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MISSING CHILDREN

House Bill 4482 as introduced
First Analysis (3-14-95)

Sponsor: Rep. Michelle McManus
Committee: Human Services

THE APPARENT PROBLEM:

The most recent national statistics on missing children are those issued in 1990 by the U.S. Department of Justice, which indicate that 1.5 million children ran away, were abducted, or were otherwise missing during 1988. Sadly, the chances of finding these children are not promising. In response to this problem, the National Center for Missing and Exploited Children (NCMEC), a private, nonprofit organization that operates under a Congressional mandate, was established in as the lead agency in a nation-wide effort to mobilize efforts to locate missing children, and to raise the public consciousness about child abduction and sexual exploitation. The center coordinates states' efforts to collect information on these children by providing states that establish central "clearinghouses" with start-up funds for computers and software that allows each state to hook on to a national system containing data on all missing children. Once a state establishes a clearinghouse, the center provides training for law enforcement personnel on how to coordinate information on missing children; how to disseminate information to other law enforcement agencies; how to network with the general public and other local law enforcement agencies; and how to publicize state clearinghouse programs (for example, by establishing a toll-free number to report missing or sighted children; distributing "missing children" bulletins; and issuing weekly public service announcements). Since there were almost 1,000 children missing in Michigan in 1993 (the latest period for which statistics are available), it has been proposed that the state establish a clearinghouse to share in this national pool of information.

THE CONTENT OF THE BILL:

Currently, the uniform crime reporting system act (Public Act 319 of 1968) requires law enforcement agencies to do certain things when they receive reports about certain missing people, including

missing children (defined under the act to mean a person less than 17 years of age), dead bodies, or people whose identity is unknown and can't readily be determined. The law enforcement agency receiving the report must conduct a preliminary investigation and immediately enter certain information into one (or both) of two databases (the National Crime Information Center and the Law Enforcement Information Network [LEIN]). In some cases, the law enforcement agencies receiving missing persons reports also may broadcast certain information to other law enforcement agencies over the LEIN.

The bill would amend the act to create a missing child information clearinghouse in the Department of State Police and to require that when children were reported as missing (or when unidentified and not immediately identifiable children or their bodies were found) information be entered into the clearinghouse as well as into the existing two required databases. To the extent that money was available, the bill also would require the department to establish services to help in locating missing children.

The Missing Child Information Clearinghouse. The Department of State Police would administer the clearinghouse as a central repository of information about missing children, and the director of the department would designate someone to supervise it. The clearinghouse would provide a centralized file for exchanging information on missing children in Michigan and would have to do all of the following:

- * Record each report on a missing child received under the act's reporting requirements.
- * Accept and record reports from law enforcement agencies about missing children.

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- * Exchange information with the National Crime Information Center on children suspected of interstate travel.

Establish a policy on compiling a record of reasons children become missing.

Required information. Currently, the information required to be entered into the LEIN and the National Crime Information Center includes all of the following, if available: the person's name and address and such vital statistics as a physical description; the date he or she was missing; and any other information the state police and the LEIN policy council determine could help in locating the person. In addition, if the missing person is a child, the required information must include the child's date and state of birth, the date he or she will turn 17 years old, and, if possible, the mother's maiden name. The bill would require that all of this information be entered into the clearinghouse in addition to being entered into the LEIN and the National Crime Information Center.

Currently, also, if a missing person hasn't been found within 30 days, the law enforcement agency that originally received the missing person report must try to get the missing person's dental records and must then enter information from the dental records into the National Crime Information Center. Under the bill, if the missing person was a child, information on dental records also would have to be entered into the clearinghouse.

Broadcasting information to other law enforcement agencies. Currently, the law enforcement agency receiving a report of a missing person may broadcast information about the missing person over the LEIN to certain other law enforcement agencies (those having jurisdiction where the missing person lived or was last seen, those that potentially could become involved in locating the missing person, and those that the individual who reported the missing person requested the information be sent to). Under the bill, law enforcement agencies receiving a report of a missing child would be required, subject to the policy established by the clearinghouse, to broadcast information about the missing child over the LEIN to these other law enforcement agencies.

Location of missing children. A child's record would be removed from the clearinghouse when the clearinghouse received reliable information (from the law enforcement agency that had originally reported the missing child) that the child had been located. Law enforcement agencies that had originally reported a child as missing would be required to immediately report to the clearinghouse information the agency had about the location of that child.

Departmental powers. The Department of State Police would be able to audit law enforcement agency records as necessary to determine compliance with the bill's requirements. Law enforcement agencies would have to comply with reasonable requests from the department in carrying out the bill's requirements and in otherwise administering the clearinghouse.

MCL 28.258 and 28.259

FISCAL IMPLICATIONS:

According to the National Center for Missing and Exploited Children (NCMEC), the U.S. Department of Justice provides grants for computers, for software programs and for travel expenses to receive training and technical assistance from NCMEC headquarters in Arlington, Virginia. Costs for salaries and the monthly rental of a modem that would enable Michigan to hook up with other state clearinghouse systems would be the responsibility of the state. (The cost of renting a modem is approximately \$20 per month.) Reports submitted by other states indicate costs for establishing clearinghouses ranging from \$52,000 (Iowa) to \$144,975 (Texas). In some states, the costs were minimal, since they were able to use existing resources. A state must first establish a clearinghouse program, however, and then apply for the federal funds.

The Department of State Police (DSP) estimates that the provisions of the bill would have a small, indeterminate, impact on state funds. The department plans to operate the clearinghouse on a small scale, without hiring additional staff persons. Other provisions of the bill, which would require that the department establish services to help in locating missing children, are to be provided to the extent that money is available. (3-10-95)

ARGUMENTS:**For:**

Michigan is one of only five states in the nation that does not have a central clearinghouse for information regarding missing children. The National Center for Missing and Exploited Children (NCMEC), which networks with the existing 45 state missing children clearinghouses and those in the District of Columbia and Canada, states that most clearinghouses operate at a minimum cost. The state of Iowa, for example, established a clearinghouse in 1985. The clearinghouse operates on a budget of less than \$52,000 yearly, including salaries for two staff persons and operational expenses. Moreover, Iowa's coordinator for the clearinghouse states that there has been a 40 percent increase in the number of missing juvenile reports filed, which the coordinator attributes to the establishment of better reporting procedures and an improvement in training in the area of missing persons, as well as an increased knowledge on filing reports by the general public.

Michigan currently enters information on missing persons in the Law Enforcement Information Network (LEIN) system and the National Crime Information Center (NCIC). However, according to NCMEC testimony before the committee, these systems neither meet the state's needs nor compare to the capabilities of clearinghouse programs in other states. The establishment of a clearinghouse would enable the Department of State Police to coordinate its efforts immediately with other state agencies that assist in returning missing children, and with agencies in other states. It would also allow more information to be disseminated to raise public awareness on ways to prevent some of the underlying reasons that cause children to disappear, such as child abduction, molestation, and sexual exploitation. Most importantly, it would serve to focus law enforcement attention specifically on missing children, separate from the general group of missing persons.

For:

As was once the case with spousal abuse, the abduction of a child by one parent has historically been viewed as a "domestic" matter, and therefore not a "serious" problem. More often than not, police are reluctant to take action on a reported abduction case if there is a reason to believe that it might be a parental abduction. It is perhaps this viewpoint that has allowed Michigan to remain

among one of the few states in the nation that has not established a central clearinghouse of information on missing children. As has been the case with many other "domestic" issues, however, a real-life drama became the catalyst for change in Michigan when it gained national significance. The case involved Betty Mahmoody -- now president of "One World: For Children" -- whose husband held her captive in Iran, along with her small daughter. Due to the efforts of Ms. Mahmoody this especially harmful form of terrorism against children has been exposed. Other individuals, unwilling to accept the status quo, have carried the torch to expose the extent of parental abduction in this country. Since the first few hours after a child is abducted are the most crucial in establishing leads, the bill's requirement that information on children suspected of interstate travel be reported immediately to the clearinghouse would provide the most important tool in recovering children who are abducted by a parent and whisked out of state. (Note: Law enforcement agencies have been prohibited since 1986 from having policies that require a waiting period before investigating reports of missing children and entering such reports into the LEIN system and the NCIC. However, reports are that prohibition has not been adhered to by all law enforcement agencies.)

POSITIONS:

Representatives from the following testified before the House Human Services Committee on 3-9-95 in support of the bill:

The Michigan PTA.

The Department of State Police.

Written testimony in support of the bill was received by the committee from the following organizations:

The National Center for Missing and Exploited Children (NCMEC).

The Police Officers Association of Michigan.

The Deputy Sheriff's Association of Michigan.

The Michigan Sheriffs' Association.