



Reporting of Missing Children

July 25, 2011

Overview



- Background
- “Caylee’s Law” Proposal
- Virginia Law
- Missing Children Data
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- Discussion

Background



- Since the recent acquittal of Casey Anthony in a Florida state court for the death of her daughter, Caylee, there has been widespread interest, notably on www.change.org and Facebook, to enact a federal or state law to penalize parents who fail to report a missing child within 24 hours of their disappearance.

“Caylee’s Law” Proposal



- The petitions generally state:
Make it a felony for a parent, caretaker or guardian that does not notify law enforcement with knowledge of a missing, deceased, [child] or child in a life threatening situation in a timely manner.
- There are over 1.25 million online signatures on www.change.org.



- § 18.2-323.02. Prohibition against concealment of dead body; penalty:
Any person who transports, secretes, conceals or alters a dead body, as defined in § 32.1-249, with malicious intent and to prevent detection of an unlawful act or to prevent the detection of the death or the manner or cause of death is guilty of a Class 6 felony.



- § 18.2-371.1(A) penalizes parents, guardians, or persons responsible for care of a child for willful acts or omissions “or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child.” A violation is a Class 4 felony.
- § 32.1-283 requires notification to the medical examiner of deaths by “trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician.” Failing to comply with this section is a Class 1 misdemeanor.



- The Missing Children Information Clearinghouse (§ 52-31 *et. al*) is maintained by the Virginia State Police (VSP).
- Receipt of missing child reports (§ 15.2-1718):
Upon receipt of a missing child report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the child into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Missing Children Information Clearinghouse within the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

Missing Children Data



- In general, the VSP have 3 categories that missing children cases can be classified into:
 - Endangered
 - Child missing under circumstances indicating his/her physical safety is in danger.
 - Involuntary
 - Child missing under circumstances indicating the disappearance was not voluntary.
 - Juveniles
 - Child under 18 years of age who is missing but not considered endangered or involuntary.
 - Note: This category should not include children under 12 years of age.

Missing Children Data



- On July 21, 2011, there was a total of 383 open cases of missing children.
- Of the 383 open cases:
 - 6 cases were endangered;
 - 11 cases were involuntary; and,
 - 366 were juvenile.

Source: Virginia State Police.

Note: These figures represent a snapshot of missing children on July 21st rather than a cumulative total since cases open and close each day. Data cannot be obtained for total missing children per year.

Other States



- To date, 7 states have (or are planning) pre-filed legislation.
 - There may be as many as 30 states currently considering legislation.
- Legislation varies with:
 - Time requirements of reporting (immediately, 12hrs., 24 hrs., 48 hrs.);
 - Extent of reporting requirements (missing, death, location of corpse, or life threatening situation);
 - Age of the child (12 years old, under age 18); and
 - Penalties.

Policy Issues



- Timeframe of reporting
 - Is 24 hours appropriate?
- Definition of “life threatening situation” or “imminent danger”
- Reporting authority
 - Missing reports go to law enforcement or 911 call centers, but deaths are often reported to EMT/hospitals, medical examiner, funeral homes, etc
- Misuse in custody situations
- Overuse of reporting
 - Burden on law enforcement?



Discussion
