, insurance policies, college transcripts, military records, immigration files, union records, voter-registration records, medical records, workers’ compensation files, and employer references. If there is a risk of the child being taken abroad, the left-behind parent/guardian should be instructed to place the child’s name in the U.S. passport namecheck system through the U.S. Department of State’s Passport Issuance Alert Program. For more information about this program visit the U.S. Department of State’s web site at [www.travel.state.gov](http://www.travel.state.gov). From the homepage click on the link to “Passports.” On the subsequent page click on the link to “Family and Children’s Passport Issues.” On that subsequent page click on the “Children’s Passport Issuance Alert Program” link.

### **Mailed Correspondence**

Check with the U.S. Postal Service for a forwarding address or information concerning a post office box or mail drop. Work with the Postal Inspector’s Office to obtain a mail cover if it is likely the abductor will communicate with a friend or family member. For more information about this concept see the section titled “U.S. Postal Service” beginning on page 172.

### **Bank Accounts/Credit-Card Accounts**

Check transactions for any leads through means such as airline tickets, hotel reservations, and gas purchases. Also it is difficult for someone to simply throw



away an established, respected credit history. If he or she does not continue with the same bank, it is likely the abductor will at least refer future creditors to previous account records. If a family-abduction case has been “intaked” into NCMEC’s system, information about credit-card transactions may be made available to the case investigator.

### **Telephone Records**

An abduction may involve considerable planning. Who has the abductor been in contact with? Is there a significant pattern? What long-distance calls have been placed? Both home and office records should be checked. Allow some time to pass and then check the telephone records of those likely to maintain contact with the abductor. If a friend or relative is cooperative, see if a trace may be placed on that telephone line. Does the abductor have — and continue to use — a cellular telephone that might provide information about the abductor’s whereabouts?

### **Social Security Number**

Since 1987 the U.S. Tax Code requires a child’s Social Security Number be listed if claimed as an exemption on the parent/guardian’s income-tax return. There are wide ranges of databases that may be accessed to trace the use of a Social Security Number.

### **Federal Parent Locator Service**

This agency is able to access the information of several federal agencies. It is most useful in long-term cases where the abductor has attempted to resume a normal work experience. For more information about this resource see the chapter titled “Investigative Resources” beginning on page 161.

### **Private Interests/Activities**

An abductor will find life difficult if he or she is unable to rely on references that establish a responsible, stable lifestyle. Also established pastimes are, at some point, likely to be renewed. Potential leads may develop by investigating the abductor’s involvement in activities of interest to him or her such as computers/bulletin boards; recreational activities; campground memberships; little league; magazine subscriptions; hunting licenses; scouting organizations and clubs; video-store registration; civic-group membership such as Rotary, Kiwanis, and volunteer fire departments; and hobbies such as bowling, golf, and other sports.

Officers should keep an open perspective on the approach of family-abduction cases. If an investigation appears to be stalled in direct pursuit of the abductor’s trail, look for other possible avenues. One technique is to focus on a **third party** in the search process. An abductor may go to great lengths to conceal him- or herself and the abducted child; however, a new spouse or companion is not always as vigilant or cautious with contacts or transactions.

## **Involving Other Jurisdictions in the Case**

Already complex family-abduction cases are often further complicated by the involvement of authorities from other cities, counties, or states to which an abductor may flee. If an investigation reaches into other jurisdictions, an officer

will need to identify the appropriate resources available and learn how to access them in the most effective manner. Each jurisdiction will vary in its approach to family abductions. In some areas the prosecutor's office assumes the investigative function as well as handling related court actions. In others state police departments have that responsibility and will lead the investigation. Officers facing such situations may contact the resources noted below to learn the basic procedures of other jurisdictions

- Missing-children clearinghouse
- National Center for Missing & Exploited Children
- Appropriate local nonprofit, missing-children organization

The Uniform Child Custody Jurisdiction and Enforcement Act has had a significant impact on the issue of family abduction, especially as it effects interaction between jurisdictions in different states. Officers should not only become familiar with their home state's UCCJEA provisions but also those of other states with which they may deal on a regular basis. **Note:** While most states have ratified provisions of the UCCJEA, some have not yet done so and still adhere to the original UCCJA. Officers may also find other members of the criminal-justice system are unfamiliar with many of these provisions and will actually look to law enforcement for guidance.

When requesting assistance from another agency, an investigator's approach may determine the level of assistance received. While law enforcement's attitude toward the issue of family abduction has changed dramatically over the past decade, an investigator may occasionally encounter some reluctance from jurisdictions that still view the issue as essentially a "civil matter." This reaction may be overcome if the investigator shares all particulars of the case and emphasizes the amount of time and effort already expended. Also an officer may wish to summarize prior investigative steps so the other jurisdiction is aware of the bulk of the work already completed and fully understands its role is only brief and supplemental. Be specific as to the type of assistance needed. It is also advisable to have an investigative packet already prepared including

- Photographs of the victim, abductor, and accomplices
- Law-enforcement reports, case synopsis, key statements, abductor/victim fact sheet
- Warrant information, confirmation of extradition
- Civil-court documents, certified copies of principal documents
- Miscellaneous items including any psychological summary report or overview about the victim/abductor and any appropriate information from other governmental agencies

This preparation not only provides another jurisdiction with a solid investigative foundation but encourages an equally professional reaction as well. In cases where an out-of-state hearing following a recovery may occur before the left-behind parent/guardian is able to appear, this documentation may be the only information the judge has to review in order to make a determination in the case.

## International Investigations

In many respects an officer's approach in an international case will parallel the preparations discussed in working with jurisdictions in other states. The officer needs to identify resources, provide documentation, specify the assistance needed, and become familiar with applicable laws in both countries. The focus of the investigation, however, will now turn to diplomacy and use of international treaties.

When working with foreign governments it is important to recognize an officer cannot expect to export laws of the United States to the targeted country. It is also important to keep in mind the civil versus criminal remedies available. The Hague Convention on the Civil Aspects of International Child Abduction is a **civil** remedy, whereas IPKCA and UFAP warrants are **criminal** remedies. In committing the United States to this Hague Convention, the U.S. Congress made clear its intent to pursue civil rather than criminal remedies whenever possible in parental-abduction cases. Contact the National Center for Missing & Exploited Children's International Missing Children's Division at 1-888-24-NCMEC (1-888-246-2632) for assistance in determining the best remedies available and learn specifics about the country in which the child has been taken such as citizenship ties, whether that country recognizes parental abduction as a crime, if extradition treaties are in place with that country and if such treaties cover parental abduction, and what return strategies have worked with that particular country in the past.

It is important to understand and, whenever possible, use the International Parental Kidnapping Crime Act or the Hague Convention on the Civil Aspects of International Child Abduction in these situations. Contact the U.S. Department of State at 202-647-4000 or NCMEC's International Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632) to determine which course of action applies. NCMEC's International Missing Children's Division assists in both "outgoing" and "incoming" cases, those in which respectively a child from the United States is believed to be unlawfully retained in another country as well as cases in which a child from another country is believed to be unlawfully retained in the United States. IPKCA makes it a federal criminal offense to remove a child, younger than 16 years of age, from the United States or retain such a child outside of the United States with the intent to obstruct the lawful exercise of parental/guardian rights. Numerous conditions govern the use of this statute as well as a sense of the U.S. Congress that, whenever applicable, the provisions of the Hague Convention on the Civil Aspects of International Child Abduction should be the option of first choice of a parent/guardian who seeks the return of a child.

The Hague Convention on the Civil Aspects of International Child Abduction is an international treaty that calls for the prompt return of an abducted child, usually to the country of his or her habitual residence. To carry out the provisions of the treaty, each participating country established a **central authority**. In the United States, the central authority is the Office of Children's Issues, U.S. Department of State. It should be remembered not all nations are signatories to this Hague Convention, and there may be limited options when a nonsignatory nation is involved.

As soon as it has been determined a child may have been taken to a foreign country, the left-behind parent/guardian should immediately contact the U.S. Department of State at 202-647-4000 and NCMEC's International Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632) to discuss the filing of an application invoking this Hague Convention or actions to be taken under the International Parental Kidnapping Crime Act. Prompt action is essential because limitations to implementation may apply.

While the parent/guardian is involved in this Hague-application or IPKCA procedure, the investigator should begin coordinating with the U.S. Department of State, NCMEC's International Missing Children's Division, and Interpol. Again, the role of these agencies is not one of enforcement or direct intervention. They support the efforts of citizens of the United States and law enforcement by providing **information** and **access**.

While the U.S. Department of State, and therefore NCMEC's International Missing Children's Division, is the link primarily to the diplomatic sector, Interpol, the world's largest international police organization, serves as a point of contact for both the United States and foreign law-enforcement agencies seeking assistance in criminal investigations extending beyond their national boundaries. Agents from a wide spectrum of federal law-enforcement agencies combine to allow for a comprehensive approach to international investigations. For additional information see the sections titled "U.S. Department of State" beginning on page 173 and "Interpol" on page 174.

**Note:** On behalf of the U.S. Department of State, NCMEC's International Missing Children's Division processes incoming Hague Convention cases when a child is abducted from another country to the United States and helps parents/guardians gather needed information to establish "outgoing" Hague Convention cases. The Division also provides a wide range of services to law enforcement and other concerned individuals in preventing and resolving **all** types of international-abduction cases and manages cases involving the United States and any other country in the world including both Hague signatory countries and non-Hague signatory countries, return cases, and access/visitation cases.

## Recovery/Case Closure

### Reunification Issues of Family Abduction<sup>49</sup>

When recovering a child victim of family abduction it is important for officers to consider the behavior of the abductor prior to the abduction and experiences of the child during the abduction. Officers should discover as quickly as possible what the child believes or has been told about the recovering parent/guardian. If it is determined the child believes the recovering parent/guardian is dead or dangerous, a mental-health professional should be immediately involved to assist with interviewing the child and assessing the condition of the child in preparation for reunification.

<sup>49</sup> The information in this section is adapted from Turman, *op. cit.*, n. 36, pages 20-21.

*[If] a child may have been taken to a foreign country...immediately contact the U.S. Department of State at 202-647-4000 and NCMEC's International Missing Children's Division... at 1-888-24-NCMEC... to discuss... actions to be taken....*

The child may have been told the left-behind parent/guardian did not love or want him or her, was hurting him or her, or died. The child may have been brainwashed to believe the searching parent/guardian will harm him or her. The child may have been taught to fear being “apprehended” by law enforcement. If the child is very young or missing for a long period of time, he or she may not remember the left-behind parent/guardian or even his or her own real name. Despite the circumstances of the abduction, child victims often develop a dependency on the abductor. The child may actually feel protective toward the abductor and want to take care of or shield him or her. For a child who has been missing a long time or believes the recovering parent/guardian is dead or a frightening person, recovery and reunification with that parent/guardian may be a terrifying experience. The child may even perceive the recovery and reunification as another abduction.

Allegations and counter-allegations of neglect, physical abuse, or sexual abuse are not uncommon at the time of recovery of the child. When allegations of abuse have been made or there is a documented history of abuse, it is important to involve child-protective services and, if appropriate, the courts. A careful evaluation should be done prior to the reunification of the child with the left-behind parent/guardian. It is not uncommon for a recovered child to be placed in temporary custodial care until maltreatment issues have been resolved. Family-abduction cases frequently involve couples with a documented history of spousal abuse. The abductor may take the child to punish or intimidate the other parent/guardian or try to force reconciliation. Cases where the abusive partner is also the abductor require special caution in recovery of the child. It is important to know if the abductor has made threats about harming or killing the child. In some situations it may be appropriate for courts to review placement of the children.

Some parents/guardians will abduct their children in the course of fleeing spousal abuse. Domestic-violence laws and laws regarding child custody and family abduction have developed independently of each other over time. These laws often present complex problems and ethical dilemmas for those charged with protecting children, protecting battered women, and enforcing child-custody orders and abduction laws. In some states fleeing domestic violence is a legitimate defense in family-abduction cases. It is important for the officer to know the applicable laws in his or her state. There are liability issues to carefully consider when allowing a searching parent/guardian to recover the child and confront the abductor alone. Where there are allegations of abuse of the child or a parent/guardian, the searching parent/guardian should **not** be allowed to recover the child without the assistance and involvement of agency personnel. Steps should be taken to help ensure the safety of both the abused parent/guardian and child in potentially dangerous situations.

The abductor should not be interviewed in the presence of the child or recovering parent/guardian. The abductor should be encouraged to cooperate in making the recovery event and aftermath as easy as possible for the child. Officers need to obtain as much information as possible from the abductor about what the child has been told and may believe about the abduction and recovering parent/guardian.

Care should always be taken to safeguard the child victim from witnessing the use of force against or arrest of the abductor. If appropriate, the child may be given an opportunity to say goodbye to the abductor. Care should be taken,



however, to avoid prolonged and extremely emotional farewells. Allowing a second goodbye once the child is separated from the abductor is **not** a good idea as it may prolong and worsen an already painful event. Whenever possible the child should be allowed an opportunity to take special possessions. The child may have a pet or some item to which he or she is attached. Officers need to address these issues in a way to provide the most comfort to the child.

The child should be given an explanation, in developmentally appropriate language, of what is taking place and why, rather than leaving the child to his or her own fears and fantasies. Officers present at the recovery should note the child's emotions to see whether the child appears to feel guilty, fearful, happy, or confused. Children should always be reassured what is taking place is not their fault. Officers involved in recovery and reunification must avoid the appearance of "taking sides" in the issue of custody.

### **Guidelines for Handling the Reunification of a Family-Abducted Child<sup>50</sup>**

Officers responsible for facilitating the reunion should

- Coordinate with child-protective-service workers regarding the need for temporary shelter and/or foster care until any outstanding custody issues are determined, the left-behind parent/guardian or investigator arrives, and/or any outstanding criminal allegations are resolved. It may take months for all outstanding custody issues to be determined if the order was *ex parte* or there are conflicting orders. In addition foster care is an option when neither parent/guardian appears suitable.
- If an arrest of the abductor(s) is warranted, do so away from the child, if possible.
- Take charge of the situation and conduct a thorough interview of the child, abductor, left-behind parent/guardian, and any other appropriate persons involved in the situation. Document results of the interviews.
- Officers are there to enforce the custody order and should not articulate personal opinions about the case.
- Enforce legal orders with the least amount of physical and emotional trauma to the child.
- Coordinate with victim-witness advocates and mental-health professionals assigned to the child and family as soon as possible. These advocates should be present at the reunion and available to assist the family with both short- and long-term reunification issues.
- Cancel alarms and remove the case from NCIC and all other information systems used during the search.

**Note:** NCMEC is able to serve as a valuable resource during the reunification process. NCMEC's Family Advocacy Division has developed a network of mental- and public-health professionals who are able to provide reunification guidance to local law-enforcement officers. The Family Advocacy Division may be reached by calling toll-free 1-888-24-NCMEC (1-888-246-2632).

### **Case Closure**

The finality of an arrest and recovery should not deter an officer from completing necessary follow-through tasks. In an out-of-state apprehension the officers or agents involved may simply clear the incident as a warrant arrest and recovery,

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<sup>50</sup> *Id.*, page 21.



and crucial information may be lost if an officer has not specifically requested **supporting documentation** for the case.

Post-recovery protection should also be considered and in place. Civil- and criminal-court orders should complement each other and provide security for the reunited family. Families need to work with the judge assigned to the case to determine and execute the most appropriate protection measures. Both school staff members and daycare personnel should be provided with copies of any custody and/or protection orders. Hopefully the abductor will not try to reabduct the child, but **preventive measures** should still be initiated by the parent/guardian to safeguard against such an action. Portrait-quality photographs should be taken of the child. Fingerprints and a deoxyribonucleic acid (DNA) sample should be secured as well. Finally, remember to delete information about the child and/or abductor from NCIC and notify all agencies asked to flag requests for records on or information about the child.

## Conclusion

The investigation of family-abduction cases calls for familiarity with different dimensions of the law including civil custody, state-criminal statutes, federal legislation, and international accords. Consultation and use of these established resources will be the key to any recovery. It should be apparent the complexity of this issue begs for the exercise of caution in convening any “curbside hearings” regarding custody. The courtroom is the only proper forum to provide due process as well as protection for the child. At the same time, while arbitrary transfers of custody are to be avoided, parents/guardians do have the right to look to the criminal-justice system for assistance. To dismiss such pleas for help could push an anguished parent/guardian into desperate actions. Offering guidance and a realistic avenue of approach may avert potential domestic violence and reabduction incidents.

Finally, and most importantly, law-enforcement officers, whether first responders, investigators, or even agency planners, need to recognize family-abducted children are often at great physical and psychological risk. The emotionally charged circumstances of a family abduction create an environment where the child not only faces dangers during the actual abduction and while on the run with the abductor, but also during the recovery and reunification stages. Agency planning, guided by effective policies and procedures, and supported by on-going training of all personnel, will enhance the likelihood of a swift and safe recovery.

NCMEC’s International Missing Children’s Division is available by calling toll-free at 1-888-24-NCMEC (1-888-246-2632) to offer resources and legal technical assistance regarding abduction prevention and the response to an abduction, especially when conflicts among laws, statutes, and accords impede case resolution.

## References: Citations and Related Resources

National Center for Missing & Exploited Children. Publications listed are available to be viewed, downloaded, and ordered from the “More Publications” section of [www.missingkids.com](http://www.missingkids.com).

*Children Missing From Care: The Law-Enforcement Response*. Publication #162.

*Family Abduction: Prevention and Response*. Publication #75.

*International Division Brochure*. Publication #118.

*Just in Case...Family Separation*. Publication #08.

*Just in Case...Federal Parent Locator Service*. Publication #11.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP publications may be ordered through the National Criminal Justice Reference Service (NCJRS) at 1-800-851-3420 or on its web site at [www.ncjrs.gov](http://www.ncjrs.gov). Many documents are available for download.

*Addressing Confidentiality of Records in Searches for Missing Children, Final Report* (1995). NCJ 155183.

*Children Abducted by Family Members: National Estimates and Characteristics. NISMART-2* (2002). NCJ 196466.

*Criminal Justice System's Response to Parental Abduction, Final Report* (2000). NCJ 185250.

*A Family Resource Guide on International Parental Kidnapping* (2002). NCJ 190448.

*Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies* (2004). NCJ 206555.

*International Parental Child Abduction* (1997). NCJ 201312.

*Issues in Resolving Cases of International Child Abduction by Parents* (2001). NCJ 190105.

*Law Enforcement Guide on International Parental Kidnapping* (2002). NCJ 194639.

*Obstacles to the Recovery and Return of Parentally Abducted Children: Research Summary* (1994). NCJ 143458.

*A Report to the Attorney General on International Parental Kidnapping* (1999). NCJ 189382.

*Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs* (1997). NCJ 163705.

*The Uniform Child-Custody Jurisdiction and Enforcement Act* (2001). NCJ 189181.

*Using Agency Records To Find Missing Children: A Guide for Law Enforcement; Program Summary* (1996). NCJ 154633.

*When Your Child Is Missing: A Family Survival Guide* (2004). NCJ 204958.

U.S. Department of State. Visit its web site at [www.travel.state.gov](http://www.travel.state.gov) for information about international family abduction, the Hague Convention on the Civil Aspects of International Child Abduction, and what the U.S. Department of State can and cannot do when a child is abducted to another country. General information and guidance is available from the U.S. Department of State's Office of Children's Issues at 202-736-9130.

The Vanished Children's Alliance is a nonprofit, missing-children organization located in San Jose, CA. The publication noted below may be viewed and downloaded from its web site at [www.vca.org](http://www.vca.org) or ordered by calling 408-296-1113.

*Reunification of Abducted Children: A Guide for Law Enforcement* (1999-2000).

# The Runaway Child

by Lee Reed

## Quick Reference

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## Runaway Investigative Checklist

Review all steps outlined in the “Initial-Response Investigative Checklist” beginning on page 27. In addition, in cases of runaway children, consider the steps listed below. Please consult the text of this chapter for details about the items listed.

### The Initial Investigation

- [ ] Check agency records for recent contact with child (arrests, other activity).
- [ ] Review school records and interview teachers, other school personnel, classmates.
- [ ] Check contents of school locker.
- [ ] Evaluate whether Internet involvement may be a factor in the disappearance.
- [ ] Enter information about the child within two hours of report receipt into the National Crime Information Center’s (NCIC) Missing Person File. (See “Appendix A: NCIC Missing-Person-File Categories” beginning on page 213 for definitions of NCIC categories.)
- [ ] Contact community, child-serving organizations for information.
- [ ] Investigate child-protective-agency records for abuse reports.
- [ ] Use screening procedures to develop an accurate assessment of the child.

### The Prolonged Investigation

- [ ] Update initial NCIC entry by fully loading NCIC Missing Person File with all available information including medical and dental records.
- [ ] Consider upgrading NCIC category if facts warrant.
- [ ] Reinterview friends, classmates, and other information sources.
- [ ] Assist family members in the preparation and distribution of missing-child posters.
- [ ] Provide support for family through nonprofit, missing-children organization(s).
- [ ] Consider a search of NCIC’s Unidentified Person File, use of NCIC’s Off-Line Search capabilities, and notification of state medical examiners by providing descriptive information and a photograph of the missing child.



### **Recovery/Case Closure**

- Conduct a thorough interview of the child, document the results of the interview, and involve all appropriate agencies.
  - Why did the child leave?
  - Where did the child go?
  - How did the child survive?
  - Who helped the child during his or her absence?
  - Will the child leave again?
  
- Use the Interstate Compact or other runaway return programs.
  
- Determine need for a comprehensive physical examination for the child.
  
- Consider one-party consent telephone calls if the child discloses abuse or exploitation.
  
- Make child/family aware of community services to address any unresolved issues.
  
- Complete an agency report of the episode that may be promptly accessed and reviewed if the child leaves again.
  
- Cancel alarms and remove the case from NCIC and other information systems.

**Note:** To request technical assistance for specific cases, please call the National Center for Missing & Exploited Children® (NCMEC) toll-free at **1-800-THE-LOST® (1-800-843-5678)**.

## Key Findings From *NISMART-2* Regarding Runaway Children

### A runaway child is defined as

one who leaves home without permission and stays away overnight; is 14 years old or younger, or older and mentally incompetent, is away from home, chooses not to come home when expected and stays away overnight; or is 15 years old or older who is away from home, chooses not to come home, and stays away for two nights or longer.<sup>51</sup>

- An estimated 1,682,900 runaway/throwaway episodes occurred during the study year of 1999.
- Slightly more than 21% (357,600) of these episodes were reported.<sup>52</sup>
- These runaways were mostly older teenagers, however, 32% were age 14 and younger.
- Males and females in this study ran away with equal frequency (50% each).<sup>53</sup>
- Approximately 40% of these runaway episodes occurred during the summer months.
- Nearly one-quarter of these runaways traveled 50 miles or more from home.
- More than three-quarters (76%) returned home within one week.<sup>54</sup>

An overview of *NISMART-2* is found on page 11.

Figure 15

The voluntarily missing child, more often referred to as the runaway, is the most common missing-child case encountered by law-enforcement officers. In the past the development of an effective law-enforcement response to the report of a voluntarily missing child was often hampered by the belief the “staggering number” of reports received and fact many runaways return fairly soon required little in the way of active case investigation. Fortunately today law enforcement is more aware of the fact **all** missing children — including runaways — are “at-risk” and need to be located as quickly as possible.

Life “on the run” for these children may be extremely dangerous and harmful. The longer they are on the street, the greater their chances of falling victim to those who wish to exploit them. By finding these children and providing services to safeguard them from these dangers, communities do a better job of curbing their victimization in crimes such as prostitution and pornography. By finding runaways, determining the reasons for their runaway episode, and providing social-service solutions to those problems, communities will provide a healthier environment for children at-risk and the community at-large, but **the first step is to find the runaway child.**

<sup>51</sup> Heather Hammer, David Finkelhor, and Andrea J. Sedlak. “Runaway/Throwaway Children: National Estimates and Characteristics.” *National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, NCJ 196469, page 2.

<sup>52</sup> *Id.*, page 3.

<sup>53</sup> *Id.*, page 6.

<sup>54</sup> *Id.*, page 7.

## Investigating Cases of Runaway Children

In conjunction with the material presented in this chapter, the reader is encouraged to review the procedures outlined in the “Initial-Response Investigative Checklist” beginning on page 27 and “Runaway Investigative Checklist” beginning on page 111.

### Role of the First Responder

As is the case with all reports of missing children, an initial task of the first responding officer is to verify the child is, in fact, actually missing. It is important to help ensure nothing is overlooked in this verification process. For instance frantic parents/guardians may not think to listen to their answering machine or voice mail where they might find a message from their teen saying he or she will be arriving home later than planned. The parents/guardians should also check their electronic mail/messages for any similar messages left by the child.

Once verification is made, the officer may begin other important tasks such as checking the scene, securing a recent photograph and fingerprints of the child (if available), broadcasting notifications, and entering information about the child into the NCIC Missing Person File. **Note:** The proper NCIC classification, if no mitigating factors exist, is **Juvenile**. Many states have specific laws making it mandatory to immediately enter information about the missing child into NCIC. In addition the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. No. 109-248) requires NCIC entry be made by law enforcement within two hours of receipt of a missing or abducted child report. See “Appendix A: NCIC Missing-Person-File Categories” on page 213 for definitions of NCIC categories.

When compiling the case report the officer may wish to use the “Victim/Family Data-Collection Questionnaire” found in “Appendix C” beginning on page 217. It may be of assistance in gathering pertinent information about the child, family, and friends.

The reporting officer should ascertain if there have been any previous runaway episodes, whether reported or not. Officers are reminded parents/guardians may not be completely truthful or may be unaware of the child’s behavioral patterns. The initial responder should identify and contact friends of the missing child to gather additional information. Since reporting officers are usually familiar with hangouts and other places where youngsters congregate, an effort should be made to check such sites for signs of the missing child. As a regular practice patrol officers are encouraged to check all suspicious juveniles for the possibility any one is the subject of a missing-child report.

### Role of the Assigned Investigator

After reviewing the initial missing-child report for accuracy and verifying all notifications and system entries have been made, the assigned investigator most often begins a case evaluation by focusing on the child’s family, lifestyle, and friends. Prior to family contact, however, the officer should check law-enforcement records for relevant information about the child including recent contacts or arrests that may have prompted this missing-child episode.

**Family Residence** From the family an investigator should be able to learn if the child has been heard from since leaving, has been sneaking out at night, is

considered suicidal, has exhibited a noticeable change in personality, has changed his or her appearance through things such as clothes and hairstyle, has been associating with a new group of friends, has seemed unusually tired, has displayed a change in musical taste, has seen his or her grades drop, has been absent or tardy from school, has depleted savings from a bank account or other monetary source, has experienced any prior “runaway” episodes, and/or has exhibited any other behavioral changes to help explain why he or she left.

To verify the child is not at additional risk, an officer should seek confirmation from the parent/guardian regarding the child’s dependence on legal or illegal drugs including alcohol. Ask the parents/guardians about any other medical or physical conditions complicating the case. Sensitive information may create some reluctance on the part of the parents/guardians. Remind them all questions are directed at helping to ensure their child’s prompt and safe return.

If circumstances warrant, an investigator may consider obtaining parental/guardian permission to inventory the child’s room and secure certain items. In the child’s room the investigator should be alert for notes written in diaries, book covers, notebooks, and/or letters and any information that may be gleaned from electronic devices including messages in online correspondence and information posted on any personal web sites the child may host. Is the overall appearance of the room unkempt or neat? If neat, ask parents/guardians if they cleaned up the room. Look for lifestyle indications such as decorations, music, posters, and clothing. Secure items such as the child’s hairbrush, toothbrush, a handwriting sample, any item with the child’s fingerprints, his or her diary/address book, and additional photographs of the child.

Is anything missing from the child’s room? Ascertain if the child had a piece of favorite music, photograph, or some other proprietary item and determine if it is missing. Seek the advice of individuals who are able to help identify what is important to the victim. The parents/guardians may know or it could be a close friend or sibling. Officers may obtain many clues about the disappearance by looking for what is in the room and what may or may not be missing. Most importantly investigators should keep in mind the child may be the victim of foul play. They should be alert to information and observations that are suspicious in nature and do not fit the fact pattern of a “typical” runaway case.

*...investigators should keep in mind the child may be the victim of foul play. They should be alert to information and observations that are suspicious in nature and do not fit the fact pattern of a “typical” runaway case.*

**Friends** Another important investigative step is to interview friends of the missing child including the reinterview of those who may have already been questioned. Since friends are likely to know more about a child than even the missing child’s own family, a great deal of investigative information may be learned during these interviews.

Reassure friends whatever they disclose about the case will be kept in confidence. Inquire if they have heard from the missing child. If so determine both the date and nature of the conversation. Are they surprised this child may have run away or were there indications such an event was possible? Inquire about other friends of the missing child and how they may be contacted. Continue to check friends’ homes and hangouts. Many times friends will have done some checking themselves and are becoming concerned by the child’s continued

absence. With time they may also relate additional information they initially would not mention such as possible abuse at home or pregnancy.

**School/Teachers/School Resource Officers** The missing child's school, teachers, school resource officer, and counselors should be important sources of information. Often school records will reveal material of significant investigative value. Teachers may be able to help develop a more in-depth behavioral analysis of the child and provide names of other friends or acquaintances. The school counselor may be able to verify if the child has disclosed information concerning case-relevant emotional or other problems. School resource officers (SRO) may be called upon to assist in the investigation. The SRO should contact the missing child's friends for leads, and, if the SRO has established a trusting relationship with the students, may obtain information no other officer could obtain. Search the child's locker. Depending on state law and school policies, parental/guardian permission or a search warrant may be required. Again, as in searching the child's room, look for items such as virtual and real-life notes, letters, and other items indicating lifestyle.

**Community Agencies/Organizations** Other agencies or organizations within a jurisdiction may also be able to provide information and assistance during the initial investigative stage. Child Protective Services (CPS) files should be inspected for any complaints filed against the parent(s)/guardian(s) concerning the missing child or any other child. If the parents/guardians have moved from another city or state, CPS records in those jurisdictions should be checked. Positive information in CPS files may be of significant investigative value in determining reasons for the child's actions. Local runaway shelters and similar facilities may have records indicating the child has sought lodging or guidance there in the past. Many communities have public and/or private counseling services where a child might seek advice about problems. Any agency reluctance to share confidential information may be overcome when the investigator stresses the child is probably on the street and at-risk of victimization.

### **Assessing Cases of Runaway Children**

Major obstacles facing law enforcement are determining which voluntarily missing case to investigate first and how to identify the most critical cases. Learning the actual circumstances of why the child left home will help an officer determine the severity of the situation and thereby help in prioritizing the case.

Today law-enforcement agencies are faced with the reality of providing effective public protection with limited available resources. Even in larger agencies with officers assigned exclusively to missing-child investigations, administrators are seeking methods to screen voluntarily missing-child cases in order to identify children who require a more intensive level of investigation.

**Unusual Circumstances** If circumstances involved in the report of a missing child indicate one or more of the conditions (or "unusual circumstances") listed in Figure 16 below exist — even if the child originally left home voluntarily — strenuous efforts to locate the child should be immediately put into effect.

### Unusual Circumstances

- Is the missing child younger than 13 years of age?
- Is the missing child believed to be out of the zone of safety for his or her age and developmental stage?
- Is the missing child mentally incapacitated?
- Is the missing child drug dependent, including prescribed medication and/or illegal substances, and the dependency life-threatening?
- Was the missing child absent from home for more than 24 hours before being reported to law enforcement?
- Is the missing child believed to be in a life-threatening situation?
- Is the missing child believed to be in the company of an individual who could endanger his or her welfare?
- Is the child's absence inconsistent with his or her established patterns of behavior and the deviation not readily explained?
- Has the child been missing for more than 30 days?
- Are there other circumstances involved in the disappearance that would cause a reasonable person to conclude the child should be considered "at-risk"?

**Figure 16**

When making any assessments in a missing-child case remember the assumptions made about a child will be based on the accuracy of the information and evidence obtained in the investigation. When interviewing the runaway's family members, friends, and teachers, keep in mind the fact some people may not be totally honest about the child's behavior or lifestyle. People are especially reluctant to share all the details of a child's life if doing so could call into question their possible neglect/abuse of the child or reveal information potentially damaging to their credibility or the credibility of the child who has run away. Parents/guardians may also think if they are forthcoming about the child's lifestyle, law enforcement will not work as hard to find the child.

**Runaways and the Internet** As use of the Internet increases in popularity, officers and investigators who respond to apparent runaway cases must consider if the absence was prompted by the child's contact with another individual through use of the Internet. A standard question to be asked in every runaway investigation is whether the child has ongoing access to the Internet and if there has been a noticeable increase in its use. If it is learned through interviews with the child's parents/guardians and/or friends Internet contact might be involved, the child should be considered as at-risk.

One reason urgency is called for in these situations is while the child may think he or she has been corresponding with another child of a similar age, in reality the other individual may be much older and possibly a child predator. Even if the other individual is a child, the runaway should still be considered at-risk since he or she may have traveled a significant distance from home thereby increasing the possibility of exploitation. In addition, even if the child knew he or she was corresponding online with an older person, the child may have misunderstood the nature of their online "friendship" and unwittingly walk into an exploitive and dangerous situation when meeting in person with the online acquaintance.



Investigators should use caution when attempting to gather information from the child's computer. Agency technicians or other trained specialists should be called on to recover and evaluate stored messages, incriminating photographs, and other valuable evidence.<sup>55</sup> Once the other individual's Internet identity is obtained, officers may use resources such as specialized, computer-crime sections or the National Center for Missing & Exploited Children's Exploited Child Unit to ascertain the true identity and address of the other party thereby hastening recovery of the runaway.

### **Prolonged Investigation**

If a significant period of time elapses without recovery or contact with the child, the assigned officer must consider taking steps to expand investigative efforts beyond those normally required to resolve most runaway cases. The term "significant period of time" will differ from case-to-case depending upon the officer's knowledge of the circumstances surrounding the runaway episode.

Officers should update the initial NCIC entry by fully loading all identifying information into the NCIC Missing Person File. This will require contacting the parents/guardians to gather all available dental and medical information including X-rays. Fingerprints should also be entered if available. Three items the investigator should obtain from the child's dentist are the dental chart, all available X-rays, and the "billing chart." All three should match. Check with the dentist about special notations in the records, and ask for a complete explanation of any unclear information. Also, since positive identification may eventually become an issue, if possible a deoxyribonucleic acid (DNA) sample — such as a buccal swab — should be obtained from the biological parent(s).

*Three items the investigator should obtain from the child's dentist are the dental chart, all available X-rays, and the "billing chart."*

As time passes without information about the child, an investigator should also consider upgrading the NCIC classification from Juvenile to Endangered. Classification criteria regarding such a change are available from each agency's NCIC data-entry person. See "Appendix A: NCIC Missing-Person-File Categories" on page 213 for definitions of NCIC categories.

Case information concerning the child's disappearance should be forwarded to the state/territorial missing-children clearinghouse. Clearinghouse personnel may be a valuable resource to the officer in this and other missing-child investigations. **Note:** For a listing of these clearinghouses visit NCMEC's web site at [www.missingkids.com](http://www.missingkids.com) and from the homepage use the "More Services" link and then the "NCMEC Clearinghouse Program" link.

NCMEC may provide officers with technical assistance regarding runaway cases. NCMEC Case Managers have extensive law-enforcement experience and are able to offer investigative suggestions to enhance the likelihood of recovering the child.

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<sup>55</sup> Investigators may obtain technical forensic assistance from state or regional Internet Crimes Against Children (ICAC) Task Forces that have been established across the nation. A list of existing ICAC Task Forces is found at [www.icctraining.org](http://www.icctraining.org), the web site for the ICAC Training and Technical Assistance Program.



Consider putting the family in touch with a local nonprofit, missing-children organization (NPO) working with families of missing children. Many NPOs provide services to help the family cope during extremely stressful periods of time. They may be able to develop and distribute a flier or bulletin featuring a picture of and descriptive information about the missing child. If possible enlist the assistance of the NPO and other community organizations or businesses to produce and distribute the bulletin. Ensure copies of the flier are sent to hospitals and clinics where the youngster may have sought medical treatment.

Investigators may also use various law-enforcement and business-related database systems to inquire if the child has been arrested, obtained a driver's license/credit card, or begun an employment or credit history.

Reinterview friends, classmates, and other information sources. The reinterview may elicit information previously omitted or prompt some people to be more candid as concerns for the child's safety grow. Also consider searching NCIC's Unidentified Person File and using its Off-Line Search feature. For details about NCIC capabilities and how to access them, see the section titled "National Crime Information Center" beginning on page 167.

Another source to consider would be state medical examiners and coroners. Providing descriptive information and a photograph of the missing child to these agencies will help cover another possibility to be considered in any thorough investigation.

## Recovery and Case Closure

**Procedural Steps** After the child's recovery or return, certain procedural and investigative concerns remain. Cancel alarms and alerts including notifications to state/territorial and NCIC information systems. It is recommended cancellation of an alarm concerning a child recovered in another jurisdiction not take place until the child has returned and been visually verified by the original reporting agency. Finally notify organizations and agencies involved in the investigation such as CPS, schools, clearinghouses, NCMEC, and the NPO assisting the family.

**Disclosure of Exploitation or Abuse** If the returned child discloses incidents of abuse or exploitation occurred while away, officers must be prepared to quickly respond. For example a prompt medical exam will be warranted if the allegations include physical or sexual victimization.

Another equally important objective is to build a criminal case against any suspect involved in the case. An effective technique for accomplishing this objective is referred to as the **one-party consent telephone call**. The focus of this investigative technique is for the child to call the suspect and attempt to elicit culpable statements about the victimization. Because some states have laws regarding consent for recording of telephone calls, it is recommended the prosecuting attorney be consulted before proceeding.

**Returning Runaways From Distant Locations** Runaways who are recovered far from the boundaries of the reporting jurisdiction occasionally present significant challenges for a law-enforcement agency. While some parents/guardians are able to arrange travel to pick-up and return the child, there are occasions when such

an outcome cannot be accomplished. When such situations occur, alternate solutions may be available.

One solution might be the use of a process known as the **Interstate Compact**, which is a legal agreement signed by all states and the District of Columbia to facilitate the return of certain juveniles — including runaways — to their home state. Each state has an agency designated as the Interstate Compact Coordinator, with local representatives usually found on the county level. Officers should identify and develop procedures with these representatives before an actual need arises.

On those occasions when the Interstate Compact does not apply and parents/guardians do not have the financial ability to bring the child home, a free bus ticket might be available for the child who wants to go home. Information about the Home Free program is available from the National Runaway Switchboard at 1-800-RUNAWAY or the “Going Home Free” section of [www.1800RUNAWAY.org](http://www.1800RUNAWAY.org).

**Reunification Issues of Runaway Children**<sup>56</sup> The role of the assigned officer does not end when the child returns or is located. The closure stage provides an opportunity for the investigator to learn not only why the child left and how he or she survived but also how to prevent future episodes. The prevention of recurrences is especially important for law enforcement since children who run away repeatedly learn how to remain concealed longer thereby increasing their risk of exploitation.

Law enforcement’s first priority when recovering a runaway is to take the child to a safe place. The child then needs to be carefully assessed and interviewed — in a nonaccusatory way — about his or her immediate physical and emotional needs, reasons for running away, and the circumstances encountered while away. Talking with runaways about any victimization they have experienced, prior to running away or during the time they were gone, will provide important direction for future placement, treatment, and services. If information about criminal activity is uncovered while talking with them about their activities prior to or during the runaway episode, the information must be carefully recorded while remembering the primary focus should remain on the child’s emotional and physical well-being.

Interviewing runaways may present certain difficulties since runaways may view law enforcement as a threat and fear the officer will “just” return him or her home. Children may be particularly distrustful of law enforcement if they have previously tried to report exploitation/abuse and did not receive a satisfactory response.

In many cases running away is a child’s way of addressing an unresponsive system. Officers should approach runaway children in a nonthreatening manner and take time to build rapport with them. Law-enforcement agencies should have a written policy directing the involvement of specially trained youth-service providers in this debriefing and interview process. Law-enforcement agencies should also consider contracting with local social-service, child-welfare, mental-health, or other appropriate agencies to secure this assistance and support.

Keep in mind an interviewer who lectures a child about how wrong it was to run away will find it difficult to have that same child confide in him or her. If possible a specially trained person other than the one who took the child into custody should conduct the interview. This will help in building rapport with the runaway child.

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<sup>56</sup> Much of the information in this section is adapted from Turman, *op. cit.*, n. 36, pages 23-24.

Many runaway children leave home to escape sexual or physical abuse while others may have been told to leave by a parent/guardian. Returning home may not be the best or safest option for them. In such cases the interviewer will need to immediately notify the appropriate child-protective-services agency of those allegations. Failure to do so may constitute negligence and involve potential civil and criminal liability on the part of the interviewer and his or her agency. This notification process needs to be part of the written policy for each agency involved in the interview process.

If the runaway is in need of medical care, mental-health counseling, and/or shelter, the interviewer will need to contact appropriate agencies and resources for assistance in determining how to best meet those needs. In addition check for any prior reports of child abuse, domestic violence, or other criminal behavior in the home and notify the appropriate child-protection agency. Avoid enticing the child to make an untrue claim of physical or sexual abuse as a reason for running away. Rather than telling the child he or she will not have to return home if a parent/guardian has been abusive, set the stage for the child to feel comfortable in making a disclosure regarding his or her reasons for running away. Officers charged with interviewing runaways should have thorough training and experience in interviewing children. They should also be knowledgeable about the dynamics of abuse and its impact on children.

**Guidelines for Handling the Reunification of a Runaway Child**<sup>57</sup> The officer responsible for facilitating the reunion should

- Conduct a thorough interview of the child, document the results of the interview, and involve all appropriate agencies including Child Protective Services. Determine
  - Why did the child leave?
  - Where did the child go?
  - Where/With whom did the child stay?
  - Did anyone encourage the child to leave?
  - How did the child survive?
  - Who helped the child during the absence?
  - Why did the child return?
  - Is it safe for the child to return home?
  - Has the child run away before (unreported/another jurisdiction)?
  - Is the child likely to leave again?
  - What may be done to prevent another episode?
- Consider a comprehensive physical examination of the child.
- Make child/family aware of community services to address any unresolved issues.
- Complete an agency report about the episode that may be promptly accessed and reviewed if the child leaves again.
- Cancel alarms and remove the case from the Federal Bureau of Investigation's (FBI) NCIC databases and all other information systems used during the search.

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<sup>57</sup> *Id.*, page 24.

**Note:** NCMEC may serve as a valuable resource during the reunification process. NCMEC’s Family Advocacy Division has developed a network of mental- and public-health professionals who are able to provide reunification guidance to local law-enforcement officers. The Family Advocacy Division may be reached toll-free at 1-888-24-NCMEC (1-888-246-2632).

## Evaluation of Agency Policies Regarding Runaway Children

Even as demand for increased services continues to strain law-enforcement budgets and resources, many agencies have recognized their current response to missing-children cases may require a thorough organizational reassessment. This assessment may find the agency’s current missing children’s program is essentially adequate with only minor modifications needed. Or, on the other hand, it may discover the present response was developed unplanned with few effective management practices. Detailed, written law-enforcement agency policies for responding to missing-child cases are associated with more proactive investigations.<sup>58</sup> And more proactive investigations, including for runaway children, tend to lead to more and speedier recoveries. Such is important in decreasing the victimization children may be exposed to when missing.

Agencies considering a reassessment of their missing children’s response or individual officers who are seeking a method to prompt their agency to undertake such a study may find the material offered in the chapter titled “Management Issues” beginning on page 191 to be of value. In addition “Agency Self-Assessment: Cases of Runaway Children” on page 125 may be useful in assessing an agency’s need for program review regarding runaway cases.

Regardless of what method an agency uses to reexamine its current missing-child philosophy and procedures, the result will most certainly be an increased awareness of law enforcement’s critical role as a protector of all children.

## Proactive Programs

As law enforcement becomes more aware of the benefits associated with aggressively investigating cases of voluntarily missing children, many proactive policies and programs are emerging including support for the development of shelters and counseling programs, media coverage and public presentations, and collaboration with local nonprofit, missing-children organizations.

Law-enforcement agencies may promote the need for runaway shelters and counseling programs to assist children and their families prior to, during, and following a runaway episode. Such efforts are consistent with law-enforcement objectives since fewer runaway reports result in a decreased caseload. More importantly incident reduction results in fewer children being subjected to victimization and exploitation.

Officers are encouraged to work with any local runaway shelters and the social-service agencies in their jurisdiction to inform the public about what the community is doing to protect children and advise them about counseling or treatment programs available to the parent/guardian and child so services may

<sup>58</sup> Collins, *op. cit.*, n. 17, page 12.

begin prior to a runaway episode. Use newspapers, radio, and television to not only describe how the agency responds to missing-child cases but also to alert both children and parents/guardians about the dangers associated with running away.

Organizations offering support to law enforcement and families of missing children may be beneficial in helping an agency investigate individual cases as well as address the overall issue of missing and exploited children. Participation by law enforcement may help such an organization remain focused on practical issues.

## Conclusion

With few exceptions, voluntarily missing children are also children at-risk of victimization and exploitation. While missing they are often exposed to the elements of society they lack the maturity to resist or even understand.

Running away may be one of the most dangerous acts children commit because they simply do not perceive themselves as potential victims. Often a law-enforcement officer stands as the major line of defense between a voluntarily missing child and someone who is all too willing to be an exploiter or victimizer. With continued training, diligence, and awareness, that line of defense will grow stronger and more effective.

For additional information about the many resources available to assist with runaway children visit the National Runaway Switchboard's web site at [www.1800RUNAWAY.org](http://www.1800RUNAWAY.org) and the National Clearinghouse on Families and Youth at [www.ncfy.com](http://www.ncfy.com).

NCMEC's National Missing Children's Division is available toll-free at 1-888-24-NCMEC (1-888-246-2632) to offer resources and technical assistance for any of the suggestions presented in this chapter. NCMEC is also available for online reporting of the sexual exploitation of children at [www.cybertipline.com](http://www.cybertipline.com).

## References: Citations and Related Resources

Cutler, E. *Runaway Me: A Survivor's Story*. Fort Collins, CO: Blooming Press, 1995.

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*Children Missing From Care: The Law-Enforcement Response*. Publication #162.

*Female Juvenile Prostitution*. Publication #68.

*On The Street* (2000). This videotape contains interviews with several runaways who candidly describe the dangers of living on the streets. Useful for law enforcement both as an internal training device and part of an effective awareness/outreach program. The video (7 minutes) may be downloaded from [www.1800RUNAWAY.org](http://www.1800RUNAWAY.org), the web site of the National Runaway Switchboard.

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*Interstate Compact on Juveniles* (FS 200012). September 2000.



## Agency Self-Assessment: Cases of Runaway Children

- Does your agency immediately take a report of a runaway child?
- Is descriptive information concerning the runaway child entered into the NCIC Missing Person File within two hours of report receipt?
- Are cases of runaway children considered an investigative priority?
- Does your agency require contact with parents/guardians on a continuous basis while the case is being investigated?
- After the child returns, is a system in place to refer the child/family for counseling or treatment?
- Does your jurisdiction have an interagency network set up to provide
  - Prevention/education activities?
  - Shelter for runaways?
  - Counseling prior to a runaway episode?
  - Counseling after the runaway episode?
- Does your agency seek out and prosecute individuals who either exploit or harbor a runaway?
- Does your agency support proactive program development in reference to runaway children?
- Does your agency allow an officer to serve on the Board of Directors of a nonprofit, missing-children organization or runaway shelter?
- Does your agency keep accurate statistics about all categories of missing children including runaways?
- Does your agency have the resources to perform a forensic analysis on computer/electronic devices?
- Does your agency use its largest resource base (patrol) to maintain the search for runaways?



# Investigative Considerations

by Thomas B. Smith

## Quick Reference

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Even though most missing-child reports are quickly resolved with little need to expend extensive investigative efforts, a significant number of cases are not. To resolve these lengthy cases, officers must remain aware there is no substitute for a systematic, comprehensive investigation. An effective missing-child investigation, especially one involving abducted or at-risk children, requires an unusual commitment of time and resources and a clear recognition of the special features involved in such a case.

While the first responder to the report of a missing-child case is an essential component of the investigation and often responsible for immediate case resolution, this chapter shifts focus to the prolonged investigative efforts beginning when it appears immediate case resolution is unlikely. General investigative topics and techniques discussed in this chapter include

- Information management
- Tracking tips and leads
- Gathering victim/family data
- Crime-scene evaluation
- Searches and the searching process
- Search warrants and physical evidence
- Interview and interrogation techniques

## Information Management

In missing-children cases information gained is often needed more than once during the investigation. Being able to manage, including retain, retrieve, and use the information is of utmost importance — even more important than the management of personnel. **It is also critical for case information to be immediately available to all investigative personnel on a continual, updated basis.**

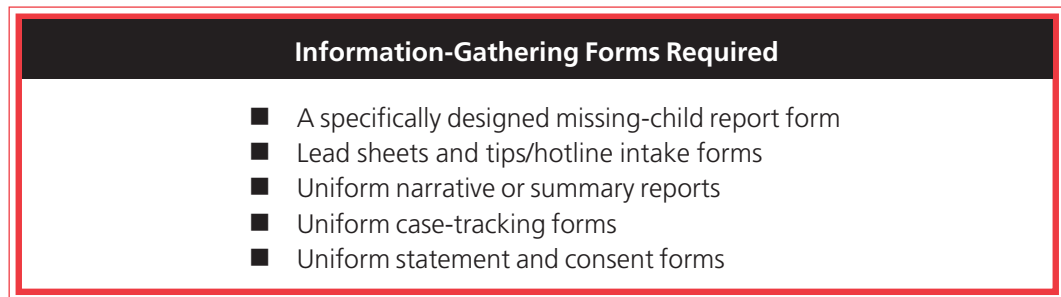
A case manager's first and foremost concern is **centralization** of information. Centralization mandates one person or section be responsible for receiving everything pertaining to the case. Without a central repository it is likely valuable information may become misdirected and possibly lost. A missing-child unit, joint task force, intelligence bureau, or violent-crimes bureau is the type of unit to be delegated as recipient of all missing-children information. The development of an effective system for the storage and retrieval of information is essential. The system may use computers and databases or be a simple card system in which facts are indexed for cross-reference and available for prompt review. The method of filing does not matter as long as it **works**. As data begins to collect, simple visual aids such as flow charts, timelines, and graphs help to show the analytical correlation between activities and data.

**Note:** The National Center for Missing & Exploited Children® (NCMEC) has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

A case manager's second most important concern is establishing responsibility for the evaluation of all case information. One person should be accountable for the upkeep and dissemination of case information. The centralization of data does not negate the need for assigning a lead investigator who is ultimately answerable for the case. Case leads may be assigned to a supervisor, case agent, or investigator. It is his or her duty to help ensure the information is followed up,

properly collected, analyzed, and compared. Everyone associated with the case is responsible for information input and all must be aware of where the information is to be delivered. In addition the information provided must be available to all investigators working on the case. Open files and regular case briefings are essential when multiagency, missing-child task forces are put into effect.

By using standardized information-gathering forms, the collection of data will be consistent with the database used by the lead investigative agency. When multiple agencies are working as a task force on a single or similar series of cases, one set of report forms should be used to eliminate the confusion of filing and comprehension. These information-gathering report forms should consist of the items listed in Figure 17 below.



**Figure 17**

Some officers might speculate information is gathered through investigation. In reality information is more specifically received through communication since communication encompasses all facets of the investigative process. Many investigations have been conducted where critical case information was available, uncovered, or discovered but never communicated and, therefore, never used. It is significant to note when more than one individual or agency is involved in an investigation, emphasis rests with the case manager(s) to help ensure thorough communication becomes an ongoing process. Communication involves seeing, verbalizing, and learning. To see an investigator needs to be a good observer, have the facts readily available for review, have information placed in reports when first obtained, and use uniform reporting procedures. To verbalize an investigator needs to hold regular meetings of all personnel directly involved in the case, establish good communication networks for information flow, be a good listener, and actively seek information from colleagues. Investigators may learn more about the case by listening and comprehending the facts being presented, being able to interpret the facts provided, ensuring participants take the time to read all reports generated about the case, and drawing upon personal experience and from educational knowledge.

### **Tracking Tips and Leads**

The use of forms and procedures specifically designed to track tip and lead information represents the organized management of information in an attempt to eliminate lost, misidentified, and improperly investigated leads. Specially designed forms, called **lead sheets**, also help to account for productivity in the case thereby helping to ensure each lead is assigned to a specific investigator or investigative entity. Law-enforcement agencies need to establish a tracking system



when the investigation has developed an unusual amount of tips and leads, more than one case may be connected or more than one agency may have a similar incident, more than one investigative group is involved in the investigation, and/or a multiagency task force has been initiated. Figure 18 below highlights sample lead-tracking policies and procedures to be considered when implementing such a system.

Sample Lead-Tracking Policies and Procedures	
<p><b>Policy Considerations</b></p> <ul style="list-style-type: none"> <li>Determine system needed</li> <li>Secure and install system</li> <li>Train personnel in use of system</li> <li>Monitor system's efficiency and effectiveness</li> </ul>	<p><b>Procedural Considerations</b></p> <ul style="list-style-type: none"> <li>Determine tasks needed to support system</li> <li>Assign appropriate personnel to perform each task</li> </ul>

**Figure 18**

Any system employed needs to capture all leads and tips received by the law-enforcement agency. Design or secure a comprehensive lead-sheet form to capture as much detail as is known by the source or the source is willing to report. Consider use of telephone recording, caller identification, and other such systems to aid in the accurate recording and identification of sources calling the law-enforcement agency with tips and leads.

Train all appropriate personnel about proper use of the lead-sheet form, techniques to elicit as much information as possible from sources, how to prioritize leads, and how to thoroughly investigate each lead. Specific policies about how to capture, maintain, and investigate tips and leads will vary from agency-to-agency based on the number of staff members and resources available. Figure 19 below highlights a model agencies may wish to consider. NCMEC's Simple Leads Management System was designed to facilitate the case-management function as outlined in Figure 19. As noted earlier, it is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

Personnel Responsibilities in a Sample Leads-Management System	
<p><b>Staff Member</b></p> <p>Lead-Room Manager</p>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li>■ Secure location of, maintain, and store all leads.</li> <li>■ Maintain cross-index system or database of all information derived from leads.</li> <li>■ Help ensure all lead information is retrievable via key information.</li> <li>■ Monitor further investigation of any "uncleared" lead.</li> </ul>
<p>Lead/Tip Taker (includes both communication/hotline/call center operators and investigators)</p>	<ul style="list-style-type: none"> <li>■ Obtain lead information <b>first</b> before pressing the source for his or her name and any other identifying information.</li> <li>■ Immediately forward the completed lead sheet to lead room for review and assignment.</li> <li>■ Concurrently document leads developed during the investigative process on both a lead sheet and the officer's supplemental report.</li> </ul>

Lead-Room Supervisor	<ul style="list-style-type: none"> <li>■ Acknowledge receipt of all leads by signature.</li> <li>■ Record all leads using a centralized lead-sheet log form.</li> <li>■ Assign the lead a sequential lead number for tracking.</li> <li>■ Read and issue a priority level for all leads based on the need for immediate action.</li> <li>■ File a copy of the lead sheet in the lead pending file by lead number.</li> <li>■ Place a second copy with the agency's central-records section files.</li> <li>■ Place lead information in a database, if available.</li> </ul>
Investigative Supervisor	<ul style="list-style-type: none"> <li>■ Pick up all leads directly from the lead room/manager.</li> <li>■ Assign an available case investigator to do a follow-up on the lead and note, on the lead-room copy, the name of the investigator assigned plus the date and time of assignment.</li> </ul>
Initially Assigned Investigator	<ul style="list-style-type: none"> <li>■ Conduct a brief follow-up investigation and determine the potential of the lead.</li> <li>■ Examine facts to determine if the lead is "clearable" or "not clearable."</li> <li>■ Complete a report of the findings and document on the lead-sheet form.</li> <li>■ Deliver "cleared" leads back to lead room for filing.</li> <li>■ File the original, "cleared" lead by name or other indexable method.</li> <li>■ Update the lead room's previous copy with the clearance and refile by lead number.</li> <li>■ Update the log sheet to reflect return of the lead and any applicable comments.</li> <li>■ Forward to the "investigative team" any leads not able to be quickly cleared through an initial investigation. The team should conduct a thorough follow-up investigation.</li> <li>■ Help ensure each lead is maintained by the "investigative team" until it is either cleared or the information is proved valid.</li> </ul>

**Figure 19**

To assist in this process samples of an "Investigative Lead Sheet" and a "Lead-Sheet Log" are respectively on pages 154 and 155.

### **Gathering Complete Victim/Family Information**

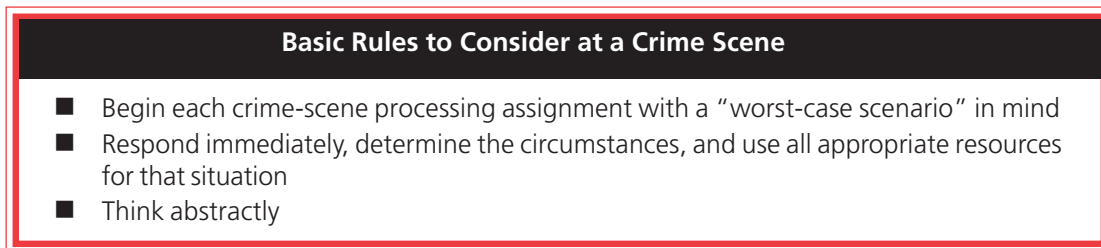
The typical missing-child incident is recorded on either a Standard-Offense Report or Missing-Child Report. These forms are designed to gather relatively basic information. While useful for managing the missing-child incidents in the initial stage of an investigation, these "basic" reports supply insufficient information for a complicated case involving months or even years of investigation. To fill in the many gaps, special emphasis must be placed on creating a form to gather pertinent victim and family data. The "Victim/Family Data-Collection Questionnaire" found in "Appendix C" beginning on page 217 contains a series of questions providing an in-depth look at the victim in regard to relationships,

physical identifiers, personal belongings, available funds, medical history, mental state, vehicle accessibility, associates, acquaintances, prior runaway experiences, survivability skills on the street, and a family tree.

The information gleaned from the completed "Victim/Family Data-Collection Questionnaire" is invaluable in protracted cases where this type of background material may provide otherwise unknown investigative facts and potential leads. For example when investigating a family abduction investigators may know the suspect's mother and father but rarely do they know uncles, aunts, and other relatives who may be involved in supplying vehicles/places to stay or concealing the child and abductor. In addition even the most prepared runaway child or abducting family member frequently seeks the assistance of friends and relatives. This information will help identify relatives potentially close to the child's cause. In-depth questioning may also reveal hidden causation behind the disappearance or evidence indicating a falsified report used to cover another type of criminal offense.

## Crime-Scene Procedures

Many think of a crime scene as those dimly lit, small, dank rooms where pedophiles reside, children are assaulted, or homicides take place. What tends to be forgotten is even simple crimes have a scene of some extent, variety, and significance. A crime scene is, in essence, any location where physical evidence may be located and substantiate or disprove a crime, theory, or fact. Realistically a house, room, car, yard, field, remote location, or even a body surface itself may become a crime scene of consequence. Figure 20 below lists the basic crime-scene rules.



**Figure 20**

Each scene must be viewed with a worst-case scenario in mind. This does not imply the worst case results are anticipated. Rather, by observing the scene with such a mind-set, one hopes no matter what the final result of the case, the appropriate and best evidence was obtained at all phases of the investigation. Officers are reminded the current case being worked may not be the only incident committed by this suspect. Cases may be related even when occurring years and miles apart from one another.

A prompt response to the location where an offense took place is essential in determining the type of method required to process the scene. Taking a few moments before entering the scene to evaluate exactly what evidence may or may not be available, assembling facts, and reconstructing the events assists with processing the scene in a systematic manner most conducive to recovering evidence. Each scene must be evaluated to not only determine what evidence is available, but also judge the importance of any potentially available evidence. For

example searching for hair and fibers would not be a viable response in an interference-with-custody investigation when the suspect is known. Yet it would be critical in an abduction investigation when the suspect is not known.

Thinking “abstractly” is one of the most desired traits for an investigator to possess. The ability to view the situation with a broad perspective, or the ability to think abstractly and without “mental blinders,” enables an investigator to observe case scenarios, crime scenes, witness information, and suspect statements with a careful and watchful eye — always wary of the unseen and unsaid. This cognitive approach to investigation provides the investigator with the advantage of being prepared for any case or incident outcome.

**Note:** Analysis of the crime scene and how it may offer an insight into the identity of the suspect is covered in-depth in the section titled “Crime-Scene Analysis and Offender Profiles” beginning on page 66.

### The Seven “Ps” of Basic Crime-Scene Search

There is no single “right way” to process a crime scene. Every forensic specialist has his or her own approach and technique. In crime-scene evaluation, as with any acquired skill, there is no substitute for experience. Practicing a consistent, systematic, and calculated approach to processing crime scenes will usually produce consistent and systematic findings. The adage “Everyone entering a crime scene brings something and everyone leaving takes something away” remains

true today. Also true is, as a crime-scene processor, it is the investigator’s task to identify and evaluate those items. In order to simplify the process of crime-scene processing, remembering the seven “Ps” of crime-scene basics, as listed in Figure 21 below will provide a conceptual foundation to align the investigative pattern.

It is not the intent of this chapter to provide a step-by-step guide about how to process a crime scene. The ideas are offered, however, in an effort to emphasize the vital importance of crime-scene processing procedures. Because the successful investigation and prosecution of many crimes hinge on the proper collection of physical evidence, be sure to use an evidence-collection specialist in this process.

*Because the successful investigation and prosecution of many crimes hinge on the proper collection of physical evidence, be sure to use an evidence-collection specialist in this process.*

The Seven “Ps” of Basic Crime-Scene Search	
	Prepare
	Protect
	Preserve
	Precise
	Process
	Packaging
	Progress

**Figure 21**

**Prepare** Being prepared for any type of missing-child crime scene is a true sign of professionalism. As one of the most important “Ps,” preparation saves time and eliminates confusion. Agency effectiveness depends on the ability to prepare for

the high-profile crime that may occur one day. Preparing consists of much more than developing a system of “policies and procedures” mandating or directing actions. It must also entail deliberate preparatory action. One aspect of being prepared for missing-child cases involves establishing a bank of information and resources available for use in the event a high-profile case occurs.

**Protect** Common sense dictates a crime scene must be protected and access limited to only those persons requiring entry. Yet crime scenes are routinely and unnecessarily damaged due to a lack of adherence to simple procedures. What is most often forgotten is once a scene is damaged, tainted, contaminated, or violated it is often irreversible and may compromise the integrity of not only the scene but the entire case as well. Protection must begin at the arrival of the first responding officer who becomes responsible for the safety and security of the scene. The underlying purpose of scene protection is to preserve all potential evidence so it may be reviewed in detail by a qualified crime-scene processor.

The first responder must determine the dimensions of the crime scene; however, there are no hard-and-fast rules in making this decision. Generally the majority of evidence is located in the vicinity of the critical-action area. In order to make this decision it is important for the first responder to obtain as much information as possible concerning the crime’s extent. Scenes containing multiple subscenes must be identified and prioritized to afford them immediate protection from damage.

The crime scene’s core area should immediately be secured and protected. Even after the basic perimeter is established, extension of the crime-scene perimeter to surrounding areas remains a distinct possibility. Once the scene is secured, all unauthorized persons should be excluded. Under no circumstances should a suspect be led back to or allowed to enter the crime scene. This would likely compromise the entire scene invalidating the relevance of any evidence associated with the suspect.

**Preserve** Evidence is usually observed and identified rather quickly when processing a crime scene. Preserving it, however, may be a considerably difficult process. Prior to the processing of any item of evidence, the first step in preserving its presence is by photographic documentation. Should the evidence be obliterated during processing or collection, the photographed record may be the only tangible proof remaining for presentation at trial.

Preserving the chain of custody for evidence is accomplished by ensuring each item is properly documented and placed in a protected evidence-storage facility. Placing information pertaining to the case on each item by etching on, marking on, or attaching a tag or label will aid in the prevention of lost and misplaced evidence.

An important part of evidence preservation is documentation. All evidence requires the recording of its location, placement, description, and relevance. Even though photographs were made of a scene, these recordings will be critical when needing to reconstruct the scene to scale and/or prepare evidence such as drawings for trial.

**Precise** Knowing precisely what procedure to follow in handling a crime scene and the recognition of evidence is not an easy task. Sorting the facts of a case and determining the relevance of what may be located within the scene is a decisive

process. Determining the relevance of a particular piece of evidence may be spontaneous or developed after many hours of investigation.

Some evidence may not be immediately discovered during the recognition phase. For example with the recovery of a partially clothed deceased child the immediate area surrounding the body becomes a search focus. The lack of clothing at the scene, however, should necessitate further search thereby expanding the perimeter of the scene.

**Process** Knowing what process is best for each type of evidence being collected requires considerable training. Some collection methods may destroy the very evidence sought to be preserved. Collection methods must be used in the proper progressive manner. For example the use of black-powder latent techniques may negate the ability to later use cyanoacrylate acid fuming (super glue).

Evidence collection is an integral part of processing and should not take place until the item is adequately documented, photographed, and measurements taken. Care must be given to minimize changes in the item when collecting so the item presented for analysis is in the same condition as it was at the scene. For example if blood stains on an item of clothing are to be studied to coincide with a particular investigative theory or match a potential suspect, folding of the item may destroy the stain or transpose blood onto an otherwise clean portion of the garment thus destroying the significance of the shape of the stain.

**Packaging** The manner in which evidence is packaged and transported, first from the scene to an evidence-storage facility, then to a laboratory, and then back to evidence storage is crucial in its admissibility at trial. The primary purpose of packaging is to protect the item from exposure to the risk of contamination from the outside or inside and prevent its escape from the container. Using the proper container for all collected evidence is usually mandated by the lab receiving the item.

Marking of evidence is necessary to assure subsequent identification. Frequently the storage container may be marked; however, this may later be cause for questioning the "originality" of the evidence. It is always best to mark each item of evidence in some manner.

Transportation of items to a laboratory or examining facility generally follows two simple rules. First package the items so they will not break, leak, or mix with other evidence. Second ship items at the right time. Laboratories commonly obtain blood samples and other unpreserved or biological evidence in a putrefied state because it was shipped without refrigeration or delivered on a day the lab was not open.

**Progress** Progressing slowly and methodically through any crime scene is a necessity because, although evidence is often easily discovered, collection may be a lengthy, tedious, and time-consuming exercise. Go through the scene completely taking whatever time is necessary to collect the evidence sought. There are many situations where evidence, once located, must be quickly processed to prevent it from being lost or damaged. There are other times when the evidence collection is intentionally delayed awaiting a more conducive time to employ a specific technique.



## Crime-Scene Reevaluation

Effective processing of a crime scene is an art. In the same manner an artist steps back and critiques a canvas, the investigator also should step back and reevaluate what has been accomplished. Whenever a scene is thought to be completely processed, an investigator, independent from the original evaluation, might be requested to examine the site for potentially missed evidence. This quick walk through is indispensable in enhancing the perspective of the investigators at the scene. Knowing a crime laboratory's abilities and limitations regarding analysis is a significant factor in determining whether an article of evidence is able to be processed and collected as well as whether it is relevant. During any investigative response use fresh ideas and attitudes, whenever possible, to reduce the risk of overlooking an important fact. Using mental reconstructions of the suspect's and victim's actions are a crucial aid in determining the relationship of evidence and its relevance. Do not leave any scene until it has been checked a second time.

*Do not leave any scene until it has been checked a second time.*

## Searches and the Searching Process

One basic search philosophy holds "all searches must start from the center and work out." This does not mean the searcher carelessly walks into a possible crime scene's center and begins to search for clues. Rather the searcher identifies the core or focus area of the search and begins there by progressing toward areas of lesser concern. Searching should be a task conducted at the very onset of the investigative process beginning with the first responding officer. Searching is too often delayed until later in the investigation and completed as a follow-up process rather than as a first responder's initial investigative obligation.

When a child is reported missing **always search the home**, even if the child is missing from another location because/to

- The child may have returned home on his or her own
- The child may have returned home for personal possessions
- Search for clues to the disappearance
- Safeguard trace material
- Search for evidence left behind by the child/suspect
- Search for a child concealed by the parents/guardians

During the search for the child always be alert for potential evidence and look for a motive or cause for the disappearance. Search places of enticement, specifically areas considered as "natural draws" for inquisitive children which may also be entrapments or hiding places including wells, mines, tunnels, vacant buildings, or other places children use as "hide-outs"; frequented areas such as game rooms, neighborhood hang-outs; and bodies of water such as pools, creeks, rivers, canals, swimming areas.

Request permission to search the homes of friends and neighbors because abductors may live in the same neighborhood, a runaway may seek assistance from friends, and/or the child may be visiting a friend/neighbor without the knowledge or permission of his or her parent/guardian. Conduct door-to-door searches, neighborhood canvasses, and vehicle checks because/to



- People may have information they do not know they have
- Search for potential witnesses
- Check for inconsistent and consistent information being provided

A large-scale search may be warranted based on the initial investigation of the disappearance. Other searches may be prompted by results of a medical examiner's inquiry, from a child's preliminary statement, or a variety of other sources. When reconstruction of the crime scene/evidence or additional investigation has indicated the necessity for a search, it should begin as soon as practical. Large-scale searches, however, should never be conducted until careful selective searches of key areas have been completed by small numbers of knowledgeable and skilled personnel. Searches for additional evidence within a crime scene should always be delayed until all obvious evidence has been documented and collected.

### **Managing Search Personnel**

Knowing who is assisting in the search is extremely important. In every search pattern or operation carried out, identify and log all searchers using a "Volunteer/ Searcher Log" to capture relevant information about each search participant. This will provide information about potential witnesses and enable the investigator to question the completeness of a search performed in a particular area. In addition suspects may return to the scene and provide direct assistance to try to lead the investigation astray, keep current about the focus of the case, draw attention away from themselves, or receive satisfaction for "their" crime. To assist in this process see the sample "Volunteer/Searcher Log" on page 156.

When searchers are needed, assemble them in one central staging area where they may be properly briefed. Advise them of exactly what is expected, what areas they are responsible for searching, the pattern of the search, what they are to do when evidence or information is discovered, and what they are looking for. When organizing a search

- Establish a command post for centralization of all information and recordkeeping
- Assign a representative to control the media at the search scene
- Always follow a predesigned operational plan
- Log every searcher into and out of the search scene
- Make a copy of each searcher's photo ID
- Issue searcher IDs to all participants
- Maintain discipline and control among ground searchers
- Restrict all non-searchers from the area once a search has begun
- Establish a separate evidence collection/processing team
- Direct searchers to stay in place if something is found
- Be wary of anyone overly anxious to search a certain area

For vehicle and neighborhood canvasses use canvassing forms, use predetermined/standardized questions, and identify every vehicle or house and individual within the canvass area. To assist in this process see the sample "Neighborhood-Canvass Log" and "Vehicle-Canvass Log" respectively on pages 155 and 156.

## Search Patterns

The use of search patterns may be a valuable aid in looking for missing children, victims, or evidence. The nature of the scene, its location, and terrain must be considered prior to deciding which search process to use. Search patterns include grid; line; quadrant, area, or zone; and spiral. A grid pattern is recommended for use in large open areas or small areas where a hands-and-knees search for minute evidence is being conducted. A line search is good for rough terrain where searchers are able to spread out at varying distances depending on the size or type of item being sought. A quadrant, area, or zone search is practical when the area to be evaluated is divided into smaller segments needing to be searched using a means such as grid, line, spiral or by property lines, yards, and streets in residential areas where boundaries are preestablished. A spiral search is an uncommon, but sometimes effective search pattern beginning in the center of the search area and spiraling outward. It is commonly used in underwater searches where the divers are tethered to a pivot point and conduct patterns sweeping outward.

When conducting water searches determine whether the area is a tidal or nontidal body of water. In tidal waters determine, if possible, the approximate time the victim may have entered the water. Correlating that time with information about whether the tide was going in or out will aid the investigator in determining whether the victim would likely be up- or downstream of that entry point and how far the current could have carried the victim from the time of entry.

For additional information about searches visit the National Association for Search & Rescue's web site at [www.nasar.org](http://www.nasar.org).

## Search Warrants and Physical Evidence

### The Concept of Lawful Search and Seizure

During the interview and investigation process close attention to detail may develop information concerning the probable location of physical evidence. The importance of acting quickly to retrieve this evidence cannot be over-emphasized. A thorough investigation necessitates the gathering of any existing physical evidence. The use of search warrants in this process is perhaps the most neglected area in the missing-child investigation.

Physical evidence, discovered by use of search warrants and the searching process, is usually more crucial in cases where the child is missing and believed deceased, kidnapped, injured, or sexually exploited. The presence of evidence linking a subject or suspect to the investigation most likely will have limited or restricted accessibility requiring the application of a search warrant. Obtaining evidence thought to be within a suspect's home, inside a suspect's vehicle, or contained on the body of the suspect will require either voluntary permission or a written order issued by a judge permitting a law-enforcement officer **to look for particular items**.

### The Search-Warrant Process

While the process of obtaining a search warrant varies somewhat by jurisdiction, there are two general methods used by law enforcement to obtain an approval to seek a search warrant. First the law-enforcement investigator conducting a criminal investigation discovers the probable existence of evidence that may only be

obtained through the execution of a search warrant. The investigator then completes, has notarized if required in that state, and submits an affidavit to a judge who may approve the issuance of a search warrant. In this process consultation with appropriate legal authorities is advisable. Second a prosecutor initiates the search warrant at the investigator's request submitting it for approval during a motion set before a judge. When the affidavit and search warrant are drafted they must substantiate several things including who, what, where, and when.

State the name of the suspect, victim, and affiant, and details about his or her involvement in the case. Determine possible characteristics of the kidnapper, child molester, sexual exploiter, or pedophile if necessary. Whenever possible the person from whom items will be seized or the person believed to be in possession of the items must be clearly listed. When the person is known supply his or her name, date of birth, and description. If unknown, complete the document as a "John/Jane Doe" warrant. Describe precisely what is being searched for and what will be proved with the recovery. Completely describe items to be seized and searched for and point out the relevance of each to the case. Indicate the violation of law alleged or being investigated by listing the alleged crime including state-statute number and any applicable subparagraphs. Describe where the evidence sought was observed or where it is suspected to be. The location to be searched must be described with exact certainty and specificity. A photograph and map showing specific travel directions to the location should accompany the affidavit. Provide time and date of occurrence. When was the evidence observed? Is there an ongoing pattern of criminal activity?

**Note:** Information about drafting and executing expertise search warrants in cases of preferential child molesters is found in the NCMEC publication titled *Child Molesters: A Behavioral Analysis*. This publication may be viewed, downloaded, and ordered from the "More Publications" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

### Items to Search for

The items to search for during the execution of a search warrant will greatly depend on the nature of the crime. When a search warrant is executed the location immediately becomes a crime scene; therefore, proper documentation and evidence preservation is essential. Generally items being searched for include those pieces of evidence proving or disproving the statement of a witness, victim, or suspect. Figure 22 below lists items, which if secured may be helpful in this process.

Sample Items to Search for at a Crime Scene/ Suspect's Home	
Item	Types
Tangible Records	<ul style="list-style-type: none"> <li>■ Work records</li> <li>■ School records including grades, observations, and counseling information</li> <li>■ Medical records</li> </ul>

#### Elements From Crime Scene

- Semen
- Blood (whole, stain, spatter)
- Runaway/suicide notes
- Photographs of the victim
- Suspect's bedding
- Suspect's dirty laundry
- Weapons or implements used during the offense
- Drugs or alcohol used to sedate the victim
- Documentation of the crime including video, audio, photographs, and undeveloped film
- Pornography or erotica observed by the victim or known to be in the suspect's possession
- Sexual paraphernalia as described by the victim or consistent with the type of offense
- Any unique or distinctive item which could corroborate the victim's statement
- Items left by the child at the scene or with the suspect
- Items belonging to the child intentionally retained by the suspect

#### Comparative Evidence

- Hairs
- Fibers
- Stains (blood, semen, bodily fluids)
- Fingernail scrapings
- Whole samples (blood, saliva)
- Dental impressions
- Fingerprints
- Handwriting
- Voice samples

#### Physical Evidence

- School lockers may provide leads to undisclosed friends
- Victim's room/home/yard
- Suspect's residence, place of business, storage locker
- Cameras, photographic equipment used to document activity
- Records maintained by the suspect documenting activity in a computer, diaries, ledgers, journals, calendars, or an address book
- Suspect's work, telephone, bank and credit records
- Rental or occupancy papers documenting residences
- Photographs of the suspect showing changeable features including beard, moustache, hairstyle
- Suspect's trash containers
- Clothing worn by suspect during the offense

**Figure 22**

Generally, when executing a search warrant for items to disprove or confirm victim/witness statements, search for anything to aid in substantiating the case. These may be items confirming descriptions provided or time of accessibility and location.

## **Investigative Recommendations for Crimes Committed Against Children Involving Computers**

Today's prevalent use of computers, both at home and in the workplace, should alert investigators to the fact important evidence concerning a missing- or abducted-child case might be found within a suspect's computer or on related storage medium. Pedophiles and others who victimize children may be meticulous recordkeepers, thus officers applying for search warrants should include a request to seize computer files along with the usual written records, correspondence, and documents. Beyond using computers for recordkeeping purposes, perpetrators may use the Internet to directly contact potential victims.

Complex investigations involving computer systems are unique and should be viewed on a case-by-case basis. Investigators preparing to look for criminal evidence in computers must be concerned with the technical, legal, and operational aspects specific to computers. Factors such as necessary search warrants, limited undercover operations, real expectations of privacy, E-mail protection and intrusion, unintended entrapment, predisposition of suspects, and proper seizure/ back-up methods are a few of the issues investigators are confronted with in these cases. It is recommended law-enforcement agencies consult with their local prosecutor/legal advisor about these issues before beginning an extensive investigation.

The federally funded Internet Crimes Against Children (ICAC) Task Forces are able to provide guidance concerning recovery of computer-based evidence. For information about the ICAC Program call 1-877-798-7682 or visit [www.icactraining.org](http://www.icactraining.org).

### **Search-Warrant Execution**

It is imperative any discussion of search warrants includes a clear understanding of the "tactical edge" to be employed with the execution of any search warrant. Sometimes referred to as "lawful invasions," the use of a search warrant to invade someone's person, residence, business, or property should be undertaken with utmost care. A search warrant is a court order to conduct a search; it is not permission from the person or suspect who is the subject of the search to conduct that search.

Always design a written "Operational Plan" for the execution of a search warrant and help ensure all involved adhere to it. A search-warrant operational plan should include a preoperational briefing and specific logistics. During the preoperational briefing review all suspect/victim information and case facts. Based on that information devise a plan for executing the search warrant. The plan needs to include "specific logistics" including entry tools, body armor, and number of personnel needed; communications; transportation; counter surveillance and security devices such as booby traps, protection of belongings, and securing hiding places for evidence to be found. The plan also needs predetermined assignments and positions including photography, evidence processing, and evidence collection; child/victim interview, control, and management; and suspect interview, control, and management.

### **Searching Without a Warrant**

Unless exigent circumstances exist, a search warrant must be authorized in order to conduct a lawful search. The courts have interpreted the word "exigent" differently from case-to-case, but generally searches incidental to arrest and

searches involving the Plain View Doctrine have been upheld. When an individual is lawfully arrested, an officer may automatically, and without obtaining a warrant, search the “person” for weapons or evidence of a crime. This type of search is very limited and does not involve an open invitation to search entire surroundings such as the residence of the arrested suspect. Recently courts have included terms such as “area of immediate control” in their interpretation.

Searches conducted pursuant to the Plain View Doctrine are much more permissible in nature. They allow for the search of a location for additional evidence once contraband or evidence of a crime has been viewed by the officer. The courts have held “viewing” by the officer must be **natural and not by means of additional, deliberate actions**. For example if the subject or suspect has a 6-foot fence, observations made by the officer standing on a ladder would not be considered “plain view.”

### Consent Searches

In lieu of obtaining a warrant, permission to search may be obtained from the person in care, custody, and control of the items to be seized or location to be searched. There are three elements to the consent doctrine. First to be valid the consent must be **voluntary**, not the product of duress, coercion, or the show of authority by law enforcement. The second element involves the problem of **third-party consent**, and the rights of persons in shared-living environments. Is a tenant protected from unreasonable searches granted by a landlord, cotenant, or live-in friend? The third element of the consent doctrine is **mistake**. Suppose an officer reasonably believes the person giving consent had authority to do so, but in fact did not. Courts stand divided on this issue. In some cases the courts have focused on “reasonable belief” while others favor the rights of the individual. When the question of authority to grant permission to search arises, consultation with appropriate legal authorities is advisable.

An additional consideration regarding consent searches involves the person who has initially given permission to search but, while the operation is underway, revokes the consent. At that point the search must be terminated until a search warrant is obtained. It would follow, therefore, the obtaining of a search warrant should always be considered in lieu of obtaining voluntary permission.

As a final point, officers who have secured and are about to execute a search warrant may benefit from obtaining permission to search before displaying the warrant. Should the warrant later be thrown out, the consent waiver by the caretaker may be sufficient to allow the evidence to remain admissible.

### Physical Evidence

**Remember, because the successful investigation and prosecution of many crimes hinge on the proper collection of physical evidence, be sure to use an evidence-collection specialist in this process.** In the forensic analysis and interpretation of physical evidence, the ultimate goal is to provide the investigator with useful information to help make the facts of the case clear. This information may

- Establish elements of the crime, *corpus delicti*, or the essential facts showing a crime has taken place. For instance lacerations to body cavities may prove sexual assault of a child and injuries to a hand may offer evidence of defensive wounds if the victim was able to try to defend him- or herself.



- Provide a *modus operandi* that could direct the investigation toward a certain type of suspect based solely on his or her actions at a scene. Cases previously treated as separate incidents may be linked by the discovery of similar physical evidence.
- Confirm or disprove statements through the analysis of physical evidence. The version of an incident told by a witness or suspect may be proved or disproved by the examination of physical evidence. If the suspect states the child was not in his or her vehicle, that statement could be proven incorrect if the child's prints were actually found in the vehicle.
- Establish case direction. A case with no identifiable leads may be focused in a certain direction once all the evidence has been examined. The investigation of a small child's skeletal remains, for instance, may reach a standstill until a competent anthropological authority conducts additional examination.
- Identify a suspect. Individuals not initially considered as being involved in a case may be identified as suspects based on the discovery of certain evidence such as latent prints and deoxyribonucleic acid (DNA). A latent print in an unsolved abduction case may have been in the file for years without a match. With today's available technology, such as Automated Fingerprint Identification Systems (AFIS), random searching may establish a suspect.
- Place a person at the scene. Placing a subject or suspect at a crime scene is often an essential link in the investigation. The identification of matching physical evidence may be accomplished by fingerprints, blood, hair, fibers, glove markings, footprints, soil, and semen. In an abduction case fingerprints are the most common item of physical evidence placing a subject or suspect at a scene.
- Link a suspect to the victim. With a recovered victim it is important his or her clothing be handled carefully to preserve any physical evidence, such as hair, semen, and blood fibers present, to link the victim and suspect. With the identification of a possible suspect the same care should be maintained to identify evidence belonging to the victim.

A significant function of analysis is the performing of comparisons between questioned and known samples. Depending on the quantity and quality of the samples, the conclusions may be drawn of either the items submitted **do not** match, or the items **do** match, or examination resulted in an **inconclusive analysis**.

## Interview and Interrogation

In general, interviewing has two purposes. First for information-gathering where something is being sought that is not yet known, whether it is a fact or denial of a fact. Second for evidence gathering where attempts are made to establish critical elements of the case or prove something by means of correlating physical evidence with statements made.

With the many resources available about the topic of interviewing it is important to understand being a good interviewer is an acquired ability, developed through an extensive learning process, of practice, patience, and more practice. The interviewing techniques presented here are **basic concepts** aimed at helping an officer hone his or her interviewing skills.



## How Witnesses Are Found

Some witnesses will be immediately identified upon the first responder's arrival in which the parent/guardian, child, or caretaker will describe the situation to the officer. During the balance of the missing-child investigation, many other witnesses will be identified during interviews when officers frequently identify additional witnesses; at a scene search when witnesses may be found who come forward or are obvious by their relevance to the scene; during neighborhood canvasses identifying persons who saw something of relevance but did not know it; and/or during in-depth victim/suspect background checks identifying persons who are involved by virtue of their relationship to the other person(s) involved.

## Interview Versus Interrogation

The terms interview and interrogation are not interchangeable. Each has integral parts and factors making them different processes aimed toward different goals.

An **interview** is generally conducted at the witness level. The interview is a cooperative process in which one witness statement is compared to another to determine a uniform response to a series of questions. An interview is a conversation used to develop the facts of an investigation generally prior to a full and complete understanding of the case scenario. During an interview it may be possible to establish probable cause and prove elements of an offense. Also, during the course of conducting an interview, information may develop transforming the witness into a suspect. At this time the interview mode may easily change to an interrogation.

An **interrogation** includes the use of any words or actions on the part of law enforcement reasonably likely to elicit an incriminating response from the suspect. These accusatory, cognitively based questioning sessions are directed toward obtaining information from a suspect through a variety of methods. At some point during this process the suspect may be reluctant, deceitful, and hesitant in responding to questions due to his or her vested interest in the outcome of the process. Once an investigator assumes an interrogative posture, it is difficult to change the tone back to the softer interview mode.

In some jurisdictions law-enforcement officers are required to provide *Miranda* warnings to a person at the point in time when he or she becomes a suspect — even before being interrogated and/or placed into custody. Thus check with local authorities to determine when your law-enforcement agency is required to inform a suspect of the *Miranda* Rule. See the section titled “The Use of *Miranda*” below.

## The Corpus Rule

It is important to realize a defendant cannot be convicted solely on his or her own words. Before a confession may be introduced, there must be some independent evidence, *prima facie*, of the crime.

## The Use of *Miranda*

Understanding the impact of the *Miranda* Rule as it relates to the interrogation process is essential to the admissibility of the information gained. *Miranda v. Arizona* (384 U.S. 436 (1966)) created one of the most important changes in law enforcement within the United States. In the years since this landmark decision the ruling itself has not changed but what has changed is its interpretation.

The *Miranda* Rule, as it is “viewed in the court,” relates to a complicated perspective and is a view to which law enforcement must adhere. In order to survive an assault on an individual’s voluntary admissions under *Miranda* an officer must understand the importance of burden of proof, knowledge, understanding, voluntariness, and waiver problems. Burden of proof is the task of convincing the trial court the defendant was adequately advised, understood all of his or her rights, and voluntarily waived those rights. Proving knowledge may be easily accomplished by reading rights from a *Miranda* card, having the defendant sign a waiver, and/or having the waiver recorded on audio/videotape. Reciting the rule from memory is not recommended. The waiver must be knowingly and intelligently made. It is not necessary to use the exact language of *Miranda*, but a “fully effective equivalent” must be given. The defendant must understand and indicate he or she understands, and the waiver must be by “free and deliberate choice.” Even though an officer thinks the defendant understands his or her rights, there must be a clear indication of the ability to understand based on the suspect’s age, education, occupation, mental/emotional state, communication ability, ability to comprehend, and prior involvement in the legal system.

In order to help ensure the admissibility of any statements made by the suspect, officers must be prepared to defend the statement against allegations of coercion, threats of harm, subterfuge, promises of leniency, and misunderstanding. Voluntariness is judged on the “totality of circumstances,” and it is not necessary to advise the suspect of all the contemplated charges that may be filed. The waiver of rights must be straightforward. Ambiguous, uncertain waivers or waivers presented with legal questions need to be clarified. Engaging in conversation prior to the advisement of rights is still permissible; however, do not engage in conduct designed to make the suspect want to waive his or her rights before the rights are even given.

Officers should understand what the *Miranda* decision means in terms of law-enforcement procedures. Most important is the concept of when a person is “in custody” for purposes of giving *Miranda* warnings. Sometimes it is difficult to determine at what point a person is considered to be in custody. Generally it is not at the point when the officer determines a person to be a suspect, but rather when a reasonable person in the position of being questioned perceives his or her freedom to leave is restricted. Know your agency’s policy about when *Miranda* rights are to be given to the person being questioned.

### **Benefits of an Early Interview**

During the course of a missing-child investigation the principals involved need to be identified and their statement(s) clarified early in the case to

- Provide for the quick discovery of details regarding identification of a suspect or location of the child, identification of critical evidence in the case, and the need for obtaining a search warrant.
- Avoid the loss of evidence due to accident, time, weather, or direct tainting. Officers need to be aware the suspect may attempt to discard evidence when word circulates of his or her involvement.
- Prevent statements that have been changed to make the incident look more serious including a reported missing child who fabricated a story to cover tardiness in coming home and relatives who begin to take sides in a family abduction.
- Avoid forgetfulness on the part of the witnesses.

Conducting a timely interview or interrogation is a difficult task. Witnesses are best interviewed as soon as they are identified. Suspects may be interviewed as witnesses. As long as they are not directly accused, the likelihood of their being alerted is minimal. It is common for suspects to have been interviewed early in the investigation. This often provides testimony for impeachment at trial. Preparation for an interview or interrogation is essential. Internal and external sources of information regarding the victim, suspect, home environment, evidence, and crime scene often proves to have been well worth the effort.

*During the course of a missing-child investigation the principals involved need to be identified and their statement(s) clarified early in the case...*

### **Three Phases of the Interview Process**

There are many variables that could affect the outcome of an interview. Not all interviews may be conducted in the time allotted. Once an interview begins it may last hours. Be prepared for the long haul, if necessary. A well-prepared officer is more knowledgeable about the mechanics of conducting an interview and more likely to obtain reliable information. Many of the interviewing techniques presented here may be used for suspects, witnesses, and family members. While they occasionally become or act like suspects, witnesses generally are not reluctant to supply information. This eliminates the need for many of the preliminary aspects of the interviewing process when interviewing a witness. See the "Interview/Interrogation Checklist" beginning on page 157 for sample questions that may assist in this process.

**The Preinterview Phase** consists of determining the interview's purpose, gathering case background information, interviewing psychology, conducting cursory interviews, interviewing tools, and interviewing conditions.

Knowing the reason or purpose for the interview and what the interview is meant to accomplish directs the interviewer into a systematic process aimed at developing an environment conducive to gathering facts or obtaining a confession. Officers need to determine whether the interview is criminal or noncriminal in nature; he or she is interviewing a witness, victim, or suspect; he or she is trying to gain the cooperation of relatives/witnesses; he or she is trying to educate the family concerning facts of the case; and/or he or she is trying to eliminate allegations of a "false report."

**Suspect interviews** are conducted to help solve cases, generate impeachment evidence, develop leads about other cases or suspects, eliminate suspects, and eliminate or rebut possible defenses that could be raised later at trial. **Data interviews**, on the other hand, may develop nothing pertaining directly to the incident itself. In contrast they will be used to corroborate supposition. They are as important in the investigation as any other type of interview such as interviews with persons to establish the credibility of the victim, such as playmates, teachers, family friends, parents/guardians, caretakers, and specialists, such as psychologists, behavioral analysts, or criminal profilers, to determine a profile of the offender.

Through gathering background information for the case, the investigator knows the current facts and any conflicting or damaging evidence. This will give him or her an ability to differentiate between truthful and untruthful replies. It also affords the interviewer the opportunity to know relevant case facts and help formulate effective questions. The officer should review all physical evidence

developed in the case; review other witness statements and officer statements; review law-enforcement reports, medical reports, and other material; reconstruct the offense based on available information and facts; know all elements of the crime(s) being investigated; and anticipate all possible defenses that may be raised at trial.

Should the interview lead towards statements essential in proving the criminal offense, the questions should be designed so **all** elements of the crime are satisfied.

Understanding interviewing psychology allows the investigator an opportunity to consider the mental and physical relationship of the subject or suspect to the victim and will help him or her determine barriers that may impede the development of a factual statement. These relationships are also tools that may be used to solicit specific responses to specific questions. For example is the subject or suspect of the interview a victim, parent/guardian, friend of the family, person unknown to the family, close relative, distant relative, individual from within the family circle, or individual from outside the family circle?

What type of subject or suspect is being interviewed? Is he or she a logically based person who may only react to questions that provide no alternative but to confess? Or is the subject or suspect an emotionally based person who is not moved by logic but rather the emotional aspects of his or her deed? Or is the subject or suspect perhaps an emotionally disturbed person who will not react to emotionally based or logically based questions due to his or her psychologically impaired condition?

Interview strategy and potential questions should also be developed beforehand. Will the interview style be harsh and straightforward or compassionate and understanding? Is the intent one of simple information-gathering or confrontation and challenge needed to uncover vital information?

When conducting cursory interviews, determine who has already provided statements regarding the investigation and how that applies to the statement about to be taken. Different witnesses may see the same incident differently. What different information is expected from this interview? Each interview should be conducted in a logical progression to provide information in order of occurrence. Begin by interviewing the initial responder, then the victim or family, continue with all identified witnesses, next move to suspect's spouse/friend, and conclude with the actual suspect(s).

Once the interviewee is identified, select the interview tools and techniques appropriate for the process. Being prepared with all of the necessary tools will keep the interview running smoothly.

*Consider the use of recording devices... and child-interview aids including anatomically detailed dolls/drawings, coloring books, drawing paper, and role-playing materials.*

Consider the use of **recording devices** such as video, audio, pens, and pads; **techniques/items used/shown during the interview** including line-up of suspect(s), photograph of the missing child, evidence found, excerpts from other statements, photographs of items such as injuries and area of disappearance; **forms and documents** including oath-signing forms, case notes for review, confession forms, permission to search forms, statement forms; and **child-interview aids** including anatomically detailed dolls/drawings, coloring books, drawing paper, and role-playing materials.

The final aspect to consider during the preinterview stage is the interview conditions. Specifically consider those sometimes nondescript conditions which may greatly influence the outcome of the interview including location, setting,

time, and interview participants. Choosing a quiet, private, neutral, and nonthreatening location will be instrumental in making the suspect feel comfortable. Be sure the location is selected outside of his or her “comfort zone” in a controlled atmosphere. Select a safe, secure, and not custodial atmosphere with no distractions, interruptions, or environmental problems that may impede the gathering of complete information. Choose the proper time, such as A.M., P.M., now, later, or tomorrow, for the interview that will **not** deter the child from talking, witness from remembering, and abductor from confessing. It is important to select the most appropriate interview participants. Will one person or a team conduct the interview? Who will take the lead role? Is the case investigator really the best one to conduct the interview?

Remember conducting a suspect interview without proper preparation may create a precarious situation. Suppose the suspect is confronted early in the case and made aware the investigation is focusing on him or her. Without probable cause he or she will be free to leave the interview. The likelihood of being able to voluntarily talk to him or her again will be minimal, and the possibility of influencing witnesses, fabricating evidence, or destroying critical evidence still in his or her possession is more likely.

**The Interview Phase** consists of interview preliminaries, actual facts disclosure, and interpreting answers. Once the individual being interviewed has been assessed and the tactics within the preinterview phase have been addressed, the next step is to begin the interview itself. It is advisable not to immediately confront the subject or suspect with intense questions. A period of interviewer-interviewee adjustment must take place.

Begin the interview with a brief introductory phase that may involve explaining the purpose of the interview; detailing everyone’s role in the process; reading *Miranda* warnings or administering an oath, if needed; establishing rapport; developing a level of trust; being empathetic; having the suspect talk about him- or herself; asking if the suspect knows why he or she is being questioned; exchanging some personal experiences to begin free-flowing conversation; playing on the subject’s or suspect’s responses to keep the conversation going; getting the subject or suspect relaxed; asking “qualifying questions” to establish levels of education, understanding, and knowledge; maintaining eye contact; and striking a balance between being professional, firm, and objective while still being friendly and understanding.

Once facts pertaining to the investigation or statements of confession begin, the interviewer must use care when formulating questions being cautious not to deter further responses. Questions should be open-ended to solicit free-form responses rather than yes/no responses. Do not put words in the subject’s or suspect’s mouth. Avoid leading questions. Remain open, neutral, and objective. Assist the subject or suspect to answer all questions completely. Always provide him or her a way to save face — a way out. Having the subject or suspect feel cornered may interfere with a productive process.

Anticipate defenses that may arise at trial, and ask questions covering those defenses. Look for responses that are excuses for the suspect’s deeds instead of straight-out denials. Do not, however, settle for excuses — go for a confession.

*Anticipate defenses  
that may arise at trial,  
and ask questions covering  
those defenses.*



Is the suspect minimizing or diminishing what he or she has done? Is the suspect responding in terms of reality? Make sure the suspect confronts reality in his or her answers realizing misplaced blame may be an admission of the act. Is the suspect saying what he or she means?

Does the body language match the verbal language? Is the suspect purposely leaving out details? Are replies haphazard, partial, or incomplete? The suspect should be aware of the futility of resistance. Do not react adversely to descriptive statements. Do not act angry or surprised by anything he or she says because acting shocked may put the suspect in control.

Remember a quick confession may be a poor confession. Confessions given quickly are often too generic and nonspecific to withstand trial scrutiny. The officer's excitement at obtaining a quick confession could override obtaining a complete confession.

An important part of the interview process is obtaining complete answers to questions. Obtaining a confession, or the relating of facts, cannot be considered as the final accomplishment. During the disclosure of facts the interviewer must be watchful of both the investigative and evaluative components. The investigative components are the answers and replies to the questions being asked that need to be answered in order to make a case — the who, what, when, where, and why. The evaluative component is the process of thoroughly listening not only to what is being said but how the answer is given. The truthfulness of the answer must be evaluated by looking at body language and the manner in which the replies are given. Do they match? Do the person's emotions appear to fit the answers, topic, and situation? Often when one reply is being given body language will indicate another reply should have been given. This process is best accomplished after gaining considerable insight into the suspect's behavioral patterns.

A genuine statement should provide details showing little variation of the peripheral facts but should not contain major discrepancies concerning key or core elements of the offense. Keep in mind, especially when interviewing suspects, when a person has been interviewed a number of times he or she begins to develop a style of relating information in which it is difficult to discover discrepancies.

**The Interview Wrap-Up or Conclusion Phase** consists of a closing discussion, interview alternatives, and the possible decision to arrest. Once the interview has been completed and information obtained, the interviewer should re-cap the facts by quickly going through them with the interviewee. Ensure the information provided is consistent with other information received and contains no blanks or misunderstandings. If gaps or conflicting or inconsistent information is present, this is the time to let the interviewee know and offer him or her an opportunity to correct any discrepancies prior to the conclusion of the interview.

A brief closing discussion regarding the information obtained and its relevance to the case may be presented at this time. The subject or suspect should be made aware by completing the interview he or she has been of help, done a good job, and done the right thing. Letting him or her know the information provided will advance the investigation tends to leave the conversation open for resumption later, if necessary.

Some interviewers find it necessary to close an interview with derogatory comments towards the person being interviewed when in fact this action may well "burn the bridge" with little chance of resumption later. This would be a



serious mistake should there be a need to talk to the interviewee later concerning newly discovered evidence.

At the conclusion of an interview the investigator is left to assess the validity of the statement. This validity assessment is accomplished by comparing the subject's or suspect's behavioral and emotional characteristics to the answers given and available evidence. Even though intuitive interviewing and behavior analysis skills may be accurate, there are other alternatives available to assist including polygraph, psychological evaluations, personality profiling, and computer-voice-stress analysis (CVSA).

*At the conclusion of an interview the investigator is left to assess the validity of the statement.*

During the recap of an interview try to analyze the information obtained to determine if any violations of law may be proved that might implicate the subject or suspect as a principal or accomplice. Knowing the elements of the alleged criminal offense and its possible lesser-included offenses is important at this point. If a particular element has not been addressed, this is the time to do so. A decision whether or not to arrest should be addressed in this phase. Questions officers need to ask themselves include, did the suspect admit to the essential elements of the criminal offense/confess? Is there a likelihood the suspect will flee upon learning of the allegation? Is it likely the suspect will taint, damage, or destroy evidence upon release from the interview? Is it possible the suspect will present a clear danger to him- or herself, the victim, or others? Could the suspect's immediate arrest alienate the victim and deter from obtaining a victim statement?

Conducting a premature arrest may be a case-damaging experience. Officers should confer with their local prosecutor and obtain guidance concerning warrantless and probable-cause arrests.

NCMEC's National Missing Children's Division is available toll-free at 1-888-24-NCMEC (1-888-246-2632) to offer resources and technical assistance for any of the suggestions presented in this chapter.

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U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP publications may be ordered through the National Criminal Justice Reference Service (NCJRS) at 1-800-851-3420 or on its web site at [www.ncjrs.gov](http://www.ncjrs.gov). Many documents are available for download.

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# Investigative Lead Sheet

**SAMPLE**

Case Number

Lead Number

<b>Priority Level:</b>		<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
SUBJECT			INFORMANT	
Name			Name	
Address			Address	
Race	DOB	Sex		
Height	Weight	Eyes	Hair	Home Telephone
Identifying Features			Other Telephone	
Employed	Occupation		How Informant Knows Subject	
Telephone Numbers	Home	Work		
Vehicle Make	Year	Model	Color	Condition Tag
Associates				
ID Confirmed <input type="checkbox"/> Yes <input type="checkbox"/> No How?				
Details of Lead				
Lead Received By			Date/Time	
Lead # Assigned				
Lead Status <input type="checkbox"/> Good Lead <input type="checkbox"/> Questionable Lead <input type="checkbox"/> Suspicious Informant <input type="checkbox"/> Insufficient Information				
Lead Assigned To			Date/Time	
Findings				
<input type="checkbox"/> Open Lead		<input type="checkbox"/> Additional Investigation Required	<input type="checkbox"/> Subject Has Weak Alibi	
		<input type="checkbox"/> Could Not Locate Subject	<input type="checkbox"/> Other	
<input type="checkbox"/> Closed Lead		<input type="checkbox"/> Unfounded	<input type="checkbox"/> Subject Has Alibi	<input type="checkbox"/> Cleared by Evidence <input type="checkbox"/> Other
Other Lead Number References				
Report Completed	Y/N	Report #		
Investigative Supervisor		Date		
Lead-Room Supervisor		Date		

## Lead-Sheet Log

### SAMPLE

Case Number

Log-Sheet Number

Lead No.	Assigned To	Date	Lead Summary	Completed	Comments

- Notes
1. Each lead should be logged into this central registry. Each lead must be accounted for.
  2. Every lead is tracked by the "Lead No." and assigned to an investigator for follow-up.
  3. All investigated leads must have an accompanying narrative report.

## Neighborhood-Canvass Log

### SAMPLE

Case Number

Date

Officer's Name

Time	Street Address	Contact: Name & DOB	Telephone No.	Comments

- Notes:
1. List **all** residences within canvass area. Each residence must be contacted. Lack of occupants should be noted.
  2. Multiple occupants of a residence should be interviewed separately. Obtain full name and date of birth.
  3. Questions should be asked from a pre-selected list of inquiries concerning suspicious activities, vehicles, persons, visitors, neighbors.

## Vehicle-Canvass Log

### SAMPLE

Case Number

Date

Officer's Name

Time	Location	Tag No.	Color	Make & Model	Remarks (include circumstances, occupants)

- Notes
1. List **all** vehicles observed on both sides of the street whether parked on street, in driveways, or public parking areas.
  2. **All** vehicles in the canvass area must be fully documented.
  3. Occupants of vehicles must be fully identified, field interviewed, and completely described.

## Volunteer/Searcher Log

### SAMPLE

Case Number

Date of Search

Officer's Name

Search Location

ID No.	Name	Address/Telephone	DOB	Area Searched/Remarks

- Notes
1. **Every** individual involved in the search should be logged and provided with some form of numbered ID.
  2. Be wary of individuals anxious to search with insufficient ID or not from the immediate area.
  3. All searchers must return their issued ID at the conclusion of search activity.



## Interview/Interrogation Checklist

### Sample Questions for Parents/Guardians/Family Members

- Tell me everything that happened.
- Reconstruct everything you did/said/heard from the time you last saw your child.
- What does the child look like?
- What was the child wearing when last seen?
- What was the attitude, behavioral temperament when you last saw the child?
- Has the child talked about running away or suicide?
- What places does the child frequent?
- Are family problems affecting the child?
- Does the child use drugs or alcohol?
- Are there any school or boyfriend/girlfriend problems?
- When and where was the last time each family member saw the child?
- In whom would the child confide?
- Was there anyone with the child when last seen?
- Has anything like this happened before?
- Discuss recent unusual behaviors, problems, actions.
- What else is going on in the child's life such as in regard to friends/court/illness/recent moves?
- Type of people child does or would associate with?
- What habits or survival skills does the child have?
- If the child became frightened or intimidated, what would he or she do?
- Have you ever seen anyone suspicious in the area?
- When did you last see the child/suspect?
- What reason would the child have for leaving?
- What reasons would ... [the suspect] ... have for taking the child?
- Is there a reason someone would want to hurt your family/you?
- Since the disappearance, has anyone's behavior changed?
- Have you heard any rumors concerning anyone who may be involved?
- Why do you think someone would do this?
- Who do you suspect?
- Do you suspect anyone close to you as being responsible?

### Sample Questions for Friends

- Do you know where the child is?
- Do you know where the child might go?
- Who do you think would help conceal this child?
- Is there any place or anyone in the area children fear?
- What type of problems has ...[child]... discussed with you?
- Where are the hangouts/gangs/clubs/associates ... [child]... would seek assistance from?
- Did the child discuss his or her intentions with you?
- Do you think your friend will go somewhere in particular? Why?
- Is there a reason why your friend is gone?

### Sample Questions for Neighbors/Neighborhood Canvass

- Do you know the ... family?
- Have you heard what has happened?
- What have you heard?
- Were you near the area at the time of the incident?
- Have you had any similar problems or attempts?
- Do you know of anyone who could do this?
- What should happen to someone who did this type of thing (kidnap a child)?
- Do you recall what you were doing when the incident happened?

## Sample Questions for Suspects

- [ ] What do you think should happen to someone who would do this?
- [ ] Have you ever done this before?
- [ ] Have you ever thought of doing this before?
- [ ] Did you do this?
- [ ] Do you know who could have done this?
- [ ] Explain to me why...
- [ ] Do you keep a diary, calendar, notebook, computer? May I look at it?
- [ ] Have you ever been arrested for this type of crime?
- [ ] Have you ever been questioned about this type of crime before?
- [ ] Do you own, possess, or have access to [note items described by witnesses]?
- [ ] Do you know this child? His or her family? The family's business?
- [ ] Is there any reason why someone would accuse you of this?
- [ ] If it becomes necessary would you...[insert appropriate actions such as submit to a polygraph, give fingerprints, stand in a line-up]?
- [ ] Would you let me search your...[insert appropriate item such as car, house, storage locker, other places]?
- [ ] How do you react to stress?
- [ ] What is your general mode of transportation?
- [ ] Do you drive around a lot? Go places unannounced?
- [ ] What are your sleeping habits?
- [ ] Do you ever lie? If so, how frequently, under what circumstances, and why?

## Interview Do's

- [ ] Treat subject with consideration.
- [ ] Be firm.
- [ ] Size up the person for characteristics and actions such as intelligence, emotions, intoxication.
- [ ] Be prepared.
- [ ] Gather as many facts as possible.
- [ ] Be a good listener by talking less and listening more.
- [ ] Concentrate on the answers.
- [ ] Encourage subject to tell it in his or her own words.
- [ ] Encourage subject to tell all facts.
- [ ] Let nothing shock you during the interview.
- [ ] Be empathetic if need be.
- [ ] Be patient. Do not expect to settle all questions quickly.
- [ ] Ask questions requiring more than a yes/no answer.
  - [ ] "Tell me what happened then ..."
  - [ ] "I'd like to hear more about ..."
  - [ ] "And what happened then ..."
- [ ] Allow ample time for the interview.
- [ ] Explain what information is needed, do not make the subject guess.
- [ ] Be direct and professional.
- [ ] Allow subject to "save face."
- [ ] Avoid technical jargon.
- [ ] Time orient facts in chronological order.
- [ ] Observe due process rights such as the Fourth and Fifth Amendments.
- [ ] Be aware of what **is not said**.

### **Interview Don'ts**

- Do not resort to violence, vulgarity, profanity, threats.
- Do not brand the subject with epithets such as
  - liar.
  - child molester.
  - pervert.
  - creep.
  - murderer.
- Do not show frustration with inadequate replies.
- Do not place blame.
- Do not reveal sources of other information.
- Do not lose your temper. To do so admits inferiority, tells the subject he or she is "getting" to you, and permits the subject to gain control.
- Do not take notes until the time is right.
- Do not rush through the statement or confession.
- Do not get excited when he or she begins to confess.
- Do not forget to cover all aspects of the offense.



# Investigative Resources

by Stephen E. Steidel

## Quick Reference

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Law-enforcement personnel involved in cases of missing or abducted children realize the likelihood of a recovery is greatly enhanced when officers use the most effective investigative resources. In addition to learning about specific techniques, officers are also becoming increasingly aware of the many agencies and organizations able to provide unique services and assistance in the search for missing children.

The intent of this chapter is to highlight some of those groups and briefly illustrate how they may be of assistance during a missing-child investigation. Officers are encouraged to make contact with some or all of these organizations **before** an actual case occurs to discuss roles and responsibilities and identify key contact personnel for future reference. Experienced officers know one of the greatest resources a missing-child investigator should develop is a comprehensive, up-to-date file containing the names, addresses, telephone numbers, and titles of contact individuals from groups able to provide specific case assistance.

Obviously the organizations highlighted here constitute only a partial listing of the many dedicated and skilled groups, both public and private, playing a valuable role in the issue of missing children. Officers are encouraged to supplement this list by identifying and including information about other federal, state, and local resources to be used during the investigation of missing- and abducted-children cases.

## Resource Agencies and Organizations

### National Center for Missing & Exploited Children®

Law-enforcement officers first became aware of the National Center for Missing & Exploited Children (NCMEC) soon after it began operation in 1984. Since that time NCMEC has not only become an important investigative resource, but has also formed a partnership with many of the nation's thousands of federal, state, and local law-enforcement agencies in developing a network to protect children, exchange information, and share expertise. Today more officers than ever before are using the services offered by NCMEC. This increase has been attributed both to the exchange of positive information about NCMEC between officers and agencies and passage of the National Child Search Assistance Act (NCSAA, 42 U.S.C. §§ 5779 and 5780 of 1990) requiring law enforcement to maintain "a close liaison with NCMEC...in missing-children cases."

An officer's contact with NCMEC usually begins with a call to the nationwide, toll-free **Hotline** where Communications Specialists work around the clock answering hundreds of calls coming into the recorded 800 number each weekday at **1-800-THE-LOST® (1-800-843-5678)**.<sup>59</sup> From October 1984 through June 2006, NCMEC's Call Center registered the cases of more than 122,000 missing children<sup>60</sup> and assisted in the recovery of more than 104,000 children.<sup>61</sup> Cases usually fall into one of the categories listed in Figure 23 below.

<sup>59</sup> According to *QPR, op. cit.*, n. 1, page 3, an average of 372 calls per day were received at the Call Center from April through June 2006 requiring the Missing Children's Assistance Act (42 U.S.C. § 5771 *et seq.*) mandated services.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*, page 9.

NCMEC Case Types <sup>62</sup>	
Type of Case	Percent of Total Registered Cases
Endangered Runaway <sup>63</sup>	71.4
Family Abduction	23.6
Lost/Injured/Otherwise Missing	2.7
Nonfamily Abduction	1.7

Figure 23

See Figure 24 below for information about NCMEC’s Case-Intake Criteria.

NCMEC Case-Intake Criteria
<p><b>Nonfamily Abduction</b> If a child younger than 18 has been abducted by a nonfamily member NCMEC will immediately intake the case.</p>
<p><b>Family Abduction</b> If a child younger than 18 has been abducted by a noncustodial family member and custody has been granted to the left-behind family member NCMEC will immediately intake the case.</p>
<p><b>Missing Child</b> If the whereabouts of a child younger than 18 are unknown to the lawful parent or guardian NCMEC will immediately intake the case.</p>
<p><b>Section 5779 Cases</b> The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003 (Pub. L. No. 108-21) contains a provision recognizing the concern of the U.S. Congress for the safety of <b>missing young adults, ages 18 to 20</b>, especially those whose disappearance is out of keeping with their normal pattern of behavior. The provision, known as Suzanne’s Law, extends to these young adults some of the same reporting and investigative procedures already provided to children younger than 18 years of age. NCMEC will immediately intake a Section 5779 case reported by law enforcement.</p>
<p><b>Reports From Law-Enforcement and Social-Service Personnel</b> The report from a law-enforcement officer about any missing child will be immediately intaked. Additionally the report from a social-service worker regarding the disappearance of a child missing from care will be the subject of an immediate intake.</p>

Figure 24

After NCMEC’s Call Center personnel obtain details about the missing child and circumstances of the disappearance, the report is electronically forwarded to and reviewed by NCMEC’s National Missing Children’s Division. Through its staff of Case Managers, NCMEC works directly with law-enforcement officers offering advice, technical assistance, information dissemination, and an array of other services. These Case Managers, all former law-enforcement or social-service professionals, act as coordinators by providing guidance and responding to the needs of parents/guardians and the local law-enforcement agency. Case Managers also serve as the point of contact to access other NCMEC resources as described below.

<sup>62</sup> *Id.*, page 11.

<sup>63</sup> Prior to the passage of the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act, Pub. L. No. 109-248) NCMEC intook reports of missing children per the definitions in the Missing Children’s Assistance Act (28 U.S.C. § 5771 *et seq.*). That definition of endangered runaway is found in Figure 16, titled “Unusual Circumstances,” on page 117. Since passage of the Adam Walsh Act, NCMEC intakes reports of all runaway children.

**Case Analysis and Support Division** This Division assesses leads and provides the most usable, relevant information possible to law-enforcement investigators and state/territorial missing-children clearinghouses. Using NCMEC databases, external data sources, and geographic-information databases, Analysts from this division track leads, identify patterns among cases, and help coordinate investigations by linking cases together.

**Poster and Photo Distribution Unit** This Unit circulates literally millions of pictures of missing and abducted children throughout the United States, Canada, and Mexico. Approximately 1 in every 6.6 children featured in the photo program has been recovered as a direct result of this program.<sup>64</sup> NCMEC also coordinates national media exposure of missing-child cases through its partnership with major television networks, leading nationwide publications, and major corporations.

**Forensic Imaging Unit** This Unit assists law enforcement by providing computerized “age progression” of the photographs of long-term missing children, reconstructing the facial images of unidentified deceased juveniles, composing sketches of suspects or victims, and offering training in imaging applications and techniques. These resources help law enforcement keep a case alive, generate new leads and information, and increase the likelihood of a recovery. In virtually every case the production and distribution of an updated image stimulates new leads and, most importantly, provides hope for the families demonstrating law enforcement remembers, cares, and is still looking. **Note:** NCMEC offers *Forensic Imaging Techniques*, a free 40-hour training course to qualified law-enforcement personnel.

**Exploited Child Unit** This Unit serves as a resource center for the public, families, law enforcement, and others regarding issues of sexual exploitation of children. ECU Analysts process reports submitted online through the CyberTipline®; disseminate leads; and provide technical assistance to federal, state, local, and international law-enforcement agencies investigating cases involving the sexual exploitation of children. The ECU performs Internet, public-record database, and CyberTipline historical searches. Within the ECU the Child Victim Identification Project has developed an evidence guide containing text descriptions, identifiers, and a list of partial filenames for child-pornography series featuring identified victims. They also maintain a contact list for many major Internet service providers in the United States.

**LOCATER™** (The Lost Child Alert Technology Resource) This resource provides law enforcement with the tools and technology needed to rapidly disseminate posters with images of and information about missing children through an advanced, web-based computer program. At no cost to an agency, LOCATER helps law enforcement immediately create professional-looking posters and disseminate them locally, statewide, or across the nation. **Note:** For more information about this program see “Appendix D: LOCATER Program” on page 223.

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<sup>64</sup> QPR, *op. cit.*, n. 1, page 11.

**Project ALERT (America's Law Enforcement Retiree Team)** This resource was created by NCMEC in cooperation with the country's leading law-enforcement associations. Project ALERT uses retired law-enforcement professionals to provide special consultative assistance to local jurisdictions in difficult cases involving missing and exploited children. At no expense to the local agency, NCMEC calls upon a pool of volunteer Project ALERT Representatives, all with extensive law-enforcement knowledge, experience, and expertise, to provide low-profile, on-site support in areas such as information management, lead follow-up, and investigative review of complex cases. Local law-enforcement officers have attributed the successful case conclusions of several long-standing cases to contributions made by Project ALERT Representatives.

**Team Adam** This resource is patterned after the National Transportation Safety Board's system for sending specialists to the site of serious transportation incidents. Team Adam, named in memory of 6-year-old Adam Walsh who was abducted and murdered in 1991 and the son of child advocates John and Revé Walsh, sends experienced, investigative specialists to the site of serious child abductions and cases of child sexual exploitation. These "rapid-response" specialists, who work in full cooperation with federal, state, and local law-enforcement agencies, advise and assist local investigators, provide access to NCMEC's extensive resources, and assist the victim's family and media as appropriate.

**Cold Case Unit** This Unit focuses on methods to assist law enforcement develop investigative strategies to resolve long-term, missing-child cases. The Unit routinely reviews cases unresolved for more than five years. This review often involves contact with coroners and medical examiners to assist in the identification of unidentified, deceased children and the Federal Bureau of Investigation (FBI) to provide updated deoxyribonucleic acid (DNA) information about long-term cases for entry into their Combined DNA Index System (CODIS) database. Periodically the Unit selects an appropriate long-term case and invites investigators to present the facts to a panel of experts in forensics, cold-case methodology, and investigations. Following the presentation a mutual plan of action is devised and list of potential NCMEC resources is offered to support the plan.

**Family Advocacy Division** This Division provides case-specific intervention designed to enhance service delivery to the families served by NCMEC. The Division proactively works with families, law enforcement, and family-advocacy agencies to provide technical assistance, referrals, and crisis-intervention services. The Division's team also triages cases of extrafamilial child exploitation upon request of the family and/or law enforcement and provides appropriate referrals, support, and case follow-up. The Division manages the Family Advocacy Outreach Network, a group of licensed mental-health professionals who provide local, brief therapeutic intervention to families, as well as long-term support when indicated. The Division also manages Team HOPE, a peer-support program of families of missing children.

**Infant Abduction Prevention Program** This program offers technical assistance to law-enforcement agencies and also conducts site assessments of healthcare facilities regarding the prevention of infant abductions and investigation of such cases. NCMEC has researched more than 230 infant abductions since 1983 from

healthcare facilities, homes, and other locations and provides investigators with valuable guidance regarding investigative case management in these instances.

**NCMEC Investigative Publications** These publications have been designed to assist law-enforcement professionals who are either faced with a complex missing-child case or seeking guidance in the development of effective response procedures. In addition NCMEC provides educational, child-safety literature officers may use in outreach efforts with the community. To view, download, and order these publications, visit the “More Publications” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com).

**NCMEC’s Commitment to Law Enforcement** In keeping with the provisions of the Missing Children’s Assistance Act all lead information developed or received by NCMEC is shared **only** with the law-enforcement agencies responsible for actual case investigation. NCMEC does not provide this information to families, private investigators, or the media. Depending on the timeliness of the information involved, NCMEC will notify agencies either through first-class mail, express delivery service, fax transmission, computer modem (E-mail), or via the National Law Enforcement Telecommunications System (Nlets) using the agency’s NCIC-ORI number. NCMEC is the only nonprofit organization having access to NCIC’s Missing Person File. NCMEC has been assigned **ORI VA007019W**.

### **National Crime Information Center**

The National Crime Information Center (NCIC) is a nationwide, online database/telecommunications system maintained by the FBI. This system makes millions of records, including files about wanted, missing, and unidentified persons, instantaneously available to local, state, and federal criminal-justice agencies throughout the United States and Canada. Inquiries and replies, available around the clock, every day of the year, are provided to authorized agencies through the use of an identifying NCIC-ORI number. Established in 1967 NCIC has since created a number of specialized information files and data-retrieval programs of significant benefit to the law-enforcement officer. When investigating cases of missing or abducted children, officers will find the three NCIC resources listed below, along with the Wanted Person File (WPF), to be of particular value.

- Missing Person File (MPF)
- Unidentified Person File (UPF)
- Off-Line Search Procedure

**Missing Person File** Created in 1975 the NCIC Missing Person File is an automated database system storing descriptive information about a missing person using a specific set of identifying factors. Since the Missing Person File is divided into 6 individual classifications it is extremely important for the reporting officer to accurately assess each case and designate the proper category. **Note:** For more information about NCIC Missing Person File entry categories see “Appendix A: NCIC Missing-Person-File Categories” on page 213.

*...NCIC is a nationwide, online database/ telecommunications system maintained by the FBI. This system makes millions of records, including files about wanted, missing, and unidentified persons, instantaneously available to local, state, and federal criminal-justice agencies throughout the United States and Canada.*



**NCMEC and the NCIC Missing Person File** NCMEC receives automatic notification each time law enforcement enters information about a missing child into the NCIC Missing Person File under either the Involuntary or Endangered category. **This NCIC notification does not mean the case has been automatically intaked by NCMEC. A direct call to NCMEC's Call Center at 1-800-THE-LOST (1-800-843-5678) is required to report the case.** Automatic notification of NCMEC does not occur when a child is entered into the Juvenile category.

**Linking NCIC Hot Files** NCIC 2000 has added significant tools to assist law enforcement in the search for a missing child. Operational fields have been added to the entry formats to associate incidents handled by multiple departments. NCIC records may also be linked by entering the same complete vehicle information in each related record. This allows for the "linking" of NCIC "hot files" containing stolen/wanted information entered into NCIC databases. By linking related files, such as missing and wanted, and entering and linking key information from various fields in the record, such as suspect-vehicle information, a patrol officer's inquiry to NCIC about a suspicious vehicle or person will reveal not only the fact the vehicle or person is wanted in connection with the missing child but will also supply the officer with information about that specific child.

Additionally placing the NIC number, the unique number assigned to a record by NCIC, of the child in the miscellaneous field of an adult wanted record would provide an officer with the information that a missing child was associated with this individual.

While certain, basic identifying information such as name, date of birth, sex, race, height, weight, and hair color are required for the original Missing Person File entry, NCIC has included many additional descriptive entry fields that may significantly enhance the likelihood of recovery or case resolution. With the assistance of families, investigators may obtain specific information about the child's physical and medical characteristics as well as a complete description of jewelry worn and personal property carried. While most of these fields may be group searched for specific comparisons about the child, investigators should note information entered in the miscellaneous information section, including comments about a possible endangering companion, is not compatible with group search and will only be revealed if the specific entry is queried.

Law-enforcement agencies may add images and pictures of wanted and missing individuals and items, such as a vehicle a suspect is known to use, to NCIC Wanted and Missing Person records. The National Center for Missing & Exploited Children is able to enter such images at the request of those agencies not having that capability for all cases "intaked" by NCMEC.

**Unidentified Person File** The Unidentified Person File was established by NCIC in 1983 to facilitate the identification of unknown deceased persons and living persons whose identity could not be positively ascertained. Law-enforcement officers and coroners who encounter such situations are able to use the Unidentified Person File reporting system to enter a complete description of the unknown body or individual using much the same entry format as the Missing Person File. Then, each night, NCIC cross-references one file against the other and determines those unidentified persons who significantly match descriptions of individuals reported as missing. When such a match takes place, NCIC

immediately notifies both agencies through their ORI numbers. Recent enhancements in this file will greatly aid law enforcement in this identification process including the addition of a mechanism to compile all descriptive information about deceased, unidentified cases in NCIC and the use of mitochondrial deoxyribonucleic acid (mtDNA) analysis.

Essential to the success of both the Missing and Unidentified Person Files is the **entry of complete, up-to-date dental records**. Since, in many cases, dental comparisons may be the only means to identify a recovered body, investigators should collect and enter complete records as an integral segment of their investigation. To facilitate the gathering of these records NCIC has devised a standard, forensic charting form. This form may be obtained from the Criminal Justice Information Services Division of the FBI at 304-625-3000. Instructions and information regarding the entry of all NCIC records may be found in the NCIC Operating Manual, which is available to all system users.

**Note:** The Child Abuse Prevention and Enforcement Act (CAPEA, Pub. L. No. 106-177), also known as "Jennifer's Law" strengthened the mechanism to compile all descriptive information about deceased, unidentified persons throughout the United States whose cases are entered into NCIC.

**Off-Line Search** In addition to the use of NCIC's Missing and Unidentified Person Files, investigative benefit is also found by using NCIC's "Off-Line" Search format. An example of how NCIC's Off-Line Search capability was instrumental in solving a case is found in its use by a detective investigating the abduction of a boy by his noncustodial mother. Since the mother left driving a car registered in Arizona, the description of the car and license plates was immediately entered into both the NCIC Missing (child) and Wanted (mother) Person Files. After months elapsed with little in the way of leads, the detective learned the suspect's father, living in Florida, had been listed with the Arizona Department of Motor Vehicles as a coowner of the vehicle just a few weeks before the abduction. After finding the father had then registered the car in Florida, and may have mailed the new plates to the suspect, the detective ran an NCIC Off-Line Search using the Florida plates as the subject. Within a few days the detective was informed that car, with Florida plates, had been the subject of a routine NCIC stolen vehicle inquiry by an officer in Houston, Texas, just one month after the abduction. The Houston officer was contacted and remembered not only where the inquiry was made, but also knew the car was still parked in a local motel complex. As a result the child was recovered and suspect arrested and returned to Arizona.

In brief the Off-Line Search is a special technique used by investigators in a number of circumstances to obtain NCIC information not normally retrievable in the usual, online manner. Missing-child investigators may wish to review active cases to evaluate the suitability of using this valuable investigative technique. Information and assistance about Off-Line Searches may be obtained by calling NCIC at 304-625-3000.

One additional resource provided by NCIC to aid officers in their search for missing children is the **Delayed Inquiry Program**. Routine law-enforcement inquiries about items such as stolen vehicles, wanted persons, and missing children are stored in NCIC's active files for five days after which they are reclassified as historical records and at that point in time the record then goes "off-line." If during those five days another transaction is made about that same subject, both



the initial and subsequent inquirers are alerted. As an example when an officer enters information about a child into the Missing Person File, he or she may soon learn the same child was the subject of a law-enforcement inquiry by an officer in another jurisdiction several days earlier. Contact between the agencies involved may improve the likelihood of the child's recovery.

General information about NCIC may be obtained by contacting the Criminal Justice Information Services Division at 304-625-3000. In addition NCIC has prepared data-entry collection guides to assist in the correct completion of both Missing Person File and Unidentified Person File entries. Each guide contains a section describing proper collection and classification of dental records. These guides may be obtained through NCIC State Control Terminal Agencies or directly from NCIC at 304-625-4995. Questions concerning NCIC training should be directed to 304-625-2821.

### **Missing-Children Clearinghouses**

Whether within the officer's own state or in other states across the nation, missing-children clearinghouses are a significant resource for investigators. Usually affiliated with the state/territorial law-enforcement agency or bureau of investigation, missing-children clearinghouses are often able to perform tasks ranging from case registration and photo dissemination to prevention programs and law-enforcement training. Not only are clearinghouses an excellent investigative resource for officers, they also are able to offer support assistance to families of missing children and may be of help in arranging for transportation of recovered children. Investigators who need information and assistance from another region of the country should consider contacting the appropriate clearinghouse to learn about applicable state statutes and the names of other agencies and officers who may be able to facilitate investigative inquiries. For a listing of these clearinghouses visit NCMEC's web site at [www.missingkids.com](http://www.missingkids.com) and from the homepage use the "More Services" link and then the "NCMEC Clearinghouse Program" link.

### **Nonprofit, Missing-Children Organizations**

From a law-enforcement standpoint nonprofit, missing-children organizations (NPOs) perform two important functions. First they may be called upon to provide support services to families and friends of a missing child. Second they often conduct community child-safety programs to create a greater awareness about the issue of child protection and possible reduction in reported incidents. While some organizations are limited in the number and scope of services they provide, others may aid an investigation with a wide-range of services such as photo distribution, examination of database information systems, search and rescue, and victim support.

Through the Association of Missing and Exploited Children's Organizations (AMECO) the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) maintains a list of NPOs within the United States and Canada. The list includes information such as names of the Executive Director and staff members, addresses, telephone/facsimile numbers, number of years in existence, and types of services offered. The official OJJDP list is provided as a public service and may be viewed at [www.amecoinc.org](http://www.amecoinc.org) or received by calling 1-877-AMECO-20 (1-877-263-2620). State/territorial missing-children

clearinghouses may also be able to provide information about reputable organizations in their area.

### **National Association for Search & Rescue**

Associated with many cases of missing and abducted children is the need for a carefully planned and precisely executed area search. Whether the object of the search is to locate the child or gather clues and evidence related to a probable abduction, law-enforcement officers are aware an improperly conducted search, where untrained or unsupervised volunteers wander about in a haphazard manner, may have an adverse impact on proper case management.

When circumstances warrant, investigators know they need to enlist the services of a number of community organizations such as fire departments, scouts, and the military to assist in a large-scale search that cannot be conducted solely by law-enforcement personnel. In situations where community organizations are not available or suited to specific search needs, however, officers may wish to establish contact with the National Association for Search & Rescue (NASAR) for consultation and assistance. NASAR is a nationwide organization of volunteers and paid professionals dedicated to “finding and aiding people in distress.” A request to NASAR Headquarters will provide the investigator with information about how to contact ground, water, air, and dog search and rescue units operating in the vicinity and able to respond to the jurisdiction in the event of a missing- or abducted-child report.

In addition NASAR has designed and regularly presents training courses targeted specifically at missing- or lost-person searches. Among the courses offered are *Introduction to Search and Rescue* and *Managing the Lost Person Incident*. Also available are several publications regarded as definitive texts about the subject including *Analysis of Lost Person Behavior: An Aid to Search Planning* and *The Handbook for Managing Land Search Operations*. To learn more about these courses/books and obtain additional information about the National Association for Search & Rescue visit [www.nasar.org](http://www.nasar.org) or call 1-877-893-0702 or 703-222-6277.

**Note:** Not all search and rescue groups are necessarily affiliated with a state or nationwide organization. Officers are encouraged to identify those search and rescue resources operating in their area and learn what features may be activated when the need arises.

### **Federal Bureau of Investigation**

Contrary to popular belief, local law-enforcement officers do not have to wait for ransom demands or proof of interstate victim transportation before requesting the assistance of the FBI in cases of suspected child abduction. In fact officers should consider notifying the FBI as one of the first steps in organizing an effective investigative base. Prompt assistance from the FBI will not only secure certain resources and technical capabilities not normally available to local agencies, but may also enlist the help of agents who have experienced similar cases in the past and are able to provide valuable on-site investigative direction.

General information about the FBI's role in child-abduction cases may be obtained by contacting the FBI's Crimes Against Children (CAC) Unit at 202-324-3666 or visit [www.fbi.gov](http://www.fbi.gov). For assistance in actual case-related matters contact the nearest FBI field office.

Along with on-scene investigative assistance, officers may also use the FBI to access the services of the National Center for the Analysis of Violent Crime (NCAVC). NCAVC assists by consulting in cases of major violent crimes and provides profiles of unknown offenders, personality assessments, investigative strategies, and interview techniques. NCAVC also provides investigative support through the Violent Criminal Offender Program (VICAP) by alerting law-enforcement agencies that may be seeking the same offender for crimes in their jurisdictions. To obtain more information about NCAVC, contact the FBI Academy at 703-632-1000.

*In addition to assistance in nonfamily-abduction cases, involvement of FBI resources may also be included in certain family-abduction cases.*

In addition to assistance in nonfamily-abduction cases, involvement of FBI resources may also be included in certain family-abduction cases. If the abducting parent/guardian or family member is the subject of a state felony custodial interference charge, the state prosecutor may request the U.S. Attorney to authorize issuance of a federal Unlawful Flight to Avoid Prosecution warrant as authorized by the Unlawful Flight to Avoid Service of Process section (18 U.S.C. § 1073 (1970)) of the Fugitive Felon Act (18 U.S.C. § 1073 (1961)). Once the UFAP warrant is issued, the FBI is authorized to begin an investigation to locate and apprehend the abducting family member. Officers are reminded abducted children located during the course of a UFAP investigation do not come under FBI authority and are usually placed with local child-protective authorities. To avoid the possibility of the child being inadvertently turned over to a friend or relative of the abductor, investigators should secure a local court order preventing any release until the legal custodian is present.

For additional material concerning federal Unlawful Flight to Avoid Prosecution warrants, contact the FBI Violent Crimes and Fugitive Unit at FBI Headquarters at 202-324-4294 or visit [www.fbi.gov](http://www.fbi.gov).

### **U.S. Postal Service**

In addition to their role in uncovering illegal use of the mail to distribute and exchange child-pornography materials, Inspectors from the U.S. Postal Service are also able to be of assistance to officers who are investigating child-abduction cases. The U.S. Postal Service maintains an automated database containing the names of all individuals anywhere in the nation who have filed **Change-of-Address** forms. This information may be especially valuable when attempting to locate a known abductor who has traveled far from the original jurisdiction and feels secure in using a correct name or known alias in certain transactions involving use of the mails.

In addition Postal Inspectors may be of assistance in the establishment of a **mail cover**, which is an investigative tool whereby postal authorities will provide law enforcement with return address and postmark information on mail destined for a specific address. While authorized for only 30-day intervals and applicable to cases where the suspect faces more than one year in jail, mail covers placed on the incoming mail of close family members and friends of the abductor, especially

during likely periods of correspondence such as birthdays or holidays, have been successful in developing valuable lead information.

Law enforcement should also be aware of a cooperative effort between NCMEC and the U.S. Postal Inspection Service called **The Deliver Me Home Network**. When NCMEC is alerted by local authorities about an at-risk missing child, fliers containing critical identifying information are printed and disseminated by the U.S. Postal Service in that area. The fliers are displayed at local Post Offices and letter carriers deliver them to mailboxes in a targeted zip code.

To learn more about the U.S. Postal Service as an investigative resource contact its Inspection Division at 202-268-4286 or visit [www.usps.com/postalinspectors](http://www.usps.com/postalinspectors).

### **Federal Parent Locator Service**

As a unit of the U.S. Department of Health and Human Services' Office of Child Support Enforcement, the Federal Parent Locator Service (FPLS, 42 U.S.C. § 663 (1988)) was originally established to locate absent parents in order to enforce a child-support order. In 1980 the Parental Kidnapping Prevention Act (PKPA, 28 U.S.C. §1738A) broadened its use by allowing authorized persons, including law-enforcement officers, to access the FPLS in family-abduction cases. Investigators searching for a known family abductor may submit the suspect's name to FPLS through their state or local child-support-enforcement office and receive the latest information on file about the individual as recorded with the Social Security Administration, Internal Revenue Service, National Personnel Records Center, Department of Defense, Department of Veterans Affairs, Selective Service System, and State Employment Security Agencies.

For information about using the Federal Parent Locator Service in family-abduction investigations contact FPLS at 202-401-9267 or visit [www.acf.hhs.gov/programs/cse/newhire/](http://www.acf.hhs.gov/programs/cse/newhire/).

### **U.S. Department of State**

In 1988, when the United States became a signatory to the Hague Convention on the Civil Aspects of International Child Abduction, the U.S. Department of State's Office of Children's Issues was designated as the U.S. Central Authority for providing assistance to searching families involved in international family abductions. While not a law-enforcement agency, the Office of Children's Issues is able to provide information to officers who are assessing the impact of international involvement on a local missing-child investigation.

If the other country is a signatory to this Hague Convention, the Office of Children's Issues is able to invoke certain provisions of the treaty to compel other signatories to take appropriate actions. While the abduction case goes through various hearing stages in the Hague signatory country, the Office of Children's Issues is authorized to request that country's Central Authority to conduct a Welfare and Whereabouts check to verify the child's location and assess his or her safety and well-being. If the other nation is not a signatory to this Hague Convention, the Office of Children's Issues may arrange for a Welfare and Whereabouts check to be conducted by U.S. Embassy personnel stationed in that country. Officers should remember international child abduction, as applied by this Hague Convention, treats the abduction as a civil rather than criminal matter. As such the goal of this Hague Convention and U.S. Department of State is to secure the safe return of the child, not to arrest or punish the abductor.

Information about the role of the U.S. Department of State in regard to international child abductions may be obtained from the Office of Children's Issues, CA/OCS/BCA/CI, U.S. Department of State at 202-736-9130 or visit [www.travel.state.gov/family](http://www.travel.state.gov/family).

As the agency responsible for the issuance of United States passports, the U.S. Department of State also has authority to revoke the passport of citizens of the United States who are the subject of a federal UFAP warrant or under court order not to leave the country. If a foreign country is made aware a passport has been revoked, the suspect becomes an undocumented alien and may be deported back to the United States. Unfortunately such action against an individual who holds dual citizenship may not create a significant hardship for the suspect.

For more information concerning passports, including the Passport Issuance Alert Program, contact the Office of Passport Services, U.S. Department of State, at 202-955-0307 or visit [www.travel.state.gov/passport](http://www.travel.state.gov/passport) or contact the Office of Children's Issues as noted above.

## **Interpol**

More commonly known as **Interpol** the International Criminal Police Organization is the world's largest international police organization and serves as a point of contact and international interface for law-enforcement authorities in the United States who are seeking criminal investigative assistance in other countries. While other federal organizations may work to secure the return of an abducted child through civil channels, Interpol focuses its resources on locating and, if possible, securing the arrest of the abductor.

Working with law-enforcement authorities within one or more of the many countries supporting the international association, Interpol may be of assistance to the local law-enforcement investigator who is tracking an identified abductor. If, for example, the abductor is wanted on felony charges and the federal or state prosecutor is willing to extradite, local investigators may request Interpol to issue an international wanted alert called a **Red Notice**. Directed to law-enforcement and border authorities in countries through which the abductor may travel, a Red Notice may be especially useful if the suspect's country of residence does not consider the abduction to be a criminal or extraditable matter.

Interpol may be contacted through the U.S. National Central Bureau, U.S. Department of Justice at 202-616-9000 or 1-800-743-5630. Interpol may also be reached via Nlets at ORI: CINTER00 or visit [www.interpol.int](http://www.interpol.int).

## **U.S. Bureau of Immigration and Customs Enforcement**

It is not uncommon for foreign nationals who are charged with child abduction to flee the United States and later attempt reentry. Most Immigration and Customs Enforcement (ICE) border checkpoints are equipped with telecommunication systems able to access NCIC's Wanted Person File. If NCIC files have been properly loaded to indicate the individual is the subject of a felony criminal warrant, ICE Agents may be able to place the abductor under arrest when he or she tries to return to the United States. Additional requests an investigator may discuss with

*Interpol...serves as a point of contact and international interface for law-enforcement authorities in the United States who are seeking criminal investigative assistance in other countries.*



ICE include entering the abductor's name in the ICE "Look-Out Book" and revocation of any existing visas or work permits such as "green cards."

In addition ICE targets international child sex tourists and importers, distributors, and purveyors of child pornography to help prevent the sexual exploitation and abuse of children both in the United States and other countries. The ICE Cyber Crimes Center Child Exploitation Unit works closely with the FBI, U.S. Department of Justice's Child Exploitation and Obscenity Section, U.S. Postal Inspection Service, Internet Crimes Against Children Task Forces, and National Center for Missing & Exploited Children. For additional information about ICE contact the U.S. Bureau of Immigration and Customs Enforcement, Child Exploitation Unit at 703-293-8005 or visit [www.ice.gov](http://www.ice.gov).

### **U.S. Marshals Service**

In 1998 the U.S. Marshals Service received the authority to pursue any felon from any state without the need to obtain a federal warrant. The U.S. Marshals Service has developed a partnership with the National Center for Missing & Exploited Children and pledged its assistance in aiding NCMEC in the search for missing or abducted children.

NCMEC, working with the U.S. Marshals Service and FBI, has established a project called "Operation Pick-Up" in which emphasis is placed on assisting the local law-enforcement agencies that have obtained felony warrants directly related to child kidnapping. In Operation Pick-Up the FBI is amplifying its efforts on cases in the NCMEC database, where the FBI has obtained Unlawful Flight to Avoid Prosecution or kidnapping warrants. The U.S. Marshals Service is assisting NCMEC in cases where local felony warrants for abduction have been obtained but the FBI has not opened a case. The U.S. Marshals Service is also amenable to providing technical service to local law-enforcement agencies in missing-child cases when the FBI is not involved in the case. The service is particularly helpful in cellular-telephone tracking efforts. To obtain more information about this project contact NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

### **U.S. Secret Service**

The U.S. Secret Service works closely with the National Center for Missing & Exploited Children by making forensic and technical assistance available to state and local authorities in cases of missing and exploited children. These services include access to the Forensic Information System for Handwriting (FISH), the Automated Fingerprint Identification System (AFIS), polygraph examinations, and visual information services such as image enhancement, suspect drawings, audio and video enhancement, and graphic and photographic support. Information about these and other services may be obtained from any local Secret Service field office or from the U.S. Secret Service's Forensic Services Division at 202-406-5926 or visit [www.secretservice.gov/forensics.shtml](http://www.secretservice.gov/forensics.shtml).

### **U.S. Department of Defense**

To obtain information about the current assignment of an active-duty member of the Armed Forces who is believed to be involved in a child abduction or determine an individual's past assignment for investigative purposes, law-enforcement officers may directly contact the **Military Locator Service** for the appropriate service branch. In addition to the locator services, assistance may also be available from the **Office of Family Policy, Support and Services**,

especially in the areas of mediation and conflict resolution to expedite the return of an abducted child.

Information about Military-Worldwide Locator Services for each branch of the Armed Forces is listed in Figure 25 below.

<b>Military-Worldwide Locator Services</b>	
<b>Branch</b>	<b>Contact Information</b>
Air Force	U.S. Air Force Worldwide Locator, HQ/AFMPC/RMIQL, 550 C Street, West, Suite 50, Randolph AFB, TX 78150-4752, 210-565-2660
Army	U.S. Army Worldwide Locator, Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249-5301
Coast Guard	Coast Guard Worldwide Locator, 202-493-1697
Marines	U.S. Marine Corps Worldwide Locator Service, Commandant of the Marine Corps, Headquarters, USMC, Code MMSB-10, Quantico, VA 22134-5030, 703-784-3941/3942/3943
Navy	U.S. Navy Worldwide Locator, Bureau of Navy Personnel, PERS 312F, 5720 Integrity Drive, Millington, TN 38055-3120, 901-874-3388
Federal operators at 1-800-688-9889 may be able to provide law enforcement a telephone contact/after hours telephone number for these offices in emergency situations.	

**Figure 25**

Additional assistance may be available through the Office of Family Policy, Support and Services at 1-800-336-4592 or 703-696-1702 or visit [www.defenselink.mil/prhome/mcfp.html](http://www.defenselink.mil/prhome/mcfp.html).

### **U.S. Office of Personnel Management**

For current address information about any retired member of the Armed Forces or retired federal civil service employee, officers may contact the U.S. Office of Personnel Management. Updates about where a retiree's federal pension payment is mailed, even if to a post office box or as an electronic transfer directly to a bank, may provide valuable investigative leads in locating the abductor and recovering the child. The U.S. Office of Personnel Management may be reached at 202-606-1800 or visit [www.opm.gov](http://www.opm.gov).

### **Local, State, and Regional Resources**

As noted earlier the agencies and organizations described in this chapter are only a few of the resources an officer might use during the course of a missing- or abducted-child investigation. In fact since the groups noted above may only be of value in special cases, it is likely an investigator will routinely seek assistance



from local, state, and regional resources. Among these resources may be Air National Guard, airport security staff, CB-React groups and ham radio operators, Child Protective Services, Civil Air Patrol, dog handlers, fire departments, local law-enforcement agencies, media contacts, missing-children groups, printing resources, runaway shelters, school resources, search and rescue units, telephone companies, transportation systems, utility systems, and child-serving organizations.

By compiling a **comprehensive list** of these and other identified resources including specific contacts at and resources available through your state/territorial missing-children clearinghouse, prior to an actual episode officers may avoid wasting the time and personnel needed to make these contacts in the midst of an intensive investigation.

## Preincident Planning

Upon conclusion of many abduction cases, when investigators are able to review and evaluate their response, most stress the need for extensive preincident planning. As one officer stated, "Once it started, it was too late to plan. There was only time to react."

Essential to the success of preincident planning is the development of an interagency response protocol clearly defining the specific types of cases that will activate interagency support and what form that support will take. Once agreed to and signed, this interagency agreement not only spells out specific agency responsibilities, but also serves as the basis for ongoing, interagency communication and cooperation.

In an effort to more efficiently investigate, manage, and resolve cases of missing and abducted children and minimize the emotional stresses associated with these incidents, law-enforcement agencies, with increasing frequency, are holding **preincident-planning** sessions to assess roles and agree on responsibilities. Most commonly conducted on a county or regional level, all law-enforcement agencies within the area are brought together to develop a strategy for an organized, prompt, and effective response to certain missing-child reports. Included as participants in these sessions, along with local agency representatives, are members of state, regional, and federal investigative agencies that would normally be expected to assist in these cases. Other benefits and outcomes of preincident-planning sessions may include

- Development of a comprehensive investigative resource list.
- Compilation of lists containing the names and telephone numbers of key contact individuals from law-enforcement agencies and resource organizations.
- Design of a standardized interview format to be used by all investigators.
- Agreement about the type of case-management system to be used to gather, store, and retrieve information.
- Development of common forms to collect information in a prescribed format.
- Development of a plan for sharing investigative expertise.
- Identification of local print and electronic media sources, prior to an incident, to determine the most appropriate person to contact in these situations, both during and after business hours, and their policies regarding the production of fliers/public-service announcements to be used in these situations.

- Determination of how quickly command-post-related utilities may be connected both during and after business hours. If the incident occurs after regular business hours, how will other governmental agencies needed to assist in this function be reached?
- Identification of nonprofit, missing-children organization likely to respond to such a missing-child case in your jurisdiction. Once identified consider asking them to join the “team” of organizations needed to mobilize in these situations. A proactive stance with these organizations will greatly enhance the resource base needed in a community when a child is missing. Be advised, however, law enforcement should do background checks on and train these volunteers in preparation for their use.

Many missing-child cases, especially those involving suspected child abduction, are often made more difficult because of their emotional, high-profile impact on the community. When the responding law-enforcement authorities operate without a plan, precious time is lost and opportunities are wasted. By adopting some preincident strategies, officers will be able to exercise more control over events, react more effectively to unexpected occurrences, and enhance the possibilities for swift and successful case resolutions.

## References: Citations and Related Resources

National Center for Missing & Exploited Children. Publications listed are available to be viewed, downloaded, and ordered from the “More Publications” section of [www.missingkids.com](http://www.missingkids.com).

*For Law-Enforcement Professionals.* A guide to the many law-enforcement resources available from NCMEC. Publication #53.

*General Information and Publications.* A description of NCMEC’s operation and a listing of all available NCMEC publications. Publication #21.

*LOCATER™: Lost Child Alert Technology Resource.* Information about an NCMEC program to hasten the recovery of missing children through rapid dissemination of images and information. Publication #120.

Rabun, John. B., Jr. *NCMEC Quarterly Progress Report, July 26, 2006.* Alexandria, Virginia: National Center for Missing & Exploited Children.

U.S. Department of Justice, Federal Bureau of Investigation. *Child Abduction Response Plan: An Investigative Guide* (1998 and second edition in press). Available from FBI Field Division offices. A comprehensive guide designed for use when planning for and responding to cases of nonfamily abduction.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP publications may be ordered through the National Criminal Justice Reference Service (NCJRS) at 1-800-851-3420 or on its web site at [www.ncjrs.gov](http://www.ncjrs.gov). Many documents are available for download.

*Addressing Confidentiality of Records in Searches for Missing Children, Final Report* (1995). NCJ 155183. Provides information about how to access records maintained by schools, hospitals, child-welfare agencies, and runaway shelters. Also presents a compilation of state laws regarding access to records.

*Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies* (2004). NCJ 206555. Prepared by the Federal Agency Task Force for Missing and Exploited Children to enhance the coordination of the delivery of federal services. The directory contains information ranging from access to specialized forensic resources for an abducted-child case to proactive training and prevention programs.

*Juvenile Justice Journal*. A bi-monthly newsletter addressing important issues in the field of juvenile justice including occasional articles regarding missing and/or victimized children. For example the entire May 1998 edition (NCJ 170025) was devoted to missing, abducted, and exploited children and is available at [www.ncjrs.gov/pdffiles/jjmay98.pdf](http://www.ncjrs.gov/pdffiles/jjmay98.pdf).

*Identifying Victims Using DNA: A Guide for Families* (2005). NCJ 209493. Explains the process of identifying remains using DNA analysis. It gives an overview of the process so surviving family members and friends will understand what DNA analysis can and cannot do, describes the sources of DNA forensic scientists might use, and explains the differences between nuclear and mtDNA.

*Using Agency Records To Find Missing Children: A Guide for Law Enforcement; Program Summary* (1996). NCJ 154633. Contains information designed to help law-enforcement officers obtain and use records to locate missing children. Examines both mandated and voluntary access to records from various human-service providers such as schools, medical facilities, child-welfare agencies, and shelters.

*When Your Child Is Missing: A Family Survival Guide* (2004). NCJ 204958. This comprehensive publication was written by family members who have experienced the disappearance of a child. It not only offers victim families information about how to cope with the trauma of a child's abduction, but also serves as a guide for their constructive interaction with law enforcement.



# **Crisis Media Relations**

by Hugh Munn

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Law-enforcement officers know a significant number of cases have been resolved through prompt and effective use of the media. Nowhere is this success more evident than in cases of missing and abducted children. Often investigators seeking witnesses to an abduction or information about the whereabouts of a missing child have had prompt, positive results when the public has been alerted about the case by the media.

In missing- or abducted-child cases officers have closely worked with the media in a positive way both locally and on the national level. Local newspaper, radio, and television coverage has been instrumental in raising awareness about a case and soliciting valuable information from the public. Nationally broadcast programs such as “America’s Most Wanted” as well as successful America’s Missing: Broadcast Emergency Response (AMBER) Alert programs nationwide have increased the entire country’s knowledge about the plight of missing and abducted children and helped officers resolve complex and lengthy investigations.

Working with various media for effective missing- or abducted-child investigations centers around law enforcement’s ability to understand the best way to reach the public. Technology has changed dramatically in the past decade into what is now termed “convergence” of all types of media including

- Broadcast
- Print
- Web-based services
- Text-messaging
- E-mail and other messaging systems

Law-enforcement officers must constantly monitor this changing technology and learn to assess which method most quickly and thoroughly reaches the largest populations during emergency events surrounding missing and abducted children. Sources such as television, radio, newspapers, magazines, and web sites are all capable of reaching large segments of the public.

Essential to the success of any public-notification process, however, is the development of an ongoing partnership between law enforcement and the media. The better these components understand each other’s responsibilities and capabilities, as well as limitations, the greater the probability critical information needed by and from the public will be obtained to help resolve a missing-child case.

## The Law Enforcement-Media Relationship

For the most part professionals in both law enforcement and the media understand each other’s roles and realize occasions will arise when one or the other must more closely guard certain sources of information or aggressively strive to gather all pertinent facts. For example reporters usually understand and accept the fact investigators must withhold certain sensitive information that, if disclosed, might jeopardize a case’s outcome. On the other hand investigators realize reporters probe for information to share with the public.

Occasional misunderstandings and disagreements between law enforcement and the media take place, as in any relationship. Law-enforcement investigators involved in missing- or abducted-children cases and news reporters covering

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those inquiries find themselves at odds over access to certain information. Debates may evolve about whether the First Amendment takes precedence over other Amendments, and an impasse may develop if investigators think the integrity of an inquiry is jeopardized while the media believe freedom of the press has been abridged. And during this debate both law enforcement and the media need to keep in mind an individual's right to privacy.

If these differences of opinion are minimal, they are quickly settled with explanations offered, points of view explored, and compromise reached. Unfortunately there are occasions in which the pressures on law enforcement to find a missing child and the media to uncover and report every detail result in creating a sensationalized atmosphere where cooperation and common sense may give way to accusation and mistrust.

To avoid becoming enmeshed in adversarial situations, law-enforcement agencies need to review and put into practice policies, procedures, and guidelines identified as being useful in predicting, minimizing, and defusing conflicts with the media. This chapter explores many of the issues leading to these conflicts and methods of working productively with the media during a high-profile, missing- or abducted-child case.

## Legal Review

### At the Scene

Investigators need to know the ground rules set forth by the U.S. Constitution and courts, before they are able to effectively work with the media during a major event such as a missing- or abducted-child case. Courts, including the U.S. Supreme Court, have addressed these issues, because the conflict often reverts to an issues-struggle between the First Amendment and other matters affecting the integrity of an investigation. Depending on the point of view, either one side or the other takes precedence, whereby

- The media often accuse law enforcement of violating their Constitutional rights of free press and speech
- Law enforcement blames the media for interfering with its duty and responsibility to protect the integrity of an investigation in order to help ensure a defendant's right to a fair trial

More often than not, courts will support the side of the First Amendment. One key to this position is found in the 1972 U.S. Supreme Court decision, *Branzburg v. Hayes* (408 U.S. 665 (1972)) which affirms the U.S. Constitution protects certain "constitutional rights of the media to access and gather news" without unreasonable constraints imposed by law-enforcement agencies. An important phrase in the opinion states, "...the press has the right to gather news from any source by means within the law." *Branzburg*, however, also states, "...the media cannot claim right of access when the general public has been excluded."

When armed with an understanding of *Branzburg*, investigators may accomplish much. For example the ruling clearly states law enforcement should leave the media alone when they are doing something legally. The media, however, do not have an automatic legal right to be in a place where the public has been excluded. So, by understanding *Branzburg*, an experienced investigator learns

restricting the media from within a protected crime-scene area is neither improper nor illegal because evidence must be preserved and protected. Keeping the media two miles from a crime scene for no specific reason, however, is both wrong and not advised. Such actions seriously invite litigation. And such actions could serve to antagonize and create the impression law enforcement is “keeping secrets.” At the scene investigators should get on with the job of collecting evidence, implementing emergency procedures when appropriate, and solving the crime. In short let the media do their job as long as what they do does not jeopardize the investigation.

### **Access to Records**

Although nearly every state has its own regulations and policies about access to law-enforcement records, an investigator must remain aware of the fact certain investigative documents by their very nature are subject to media scrutiny at some point. A controversy concerning access to law-enforcement records is nationwide in scope and, as noted previously, in the past courts have ruled on the side of the First Amendment in certain cases. Investigators, therefore, need to be mindful certain papers, reports, documents, and court applications, including search warrants, affidavits, and arrest warrants, may eventually be obtained, reviewed, and published or broadcast.

Search warrants have become legal documents of challenging interest by the media. Courts regularly are petitioned under the Freedom of Information Act (5 U.S.C. § 552 (1966)) and other legal measures in efforts by the media to closely examine a missing- or abducted-child investigation. Search warrants and supporting affidavits often provide tantalizing, delicate clues investigators may need to withhold from public exposure. An investigator must remain vigilant, knowing

- Search warrants, arrest warrants, incident reports, and other documents may be determined to be public records upon service
- The documents may contain sensitive information requiring redaction or other protection issues
- Courts may be petitioned by the media to force disclosure of these documents
- Courts also may be petitioned by law enforcement to “seal” or otherwise prevent access to these documents

When public exposure of information in search warrants and similar documents may be harmful to an investigation, investigators should seek legal advice prior to withholding any information otherwise lawfully obtained by the media.

### **Taking Along the Media**

There has been a long-standing practice of inviting the news media to accompany law-enforcement officers while arrest and/or search warrants are being served. Popular television programs showing law enforcement in action have prompted a barrage of public outrage and criticism about what has been described as invasion of privacy.

In 1999 the issue of media accompanying law enforcement was tackled in several state courts, including Tennessee and Texas. One ruling, *Wilson v. Layne* (526 U.S. 603 (1999)) affirmed

- Bringing the media along on an arrest or apprehension was not unreasonable
- Officers enjoyed qualified immunity from invasion of privacy complaints

Subsequent rulings, however, urged caution in allowing news media accompaniment when reporters/television crews are allowed inside private dwellings. *Swate v. Taylor* (12 F. Supp. 2d 591 (S. D. Tex., 1998)) and other rulings are much more specific and warn unreasonable invasion of personal privacy may exist under certain similar circumstances.

Courts are becoming increasingly vigilant in affirming the right of an expectation of privacy, and the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments all contain privacy rights established by U.S. Supreme Court rulings. These rulings are now bringing into question incidents caught on broadcast video cameras such as

- A mother and her small child crouched in a corner of the room while law-enforcement officers execute a search warrant
- A television crew storming into an apartment with a law-enforcement SWAT team

These examples are but a few incidents of challenged incidents, and lead to the question asked in *Boyd v. United States* (116 U.S. 616 (1886)), "How do you replace the price of broken privacy?"

The ultimate decision whether to take the media along into private dwellings clearly rests within the hierarchy of the law-enforcement agency via policies or directives issued by the Chief or Sheriff and as guided by any applicable laws and court rulings in that jurisdiction. In light of court rulings affirming the importance of rights to privacy, the best advice is to refrain from such practice.

If the media receive an independent tip and a news crew shows up at a residence while an arrest or search warrant is being served inside, there is nothing the law-enforcement officer may do about it, as long as the media remain outside and off the private property. Allowing the media inside the private dwelling, however, may seriously run afoul of court rulings.

## Perceptions

Perception is best defined as "the ability to grasp something mentally." Another definition states perception is how the mind's eye sees something.

A key element in working with the media, and ultimately the public, frequently is how something about a missing- or abducted-child investigation is perceived. Serving as the conduit of information from law enforcement to the public, the news media exert extraordinary influence on how events are perceived. An officer should always ask, "How is my investigation being grasped mentally by the public?" "Has the investigation expanded beyond control, because of unfounded rumors?" "Has someone else beyond the officer's control taken over the direction of the case?"

Why is it important to be concerned with these things during an investigation? The answer is simple. The public ultimately controls an investigator's effectiveness, and its faith in law enforcement's ability to handle the situation is critical. There are reasons law enforcement needs "perceived belief," including

- Loss or lack of faith by the public leads to vulnerability of other information
- Loss or lack of faith allows someone else, usually an outspoken critic, to become the authority, not law enforcement
- Lack of faith leads to unnecessary panic

When the public perceives a set of circumstances or facts greatly differ from what actually occurred, the result might conclude with a conflict between the public and a law-enforcement agency. Public perceptions, when improperly formed from inaccurate or divisive media reports, feed rumors and innuendos. Eventually those incorrect perceptions evolve into something far worse — a media-relations crisis. In short once a public perception of conflict occurs, there is a short leap to a public-relations crisis.

## Crisis Forecasting

One definition of a crisis is "...a turning point or an emergency." That is exactly what happens when law-enforcement agencies yield management of an investigation to the media simply by failing to recognize

- Incorrect and potentially damaging perceptions are forming
- An investigator is now reacting to media complaints instead of pursuing a logical line of inquiry

Law-enforcement agencies need to develop procedures addressing when to provide the facts of the case to the public and limits of what should be released without jeopardizing the investigation and/or subsequent trial. It should be understood the greater the intensity of the case, the greater the likelihood it will escalate to crisis proportions.

A missing- or abducted-child investigation may evolve into a full-fledged crisis within only a few minutes, often fueled by vigorous media coverage or incorrect public perceptions. A crisis generally erupts from a conflict that was not appropriately resolved. Investigators must be aware an investigation may quickly evolve into a "public-perception" crisis and usually occurs in stages described as

- **Fermenting**, the point when an investigation is about to escalate to a more serious stage in which events occur causing an investigator to react to adverse media coverage.
- **Intensifying**, when an investigation reaches a point of explosiveness or adverse public opinion and negative media coverage.
- **Unremitting**, the point when leads in the investigation slow and it may appear to become unfocused. This tends to lead to adverse public opinion and negative media coverage, which may result in outside pressures to change the direction of the case.
- **Resolving**, the point when an investigation is resolved through the recovery of the victim and/or arrest of a suspect.

## Managing High-Profile Cases

Several factors impact law enforcement during high-profile cases and may cause a case to get "out of hand." Among these factors are when officers failed to realize the case had the potential for concentrated media attention, visualize an impact if the case turned "nasty," consider community reaction to the case, and disseminate accurate and timely information during the developing hours of the case.

In the words of an emergency-preparedness official after a major hurricane hit his community, "You don't manage a crisis; you tolerate it." Essentially that is true, but there are certain "toleration" steps to be taken when managing high-profile



investigations. Basic guidelines to assist law enforcement in managing a missing- or abducted-child investigation with the media include

- Asking for media assistance in disseminating information to the public that may lead to the recovery of the child and arrest of the abductor(s)
- Determining the degree of impact the case will have on the public
- Establishing the set of facts that have happened and doing it quickly
- Disseminating the information within the first two to four hours of the event
- Making sure law enforcement informs the public when warnings need to be issued because they need to be issued by law enforcement
- Making sure the public has a two-way conduit for information
- Designating **one** media spokesperson to avoid miscommunication of the facts, whether working alone or with a team of professionals

Information given to the media needs to be of good quality and accurate in order to set the tone for the law enforcement/media relationship. It is important to go to the media first with the information rather than letting them obtain it from auxiliary investigation sources. This will reduce the number of “unconfirmed” rumors that tend to circulate in these cases. Do not, however, feel pressured into releasing information before it is expedient to do so. The inappropriate release of information may seriously jeopardize the investigation.

Based on what has been learned from working with the media during high-profile investigations, there are no hard set of rules to determine what to do first. According to the guidelines listed above, the tips listed below may be of value to an agency or investigator involved in a missing-child case.

- Consider having a prosecutor at the scene to advise as to what information should be denied to the media
- Allow the media as close as is reasonable when at the crime scene while still protecting the integrity of the scene and dignity of the victim and the victim’s family
- Have a designated media spokesperson meet as often as possible with media representatives to help ensure a continual flow of appropriate information about the case

*Allow the media as close as is reasonable when at the crime scene while still protecting the integrity of the scene and dignity of the victim and the victim’s family*

Things to remember include

- Very little information is so critical a case would be jeopardized if it were released
- In most cases if law enforcement knows it so do the media
- If an agency does not want to discuss a case, someone else will such as the janitor, delivery person, next-door neighbor, or outspoken critic
- Realize how many “non-law enforcement” people also have information about the case such as those working in the coroner’s office and emergency medical personnel
- Inaccuracies may easily be corrected if there is an open exchange of information between law enforcement and the media from the beginning

## Recommendations and Suggestions

An officer's job is to investigate and solve a missing- or abducted-child case. To that end he or she must remember the media remain the single most powerful resource available for gaining public assistance in securing leads. By instituting and following procedures and policies for working with the media in a fair and professional manner, officers will help ensure the public receives law enforcement's message clearly, accurately, and promptly.

As in most other situations in law enforcement, proactive stances reduce the need for many reactive positions later. Proactive means

- Designating a trained, experienced individual to act as media spokesperson
- Being first to provide information without being prompted by the media
- Taking control of the information being released
- Opening doors for community feedback in an active way

When media-relation interests during high-profile cases are left unattended, the media may end up controlling an investigator's case. Because public perceptions are formed quickly, it is critical these perceptions be based on the facts of the case as provided by law enforcement.

Remember, when a child's life may be at stake, there is no room for needless misunderstandings between law enforcement and the media.

## References: Related Resources

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# Management Issues

by Thomas B. Smith

## Quick Reference

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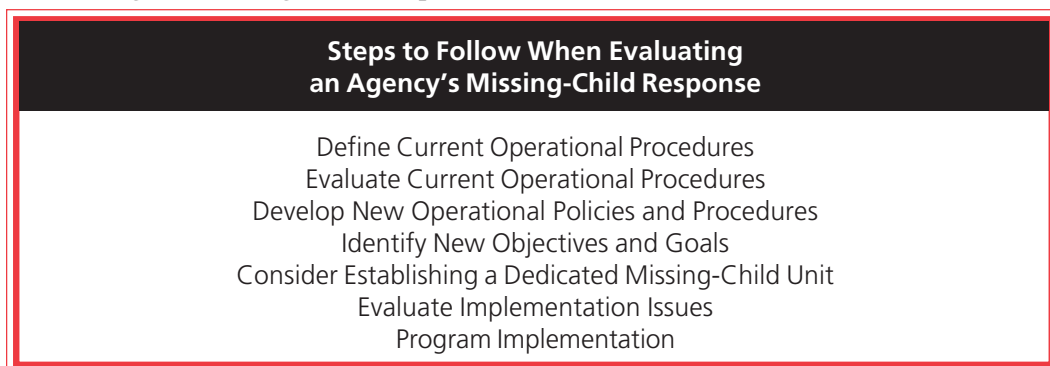


Most law-enforcement officers who read this guide will do so to gain information about investigative techniques to enhance their ability to solve missing-child cases. Due to limited resources many agencies' response to the issue of missing children depends on the skills learned by an individual investigator who is considered to be their missing- and exploited-child expert. In other agencies a dedicated missing-child unit may be fully staffed with members specializing in a particular type of missing-child case. This chapter outlines management practices agencies may wish to employ to support that lone expert, a fully staffed unit, or whatever level of resources are currently able to be used in the search for missing children. Additionally it offers guidelines about how to develop a dedicated missing-child unit, if an agency wishes to create one.

Because of internal policy and procedure evaluation, criticism experienced by another agency's handling of a missing-child case, or the efforts of a nonprofit, missing-children organization, many law-enforcement agencies are realizing they have allowed their missing-child response to develop without clear direction or structure and are actively seeking new methods and procedures to better handle their entire "missing-person" responsibility.

In keeping with the established management practice of enlisting employees to help solve problems, it is likely an administrator will seek input from those members of the agency who have received training in missing-children investigations or exhibited a willingness to handle such cases. Since the officer reading this guide will probably fit into one or both of those categories, it seems appropriate to address the management issues associated with an effective missing-person investigation.

Figure 26 below outlines the steps an agency may wish to follow when evaluating its missing-child response.



**Figure 26**

## **Define and Evaluate Current Operational Procedures**

To determine whether an agency's response to missing children requires modification, revision, or complete reorganization, a thorough evaluation of current procedures must be conducted. To do so those procedures must be accurately identified to provide the reader with a meaningful point of reference for this discussion.

First complete the "Agency Self-Assessment: Missing-Children Preparedness" questionnaire beginning on page 203. This diagnostic step is intended to stimulate reflection regarding the existing response and should provide the reviewer with an accurate survey of his or her agency's current response to cases of missing children.

Second determine the type of missing-child program now in effect. Is the current program fully developed with policies clearly describing organizational procedures and defining investigative responsibilities? Is it a partially developed program in which the missing-child function is generally described along with other investigative activities? Is it a newly implemented or pilot program where methods of response are under study and evaluation? Or is it a program with little or no official agency guidance or support?

Third identify the structure of the present program. Is the current missing-child program part of a full-time unit responsible for the investigation of missing children/persons only? Is it a part-time unit handling missing-child cases along with other investigative responsibilities? Is it a unit within a missing-person bureau or the juvenile division? Is it a single officer program where all or certain types of missing-child cases are assigned to one investigator? If not, is it staffed with sworn officers, civilians, or a combination of both? How are these investigators and civilians selected? Is the assignment to this unit viewed as a desired position? Or is it solely a clerical unit where the missing-child function is basically one of recordkeeping with only certain, serious cases forwarded for investigation? Or is the program conducted by some other person, such as a volunteer, who is assigned to review reports and forward long-term or serious cases to an investigative unit?

Fourth review unit(s) responsible for report-taking and initial investigation. What part of the agency is responsible for these duties? Is it the regular patrol force, a designated patrol officer with specialized training in missing-child cases, the front desk where the public is told to respond to make a report, the investigative section, or a specialist assigned to missing-children cases who is responsible for report-taking and the initial investigation?

Fifth review the procedure for distributing missing-children reports. How widely is the missing-child report distributed, and how promptly does it reach destinations such as the records division, the front desk, patrol division, investigative division, and missing-child unit?

Sixth determine areas of responsibility. Who currently assumes responsibility for duties such as National Crime Information Center (NCIC) record entry and cancellation? In addition, if the initial evaluation fails to locate the missing child, who continues the investigation?

Seventh review written policies and procedures. Are initial investigative procedures clearly described? Are there written guidelines about subjects such as follow-up investigations, family abductions, juvenile pick-ups, custody orders, and authority to detain a missing child who is recovered?

Eighth review readiness assessments. Have evaluations been conducted to assess subjects such as training level, investigative expertise, personnel availability, willingness to solve problems, and relationship to the media? Law-enforcement agencies need to ask these questions. How much training concerning missing children is received during recruit and in-service classes? Do investigators or officers assigned to missing-child cases receive specialized training? Is any form of local, state, or regional certification required/available? Are policies and procedures needing to be followed in missing-child cases formalized and documented? If a particularly serious case arises, are additional investigative personnel immediately available? If so, do they have any specialized missing-child training? Does the agency encourage an open relationship with the media, which is of assistance in missing-child investigations? Does the agency work cooperatively with any

missing- and exploited-children organization and runaway shelters within its jurisdiction offering services to victim families and children at-risk?

Once defined, an agency's policies and procedures should regularly be evaluated to identify strengths and weaknesses. This evaluation should also include a review of agency records to determine the actual extent and nature of the missing-child problem within the jurisdiction. Learning the extent and nature of the problem will be of help in determining what, if any, procedural changes are needed.

As a result of this critical analysis, a need for organizational or managerial improvement may be identified. If so, agencies should consider modifying current operational policies and procedures and/or developing new ones to address areas needing improvement.

## **Develop New Operational Policies and Procedures**

Defining new operational procedures is a complex task, yet it remains one of the most important aspects of any implementation concept. It is at this stage all new ideas are developed and placed into perspective.

The goals of effective policies and procedures include defining objectives, setting responsibilities, offering guidelines, developing a standard of measure, and providing a level of public expectation. To accomplish this agencies need to have a "policy statement." This is where the agency clearly announces its procedural purpose, such as, "It shall be the policy of this department to aggressively investigate all cases of missing children...." With clearly stated policies and procedures, members of the force are made aware of their role in all missing-child cases. Additionally policies standardize agency response to missing-child cases by describing general investigative procedures and creating a method by which the effectiveness of those procedures may be evaluated. Often a public made aware of an agency's priority response to missing-child reports will tend to view the entire law-enforcement agency in a more professional light.

There are many components to consider when implementing effective policies and procedures. For instance the goals and objectives of all policies should be clearly outlined in such a manner as to reinforce the need for each change. Each new procedure should be clearly identified and properly assigned. Members of the agency should be able to understand and follow case procedures, even if they have no specialized training in missing-child investigations. Concise procedures eliminating uncertainty among personnel not only lead to more effective case management but also diminish exposure to liability; however, a policy should not be so rigid investigative creativity is restrained. The policy should provide for discretion without jeopardizing the case, but not be so ambiguous it allows excessive discretion by members of the agency.

It is important to identify and formalize procedures requiring the sharing of case information and investigative leads between entities within the agency such as the juvenile division and missing-child unit. Each policy and procedure should be complete and the language used should help ensure standardization of terminology. The policy or procedure should define the expected case activity. Members of the agency should not have to refer to other rules or regulations to find guidance about missing-child cases.

Keep in mind missing-child report procedures should indicate what happens to the case from time of report through closure. For instance reports need to be centrally logged, easily located, and well prepared. The procedure should include



provisions noting each case is checked for proper NCIC entry, including updates of dental and medical records when warranted; ongoing investigative review; periodic updates; use of all local, state, and national resources; coordination with the National Center for Missing & Exploited Children® (NCMEC); correct case clearance/closure; NCIC cancellation; and proper storage of all case-related information.

**Note:** The Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA®), the nation’s foremost law-enforcement accrediting authority, has added a standard requiring agencies seeking accreditation to have in effect a comprehensive policy about responding to reports of missing children.

## Identify New Objectives and Goals

An **objective** is a precise, quantifiable task to be accomplished in order to reach a particular goal. A **goal** is the result when properly identified objectives are attained, while achieving the concise expression of the ideal sought. Keep these definitions in mind when formulating short- and long-range goals. This formulation process is time-consuming, but cost-effective when setting policies and procedures. Figure 27 below offers sample goals and objectives agencies may wish to consider during this process.

Other goals might include developing/maintaining a positive yet controlled media relationship, designing/presenting training programs about missing children for all members of the force, and establishing a communication network with resource agencies in the community.

Sample Goals and Objectives	
Goal	Objectives to Attain Goal May Include
To develop a proposal for the creation of a centralized missing-child unit	<ul style="list-style-type: none"> <li>■ Conducting an analysis of current operational procedures</li> <li>■ Identifying existing system gaps</li> <li>■ Determining needed changes to existing policies, procedures, and practices</li> <li>■ Evaluating implementation issues</li> <li>■ Preparing and submitting a comprehensive report through the chain of command</li> <li>■ Developing illustrative material, such as charts and graphs, if called upon to support the proposal</li> </ul>
To help ensure timely entry, review, and cancellation of NCIC messages	<ul style="list-style-type: none"> <li>■ Informing agency personnel regarding importance of NCIC system</li> <li>■ Proposing change in agency forms to include NCIC check-off box</li> <li>■ Recommending change in procedure to require supervisory approval of NCIC entry, update of dental/medical additions, and cancellation</li> <li>■ Developing a standard procedure to respond to NCIC unidentified-child messages</li> <li>■ Conducting an audit of selected cases to evaluate compliance</li> </ul>

To produce specialized missing-child bulletins

- Encouraging reporting officers to obtain a photograph of the missing child
- Preparing a “master bulletin” to use as a format for all fliers using standards such as the Lost Child Alert Technology Resource (LOCATER™) system as described in “Appendix D” on page 223
- Evaluating cost factors such as paper and printing
- Seeking the cooperation of local printing businesses
- Developing a distribution network, including local community groups and private businesses, to circulate fliers and remove them once no longer needed
- Designing a bulletin board to display fliers in agency’s lobby
- Maintaining a file of all bulletins prepared, received, and removed
- Coordinating with NCMEC

**Figure 27**

## **Consider Establishing a Dedicated Missing-Child Unit**

Due to the unique and sensitive nature of missing-child investigations, most law-enforcement agencies will find ample justification to support the creation of a specialized unit to investigate these cases. The advantages of a centralized missing-child unit include uniform model, development of investigative expertise, improved service to at-risk children, centralized case control, reduction in trial-and-error, faster case completion, and a basis for statistical analysis. Similar missing-child units are found in law-enforcement agencies throughout the nation. When such units are established and fully operational they may speed the flow of incident information when working cases crossing jurisdictional lines. Officers assigned to a centralized unit will gain specialized knowledge about the investigation of missing-child cases, thereby enhancing case resolution. Missing-child officers develop an awareness concerning troubled children and are able to recommend needed resources. All records regarding missing children may be properly maintained and promptly accessed. Being familiar with the unique nature of missing-child investigations, officers assigned to a specialized unit are able to conduct a case more efficiently. More effective investigative efforts result in quicker case closure and reduced risk of victimization to the missing child. Centralized recordkeeping promotes the study of case histories and encourages proactive program implementation.

## **Evaluate Implementation Issues**

After determining creation of a centralized missing-child unit would significantly enhance an agency’s response to cases of missing children, the next step is to define the unit’s organizational structure. A number of factors need to be considered and decided on before the unit begins operation including the type of program, location of the unit, necessary support equipment and material, personnel selection, personnel training, and use of the media. Agencies should ask would the unit function fully from the start or a pilot project be instituted? Will the unit be located within the main agency building or housed in some other facility?

Organizationally will the unit be placed in the Criminal-Investigation Division, Juvenile Division, Community-Relations Division, or some other division?

One key to any successful missing-child unit is staffing. This should be accomplished with proper planning and recognition of the special skills and personality traits needed including good human-relations skills, an inquisitive demeanor, an ability to work compassionately with distraught individuals, a willingness to interact with other community resources, and an ability to work with family members over an extended period of time. Assignment to this unit needs to be perceived as a desired and coveted position reflecting the officer's ability to comfortably investigate these difficult cases. Training for personnel in the unit should be ongoing to enhance the specialized expertise of unit members. Areas of instruction might include identifying runaways, investigating family abductions, case management, international family abductions, interviewing techniques, recognizing sexual exploitation and neglect, custody laws, and interagency cooperation. **Note:** For information about training programs sponsored by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) please visit the "Training" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com) and Fox Valley Technical College's web site at <http://dept.fvtec.edu/ojjdp>.

Key personnel to consider placing in the unit include supervisory staff, investigative personnel, clerical support, and volunteers. See the section titled "Use of Volunteers in Missing-Child Units" on page 207 for more information about the use of volunteers in these units. Figure 28 below offers a potential division of responsibilities among staff members in a dedicated missing-child unit.

Potential Division of Responsibilities in a Dedicated Missing-Child Unit	
Staff Member	Responsibility
Supervisor	<ul style="list-style-type: none"> <li>■ Oversee investigation.</li> <li>■ Help ensure effective case management.</li> <li>■ Direct all unit personnel.</li> <li>■ Establish and maintain a media-relations program.</li> <li>■ Develop a community network.</li> </ul>
Investigator	<ul style="list-style-type: none"> <li>■ Investigate case.</li> <li>■ Maintain case file.</li> <li>■ Develop resources.</li> <li>■ Share information with appropriate colleagues and agencies.</li> </ul>
Clerical Staff	<ul style="list-style-type: none"> <li>■ Assist in recordkeeping.</li> <li>■ Provide administrative support.</li> <li>■ Understand unit responsibilities.</li> </ul>
Volunteers	<ul style="list-style-type: none"> <li>■ Offer assistance as needed.</li> <li>■ Maintain case confidentiality.</li> <li>■ Understand limits of authority. See the section titled "Volunteer Assigned to Missing-Child Unit: Sample Job-Description Statement" beginning on page 208 for a sample job description for volunteers assigned to such units.</li> </ul>

Figure 28

## Program Implementation

After the procedural guidelines have been completely evaluated and approved, the new missing-child response program is ready to be implemented. Dissemination of information is the key to the success of any new process. All personnel within the agency and community at-large must be made aware of the new policies and procedures and what the new program is to achieve.

First conduct agency-wide training by distributing copies of new policies/procedures to all members of the agency, describing new programs at roll calls/inspections, preparing brief video training tape, addressing administrative staff meetings, and spot checking to evaluate understanding of the program.

Second develop an ongoing monitoring process within the new unit by conducting regular staff evaluations concerning program effectiveness, instituting a program whereby all unit personnel participate in constant evaluation of policy goals and objectives, and continuing to set realistic new goals.

Third enlist public support for the program by designing and executing a "media" or "public relations" plan to promote the program within the community. A word of caution is in order regarding "going public" with the new program. Be certain all contact points between your agency and the public are aware of the new procedure, understand what it is attempting to achieve, and know how to access any services advertised.

As the missing-child program becomes fully implemented and additional needs are identified, opportunities for additional programs and procedures will arise. Municipalities may wish to consider developing interagency agreements and multidisciplinary teams, formulating contingency plans, and establishing written protocols with other child-serving agencies and organizations in the community to better address the missing-child issue. Teams, plans, and protocols need to include law enforcement, schools, courts, social services, probation, and others needed to establish a comprehensive and coordinated approach to the problem. Such arrangements should speed the flow of valuable information to both expedite recoveries and help ensure provision of assistance from the community's service points for all children and most especially at-risk children.

Community awareness, in particular, should play a key role in lessening the incidence of missing children, especially those who leave home voluntarily. Agencies should consider implementing community-awareness programs by hosting public presentations at places such as schools, youth groups, and clubs with displays and demonstrations about child safety and programs to photograph, fingerprint, and document child-identifying information. Child-safety seminars and classes involving families may be effective just before school begins or before summer break and on a continuing basis throughout the school year to help ensure age-appropriate safety messages are reinforced year-after-year for children of all ages. Such reinforcement of safety information is critical at all ages from young children who typically spend more time with a limited number of family members and caretakers to teenagers to help them identify at-risk situations as they increase the sphere of individuals with whom they interact. Such educational opportunities also reinforce the local services available to assist teenagers, especially those who may be considering running away or are faced with a "throwaway" situation within their families. For a list of child-safety prevention information available through NCMEC visit the "More Publications" section of [www.missingkids.com](http://www.missingkids.com) to view, download, and order publications.

Finally, agencies should consider formulating contingency plans by holding meetings with area law-enforcement agencies, rescue squads, and search groups to discuss future cooperation; organizing an investigative task force made up of pertinent agency personnel to be activated when the need arises; developing case-screening methods to quickly identify high-risk missing children; designing a master format for a missing-child bulletin/flier; and prearranging for mass poster printing.

## Children Missing From Care: Special Management Considerations

All missing children are at-risk whether they have run away or been abducted by an unknown individual or a noncustodial family member. The longer a child remains missing, the greater the risk of exploitation, victimization, injury, or even death. Law-enforcement officers around the nation clearly recognize these risks and have implemented effective policies and procedures to help bring missing children home as swiftly and safely as possible. For the most part, however, these response policies have been designed to assist the child who is missing from a “standard” home and/or “traditional” family. There is, however, another type of missing child, one who may be even more vulnerable and at-risk, namely the **child missing from care**. Prompted by startling incidents across the country where children were found to be absent from the homes or facilities into which they had been placed, but not formally reported to authorities as missing, child-welfare professionals nationwide have commenced a campaign to avoid these oversights in the future. This campaign, however, needs the full support of law enforcement to be truly effective.

Child welfare and law enforcement have a shared interest in the safe return of children missing from out-of-home care. When child-welfare and law-enforcement agencies work in partnership they provide the expertise of both disciplines and enhance both the investigative effort and recovery of the child. It is also essential for both partners to bring a respect for the other’s point of view and knowledge, openness to different ways of working and thinking, and a willingness to work together in the best interests of the child who is missing.<sup>65</sup>

Child welfare brings to the partnership a set of values, knowledge, and skills focusing on the safety and well-being of children who are in out-of-home care and devote much of their work to the relationships between children and birth families, children and foster families or other caregivers, and birth families and caregivers. They are trained in a strengths-based, family-focused perspective and approach and conduct assessments and make professional judgments based on their knowledge of a variety of topics including family dynamics and child development.<sup>66</sup>

Law-enforcement personnel focus their work on the investigation necessary to locate and safely return the child to the custody of the agency. Their efforts are dedicated to fact-finding, the collection of evidence, and upholding the law. Their knowledge of family dynamics tends to focus more on the specific circumstances, problems, and individual characteristics that may lead to abduction or runaway episodes.<sup>67</sup>

<sup>65</sup> Julie Gwin and Eve Malakoff-Klein, Editors. *CWLA Best Practice Guidelines: Children Missing From Care*. Washington, DC: Child Welfare League of America, 2005, page 33.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*



Regardless of differences in approach between professions, given the fact law-enforcement and child-welfare agencies are frequent partners in responding to and managing the recovery of children missing from care, it is imperative for agency managers to establish an environment promoting genuine collaboration and cooperation between respective staff members.<sup>68</sup>

In working with the assigned child-welfare worker, any previously appointed counsel such as a guardian ad litem,<sup>69</sup> and in cases when a child is a crime victim any appointed victim advocate, law enforcement is better able to obtain all available information in furtherance of the investigation and children may be placed in an environment conducive to growth and well-being upon their recovery.<sup>70</sup>

Law-enforcement policymakers are encouraged to review the “Agency Self-Assessment: Missing-Children Preparedness” on page 203 and “Agency Self-Assessment: Children Missing From Care” on page 206 for issues to be addressed in the development of effective missing-children policies including procedures related to **children missing from care**.

For an in-depth discussion regarding the importance of collaboration between law-enforcement and the child-welfare system — including policy and procedural recommendations, view, download, and order the NCMEC publication titled *Children Missing From Care: The Law-Enforcement Response* from the “More Publications” section of [www.missingkids.com](http://www.missingkids.com).

## Conclusion

The elements of this chapter are offered to help law-enforcement agencies evaluate their current policies and procedures and provide guidance to those agencies considering revisions. It is understood the material in this chapter is not specific but rather intended to provoke critical evaluation of your agency’s capability to safely recover a missing child. Since the development of effective policies and

<sup>68</sup> Thomas B. Smith, Kenneth Buniak, Lee Condon, and Lee Reed. *Children Missing From Care: The Law-Enforcement Response*. Alexandria, Virginia: National Center for Missing & Exploited Children, 2005, page 15 [hereafter Smith].

<sup>69</sup> The practice of appointing counsel to children in care is gaining national support as evidenced by the four examples noted below.

- According to the Child Abuse Prevention and Treatment Act (CAPTA), in order to receive federal funding, in the form of grants to states for child abuse and neglect prevention and treatment programs, states must appoint a guardian ad litem to represent the child in any abuse and neglect case that results in a judicial proceeding. In these instances the guardian ad litem may be an attorney or a court appointed special advocate (42 U.S.C. § 5106a(b)(2)(A)(xiii) (2003)).
- A February 7, 2005, Order by Judge Marvin H. Schoob of the United States District Court, Northern District of Georgia in *Kenny A. v. Perdue* opined all children in Georgia state care have the constitutional right to counsel in all major child-welfare proceedings. The proceedings include the initial hearing, adjudicatory hearing, dispositional hearing, and periodic case reviews.
- A 1998 survey by the National Council of Juvenile and Family Court Judges showed 40 states appointed counsel for children in abuse and neglect cases. Of those 40 states 30 appointed an attorney guardian ad litem. The remaining 10 states appoint a guardian ad litem who serves in addition to an appointed attorney. Information from “Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice” in *Technical Assistance Bulletin*, Vol. II, No. 2, March 1998, page 44. This bulletin is published by the National Council of Juvenile and Family Court Judges.
- And, as recommended in *Adoption 2002: The President’s Initiative on Adoption and Foster Care Guidelines for Public Policy and State Legislation Governing Permanence for Children*, in order for the best interest of children to be known, it is recommended states assure all children involved in dependency cases be represented by a trained attorney at every stage of the court process. Information accessed on March 21, 2005, at [www.acf.hhs.gov/programs/cb/publications/adopt02/02final.htm](http://www.acf.hhs.gov/programs/cb/publications/adopt02/02final.htm), chapter 7, section 11.

<sup>70</sup> Smith, op. cit. n. 68, page 16.

procedures is agency-specific, please combine the information in this guide with knowledge of your agency and community to develop an effective response. NCMEC, in association with the International Association of Chiefs of Police (IACP), has created a *Model Law Enforcement Policy and Procedure for Responding to Reports of Missing and Abducted Children*. This document may be viewed and downloaded from the “Training” section of NCMEC’s web site at [www.missingkids.com](http://www.missingkids.com). To further assist in this process consider reviewing *The Standards* for law-enforcement agencies by the Commission on Accreditation for Law Enforcement Agencies, Inc., which may be viewed online at [www.calea.org](http://www.calea.org). From that homepage click on the link to “CALEA Programs.” From that subsequent page click on the link to “Law Enforcement Accreditation.” And from that subsequent page click on the link to “The Standards.”

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## Agency Self-Assessment: Missing-Children Preparedness

Conducting a basic assessment of an organization's policies and procedures may be an enlightening experience. This type of diagnostic exam is designed to help assess an agency's current level of proficiency while, at the same time, develop ideas to enhance program performance. Be sure to respond to the questions regarding key functions as they exist at present, not as the reader would like them to be.

Answer the questions below as accurately as possible. If unsure about an answer, enter a question mark.

- Is an officer dispatched on **all** missing-child reports?
- Is agency aware of the National Child Search Assistance Act mandating coordination with NCMEC regarding **all** missing-child cases **including 18 to 20 year olds**?
- Is agency aware of the Adam Walsh Child Protection and Safety Act of 2006 mandating NCIC **entry must be made by law enforcement within two hours of receipt of a report of a missing or abducted child**?
- Does agency understand how to implement the **America's Missing: Broadcast Emergency Response (AMBER) Alert** notification system?
- Are all missing-child reports sent to one central location?
- Is each report entered in a central log for easy case management?
- Is each report entered into the NCIC Missing Person File within two hours of report receipt, and are NCIC Missing Person File categories clearly understood by agency personnel and reports reviewed to help ensure the correct category has been used?
- Is each report checked for valid/accurate information?
- Is the person reporting the case promptly contacted for initial case follow-up?
- Is the person reporting the case regularly contacted to update him or her about the case?
- Are photographs or videotapes obtained in all cases?
- Is there an ability to promptly prepare and disseminate a photo bulletin?
- Is it clear as to who investigates missing-child cases?
- Is there a familiarity with the personnel in and services provided by state/territorial missing-children clearinghouses?
- Are local records checked to determine whether the missing child and/or suspected abductor have pending criminal charges or are being investigated by a separate section within the agency?
- Are the dental records of all children missing for more than 30/60 days entered into NCIC?

- [ ] Is a specifically assigned missing-child officer/investigator used?
- [ ] Do all missing-child volunteers/clerks/cadets used have specific guidelines as to what cases should be referred to an investigator such as those involving foul play or family abduction?
- [ ] Are all cases cleared by use of a supplemental report when a missing child returns/is recovered?
- [ ] Is the recovery/return of each missing child confirmed by sight?
- [ ] Has any waiting period established before taking a runaway report been eliminated?
- [ ] Are habitual runaways readily identifiable?
- [ ] Is there a runaway shelter in the community?
- [ ] If so, what procedures are in place to work with this runaway shelter?
- [ ] Are located runaways interviewed to determine their reasons for leaving home, gather valuable information, and refer them for follow-up treatment and assistance?
- [ ] Is the record for each recovered/returned missing child immediately removed from NCIC?
- [ ] Are all unidentified body teletypes from other agencies compared to active cases for possible matches?
- [ ] Are all such teletype inquiries from other jurisdictions reviewed and responded to even if there is no match?
- [ ] Are all alternative and credible resources within the community to aid in locating missing children known and used?
- [ ] Is there a nonprofit, missing-children organization (NPO) in the community or region?
- [ ] If so, are its services used?
- [ ] Is there a policy regarding the publishing of missing-child bulletins by the local media on a regular basis?
- [ ] Does your agency participate in NCMEC's Lost Child Alert Technology Resource (LOCATER™) program to immediately disseminate professional-looking, missing-child fliers? Is there an agreement with local printing firms to assist in this process if supplemental flier production is needed?

- [ ] Is there an officer in the agency knowledgeable about the laws and tools pertaining to family abduction such as Unlawful Flight to Avoid Prosecution (UFAP) warrants, the Uniform Child Custody Jurisdiction Act (UCCJA) or Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the Parental Kidnapping Prevention Act (PKPA), the Federal Parent Locator Service (FPLS), the Hague Convention on the Civil Aspects of International Child Abduction, International Child Abduction Remedies Act (ICARA), and the International Parental Kidnapping Crime Act (IPKCA)?
- [ ] Is an active public-relations response in place to immediately respond to missing-children cases?
- [ ] Is there a highly visible missing-child bulletin board displaying fliers of missing children and information to the public in a prominent area of the law-enforcement agency?
- [ ] Are accurate statistics available about the number of missing children reported annually along with a breakdown of the total by ages and categories?
- [ ] Is a plan in place to use community resources to assist in the reunification of missing children with their families?

**Note:** NCMEC, in association with the International Association of Chiefs of Police has created a *Model Law Enforcement Policy and Procedure for Responding to Reports of Missing and Abducted Children*. This document may be viewed and downloaded from the "Training" section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

## Agency Self-Assessment: Children Missing From Care

Children missing from out-of-home care, such as foster homes, group residences, and facility settings, present law enforcement with issues not normally encountered when a child is reported missing from a traditional home and family. As a result law-enforcement decisionmakers need to develop specific policies and procedures to enhance their agency's response to these situations. Listed below are considerations that may be of help to the law-enforcement administrator in the development of those procedures.

- [ ] Has your law-enforcement agency discussed with your local child-welfare agency the importance of collecting specific biographical information in order to have the critical information needed to complete a missing-person report at the point of intake? As a matter of policy does the child-welfare agency have a recent photograph available of the children in its care? Are procedures in place to help ensure this information is available to investigating officers in a timely manner? It may be appropriate to provide blank copies of your agency's Missing Person Report to child-welfare representatives to help ensure complete information is made available to investigating officers.
- [ ] Do law-enforcement officers have a way to access child-welfare files and an on-call caseworker 24 hours a day 7 days a week?
- [ ] Do recovery procedures include action by a multidisciplinary team to respond to situations such as the trauma abducted children suffer from or determine the underlying reasons for running away?
- [ ] Is there an understanding regarding and a plan for responding to media inquiries?
- [ ] Do policies clearly state the procedure to be followed when a child missing from care is found whether in your jurisdiction or another one?
- [ ] Do procedures cover action to take if a child, upon recovery, reports inappropriate actions/activities at the facility or home he or she was placed in prior to the missing episode?
- [ ] Do procedures provide direction for handling a child missing from another jurisdiction or state, when he or she is located in your jurisdiction?<sup>71</sup>

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<sup>71</sup> *Id.*, page 13.

## Use of Volunteers in Missing-Child Units

Each year law-enforcement agencies strive to “do more with less,” especially when municipal, county, and state agencies are forced to reduce personnel in order to operate within restricted budgets. In those jurisdictions agency administrators often seek long-term, alternative solutions to those budget constraints. One such solution is the use of non-law-enforcement volunteers to bolster resources.

Law-enforcement administrators are realizing the valuable assistance qualified volunteers are able to offer agencies. Although the use of these individuals may be limited in certain areas of law enforcement, a significant number of agency functions are well within the realm of volunteerism.

One such law-enforcement function where volunteers have been used is as an investigative aide within a missing-child unit. With a qualified volunteer assigned to such administrative responsibilities as file management, routine call-back, recordkeeping, statistical summaries, and clerical case close-out, an agency's limited number of missing children-unit personnel are freed to perform investigative tasks to help speed case resolution.

Another function volunteers may help implement and administer is the agency's community-awareness programs. Volunteers are invaluable when agencies are hosting community child fingerprinting/identification events and coordinating school and community-group presentations about child safety. For information about literature available to distribute in these settings, visit the “More Publications” section of NCMEC's web site at [www.missingkids.com](http://www.missingkids.com).

## Volunteer Assigned to Missing-Child Unit: Sample Job-Description Statement

<b>Purpose:</b>	To use the services of a qualified volunteer to catalog, follow-up, and maintain the agency's efforts to locate missing children, thereby relieving a sworn officer for other investigative duties.
<b>Objective:</b>	To prevent backlogs and delays in the investigation of reported missing children and improve communication within the agency, with other concerned and appropriate organizations and agencies, and with affected families.
<b>Goal:</b>	To provide an efficient, prompt, and reliable response to the handling, investigation, and recovery of missing children through the supervised efforts of a trained volunteer.
<b>Position Title:</b>	"Volunteer Investigative Aide"
<b>Qualifications:</b>	Good human-relations skills Ability to work with distraught individuals An inquisitive demeanor Dependability Respect for confidentiality Willingness to provide referral services to families in need Ability to follow supervisory direction
<b>Schedule:</b>	10 hours per week, minimum of 2, 5-hour days. Hours may increase as caseload dictates. Time: 1 to 6 P.M. or 2 to 7 P.M. Days: Mondays and Thursdays (preferred) <b>Note:</b> This schedule facilitates close supervision by an investigator. It allows the volunteer to work with schools before dismissal, parents/guardians during work hours, and parents/guardians at home after work. The necessity for split days is derived from the various time constraints and events often experienced in a missing-child case.
<b>Job Scope:</b>	<p>The volunteer will review all missing-child reports. He or she will log each report into the central missing child's log noting its status and other appropriate information. Checks will be made to help ensure the completion of proper reports and correct entries into the NCIC system.</p> <p>In cases when the missing child returns following a short disappearance, a check will be made to help ensure completion of the proper supplemental reports along with removal from the NCIC system.</p> <p>When the missing child has not returned within a few days it is the volunteer's responsibility to notify the officer assigned to the case so he or she will be able to contact the person who made the report to gather appropriate information about the case. At that point preparations should be made to continue the investigation with Be-On-the-Look-Out (BOLO) bulletins and extended search parameters.</p>



In extended cases work with agency's NCIC data-entry person to fully load NCIC Missing Person File with dental and medical records.

**An investigator will be immediately apprised when**

- [ ] The missing child is 13 years of age or younger.
- [ ] The missing child is believed to be out of the zone of safety for his or her age and developmental stage.
- [ ] The missing child is mentally incapacitated.
- [ ] The missing child is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
- [ ] The missing child has been absent from home for more than 24 hours before being reported to law enforcement.
- [ ] Based on available information it is determined the missing child is in a life-threatening situation.
- [ ] Based on available information it is believed the missing child is in the company of an individual who could endanger his or her welfare.
- [ ] The absence is inconsistent with his or her established patterns of behavior and the deviation cannot be readily explained.
- [ ] Other circumstances are involved in the disappearance that would cause a reasonable person to conclude the child should be considered "at-risk."

The volunteer may be involved in aiding the assigned investigator as an investigative assistant throughout any phase of a missing-child case. As a matter of safety the volunteer will **not** be required to perform duties outside of the agency's facilities to physically search for a missing child. He or she will, however, occasionally meet with reporters and witnesses at the missing-child unit to obtain supplemental information concerning specific cases.



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## Appendix A: NCIC Missing-Person-File Categories

The National Crime Information Center (NCIC) Missing Person File is an automated database system that stores descriptive information about a missing person using a specific set of identifying factors. Since the Missing Person File is divided into 6 individual classifications, it is extremely important for the reporting officer to accurately assess each case and designate the proper entry category.

### Entry Categories (message code key designation)

- **Disability** (MKE/EMD) A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him- or herself or others to personal and immediate danger.
- **Endangered** (MKE/EME) A person of any age who is missing under circumstances indicating his or her physical safety may be in danger.
- **Involuntary** (MKE/EMI) A person of any age who is missing under circumstances indicating the disappearance is not voluntary such as abduction or kidnapping.
- **Juvenile** (MKE/EMJ) A person younger than 18 years of age who is missing and does not meet the entry criteria set forth in other categories.
- **Catastrophe** (MKE/EMV) A person of any age who is missing after a disaster.
- **Other** (MKE/EMO) A person 18 years of age or older not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his or her safety.

**Note:** The Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act, Pub. L. No. 109-248) mandates **NCIC entry must be made by law enforcement within two hours of receipt of a report of a missing or abducted child**. This replaces the term “immediately” in the National Child Search Assistance Act (NCSAA, 42 U.S.C. §§ 5779). The Adam Walsh Act also specifies **a missing or abducted child’s record may not be removed from state law-enforcement systems or NCIC solely because of age if they have not yet been recovered**.

The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003 (Pub. L. No. 108-21) contains a provision recognizing the concern of the U.S. Congress for the safety of missing young adults, ages 18 to 20, especially those whose disappearance is out of keeping with their normal pattern of behavior. The provision, known as Suzanne’s Law, extends to these young adults some of the same reporting and investigative procedures already provided to children younger than 18 years of age. Accordingly **law enforcement is now required to enter the report of a missing 18- to 20-year-old into the NCIC Missing Person File without delay** and conduct an investigation into the young adult’s disappearance. NCMEC recommends in these cases NCIC entry also be made no later than within two hours of report receipt.

For those law-enforcement agencies using the newer NCIC 2000 system, the correct entry code for a missing 18- to 20-year-old is the “Other” category from the list above unless circumstances of the disappearance are better described in the “Disability,” “Endangered,” “Involuntary,” or “Catastrophe” categories.

For those law-enforcement agencies using the older, non NCIC 2000 system, the entry code for a missing 18- to 20-year-old is “Juvenile” unless circumstances of the disappearance are better described as “Disability,” “Endangered,” “Involuntary,” or “Catastrophe.” NCIC has modified the “Juvenile” category in the non NCIC 2000 system to recognize entries of 18 to 20 year olds.



## Appendix B: NCIC Child-Abduction Flag

The Child-Abduction (“CA”) flag was introduced on February 2, 1997, (National Crime Information Center Technical Operational Update 96-6) to notify the National Center for Missing & Exploited Children® and Federal Bureau of Investigation’s National Center for the Analysis of Violent Crime of critical missing-children cases. The “CA” flag is used when there is a reasonable indication or suspicion a child has been abducted and/or is missing under circumstances suggesting foul play or a threat to life. Once NCIC’s “CA” flag is entered by the law-enforcement agency into the Missing Person File of a record entered with the Endangered or Involuntary message key, both NCMEC and NCAVA are automatically notified.

All questions about NCIC, including those concerning the Missing Person File, may be asked by calling the National Crime Information Center at 304-625-3000 or directing an Nlets message to DCFBIWAQ9.







<b>Additional Information</b>	Religion Gang Member Hobbies Place of Employment Supervisor Name	Nontraditional Religious Activity Gang Name Occupation Trade License Telephone
<b>Identification</b>	Driver's License (D.L.) No. Military ID No.	State Immigration No. Passport/Visa No.
<b>Available Funds</b>	Cash Credit-Card Issuer Name of Bank/Account Holder	Checks Card-Holder Name Account No. Account Number Balance
<b>Medical</b>	Medication Disability Uses Illegal Drugs Doctor	Prescribed For Blood Type Type Address Prescription Expires Pregnant Uses Alcohol/Extent Telephone
<b>Mental Condition</b>	Depressed Peer Relationships Other	Despondent Family Problems Changes in Behavior
<b>Prior Episodes</b>	Missing Before (Y/N) Where Recovered	
<b>Identification Methods</b>	Footprints Available Fingerprints Available Fingerprint Class (NCIC) Photograph Available	Date Taken Date Taken Date Taken
<b>Vehicle</b>	Owner Make Condition	Relationship Address Model Year State Type/Style Color VIN No.
<b>Other Information</b>	History of Custody Orders History of Court Involvement Such as Arrests Knowledge of Survival Skills Possible Destination Why Believe That is Possible Destination?	
<b>Last Seen By</b>	Name Telephone No. Date Last Seen In the Company of	DOB Relationship/Circumstances Location Last Seen
<b>Acquaintances/Friends/Boyfriends/Girlfriends</b>		
Name Telephone No. Comments	DOB Age Address	Relationship

Name  
Telephone No.  
Comments

DOB

Age

Relationship  
Address

Name  
Telephone No.  
Comments

DOB

Age

Relationship  
Address

Name  
Telephone No.  
Comments

DOB

Age

Relationship  
Address

Name  
Telephone No.  
Comments

DOB

Age

Relationship  
Address

Name  
Telephone No.  
Comments

DOB

Age

Relationship  
Address

### **The Family Tree**

Mother

Name  
Address  
SSN  
Occupation/Employer  
Biological/Step/Adoptive  
Other Information

DOB  
Telephone No.  
D.L. No.

Age  
Passport No.

Father

Name  
Address  
SSN  
Occupation/Employer  
Biological/Step/Adoptive  
Other Information

DOB  
Telephone No.  
D.L. No.

Age  
Passport No.

Guardian

Name  
Address  
SSN  
Occupation/Employer  
Relative  
Other Information

DOB  
Telephone No.  
D.L. No.

Age  
Passport No.

Guardian

Name  
Address  
SSN  
Occupation/Employer  
Relative  
Other Information

DOB  
Telephone No.  
D.L. No.

Age  
Passport No.

Sisters	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
Brothers	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
<b>Mother's Side of Family as Related to Child</b>			
Grandmother	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
	Name	DOB	Age
Grandfather	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
Aunts	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		
	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Uncles	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Name	DOB	Age
Address	Telephone No.	
SSN	D.L. No.	Passport No.
Occupation/Employer		
Other Information		

### **Father's Side of the Family as Related to Child**

Grandmother	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Grandfather	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Aunts	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Name	DOB	Age
Address	Telephone No.	
SSN	D.L. No.	Passport No.
Occupation/Employer		
Other Information		

Uncles	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Name	DOB	Age
Address	Telephone No.	
SSN	D.L. No.	Passport No.
Occupation/Employer		
Other Information		

### Guardian's Family as Related to Child

Grandmother	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Grandfather	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Aunts	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

Uncles	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		

	Name	DOB	Age
	Address	Telephone No.	
	SSN	D.L. No.	Passport No.
	Occupation/Employer		
	Other Information		



## Appendix D: LOCATER™ Program

**LOCATER (Lost Child Alert Technology Resource)** is an advanced, web-based computer software program providing law enforcement with the tools and technology needed to promptly broadcast missing-child images and information. LOCATER is provided by the National Center for Missing & Exploited Children® and is available at no cost to law-enforcement agencies. LOCATER assists in the rapid creation and distribution of professional-looking, missing-child posters and bulletins. Once created copies may be printed for distribution at roll calls, at incident command posts, and to the community. Posters may also be electronically transmitted to other agencies, the media, and the public via the Internet or fax transmission. Posters may also be distributed electronically to anyone with E-mail capabilities. The LOCATER program is actively used by more than 4,600 U.S. law-enforcement agencies.

A law-enforcement agency receives a missing-child report and obtains the child's photograph from a parent/guardian. After entering the missing child's information into the National Crime Information Center (NCIC) databases, law enforcement accesses LOCATER through a secure web site. The web-based program quickly guides the user through the process of generating a poster. A poster may be created in English, French, or Spanish. The user may print high-quality posters. The LOCATER program provides users with an up-to-date list of all participating agencies. Posters may also be targeted to specific zip codes, municipal areas, or states. All LOCATER posters are available to other participating law-enforcement agencies in a secure database, where they may search for the most recent posters by child's name, agency name, file number, date, and other key factors. Receiving law-enforcement agencies may view, download, print, and distribute the poster repeatedly.

LOCATER is not limited to missing-children posters. As an added benefit LOCATER contains numerous types of posters. Examples include templates for missing adults, wanted persons, and crime alerts.

For additional Information visit [www.locaterposters.org](http://www.locaterposters.org) or E-mail requests to [info@locaterposters.org](mailto:info@locaterposters.org).



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## National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children®, established in 1984 as a private, nonprofit organization, serves as a clearinghouse of information about missing and exploited children; provides technical assistance to the public and law-enforcement agencies; offers training programs to law-enforcement and social-service professionals; distributes photographs of and descriptions about missing children worldwide; creates and coordinates child-protection education and prevention programs and publications; coordinates child-protection efforts with the private sector; networks with nonprofit service providers and missing-children clearinghouses regarding missing-child cases; and provides information about effective legislation to help ensure the protection of children per 42 U.S.C. §§ 5771 *et seq.*; 42 U.S.C. § 11606; and 22 C.F.R. § 94.6.

A 24-hour, toll-free telephone line, **1-800-THE-LOST® (1-800-843-5678)**, is available in Canada and the United States for those who have information regarding missing and exploited children. The “phone free” number is 001-800-843-5678 when dialing from Mexico and 00-800-0843-5678 when dialing from other countries. For a list of other toll-free numbers available when dialing from specific countries visit [www.missingkids.com](http://www.missingkids.com), and from the homepage click on the link to “More Services” and then on the link to “24-Hour Hotline.” The CyberTipline® is available worldwide for online reporting of these crimes at [www.cybertipline.com](http://www.cybertipline.com). The TTY line is 1-800-826-7653. The NCMEC business number when dialing in the United States is 703-224-2150. The NCMEC business number when dialing from other countries is 001-703-522-9320. The NCMEC facsimile number is 703-224-2122. The NCMEC web-site address is [www.missingkids.com](http://www.missingkids.com).

For information about the services offered by our other NCMEC offices, please call them directly in California at 714-508-0150, Florida/Collier County at 239-566-5801, Florida/Southeast at 561-848-1900, Kansas City at 913-469-5437, New York at 585-242-0900, New York/Mohawk Valley at 315-732-7233, and South Carolina at 803-254-2326.

A number of publications, addressing various aspects of the missing- and exploited-child issue, are available free of charge in single copies by contacting the



Charles B. Wang International Children's Building  
699 Prince Street  
Alexandria, Virginia 22314-3175  
U.S.A.  
1-800-THE-LOST (1-800-843-5678)  
[www.missingkids.com](http://www.missingkids.com)  
ORI VA007019W



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(see back cover for beginning of checklist)

- [ ] Evaluate whether the circumstances of the child's disappearance meet **AMBER Alert criteria** and/or other immediate community-notification protocol. Discuss plan activation with supervisor.
- [ ] Relay detailed descriptive information to communications unit for broadcast updates.
- [ ] Determine need for additional personnel including investigative and supervisory staff.
- [ ] Brief and bring up-to-date all additional responding personnel.
- [ ] Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.
  - [ ] Note name, address, home/business telephone numbers of each person.
  - [ ] Determine each person's relationship to the missing child.
  - [ ] Note information each person may have about the child's disappearance.
  - [ ] Determine when/where each person last saw the child.
  - [ ] Ask each one, "What do you think happened to the child?"
  - [ ] Obtain names/addresses/telephone numbers of the child's friends/associates and other relatives and friends of the family.
- [ ] Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- [ ] Obtain and note permission to search home or building where incident took place.
- [ ] Conduct an immediate, thorough search of the missing child's home, **even if the child was reported missing from a different location.**
- [ ] Seal/protect scene and area of the child's home (including the child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so evidence is not destroyed during or after the initial search and to help ensure items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
  - [ ] Evaluate the contents and appearance of the child's room/residence.
  - [ ] Inquire if the child has access to the Internet and evaluate its role in the disappearance.
  - [ ] Ascertain if the child has a cellular telephone or other electronic communication device.
- [ ] Extend search to surrounding areas including vehicles and other places of concealment.
- [ ] Treat areas of interest as potential crime scenes.
- [ ] Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
- [ ] Interview other family members, friends/associates of the child, and friends of the family to determine
  - [ ] When each last saw the child.
  - [ ] What they think happened to the child.
- [ ] Review sex-offender registries to determine if individuals designated as sexual predators live, work, or might otherwise be associated with area of the child's disappearance.

(continued on page 234)

- [ ] Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File within two hours of report receipt and any information about a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to use the Child-Abduction flag whenever possible.)
- [ ] Prepare flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
- [ ] Prepare reports/make all required notifications.

### **Supervisory Officer**

- [ ] Obtain briefing and written reports from the first responding officer and other personnel at the scene.
- [ ] Decide if circumstances of the child's disappearance meet the protocol in place for activation of an **AMBER Alert** and/or other immediate community-notification systems.
- [ ] Determine if additional personnel are needed to assist in the investigation.
- [ ] Establish a command post away from the child's residence.
- [ ] Determine if additional assistance is necessary from
  - [ ] State Police.
  - [ ] Missing-Children Clearinghouse.
  - [ ] FBI.
  - [ ] Specialized Units.
  - [ ] Victim-Witness Services.
  - [ ] NCMEC's Project ALERT/Team Adam.
- [ ] Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- [ ] Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- [ ] Verify all required notifications are made.
- [ ] Ensure all agency policies and procedures are in compliance.
- [ ] Be available to make any decisions or determinations as they develop.
- [ ] Use media including radio, television, and newspapers to assist in the search throughout the duration of the case.

### **Investigative Officer**

- [ ] Obtain briefing from the first responding officer and other on-scene personnel.
- [ ] Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- [ ] Initiate a neighborhood canvass using a standardized questionnaire.
- [ ] Obtain a brief, recent history of family dynamics.
- [ ] Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- [ ] Collect article(s) of the child's clothing for scent-tracking purposes.
- [ ] Review and evaluate all available information and evidence collected.
- [ ] Secure the child's latest medical and dental records.

(continued on page 235)

- [ ] Contact landfill management and request they segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
- [ ] Develop and execute an investigative plan.
- [ ] Conduct a criminal-history check on all principal suspects and participants in the investigation.
- [ ] Determine what additional resources and specialized services are required.
- [ ] Ensure details of the case have been reported to NCMEC.
- [ ] Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse, the FBI, and other appropriate agencies.
- [ ] Establish a telephone hotline for receipt of tips and leads.
- [ ] Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's National Missing Children's Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

In cases of **Nonfamily Abduction see chapter beginning on page 49**

**Family Abduction see chapter beginning on page 79**

**Runaway Children see chapter beginning on page 109**

**Unknown Missing Children Treat as Nonfamily Abduction**

## Initial-Response Investigative Checklist

The purpose of this Investigative Checklist is to provide law-enforcement officers and agencies with a guide for the investigation of missing-child cases. Law-enforcement administrators should ensure their agencies have established effective policies and procedures for the handling of missing/abducted-child investigations. Compliance with an agency's standard operating procedures, by officers conducting missing-child investigations, may result in efficient operations and resolution of the incident.

This checklist is not intended to be followed step-by-step by officers during each missing-child investigation. It is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations. Please consult the text on pages 25-47 for details about the items listed.

### Administrative

- Intake report from parent/guardian.
- Obtain basic facts about, details about, and a brief description of the missing child and abductor.
- Dispatch officer to scene to conduct a preliminary investigation.
- Search juvenile/incident records for previous incidents related to missing child and prior law-enforcement activity in the area including prowlers, indecent exposure, and attempted abductions. Inform responding officer of any pertinent information.
- Broadcast known details, **on all law-enforcement communication channels**, to other patrol units, other local law-enforcement agencies, and surrounding law-enforcement agencies. If necessary, use the Nlets telecommunication network to directly alert agencies in multistate areas.
- Activate established **fugitive search plans** (prearranged plans among participating law-enforcement agencies designed to apprehend fleeing fugitives) if necessary.
- Maintain records/recordings of telephone communications/messages.
- Activate established protocols for working with the media including activation of an **America's Missing: Broadcast Emergency Response (AMBER) Alert** or other immediate community-notification system.

### First Responder

- If circumstances warrant, consider activating patrol-vehicle-mounted video camera when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
- Interview parent(s)/guardian(s)/person who made initial report.
- Confirm the child is in fact missing.
- Verify child's custody status.
- Identify the circumstances of the disappearance.
- Determine when, where, and by whom the missing child was last seen.
- Interview the individuals who last had contact with the child.
- Identify the child's zone of safety for his or her age and developmental stage.
- Based on the available information, make an **initial** determination of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
- Obtain a **detailed** description of the missing child, abductor, and any vehicles used.
- Secure photographs/videotapes of the missing child/abductor.

(continued on page 233)