



Missing and Exploited Children: Background, Policies, and Issues

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Summary

Beginning in the late 1970s, highly publicized cases of children abducted, sexually abused, and often murdered prompted policy makers and child advocates to declare a missing children problem. At that time, about one and a half million children were reported missing annually. A more recent count, in 1999, estimated that approximately 1.3 million children went missing from their caretakers that year due to a family or nonfamily abduction, running away or being forced to leave home, becoming lost or injured, or for benign reasons, such as a miscommunication about schedules. About half of all missing children ran away or were forced to leave home, and nearly all missing children were returned to their homes. The number of children who are sexually exploited—defined broadly to include a continuum of abuse, from child pornography to commercial sexual exploitation—is unknown. Over 235,000 verified incidents of child pornography were reported to the National Center for Missing and Exploited Children (NCMEC) from 1998 through 2009.

Recognizing the need for greater federal coordination of local and state efforts to recover missing and exploited children, Congress created the Missing and Exploited Children's (MEC) program in 1984 under the Missing Children's Assistance Act (P.L. 98-473, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974). The act directed the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish both a toll-free number to report missing children and a national resource center for missing and exploited children; coordinate public and private missing and exploited children's programs; and provide training and technical assistance to recover missing children. Since 1984, NCMEC has served as the national resource center and has carried out many the objectives of the act in collaboration with OJJDP.

In addition to funding NCMEC, the program currently supports the Internet Crimes Against Children (ICAC) Task Force program to assist state and local law enforcement cyber units investigate possible incidents of online child sexual exploitation. The program also funds technical assistance for the AMBER Alert System, which coordinates state efforts to broadcast bulletins in the most serious child abduction cases. Other initiatives supported by the program include membership support services for a nonprofit missing children's organization, which serves families of missing children, and for one recent year, research on child sexual exploitation and initiatives that seek to improve community responses to commercial sexual exploitation of children and promote safety in communities.

The MEC program was last reauthorized by the Protecting Our Children Comes First Act of 2007 (P.L. 110-240) through FY2013. The legislation authorized funding for specific activities for NCMEC, including formally authorizing activities that were already carried out by the organization. Although the ICAC program has been funded since FY1999 under the MEC line item in appropriations acts, it is formally authorized by the PROTECT Our Children Act of 2008 (P.L. 110-401). Congress appropriated \$70 million to the MEC program for FY2010.

The subject of missing and exploited children is broad and, therefore, this report covers only select aspects of the topic. The report begins with an overview of the topic, including definitions and estimated numbers of children known to be missing or exploited. It then provides information about the MEC program's funding, oversight, and major components. Finally, it discusses related issues that may be relevant to Congress. The report briefly addresses other related federal programs and initiatives, and will be updated as relevant legislative and funding activities occur.

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Introduction

During the 1970s and 1980s, highly publicized cases of children abducted, sexually abused, and often murdered prompted policy makers and child advocates to declare a missing children problem. At that time, advocates estimated that one and a half million children were reported missing annually, and that some children who did go missing were sexually exploited. In some parts of the country, nonprofit organizations formed by the parents of missing children were often the only entities that organized recovery efforts and provided counseling for victimized families.

Recognizing the need for greater federal coordination of local and state efforts to assist missing and exploited children and to publicize information about this population, Congress created the Missing and Exploited Children's program in 1984 under the Missing Children's Assistance Act (P.L. 98-473, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974).¹ The act directed the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) within OJP to establish both a toll-free number to report missing children and a national resource center and clearinghouse to provide information; coordinate public and private missing and exploited children's programs; and provide training and technical assistance related to missing children. Since 1984, the National Center for Missing and Exploited Children (NCMEC), a nonprofit organization located in Alexandria, VA, has carried out these duties in collaboration with OJJDP.

The program was most recently authorized by Protecting Our Children Comes First Act (P.L. 110-240). The law authorizes funding for the program from FY2008 through FY2013. NCMEC is the primary component of the program and supports a range of activities authorized under the Missing Children's Assistance Act and other federal legislation.² The MEC program also supports (1) the Internet Crimes Against Children (ICAC) Task Force program to assist state and local enforcement cyber units to investigate online child sexual exploitation;³ (2) technical assistance for the AMBER (America's Missing: Broadcast Emergency Response) Alert System, which coordinates local and regional efforts to broadcast bulletins in the most serious child abduction cases; (3) a membership-based nonprofit missing and exploited children's organization that assist families of missing children; and (4) newer initiatives that fund research on child sexual exploitation and seek to improve community responses to commercial sexual exploitation of children and promote child safety generally. Congress appropriated \$70 million to the MEC program for FY2010.

This report begins with an overview of the scope of the missing and exploited children issue, including definitions and approximate numbers of children known to be missing or exploited. This section also discusses the limitations of data on missing and exploited youth. The report then provides information about the MEC program's funding, oversight, and major components. Finally, the report discusses issues that may be relevant to the MEC program.

¹ The MEC program is codified at §5771 et seq.

² NCMEC coordinates and is involved with several federal activities relating to missing and exploited children. Many of these activities are funded from sources other than the MEC program, although the largest share of federal funds for NCMEC is through the program.

³ The ICAC program was first funded in 1998 (Justice Appropriations Act, P.L. 105-119), and funding was renewed annually through appropriations law through FY2008. The program was formally authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401).

The end of the report includes several appendices. **Appendix A** provides additional information about the demographics of missing and exploited children and the causes and effects of missing and sexual exploitation incidents on victims and families. **Appendix B** presents the major provisions of the Missing Children’s Assistance Act of 1984 and amendments to the act. **Appendix C** includes a map of state, regional, and local AMBER Alert programs, as of February 2008.

Demographics of Missing and Exploited Children

Overview

As a policy issue, missing children are often included in discussions of sexual victimization. Missing children and sexually exploited children are distinct but overlapping populations. The term “missing child” is defined under the Missing Children’s Assistance Act as an individual under age 18 whose whereabouts are unknown to that individual’s legal custodian.⁴ Children who go missing—and children who are not missing—may be sexually exploited. Although the act does not define child sexual exploitation, OJJDP characterizes sexual exploitation as the use of a child for the sexual gratification of an adult.⁵ Federal statutes, both criminal and civil, also specify acts of sexual exploitation for purposes of prosecuting offenders and providing minimum standards of child abuse for states to use in their own definitions of child abuse.

The current number of missing or exploited children is unknown. The Missing Children’s Assistance Act requires OJJDP to periodically conduct incidence studies of the number of missing children, the number of children missing due to a stranger abduction or parental abduction, and the number of missing children who are recovered.⁶ Since the act’s passage in 1984, two national incidence studies have been conducted. However, the studies are dated (one was conducted in 1988 and the other in 1999) and provide little information about children who were exploited during a missing episode. (Limitations of the data set are discussed in the “Issues” section of this report.)

As discussed below, the 1999 study indicates that of the 1.3 million children who went missing that year, most had run away from home or were forced to leave their home, and nearly all were returned to their caretakers. Cases of serious nonfamily abductions, in which the child is transported and held for ransom or killed, are rare. The discussion below indicates that the true number of child sexual exploitation incidents is unknown because of the secrecy around exploitation.

⁴ This definition is codified at 42 U.S.C. §5772. It was changed in 2006 under P.L. 109-248. Previously, the definition included an individual under age 18 whose whereabouts are unknown to that individual’s legal custodian if (a) the circumstances surrounding his or her disappearance indicate that the individual may possibly have been removed by another individual from the control of his or her legal custodian without the custodian’s consent or (b) the circumstances of the case strongly indicate that the individual is likely to be abused and sexually exploited.

⁵ This definition was provided to the Congressional Research Service (CRS) by the U.S. Department of Justice, Office of Justice Programs in May 2007.

⁶ 42 U.S.C. §5773(c).

A third national incidence study has been commissioned by OJJDP.⁷ As with NISMART-2, the study, known as NISMART-3, will measure the number of stereotypical kidnappings by strangers, but also the prevalence of familial abductions; lost, injured, or otherwise missing children; runaway children; and throwaway children. These figures will be derived from surveys of households, juvenile residential facilities, law enforcement agencies, and other entities that record information on missing child episodes.

Missing Children

NISMART-1

The first national incidence study of missing children, known as the National Incidence Study of Missing, Abducted, Runaway, and Throwaway Children (commonly known as NISMART-1), was conducted in 1988 pursuant to the Missing Children's Assistance Act. NISMART-1 provided the first nationally representative comprehensive data on the incidence of missing children. Unlike previous sources of missing children data, the study provided two counts of children who were missing. One count was based on whether a parent considered the child missing, regardless of the seriousness of the incident, and another was based on whether law enforcement considered a missing child at risk and in need of immediate intervention.⁸

The study classified five categories of missing children: (1) children who were missing because they were lost, injured, or did not adequately communicate with their caretakers about their whereabouts; (2) children abducted by family members; (3) children abducted by non-family members; (4) runaways; and (5) "throwaways" forced to leave their homes. NISMART-1 did not aggregate the number of missing children across these categories because researchers viewed each category as distinct from other categories. Researchers also raised concerns that some children were not literally missing because caretakers knew of their children's location.

NISMART-2

NISMART-2, conducted in 1999, attempted to resolve some of the methodological challenges of NISMART-1.⁹ Based on policy makers' views that missing children (even those not literally missing because their parents knew their whereabouts) share a common experience, data for all missing children were aggregated for "caretaker missing" and "reported missing" cases. For an episode to qualify as "caretaker missing," the child's whereabouts must have been unknown to the primary caretaker, with the result that the caretaker was alarmed for at least one hour and tried

⁷ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Grant Solicitation, *OJJDP FY 2010 National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children 3*, 2010, <http://ojjdp.ncjrs.gov/grants/solicitations/FY2010/NISMART3.pdf>.

⁸ David Finkelhor, Gerald Hotaling, and Andrea J. Sedlak, *Missing, Abducted, Runaway, and Throwaway Children in America, First Report: Numbers and Characteristics National Incidence Studies*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 1990.

⁹ NISMART-2 combined data from four sources: the National Household Survey of Adult Caretakers, the National Household Survey of Youth, Law Enforcement Study, and Juvenile Facilities Study. Each sampled child was counted only once in the unified estimate. See Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 5, <http://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf>. (Hereafter referred to as Sedlak et al., *National Estimates of Missing Children*.)

to locate the child. In this circumstance, a child could have been missing for benign reasons, such as miscommunication about schedules. A “caretaker missing” child was considered “reported missing” if a caretaker contacted the police or a missing children’s agency to locate the child.¹⁰

NISMART-2 added to and combined some of the missing children categories created in NISMART-1.¹¹ “Missing benign” was added as a category to describe a child who goes missing due to a miscommunication and is not in any danger. The survey consolidated the runaway and throwaway categories that had been separate in NISMART-1. NISMART-2 researchers determined that the categorization of each type of runaway or throwaway episode frequently depended on whether information was gathered from the children (who tended to emphasize the throwaway aspects of the episode) or their caretakers (who tended to emphasize the runaway aspects).¹² In short, the categories of missing children are: (1) nonfamily abductions; (2) family abductions; (3) missing involuntary, lost, or injured; (4) missing benign; and (5) runaway or throwaway.¹³

NISMART-2 is the most comprehensive survey to date about missing children. The study relied on a random sample of households and juvenile facilities to develop estimates. Researchers conducted telephone surveys of adults and children in homes, as well as telephone surveys of staff who worked with youth living in juvenile facilities, including shelters for runaway and homeless youth, residential treatment centers, group homes, and youth detention centers. One limitation of the study is that it does not count individuals living in households without telephones or those not living in households, including youth living on the streets and homeless families.

Findings from NISMART-2

NISMART-2 combined the data across the five categories to calculate a total number for both caretaker missing and reported missing episodes. The survey found that 1,315,600 children were missing based on the caretaker missing definition. In about 798,000 (61%) of these cases, parents reported their child missing to the police or a missing children’s agency. Nearly all (99.8%) caretaker missing children were recovered. Only 2,500 (0.2%) “caretaker missing” children had not returned home or been located, and the majority of these children were runaways from institutions.¹⁴

Figure 1 below summarizes the number of caretaker missing and reported missing incidents within the five missing children categories. Children who were missing under multiple categories are included in every category that applies to them. About 36,500 (3%) children experienced more than one type of caretaker missing incident during the year. Therefore, the total number of caretaker missing incidents combined across episodes is 1,352,100. Approximately 31,00 (4%)

¹⁰ Some children reported in NISMART-2 were missing, but their caretakers may not have been alarmed or contacted authorities; these children were identified as “non-missing.” See **Appendix A** for a further discussion of non-missing children.

¹¹ See **Appendix A** for a description of the NISMART-2 missing children categories.

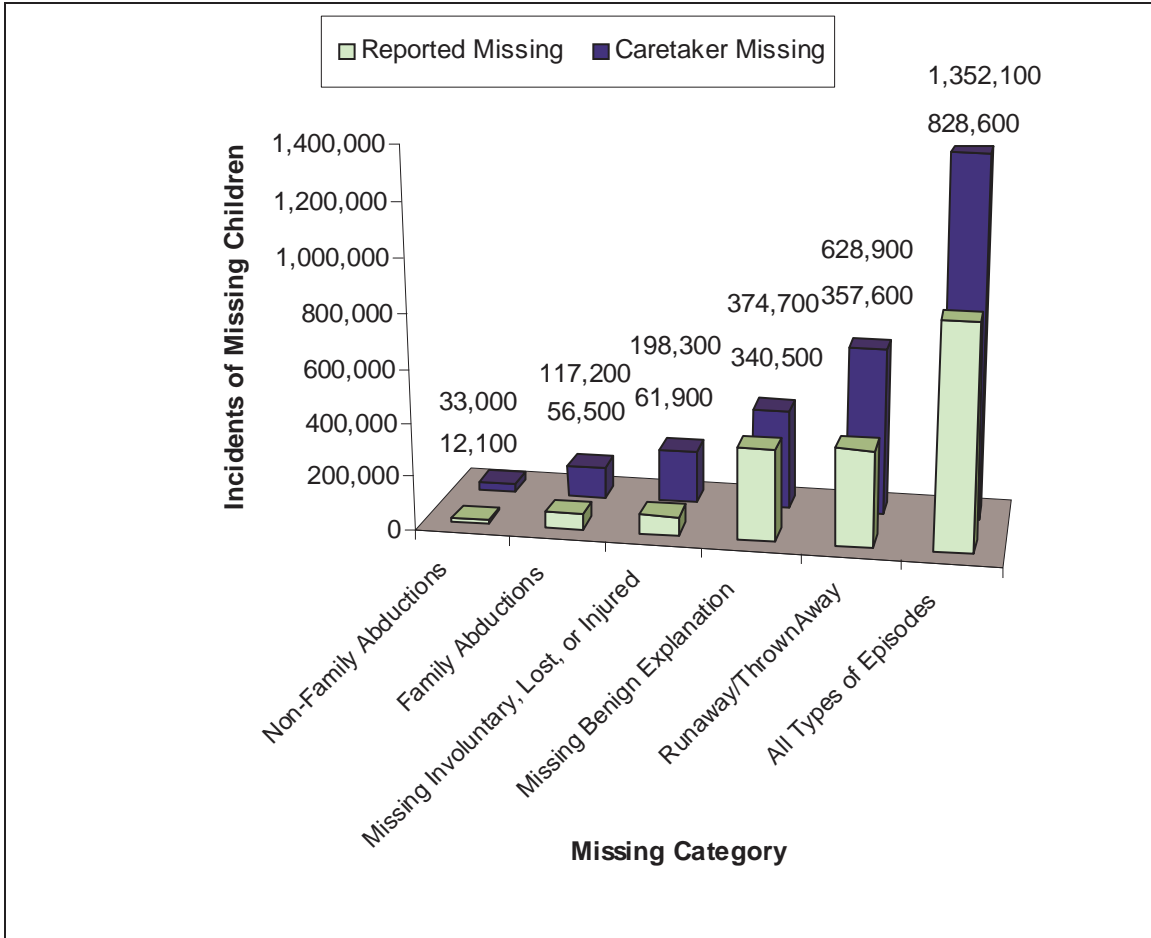
¹² Heather Hammer, David Finkelhor, and Andrea J. Sedlak, *Runaway/Throwaway Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 2, <http://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>.

¹³ For further information about each of the categories, see **Appendix A**.

¹⁴ Hammer, Finkelhor, and Sedlak, *National Estimates of Missing Children*, p. 6.

children experienced more than one type of reported missing incident during the year. Therefore, the total number of reported missing incidents is 828,600.

Figure I. Reported Missing and Caretaker Missing, by Missing Category, 1999



Source: Congressional Research Service presentation of data provided in Table 3 in Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6.

Note: This figure reflects individual missing children and not cases of missing children. Therefore, it omits the approximately 36,500 (3%) children who experienced more than one type of caretaker missing incident during the year and the approximately 31,00 (4%) children who experienced more than one type of reported missing incident during the year.

Nearly half of the caretaker missing children and 45% of the reported missing children in NISMART-2 had run away or were forced to leave their homes.¹⁵ Children missing due to benign reasons comprised the next largest share in both categories: 28% in the caretaker missing category and 43% in the reported missing category. Family abductions made up 9% of the caretaker missing children population and 7% of the reported missing children population.

¹⁵ Sedlak et al., *National Estimates of Missing Children*, p. 7.

Finally, nonfamily abductions comprised 3% of caretaker missing children and 2% of reported missing children.

Stereotypical kidnapping—in which a stranger or slight acquaintance detained the child overnight, traveled at least 50 miles, and held the child for ransom or killed the child—is a type of nonfamily abduction. Extensive media coverage about stereotypical kidnapping cases, such as those involving Adam Walsh (1981), Polly Klaas (1993), and Elizabeth Smart (2002), may contribute to the belief that these missing children incidents are common. However, such cases are rare. With the caveat that NISMART-2 data on stereotypical kidnappings are not entirely reliable because estimates are based on too few sample cases, about 90 of the reported missing nonfamily abduction victims in 1999 experienced a stereotypical kidnapping (this information is not shown in **Figure 1**).¹⁶ Although nonfamily abductions rarely result in more serious cases, children who are not recovered immediately in such cases are at increased risk of becoming harmed. Studies show that the first three hours after an abduction are the most crucial for the recovery of the child. Just over 75% of abducted children who are murdered are dead within three hours of the abduction.¹⁷

NISMART-2 shows that children missing in 1999 tended to be teenagers, male, and white. About half (45% of caretaker missing and 44% of reported missing) of missing children were between the ages of 15 and 17. The next largest share of children (31% and 30%) were between the ages of 12 and 14 in both categories, followed by children ages 6 to 11 (13% and 14%) and children 0 to 5 (11% and 12%). A disproportionate share, 57% of the caretaker missing children and 51% of the reported missing children, were male. Though whites made up the greatest proportion (57% and 54%) of missing children, they were underrepresented compared to their share of the total U.S. population; black (16% and 19%) and Hispanic (18% and 21%) children were overrepresented.

Defining Child Sexual Exploitation

As discussed above, the Department of Justice has informally defined child sexual exploitation as the use of a child for the sexual gratification of an adult, and a child can be exploited regardless of whether he or she goes missing.¹⁸ This definition includes a continuum of exploitation ranging from child sexual molestation to the production of child pornography and trafficking of children for sexual purposes. Both Title 18 (Crimes and Criminal Procedure) and Title 42 (Public Health and Welfare) of the U.S. Code address sexually exploitative acts involving children. Federal offenses that are prosecutable under Title 18 include, but are not limited to, the following:

¹⁶ David Finkelhor, Heather Hammer, and Andrea J. Sedlak, *Nonfamily Abducted Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6, <http://www.ncjrs.gov/pdffiles1/ojjdp/196467.pdf>. (Hereafter referred to as Finkelhor, Hammer, Sedlak, *Nonfamily Abducted Children*.)

¹⁷ Katherine M. Brown et al. *Case Management for Missing Children Homicide Investigation*, Office of the Attorney General, State of Washington and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 2006, p. 13, http://www.missingkids.com/en_US/documents/homicide_missing.pdf.

¹⁸ This information is based on Congressional Research Service correspondence with the Department of Justice, Office of Justice Programs in May 2007. See also David Finkelhor et al., *A Sourcebook on Child Sexual Abuse* (Beverly Hills: Sage Publications, 1984), pp. 22-27 and Richard J. Estes, *The Sexual Exploitation of Children: A Working Guide to the Empirical Literature*, August 2001, p. 6.

- possession, production, and distribution of child pornography and obscene visual representations of the sexual abuse of children;
- transfer of obscene material to a child;
- prostitution of children;
- sex tourism involving children;
- selling or buying of children for exploitation; and
- providing a misleading Internet domain name.

Title 42 provides two types of definitions related to child sexual exploitation. First, 42 U.S.C. §5101, as enacted by the Child Abuse Prevention and Treatment Act (CAPTA, P.L. 93-247), provides the minimum standards of child abuse—including child sexual abuse—that states must incorporate into their statutory definitions of child abuse and neglect in order to be eligible to receive funding under CAPTA.¹⁹ According to CAPTA, the term “sexual abuse” includes “(1) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or to assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or (2) the rape, and in cases of inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.” Guardians of children under age 18 who are investigated for engaging in these acts or failing to adequately protect their children from such acts may be penalized under state civil and criminal procedures governing child abuse and neglect.

Second, specified crimes of sexual exploitation are defined under 42 U.S.C. §16911, as enacted by the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248).²⁰ The law modified federal guidelines for state programs that require individuals convicted of crimes against children or sexually violent crimes to register his or her address. Specified crimes of sexual exploitation requiring offender registration include criminal sexual conduct against a minor; solicitation of a minor to engage in sexual conduct; use of a minor in a sexual performance; solicitation of a minor to practice prostitution; video voyeurism (such as watching a child on a web-cam); possession, production, and distribution of child pornography; criminal sexual conduct involving a minor or the use of the Internet to facilitate or attempt such conduct; and any conduct that by its nature is a sex offense against a minor.

Incidents of Child Sexual Exploitation

The true number of sexual exploitation incidents—whether they accompany missing children cases or not—is unknown because this type of abuse often goes undetected. In addition, studies of child sexual exploitation report varying numbers because of differences in their methodology, the

¹⁹ U.S. Department of Health and Human Services, Child Welfare Information Gateway, *Definitions of Child Abuse and Neglect: Summary of State Laws*, January 2005, http://www.childwelfare.gov/systemwide/laws_policies/statutes/defineall.pdf. (Hereafter referred to as U.S. Department of Health and Human Services, *Definitions of Child Abuse and Neglect*.)

²⁰ This program was originally created under the Jacob Wetterling Crimes Against Children Act and Sexually Violent Offender Registration Act at 42 U.S.C. §14701 (Title XVII of the Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322). For additional information about the federal sexual offender program, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

time periods in which the data were collected, and differences in how exploitation is defined. Nonetheless, three sources—NISMART-2, the National Survey of Children’s Exposure to Violence, and data collected by NCMEC—provide some insight into the prevalence of sexual exploitation.²¹ In short, the data show that a significant number and share of children under age 18 have been sexually victimized.

NISMART-2

In addition to asking questions about children going missing, NISMART-2 surveyed a representative sample of children under age 18 and their caretakers about whether children were victims of sexual exploitation. The study found that in 1999 approximately 285,400 children were victims of sexual assault, which encompasses unwanted sexual conduct involving the use of force or threat.²² Examples of sexual assault include rape, unwanted sexual conduct when the perpetrator touches the child’s private parts, or when the child is forced or coerced to touch the perpetrator’s private parts. About 35,000 children were victims of other sex offenses.

National Survey of Children’s Exposure to Violence

The National Survey of Children’s Exposure to Violence, conducted by the University of New Hampshire with support from OJJDP, examines the incidence and prevalence of children’s exposure to violence.²³ Researchers interviewed a nationally representative sample of children under age 18 and their caretakers by phone. They asked whether children had experienced certain forms of violence and victimization, including sexual victimization, within the past year and over their lifetime. The sexual victimization category encompasses seven types of victimization: sexual conduct or fondling by an adult the child knew, sexual conduct or fondling by an adult stranger, sexual contact or fondling by another child or teenager, attempted or completed intercourse, exposure or “flashing,” sexual harassment, and consensual sexual conduct with an adult. The study found that 1 in 16 (6.1%) surveyed children and youth were sexually victimized in the past year and nearly 1 in 10 (9.8%) were sexually victimized over their lifetimes. Girls were more likely than boys to report that they had been sexually victimized, with 7.4% of girls reporting sexual victimization within the past year and 12.2% reporting victimization over their lifetimes. Female adolescents ages 14 to 17 had the highest rate of victimization. Nearly 8% had been sexually assaulted within the past year and 18.7% had been sexually assaulted over their lifetimes.

Incidents Reported to the NCMEC CyberTipline

One measure of the prevalence of child sexual exploitation is the number of verified incidents reported to NCMEC’s CyberTipline. The CyberTipline began in March 1998 to serve 24 hours a

²¹ Researchers have provided estimates of the number of children in the child welfare system who were sexually exploited and the number of children at risk of sexual exploitation via the Internet and commercial sexual exploitation (see **Appendix A** for information about these studies).

²² David Finkelhor, Heather Hammer, and Andrea J. Sedlak, *Sexually Assaulted Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, August 2008; <http://www.ncjrs.gov/pdffiles1/ojjdp/214383.pdf>.

²³ David Finkelhor et al., *Children’s Exposure to Violence: A Comprehensive National Survey*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, October 2009, <http://www.ncjrs.gov/pdffiles1/ojjdp/227744.pdf>.

day, seven days a week as the national clearinghouse for tips and leads about child sexual exploitation.²⁴ The tipline allows individuals and electronic communication service providers (ESPs) to report incidents of (1) child pornography, (2) child prostitution, (3) child sex tourism, (4) child sexual molestation (not in the family), and (5) online enticement of children for sexual acts. The CyberTipline also takes reports of misleading domain names and unsolicited obscene materials sent to children, which are referred to the Department of Justice's Child Exploitation and Obscenity Section (CEOS) in the Criminal Division.

From 1998 through 2009, the CyberTipline received 771,473 reports of child sexual exploitation, of which 674,251 (87.4%) were for child pornography.²⁵ NCMEC's Exploited Children's Division (ECD, explained further below) found that about 35% of the child pornography reports were substantiated; 57.6% of child prostitution reports were substantiated; 13.5% of child sex tourism reports were substantiated; 92.8% of non-familial molestation reports were substantiated; and 60.5% of online enticement reports were substantiated.²⁶ The number of substantiated reports has generally increased each year, due likely to heightened public awareness about child exploitation and better reporting by Internet providers. NCMEC staff attribute the spike in substantiated reports from 2003 to 2004 to increased reporting by Yahoo! Inc., which had not consistently reported online incidents in previous years.²⁷

Description and Funding of the Missing and Exploited Children's Program

Overview

The MEC program is the centerpiece of federal efforts to prevent the abduction and exploitation of children and to recover those children who do go missing. The program was created by the Missing Children's Assistance Act of 1984 in response to increasing concern about the abduction and sexual exploitation of children in the late 1970s and early 1980s.²⁸ At that time, many of the victims' families and communities perceived that kidnappings were becoming more commonplace. Prominent cases of missing children were highly publicized and a docudrama, "Adam," depicted the story of abducted six-year-old Adam Walsh, son of John and Revé Walsh.²⁹

²⁴ NCMEC's role as administrator of the CyberTipline was authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21).

²⁵ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*, Submitted to the U.S. Department of Justice, January 25, 2010. (Hereafter referred to as NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.)

²⁶ The reports that were not substantiated in these categories were classified under other categories, such as pedophile activity, erotica, child not involved, international child trafficking, or cyber bullying, among other categories.

²⁷ This information was provided to the Congressional Research Service by NCMEC in March 2007.

²⁸ The Missing Children's Assistance Act of 1984 (P.L. 98-292) was the first piece of legislation related to missing children. The legislation added one new section to existing law (at the time) that directed the Attorney General to keep records on missing children in the National Crime Information Center's (FBI) Missing Persons File and to disseminate those records to state and local agencies. That law neither created new federal jurisdiction over missing children's programs nor required federal law enforcement officials to coordinate missing children efforts.

²⁹ Martin L. Forst and Martha-Elin Blomquist, *Missing Children* (New York: Lexington Books, 1991), pp. 56-66.

Testimony at congressional hearings about missing children further reinforced the perception of a missing children's problem. Witnesses testified that as many as 1.8 million children were missing. They also highlighted the accompanying sexual exploitation that children often experienced during missing episodes. Senator Mitch McConnell, then chairman of the Kentucky Task Force on Exploited and Missing Children, said that the nexus between exploited and missing children was evident by the fact that nearly 10% of 844 missing children in one Kentucky county were sexually exploited.³⁰ Hearings on the act also underscored the need for the federal government to coordinate efforts to locate missing children and prosecute their abductors. McConnell testified:

Communities such as mine and states such as Kentucky are attempting to do all that they can to assist missing children and better protect all children from exploitation and abuse. There is a point, however, beyond which we cannot go and where our resources cannot reach. [A national missing children program] picks up where our work leaves off and will go a long way toward plugging the holes and gaps in the system.

The Missing Children's Assistance Act was passed shortly thereafter to address concerns about coordination by directing the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to lead federal efforts to recover missing children through the MEC program. The legislation established a national resource center and clearinghouse designed to provide technical assistance to state and local governments and law enforcement agencies, as well as disseminate information about the national incidence of missing children. Further, the OJJDP Administrator was directed to establish a toll-free telephone line to report information about missing children.

The Missing Children's Assistance Act has been amended six times since 1984. Major amendments include (1) requiring OJJDP to disseminate information about free or low-cost legal, restaurant, lodging, and transportation services to families of missing children (P.L. 100-690); (2) formalizing NCMEC's role as the nation's clearinghouse for missing and exploited children and authorizing separate funding levels for NCMEC (P.L. 106-71); (3) formalizing NCMEC's role in overseeing activities to track reports of online child sexual exploitation (P.L. 108-21); and (4) codifying and expanding many of the activities already carried out by NCMEC (P.L. 110-240). **Appendix B** provides a description of the original act and its amendments. Note that the act has authorized OJJDP to establish grants and contracts for research and demonstration projects but OJJDP has not provided funding through the MEC program for this purpose.³¹ For example, NISMART-1 and NISMART-2 were funded through a separate account (i.e., not the MEC program).

Administration and Funding

The Child Protection Division in the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (under the Office of Justice Programs) oversees the MEC program, in conjunction with NCMEC, which has served as the national resource center and clearinghouse since 1984.

³⁰ Testimony of Mitch McConnell, in U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Juvenile Justice, *Missing Children's Assistance Act* hearing, 98th Congress, 2nd sess., February 7, 1984 (Washington: GPO, 1984).

³¹ This information was provided to the Congressional Research Service by the U.S. Department of Justice, Office of Justice Programs in May 2007.

The MEC program was first funded at \$4 million in FY1985 and has steadily received funding increases in all subsequent years beginning in 1991, except in FY1994 through FY1997. Funding more than doubled from \$6 million in FY1997 to \$12.3 million in FY1998, when the ICAC Task Force program was implemented. Another funding peak, from FY2004 to FY2005, was the result of increased funds for NCMEC. Funding increased from \$47.5 million in FY2008 to \$70 million in FY2009, the year following the reauthorization of the program.³²

Also in FY2009, Congress appropriated funding for the program under the American Recovery and Reinvestment Act (P.L. 111-5). ARRA provides funding for myriad federal programs and initiatives to address the economic recession that began in December 2007. The law appropriated \$50 million for the ICAC Task Force Program, a component of the MEC program that funds local and state task forces.³³ These task forces are comprised of law enforcement agencies and other stakeholders that pursue cyber enticement and child pornography investigations. The funding is supporting four grant programs authorized under P.L. 110-401: (1) ICAC Grants, which were awarded on a formula basis (as required by the law) and other criteria to existing task forces; (2) ICAC Training and Technical Assistance Grants, which provide training to ICAC task forces and other law enforcement agencies in the areas of investigation, forensics, and prosecution, among other topics; (3) ICAC Research Grants to encourage innovative and independent research and data collection to further understanding of the scope and prevalence of technology and Internet crimes against children; and (4) the National ICAC Data System, which is intended to provide a secure, dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation, among other purposes.³⁴

Table 1 shows the total funding and funding for each of the components from FY2003 through FY2010, and proposed total funding for FY2011. NCMEC has received the most funding in each year, followed by the ICAC Task Force program; training and technical assistance for the AMBER Alert program; the office that administers the program in OJJDP's Child Protection Division; and a grant that supports a membership-based nonprofit missing and exploited children's organization.³⁵ For the first time, in FY2009, the program also funded smaller grant programs related to child sexual exploitation and child safety.

The Obama Administration proposes funding the Missing and Exploited Children's program at \$60 million for FY2011, a decrease of \$10 million from FY2010.

³² The reauthorization law, the Missing Children's Assistance Act (P.L. 110-240), authorized funding for NCMEC at \$40 million annually for FY2008, and such sums as necessary for FY2009 through FY2013. The act authorized such sums as necessary for other components of the MEC for FY2009 through FY2013.

³³ For further information, see U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Internet Crimes Against Children Program, <http://www.ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=3>.

³⁴ Funds have been awarded for three of the grants: ICAC Grants (\$41.5 million); ICAC Training and Technical Assistance Grants (\$5.1 million to six organizations); and ICAC Research Grants (\$2.0 million to the University of Hawaii and University of New Hampshire).³⁴ Funding has not yet been awarded for the National ICAC Data System. This information is based on Congressional Research Service correspondence with the Department of Justice, Office of Justice Programs in January 2010.

³⁵ Allocations for the OJJDP office fund training and technical assistance, and the development and printing of publications and Missing Children's Day activities through DOJ's National Criminal Justice Reference Service. This information was provided to the Congressional Research Service by the Department of Justice, Office of Justice Programs, July 2008.

Table I. Actual Funding for the Missing and Exploited Children’s Program by Component, FY2003 to FY2009, Plus Funding Under the American Recovery and Reinvestment Act (ARRA, P.L. 111-5) and Proposed FY2011 Funding

(\$ in millions)

Program Component	FY2004	FY2005	FY2006	FY2007 ^a	FY2008	FY2009	ARRA (P.L. 111-5)	FY2010	FY2011 ^a
NCMEC ^c	\$17.8	\$26.6	\$26.7	\$26.7	\$26.3	30.5	n/a	30.5	
ICAC Task Force Program ^d	12.4	13.3	14.3	14.3 ^e	16.9	25.0	\$50.0 ^f	30.0	
AMBER Alert Training and Technical Assistance	4.0	4.9	4.9	5.0	4.8	5.0	N/A	4.8	
MEC Program Offices ^h	1.5	1.5	1.5	1.8	1.8	2.0	N/A	3.8	
Support Services for Missing Children’s Organizations ^g	[.275]	[.150]	[.040]	[.200]	.225	.228	N/A	.225	
Promoting Child and Youth Safety	N/A	N/A	N/A	N/A	N/A	3.3	N/A	N/A	
Commercial Sexual Exploitation of Children: Community Response and Research	N/A	N/A	N/A	N/A	N/A	3.1	N/A	N/A	
<i>MEC Program Total Funding</i>	<i>\$35.7</i>	<i>\$46.3</i>	<i>\$47.4</i>	<i>\$47.4</i>	<i>\$50.0</i>	<i>\$70.0</i>	<i>\$50.0</i>	<i>\$70.0</i>	<i>\$60.0</i>

Source: Congressional Research Service based on information provided by the U.S. Department of Justice, Office of Justice Programs, May 2007, September 2008, June 2009, and January 2010; and U.S. Department of Justice, *Office of Justice Programs, FY2011 Performance Budget*, p. 54.

Note: N/A means not applicable.

- a. FY2003 through FY2006 reflect appropriations less rescissions. The FY2007 appropriation is based on FY2006 funding, per P.L. 110-5.
- b. The Department of Justice has not proposed specific funding levels for each component.
- c. Includes funding for the CyberTipline and Jimmy Ryce Law Enforcement Training Center, where applicable.
- d. Includes funding for training and technical assistance in all years.
- e. The ICAC Task Force Program received an additional \$11.5 million through the Byrne Discretionary Grant Program to expand the program, provide training and technical assistance, and to improve the forensic capabilities of and reduce the backlog of cases handled by the task forces. These funds are not included in this table.
- f. The funds supported four grant programs: ICAC Grants program, ICAC Training and Technical Assistance Grant program, ICAC Research Grants program, and the National ICAC Data System grant.
- g. Through FY2007, the MEC Program Office component funded Services for Missing Children’s Organizations. The funding levels in brackets is the amount allocated to Services for Missing Children’s Organizations.
- h. In addition to Services for Missing Children’s Organizations (in applicable years), the MEC Program Office also funds training and technical assistance, and the development and printing of publications and Missing Children’s Day activities through DOJ’s National Criminal Justice Reference Service.

The remainder of this report discusses the components of the MEC program and issues for Congress.

National Center for Missing and Exploited Children

NCMEC is a primary component of the MEC program and employs nearly 300 employees at its Alexandria, VA, headquarters and regional offices in California, Florida, Kansas, New York, South Carolina, and Texas. These regional offices provide case management and technical support in their geographic areas.

NCMEC provides activities and services concerning (1) missing children, including those abducted to or from the United States; (2) exploited children; (3) training and technical assistance; (4) families of missing children; and (5) partnerships with state clearinghouses, the private sector, and children's organizations. (Note that some missing children and exploited children programs are not mutually exclusive and that this report does not provide an exhaustive discussion of all services provided by NCMEC.) These activities and services are detailed below.³⁶

In addition to funding through the MEC program, NCMEC is also funded through contributions and the U.S. Secret Service (USSS) in the Department of Homeland Security. Pursuant to the Violent Crime and Law Enforcement Act of 1994 (P.L. 103-322), Congress has mandated that the USSS provide forensic and technical assistance to NCMEC and federal, state, and local law enforcement agencies in matters involving missing and exploited children.

Missing Children's Services

Call Center

NCMEC's Call Center receives calls on its 24-hour, national and international toll-free hotline (1-800-THE-LOST) primarily from parents and law enforcement official. From October 1984 through December 2009, the Center received nearly 2.5 million calls with reports on missing children; sightings of missing children; and requests for assistance, information, and technical assistance from families of missing children, law enforcement agencies, and others.³⁷ Calls for services involving missing-children cases ("case" labels are based on one or more children and do not represent a single incident), leads or sightings of missing children, requests for information and assistance, and (since 1987) reports of child exploitation through the Child Pornography Tipline, are routed to the Call Center.³⁸ Call Center staff assist law enforcement and other professionals in cases of missing and exploited children and transfer call data regarding runaway

³⁶ Unless otherwise noted, the description of these services is based on a site visit to NCMEC and interviews and correspondence with NCMEC staff from March 2007 to May 2007. A primary source of data is National Center for Missing and Exploited Children, *Quarterly Progress Report, October 1-December 31, 2009*.

³⁷ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

³⁸ Calls on the Child Pornography Tipline are taken on behalf of the U.S. Department of Homeland Security's Immigration and Customs Enforcement; U.S. Postal Inspection Service; Federal Bureau of Investigation; and U.S. Secret Service, and include victims of pornography, prostitution, sex rings, and sex tourism. This reflects activity since June 1987.

children to the National Runaway Switchboard (1-800-RUNAWAY). Assistance activities range from sending publications or educational materials to providing technical support to law enforcement and families about missing children cases. The Call Center also provides information to families of missing children about free or low-cost transportation services or requests transportation for families needing assistance with reunification. NCMEC partners with American Airlines, Continental Airlines, Amtrak, and Greyhound to transport families.

NCMEC is the only nonprofit, non-law enforcement entity to have access to the FBI's National Crime Information Center's (NCIC) Missing Person File, which is reviewed by Call Center staff for records of missing children reported by local and state law enforcement agencies and updates of these records.³⁹ The Crime Control Act of 1990 (P.L. 101-647) requires law enforcement agencies that enter cases into the NCIC database to work with NCMEC to receive information and technical support. Cases of children who are believed to be seriously at risk are flagged in NCIC for NCMEC. NCMEC is permitted to search the Missing Person File for adult missing person cases because some missing children, upon reaching the age of majority, are reentered into NCIC as missing adults.

Case Management

Each missing child case is entered into NCMEC's nationwide database, a central clearinghouse for law enforcement, and a case manager in the Missing Children's Division is assigned. NCMEC case managers serve as the single point of contact for the searching family and provide technical assistance to locate abductors and recover missing children.

From 1990 through 2009, case managers handled 141,105 cases (i.e., individual children), of which about 97% were resolved (including located deceased victims).⁴⁰ Just under three quarters of the cases involved endangered runaways, followed by victims of family abduction.

Project ALERT (America's Law Enforcement Retiree Team)

The Project ALERT program was established in 1992 to assist law enforcement agencies with the recovery of missing children at no cost to the agencies. Project ALERT members include about 160 retired federal, state, and local law enforcement officials who have recent and relevant investigative experience and complete a 40-hour certification course.⁴¹ Project ALERT services include case review, organization, recommendation of investigative strategies, witness interviews, surveillance, search and rescue coordination, and liaison efforts with the family of a missing child. Representatives also conduct outreach to the community through public speaking and attending conferences.

³⁹ NCIC data are reported by federal, state, and local law enforcement officials. As of January 1, 2008, juveniles under age 18 accounted for nearly 52% of all missing person cases. This information was provided to the Congressional Research Service by the U.S. Department of Justice, FBI, Criminal Justice Information Services Division in January 2008. The FBI authorizes the National Central Bureau of Interpol to input missing-child cases into the Missing Person File where no U.S. law enforcement agency jurisdiction exists (42 U.S.C. §5780). For additional information about the NCIC, see U.S. Department of Justice, Federal Bureau of Investigation (FBI), *NCIC Missing Person File*, <http://www.fbi.gov/hq/cjisd/missingpersons.htm>.

⁴⁰ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁴¹ *Ibid.*

Team Adam

Team Adam, created in 2003, is a rapid, on-site response and support system that provides no-cost investigative and technical assistance to local law enforcement officers. The team is staffed by approximately 50 retired federal, state, and local investigators chosen by a committee with representatives from the FBI and state and local law enforcement executives experienced in crimes-against-children investigations.⁴² Team Adam consultants determine, through contact with the law enforcement agency and the victim's family, which additional resources or assistance would be valuable with the search for the victim, the investigation of the crime, and family crisis management.

Forensic Assistance Unit

The Forensic Assistance Unit is composed of the Forensic Imaging Team, Cold Case Team, and Unidentified Human Remains Team; this unit assists in the recovery of long-term missing children and works to identify the remains of children and young adults believed to have gone missing.

Forensic Imaging Team

The Forensic Imaging Team was created in 1990 to age-progress images of missing children. The team's technicians age-progress photos of children through software programs using the most recent picture of the child. The image is stretched to approximate normal cranial and facial growth, and the stretched image is merged and blended with a photograph of an immediate biological family member.⁴³ The age-progressed image appears in clothing and a hairstyle consistent with the child's current age. Missing children photos are age-progressed every two years and adult photos are age-progressed in five-year increments. Age-progressed images are distributed to the local police, searching families, media, and posted on the NCMEC website.

Age-regressed images are also created by the forensic team. These images are produced at the request of law enforcement agents posing as youth in online communication with adults who seek to engage in sexual acts with children. Agents in their twenties and thirties (usually) send their photograph to NCMEC, and they are made to appear as adolescents. Finally, the age-progression unit creates facial and skull reconstructions of missing children based on recovered remains. The team works with an offsite forensic anthropologist who CAT-scans the remains. Based on the digital depiction of the image and discussions with the anthropologist about the child's likely background (race, gender, age), the team creates a black-and-white digital profile (so as to not provide exact eye/hair/skin tones) of the child. The forensic team might also reference medical examiner records and newspaper clippings from the area where the child was recovered.

⁴² Ibid.

⁴³ National Center for Missing and Exploited Children, *Forensic Imaging Activities*, 2006. This description of forensic imaging activities is from an internal document made available to CRS by NCMEC in March 2007.

Cold Case Team and Unidentified Human Remains Team⁴⁴

Analysts on these teams provide support and resources to the “cold” cases of long-term missing children and cases of unidentified human remains of victims believed to be children and young adults. They also assist law enforcement and medical examiners/coroners in cases of child homicides and identification. Since the teams were established in 2001, through 2009, analysts reviewed over 8,000 cases.⁴⁵ NCMEC has partnered with the University of North Texas to offer parents and family members of missing children an opportunity to have their DNA samples profiled and uploaded to the FBI’s Combined DNA Index System (CODIS), where once a week, the DNA of the missing child is scanned against the DNA profiles of unidentified persons. Approximately 60% of eligible families participate.⁴⁶

International Missing Children’s Cases

⁴⁷

NCMEC assists with cases of children abducted to and from the United States. From 1995 through May 2008, NCMEC had a Cooperative Agreement with the State Department and OJJDP, to handle incoming cases of international abduction cases under The Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”).⁴⁸ Since this time, NCMEC has assisted the State Department with developing and distributing posters for missing children abducted to the United States. Signatories to the Convention pledge to work toward the prompt return of abducted children. Of the 192 formally recognized countries in the world, however, 124 lack formal civil mechanisms in place with the U.S. to facilitate the return of a parentally abducted child.⁴⁹

NCMEC also coordinates cases of American children abducted abroad. NCMEC collaborates with law enforcement to pursue criminal warrants via the International Parental Kidnapping Crime Act (P.L. 103-173), which criminalizes removing a child from the United States “with the intent to obstruct the lawful exercise of parental rights.” (The term parental rights refers to the right to joint or sole physical custody of a child obtained through a court order, a legally binding agreement between the involved parties, or by operation of law.⁵⁰)

NCMEC handles hundreds of prevention and abduction-in-progress matters each year. NCMEC also coordinates the provision of pro-bono legal assistance to victim families and provides technical support, including legal technical assistance to parents, lawyers, court officers, law enforcement officials, and others on matters relating to international abduction.

⁴⁴ Ibid.

⁴⁵ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁴⁶ Ibid.

⁴⁷ The International Centre for Missing and Exploited Children (“ICMEC”) is a sister organization and is affiliated with NCMEC. ICMEC focuses on policy, advocacy, and training, and does not perform case work. ICMEC advocates for adoption of treaties in regards to children’s rights; engages international law enforcement officials, civil service organizations, and government representatives; offers technical assistance in creating missing children centers; and creates and distributes reports on international child abduction and child sexual exploitation.

⁴⁸ The Department of State is designated as the U.S. Central Authority for the Hague Convention. NCMEC was permitted to serve as the representative of the State Department pursuant to 42 U.S.C. §11608.

⁴⁹ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁵⁰ For further information about the International Parental Kidnapping Crime Act and the Hague Convention, see CRS Report RS21261, *International Parental Child Abductions*, by Alison M. Smith.

Exploited Children's Division

Pursuant to the Violent Crime and Law Enforcement Act of 1994 (P.L. 103-322), Congress mandated that the U.S. Secret Service (USSS) provide forensic and technical assistance to NCMEC and federal, state, and local law enforcement agencies in matters involving missing and exploited children. NCMEC's Exploited Children's Division was established in January 1997 with a grant from USSS received pursuant to P.L. 103-322.

The ECD administers the Child Victim ID Program (CVIP) and CyberTipline (discussed below). The unit also analyzes data and forwards requests to appropriate NCMEC divisions and departments and monitors online services, news reports, and other sources each day for new cases and information relative to the issues of child sexual exploitation. The ECD also follows up with law enforcement agencies about cases of exploited children.

In addition to the ECD, a separate unit in NCMEC—the Sex Offender Tracking Team within the Case Analysis and Support Division—works on exploited children's issues. The team tracks sexual offenders pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248), discussed below.

The Child Victim Identification Program (CVIP)

CVIP formally began in 2002 in response to the decision in *Ashcroft v. Free Speech Coalition* (2002), in which the Supreme Court held that federal laws prohibiting pornography are enforceable when they involve identified children, and not images that appear to be children.⁵¹ CVIP analysts assist law enforcement officers and prosecutors with child pornography cases throughout the country using NCMEC's Child Recognition and Identification System (CRIS), a catalog that stores information about identified and unidentified sexually exploited children. Local and federal law enforcement agencies may submit seized images to assist law enforcement agencies in the rescue of children who are currently being abused. These images are reviewed by CVIP analysts who then provide the submitting agencies with information about the children. Through 2009, CRIS had profiles on approximately 2,700 child victims who were identified by law enforcement agencies around the world.⁵²

In April 2007, NCMEC made available the Victim Identification Lab to law enforcement officers and prosecutors through a secure website to examine sanitized images that contain clues about a child's whereabouts. Authorized users can examine the images and post comments and suggestions for both NCMEC and other authorized users to read. Viable clues or suggestions are pursued by NCMEC in collaboration with local and state law enforcement.

CyberTipline

As discussed above, the CyberTipline began in March 1998 to serve 24 hours a day, seven days a week as the national clearinghouse for tips and leads about child sexual exploitation.⁵³ The tipline

⁵¹ For further information about *Ashcroft v. Free Speech Coalition* (2002), see CRS Report 95-406, *Child Pornography: Constitutional Principles and Federal Statutes*, by Henry Cohen.

⁵² NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁵³ NCMEC's role as administrator of the CyberTipline was authorized by the Prosecutorial Remedies and Other Tools (continued...)

allows persons and electronic communication service providers (ESPs) to report the enticement of children for sexual acts, child sexual molestation not in the family, child pornography, sex tourism of children, and child victims of prostitution. The CyberTipline also accepts reports of misleading domain names and unsolicited materials sent to children, which are then referred to the Department of Justice's Child Exploitation and Obscenity Section in the Criminal Division.

All CyberTipline reports are accessible by the FBI, Immigration and Customs Enforcement (ICE), U.S. Postal Inspection Service (USPIS) and the DOJ Child Exploitation and Obscenity Section through a secure web connection. The CyberTipline logs every report opened by each agency and each agency has the ability to indicate if they plan to take further action on a particular report.

Analysts from NCMEC's Exploited Children's Unit send verified reports to the appropriate Internet Crimes Against Children Task Forces (see below), or when appropriate, the local police agency. Federal law enforcement agents and analysts co-located at NCMEC prepare and serve subpoenas based on leads from the CyberTipline, and reported leads are referred to field offices.⁵⁴ The FBI uses CyberTipline reports to gain leads for their Innocence Lost Project on domestic child trafficking. All CyberTipline reports are available in "real time" in an online database for authorized users from federal law enforcement. These reports are also available via Virtual Private Network (VPN) on cases specifically referred to the Internet Crimes Against Children Task Forces. Reports may then be forwarded to the appropriate service provider. From 1998 through December 2009, ECU analysts also made over 7,000 requests to electronic communications service providers to remove illegal child pornography content from their servers.⁵⁵

Electronic communication service providers are required to report all child pornography to the CyberTipline for forwarding to designated law enforcement agencies.⁵⁶ Just over 600 of the approximately 5,000 ESPs in the United States have voluntarily complied with the law.⁵⁷ Federal law and federal regulations are silent on whether or how uniform resource locators (URLs) containing child pornography should be removed, filtered, or blocked, and NCMEC assumes that these providers take necessary steps to help ensure that the URLs are not available to the public.

Sex Offender Tracking Team

The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) expanded the requirements for state law enforcement and prison officials to track and register sex offenders. In partnership with the U.S. Marshals Service (USMS), NCMEC's Sex Offender Tracking Team, in its Case Analysis and Support Division, serves as the central information and analysis hub and

(...continued)

to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21).

⁵⁴ Federal law enforcement officials from four agencies (FBI - 2 Agents, 7 Analysts; US Postal Inspection Service - 1 Inspector; U.S. Marshals Service - 1 Inspector; Immigration and Customs Enforcement Agency - 1 Agent; and the State Department - 1 Foreign Service Officer) work full- or part-time at NCMEC investigating missing and exploited children cases, as they pertain to their federal jurisdiction.

⁵⁵ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁵⁶ Electronic communication providers are required to report apparent child pornography to the CyberTipline pursuant to P.L. 106-113 (Consolidated Appropriations Act of 2000).

⁵⁷ This information was provided to the Congressional Research Service by NCMEC in January 2009.

assists in efforts to apprehend non-compliant registered sex offenders. Analysts support the USMS, Federal Bureau of Investigation, state sex offender registries, and other state and local law enforcement nationwide to assist in identifying and locating non-compliant registered sex offenders.

The team developed a standard protocol in response to law enforcement requests for assistance in locating fugitive sex offenders, which generally includes information obtained through public databases and search tools routinely used by NCMEC Analysts. From October 2006 through December 2009, law enforcement agencies made 3,700 requests for assistance in locating non-compliant offenders. The team has assisted in locating and arresting 570 offenders after the team provided information to law enforcement officials about these offenders (this is based on feedback provided by law enforcement agencies).⁵⁸

Family Advocacy Services

NCMEC's Family Advocacy Division provides support, crisis-intervention, and technical assistance to families, law enforcement, and family-advocacy agencies. The division has assisted with 2,163 cases of missing children and/or sexually exploited children since its creation in 2003, through December 2009.⁵⁹ Team HOPE (Help Offering Parents Empowerment), a component of the division, consists of trained volunteers who have experienced the disappearance of a child in their family. These volunteers mentor other parents and families of missing children to help them cope during and after a missing incident.

The Family Advocacy Division also collaborates with the 37 American and Canadian missing children advocacy groups that collectively form the Association of Missing and Exploited Children's Organizations (AMECO), by providing technical assistance (such as training sessions on working with law enforcement and identifying the needs of victims) and hosting site visits to NCMEC. AMECO is funded through the MEC program, as discussed below.

Training and Technical Assistance

NCMEC trainers provide on- and off-site training and technical assistance to law enforcement, criminal and juvenile justice professionals, and healthcare professionals nationwide and in Canada. Training involves issues relating to child sexual exploitation and missing-child case detection, identification of victims, investigation, prevention, and forensic imaging. NCMEC provides nationally accredited training about infant security for healthcare professionals, including nursing and security personnel. Since 1987 through December 2007, NCMEC has trained over 64,000 healthcare professionals about securing infants in hospitals.⁶⁰

Jimmy Ryce Law Enforcement Training Center

The Jimmy Ryce Law Enforcement Training Center (housed at NCMEC since 1988 and later named for nine-year-old Jimmy Ryce who was abducted and killed in Florida in 1995) was

⁵⁸ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁵⁹ *Ibid.*

⁶⁰ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2008*.

created to provide training courses for law enforcement officials and prosecutors. Course topics include assistance in creating local law enforcement strategies to recover missing children and in protecting children online. NCMEC also conducts training at the Missouri Law Enforcement Training Center and Polisseni Law Enforcement Training Center. NCMEC has trained nearly 3,000 law enforcement executives, unit commanders, investigators, and prosecutors at these sites.⁶¹

Partnerships

Work with Federal Agencies

As discussed above, NCMEC works closely with federal agencies, some of which have detailed agents and analysts to work at NCMEC part-time or full-time. These analysts follow CyberTipline leads and work with NCMEC to develop policy and procedures around children missing internationally, among other activities.

Work with State Clearinghouses

Each state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada have devoted resources to missing and exploited children's activities through clearinghouses located within law enforcement agencies.⁶² These clearinghouses disseminate information and collect data about missing individuals, provide technical assistance in cases of missing and exploited children, and network with other clearinghouses. NCMEC provides the clearinghouses with training, technical assistance, and information to assist them in handling missing-children cases.

Public-Private Partnerships

NCMEC coordinates public and private programs seeking to locate, recover, or reunite missing children with their legal custodians; identify ways to expand and enhance current programs; and help promote the development, advancement, and sponsorship of NCMEC programs. NCMEC staff members create partnerships and maintain relationships with nonprofit and corporate partners to create a network for NCMEC programs.⁶³

Background Screening Pilot Program

The PROTECT Act created a pilot program to screen employees and volunteers at three children organizations: Boys & Girls Clubs of America, the National Mentor Partnerships, and National Council of Youth.⁶⁴ The program has been extended four times, most recently through March

⁶¹ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2008*.

⁶² Louisiana houses its state clearinghouse within the Department of Social Services.

⁶³ A list of community supporters and corporate sponsors is available online at http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=2296. Note that NCMEC is currently processing background checks for the American Camping Association (up to 1,000 applicants), the National Mentoring Partnership, and five local chapters of the Boys & Girls Club. Information provided by NCMEC, August 2007.

⁶⁴ 42 U.S.C. §5119(a).

2011 by P.L. 111-143. NCMEC has not received appropriations for this pilot program through the MEC program or any funding source.

Through December 2009, NCMEC processed 80,731 records for the Boys & Girls Club of America and the National Mentoring Partnership (the National Council of Youth declined to participate). Of these records, 1,467 (1.8%) received a “red light,” meaning the applicant had a conviction for a criterion offense (any felony or misdemeanor offense not included on the list of non-serious offenses published periodically by the FBI), or the applicant was on a sex offender registry.⁶⁵ Another 3,429 (4.2%) of applicants received a “yellow light,” meaning that they were arrested for a criterion offense, but case results were not available.

Financial Coalition Against Child Pornography

In 2006, NCMEC and the International Centre for Missing and Exploited Children joined with 29 international financial institutions and Internet industry leaders to combat commercial online child pornography. The purpose of the coalition is to prevent the purchase and sale of child pornography over the Internet and to engage in prevention efforts.

Community Outreach

NCMEC works with community partners to prevent incidents of missing and exploited children. The “Hand in Hand with Children: Guiding and Protecting” campaign is a statewide initiative to educate families about keeping children safer. NCMEC’s External Affairs Division (EAD) staff work with mayors and state officials to hold child safety events to stress the importance of child protection measures. EAD is also responsible for other community outreach activities. The division uses staff and volunteers from around the country to attend school meetings and conferences about child safety. EAD manages the Campaign Against Sexual Exploitation (CASE) to engage large urban communities in protecting children from becoming victims of sexual exploitation.

NetSmartz Workshop is an online resource guide (www.NetSmartz.org) for children ages 5 to 17, parents, law enforcement, and educators to keep children safer online and empower children to make safer decisions about their Internet use. The website includes English- and Spanish-language brochures on the program and resources, such as Blog Beware, to alert children and their parents of the possible dangers of social networking sites. NetSmartz staff members also train educators and law enforcement about the resources available through NetSmartz.

Finally, the Minority Outreach Program provides information to minority communities to make them aware that minority children are overrepresented among the missing children population. The goals of the program are to educate families about measures to help keep children safer from individuals who seek to harm children, to help families respond in the event a child becomes missing, and to assist families with recognizing symptoms in suspected cases of sexual exploitation.

⁶⁵ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*. In the past, NCMEC has accepted applications from additional child-serving organizations upon the approval of NCMEC and in accordance with the FBI. Since funding has not been appropriated for the program, NCMEC does not have plans (as of December 2009) to expand the program to other organizations.

Internet Crimes Against Children (ICAC) Task Force

The Internet Crimes Against Children (ICAC) Task Force program was first funded in 1998 (Justice Appropriations Act, P.L. 105-119) to provide federal support for state and local law enforcement agencies to combat online enticement of children and the proliferation of pornography. Subsequently appropriation laws also provided funding. The PROTECT Our Children Act of 2008 (P.L. 110-401) formally authorized the program. As outlined in the law, some of the purposes of the program are as follows: (1) increasing the investigative capabilities of state and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses; (2) conducting proactive and reactive Internet crimes against children investigations; (3) providing training and technical assistance to ICAC task forces and other law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs; (4) increasing the number of Internet crimes against children offenses being investigated and prosecuted; and (5) developing and delivering Internet crimes against children public awareness and prevention programs, among other purposes.⁶⁶

An ICAC task force is formed when a state or local law enforcement agency enters into a grant contract with OJJDP, and then into a memorandum of understanding with other federal, state, and local agencies. Currently, 61 regional task forces have been created, each of which are comprised of multiple affiliated organizations (most of which are city and county law enforcement agencies).⁶⁷ All states have a regional task force or belong to a task force in a neighboring state.⁶⁸ The task forces receive leads from CyberTipline analysts at NCMEC and concerned citizens or develop leads through proactive investigations and undercover operations. P.L. 110-401 authorizes the Attorney General to award grants to state and local ICAC task forces using a formula established by DOJ to distribute 75% of the funds; and the remaining 25% of the funds will be distributed based on need. Funds made available by ARRA are being used to distribute funds to current ICAC programs pursuant to the new law.

ICAC Task Force members currently receive training and technical assistance at courses through Fox Valley Technical College (FVTC) of Appleton, Wisconsin. Since 1998, FVTC, in partnership with NCMEC and OJJDP, has also trained law enforcement officials, state and local government agencies, child protection staff, and others on responding to missing and exploited children's cases. (Funding for FVTC is currently provided through the AMBER Alert Program's Training and Technical Assistance component, discussed below. Funding for this component was subject to a competitive bidding process and the bid was awarded to FVTC.) As discussed above, funds appropriated under ARRA are being used for training and technical assistance, among other activities. The PROTECT Act further enables the Attorney General to establish national training programs to support the mission of the program.

⁶⁶ Michael Medaris and Cathy Girouard, *Protecting Children in Cyberspace: The ICAC Task Force Program*, U.S. Department of Justice, January 2002, p. 3, <http://www.ncjrs.gov/pdffiles1/ojjdp/191213.pdf>. (Hereafter referred to as Medaris and Girouard, *Protecting Our Children in Cyberspace*.)

⁶⁷ U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, August 2010, p. 58, <http://www.usdoj.gov/02organizations/bpp.htm>.

⁶⁸ U.S. Department of Justice, Office of Justice Programs, "Department Of Justice Announces Internet Crimes Against Children Task Forces In All 50 States," press release, October 15, 2007, http://www.usdoj.gov/opa/pr/2007/October/07_ojp_061.html.

The law directs the Attorney General to establish the ICAC Data System. The intent of Congress in authorizing the data system was to build upon Operation Fairplay developed by the Wyoming Attorney General's office. Operation Fairplay has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.⁶⁹ The data system is to be housed and maintained within DOJ or a credentialed law enforcement agency and is to be available for a nominal charge to support law enforcement agencies' efforts to combat child exploitation. It must also collect and report real time data and include particular technology, among other items. As discussed above, funds appropriated under ARRA are being used to establish the data system.

The PROTECT Our Children Act directs the Attorney General to create and implement a National Strategy for Child Exploitation Prevention and Interdiction. The strategy is to involve establishing long-range, comprehensive goals for child exploitation and for DOJ to coordinate its programs to combat child exploitation with other federal programs, as well as with international, state, local, and tribal law enforcement agencies and the private sector. As part of this strategy, DOJ must assess the ICAC program, including an evaluation of how entities that comprise each task force coordinate on investigations and the success of task forces at leveraging state and local resources and matching funds. The law also directs the Attorney General to conduct periodic reviews of the effectiveness of each ICAC task force, separate from the National Strategy.

In August 2010, the Department of Justice submitted the national strategy to Congress.⁷⁰ The overall goal of the strategy is to prevent child sexual exploitation from occurring in the first place. According to the report, the federal government is coordinating internally and with social service providers, educators, non-governmental organizations, caregivers, and others to meet this goal. The report provides an assessment of the threat to children based on four types of child sexual exploitation: (1) child pornography, (2) online enticement of children for sexual purposes, (3) commercial sexual exploitation of children (primarily domestic prostitution), and (4) child sex tourism. According to the report, cases of child sexual exploitation have increased dramatically across all four areas. The report goes on to provide detailed information about the efforts of the various agencies (the Departments of Defense, Health and Human Services, Homeland Security, Justice, Labor, and State; and the U.S. Postal Service) and organizations, including NCMEC, to combat child sexual exploitation. In each of the four areas listed above (as well as child exploitation in Indian country), the strategy emphasizes certain priorities. For example, in response to the domestic prostitution of children, the Department of Justice is exploring whether to expand the Innocence Lost initiative into other cities and is considering strategies to reduce the demand for prostituted children through public awareness campaigns and enforcement. In addition, DOJ is looking into the ways that the ICAC task force and the Innocence Lost task forces can coordinate further.

AMBER Alert Program

AMBER (America's Missing: Broadcast Emergency Response) Alert systems are state administered. The MEC program supports these programs by providing training and technical

⁶⁹ For further information, see http://www.usatoday.com/news/nation/2008-04-15-childporn-side_N.htm.

⁷⁰ U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, August 2010, p. 58, <http://www.usdoj.gov/02organizations/bpp.htm>.

assistance to law enforcement personnel and AMBER Alert administrators.⁷¹ AMBER systems are voluntary partnerships—between law enforcement agencies, broadcasters, and transportation agencies—to activate messages in a targeted area when a child is abducted and believed to be in grave danger. The first system began locally in 1996 when fourth-grader Amber Hagerman was abducted and murdered near her home in the Dallas-Fort Worth area. After the abduction, law enforcement agencies in North Texas and the Dallas-Fort Worth Association of Radio Managers developed a plan to send out an emergency alert about a missing child to the public through the Emergency Alert System (EAS), which interrupts broadcasting.⁷² Soon after, jurisdictions in Texas and other states began to create regional alert programs.

Program Administration

The PROTECT Act (P.L. 108-21) authorized the Attorney General to create a national AMBER Alert program to eliminate gaps among state, local, and interstate AMBER Alert networks. The act provided that the Attorney General appoint an AMBER Alert coordinator to (1) work with states to encourage the development of additional regional and local AMBER Alert plans; (2) serve as the regional coordinator of abducted children throughout the AMBER Alert network; (3) create voluntary standards for the issuance of alerts, including minimum standards that addressed the special needs of the child (such as health care needs) and limit the alerts to a geographical area most likely to facilitate the abduction of the child, without interfering with the current system of voluntary coordination between local broadcasters and law enforcement; (4) submit a report to Congress by March 1, 2005, on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each state that has implemented such a plan; and (5) consult with the FBI and cooperate with the Federal Communications Commission in implementing the program.

In 2003, the DOJ AMBER Alert coordinator was appointed and convened a national advisory group to oversee the national initiative and make recommendations on the AMBER Alert criteria, examine new technologies, identify best practices, and identify issues with implementation. On the basis of the group's recommendations, the Department issued guidelines for issuing an alert: law enforcement officials have a reasonable belief that an abduction has occurred; law enforcement officials believe that the child is in imminent danger of serious bodily injury or death; enough descriptive information exists about the victim and the abductor for law enforcement to issue an alert; the victim is age 17 or younger; and the child's name and other critical data elements have been entered into the National Crime Information Center (NCIC) system. A new AMBER Alert "flag" was created within NCIC for abducted children for whom an alert has been issued. The Department submitted a report to Congress in July 2005 that provided an overview of its strategy to facilitate a national AMBER Alert plan and the criteria developed to issue an alert.⁷³

As of October 2009, all states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have developed plans (see **Appendix C**).⁷⁴

⁷¹ 42 U.S.C. §§5791-5791d.

⁷² For further discussion about the distribution of the alerts, see CRS Report RS21453, *Amber Alert Program Technology*, by Linda K. Moore.

⁷³ U.S. Department of Justice, Office of Justice Programs, *Report to the Congress on AMBER Alert*, July 2005, p. 7, http://www.amberalert.gov/newsroom/pdfs/05_amber_report.pdf. (Hereafter referred to as U.S. Department of Justice, *Report to Congress on AMBER Alert*).

⁷⁴ Based on information provided to CRS by NCMEC in December 2009. A compilation of state laws authorizing state, (continued...)

Funding

DOJ's Office of Justice Programs first provided funding for local and state AMBER Alert programs in 2002, with \$10 million in discretionary funding. Authority to federally fund these programs, through the Departments of Justice and Transportation, was formalized under the PROTECT Act (P.L. 108-21). The Department of Justice is authorized to provide grants to states, on a geographically equitable basis as possible, to develop and enhance their AMBER Alert communications plans. In FY2004, \$4 million was appropriated for this purpose. However, the grant program was not implemented and the decision was made that funds were most efficiently spent delivering consistent, comprehensive training and technical assistance for the AMBER Alert program.⁷⁵ Since FY2004, the AMBER Alert program has received between \$2.5 million and \$5 million each fiscal year for training and technical assistance (see below for information about training and technical assistance services).

The PROTECT Act also authorized (and Congress subsequently appropriated) \$20 million through the Department of Transportation (DOT) for states to develop and enhance communications systems along highways for alerts and other information for the recovery of abducted children. States are eligible to receive funding (up to \$400,000 each, from the one-time appropriation of \$20 million)—to be used for the *implementation* of a communications program that employs changeable message signs or other motorist information systems—if DOT determines that the state has already developed the program.⁷⁶ At the end of FY2009 (October 31, 2009), 40 states and the District of Columbia received funding. The federal share of the cost of these activities is not to exceed 80%, and federal funds are available until expended.⁷⁷ Approximately \$3.6 million in funding was still available at the end of FY2009.

AMBER Alert Training and Technical Assistance

Every five years OJJDP issues a competitive solicitation seeking bids to provide technical training for law enforcement around techniques to recover missing and exploited children. Funding for this bid was last awarded in 2005, through AMBER Alert program funding. Fox Valley Technical College was awarded the bid and provides training and technical assistance for seven courses. For example, one of the courses focuses on Child Abduction Response Teams (CARTs). The course provides additional support in recovering missing and abducted children. CART deployments can be used for all missing children abduction cases, including those that

(...continued)

regional, and local AMBER Alert systems is available at <http://www.AMBER-net.org/AMBERstatutes.htm>.

⁷⁵ This information was provided to the Congressional Research Service by the U.S. Department of Justice, Office of Justice Programs in May 2007.

⁷⁶ Pursuant to the PROTECT Act, states are eligible to receive two types of DOT grants. *Development* grants to be used to develop general policies, procedures, training, and communication systems for changeable message signs or other motorist information about an abduction. *Implementation* grants are to be used to support the infrastructure of the program. Funding authorized under the PROTECT Act was used exclusively for the *implementation* of communication systems to issue AMBER alerts. However, states are eligible to apply for grants up to \$125,000 each, through a separate DOT appropriation for the Intelligent Transportation Systems program, to support state departments of transportation efforts related to AMBER Alert planning. These funds are available until expended. This information was provided to CRS by DOT, Federal Highway Administration staff, in May 2007.

⁷⁷ This information was provided to CRS by Department of Transportation, Federal Highway Administration staff, in January 2010.

meet the AMBER Alert criteria. They can also be used for other missing children cases, such as to recover runaway children who are believed to be in danger.

At the request of the Department of Justice, NCMEC serves as the national clearinghouse for AMBER Alert information and employs a full-time AMBER Alert law enforcement liaison. NCMEC verifies AMBER Alerts and disseminates information about an abduction to authorized secondary distributors that can target messages to their customers in a specific geographic region. (Only law enforcement can initiate and release AMBER Alerts for primary distribution.) In May 2005, DOJ and NCMEC partnered with CTIA-The Wireless Association to encourage customers to sign up to receive wireless AMBER Alerts on their cell phones.⁷⁸

MEC Program Office and Support Services for Missing and Exploited Children's Organizations

The MEC Program Office provides training and technical assistance to grantees, and funds the development and printing of publications and Missing Children's Day activities through DOJ's National Criminal Justice Reference Service. Through FY2007, the MEC Program Office component funded Services for Missing Children's Organizations. Since FY2009, Services for Missing Children's Organizations has been funded as a separate component. This grant funds the Association of Missing And Exploited Children's Organizations (AMECO). AMECO is a membership organization of nonprofit organizations that serve the families of missing and exploited children, provide services to law enforcement and community agencies, and provide public awareness and education about child protection.

Competitive Grant Programs

In FY2009, DOJ allocated funding for three new competitive grant programs:

- **Improving Community Response to the Commercial Sexual Exploitation of Children (CSEC):** The purpose of this program is to support three communities in combating the commercial sexual exploitation of children, which includes youth under age 18, by improving training and coordination activities within the community. OJJDP is assisting the communities in developing policies and procedures to identify CSEC victims, adopting best practices for addressing CSEC, and completing a needs assessment to identify and fill gaps in local service provision to victims, such as mental and physical health services and temporary shelter. The grantees are Multnomah County, OR; Alameda County, CA; and Kristi House, a child advocacy center for sexually abused children, in Miami, FL.
- **Research on the Commercial Sexual Exploitation of Children:** The purpose of this program is to support research on the scope and consequence of the commercial sexual exploitation of children and youth. The grantee is the Fund for the City of New York, a nonprofit organization that funds projects to advance the "functioning of government and nonprofit organizations in New York and beyond."

⁷⁸ U.S. Department of Justice, *Report to Congress on AMBER Alert*, p. 7.

- Promoting Child and Youth Safety—Community Initiatives and Public Awareness: The purpose of this program is twofold: (1) to help communities develop and implement evidence-based demonstration projects that promote child and youth safety and (2) to provide resources and expertise to help communities develop effective public awareness strategies about youth safety. Grants were awarded to seven nonprofit organizations, including the Youth Network Council, Internet Safe Coalition, Children’s Institute, Public Health Institute, Merced Lao Family Community Center, Denver’s Children Advocacy Center, and INOBTR (“I Know Better”).

Issues

Issues that are relevant to the MEC program include the potential need for more comprehensive data on missing and sexually exploited children; and the creation of the National Emergency Child Missing Locator Center at NCMEC that will provide assistance to jurisdictions experiencing disasters. Other issues include children missing from foster care and missing adults.

Data Collection

P.L. 110-240 authorizes NCMEC to engage in particular data collection activities. The law permits NCMEC to report to DOJ the number of missing and recovered children but not to engage in data collection other than receiving reports about missing children. Further, P.L. 110-240 authorizes NCMEC to take reports through its CyberTipline of incidents of child exploitation under multiple exploitation categories; NCMEC already took these reports prior to the enactment of P.L. 110-240.

OJJDP has funded two data collection waves since the Missing Children’s Assistance Act passed in 1984. The most recent wave, NISMART-2, conducted in 1999 (discussed above), lacks statistics about the number of exploited children, except in the case of nonfamily abductions and runaways (however, the survey did not distinguish between the share of children who ran away because of sexual abuse from those who experienced physical abuse, and it did not report the share of children who experienced both forms of abuse). Further, due to the limited number of nonfamily abductions each year, the estimates of caretaker missing and reported missing cases are imprecise.⁷⁹ Limited data for all types of missing episodes also precluded NISMART-2 from drawing conclusions about episode types by region.

In 2007, NCMEC studied the feasibility of counting missing and exploited children in a way that provides more detailed and current region-specific data. However, because NCMEC cannot use federal funds to conduct studies of victims, the organization has determined that it will continue to use NISMART-2 data to explain victimization data for cases not reported to law enforcement.⁸⁰ The organization reports that it is seeking to improve reporting of missing and exploited children to law enforcement. NCMEC is collaborating with the Association of State Uniform Crime Reporting Programs (ASUCRP) and the FBI to improve the use of various federal databases that

⁷⁹ Finkelhor, Hammer, Sedlak, *Nonfamily Abducted Children*, p. 7. See discussion of NISMART-2 earlier in this report for explanation of “caretaker missing” and “reported missing” cases.

⁸⁰ This information was provided to The Congressional Research Service by NCMEC in January 2009.

track crime and other information—the National Crime Information Center (NCIC), Uniform Crime Reports (UCR), and National Incident Based Reporting System (NIBRS)—to better collect and track cases of missing and exploited children. According to NCMEC, these entities will (1) develop a plan to change the categories in the NCIC Missing Person File to more closely relate to definitions used by NCMEC; (2) improve quality control for NCIC for entries of missing children; and (3) provide training and technical assistance to law enforcement agencies on how to accurately report missing and exploited children cases in the UCR and NIBRS.⁸¹ NCMEC plans to use improved information from the three data sources to educate the public and inform policy makers about cases of missing and exploited children.

In FY2010, DOJ issued an announcement for funding of a third study, NISMART-3. As with NISMART-2, NISMART-3 will include several complementary studies to measure the size and nature of the missing children problem.⁸² The studies will provide national estimates of missing children based on surveys of households, juvenile residential facilities, and law enforcement agencies.

National Emergency Child Locator Center

P.L. 110-240 specifies that MEC funds may be used to operate the National Emergency Child Locator Center (NECLC). The law also adds as a purpose of the MEC program that it helps children who go missing because of natural disasters such as hurricanes and floods.

During the evacuations of Hurricanes Katrina and Rita in 2005, thousands of children were separated from their parents and sent to different emergency shelters. NCMEC was asked by DOJ to lead federal and local efforts to recover missing children. As part of its response, NCMEC created a special Katrina/Rita hotline and mobilized Team Adam personnel to locate and reunite all missing and dislocated children (over 5,000) with their families.⁸³ Recognizing the need for formalized coordination efforts in disasters or emergencies, Congress passed legislation (P.L. 109-295) requiring FEMA to establish the National Emergency Child Locator Center (NECLC) within NCMEC. The law also required that the FEMA Administrator establish procedures so that all relevant information about displaced children will be made immediately available to NCMEC.

In early calendar year 2007, NCMEC developed a Disaster Response Plan (DRP) describing how the organization intends to respond to disasters through the NECLC.⁸⁴ The plan details the response to a continuum of disaster types.⁸⁵ For example, NCMEC would operate its hotline 24 hours a day, seven days a week to respond to questions from law enforcement and other emergency officials for a Level 1 disaster (a local man-made or natural disaster, such as a fire). A

⁸¹ Ibid.

⁸² U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Grant Solicitation, *OJJDP FY 2010 National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children 3*, 2010, <http://ojjdp.ncjrs.gov/grants/solicitations/FY2010/NISMART3.pdf>.

⁸³ National Center for Missing and Exploited Children, *Annual Report 2005*, pp. 5-7.

⁸⁴ NCMEC and DHS/FEMA have not yet entered into an interagency agreement formally establishing the NECLC. NCMEC has entered into an agreement with DHS/FEMA, DOJ, U.S. Department of Health and Human Services, and the Red Cross to provide missing adult referrals to and support the activities of the National Emergency Family Registry and Locator System (NEFRLS), created under P.L. 109-295. NEFRLS will be operated by DHS/FEMA to help reunify families separated after a disaster.

⁸⁵ This information was provided by NCMEC in April 2007.

Level 4 disaster (a catastrophic event declared by the President, such as Hurricane Katrina) would warrant NCMEC deploying Team Adam staff in the field to shelters established in a multi-state region.

NCMEC continues to work on the implementation of the NECLC and has assisted communities affected by disasters. According to NCMEC, the NECLC consists of operational components as well as physical components, including facilities, equipment, and a computer network. The physical components are housed at a backup Call Center in NCMEC's Lake Park, FL, facility.⁸⁶

Child Welfare Disaster Planning

The NECLC does not appear to address children missing from foster care due to a disaster, though the federal government has recently issued guidelines regarding how state child welfare systems should respond to disasters.

During the Gulf Coast hurricanes, thousands of children in foster care were forced to evacuate their homes. Almost 2,000 of Louisiana's 5,000 foster children were displaced by the hurricanes, and nearly one out of five displaced foster children left the state.⁸⁷ The state's child welfare system had difficulty tracking the children during and after the hurricanes. Foster parents knew to call the child welfare agency, but social workers' phones were not operational for weeks following Hurricane Katrina. Louisiana officials experienced difficulty contacting the children because case information was not in a central database and more than 300 current records were destroyed. At the time, there were no federal requirements to develop child welfare disaster plans, and only 20 states and D.C. had a written plan (Louisiana and Mississippi were among the states that lacked a plan).⁸⁸ Of those plans, 19 addressed preserving child welfare records, 13 addressed identifying children who might be dispersed, and 10 addressed coordination with other states.

In August 2006, Congress passed P.L. 109-288 to amend the Child Welfare Services program (Title IV-B, Subpart 1 of the Social Security Act), requiring that states develop procedures, no later than September 29, 2007, to respond to and maintain child welfare services in the wake of a disaster. The act specified that HHS establish criteria for how state child welfare systems would respond. These criteria include (1) identify, locate, and continue services for children under the care or supervision of the state and who are displaced or adversely affected by the disaster; (2) respond appropriately to new child welfare cases in areas adversely affected by a disaster and provide services in those cases; (3) remain in communication with caseworkers and other essential child welfare personnel displaced because of a disaster; (4) preserve essential program records; and (5) coordinate services and share information with other states.⁸⁹ In February 2007, HHS issued guidelines requiring states to submit, in their child welfare plan,⁹⁰ procedures describing how the state would respond to a disaster based on the five criteria above, before the

⁸⁶ NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2009*.

⁸⁷ U.S. Government Accountability Office, *Lessons Learned for Protecting and Educating Children after the Gulf Coast Hurricanes*, GAO-06-680R, May 2006, p. 3.

⁸⁸ U.S. Government Accountability Office, *Child Welfare: Federal Action Needed to Ensure States Have Plans to Safeguard Children in the Child Welfare System Displaced by Disasters*, GAO-06-944, July 2006, p. 2.

⁸⁹ 42 U.S.C. §622(b)(16).

⁹⁰ To receive federal funding, state child welfare agencies must submit annually its procedures for carrying out the federal Child Welfare Services program.

end of FY2007.⁹¹ HHS has also updated its 1995 guide to assist child welfare agencies develop disaster relief plans.⁹²

Children Missing from Foster Care⁹³

The Missing Children's Assistance Act does not include provisions for children missing from foster care; however, media attention to the case of Rilya Wilson, a six-year-old foster child missing from the Florida child welfare system and presumed to have been murdered, has raised concerns about Florida and other states'⁹⁴ ability to track children in the foster care system and ensure their safety while under the custody of the child welfare agency.

A child is considered missing from foster care if she or he is not in the physical custody of the child welfare agency or the institution or person with whom the child has been placed, due to (1) the child leaving voluntarily without permission (i.e., runaways); (2) the family or nonfamily member removing the child, either voluntarily or involuntarily, without permission (i.e., abductions); or (3) a lack of oversight by the child welfare agency.⁹⁵ The majority of children known to be missing from foster care are runaways. According to the U.S. Department of Health and Human Services, on the last day of FY2008, approximately 9,700 (2%) of the 463,000 children in foster care had run away. For that same year, approximately 3,000 (2%) of the 285,000 children who exited foster care exited as runaways.⁹⁶ However, these figures do not convey the total number of children who go missing.⁹⁷ Kids can go missing for a variety of reasons, including abduction or benign circumstances, such as misunderstandings about a schedule.

No federal laws specifically address the issue of children missing from foster care. However, Titles IV-B and IV-E of the Social Security Act require state child welfare agencies to monitor and provide for the safety and well-being of children in out-of-home foster care.⁹⁸ Under Section

⁹¹ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Annual Progress and Services Report*, February 28, 2007, available online at http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2007/pi0705.htm.

⁹² Mary O'Brien, Sarah Webster, and Angela Herrick, *Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies*, University of Southern Maine, Edmund S. Muskie School of Public Service, February 2007, available online at <http://muskie.usm.maine.edu/helpkids/rcpdfs/copingwithdisasters.pdf>.

⁹³ For further information, see Congressional Research Service Congressional Distribution memo, *Children Missing From Foster Care: Background, Responses by Select States, and Issues*, by Adrienne L. Fernandes-Alcantara. Available upon request.

⁹⁴ Megan O'Matz and Sally Krestin, "States Share DCF's Woes; Caseworkers Elsewhere Often Unable to Find Missing Children," *Sun-Sentinel*, September 15, 2002, p. 1A.

⁹⁵ Caren Kaplan, *Children Missing from Care*, Child Welfare League of America, 2004, <http://www.cwla.org/programs/fostercare/childmiss.htm>. (Hereafter referred to as Kaplan, *Children Missing from Care*.)

⁹⁶ U.S. Department of Health and Human Services, Administration for Children and Families, *The AFCARS Report #16, Preliminary Estimates for FY2008*, October 2009, http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars. For additional information about the runaway children population, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics and Programs*, by Adrienne L. Fernandes-Alcantara.

⁹⁷ Some states and counties have calculated the number of missing foster children under their care, based on jurisdiction-specific definitions. After the Rilya Wilson incident, Florida determined that 393 children were missing from care, of whom 339 (86.3%) had run away and 31 (7.9%) were parentally abducted. A small share (4.8%) of children were endangered, meaning that they were missing under circumstances that put them in physical danger, such as a predatory abduction or kidnapping.

⁹⁸ Titles IV-B and IV-E and related sections of the Social Security Act are compiled at http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/safe2003.htm. See also 42 U.S.C. §§620-629i, 670-679b.

471 (Title IV-E), states are eligible for federal foster care maintenance payments if, among other requirements, they develop a case plan (as defined under Section 475, which also applies to Title IV-B) for each child that details the type of home or institution in which the child is placed. The case plan must discuss the safety and appropriateness of the placement and a plan for assuring that the child receives safe and proper care.

States must also develop a system (as defined under Section 475) to review, no less than every six months, the status of the child's case plan. Also, under Section 471, states must check child abuse and neglect registries (including federal crime databases) for criminal information about prospective and current foster parents. Finally, under Section 424 (Title IV-B), states must ensure that children in foster care are visited by their caseworkers on a monthly basis and that the majority of the visits occur in the child's residence. Section 424 sets forth a penalty structure for violating these and other requirements.

In response to the Rilya Wilson case, the Child Welfare League (CWLA), a child advocacy organization, in partnership with NCMEC, created the Children Missing from Care Project in 2004. Drawing on the expertise of policy makers, child welfare advocates, and law enforcement officials, the CWLA and NCMEC developed best practices guidelines around missing foster children.⁹⁹ The guidelines provide a framework for collaboration between the law enforcement agency and the child welfare agency. They recommend that the two share a uniform definition of missing children (based on the three criteria outlined above) and a clear delineation of shared and distinct roles. Child welfare agencies and law enforcement officials are encouraged to receive cross-training and to create an integrated local information system about children.

The guidelines provide guidance to child welfare agencies to prevent missing-from-care episodes, including quality supervision; training stakeholders about risk factors for running away; and frequent contacts between case workers and children, caregivers, and birth families. To respond effectively to missing episodes, the guidelines recommend that child welfare agencies provide accurate and up-to-date records with information about the child and a management information system to track information related to missing episodes.

Missing Adults¹⁰⁰

NCMEC provides services for missing young adults ages 18 to 20, pursuant to Suzanne's Law, which was passed as part of the PROTECT Act.¹⁰¹ This law amended the Missing Children's Assistance Act by requiring law enforcement agencies to enter individuals under the age of 21 into the NCIC.¹⁰² NCMEC processes young adult cases differently than cases for missing

⁹⁹ Child Welfare League of America, *CWLA Best Practice Guidelines: Children Missing From Care*, 2005 and National Center for Missing and Exploited Children, *Children Missing From Care: The Law Enforcement Response*, 2005. The NCMEC publication is available at http://www.missingkids.com/missingkids/servlet/ResourceServlet?LanguageCountry=en_US&PageId=2234.

¹⁰⁰ For additional information, see CRS Report RL34616, *Missing Adults: Background, Federal Programs, and Issues for Congress*, by Adrienne L. Fernandes-Alcantara; and CRS Report R40552, *Alert Systems for Missing Adults in Eleven States: Background and Issues for Congress*, by Adrienne L. Fernandes-Alcantara and Kirsten J. Colello.

¹⁰¹ Suzanne's Law was passed as part of the PROTECT Act (P.L. 108-21). It raised the age of missing children reported to the FBI's National Crime Information Center from age 17 to age 20. 42 U.S.C. §5779(a).

¹⁰² No corresponding amendments to the Missing Children's Assistance Act have been made to reflect that NCMEC is authorized to accept cases of missing children ages 18 to 20.

children. NCMEC will accept a young adult case only if it is reported by a law enforcement officer—and not by parents, spouses, partners, or others—because NCMEC relies on the officer to verify that the young adult is missing due to foul play or other reasons that would cause concern about the individual’s whereabouts (e.g., diminished mental capacity). Once individuals reach the age of majority, they may have legitimate reasons for becoming missing, such as seeking protection from a domestic abuser.

Appendix A. Demographics of Missing and Exploited Children

This appendix provides additional information about demographics of missing and exploited children, including definitions of missing children, characteristics of missing children episodes, and the number of children sexually abused or at risk of sexual exploitation.

Definitions of Missing Children

NISMART-2 classified missing children under five categories. **Figure A-1** defines these five categories.

Figure A-1. Categories of Missing Children

<p>Non-family Abduction: A non-family member takes a child (without lawful authority or parental permission) by physical force or threat of bodily harm or keeps a child by force in an isolated location for at least an hour; or when a child 14 years or younger (or who is mentally incompetent) is taken (without lawful authority or parental permission), detained, or voluntarily accompanies a nonfamily perpetrator who conceals the child's whereabouts, asks for ransom, or plans to keep the child permanently. A type of non-family abduction, known as a stereotypical kidnapping involves detaining the child overnight, transporting him or her at least 50 miles, and holding the child for ransom with the intent of keeping the child permanently or of killing the child.</p>
<p>Family Abduction: A member of a child's family or someone acting on behalf of a family member, violates a custody order, decree, or other legal custodial rights, by taking or failing to return the child and conceals or transports the child out of state with the intent of preventing contact or depriving the caretaker of custodial rights indefinitely or permanently. There must be evidence that a child 15 years or older (unless mentally incompetent) was taken or detained by physical force or was threatened with bodily harm.</p>
<p>Runaway/Throwaway: A runaway is a child who either leaves home and stays away overnight without parental permission; is 14 years or younger (or older if mentally incompetent) who leaves home, chooses not to return and stays away overnight; or is 15 years or older who leaves home, chooses not to return and stays away two nights. A throwaway child is one who is asked or told to leave the home by a parent or other adult in the household who has not made adequate alternative care arrangements for the child, and the child is away from home overnight; or a child who leaves home, but is prevented from returning by a parent or other household adult who has not arranged adequate alternative care for the child who is away from home overnight.</p>
<p>Missing Involuntary, Lost, or Injured: A child's whereabouts are unknown to the caretaker, which causes the caretaker to become alarmed for at least one hour while trying to locate the child under one of two conditions: (1) the child is trying to get home and contacts the caretaker, but is unable to do so because the child is either lost, stranded, or injured; or (2) the child is too young to know how to return home or contact the caretaker.</p>
<p>Missing Benign Explanation: A child's whereabouts are unknown to the caretaker, which causes the caretaker to (1) be alarmed, (2) try to find the child, and (3) call the police about the situation for any reason, as long as the child was not lost, injured, abducted, victimized, or considered to be a runaway or throwaway.</p>

Source: Congressional Research Service presentation of definitions in Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 4.

Incidents of Missing and Non-Missing Children

Some children in NISMART-2 were not counted as missing (i.e., “non-missing” children) because their short-term or long-term missing incident failed to alarm their caretakers and/or prompt their caretakers to report them as missing. Such cases included runaway or throwaway children who went to the home of a relative or friend, causing their caretakers little or no concern; children held by family members in known locations, such as the home of an ex-spouse; and children abducted by nonfamily but released before anyone noticed their absence. **Table A-1** includes a combined total number of missing and non-missing children within each category. Note that estimates of non-missing children cannot be totaled across categories.

Table A-1. Missing and Non-missing Children

Missing Category	Missing	Non-missing
Nonfamily abduction	33,000	25,200
Family abduction	117,200	86,700
Runaway/throwaway	628,900	1,054,000
Missing involuntarily, lost, or injured ^a	198,300	0
Missing benign explanation ^a	374,700	0
Total	1,352,100	

Source: Congressional Research Service presentation of data from Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 10.

a. By definition, all children with these episodes are known to be missing.

Characteristics of Missing Children

Runaway and Throwaway Children

The majority of runaway and throwaway children in the NISMART-2 study were between the ages of 15 and 17 (68% of all cases), followed by children ages 12 and 14.¹⁰³ An equal number of boys and girls experienced runaway or throwaway incidents. White children made up the largest share of runaways (57%), followed by black children (17%) and Hispanic children (15%). Over half of all children left home for one to six days, and 30% traveled approximately one to 10 miles. An additional 31% traveled more than 10 to 50 miles. Nearly all (99%) runaway and throwaway children were returned to their homes. Based on 17 indicators of harm or potential risk measured in NISMART-2, 71% of the surveyed children were placed at risk for harm when they were away from home.¹⁰⁴ The survey found that 17% of runaway children used hard drugs and 18% were in the company of someone known to be abusing drugs when they were away from home. Other risk factors included spending time in a place where criminal activity was known to occur (12%),

¹⁰³ Hammer, Finkelhor, and Sedlak, *Runaway/Throwaway Children*.

¹⁰⁴ Jan Moore, *Unaccompanied and Homeless Children Review of Literature (1995-2005)*, National Center for Homeless Education, 2005, p. 6, <http://www.cde.state.co.us/cdeprevention/download/pdf/Homeless%20Youth%20Review%20of%20Literature.pdf>.

involvement with a violent person (7%), and physical assault or attempted physical assault by another person (4%).

In other studies of runaways and throwaways, children most often cite family conflict as the major reason for leaving home or being forced to leave home.¹⁰⁵ A child's relationship with a step-parent, sexual activity, sexual orientation, pregnancy, school problems, and alcohol and drug use are strong predictors of family discord. Over 20% of children in NISMART-2 reported being physically or sexually abused at home in the prior year or feared abuse upon returning home.

Children Missing Involuntarily or for Benign Reasons

Children can become missing involuntarily as a result of being lost or sustaining an injury that prevents them from returning home or to their caretaker, such as a broken leg or a fall that renders them unconscious. Benign circumstances such as miscommunication among family members can also cause a child to be considered missing by their caretakers. NISMART-2 found that most children missing involuntarily or for benign reasons were white, male, and older. They disappeared most frequently in wooded areas or parks and were most often gone for one hour to six hours (77% of all cases). In most cases, their caretakers knew they were missing because they disappeared from their supervision (39%) or failed to return home (29%).

Nonfamily Abductions

The experiences of children abducted by strangers, slight acquaintances, or others (i.e., friends, babysitters) often involved detention in an isolated place through the use of physical force or threat of bodily harm. More serious abduction cases—known as stereotypical kidnappings—may also include detaining the child overnight and transporting them outside of their community, with the intent to keep the child permanently or kill the child. Extensive media coverage about stereotypical kidnapping cases may contribute to the belief that these missing children incidents are common. However, such cases are rare; about 115 (90 of whom were caretaker/reported missing) of the estimated 58,200 victims of nonfamily abductions in 1999 experienced a stereotypical kidnapping.¹⁰⁶

With the caveat that NISMART-2 data on nonfamily abductions are not entirely reliable because some estimates are based on too few sample cases, the most frequent victims of both broadly defined nonfamily abductions and stereotypical nonfamily abductions were teenage girls ages 12 to 14.¹⁰⁷ Approximately 60% of all victims, male and female, were abducted by male acquaintances or strangers. Streets (32% of all cases), parks or wooded areas (25%), and other

¹⁰⁵ For additional information, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics and Programs*, by Adrienne L. Fernandes-Alcantara.

¹⁰⁶ David Finkelhor, Heather Hammer, and Andrea J. Sedlak, *Nonfamily Abducted Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6, <http://www.ncjrs.gov/pdffiles1/ojjdp/196467.pdf>.

¹⁰⁷ Estimates of nonfamily abductions are based on the combination of data collected in the NISMART-2 Household Surveys and the Law Enforcement Study. The Household Surveys, in which adults and children were interviewed by phone, provide data on broadly defined nonfamily abductions. These surveys are limited because they may have undercounted children who experienced episodes but were living in households without telephones or were not living in households during the study period. Children who were reported as victims in both the adult and children interviews were counted only once in the unified estimate. The Law Enforcement Study yielded data on stereotypical kidnappings.

public places (14%) were places from which children were typically abducted, and children who were moved, were taken into vehicles (45%) or to the perpetrator's home (28%). In nearly half of all broadly defined and stereotypical kidnapping incidents, the perpetrator sexually assaulted the child, and in a third of the cases, the perpetrator physically assaulted the child. Less than one percent of children missing due to a nonfamily abduction failed to return home alive.

Family Abductions

Approximately 63% of children abducted by family members were with the abductor under lawful circumstances directly prior to the incident.¹⁰⁸ In these cases, disputes between family members about custodial rights and privileges may have triggered the abduction. Perpetrators most often were the child's father (53% of all cases), followed by the mother (25%) and other relatives.¹⁰⁹ Most children were abducted from their own home or someone else's home, and nearly all the episodes did not involve the use of threat or force. Children age 11 and under and children not living with both parents appeared to be the most likely victims of parental abduction. Almost half of children abducted by family members were returned to the primary caretaker in one week or less, and the majority were returned within one month.

International Family Abductions

NISMART-2 does not track the number of international family abductions; however, a 1998 survey of nearly 100 left-behind parents by the American Bar Association Center on Children and the Law, in collaboration with three missing children's organizations, provides some insight into the characteristics of international abductions by family members.¹¹⁰ Nearly half of the abductions occurred during a court-ordered visitation by the abducting parent and child. Gender of the child did not appear to be a factor in the abduction, but abducted children tended to be young, with a median age of five years old. In approximately 70% of the cases, the responding parents reported that the child had been located, and 25% said they always knew their child's precise location. About 40% of the parents reported that their child had been recovered by the time of the survey. In half of the cases in which the child was recovered, the separation lasted one year, compared to five years for half the cases in which the child was not recovered.

Incidents of Child Sexual Exploitation

As discussed above, the true number of sexual exploitation incidents, whether or not they accompany missing children cases, is not known because the abuse often goes undetected.

¹⁰⁸ Estimates for family abductions are based on data collected in the NISMART-2 Household Surveys. Respondents to family abduction questions were (1) mainly female caretakers of children and (2) generally was the aggrieved caretaker who provided all of the information regarding custodial rights to determine whether a family abduction had occurred. NISMART-2 researchers did not attempt to verify respondent statements.

¹⁰⁹ Heather Hammer, David Finkelhor, and Andrea J. Sedlak, *Children Abducted by Family Members: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, <http://www.ncjrs.gov/pdffiles1/ojjdp/196466.pdf>.

¹¹⁰ Janet Chiancone, Linda Girdner, and Patricia Hoff, *Issues in Resolving Cases of International Child Abduction by Parents*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 2001, <http://www.ncjrs.gov/pdffiles1/ojjdp/190105.pdf>. (Hereafter U.S. Department of Justice, *International Child Abduction by Parents*.)

Nonetheless, some studies—in addition to those discussed above—provide insight into the prevalence of sexual exploitation.

Sexual Victimization Among Children Generally

The FBI's National Incident-Based Reporting System (NIBRS) includes data on each single incident of select crimes that are collected by federal, state, and local law enforcement agencies. The data encompass sexual offenses, including forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape. An analysis of 418,000 victims reported by 22 states to NIBRS from 2000 and 2001 found that over half of the crimes committed against juveniles involved sexual assaults.¹¹¹ Sexual assaults accounted for three in four juvenile female victims and one in four male victims. Females were more likely to be victimized in their teen years compared to males, who were more likely to be victimized as young children. A limitation of these data is that victims tend to underreport sexual victimization to law enforcement and other agencies.

Sexual Victimization Among Children in the Child Welfare System

Incidents of child abuse—including sexual abuse—and neglect by a caretaker that are reported to the state child welfare system may lead to the removal of a child from his or her home. Two studies track the share of children each year who enter foster care as a result of sexual abuse by their caretaker or family member. The National Child Abuse and Neglect Data System (NCANDS), administered by the U.S. Department of Health and Human Services, provides case-level data on all children under age 18 who received an investigation or assessment by a state child protective services agency. NCANDS is not a nationally representative sample because states are not required to report data, though the majority of states have provided data since the first NCANDS report was issued for CY2000 (beginning in 2002, NCANDS began to collect data on a federal fiscal year basis). Sexual abuse is defined differently across states, but generally includes acts of rape, sexual assault, indecent exposure, as well as facilitating prostitution and creating and distributing pornography.¹¹² The FY2005 NCANDS report estimated that 9.3% of children, or 83,810, in the child welfare system were victims of sexual abuse during that year.¹¹³

Using NCANDS data from 1990 to 2000, researchers have found a decline in the number of sexual abuse cases, from an estimated 150,000 cases to 89,500 cases.¹¹⁴ Researchers have concluded that multiple factors likely contributed to the downward trend, and that one of those factors was probably a true decline in the occurrence of sexual abuse.¹¹⁵ A true decline in the number of sexual abuse cases is substantiated by a decrease of 56% from 1993 to 2000 in self-reported measures of sexual assault and sexual abuse by children ages 12 to 17 in the National

¹¹¹ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, pp. 31-32, <http://ojjdp.ncjrs.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.

¹¹² U.S. Department of Health and Human Services, *Definitions of Child Abuse and Neglect*.

¹¹³ U.S. Department of Health and Human Services, Administration for Children and Families, *Child Maltreatment 2005*, April 2007, <http://www.acf.hhs.gov/programs/cb/pubs/cm05/>.

¹¹⁴ David Finkelhor and Lisa M. Jones, *Explanation for the Decline in Child Sexual Abuse Cases*.

¹¹⁵ Other factors may include decline in the number of self-reports of sexual abuse by victims; decline in related social problems; greater decline in the most readily preventable cases of sexual abuse; and increase in the incarceration of offenders. For further discussion see, *Ibid.*, p. 8.

Crime Victimization Survey, conducted annually by the Census Bureau.¹¹⁶ This decline was due primarily to the decrease in the number of offenses committed by a family member or acquaintance.

Another analysis of children in the child welfare system provides nationally representative data of the characteristics and functioning of children, including rates of sexual victimization. Known as the National Survey of Child and Adolescent Well-Being (NSCAW), the study found in its first wave of data collection (from October 1999 to December 2000) that 11% of children were sexually abused.¹¹⁷ Sexual abuse was defined along a continuum, which included fondling/molestation (without genital contact) or other less severe types (e.g., exposure to sex or pornography), masturbation, digital penetration of sexual organs, oral copulation (of adult or child), and intercourse. Molestation accounted for just over one-half (55%) of all cases, followed by intercourse (11.4%), digital penetration of sexual organs (11.4%), oral copulation (9.4%), and masturbation (5.2%).

Online Victimization of Children

A true estimate of the number of children sexually exploited over the Internet is unknown. The Youth Internet Safety Survey conducted in March to June 2005 by the University of New Hampshire's Crimes Against Children Research Center (commissioned by NCMEC and supported by OJJDP) found that children using the Internet are vulnerable to unwanted sexual solicitation, unwanted exposure to sexual material, and harassment (these categories do not necessarily reflect incidents of child sexual exploitation).¹¹⁸

The share of children exposed to sexual material and solicited online was greater in 2005 than in the previous survey conducted in August 1999 to February 2000. Despite increased use of filtering, blocking, and monitoring software in households of children Internet users, in 2005, more than one-third of children Internet users (34%) saw sexual material online they did not want to see in the past year compared to one-quarter (25%) of children surveyed in 1999 and 2000. Online harassment also increased to 9%, from 6%. However, a smaller share of children (13%) received sexual solicitations compared to children in the previous survey (19%).

¹¹⁶ Ibid, pp. 8-9.

¹¹⁷ U.S. Department of Health and Human Services, Administration for Children and Families, *National Survey of Child and Adolescent Well-Being (NSCAW): CPS Sample Component Wave 1 Data Analysis Report*, April 2005, http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/. NSCAW provides information about the characteristics of children and families who came into contact with the child welfare system through an investigation by child protective services. The sample includes children whose cases were closed after the investigation, and who remained at home; those who remained at home, but had a case opened to child welfare services, and those who were removed from their homes as a result of the investigation.

¹¹⁸ Janice Wolak, Kimberly Mitchell, and David Finkelhor, *Online Victimization of Children: Five Years Later*, National Center for Missing and Exploited Children, 2006, <http://www.unh.edu/ccrc/pdf/CV138.pdf>. *Unwanted sexual solicitation* is defined by the study as a request to engage in sexual acts or sexual activities or give personal sexual information that were unwanted, or whether unwanted or not, were made by an adult; *unwanted exposure to sexual materials* refers to a child being exposed to pictures of nude people or people having sex, when conducting online searches, surfing the web, or using e-mail and instant messaging; and *harassment* refers to threats or other offensive behavior (not sexual solicitation) sent online to the child or posted online about the child for others to see.

Commercial Sexual Exploitation

The commercial sexual exploitation of children refers to acts of prostitution, pornography, sex trafficking, and sex rings for financial gain.¹¹⁹ Few studies appear to exist that provide the national prevalence and incidence of commercially exploited children. Estimates have been made, however, of the number of children in groups classified as “high-risk” for commercial sexual exploitation. These groups include sexually exploited children not living in their own homes (i.e., runaway, throwaway, and homeless children); sexually exploited children living in their own homes; other groups of sexually exploited children, including female gang members who have become victims as a result of their gang membership and transgender street children; and U.S. children and children traveling abroad and in the United States for sexual purposes.¹²⁰

¹¹⁹ The United States is viewed as a primary source of child-sex tourists abroad. In a sample of information about foreign child-sex tourists in Southeast Asia, tourists from the United States were the largest group. See Eva J. Klain, *Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses*, National Center for Missing and Exploited Children, April 1999, http://www.icmec.org/missingkids/servlet/ResourceServlet?LanguageCountry=en_X1&PageId=2704. (Hereafter referred to as Eva J. Klain, *Prostitution of Children and Child Sex Tourism*).

¹²⁰ For methodology of estimates of groups of children, see Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico, Executive Summary of the U.S. National Summary*, September 2001, http://www.sp2.upenn.edu/~restes/CSEC_Files/Exec_Sum_020220.pdf. (Hereafter referred to as Estes and Weiner, *The Commercial Sexual Exploitation of Children*.)

Appendix B. The Missing Children's Act of 1984 and Amendments to the Act

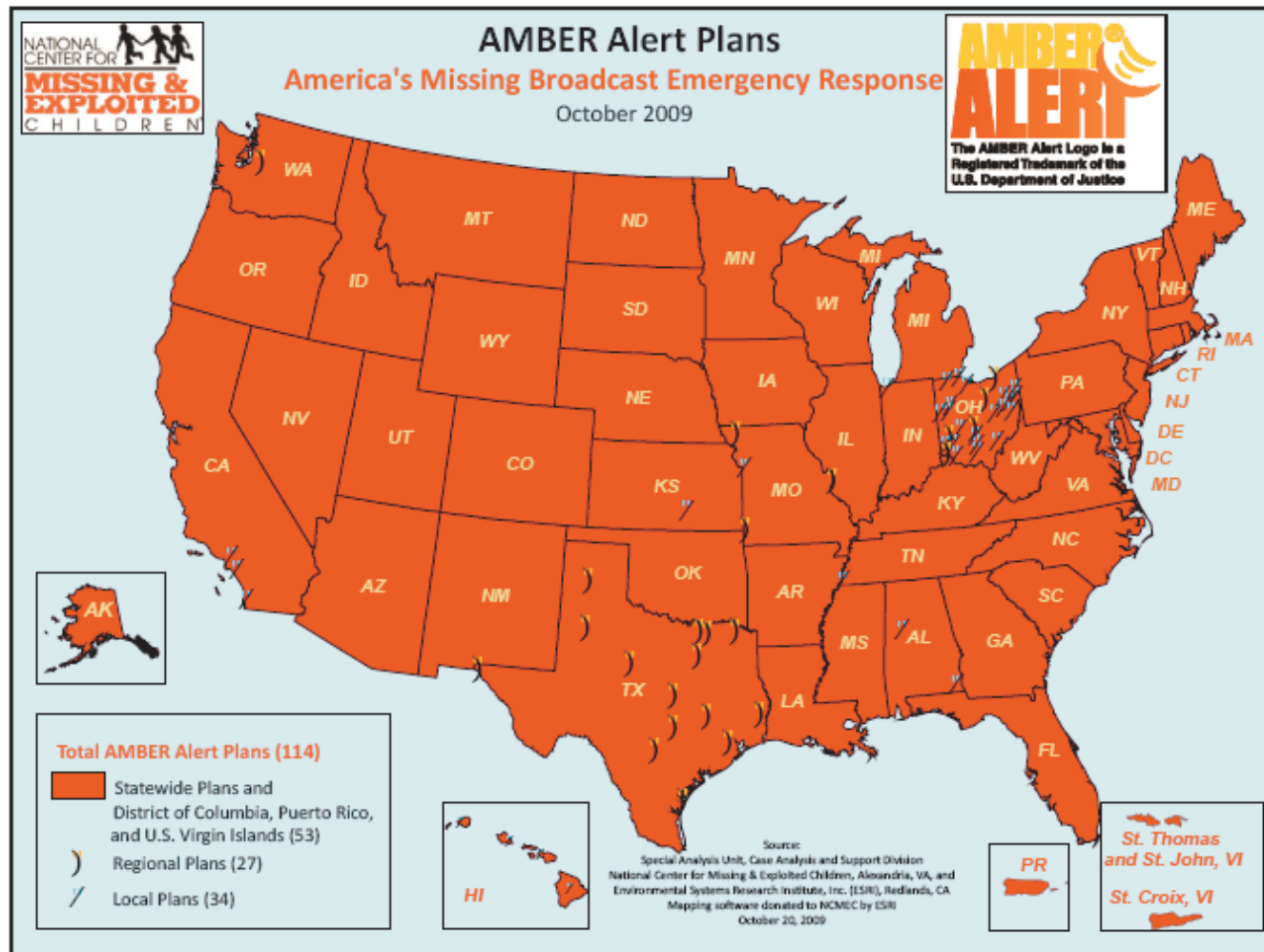
Year (Public Law)	Legislative Creation and Amendments to the Missing Children's Assistance Act
1984 (P.L. 98-473)	<p>—Defines <i>missing child</i> as any individual under age 18 whose whereabouts are unknown to such individual's legal custodian if he or she was removed from control of his or her legal custodian without custodian's consent or the circumstances strongly indicate that such individual is likely to be abused or sexually exploited;</p> <p>—Directs OJJDP Administrator to</p> <ol style="list-style-type: none">(1) facilitate effective coordination among all federally funded programs relating to missing children,(2) establish and operate a national toll-free telephone line for individuals to report information regarding the location of any missing child, or other child 13 years old or younger whose whereabouts are unknown,(3) establish and operate a national resource center and clearinghouse designed to provide technical assistance to state and local governments and law enforcement agencies, disseminate information about innovative and model missing children's programs, and periodically conduct national incidence studies to determine the number of missing children,(4) analyze, compile, publish, and disseminate an annual summary of recently completed research relating to missing children with emphasis on effective models of inter-governmental coordination and effective programs designed to promote community awareness of missing children, among others, and(5) prepare an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children; <p>—Authorizes OJJDP Administrator to make grants and enter into contracts for research, demonstration projects, or service programs designed to disseminate information about missing children, locate missing children, and collect information from states or localities on the investigative practices used by law enforcement agencies in missing children's cases, among other purposes; and</p> <p>—Provides funding authorization at \$10 million for FY1985 and such sums as necessary for FY1986 through FY1988.</p>
1988 (P.L. 100-690)	<p>—Removes the requirement that the OJJDP Administrator analyze, compile, publish, and disseminate an annual summary of recently completed research concerning missing and exploited children;</p> <p>—Requires OJJDP Administrator to submit a report, within 180 days after the end of each fiscal year, to the President and Congress, including a comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children; identify and summarize effective models of cooperation; identify and summarize effective programs for victims of abduction; and describe in detail the activities in the national resource center and clearinghouse, among other requirements;</p> <p>—Requires OJJDP Administrator to disseminate information about free or low-cost legal, restaurant, lodging, and transportation services available for the families of missing children, as well as information about the lawful use of school records and birth certificates to identify and locate missing children;</p> <p>—Requires OJJDP Administrator to establish annual research, demonstration, and service program priorities for making grants and contracts, and criteria based on merit for making such grants and contracts; limits a grant or contract to \$50,000 unless the grant is competitive;</p> <p>—Provides funding authorization at such sums as necessary for FY1989 through FY1992.</p>

Year (Public Law)	Legislative Creation and Amendments to the Missing Children's Assistance Act
1989 (P.L. 101-204)	Technical amendments only.
1992 (P.L. 102-586)	Provides funding authorization at such sums as necessary for FY1993 through FY1996.
1994 (P.L. 103-322)	Establishes a task force composed of law enforcement officers from pertinent federal agencies to work with the National Center for Missing and Exploited Children and coordinate federal law enforcement resources to assist state and local authorities in investigating the most difficult cases of missing and exploited children.
1996 (P.L. 104-235)	<p>—Requires that the OJJDP Administrator use only up to 5% of the amount appropriated for a fiscal year to conduct an evaluation of the effectiveness of programs and activities under the Missing Children's Assistance Act;</p> <p>—Provides funding authorization at such sums as necessary for FY1997 through FY2001.</p>
1998 (P.L. 105-314)	Deletes the language to establish a task force composed of law enforcement officers from pertinent federal agencies to work with the National Center for Missing and Exploited Children.
1999 (P.L. 106-71)	<p>—Provides an annual grant to the National Center for Missing and Exploited Children to carry out the activities originally designated to the OJJDP Administrator, including the following:</p> <ol style="list-style-type: none"> (1) operate the national 24-hour, toll-free telephone line, (2) coordinate the operation of the telephone line with the operation of the Runaway and Homeless Children Program's national communications system, and (3) operate the official national resource center and information clearinghouse for missing and exploited children, among other responsibilities; <p>—Requires the OJJDP Administrator to make grants to or enter into contracts to periodically conduct national incidence studies to determine for a given year the actual number of children reported missing, among other statistics; and</p> <p>—Provides funding authorization for the National Center for Missing and Exploited Children at \$10 million for FY2000 through FY2003 and such sums as necessary for the Missing Children's Assistance Act program for these same years.</p>
2003 (P.L. 108-21)	<p>—Provides funding authorization for the National Center for Missing and Exploited Children at \$20 million for FY2004 through FY2005; and</p> <p>—Provides that the National Center for Missing and Exploited Children coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.</p>
2003 (P.L. 108-96)	Provides funding authorization for the National Center for Missing and Exploited Children at \$20 million for FY2004 through FY2008 and such sums as necessary for the Missing Children's Assistance Act program for these same years.
2006 (P.L. 109-248)	Changes the definition of <i>missing child</i> to any individual less than 18 years of age whose whereabouts are unknown to such individual's legal guardian.
2008 (P.L. 110-240)	Provides funding authorization for the National Center for Missing and Exploited Children at \$40 million for FY2008 and such sums as necessary for FY2009 through FY2013, and such sums as necessary for the Missing Children's Assistance Act program for these same years. The law also authorizes the OJP Administrator to make the grant to NCMEC to carry out specified activities, some of which were already carried out by the organization before the law was enacted.

Source: Compiled by the Congressional Research Service.

Note: This compilation includes only legislation amending the Missing and Exploited Children's program at §5771 et seq.

Appendix C. Map of Statewide, Regional, and Local AMBER Alert Plans, as of October 2009



Source: National Center for Missing and Exploited Children.

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