

Model Missing Child Framework

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MODEL MISSING CHILD FRAMEWORK

Children go missing every day around the world. Unfortunately, it is a global issue that lacks a global response. While today there are significantly more mechanisms in place in some countries, globally we still struggle as there is no consensus on how to define a missing child. International legal instruments such as the UN Convention on the Rights of the Child, provide a universal definition of how “child” is defined. But there is no similar global consensus on how to define “missing child,” or on how to investigate cases involving missing or abducted children. The concept is largely dependent on the national context and cultural and social influencers.

In an effort to facilitate more efficient investigation, management, and the resolution of missing children cases, a robust, national missing child framework is necessary. Such a framework includes, but is not limited to, the following:

1) National legislation with a definition of “missing child.”

Establish clear definitions at the national level¹ to assist with internal processes related to reporting missing children and investigating such cases.

A proposed definition of a “missing child” is any person under the age of 18 whose whereabouts are unknown.

There are many different types of missing children cases and each category requires a different, yet immediate, response. As such, it is critical that countries implement national policies delineating how the different cases will be investigated. Sample categories include, for example:

Endangered Runaway: a child who is away from home without the permission of his or her parent(s) or legal guardian(s)

Family Abduction: the taking, retention, or concealment of a child or children by a parent, other family member, custodian, or his or her agent, in derogation of the custody rights, including visitation rights, of another parent or family member

Non-Family Abduction: the coerced and unauthorized taking of a child by someone other than a family member

¹ If federal/national legal systems do not allow for a federal/national definition, then legislation in **each** state, province, etc. should define “missing child.”

Lost, Injured, or Otherwise Missing: facts are insufficient to determine the cause of a child's disappearance

Abandoned or Unaccompanied Minor: a child, not accompanied by an adult legally responsible for him or her, including those travelling alone without custodial permission, those separated by an emergency, those in a refugee situation, and those who have been abandoned or otherwise left without any adult care.

This list is in no way exhaustive, and should be developed to respond to local needs and context.

2) A Reporting Mechanism.

Countries should have a mechanism in place that allows the public to easily report a child missing and provide leads on a case. The reporting mechanism also should provide educational materials/information to the public on the issue. This can be done through a dedicated toll-free hotline and/or a simple website managed/maintained by law enforcement or by a non-governmental organization (NGO) working in conjunction with the investigative agency.

The reporting mechanism should be:

- available nationwide 24 hours a day, 7 days a week;
- free of charge;
- accessible to both children and adults; and
- staffed by properly-trained personnel.

There should be no waiting period to intake a report of a missing child; and a standardized intake form should be used to record all reports of missing children. Consideration should be given to implementing policies that protect the identity of anyone calling in to report a child missing, and to maintain the confidentiality of the information that is reported, when appropriate.

Long-term sustainability is paramount to the success of the reporting mechanism and must be considered from inception. Whether a hotline or a website, basing the reporting mechanism on a public-private partnership model has the potential to provide access to current technology and other resources to support the reporting mechanism.

Once the reporting mechanism is up and running, it also can serve as the platform for awareness campaigns that highlight the importance of public support to the success of missing children investigations.

3) Immediate investigation of missing children's cases.

Time is of the essence when a child is reported missing. When a child goes missing, it may be an indication of other underlying issues or problems. Therefore, it is important that responses be

well-coordinated and carried out so that each hour is used efficiently. A study conducted in the United States found that in the 735 cases of missing child homicides analyzed, 76.2% of the children who died were murdered within the first three hours of going missing.² In this context, it is crucial that the report of a missing child be taken immediately and that no waiting period exists either in written policy or in practice. The intake of the report should occur immediately and the investigation should begin without delay. This is true even when missing children are believed to be runaways as they too are at high risk for murder, sexual abuse and exploitation, along with a whole host of other crimes.

It is vital that no time is wasted as the risk of harm experienced by the child while missing increases with each passing hour.

4) Regulations regarding cross-border travel with children.

It is crucial that countries have clear and comprehensive regulations regarding cross-border travel with children. Entry and exit procedures prevent and deter potential abductions and/or trafficking, and can be linked to civil and criminal consequences for those who attempt to circumvent the system. These procedures may include requiring documentary evidence of the relationship between the adult and child, written or notarized permission from the legal guardian authorizing travel, and dual signature and physical presence requirements at the time of application for a minor's passport.

Additionally, the implementation of a database containing relevant entry and exit records (ideally integrated with missing children registries or databases) can be a valuable tool for law enforcement.

5) A comprehensive database of missing and unidentified children.

Experience shows that registries are extremely helpful in the investigation of missing children cases, particularly in situations where a child travels between states/provinces or across national borders. With the increased mobility and interconnectivity of our world, it is that much more important to be able to track these children. For that reason, it is highly advisable that countries establish a national registry that can be accessed and maintained by a central authority for the sharing of information across jurisdictions, borders and agencies/institutions.

6) A case management system to organize and record case information.

Case management systems are a critical aspect of any agency's work on missing children cases. A good case management system must track key information such as how many cases are being investigated, who is in charge of each investigation, what investigative actions have been taken, and by which agency. Such a system can highlight repeat incidents (when a child goes missing on multiple occasions) and can enable appropriate interventions.

² Washington State Attorney General's Office, Case Management for Missing Children Homicide Investigation 2006, at 7, 13, available at <http://www.atg.wa.gov/child-abduction-murder-research>.

It is paramount that countries have an adequate case management system containing as much information about the case as possible to ensure coordination across all fields and minimal confusion and/or duplication of efforts. It is also particularly important that essential information related to the investigation be available to every unit, agency and organization involved to ensure that every person working on the case has access to the same information.

Ideally, this case management system would include:

- Biometric information, including DNA, fingerprints and dental records, of missing children and their families for cross-reference in cases where visual identification of the child may not be possible. DNA testing is very useful in helping to solve long-term missing children cases or “cold cases.” These types of cases are often the hardest to solve as new evidence is difficult to find and witness testimony may become less reliable as time passes;
- information on unidentified children in orphanages, shelters, day care centers, morgues and other relevant agencies;
- mandatory review periods during which case information and investigations are updated;
- case categorization based on the definition of “missing child”;
- periodic review of long-term missing children cases;
- media activity; and
- details of other partners involved in the case.

It is vital that all staff are trained on how to enter information into and retrieve information from the system.

7) Photo distribution system.

Each agency working on missing children cases should have some means of distributing a missing child’s photo and description to the public to involve the community in the search and increase the chances of locating the child. A well-established distribution system will bring widespread coverage to such cases, provide law enforcement with indispensable leads, and keep the missing child’s information in the public until he or she is recovered.

A photo distribution system should include disseminating photos and vital information through:

- websites, social media and apps;
- screensavers, RSS feeds and Java banners;
- registered distribution lists via email and fax; and
- corporate partners displaying the information on TV screens, bulletin boards, other information screens, service vehicles, etc.

It is important for agencies to acquire consent from the guardian of the missing child, or the investigative agency, and to take the child’s privacy into consideration before distributing any

information to the public. With new technology being developed every day, it is key for agencies to have procedures in place to remove any reference to a child once he or she has been recovered.

As part of the investigative strategy, whether or not to use media to generate publicity for a case should be considered; it is important to determine whether or not publicity would be in the best interests of the investigation. Consideration also should be given to which types of media (i.e., print media, digital/online media, social media) to use and to what extent.

8) Responses and investigative procedures.

Any agency – law enforcement or NGO – that accepts reports of missing children should have policies or standard operating procedures in place outlining their response and investigative procedures. These include, but are not limited to:

- intaking a report of a missing child, including what immediate actions the individual recording the report should take;
- interviewing suspects, family members, friends, and witnesses;
- developing the investigative strategy;
- identifying the resources needed and determining available resources to search for the missing child;
- collecting and managing forensic evidence;
- devising special procedures for children missing abroad;
- determining how and when to activate response protocols; and
- managing media involvement.

Essential personnel should be trained regularly on these responses and procedures.

When developing policies and procedures for the reporting and investigation of a missing child, it is crucial that each response be governed by the assumption that the child is in danger until the contrary is confirmed. Law enforcement should not dismiss any reports of a missing child and should always launch an investigation immediately, no matter the age, race, gender, or circumstances of the disappearance. Consequently, it is vital that all police officers, detectives and investigators be trained on how to handle a report of a missing child (i.e., what to look for and what questions to ask of suspect, family, neighbors and friends), or that specialized investigative units be readily available.

9) Formal agreements between agencies involved in missing children investigations and child protection overall.

These agreements should include the articulation of each organization's roles and responsibilities, as well as the jurisdiction and duties of each agency or organization to eliminate duplication of efforts and to ensure a comprehensive response.

These agreements also should include government agencies and NGOs that are working with children and/or advocating for children's rights.

10) Community engagement programs to educate the public on a variety of missing children issues.

Parents/guardians should be encouraged to report a missing child as quickly as possible and not assume the child will come home on his or her own, even if he or she has done so in the past.

Parents/guardians should be advised to maintain up-to-date information of their children, including photographs, contact information for medical and dental practitioners who hold their children's records, and government-issued documents, which can be provided to the investigative agency in the first few hours after the child goes missing.

Parents/guardians also should be informed of law enforcement responsibilities. Law enforcement engagement with the community is key to the success of community programs and often crucial to locating a missing child quickly. In many countries law enforcement officers give prevention presentations to local school children and may distribute Child Identity Kits, which include a recent photo, key data about the child, fingerprints, and possibly a biological sample of a child for DNA profiling if needed later.

When fully implemented, engaging the community in the official response may allow law enforcement to react more effectively, thereby enhancing the likelihood of a swift and successful recovery. In developing such policies, it is important to consider what role the private sector can play, as well as what capabilities the NGO community has, and in what ways NGOs can collaborate with law enforcement (such as receiving leads from the public, distributing photographs of missing children, or educating the public on the issue).

11) Rapid Emergency Child Alert System.

Once the basic components for responding to a missing child case are in place, consideration should be given to the implementation of a Rapid Emergency Child Alert System.

For example, the AMBER Alert Program in the United States is a voluntary partnership between law enforcement, broadcasters, transportation agencies, and others working together to activate urgent bulletins in the **most serious** missing children cases (AMBER Alerts are issued in only 1% of all such cases in the United States). The goal is to instantly galvanize an entire community to assist in the search for and safe recovery of the missing child by providing detailed information on the missing child, the suspected abductor, the suspected abductor's vehicle, etc.

Rapid Emergency Child Alert Systems should be subject to strict criteria, such as:

- Cases in which law enforcement has reason to believe the missing child younger than 18;
- The missing child has been abducted or is in imminent danger of serious bodily injury or death; and

- There is a sufficient description of the child and/or suspected abductor for them to be recognized by the public.

It is important to highlight that a Rapid Emergency Child Alert System alone is not enough. It is paramount that a comprehensive response to a report of a missing child first be established by law enforcement and relevant partner agencies, and that the Rapid Emergency Child Alert System complements the overall missing child response.

12) Prevention Framework.

A comprehensive prevention framework should be developed and integrated into all relevant areas and practices. The creation of this framework should be guided by a clear understanding of the issue of missing children and child abduction both domestically and regionally, as well as the effects the experience has on children and adults alike.

Ideally, a prevention framework should include a variety of core components including:

- a public awareness campaign to promote increased awareness and inform the community of available services and resources;
- an educational and awareness campaign delivered to students and educators throughout schools at all levels;
- training for border officers and other law enforcement on possible indicators of abduction and trafficking, including victim and perpetrator profiles; and
- judicial mechanisms/tools such as custody orders, protection orders and safekeeping of passports by a neutral party. These tools can help prevent and deter parental child abduction.

Public awareness campaigns inform adults and children of potential risks through the development of targeted safety materials such as poster campaigns, reading materials and educational games. It is very helpful for all parties involved, from private industry and civil society to the law enforcement agencies, to form a collaborative approach and provide a consistent prevention message to the community. These materials should offer tips to parents and children on how to stay safer and avoid harm, including basic safety practices such as not opening the door for or accepting gifts from strangers, giving out personal information on the telephone or Internet, or approaching vehicles on the street. In addition, parents should be encouraged to maintain up-to-date information and identification of their children, including medical and dental records (whenever possible), government issued documents, photographs, etc. If available, fingerprint records and biological samples also may be collected. Parents should help their children to memorize their full name and home address, the parents' full names and contact information, and any other relevant emergency resources. Additional tips can be tailored to address specific areas of concern such as runaways, online grooming, trafficking, parental abduction, and other issues.