

Introductory Remarks

This course is intended as an introduction to issues related to responding to and investigating missing and exploited children cases. However, there are additional and advanced courses available on specific sub-topics included herein. Additional resources, courses, best practices, and manuals should be considered and consulted to develop a particular area of expertise. Many of the most current resources available are included or referenced. For statutory sections, all references to current codes have the date on which those codes were last accessed.

Unit Goal: Abductions

18.1: Based on their role as a first responder, investigator, or supervisor, by the end of this section the participant will be able to determine specific steps to take upon receiving a report of a missing child while considering factors such as child history, individuals at the scene, evidence collection, search procedure and available resources.

Law Enforcement Requirements For Report of Missing Child (CCP Art. 63.00905):

- Once a law enforcement agency receives a report of a missing child, regardless of the jurisdiction in which the child went missing, shall immediately begin an investigation into the location of the child.
- Law enforcement agencies shall immediately, but not later than two hours after receiving the report, enter the child's name into the clearinghouse and the national crime information center missing person file with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child.
- In addition, the agency must immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety.
- Not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child.
- No later than the 30th day after the date the agency received the report, enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, all available information describing any person reasonably believed to have taken or retained the missing child.
- Inform the person who filed the report of the missing child that the information will be entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Person system

and submitted to each municipal and county law enforcement agency within 200 miles.

There is no waiting period for accepting missing child reports. Federal law prohibits law enforcement agencies from establishing or maintaining a waiting period to accept a missing child or unidentified person report. ¹Additionally, law enforcement agencies are prohibited from establishing or maintaining policies that require removal of missing person entries from state systems and the NCIC solely based on the age of the person. ²

- A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)D for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child.
- On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency shall notify the Department of Family and Protective Services and may take possession of the child under Subchapter B, Chapter 262, Family Code.
- The Department of Family and Protective Services, on receiving notice under Subsection B, may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code.
- Information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry as soon as possible.
- If a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria. The local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child. The information shall be cross-referenced with the information in the national crime information center missing person file.
- Immediately after the return of the missing child, the local law enforcement agency having the jurisdiction of the investigation shall clear the entry in the national crime information center database and notify the National Missing and Unidentified Persons System.
- On determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not

¹ See 34 U.S.C. § 41308(1).

² See 34 U.S.C. § 41308 (2).

immediately available, the law enforcement officer shall deliver the child to the Department of Family and Protective Services.

Please also reference:

- Code of Criminal Procedure, Article 63.009: Law Enforcement Requirements
- Code of Criminal Procedure, Article 63.0091: Law Enforcement Requirements Regarding Reports of Certain Missing Children
- 34 USC 41307: Reporting Requirement For Missing Children
- 34 USC 41308: State Requirements For Reporting Missing Children

Review the current data on the National Data on Missing Children website

2022 NCIC Missing Person and Unidentified Person Statistics: <https://www.fbi.gov/file-repository/2022-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

- Active missing person records
- Juveniles Under the age of 18
- Juveniles Between the ages of 18
- Endangered (physical safety may be in danger)
- Disability (physical or mental thereby subjecting to self or others to personal and immediate danger)
- Catastrophe (missing after catastrophe)

Research shows and NCIC reports support, children are much more likely to be abducted by an acquaintance of the child or family a family member, than a complete stranger. The fact that the abductor is known to the child or family does not mitigate potential danger to the child:

- With family abductions, cases have shown that children taken by a noncustodial family member may be in significant danger. Desperate people sometimes do desperate things, including bringing harm to their own children.
- In resolved NCMEC family abductions cases between October 1, 1990 to September 30, 2005, 35 children were located deceased. A child abducted by a family member is likely to live a life “on the run” with that family member. Children may live with an altered name, appearance, and lifestyle; experience physical or medical neglect; experience unstable schooling; experience frequent moves or even homelessness; and/or are told lies about the left-behind parent.³

³ *Children Missing from Care: The Law Enforcement Response*, NCMEC, OJJDP and CHILD WELFARE LEAGUE OF AMERICA, 4 available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc162.pdf> (last accessed August 24, 2023).

Understanding the Legal Definition of Abductions in Texas

The Texas Penal Code, Section 20 includes offenses for Unlawful Restraint, Kidnapping, Aggravated Kidnapping. Each of these offenses relies on underlying definitions of the terms “restrain” and “abduct.” Before examining the individual offenses, therefore, it is important to understand the underlying components. Refer to Texas Penal Code Sec. 20.01 (2)(1):

2) "Abduct"

In order to further define the conduct, the Section 20.01 of the Texas Penal Code specifies the meaning of how one might “restrain” a person:

(1) "Restrain"

Especially for older teen victims, there are misconceptions about the nature of abductions when the child acquiesces in the movement. However, the child’s acquiescence is not at issue.⁴ The acquiescence of the parent, guardian or person or institution acting in loco parentis is the heart of the matter.

Review the following sections in Texas Penal Code.

Offense	State Law
Unlawful Restraint	PC 20.02(a) PC 20.02(b) Emphasis PC 20.02(c) PC 20.02(e)
Kidnapping	PC 20.03(a) PC 20.03(b) PC 20.03(c)
Aggravated Kidnapping	PC 20.04(a-d)
Smuggling of Persons	PC 20.05(a-d)

Responding to the Scene

The following checklists for first responders, supervisory officers, and investigators responding to a report of a missing child are adapted from a two-page “pocket guide” published by NCMEC, OJJDP, and AMBER Alert. The list supplements a more than 200-page law enforcement guide available online entitled Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management.⁵

First Responders:

⁴ TEXAS PENAL CODE SEC. 20.01(1)(B).

⁵ Adapted from *Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management*, NCMEC and OJJDP 4th ed., 2011, available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc74.pdf> (last accessed August 24, 2023).

If circumstances warrant, activate patrol-vehicle-mounted video camera or body camera when approaching the scene to record vehicles, people, and anything else for later review.
Interview parent(s)/guardian(s)/person who made the initial report.
Confirm the child is in fact missing.
Attempt to verify the child's custody status.
Identify the circumstances of the missing episode.
Determine when, where, and by whom the missing child was last seen.
Interview the individuals who last had contact with the child.
Identify the child's zone of safety for his or her age and developmental stage.
Make an initial assessment, based on the available information, of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
Obtain a detailed description of the missing child, abductor, and any vehicles used.
Secure photos/videos of the missing child/abductor, and don't forget photos that may be available on cell phones.
Enter basic information regarding the missing child into the National Crime Information Center's (NCIC) Missing Person File. Carefully select NCIC categories before entering the case and be sure to use the Child-Abduction flag whenever appropriate.
Evaluate whether the circumstances meet AMBER Alert™ criteria and/or other immediate community notification protocol if not already activated. Discuss plan activation with supervisor.
Evaluate whether the circumstances warrant requesting the National Center for Missing & Exploited Children's (NCMEC) Team Adam. If a Child Abduction Response Team (CART) is in the area, does the child's case meet their activation criteria?
Relay detailed descriptive information to communications unit for broadcast updates.
Determine need for additional personnel including investigative and supervisory staff.
Brief and bring up-to-date all additional responding personnel.
Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task. <ul style="list-style-type: none"> • Note the name, address, home/business phone numbers of each person. • Determine each person's relationship to the missing child. • Note information each person may have about the circumstances surrounding the missing episode. • Determine when/where each person last saw the child.
[Continued from interviewing everyone at the scene]: <ul style="list-style-type: none"> • Ask each one, "What do you think happened to the child?" • Obtain names/addresses/phone numbers of the child's friends/associates and other relatives and friends of the family. • Determine if any suspicious activity or people were seen in the area. • Determine if any people were seen who seemed unusual, strange, or out-of-place.

Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.

Obtain and document permission to search home or building where incident took place even if the premises have been previously searched by family members or others.

Conduct an immediate, thorough search of the missing child's home even if the child was reported missing from a different location.

Seal/protect scene and area of the child's home, including the child's personal articles such as hairbrush, diary, photos, and items with the child's fingerprints/footprints/teeth impressions, so evidence is not destroyed during or after the initial search and to help ensure items that could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/take videos of these areas.

Evaluate the contents and appearance of the child's room/residence.

Inquire if the child has access to the Internet and evaluate its role. Do not overlook activity on social-networking websites and teen chat lines.

Ascertain if the child has a cell phone or other electronic communication device and obtain the most recent records of their use.

Extend search to surrounding areas and vehicles, including those that are abandoned, and other places of concealment such as abandoned appliances, pools, wells, sheds, or other areas considered "attractive nuisances."

Treat areas of interest as potential crime scenes including all areas where the child may have been or was going to be located.

Determine if surveillance or security cameras in the vicinity may have captured relevant information. This information may be used to help locate the child and/or corroborate or refute witness statements.

Interview other family members, friends/associates of the child, and friends of the family to determine:

- When each last saw the child.
- What they think happened to the child.
- If the child had complained about being approached by anyone.

Review sex-offender registries to determine if registered individuals live/work in the area or might otherwise be associated with the case. You are able to call the NCMEC toll-free at 1-800-THE-LOST® (1-800-843-5678) to request assistance with this step.

Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File no more than two hours after receipt of the report and any information about a suspected abductor is entered into the NCIC Wanted Person File. Include additional information in the file as warranted.

Prepare flier/bulletin with the child/abductor's photo and descriptive information. Distribute in appropriate geographic regions. Call NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) for assistance with this step.

Prepare reports/make all required notifications. Follow legal reporting requirements.

Supervisory Officer:
Obtain briefing and written reports from the first responding officer and other personnel at the scene.
Decide if circumstances meet the protocol in place for activation of an AMBER Alert and/or other immediate community-notification systems if not already activated.
Determine if additional personnel are needed to assist in the investigation.
Establish a command post away from the child's residence.
Determine if additional assistance is necessary from: <ul style="list-style-type: none"> • State/Territorial Police. • Missing-Children Clearinghouse. • Federal Bureau of Investigation (FBI). • Specialized Units. • Victim-Witness Services. • NCMEC's Project ALERT®/Team Adam. • CARTs.
Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
Verify all required notifications are made.
Ensure all agency policies and procedures are in compliance.
Be available to make any decisions or determinations as they develop.
Use media including radio, television, and newspapers to assist in the search throughout the duration of the case. Determine if social media could be used to aid the search.

Investigators:
Obtain briefing from the first responding officer and other on-scene personnel.
Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
Initiate a neighborhood canvass using a standardized questionnaire.
Obtain a brief, recent history of family dynamics.
Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
Collect article(s) of the child's clothing for scent-tracking purposes.
Review and evaluate all available information and evidence collected.
Secure the child's latest medical and dental records.
Contact landfill management and request they delay or at least segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
Develop and execute an investigative plan.

Conduct a criminal-history background check on all principal suspects, witnesses, and participants in the investigation.

Determine what additional resources and specialized services are required.

Ensure details of the case have been reported to NCMEC.

Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse, FBI, and other appropriate agencies.

Establish a phone hotline for receipt of tips and leads. Consider establishing an e-mail address and other methods of electronically receiving leads as well.

Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. Note: NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's Missing Children Division toll-free at 1-800-THE-LOST (1-800-843-5678).

Unit Goal: Attempted Abductions

18.2 The participant will recognize state legal requirements in the reporting of attempted abductions as well as review the stages of initial response to the scene of a missing child.

Review Texas law on reporting requirements for law enforcement agencies for attempted abductions.

Texas Code of Criminal Procedure:

Art. 63.013. Information To Clearinghouse.

Each law enforcement agency shall provide to the missing children and missing persons information clearinghouse:

- (1) any information that would assist in the location or identification of any missing child who has been reported to the agency as missing; and
- (2) any information regarding an attempted child abduction that has been reported to the agency or that the agency has received from any person or another agency.

Art. 63.0016. Attempted Child Abduction By Relative.

For purposes of this chapter, "attempted child abduction" does not include an attempted abduction in which the actor was a relative, as defined by Section 20.01, Penal Code, of the person intended to be abducted.

Art. 63.0041. Reporting of Attempted Child Abduction.

- (a) A local law enforcement agency, on receiving a report of an attempted child abduction, shall as soon as practicable, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the clearinghouse. Information not immediately available shall be obtained by the agency

and entered into the clearinghouse as a supplement to the original entry as soon as possible.⁶

- (b) A law enforcement officer or local law enforcement agency reporting an attempted child abduction to the clearinghouse shall make the report by use of the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety.

The Code of Criminal Procedure assigns the definition of “abduct” used in the Texas Penal Code. Therefore, refer to Section 1.1 herein to define abductions. To understand the elements required to show an attempt, refer to Texas Penal Code defines a criminal attempt as follows:

Sec. 15.01. Criminal Attempt.

- (a) A person commits an offense if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.
- (b) If a person attempts an offense that may be aggravated, his conduct constitutes an attempt to commit the aggravated offense if an element that aggravates the offense accompanies the attempt.
- (c) It is no defense to prosecution for criminal attempt that the offense attempted was actually committed.
- (d) An offense under this section is one category lower than the offense attempted, and if the offense attempted is a state jail felony, the offense is a Class A misdemeanor.⁷

Process to Report

The following guidelines were developed to fulfill the reporting requirements:

⁶ TEXAS CODE OF CRIMINAL PROCEDURE ARTICLES 63.013; 63.0016; and 63.0041.

⁷ TEXAS PENAL CODE SEC. 15.01.

Attempted Child Abductions ⁸

A law enforcement officer or local law enforcement agency reporting an attempted child abduction to the clearinghouse shall make the report by use of the Texas Law Enforcement Telecommunications System (TLETS) or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety.”

Upon receiving a report of attempted child abduction, an agency shall immediately but not to exceed eight hours after receiving the report, submit the information to the Texas Missing Person Clearinghouse. TLETS has created a specific administrative message format designed for this reporting requirement; however, agencies can submit an administrative message to the clearinghouse for this purpose, as long as, all required information is included in the message.

This administrative message shall be sent to the TLETS group Missing Person Clearinghouse Administrative (MPCA), which will be distributed to devices within the Texas Missing Persons Clearinghouse and TXDPS Fusion Center.

Modes of Attempted Abductions

Coordinating efforts on attempted abductions is critical to linking connected criminal acts, addressing an ongoing and continuing threat to the local community, alerting surrounding communities of a potential threat in their area. Understanding the methodologies used by offenders in attempted abductions also helps to make community education and prevention more effective. Attempted abductions could include methods related to the following:

- Nonverbal actions
- A verbal exchange between the offender and child
- Physical contact: sexual or otherwise
- A physical struggle
- A short abduction from which the child is able to escape. ⁹

⁸ Language in this section courtesy of Texas Department of Public Safety. Full text of email attachment submitted by Michelle Farris, TEXAS DEPARTMENT OF PUBLIC SAFETY on July 3, 2014 (emphasis as documented in original).

⁹ See *Nonfamily Abductions & Attempts*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, available at <https://www.missingkids.org/theissues/nonfamily> (last accessed August 24, 2023).

Several trends have been noted by the National Center for Missing & Exploited Children (NCMEC). NCMEC has analyzed more than 9,000 attempted child abductions between February 2005 and January 2014. This analysis does not include Attempted online enticements of children, which are handled through the CyberTipline®, the Congressionally authorized entity to receive reports of child sexual exploitation online. <https://www.missingkids.org/cybertipline> (last accessed September 5, 2023).

Of the recorded attempted abductions:

<https://www.missingkids.org/ourwork/ncmecdata>

- 73 percent involved the suspect driving a vehicle.
- 34 percent occurred between 2 p.m. - 7 p.m.
- 32 percent happened when the child was going to or from school or a school related activity.
- 18 percent involved sexual assault or indecent exposure.
- 68 percent involved a female child.
- 39 percent involved children between 10 and 14 years old.

Of the attempted abductions that had a known outcome of how the child escaped the suspect:

- 51 percent involved children walking or running away from the suspect with no physical contact.
- 32 percent involved children reporting some type of reaction such as yelling, kicking, pulling away, or attracting attention.
- 17 percent involved either a parent or another individual rescuing the child.

For incidents in which a perpetrator was identified or arrested:

- 15 percent of perpetrators were registered sex offenders at the time of the incident.

There were more than 100 different methods used in the more than 9,000 attempted abduction reports reviewed since 2005. For the incidents in which the perpetrator used a known method to entice the child, the five used most often were:

- 34 percent offered the child a ride
- 12 percent offered the child candy or sweets
- 10 percent asked the child questions
- 8 percent offered the child money
- 8 percent used an animal (offering, looking for or showing)¹⁰

Some law enforcement agencies provide community awareness and prevention education. Survey the participants to determine if any of them provide education as

¹⁰ *Id.* All data on attempted abductions, known outcomes, identified perpetrators, and methods directly quoted from source.

part of their routine duties. If so, this section can emphasize teaching community members not to be bystanders by:

- Calling 911 if someone is in immediate danger
- Asking the potential perpetrator if they are the child's parent
- Looking for cues for distress from the child
- Seeking assistance from law enforcement to verify as needed.¹¹

Unit Goal: Children Displaced by Disaster

18.3: By the end of this section, the participant will be able to predict challenges in the reunification of children with their guardians that take place before, during, and after the disaster as well as give examples of potential preventative and response solutions.

When a disaster hits, natural or manmade, it is easy for children to get separated from their parents or guardians. Separation can occur in the evacuation or sheltering process. Separation can also occur because the children were already in a different location from parent(s), such as at a school, daycare, medical facility, juvenile justice center, recreational, religious campus, or other location.¹²

In the following video, participants will hear from real families that were separated from their children for hours, days, and weeks following Hurricane Katrina. In one case, that process took up to 7 months before the last displaced child was reunited with their family in March of 2006.¹³ The video also features the professionals on the ground

¹¹ See generally *Safe to Compete: An Introduction to Sound Practices for Keeping Children Safer in Youth-serving Organizations*, 9, NCMEC, available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/pdf24a.pdf> (last accessed Aug. 24, 2023). The source states that:

Child sexual abusers rely upon the silence of victims and the inaction of bystanders. While it is important to educate children about sexual abuse and encourage them to speak up if they are uncomfortable, preventing and responding to child sexual abuse is ultimately an adult responsibility. Therefore, an environment must be cultivated where the topic of child protection and adult responsibility is openly discussed and encouraged.

¹² *Post Disaster Reunification of Children - A Nationwide Approach*, 1, FEMA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AMERICAN RED CROSS, AND NCMEC (Nov. 1, 2013) https://www.ready.gov/sites/default/files/2019-06/post_disaster_reunification_of_children.pdf (last accessed Aug. 24, 2023).

¹³ *Disaster Preparedness & Response*, NCMEC (2014) available at <https://www.missingkids.org/ourwork/disasters> (last accessed Aug. 24, 2023).

working to bring those children home and the lessons they learned from Katrina and the recommendations they have for all communities.

Play Video “Children Displaced by Disasters” by the National Center for Missing and Exploited Children, available at <http://vimeo.com/73468509> (17 minutes).

Challenges to Reunification

Reunification is “the process of assisting displaced disaster survivors, including children, in voluntarily reestablishing contact with family and friends after a period of separation.”¹⁴ The task of reunifying children with their primary caregiver(s) will often be more difficult in disaster situations.

Challenges:	Examples:
Scale of the disaster	Hurricanes can affect multiple cities, counties, and states. Also, the larger the area affected often means a larger number of individuals impacted.
Mass evacuation of (densely populated) residential areas	During Hurricane Rita, traffic was brought to a standstill as people tried to make their way north on I-45. According to a study by the Texas House of Representatives, of the 118 victims of Hurricane Rita, 60 people died in the evacuation from Rita before the storm even hit land. ¹⁵
Schools, universities, or hospitals affected	<p>In the case of a school shooting, parents are almost always away from their children when the tragedy occurs. It can be difficult for parents to learn the status of their child(ren) upon arriving at the school due to a lack of access to the scene.</p> <ul style="list-style-type: none"> • If the school is affected and that is the primary shelter in case of a disaster, what is the community’s back up shelter? Is there a backup shelter? • When a hospital is affected, especially in an area where there is only one facility, care to victims can be slowed and even halted.
Disaster happens during the school or workday	During school and business hours, parents and children are usually separated. Many parents are commuters and may have to travel long miles to

¹⁴ *Post Disaster Reunification of Children - A Nationwide Approach*, at 2.

¹⁵ *Evacuation Planning in Texas: Before and After Rita*, 2, TEXAS HOUSE OF REPRESENTATIVES (February 14, 2006) available at <http://www.hro.house.state.tx.us/interim/int79-2.pdf> (last accessed Aug. 24, 2023).

	and from work. Their children are most likely in school near where they reside.
Disaster affects large public venues or events Disaster affects those large venues during a weekend or holiday	Communities should consider situations such as: <ul style="list-style-type: none"> • How would you safely evacuate a shopping mall on Black Friday? • How do you care for the wounded and safely evacuate a concert venue when part of the stage collapses?
Local resources are spread thin	For a sparsely populated county with only a handful of officers, it does not take much for all the officers to be spread out over hundreds of miles evacuating the population. In the case of a disaster in a large urban area, there are more officers available, but dealing with over 100,000 people in need of shelter and basic needs can stretch responders to the limits very quickly.
No reunification plan in place	Communities without a reunification plan run the risk of bringing into contact children and individuals without background checks who could pose a separate threat to children. Whether through an individual who is a threat to a child, or lack of training and policies, the community may risk losing the children they are trying to reunite.
The parent(s) or guardian(s) lack transportation	Disruptions of public transportation and/ or the lack of access to a personal vehicle can deter or even prevent the parent or guardian from reuniting with the child.
Age and language skills of lost children or unaccompanied minors may vary	It will be difficult to communicate with preverbal or nonverbal children (including children with special needs). This can hinder the reunification with their parents, because the child cannot give the name of the parent(s) or even their own name.

Sometimes the challenges to reunification are the complications from the disaster itself. Other times the caregiver can be the hindrance to reunification. A study conducted by the National Center for Disaster Preparedness in 2008 found that:

“Nearly half of parents, 45%, do not know the location to which their child would be evacuated as part of their school’s disaster plan. This is despite the fact that 61% of parents say they are familiar with their school’s plan. Fewer than one-third of parents, 31%, would evacuate from their home or place of employment and reunite with their children later, if so directed. By contrast, 63% would disregard an evacuation order and go directly to their child’s school in an attempt to collect their children. These findings

are consistent for all regions of the country (east, central, south, and west) and regardless of household income or parents' education, age, or gender."¹⁶

Before a Disaster Strikes – Community Preparedness Plan

As stated by FEMA, "Individual and community preparedness is fundamental to the success of reunification efforts."¹⁷ It is vital for every community to prepare a well-thought-out response plan dealing with different possible disasters.

"Disasters "with warning," such as hurricanes, are generally predictable with a reasonable level of accuracy some days prior to the event. In contrast, disasters "without warning" present many more obstacles and substantially greater challenges for emergency planners. Examples of disasters without warning include earthquakes and large-scale terrorist attacks, such as coordinated bombings, widespread releases of chemical or biological agents, or a nuclear weapon detonation."¹⁸

A well-coordinated plan requires that several community players including law enforcement, area schools, service providers, hospitals, and nonprofits come together, share their expertise, and work together to ensure that when a disaster strikes, their community is prepared to serve any displaced, missing, and unaccompanied minors quickly and efficiently. When reviewing or editing your area's disaster response plan, be sure the plan includes the following to ensure the protection of minors separated from their parent(s) or guardians:¹⁹

- A clear procedure outlining **WHO** is responsible for lost children and unaccompanied minors.
 - Which agency is in charge of monitoring and attending to the children's basic needs while awaiting reunification?
 - Where will the children be sheltered? Do you have a long-term plan for shelter of the child in addition to the short-term plan?
 - Background checks and fingerprints collected on all individuals that will have access to the unaccompanied minors.

¹⁶ Redlener, M.D., et. al, *Why Parents May Not Heed Evacuation Orders and What Emergency Planners Families and Schools Need to Know*, 3, COLUMBIA UNIVERSITY (2008) available at <https://academiccommons.columbia.edu/catalog/ac%3A126155> (last accessed Aug. 24, 2023).

¹⁷ *Post Disaster Reunification of Children - A Nationwide Approach*, at 7.

¹⁸ Redlener, M.D., et. al, at 1.

¹⁹ A full guide on preparing your community disaster plan and incorporating processes for dealing with missing, separated, and unaccompanied minors is available from the *Post Disaster Reunification of Children - A Nationwide Approach*.

- When the parent(s) or guardians are located, have a precise custodial release procedure in place.
 - Standardized guidelines to verify the identity and custody rights of the person(s) claiming to be the child's parent(s) or guardian.

Before a Disaster Strikes – Family Preparedness Plan

Difficulties with reunification can often be due to the lack of preparedness by the individual families. It is important to educate and encourage individual families to create their own emergency response plans. In addition to the community plan, law enforcement and community educators should encourage families to:

- Have an individual family plan to address emergencies and disasters.
- Encourage the public to review the plans for their workplace, children's schools, childcare provider, etc.
- Teach children the basic safety concepts.
 - Based on the age and ability of the child, parent(s) or guardian(s) should teach the child their name, parents or guardian's name(s), address, phone number, etc.
 - Parents should practice "what if" scenarios to prepare for disasters.²⁰
 - What if a tornado strikes while you are at a friend's house?
 - What if a hurricane will hit land near our home? Where do we go? When will we leave? What will you do if we get separated at the shelter?
- Parent(s) and guardian(s) should keep an up-to-date Child ID Kit for each child in the household. The kit should include:
 - A clear color photo that shows what the child really looks like. Pictures should not have any masks, disguises, or face paint, and should be updated at least every 6 months.
 - Name, nicknames, date of birth, sex, hair/eye color, weight, height, glasses, braces, identifying marks.
 - Child ID Kits should be kept in a fireproof safe and be in a place that is easy for the parents/guardians to get to in an emergency.
 - Kits should be Included in the family's evacuation bags.²¹

²⁰ McBride, N., *Child Safety is More Than a Slogan*, NCMEC (2011) available at <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252024.pdf> (last accessed Aug. 24, 2023).

²¹ See *Child ID*, NCMEC (2014) available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/childiden.pdf> (last accessed Aug. 24, 2023).

It can be difficult to get groups of parents and guardians together in one place. In order to reach a large number of individuals, consider hosting community preparedness drills with mock disasters. This not only helps prepare the community but allows the first responders and emergency response teams to fine-tune their procedures. Media campaigns can also be very useful to repeatedly reach larger numbers of people.

Following a Disaster

A good preparedness plan will not only cover the immediate issues during a disaster, but also the long-term concerns. When creating your plan for missing, separated, and unaccompanied minors, it is critical to include procedures covering the coordination with child welfare services, reporting the child into the National Crime Information Center (NCIC), and working with the Texas Missing Person's Clearinghouse. In addition to those partners, the National Center for Missing & Exploited Children offers assistance in helping to law enforcement and families. One resource offered only to law enforcement from the National Center for Missing & Exploited Children is the Unaccompanied Minors Registry. The Unaccompanied Minors Registry is:

- A place for emergency management agencies, law enforcement, shelter staff, hospital employees and other organizations to report minors in their care during disasters.
- Accepts reports of children up to age 18.
- Allows agencies managing a large number of unaccompanied children to upload entire lists of names at once.
- Resources available at <https://umr.missingkids.org/umr/reportUMR?execution=e1s1> (last accessed August 24, 2023).

Unit Goal: Runaways

18.4: After completing this section, the participant will be able to differentiate when reporting youth runaway cases is legally required as well as correlate youth runaway populations and risks for potential harm or exploitation.

Street Conditions

The chapter on runaways focuses on when a minor voluntarily²² leaves their home or legal residence. However, youth can also end up on the street when their caregivers throw them out of their home, do not make adequate arrangements for their care, or

²² Thomas B. Smith, Kenneth Buniak, Lee Condon, & Lee Reed, *Children Missing From Care: The Law-Enforcement Response*, xi, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (2005) available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc162.pdf> (last accessed August 24, 2023).

fail to allow them entry into their home.²³ These youth are termed “thrown-away” due to the failures of their caregivers. Once on the street, youth face a variety of dangers. The National Center for Missing & Exploited Children has found that, “Life ‘on the run’ for these children is extremely dangerous and harmful. The longer they are on the street, the greater their chances of falling victim to those who wish to exploit them.”²⁴ In addition to risky street activities, they may be recruited into sex trafficking or become dependent on the trade of sex for means of survival.²⁵ Multiple studies demonstrate the use of survival sex on the street by youth to meet their basic needs.²⁶ Equally disturbing, data from the National Center for Missing & Exploited Children shows a trend linking runaway cases to children who are found to be victims of child sex trafficking. The non-profit organization finds that of children intake as runaways, 1 in 7

²³ *APCO International: Standard for Public Safety Telecommunicators when Responding to Calls of Missing, Abducted, and Sexually Exploited Children*, 10, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN and ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS (2010) available at <https://www.apcointl.org/~documents/standard/11014-2022-missingexploitedchildren> (last accessed August 24, 2023).

²⁴ *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*, NCMEC, 111 (2011) available at <https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc74.pdf> (last accessed August 24, 2023) (“By finding these children and providing services to help safeguard them from these dangers, communities do a better job of preventing the commercial sexual exploitation of these children.”).

²⁵ Thomas Smith, et. al, 4 (“Children who have left a caregiver are typically vulnerable. Regardless of the reasons for leaving they often become dependent on risky behavior for survival. For example, they may be recruited by exploiters to engage in activity such as the sale of illicit drugs, prostitution, or theft.”)

²⁶ *Sexual Abuse among Homeless Adolescents: Prevalence, Correlates, and Sequelae*, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, p. 5-16 (Nov. 2002) available at <https://www.homelesshub.ca/sites/default/files/attachments/mscq0wo.pdf> (last accessed August 24, 2023) (data significant for males and females) comparing these three studies:

- *Street Youth at Risk for AIDS (SYRA)*, conducted in San Francisco, Denver, and New York City by Beth E. Molnar, Alex H. Kral, Robert E. Booth, and John K. Watters, and colleagues;
- *The Seattle Homeless Adolescent Research and Evaluation Project (SHARE)*, conducted by Ana Mari Cauce and Les Whitbeck; and
- *The Midwest Homeless and Runaway Adolescent Project (MHRAP)*, conducted in Iowa, Nebraska, Missouri, and Kansas by Les B. Whitbeck and Dan R. Hoyt.

are likely victims of child sex trafficking.²⁷ Victims of child sex trafficking face great risks and brutal street conditions, as shown in the final section of this training.

Why Children Run

If children and teens face such uncertainty and dangers on the street, what experiences could be pushing them away from their homes and onto the street? In a study examining street youth and surveying more than 775 individuals ages 12-19, a strong history of physical and sexual abuse among girls before their first ever run was noted. The study noted that, “Among females, 70 percent reported sexual abuse, and 35 percent reported physical abuse. Among males, 24 percent reported sexual abuse, and 35 percent reported physical abuse. Sexual and physical abuse before leaving home were independent predictors of suicide attempts for females and males.”²⁸ Similarly, another showed sexual abuse of females at 61 percent and sexual abuse of males at 34 percent prior to any runaway episode.²⁹ The same study examined the relationship of reported sexual abusers to the child and noted a two-thirds likelihood of a report of a **male with access to the home**.³⁰ At times, runaways are lured into the street by those

²⁷ *Child Sex Trafficking*, NCMEC, available at <https://www.missingkids.org/theissues/trafficking> (last accessed Aug. 24, 2023); *Protecting Vulnerable Children: Preventing and Addressing Sex Trafficking of Youth in Foster Care, Testimony of John D. Ryan For the United States House of Representatives Committee on Ways and Means Subcommittee on Human Resources*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (October 23, 2013) available at <https://www.govinfo.gov/content/pkg/CHRG-113hhrg89541/html/CHRG-113hhrg89541.htm> (last accessed August 24, 2023).

²⁸ Molnar, et. al, *Suicidal behavior and sexual/physical abuse among street youth*, 22 CHILD ABUSE & NEGLECT 213 (1998) (surveying 775 youth ages 12-19 in Denver, San Francisco and NYC in the early 1990s). See also *Youth Homelessness Overview*, National Conference of State Legislatures, available at: <https://www.ncsl.org/human-services/youth-homelessness-overview> (last accessed August 24, 2023) (finding 46% of homeless/runaway reported previous physical abuse, 38% emotional abuse, and 17% sexual abuse by a household member).

²⁹ *Sexual Abuse among Homeless Adolescents: Prevalence, Correlates, and Sequelae*, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, p. ES-2 (Nov. 2002) available at <https://www.homelesshub.ca/sites/default/files/attachments/mscq0wo.pdf> (last accessed August 24, 2023).

³⁰ *Id.* stating that:

[N]on-relative adult acquaintances (i.e., teachers, neighbors, and friends of the family) were named by 32% of youth as perpetrators; peer acquaintances by 28%; and strangers by 25%. Biological relatives

looking to exploit them. A major prosecution of traffickers in northern Virginia found traffickers using social media as well as in-person recruitment to lure teens to the street for involvement in commercial sex trafficking.³¹

Responding to Runaway Cases and Reporting Requirements

In addition to the resources listed, other leads on information on the child or their family may be available through:

- Social services
- Homeless and youth shelters
- People the youth identified as seeing them at home or school
- Family members, friends, neighbors, and school officials; and
- Child's place of employment, if applicable.

Law enforcement agencies are required to report to the state clearinghouse and enter an NCIC Missing Person File in the case of a missing child where "the well-being of the child is in danger."³² Such action is required to be taken immediately, but not later than two hours after receiving the report of the missing child.³³ These requirements apply to all missing child cases, not solely runaway cases. Runaway cases also include specific reporting descriptors now available as HRF1 and HRF2 values for High Risk Factor. HRF1 refers to juveniles with histories of missing reports 4 or more times in the preceding 24 months. HRF2 refers to juveniles in foster care or conservatorship with 2 or more missing reports in the preceding 24 months.

named by youths as abusers included fathers (for 9.9% of the youth), uncles (9.5%), cousins (6.8%), brothers (6.5%), and grandfathers (5.3%); non-biological relatives included stepfathers (14.4%), adoptive fathers (2.3%), stepbrothers (1.5%) and adoptive brothers (2.3%). Other individuals who might assume caregiving or supervisory roles also were named: mother's boyfriend was named by 8% of these respondents; male babysitters by 4.6%; female babysitters by 4.9%; and foster fathers by 1.1%. Female relatives were named by only 6% of the respondents. Our findings also suggest that many of the youth who had been sexually abused were abused by more than one person: on average, 2.6 people.

³¹ See Marisa Kashino, *You're Pretty. You Could Make Some Money*, WASHINGTONIAN (June 10, 2013) available at <http://www.washingtonian.com/articles/people/youre-pretty-you-could-make-some-money/>

³² TEXAS CODE OF CRIM. PROC. ART. 63.00905.

³³ *Id.*

As noted in the content provided by DPS, law enforcement reports may require modification as an investigation progresses due to the two-hour reporting requirement. The following text is directly quoted from the Investigative Checklist for Law Enforcement When Helping Unsupervised and Runaway Children from NCMEC's Investigator's Package:³⁴

Field Interview: Initial Phase

The initial phase of the field interview should be conducted in a manner so as to establish the child's statements, which will form the basis in assessing the child's level of risk.

- ☐ Conduct a field interview. If the child is in the company of other people, separate everyone before conducting the field interview(s).
- ☐ Obtain identifying information, such as name and address, and descriptors such as height, weight, and age. Remember the child may be reluctant to provide the information or may provide incorrect information.
- ☐ Query information obtained through the Federal Bureau of Investigation's (FBI) National Crime Information Center's (NCIC) database and the state/territorial law-enforcement system counterpart.
- ☐ If a record is located, determine the child's status, such as missing or a charged offense, and determine whether grounds exist to immediately place the child in protective custody and transport the child for proper investigative follow-up, placement, or disposition. If no record is located, proceed with the field interview.
- ☐ Develop a timeline of the child's whereabouts and activities by asking:
 - Who have you associated with while on the street?
 - What is your relationship with this/these individual(s)?
 - Where have you stayed?
 - With whom have you stayed?
 - How long have you stayed with them?
 - How long have you spent time on the street, and what have you done while on the street?

³⁴ *Investigative Checklist for Law Enforcement When Helping Unsupervised and Runaway Children*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, available at https://www.missingkids.org/content/dam/missingkids/pdfs/NC03_2015.pdf (last accessed August 24, 2023).

- ☐ Ask the child, in a direct manner, if they are missing, they are a runaway, or it is possible someone may be looking for them. Focus on deviations in behavior, both verbal and non-verbal, exhibited by the child during this initial interview phase. Keep in mind the child may be deceptive or fail to disclose information due to concerns such as fear, intimidation, or threats of reprisal.
- ☐ If the child indicates yes, consider placing them in protective custody and transporting them for proper investigative follow-up, placement, or disposition.
- ☐ If the child indicates no, proceed with the second phase of the field interview.

Field Interview: Second Phase

An in-depth interview of the child should be conducted based on information obtained during the initial phase of the field interview in order to further assess the child's level of risk if allowed to remain unsupervised. Continue to look for discrepancies in information obtained in the initial phase of the field interview with information obtained during the second phase of the interview.

- ☐ Obtain detailed information about the child including:
 - Full name
 - Nickname(s)
 - Full physical description to include clothing, body piercings, tattoos, and any personal items such as a backpack and wireless device. Note: NCIC online searches should be conducted on personal items.
 - Date of birth/age. Note: Children 13 years old or younger do not have the survival skills necessary to protect themselves from exploitation on the streets.
 - Place of birth
 - Addresses, both current and prior
 - Home phone number
 - Cell phone number
 - Last time the child was seen at home
 - Name of school attending or has attended
 - Date last attended school
 - Employment information, if the child is employed, including name, address, and phone number of the employer.
- ☐ Obtain full name, address, and home/business phone number(s) of last person/people to see the child at:
 - Home

- School
- ☐ Ask the child if they are under the care of a doctor. If so, obtain the doctor's name, address, and phone number.
- ☐ Determine if the child is taking any prescription medication and/or other drugs, ranging from over-the-counter medications to illegal substances, and if they are in possession of any. Note any drug dependencies putting the child at risk.
- ☐ Ask the child if they have been involved in or the victim of any crimes since leaving home. Potential risk factors and/or indicators of trafficking and exploitation include:
 - History of emotional, sexual, or other physical abuse.
 - Signs of current physical abuse and/or sexually transmitted diseases.
 - History of running away or current status as a runaway.
 - Appearance of expensive gifts, clothing, or other costly items with no valid explanation of their source.
 - Presence of an older boy-/girlfriend
 - Drug addiction
 - Withdrawal or lack of interest in previous activities
 - Gang involvement
- ☐ Ask the child for information about family members, both immediate and extended, including name, address, home/business phone number(s), and place(s) of employment.
- ☐ Determine the relationship(s) the child has with the identified family members.
- ☐ Identify and explore any dysfunctional relationships between family member(s) and the child. Keep in mind the child may have left home due to mental, physical, or sexual abuse or exploitation at the hands of a family member or individual otherwise known to the child.
- ☐ Ask the child to provide names, addresses, and phone numbers of friends who live or lived nearby and those with whom they attend or attended school.
- ☐ Identify and determine if the child is out of their zone of safety based on the child's age, the child's level of maturity, and environment in which the child is found. If so, consider placing the child in protective custody and transporting the child for proper investigative follow-up, placement, or disposition.

Field Interview: Final Phase

Additional information must be obtained, based on the initial and secondary information gathered, in order to make a determination about allowing the child to remain unsupervised or placing the child in protective custody.

- ☐ Ask communications to check for any prior contact or calls for service with the child or child's family members
- ☐ Check with surrounding jurisdictions for prior contact with the child and the child's family members
- ☐ Check with the National Center for Missing & Exploited Children® (NCMEC) at 1-800-THE-LOST®
- ☐ (1-800-843-5678) for previous intake or new intake of information regarding reports of missing and/or sexually exploited children
- ☐ Check with the appropriate state/territorial missing-child (person) clearinghouse(s) for any prior contact with the child or the child's family members
- ☐ Check with the National Runaway Switchboard at 1-800-RUNAWAY (1-800-786-2929)
- ☐ Contact the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 for assistance in cases of trafficking
- ☐ Query NCIC utilizing non-unique identifiers
- ☐ Check with social services for prior contact with the child or the child's family members
- ☐ Check with homeless shelters for any prior contact with the child
- ☐ Check with the person/people the child identified as the last one(s) to see them at home
- ☐ Check with the person/people the child identified as the last one(s) to see them at school
- ☐ Check with the child's family members to obtain additional information about the child
- ☐ Check with the child's friends to obtain additional information about the child
- ☐ Check with the child's school to obtain additional information about the child
- ☐ Check with the child's place of employment, if employed, to obtain additional information about the child

Unit Goal: Missing from Care

18.5: By the end of this section, the participant will be able to articulate conditions that may lead children to go missing from care as well as the manners in which offenders specifically target this population.

Activity: There is an activity at the end of the section related to a case study as time permits. The activity can be completed in groups, pairs, or large-group discussion (with large-group discussion to follow if started in small groups).

Please note that definitions of children missing from care can vary between agencies. Some agencies may require certain lengths of time to pass before children are considered missing or runaways. All children should receive the same level of response and resource allocation despite their placement of origin.³⁵

Running from Care

Prior life experiences of foster children often leave them especially vulnerable to the risks of the street and specifically recruiters setting them up for sexual exploitation.³⁶ As researchers note, “Youth in out-of-home care are particularly vulnerable to running away from care as they have already experienced a disruption in living arrangements stemming, in the majority of cases, from documented abuse or neglect.”³⁷ Older youth could develop running as a default coping mechanism for placement instability or lack of influence over placement decisions.³⁸

³⁵ See *id.* at 4 advocating that:

The bottom line is all missing children – whether missing from a home, care, or any other setting or because they ran away, were abducted by a family or nonfamily member, or for any other reason – need to be immediately reported to law enforcement by caregivers and missing-children reports need to be immediately taken by law enforcement.

³⁶ See Ching Hsuan Lin, *Children who run away from foster care: Who are the children and what are the risk factors?*, 34 CHILDREN & YOUTH SERVICES REV. 807 (2012) (“[R]unning away exposes foster youth to serious risk of criminal victimization, sexual exploitation, and substance or alcohol abuse.”).

³⁷ Courtney & Zinn at 1298.

³⁸ See Ching Hsuan Lin, at 812, stating that:

Moreover, children with runaway behavior tended to be older (average age 11 years old) at first removal from their family of origin. An assumption is that they were first removed upon entering adolescence, so they were old enough to develop running away as a strategy to cope with difficulties in foster placements, victimization in families of origin, and/or to respond to their unwillingness to be placed.

Multiple studies document that once a child runs from care once, the likelihood of future runs greatly increases.³⁹ Of course, Preventing a first run from care: de-mystifying the glamour of street life, establishing positive role model relationships and stabilizing a child's placement,⁴⁰ can help prevent a first run from care. Placing siblings together dramatically reduce the risk of first runs for children in care.⁴¹ For those seeking to reduce runaway behavior, research supports a focus on youth who have run in the past, especially immediately following when they are returned to care.⁴² The demographics of children running from care consistently show that older youth⁴³ and female youth are

³⁹ See, e.g., Courtney & Zinn, at 1301 (finding that, “[O]ver 20% of youth who have run once before will run again within 30 days of reentering care, and over 30% of youth who have run twice before will run again within 30 days of reentry.”); Ching Hsuan Lin, at 808 (“[F]oster youth with a history of running have higher odds of running again.”). See also Thomas Smith, et. al, at 4 (“[T]hey may run to their birth families prior to placement in care or some other familiar surroundings. . . . [T]here is a concern once a child runs away a pattern of running may develop and carry on throughout their placement history.”).

⁴⁰ See Ching Hsuan Lin, at 809-810 (finding that “Children who ran away from foster care have experienced an average of approximately six placement settings, compared to three previous out-of-home care placements of children who did not run away[.]”); Courtney & Zinn, at 1305 (“Increased placement instability generally increased the estimated risk of first runs, with even one additional placement increasing the relative risk of running by nearly 70%.”).

⁴¹ Courtney & Zinn, at 1305.

⁴² *Id.* See also Ching Hsuan Lin, at 810 (stating that This finding supported results from previous studies . . . that running away is most likely to occur within the first few months of being placed in foster care[.]”).

⁴³ Courtney & Zinn, at 1300 (“Not surprisingly, runaway behavior is overwhelmingly the province of older youth. . . . In fact, nearly half (47.6%) of the 12- to 18-year-olds that ran for the first time between 1993 and 2003 did so after their sixteenth birthday (see Table 2); Shalhevet Attar-Schwartz, *Runaway behavior among adolescents in residential care: The role of personal characteristics, victimization experiences while in care, social climate, and institutional factors*, 35 CHILDREN & YOUTH SERVICES REV. 258 (2012) (finding in an international study that, “Inclination to more frequent runaway behavior was found to be high for older adolescents, adolescents who had been in the institution for longer periods, those with more adjustment difficulties, those who had experienced more physical violence by peers and staff, . . . and those who perceived staff as strict and unsupportive.”).

more likely to run.⁴⁴ Children from single-parent households are also more likely to run once removed into care.⁴⁵ As to maintaining a stable family structure, “children in the placement type of kinship care were found to be less likely to run away.”⁴⁶

Case Study

The foster care case study for this section refers to the case of a 13-year-old girl who ran from care to live in an abandoned apartment with a friend. The following is from court records in the case:

When she was 13 years old, B.D. ran away from foster care to live with a friend in a vacant apartment, where they would smoke marijuana and “hang out.” B.D. and her friend went to a party, and several boys asked B.D. to perform oral sex on them. When she refused, they beat her, and B.D. left in tears. As she walked down the street, Johnson approached and asked her what was wrong. B.D. testified that he told her his name was “Golden” or “Golden Boy.” She told him what happened, and he drove her to an apartment, cared for her wounds, and let her take a shower. After she showered, Johnson asked to see B.D. naked, saying, “Let me see what you working with.” B.D. obliged.

Johnson v. State, 2011 Tex. App. LEXIS 954 (Tex. App. Houston 1st Dist. Feb. 10, 2011) (appeal denied).

⁴⁴ See Ching Hsuan Lin, at 811 (“[C]hildren in foster care who are older, female, or a race other than White are more likely to run away from their placement.”); Courtney & Zinn, at 1304 (“Gender was a statistically significant predictor of runaway in both models, with girls being much more likely than boys to experience a first run and slightly more likely to experience a subsequent run[.]”).

⁴⁵ Ching Hsuan Lin, at 811-12 (“[C]hildren from married-couple family are 23% less likely to run away than foster children who were removed from single-female families.”).

⁴⁶ Ching Hsuan Lin, at 813. See also Courtney & Zinn, at 1305, detailing for a range of placement options that:

[F]or both first and subsequent runs, being in a relative foster home substantially decreased the estimated risk of runaway compared with placement in a non-relative foster home, whereas placement in the most common residential care facilities was associated with a much higher risk than that experienced by children in nonrelative foster homes. Interestingly, corrections facilities, hospitals, and “other residential care facilities,” the most restrictive placement options, were associated with reduced risk of both first and subsequent runs, perhaps reflecting the difficulty of running from these settings.

After sharing the initial case details, the instructor can initiate group discussion on how an officer who comes into contact with B.D. on the street might proceed. The discussion prompts are included below for reference as needed:

- What basic information will you try to collect from the child?
- What agencies will you contact to try to verify child's name, age and history?
- What other leads might you follow to identify a victim in this case?
- If you determine the child is in an unsafe situation, what steps do you follow?
- What are the important physical details of this case for future investigation?
- Who are potential witnesses who will need to be interviewed?

In the case, B.D. was later picked up by an undercover officer and agreed to cooperate against her trafficker. In this case, the trafficker received a 20-year sentence for compelling prostitution (the case pre-dated updated state legislation on child sex trafficking).

Unit Goal: Children with Special Needs

18.6: Upon completing this section, the participant will be able to organize an appropriate response to the scene of a missing child with special needs based on best practices for recovery and available resources.

Sexual Exploitation of Children with Special Needs

The following conditions could complicate the recovery of a missing child or increase the vulnerability of the child to exploitation. While the public might perceive some children with special needs as asexual,⁴⁷ some offenders specifically target children with special needs. The difficulties children may experience defending themselves from abuse or expressing themselves to seek help may bolster some offenders into thinking they can “get away with it.”⁴⁸ According to research published by the American Academy of Pediatrics, children with disabilities are 2 to 4 times more likely to suffer sexual abuse

⁴⁷ See *Advanced Child Abuse Investigation Manual*, TEXAS MUNICIPAL POLICE ASSOCIATION, at 110 (labeling this idea as a “common misperception”).

⁴⁸ See *The Risk and Prevention of Maltreatment of Children With Disabilities*, CHILD WELFARE INFORMATION GATEWAY, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 7 (March 2012) available at <https://www.childwelfare.gov/pubs/prevenres/focus/focus.pdf> (last accessed August 24, 2023) (internal citations removed).

than children without disabilities.⁴⁹ The Bureau of Justice Statistics publishes data on persons aged 12 and older in the United States.⁵⁰

Vulnerabilities could be caused by the condition itself, the treatment of the child by the community, or ways in which the offender attempts to manipulate the condition of the child.

Condition	The Child ⁵¹	The Offender ⁵²	The Community ⁵³
Intellectual disabilities	May or may not have the capacity to understand the nature of the abuse. May have difficulty relaying the details of abuse to others. May be overly trusting or susceptible to bribes, tricks, and offers of money, gifts, or friendship.	May seek victims with difficulties reporting the abuse. May seek out children with credibility issues, non-verbal children, or children who can be manipulated. May seek out opportunities to interact with children who require help with basic functions or may seek positions that	May view a child with such conditions as asexual. May not have provided child with accurate information on sexual topics (types of touches, personal safety, boundaries, right to say “no,” or how to report or seek help. May have difficulties understanding the child when the child communicates about the abuse. May not have
Communication Skills	Hearing, speaking, and communication skills		

⁴⁹ Roberta Hibbard, et. al, *Maltreatment of Children with Disabilities*, 119 PEDIATRICS 1018, 1021 (2007), available at <http://pediatrics.aappublications.org/content/119/5/1018.full.pdf+html> (last accessed August 24, 2023) citing to research from Sullivan & Cork, *Developmental Disabilities Training Project*, CENTER FOR ABUSED CHILDREN WITH DISABILITIES, BOYS TOWN NATIONAL RESEARCH HOSPITAL, NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES (1996), as well as Sullivan & Knutson, *Maltreatment and disabilities: a population-based epidemiologic study*, 24 CHILD ABUSE & NEGLECT 1257 (2000).

⁵⁰ Erika Harrell, *Crime Against Persons with Disabilities, 2009-2012, Statistical Tables*, Table 2 at 3, BUREAU OF JUSTICE STATISTICS (Feb. 2014) available at <http://www.bjs.gov/content/pub/pdf/capd0912st.pdf> (last accessed August 24, 2023).

⁵¹ Adapted from *Advanced Child Abuse Investigation Manual* at 114.

⁵² See *The Risk and Prevention of Maltreatment of Children With Disabilities*, at 1021 (stating that, “Children with disabilities are often perceived as easy targets[.]”).

⁵³ See *Advanced Child Abuse Investigation Manual* at 110.

	may affect the child's ability to report and be understood by others.	have increased unsupervised access to children.	sensitivity training in place to encourage disclosure.
Autism Spectrum Disorder	May not understand nature of abuse or have difficulties disclosing.	May seek out children who cannot defend themselves from an abusive situation.	May not accept the credibility of the child or excuse the actions of the offender as relating to treating the child's condition (such as a misunderstanding).
Physical Disabilities	May limit the child's ability to physically defend self from the abuse or escape. May be highly dependent on others to meet basic needs.	May have ready explanations trying to excuse or overlook the conduct based on the child's condition. Emotional dependence on offender may cause child fear of losing the relationship. ⁵⁴	Lack of training may impair ability to recognize abuse or maltreatment. ⁵⁵
Various conditions	May make it difficult or impossible for child to defend self from abuse. May require child to be reliant on various caregivers, giving more opportunities to come into contact with an abuser.		

As to all types of crime, "[P]eople who have a disability are often victimized repeatedly by the same perpetrators, and these perpetrators may include their caregivers."⁵⁶ In an article published in PEDIATRICS, the authors demonstrated the complexity vulnerabilities that could increase risk for child sexual abuse:

⁵⁴ *The Risk and Prevention of Maltreatment of Children With Disabilities*, at 6.

⁵⁵ *The Risk and Prevention of Maltreatment of Children With Disabilities*, at 5.

⁵⁶ *First Response to Victims of Crime*, National Sheriff's Association, 14 (July 2010) available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2010firstresponseguidebook.pdf> (last accessed August 24, 2023).

Children with disabilities often have limited access to critical information pertaining to personal safety and sexual abuse prevention. Children who have increased dependency on caregivers for their physical needs may be accustomed to having their bodies touched by adults on a regular basis. Parents may object to their child being provided with education on human sexuality, because they may feel that their children will never be in sexually risky situations because of their special needs. However, children with disabilities may be unintentionally conditioned to comply with authority, which could result in them failing to recognize abusive behaviors as maltreatment.⁵⁷

The prevalence of crimes against individuals with disabilities and the dynamics that may make reporting and protection more difficult emphasize the importance of well-trained law enforcement responses to victimization reports. For additional resources on appropriately responding to potential victims with special needs, including victims with specific conditions, see:

- First Response to Victims of Crime, National Sheriff's Association, 13-37 (July 2010) available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2010firstresponseguidebook.pdf> (last accessed August 24, 2023).

Law Enforcement Responding to Reports of Missing Children with Special Needs: Focus on Autism Spectrum Disorder (ASD):

While Autism Spectrum Disorder (ASD) does not in itself cause a lower life expectancy, individuals with ASD have twice the mortality risk as the general population. Much of this difference is the result of accidents, drowning incidents in particular.⁵⁸ Therefore, law enforcement cannot discount the environmental risks posed to a child with ASD when responding to the scene of a search.

Every child with ASD is unique.⁵⁹ ASD also now includes Asperger's Disorder, which was eliminated in the DSM-V in order to place it under the umbrella of ASD.⁶⁰ This group demonstrates milder forms of developmental brain disorders, with frequently good

⁵⁷ Roberta Hibbard, et. al, at 1021.

⁵⁸ *Autism Fact Sheet*, NATIONAL AUTISM ASSOCIATION, available at <http://nationalautismassociation.org/resources/autism-fact-sheet/> (last accessed Aug. 24, 2023).

⁵⁹ *Id.*

⁶⁰ *Asperger syndrome*, NATIONAL AUTISTIC SOCIETY, available at <https://www.autism.org.uk/advice-and-guidance/what-is-autism/the-history-of-autism/asperger-syndrome> (last accessed August 24, 2023).

language and cognitive skills.⁶¹ By contrast, approximately 40 percent of all children with ASD do not speak.⁶² Individual with ASD often also suffer from “allergies, asthma, epilepsy, digestive disorders, persistent viral infections, feeding disorders, sensory integration dysfunction, sleeping disorders, and more.”⁶³

The environmental risks must be weighed for each individual child regardless of the diagnosis. It is also important to note the chronological age of individuals with ASD is often irrelevant to their level of functioning. The risk for children with ASD is elevated due to their propensity to wander, elope or bolt. The National Autism Association defines wandering as, “When a person, who requires some level of supervision to be safe, leaves a supervised, safe space and/or the care of a responsible person and is exposed to potential dangers.”⁶⁴

Categories of wandering noted by the National Autism Association include:⁶⁵

Goal- directed	Wandering with the purpose of getting to something (water, train tracks, park, an item or place of obsession, etc.)
Bolting/Fleeing	Suddenly running or bolting, usually to quickly get away from something, a negative reaction to an event, anxiety, fear, excitement, stress or uncomfortable sensory input.
Other:	Nighttime wandering; wandering due to disorientation, boredom, transition or confusion; or the individual simply loses their way/becomes lost

Refer to the National Autism Association’s First Responder Tool Kit, A Guide to Searching for Missing Persons on the Autism Spectrum.

<https://nationalautismassociation.org/store/#!/NAAs-Be-REDy-Booklet-for-First-Responders/p/57932218/category=23350149>

⁶¹ *Id.* (“In fact, individuals with Asperger’s Disorder often “possess average to above-average intelligence.”). *See also Advanced Child Abuse Investigation Manual*, at 112.

⁶² *Autism Fact Sheet*, NATIONAL AUTISM ASSOCIATION, available at <http://nationalautismassociation.org/resources/autism-fact-sheet/> (last accessed Aug. 24, 2023).

⁶³ *Id.*

⁶⁴ *First Responder Toolkit*, NATIONAL AUTISM ASSOCIATION, 5, available at <http://nationalautismassociation.org/docs/BigRedSafetyToolkit-FR.pdf> (last accessed August 24, 2023).

⁶⁵ *Id.*

The following text is directly quoted from the Special Needs Addendum of NCMEC's Investigator's Package (also published in the *First Responder Toolkit* of the National Autism Association is a good resource for first responders.).⁶⁶

Finding and safely recovering a missing child with special needs often presents a unique and difficult challenge for families, law enforcement, first responders, and search teams. The behaviors and actions of a missing child with special needs are often much different than those of a missing nonaffected child. While the behaviors will differ from child-to-child, missing children with certain special needs may:

- Wander away, run away, or bolt from a safe environment
- Exhibit a diminished sense of fear causing them to engage in high-risk behavior such as seeking water or active roadways
- Elude or hide from search teams
- Seek small or tightly enclosed spaces concealing themselves from search teams
- Be unable to respond to rescuers

A special-needs condition may be characterized by debilitating physical impairments, social impairments, cognitive impairments, or communication challenges. In the event of an extended missing episode the children are also at risk of exposure to weather and environmental hazards; dehydration; lack of adequate nutrition such as food and medication; traffic-related injuries/accidents; falls, especially down steep terrain; and even potential encounters with child molesters or others who would intentionally try to take advantage of or harm them. Because of the tendency for children with autism to wander or elope it is vitally important to quickly identify the unique interests of the child and create a list of their favorite places. It is imperative first responders talk to the parents, siblings, relatives, caregivers, and others who know the child well to ask for information about interests, fascinations, stimulations, or obsessions when developing search plans and determining where the child may go. This information could provide key clues leading to a speedy recovery.

Missing Children With Special Needs: Response Recommendations

While cases of missing children with special needs should be treated as critical incidents requiring responses by law enforcement and first responders, children with autism have an unusually high mortality rate and are especially at risk. Certain exceptions may apply for those special-needs children who are considered high functioning and therefore should be assessed each case accordingly weighing all risk factors.

⁶⁶ *Special Needs Addendum, Investigator's Package*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN, available at <https://ncjtc-static.fvtc.edu/Resources/RS00002452.pdf> (last accessed August 24, 2023).

Preliminary Considerations

Because children with autism often have an extremely high attraction to water, it is strongly recommended first responders and search teams immediately check all nearby bodies of water in an effort to head-off the child. These include but are not limited to streams, ponds, lakes, rivers, creeks, storm-water retention/detention basins, and backyard and public swimming pools.

Children with autism typically have difficulty with verbal and nonverbal communication and in many cases may not be able to respond to their name being called. They will often hide to elude searchers, sometimes concealing themselves in small or tight spaces, and may display a diminished sense of fear about dangers in their environmental surroundings. As with all critically missing children, time is a vitally important factor in a safe recovery. Public safety telecommunicators are encouraged to obtain the information noted below and immediately share it with all first responders.

Call-Intake Questions

The recommendations noted below are offered to help public safety telecommunicators when taking calls concerning children with special needs. First obtain a full description of the child including height, weight, hair color, and clothing worn. Then ask:

- ☐ Is the child wearing or carrying any tracking technology device? If so, which one and how is location information accessed?
- ☐ Is the child attracted to water? If so, can the child swim?
- ☐ Is the child attracted to active roadways/highways?
- ☐ Does the child have a fascination with vehicles such as trains, heavy equipment, airplanes, or fire trucks?
- ☐ Has the child wandered away before? If so, where were they found?
- ☐ Does the child have a sibling with special needs? If so, has that sibling wandered away before? If so, where was the sibling found?
- ☐ Where does the child like to go? Does the child have a favorite place?
- ☐ Is the child nonverbal? How will the child likely react to their name being called?
- ☐ Will the child respond to a particular voice such as that of their mother, father, other relative, caregiver, or family friend?
- ☐ Does the child have a favorite song, toy, or character? If so, what or who is it?
- ☐ Does the verbal child know their parents' names, home address, and phone number?

- ☐ Does the child have any specific dislikes, fears, or behavioral triggers?
- ☐ How might the child react to sirens, helicopters, airplanes, search dogs, people in uniform, or those participating in a search team?
- ☐ How does the child respond to pain or injury?
- ☐ What is the child's response to being touched?
- ☐ Does the child wear a medical ID tag?
- ☐ Does the child have any sensory, medical, or dietary issues and requirements?
- ☐ Does the child rely on any life-sustaining medication?
- ☐ Does the child become upset easily? If so, what methods are used to calm them?

The Initial Response

The recommendations noted below are offered to help guide law enforcement and other first responders in the initial response and search for the child.

- ☐ Identify hazards in the area where the child was last seen and dispatch personnel to those locations to search for the child, paying special attention to any bodies of water and specific locations of interest to the child such as his or her favorite places.
- ☐ Secure identified hazardous areas near where the child was last seen to prevent the child from entering those areas.
- ☐ Determine if the child was wearing/carrying a tracking device and, if so, immediately initiate tracking measures to locate the child.
- ☐ Determine if the child is frightened by aircraft, dogs, ATVs, or any other resources used to assist in searches. Remember using search dogs at the onset of the initial response will better ensure successful tracking.
- ☐ Determine if the child is sensitive to or frightened by noise and how they will typically react to that type of noise.
- ☐ Establish containment measures of the child's known routes to prevent them from wandering further away from the place last seen using all appropriate means such as road, bike, and air patrol.
- ☐ Contact the National Center for Missing & Exploited Children without delay to request assistance from their search-and-rescue and search-management experts.
- ☐ Ensure the lead agency is using the services of a reverse 911 system, such as:

- ☐ A Child Is Missing Alert at www.achildsmissing.org. This service helps alert the local community via a rapid-response, neighborhood-alert program using high-tech phone systems.
- ☐ Determine if an Endangered Missing Child Alert has been issued.⁶⁷

Investigative Measures

The recommendations noted below are offered to help guide law enforcement's search and investigative efforts.

- ☐ Contact the child's parent/guardian to further assess the child's special needs condition.
- ☐ Determine if the child has any history of wandering or eloping and, if so, where and what physical features associated with those episodes may have attracted the child.
- ☐ Identify additional physical features the child may be attracted to such as roadways/highways, trains, heavy equipment, fire trucks, park swings, and road signs.
- ☐ Determine if the child has any favorite places.
- ☐ Determine if the child has a favorite song, toy, or character.
- ☐ Determine if the child has any dislikes, fears, or behavioral triggers and, if so, how they will typically react to negative stimuli.
- ☐ Determine how the child reacts to sirens, dogs, vehicles used in searches, and people of authority/in uniform. Children with autism will sometimes avoid search teams or attempt to hide in small places.
- ☐ Determine the communication abilities of the child regarding verbal versus nonverbal skills.
- ☐ Determine if the child will respond to his or her name when being called.
- ☐ Determine if the child knows his or her parents' names, home address, and phone numbers.
- ☐ Determine if the child has any other mental or physical conditions.
- ☐ Determine if the child has any dietary issues or requirements.

⁶⁷ See also the *Missing Children with Special Needs Lost-Person Questionnaire* at <https://www.missingkids.org/content/dam/missingkids/pdfs/NCMEC%20SpecialNeedsQuestionnaire%20June%202016.pdf> (last accessed August 24, 2023) and the *Investigative Checklist for Law Enforcement When Responding to Children with Special Needs* available at https://poacwebsite.s3.amazonaws.com/wp-content/uploads/2022/10/06124046/ncmec_abaca3a65d27a2ae573cca6636d122fa.pdf (last accessed August 24, 2023).

- ☐ Determine if the child is taking any medications, and, if so, the type of medications, risks involved with delayed or missed doses, and potential side effects if the medication is not taken as prescribed.
- ☐ Determine if the child wears a medical identification bracelet or tag.
- ☐ Determine how the child responds to pain or injury.
- ☐ Determine the child's response to being touched.
- ☐ Determine what methods are used to calm the child.

Search-and-Rescue Measures

The deployment of personnel trained in search-and-rescue protocols is highly recommended to assist in the investigation to safely locate the missing child. Law enforcement should immediately provide information to search-and-rescue personnel about the child's special-needs condition and any information about the specific behaviors or interests that may assist in searching for the child.

Law enforcement should consider immediately establishing an Incident Command System (ICS) to help ensure all aspects of the investigative and search functions are properly managed and resources are used to their fullest potential. Additionally, a critical component of that ICS is the establishment of a search-and-rescue manager for all aspects of the search-and-rescue operation. The search measures noted below may help in safely locating a missing child with special needs.

- ☐ Preserve the place the child was last seen.
- ☐ Use search-and-rescue personnel accustomed to the existing geography whether urban, suburban, or rural.
- ☐ Provide a detailed briefing to search-and-rescue personnel arriving on scene about the behaviors of the missing child.
- ☐ Consider using the National Center for Missing & Exploited Children's
- ☐ Missing Children With Special Needs Lost-Person Questionnaire.
- ☐ Initiate search-and-rescue efforts with an emphasis on bodies of water, high-hazard areas, travel corridors, routes to favorite places, previous locations visited, and any other areas of interest suggested by those who know the child.
- ☐ Attempt to attract the child by using his or her favorite things such as playing a favorite song or driving a favorite type of vehicle into the search area.
- ☐ Use night-search techniques, if appropriate, such as projected lights and patterns, especially spinning patterns, or other types of

favorite visuals to attract the missing child. **Note:** Be aware night searches could be hazardous to the child if the terrain includes dangers such as cliffs, drop offs, mine shafts, or bodies of water. Attempting to draw a child into these areas could lead to tragic consequences if these are not identified by searchers and secured prior to using attraction devices.

- ☐ Extend search duration because the unique behaviors of some children with special needs may have a protective effect allowing the child to survive longer than what is considered to be a normal survival rate for a child.

Considerations in the Event of a Prolonged Search

In the event immediate search efforts have not resulted in the safe recovery of the missing child, begin to plan for the prolonged use of resources in order to sustain search efforts. The search-and-rescue manager should evaluate the overall effectiveness of the search operations and make necessary adjustments for a prolonged search operation. The recommendations noted below are provided to assist in the planning for a prolonged search-and-rescue effort.

- ☐ Evaluate the overall effectiveness of the search operations and adjust as necessary for the next operational phase.
- ☐ Estimate immediate and long-range resources and logistical requirements for deployment of those resources.
- ☐ Assign new or additional personnel for the prolonged search operation.
- ☐ Consider expanding the search area, taking into account the distance the child could have walked during the time frame they have been missing and their resiliency. Children with autism have been known to walk several miles, often exceeding the initially established search containment area.
- ☐ Determine if there are any gaps in the original search area and make arrangements to search those areas again.
- ☐ Consider using trained search-and-rescue personnel with volunteer searchers to enhance the search capabilities.

Additional Considerations Unique to Children With Special Needs

The unique behaviors of a child with special needs must be considered by law enforcement and first responders when planning and conducting searches. Past episodes have revealed children with special needs have a natural self-survival instinct and are often resilient, allowing them to survive long periods of time — sometimes longer than a nonaffected child. Additionally, the children may have a

diminished sense of fear of their surroundings and are highly mobile and thus may cover great distances, necessitating an expanded search parameter. The children may seek shelter or conceal themselves in confined spaces making it more difficult for searchers to locate them. In urban and suburban environments, it is highly recommended searchers focus their efforts on small confining spaces.

Missing children with special needs may also have a fascination with or fixation on particular sounds; objects, especially moving or spinning objects; or certain foods. Consider use of attraction tactics, based on the unique behaviors and interests of the child, as a means to draw the missing child to the search party. Take special care, however, to help ensure the missing child is not drawn into a hazardous environment such as water, a cliff or bluff, or an active roadway. Additionally discuss with family members and caregivers' techniques that would best work to help bring the child out versus what measures could be detrimental to the search.

Recovery and Reunification Measures

With the understanding children with autism exhibit social and cognitive impairments, communication difficulties, and repetitive behaviors, keep in mind the interaction between law enforcement/search-and-rescue personnel and a child with autism at the time of recovery and subsequent reunification can be a traumatic experience. The considerations noted below are recommended to deescalate and/or minimize any heightened emotions or anxieties the child may experience at the time of recovery.

- Maintain a calm and relaxed environment.
- Contain the child in a passive way to keep them from running or bolting and avoid use of restraints.
- Bring a parent or guardian immediately to the recovery site, whenever possible, and tell the child that person is on the way.
- Approach the child at his or her level, kneeling if necessary, and speak in a normal tone of voice using simple phrases.
- Use a task-and-reward process to ease anxiety and enhance compliance using phrases such as, "First we are going to stay here, and then your father is going to come here."
- Avoid assuming the child understands everything being said and done at the recovery scene.
- Use communication aids, written instructions, drawings, or prompts if possible.
- Use humor and familiar topics when possible. For instance, if the child is wearing a shirt with a cartoon character on it, talk to the child about the character to help lessen any anxiety the child may be feeling and calm the child if upset.

- Check for any identification such as a medical bracelet or tracking device.
- Contact the National Autism Association for further reunification assistance at 1-877-622-2884. For more information about children with autism and resources for families, such as the Big Red Safety Box, visit www.nationalautismassociation.org.
- Visit the National Autism Association's websites at www.autismsafety.org and www.nationalautismassociation.org and the AWAARE Collaboration at www.awaare.org for additional information about children with autism.
- Consult Robert Koester's *Lost Person Behavior: A search and rescue guide on where to look - for land, air and water* (2008) for additional general information.

Unit Goal: Sexual Exploitation of Children

18.7: By the end of this section, the participant will be able to identify risks posed to children for sexual exploitation, potential offenses related to child sexual exploitation, and grooming techniques commonly used by offenders.

Sexual Exploitation: Online and in the Real World

While several studies vary in estimating the prevalence of child abuse in the United States, a meta-analysis of several studies published in 2013 found a reliable estimate to be 1 in 10 children on average will be sexually abused by the age of 18.⁶⁸ Forms of child sexual abuse can include fondling, lewd or lascivious exposure or behavior, intercourse, sodomy, oral intercourse, penetration of genital or anal opening by a foreign object, creation of child pornography, and child sex trafficking.⁶⁹ While some of these specific offense types are covered in accompanying chapters, this chapter focuses on the behaviors surrounding child exploitation that may predate, occur alongside, or follow the abuse. Different forms of grooming and manipulation allow exploiters to gain access to children, avoid detection, and enlist community or family support despite allegations of illegal activities.

Texas Law and Child Sexual Exploitation

⁶⁸ *Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A Review of Child Sexual Abuse Prevalence Studies*, Catherine Townsend (DARKNESS TO LIGHT) & Alyssa Rheingold (NATIONAL CRIME VICTIM RESEARCH AND TREATMENT CENTER), August 2013, 21-22, available at <https://www.d2l.org/wp-content/uploads/2017/02/PREVALENCE-RATE-WHITE-PAPER-D2L.pdf> (last accessed August 24, 2023).

Among Section 43 offenses are Sexual Performance by a Child and Employment Harmful to Children. For the full iteration of the statutes, however, refer to the current legal codes.

Offense	State Law
Sexual Performance by a Child	Penal Code 43.25
Employment Harmful to Children*	Penal Code 43.251
One of eleven possible offenses identified as the basis for a charge of trafficking of persons by causing a child under 18 years old to engage in or be a victim of the offense. See Texas Penal Code Sec. 20A.02.	

While Sections 20 and 43 of the Texas Penal Code are detailed throughout this curriculum, there are many more child abuse statutes in the state of Texas that would apply to the exploitation of children. Some of the offenses for review include:

Offense(s)	Section(s)	Punishment
Aggravated Sexual Assault	PC 22.021	1st degree
Continuous Sexual Abuse of Young Child or Disabled Individual	PC 21.02	1st degree
Burglary	PC 30.02	1st degree
Sexual Assault	PC 22.011	2nd degree
Indecency with a Child	PC 21.11	2nd degree
Improper Relationship Between an Educator and Student	PC 21.12	2nd degree
Bigamy	PC 25.01	2nd degree*
Prohibited Sexual Conduct	PC 25.02	3rd degree*
Online Solicitation of a Minor	PC 33.021	3rd degree*
Indecency with a Child	PC 21.11	3rd degree
Invasive Visual Recording	PC 21.15	State jail felony
Failure to Stop or Report Aggravated Sexual Assault of a Child (ASAC)	PC 38.17	Class A Misdemeanor
*Baseline punishment (higher available based on facts of case)		

Community or Institutional Grooming

The most common exploiters are those who are known to the child and/or their family, and the exploiter may even hold a position of trust with the family.⁷⁰ Some exploiters will expend great time and effort cultivating a position of trust among community members or specific families. The grooming process targets the child, but at first may be focused on the child's family or guardians to gain trust and access:

Grooming is a method of building trust with a child and adults around the child in an effort to gain access to and time alone with them. However, in extreme cases, offenders may use threats and physical force to sexually assault or abuse a child. More common, though, are subtle approaches designed to build relationships with families. The offender may assume a caring role, befriend the child, or even exploit their position of trust and authority to groom the child and/or the child's family. These individuals intentionally build relationships with the adults around a child or seek out a child who may have fewer adults in their life. This increases the likelihood that the offender's time with the child is welcomed and encouraged. Additionally, sex offenders may groom criminal justice and other institutions into believing that they present no risk to children, which can be termed "institutional grooming." -Dru Sjodin National Sex Offender Public Website, United States Department of Justice ⁷¹

As discussed in Section 3.4 in more detail concerning sex offenders, research also demonstrates that institutional grooming can be attempted at youth-serving organizations in order to gain an access point to potential victims.

Selecting Child Victims

Across multiple types of sexual exploitation, children with particular histories may demonstrate increased vulnerability to exploitation. Identified victims of child sex trafficking, for instance, have shown many common traits (see Section 3.5 for full explanation). While any child may ultimately be exploited, the following vulnerabilities may increase the risk for exploitation:

- **Family dynamics:** Lack of attention, dysfunction, prior history of abuse or neglect, lack of monitoring, inappropriate boundaries in family relationships, family history of victimization or family relationship to the abuser.

⁷⁰ *Questions And Answers*, DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE, available at <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers#QuestionsAndAnswers> (last accessed August 24, 2023).

⁷¹ *Questions And Answers*, DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE, available at <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers#QuestionsAndAnswers> (last accessed August 24, 2023).

- **Individual characteristics:** Lack of bonding, self-esteem, assertiveness, awareness, bargaining power, self-confidence, trust in instincts or other self-protective traits. Lack of understanding of healthy relationships or personal boundaries, including effects of previous history of abuse. Disabilities, particularly those which might affect the child's ability to understand the nature of the abuse, disclose to others, or be believed or understood if disclosing.
- **Community labels or status:** Child identified as "troubled," "problem-child," "at-risk," "storyteller," or otherwise lacking in credibility. Poverty and other stressors on the family or community that limit awareness, prevention, or supervision resources. ⁷²

Grooming Interactions with Children

For a detailed discussion of pedophilia (pedophilic disorder), see Section 3.4 on Sex Offenders. For the purposes of this section, however, not all offenders remain confined to discrete categories. Given opportunity and access, the same person more inclined to offend against a teen or older adult may offend against much younger children.

Grooming behaviors of exploiters toward children may include:

- Building trust with the child, their family, and the community
- Giving special attention to one child as compared to other children (including giving special privileges like private tutoring, coaching, or rides home)
- Buying the child gifts or providing them with money (including seeking opportunities to give the child gifts)
- Making excuses or taking opportunities to be alone with the child
- Playing doctor or other games with touching, tickling, or wrestling to establish physical interactions and lead to more contact
- Other touching (appropriate and/or inappropriate)
- Viewing child while nude or exposing child to nudity of self or others (including "accidental" walk-ins to restrooms or while changing)
- Bathing a child or being involved in child toileting (including having the child watch the adult toilet)
- Activities that involve clothing removal such as massages or swimming, or photographing children in underwear, bathing suits, dance wear and other clothing.
- Discussing sexual activity including activities involving others
- Discussing explicit topics with children using the guise of education or teasing a child about their sexual development

⁷² Categories adapted from *Advanced Child Abuse Investigation Manual*, TEXAS MUNICIPAL POLICE ASSOCIATION, 89.

- Showing pornography to the child (can include child pornography to normalize abuse)
- Display of preferences for socializing with specific age group or gender
- Providing the child with drugs or alcohol.⁷³

The tactics chosen by the offender may reflect the home dynamics, the age of the child, and the particular interests of the child. Grooming behaviors may be particularly pre-determined by the age of the child:

Offenders who prefer younger child victims are more likely to first “seduce” the victim’s parents/guardians to gain their trust and obtain increased access to the potential victim. The offender then relies more on techniques involving fun, games, and play to manipulate younger children into sex. Those who prefer older child victims are more likely to take advantage of normal time away from their family and then rely more on techniques involving ease of sexual arousal, rebelliousness, inexperience, and curiosity to manipulate the children into sex. Some offenders simultaneously befriend their victim’s parents/guardians (e.g., telling parents/guardians they want to mentor or help their child) and work to alienate the child from the parents/guardians (e.g., telling children their parents/guardians don’t want them to have fun).

-Kenneth Lanning, *Former Supervisory Special Agent*⁷⁴

Additional suspicious behaviors may include:⁷⁵

⁷³ List adapted from the following sources:

- *Advanced Child Abuse Investigation Manual*, TEXAS MUNICIPAL POLICE ASSOCIATION, 81.
- *Questions And Answers*, DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE, available at <https://www.nsopw.gov/en/SafetyAndEducation/QuestionsAndAnswers#QuestionsAndAnswers> (last accessed August 24, 2023).
- Kenneth Lanning, *Child Molesters: A Behavioral Analysis for Professionals Investigating the Sexual Exploitation of Children*, 5th ed., NCMEC and OJJDP, 27-28, 2010.

⁷⁴ Kenneth Lanning, *Child Molesters: A Behavioral Analysis for Professionals Investigating the Sexual Exploitation of Children*, 5th ed., NCMEC and OJJDP, 27-28, 2010, available at <https://www.ojp.gov/pdffiles1/Digitization/149252NCJRS.pdf> (last accessed August 24, 2023).

⁷⁵ List adapted from the following sources:

Behavior toward the child	Behavior toward others
Treating child as if they are more mature, including exposing child to inappropriate activity. Sexual content, joking or comments in front of child.	Offers to help and “too good to be true” including too much interest in sitting children (even for free), providing specialized attention, or taking children on special trips.
Insistent on touching or physical play despite discomfort/rejection by child.	Displaying jealousy, over-protectiveness or control (including towards friends, peers and healthy teen dating relationships).
Secret interactions.	Isolating the child or teen from family, friends, and other support networks.
Using the child for emotional support or dependent relationship.	Seeking access to groups or organizations that may allow individual access to children.

Efforts to avoid detection

The grooming process is just one part of the process that exploiters utilize to avoid detection. By gaining the trust of the family or community, the exploiter attempts to elevate their credibility in comparison to the child. By assuming a trusted position, the exploiter gains undue influence over the child and may shame or blame the child into silence, as well as convince the child that the child will not be believed, or that terrible consequences would follow the child's telling about the abuse. Even subsequent to grooming behavior, though, the exploiter may continue to avoid detection by:

- Purposefully fostering a positive community image or reputation
- Distract, run-down, or encourage self-doubt for non-offending family members including spouses
- Blame the child for the incident
- Prepare a response or strategy in case of the child's disclosure
- Attempt to talk the family or child out of reporting to authorities after the disclosure (can include promises to seek treatments or claiming that the exploiter themselves was previously molested)

-
- *Advanced Child Abuse Investigation Manual*, TEXAS MUNICIPAL POLICE ASSOCIATION, 81-82;
 - *Parents Presentation*, NMEC Resources for Parents, Educators, & Communities, NETSMARTZ®, available at <https://www.missingkids.org/netsmartz/resources#presentations> (last accessed August 24, 2023).

- Denials including that abuse was accidental or claiming that the abuse was the first time for the exploiter
- Preparations to take polygraph or plethysmograph testing and preparing for court.⁷⁶

Unit Goal: Child Pornography

18.8: After reviewing this section, the participant will be able to utilize resources designed to combat the child pornography industry as well as relate data pertaining to offender demographics and behaviors.

Child pornography is the physical evidence and recording of a sexual assault committed against a child.⁷⁷ Data from the National Center for Missing & Exploited Children demonstrates that for the most popular images of child pornography across a five-year span:

- 84 percent of the series contained images depicting oral copulation
- 76 percent of the series contained images depicting anal and/or vaginal penetration
- 52 percent of the series contained images depicting the use of foreign objects or sexual devices
- 44 percent of the series contained images depicting bondage and/or sado-masochism
- 20 percent of the series contained images depicting urination and/or defecation
- 4 percent of the series contained images depicting bestiality.⁷⁸

Disturbingly, law enforcement has noticed a trend in declining victim ages.⁷⁹ For identified victims of child pornography, more than 3 in 4 victims are depicted being abused while prepubescent and 10 percent being abused during infancy.⁸⁰

Texas Penal Code and Child Pornography

⁷⁶ List adapted from *Advanced Child Abuse Investigation Manual*, TEXAS MUNICIPAL POLICE ASSOCIATION, 81.

⁷⁷ Tresa Baldas, *Child Pornography Prosecutors: Victims are Getting Younger, Acts are More Vile*, DETROIT FREE PRESS (Jan. 31, 2011).

⁷⁸ *Testimony of Michelle Collins Before the U.S. Sentencing Commission*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (Feb. 15, 2012) available at <https://fliphtml5.com/geii/mhmq/basic> (noting that the percent total exceeds 100 due to series that included multiple types of acts). (last accessed August 23, 2023).

⁷⁹ *Id.*

⁸⁰ *See Testimony of Michelle Collins.*

The following statutes from Texas Penal Code Section 43 apply to child pornography and related offenses. It is important to note that both possession and promotion of child pornography (Texas Penal Code Sec. 43.26) can serve as the basis for a charge of trafficking of persons by causing a child under 18 years old to engage in or be a victim of the offense.⁸¹

Offense	State Law
Possession or Promotion of Child Pornography	PC 43.26
Trafficking of Persons	PC 20A.02
Obscene Display or Distribution	PC 43.22
Obscenity	PC 43.23

For child pornography as well as child sex abuse offenders, the Internet has proven to be a gateway for not only distributing images, but soliciting live victims and engaging in child trafficking.⁸² Those who both produce and distribute child pornography dwell in the perceived relative anonymity of the Internet.⁸³ Meanwhile the child victim is re-victimized when the images are viewed again and again and must live with the possibility that people they encounter in ordinary life may have seen their images. The scale of the incidence of child pornography online is enormous. The CyberTipline has received over 82 million reports, the CVIP has reviewed over 322 million images/videos, over 19,100 victims have been identified by law enforcement.

The United States is heavily affected by the pervasiveness of online child pornography. A yearlong study using RoundUp, an investigative tool for law enforcement, monitored the peer-to-peer network Gnutella for known images of child pornography. The study found that 32 percent of all computers in the world (over 775,000 computers) sharing known images were exclusively in US locations. On a single day on average, US computers shared 26,592 known images just on the Gnutella network (including duplicate images). A single person may be associated with multiple identified Internet Protocol addresses, hence the analysis focused on the number of computers involved. This is not the full extent of activity in the United States as there are multiple

⁸¹ See TEXAS PENAL CODE SEC. 20A.02.

⁸² Janis Wolak, et. al, *Child Pornography Possessors: Trends in Offender and Case Characteristics*, 23 J. SEX ABUSE 22, 23-24 (Feb. 2011); Kimberly Mitchell, et. al, *Internet-Facilitated Commercial Sexual Exploitation of Children: Findings From a Nationally Representative Sample of Law Enforcement Agencies in the United States*, 23 J. SEX ABUSE 43, 62 (March 2011).

⁸³ Ethel Quayle & Max Taylor, *Model of problematic Internet use in people with a sexual interest in children*, CYBERPSYCHOLOGY & BEHAVIOR, 6, 93-106, 2003.

file sharing networks available as well as other means of sharing content online. Although it may be difficult to accept, the offenders who photographed the sexual abuse of children are typically in a position of authority in the children's life.^{139F} Not surprisingly, some children do not disclose their abuse to a trusted adult. According to data collected by NCMEC, 64 percent of identified child victims in actively traded child pornography are prepubescent. Sadly, 10 percent of the identified children were only infants at the time the sexual abuse occurred and when the images were produced.^{140F} More than 4,000 victims of child pornography have been identified by law enforcement, but with millions of images reported online, many more remain unidentified.^{141F}

The National Center for Missing & Exploited Children's CyberTipline is the Congressionally authorized entity to receive reports of child sexual exploitation online. In a single week in 2013, NCMEC analysts reviewed more than 964,000 images and videos of child pornography.⁸⁴

Unit Goal: Online Solicitation

18.9: Upon review of this section, the participant will be able to contrast the dynamics of teen and youth communication trends with the increased risk for offenders to manipulate young people.

Online Solicitation and Child Pornography

Online Solicitation is covered adjacent to child pornography because the two categories may overlap during the grooming process. There is a significant increase in digital child pornography as the result of the growing prevalence of images created and shared through "sexting" behaviors. Internet usage is almost universal among 13- to 17-year-olds (91%) who now have access to the internet on cell phones, tablets, and other mobile devices. Internet use is at a near 'constant' for some teens. Some of the apps, teens use are TikTok, Snapchat, Instagram, Skype, Oovoo, Facetime, and Omegle to talk with others over video connections.

As internet access has increased, the age of children with social media accounts has drifted downward. Identify the following percentages:

8- to 11-year-olds

- Percentage of 8- to 11-year-olds with their own smartphone
- Average hours a week an 8-11 year-old child spends online
- Percentage of children with a social media profile

12- to 15-year-olds

- Percentage of 12-15 year-olds with their own smartphone
- Average hours a week a 12-15 year-old child spends online

⁸⁴ Protecting Vulnerable Children: Preventing and Addressing Sex Trafficking of Youth in Foster Care, Testimony of John D. Ryan^[SEP] For the United States House of Representatives Committee on Ways and Means Subcommittee on Human Resources, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (October 23, 2013) available at <https://www.missingkids.org/theissues/csam#bythenumbers> (last accessed August 23, 2023).

- Percentage with a social media profile

Many online games have chat features within the game to talk to people that the children only know through the game.

- Percentage of 8 to 11 year-olds who play games online with people they never met
- Percentage of 12- to 15-year-olds that have 'gone live' by sharing their own live-streamed videos

Pew Research Center: <https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/>

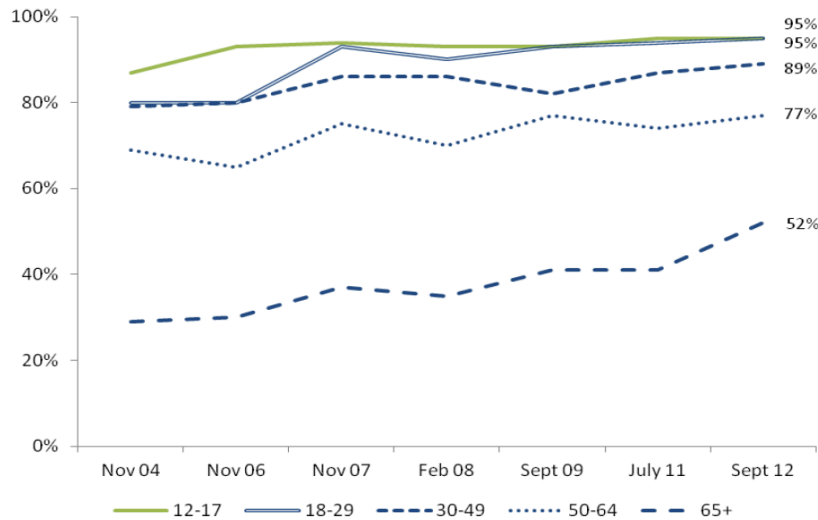
Youth and teens, more so than any other age group, live their lives and focus social interactions online. As the following charts demonstrate, the 12 to 17 age group has maintained a high internet usage over time.⁸⁵ Not only are youth in this age group well-connected to the online access points, but they also maintain a consistent social presence using primary electronic devices.⁸⁶ Their presence and amount of information shared publicly make the online environment a fertile grounds for offenders looking to connect with potential victims.

⁸⁵ See the first chart; image as published by Mary Madden, et. al, *Teens and Technology 2013*, Pew Research Center, 2, (March 13, 2013) available at <http://www.pewinternet.org/2013/03/13/teens-and-technology-2013/> (last accessed Aug. 23, 2023).

⁸⁶ See the second chart; image as published by Amanda Lenhart, et. al, *Teens, Smartphones & Texting: Communication Choices*, PEW RESEARCH CENTER, 2, (March 19, 2012) available at <http://www.pewinternet.org/2012/03/19/communication-choices/> (last accessed Aug. 24, 2023).

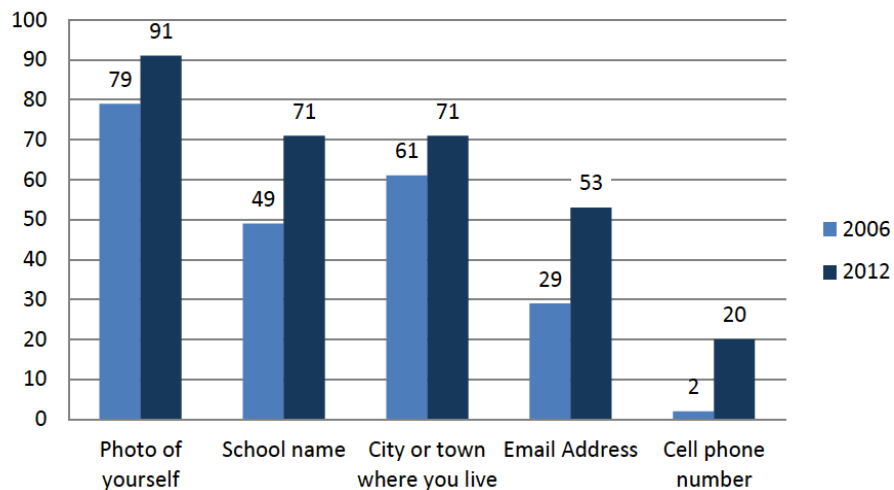
Internet use over time by teens and adults

% within each age group who go online



Source: The Pew Research Center's Internet & American Life Project surveys. All teen data comes from separate surveys of teens and their parents. Methodological info for each survey is available at: <http://pewinternet.org/Data-Tools/Download-Data>

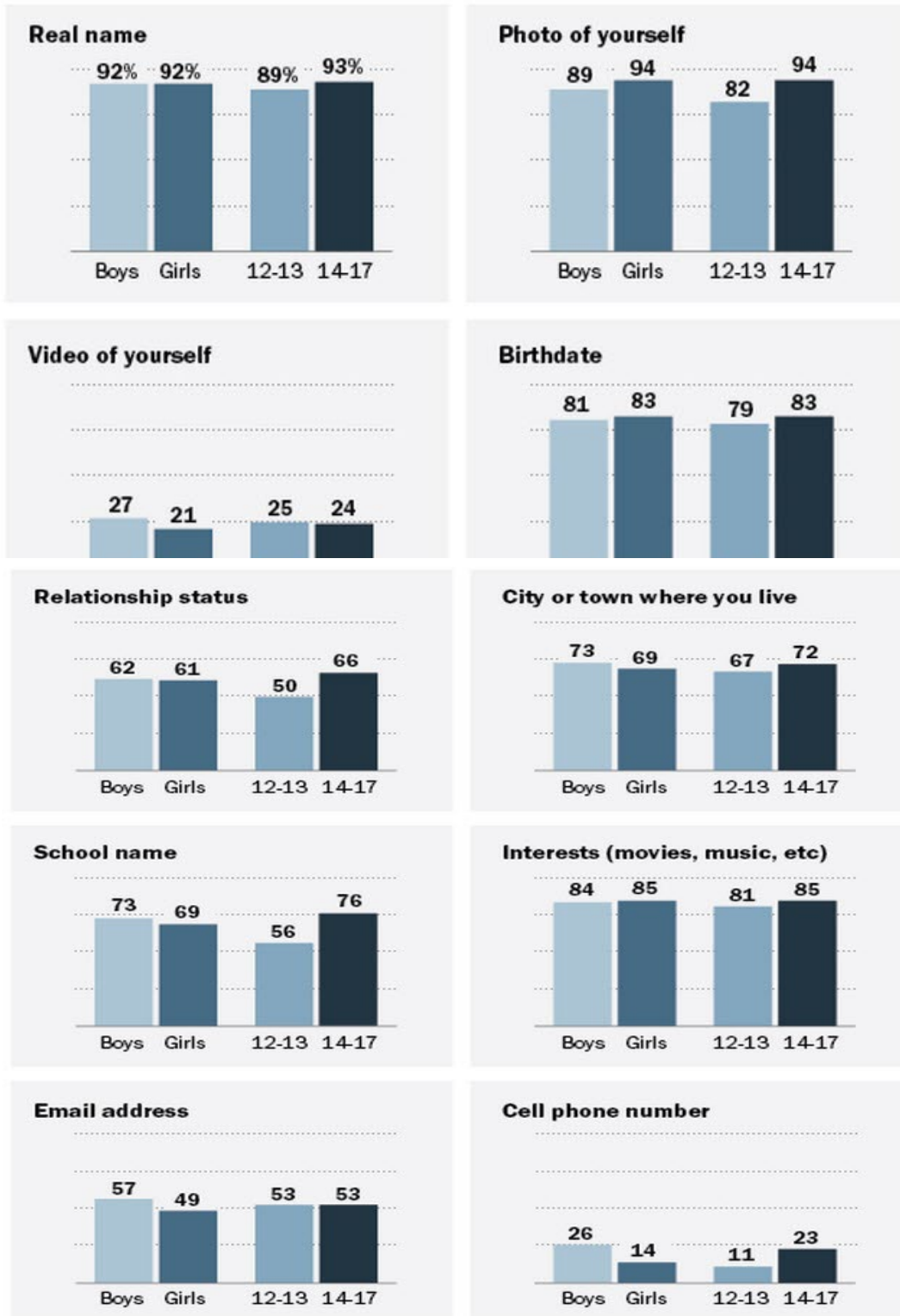
Social media profiles: What teens post — 2006 vs. 2012



Source: Pew Internet Parent/Teen Privacy Survey, July 26-September 30, 2012. n=802 teens ages 12-17. Interviews were conducted in English and Spanish and on landline and cell phones. Margin of error for results based on teen social media users is +/- 5.1 percentage points. Comparison data for 2006 comes from the Pew Internet Parents & Teens Survey, October 23-November 19, 2006. n=487 teens with a profile online. Margin of error is +/- 5.2 percentage points.

Personal Information Shared on Social Media, by Gender and Age

Among teen social media users, percent who post the following to the profile they use most often

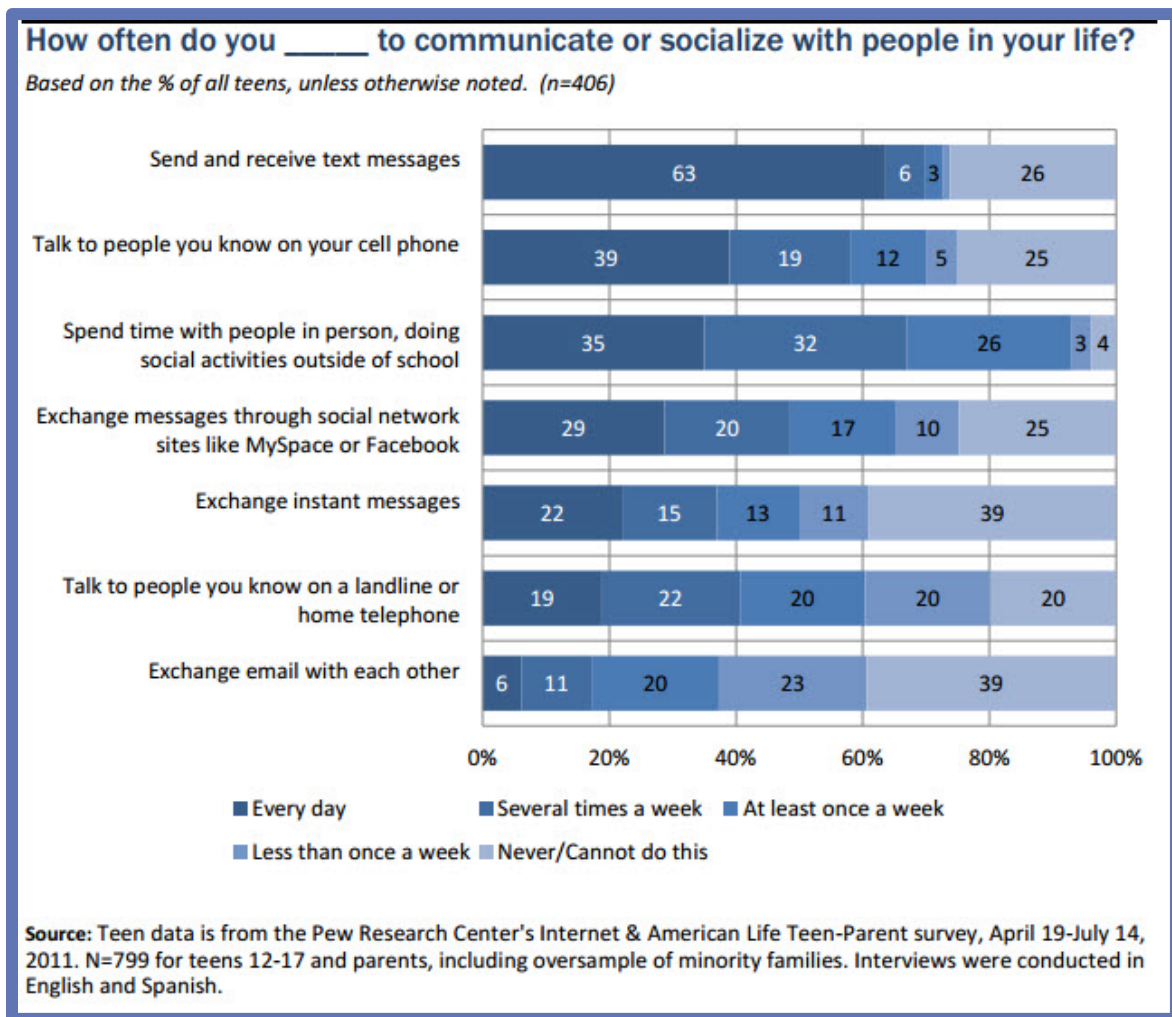


Note: Based on teen social media or Twitter users, N=632.

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Sexting, Sextortion and Social Media

Sexting is the latest in the progression of trends for youth who include digital media as a part of their social behaviors, in this case sexual behaviors, online. In a study of over 900 high school students in Houston, 57 percent stated they had already been asked to send a sext by text or email (defined for the purposes of the study as a naked photo, not simply sexually explicit text messages).⁸⁷ Of the teens in the sample, 28 percent reported having sent out a naked photo of themselves.⁸⁸

Offenders have taken advantage of the normalization of sexting among youth to incorporate naked images of the youth into the grooming process. Indeed, the high-profile case exploitation of Amanda Todd served as a worldwide debut of this societal

⁸⁷ Jeff R. Temple, et. al, *Teen Sexting and its association with sexual behaviors*, 166 J. Amer. Med. Assoc., Pediatrics, 828(Sept. 1, 2012).

⁸⁸ *Id*

problem. The exploitation of Amanda Todd began when she was in seventh grade and led to her sharing a nude image with a person she met online. After years of harassment which led to a hostile bullying environment at her schools, Amanda committed suicide at age 15.⁸⁹ Two years after her death, a thirty-five year-old man in Europe was arrested in connection to the online exploitation that occurred in Amanda's case. Her case is not a unique situation; children in Texas have been exploited in a similar manner as in Amanda Todd's case.⁹⁰ Therefore, in many cases of online exploitation, the production of child pornography may overlap with the solicitation behaviors of online offenders.

How Perpetrators Use Technology to Harm

Sextortion involves novel methods of child abuse. It is an evolving means of exploitation as mobile devices have changed the way offenders can abuse children.

An online predator gains the victim's trust by using false identities or by manipulating the victim to provide images that she would not want others to see. Sometimes, the perpetrator actually gains access to the victim's computer and demands sex or more

⁸⁹ *Amanda Todd Bullying: Arrest Made in the Netherlands*, Huffington Post B.C., April 17, 2014, available at http://www.huffingtonpost.ca/2014/04/17/amanda-todd-arrest-netherlands_n_5168784.html (last accessed August 24, 2023).

⁹⁰ For example, a California man was indicted for sexually exploited young girls online, including middle school-age youth in El Paso. As the FBI's press release stated:

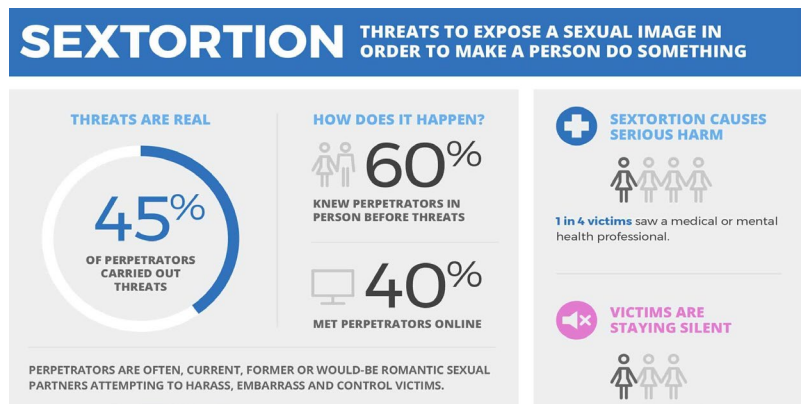
In June 2013, Caputo contacted a 12-year-old girl in El Paso, Texas, and threatened to distribute sexually explicit pictures of her 11-year-old friend unless she sent nude images of herself to Caputo. . . . Caputo's cell phone contained hundreds of images of girls ages 11-15 undressing, nude, or engaging in sexually explicit conduct. Caputo then traded the images with other Internet users. To date, at least eight minor females have been identified, although law enforcement is attempting to confirm the identity of many other victims.

Kern County Man Charged with Sextortion of Minors Using Social Media, Federal Bureau of Investigation (March 6, 2014) available at <http://www.fbi.gov/elpaso/press-releases/2014/kern-county-man-charged-with-sex-tortion-of-minors-using-social-media> (last accessed Aug. 24, 2023).

See also *A Case of "Sextortion": Cons Like 'Bieber Ruse' Targeted Minor Girls*, Federal Bureau of Investigation (Feb. 5, 2013) available at <http://www.fbi.gov/news/stories/2013/february/sextortion-cons-like-bieber-ruse-targeted-minor-girls> (last accessed on Aug. 24, 2023); *FBI Arrests Glendale Man in Sextortion Case: Defendant Allegedly Coerced Young Women to Expose Themselves on the Internet*, Federal Bureau of Investigation (Jan. 29, 2013) available at <http://www.fbi.gov/losangeles/press-releases/2013/fbi-arrests-glendale-man-in-sex-tortion-case> (last accessed Aug. 24, 2023).

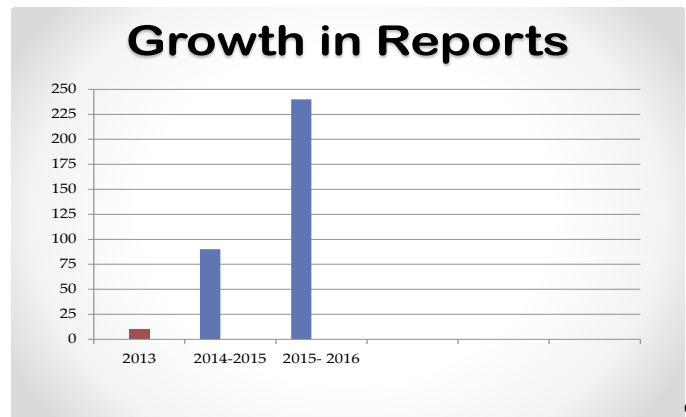
sexual imagery. The threat to expose private, intimate, or embarrassing images is so frightening, the victim complies. If the victim doesn't comply, the perpetrator releases sexual images to the victims' friends, family members, congregations, teachers, co-workers, and the world at large via the internet.

A study was done in 2016 that provided information on the crime of sextortion ("Sextortion: Findings from a survey of 1,632 victims" June 2016) 71% of 1,632 respondents stated that perpetrators stalked respondents with repeated, unwanted online or cell phone contact and that perpetrators carried out their threats. This included sending sexual images to people known to the victim (45%), posting images on-line (40%), and posting personal information about the victim along with the images (26%). Sixty-six percent of respondents said that perpetrators who carried out threats had exposed sexual images of them by posting images online, sending images to people they knew or creating fake images that appeared to depict them.⁹¹



Offenders easily target large numbers of children who are on-line to groom or recruit or coerce into engaging in sexual activity. Most often, it is women and girls (78%) who are targeted by online predators, but males are also victims. National Center for Missing and Exploited Children began to track sextortion in October 2013. Between 2014 and 2015 there was a 90-percent increase in total number of reports. Reports have continued to rise with a 150 percent increase in 2016 in comparison to 2014's same timeframe.

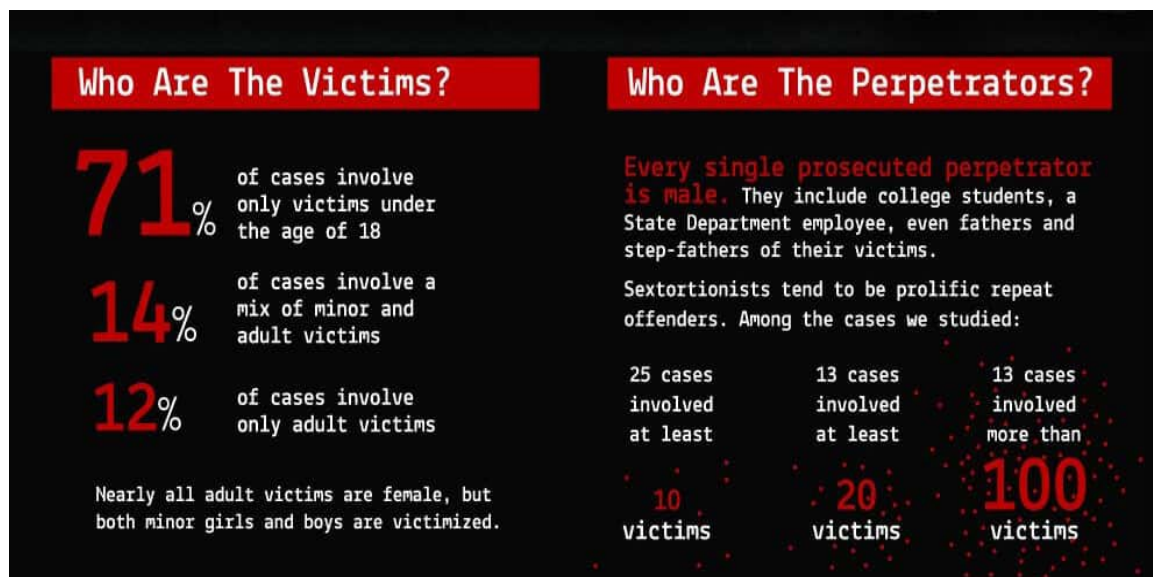
⁹¹ *Sextortion: Findings From a Survey of 1,631 Victims*, Crimes Against Children Research Center of the University of New Hampshire, (June 2016) available at <https://rem.s.ed.gov/Docs/SextortionFindingsSurvey.pdf> (last accessed August 24, 2023).



The National Center for Missing and Exploited Children (NCMEC) found that 15 was the average age on sextortion reports received on their “CyberTipline” between October 2013 and June 2015. In 76% of the cases, the offender’s primary objective was to acquire additional, and often more explicit, sexual content of the victim. The majority of sextortion victims are females between the ages of 14 to 18.

^d *The National Strategy for Child Exploitation Prevention and Interdiction, A Report to Congress*, U.S. Department of Justice (April 2016) available at <https://www.justice.gov/psc/file/842411/download> <https://www.thorn.org/wp-content/uploads/2018/10/Sextortion-Infographic-2018-Findings-V2.pdf> (last accessed August 24, 2023).

^e Ibid.



DOJ: Statistics from 51 cases

The Department of Justice (DOJ) has found that a single sextortion offender might have been communicating with hundreds of potential victims. Once a forensic examination of sextortion offenders' digital media is conducted, it is common to locate thousands of organized folders containing videos and documentation of their contact with multiple minors.

A DOJ investigation discovered at least three live-streaming video and chat websites that lured children to their sites. The sites were created by offenders to entice minors and then sexually exploit them. Tens of thousands of explicit live web cam sessions of minors were located. The videos were then made available to an unknown number of worldwide registered users of their websites.^f

Psychological Impact

Harm caused by sextortion is comparable to harm caused by child pornography since it also creates feelings of powerlessness, helplessness, shame, fear, and loss of control that can follow the victim throughout life. Although there is no physical force, the victim is not giving consent. The victim acquiesces out of necessity and fear. Traumatized victims experienced trust issues, hopelessness, fear, anxiety, and depression. Five percent of the victims engaged in self-harm or expressed suicidal thoughts.

^fJustice Department

Irreversible reputational harm is caused when pictures are shared on private pornographic sites. The victim lives in fear because of not knowing where and when images might show up or who has access. This fear can cause great psychological suffering throughout their lives could leads to a diagnosis of post-traumatic stress disorder.

Connection between off-line sexual assault and sextortion

In the 2016 sextortion survey, respondents also reported that threats to share images were only one part of malicious behavior. Respondents shared that perpetrators tried to or actually harmed respondents in offline arenas by stalking or harassing them in person, (43%), getting them in trouble at work, school or with the law (37%), beating, raping or physically hurting them or trying to do so (37%). Perpetrators carried out their threats 41% of time, tried to or harmed family, friends or pets or tried to (12%), and tried to or extorted money (11%).⁹²

A Justice Department report on “remote sexual assault” states that “sextortion is by far the most significantly growing threat to children” and that “sextortion cases tend to have more minor victims per offender than all other child sexual exploitation offenses.” Although the original target is typically ages 10-17, there are an increasing number of offenders who manipulate the victim into abusing younger siblings or friends.⁹³

Of importance to note in the Online Solicitation statute, the age of the person being solicited (either by how they represent themselves or the age the offender believes them to be) must be younger than 17 years old.

Offense	State Law
Online Solicitation of a Minor	PC 33.021(b) PC 33.021(c)

Sexual Coercion & Sextortion

The revised Texas Penal Code 21.18 clearly defines sextortion as a criminal offense thereby providing law enforcement and victims with the legal framework to seek justice. A threat, regardless of how the threat is communicated, including a threat transmitted through e-mail, internet website, social media account, chat room and or a threat made by other electronic or technological means is now considered a felony.

⁹² *Trends identified in CyberTipline Sextortion Reports*, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (2016) available at <https://www.missingkids.org/content/dam/missingkids/pdfs/ncmec-analysis/sextortionfactsheet.pdf> (last accessed August 24, 2023).

⁹³ Justice Department

Offense	State Law
Sexual Coercion	PC 21.18

Sexual Coercion, TEXAS PENAL CODE 21.18

<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.21.htm#21.18>

Unit Goal: Sexual Offenders

18.10: Upon completion of this section, the participant will be able to calculate the prevalence of sexual offending in the state of Texas based on registry data as well as formulate multiple outlets for resources in sexual offender investigations.

Registration Requirements

The requirements for a sexual offender registration apply in Texas if a person:

1. Has "reportable conviction or adjudication,"
2. Is required to register as a condition of parole or release to mandatory supervision,
3. Is required to register as a condition of community supervision, **or**
4. Is an "extrajurisdictional registrant" (Required to register as a terrorist under the laws of another state with which the department has entered into a reciprocal registration agreement)⁹⁴

Generally, the following "reportable convictions or adjudications" involve sex offender registration requirements under the Texas Penal Code:⁹⁵

- PC 20.02 Unlawful restraint
- PC 20.03 Kidnapping
- PC 20.04 Aggravated Kidnapping
- PC 21.02 Continuous Sexual Abuse of a Young Child or Disabled Individual
- PC 21.08 Indecent Exposure (TX. 88th Leg, H.B. 1730, PC 21.08(b) amended)
- PC 21.11 Indecency With a Child
- PC 22.011 Sexual Assault
- PC 22.021 Aggravated Sexual Assault
- PC 25.02 Prohibited Sexual Conduct
- PC 30.02 Burglary
- PC 43.05 Compelling Prostitution

⁹⁴ Text directly quoted from *Frequently Asked Questions*, TEXAS DPS, available at <https://www.dps.texas.gov/section/crime-records/faq/crime-records-services-faqs> (last accessed Aug. 24, 2023) (emphasis added).

⁹⁵ *Frequently Asked Questions*, Texas DPS, available at <https://www.dps.texas.gov/section/crime-records/faq/crime-records-services-faqs> (last accessed August 24, 2023).

- PC 43.25 Sexual Performance by a Child
- PC 43.26 Possession or Promotion of Child Pornography

Sex Offender Registration requirements are located in Chapter 62 of the Texas Code of Criminal Procedure.⁹⁶ The Texas Department of Public Safety maintains a report showing the relation of various offenses and the sex offender requirements for both Texas and the federal system.⁹⁷

In Texas, sex offenders are given numeric levels according to their risk to the community. According to the Texas Department of Public Safety:

Level one (low): Indicates that the person poses a low danger to the community and will not likely engage in criminal sexual conduct.

Level two (moderate): Indicates that the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct.

Level three (high): Indicates that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.⁹⁸

Federal, state, and local law enforcement sex offender databases exist. As to the federal and state databases, the public can access information on registered sex offenders at:⁹⁹

Federal: Dru Sjodin National <https://www.nsopw.gov/>
Sex Offender Public Website

State: Texas Public Sex <https://publicsite.dps.texas.gov/SexOffenderRegistry>
Offender Registry

Types of Sexual Offenders

While pedophilia is used throughout common language, usage is often not consistent with medical definition of the term. Pedophilia (now termed pedophilic disorder by the American Psychiatric Association) describes a condition related to sexual attraction to

⁹⁶ See Code of Crim. Proc. Ch. 62, available at <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.62.htm> (last accessed August 24, 2023).

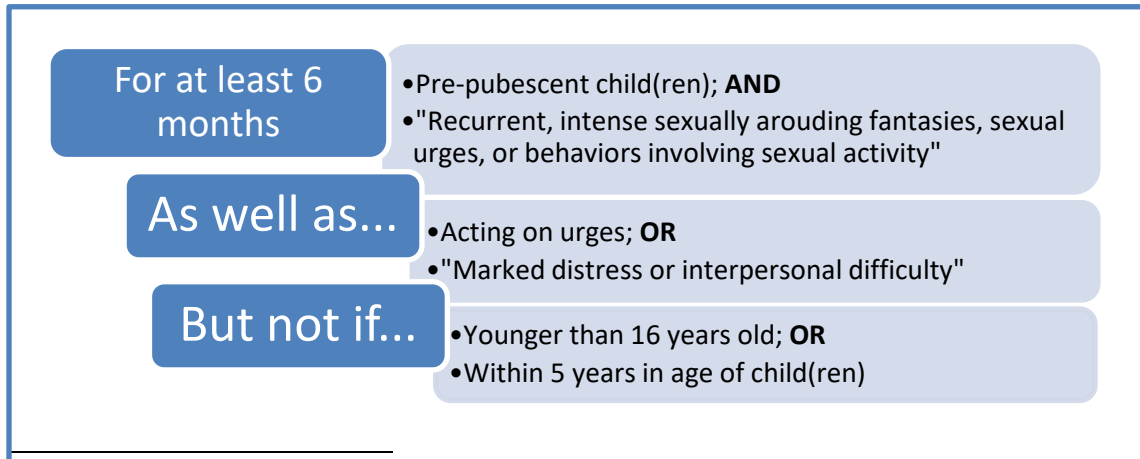
⁹⁷ 34 U.S.C. § 20911, available at [https://uscode.house.gov/view.xhtml?req=\(title:34%20section:20911%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title34-section20911\)&f=treesort&num=0&edition=prelim](https://uscode.house.gov/view.xhtml?req=(title:34%20section:20911%20edition:prelim)%20OR%20(granuleid:USC-prelim-title34-section20911)&f=treesort&num=0&edition=prelim) (last accessed August 24, 2023).

⁹⁸ *Id.*

⁹⁹ See generally *Texas Sex Offender Registration Program*, Texas DPS, available at <https://www.dps.texas.gov/section/crime-records-service/texas-sex-offender-registration-program> (last accessed August 24, 2023).

pre-pubescent children.¹⁰⁰ To be diagnosed with a mental condition, the DSM-5¹⁰¹ requires elements beyond sexual interest alone.¹⁰² Furthermore, the DSM-5 excludes certain situations from the definition of pedophilic disorder. As demonstrated in the chart below, a person who is younger than 16 years old or within 5 years in age of the child or children would not meet the definition for pedophilic disorder.¹⁰³

The following chart demonstrates the complex definition of pedophilic disorder:¹⁰⁴



¹⁰⁰ Historically, the DSM-5 has only included individuals with sexual interest of pre-pubescent children in the definitions related to pedophilic disorder. In the latest revision, the authors of the DSM-5 elected not to include a definition that would cover pubescent children as well. See Michael First, *DSM-5 and Paraphilic Disorders*, 42, J. AMER. ACAD. PSYCHIATRY & LAW 191, Table 1, 192 (2014).

¹⁰¹ See *Diagnostic and statistical manual of mental disorders*, 5th ed., AMERICAN PSYCHIATRIC ASSOCIATION (2013).

¹⁰² Hunter Stuart, *Not All Pedophiles Have Mental Disorder*, *American Psychiatric Association Says In New DSM*, HUFFINGTON POST (Nov. 1, 2013) available at http://www.huffingtonpost.com/2013/11/01/dsm-pedophilia-mental-disorder-paraphilia_n_4184878.html (last accessed August 24, 2023). Quoting the DSM-5, Stuart states that a mental condition would require:

1. Feel personal distress about their interest, not merely distress resulting from society's disapproval; **or**
2. Have a sexual desire or behavior that involves another person's psychological distress, injury, or death, or a desire for sexual behaviors involving unwilling persons or persons unable to give legal consent.

¹⁰³ See Michael First, *DSM-5 and Paraphilic Disorders*, 42, J. AMER. ACAD. PSYCHIATRY & LAW 191, Table 1, 194 (2014).

¹⁰⁴ *Id.*

In addition to the categorization for pedophilic disorder, other experts have provided additional insight into the types of sexual offending. Former FBI Supervisory Special Agent Kenneth Lanning developed a continuum showing the variety that extends between situational and preferential offenders.

The following chart is adapted from *Child Molesters: A Behavioral Analysis*:¹⁰⁵

Situational ←	→ Preferential
Although they can be smart and rich, they tend to be less intelligent and are overrepresented in lower socioeconomic groups.	Although they can be unintelligent and poor, they tend to be more intelligent and are overrepresented in higher socioeconomic groups.
Their criminal sexual behavior tends to be in the service of basic sexual needs (i.e., “horniness,” lust) or nonsexual needs (i.e., power, anger).	Their criminal sexual behavior tends to be in the service of deviant sexual needs known as paraphilias.
[O]ften opportunistic and impulsive, but primarily thought-driven. Their thought-driven criminal sexual behavior tends to focus on general victim characteristics (e.g., age, race, gender) and their perception of themselves as entitled to the sex.	[O]ften persistent and compulsive and is primarily fantasy-driven. Their erotic imagery creates and repeated fantasy over time then fuels the needs.
Much of their criminal behavior is intended to simply obtain and control their victims.	Their criminal sexual behavior is often rooted in their sexual fantasies and need to turn fantasy into reality.
Their verbal skills are usually lower, and they are more likely to use physical violence to control victims. They are more likely to have a history of varied crimes against both person and property.	Their verbal skills are usually higher, and they are less likely (unless sexual sadists) to use physical violence to control victims. They are more likely to have a history of primarily sex offenses.
Their victims tend to be targeted based primarily on availability and opportunity.	They tend to “audition” their potential victims, selecting them primarily based

¹⁰⁵ Text in chart directly quoted from Kenneth Lanning, *Child Molesters: A Behavioral Analysis for Professionals Investigating the Sexual Exploitation of Children*, 5th ed., NCMEC and OJJDP, 33-35, 2010, available at <https://www.ojp.gov/pdffiles1/Digitization/149252NCIRS.pdf> (last accessed August 24, 2023).

	on their similarity to and consistency with that [fantasy-fueled and elaborate] script.
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Situational ←	→ Preferential
They are more likely to use practical tools (e.g., weapons, lock picks, gloves, masks) and learn from and then modify their criminal sexual behavior.	They are more likely to use fantasy “props” (i.e., fetish items, costumes, toys) and critique the activity, but not necessarily learn from or then modify their criminal sexual behavior
Situational-type sex offenders victimizing children do not have a true sexual preference for children. They may molest them, however, for a wide variety of situational reasons.	As this descriptive term implies, preferential-type sex offenders have specific sexual preferences or paraphilias. . . . A preferential sex offender whose sexual preferences do not include children, and is therefore not a pedophile, can still sexually victimize children.
<p>[F]requently molest readily available children they have easy access to and control over such as their own or any others living with them.</p> <ul style="list-style-type: none"> • Pubescent teenagers are high-risk, viable sexual targets. • Younger children may also be targeted because they are weak, vulnerable, or available. 	Some preferential-type sex offenders without a preference for children do, however, molest children. They might do so in order to carry out their peculiar sexual fantasies and preferences with young, less threatening, less judgmental, and highly vulnerable victims they meet in person or online.

The analysis contains even greater level of detail on sexual offenders, including subgroups for both ends of the continuum from situational to preferential offending. Among the situational offenders, Lanning finds that three subgroups emerge including regressed, morally indiscriminate, and inadequate-based behavior patterns.¹⁰⁶ Among the preferential subgroups are the seduction, introverted, sadistic, and diverse

¹⁰⁶ *Id.* at 35-37.

behavior-based patterns.¹⁰⁷ Understanding the type of sexual offender can be useful in determining the potential threat to the community, conducting an investigation, finding the most effective forms of interacting with the offender, and forming a plan for prosecution.

Prevalence of Registered Sex Offenders

When discussing the prevalence of sexual offender, the instructor should always note that this discussion is limited to offenders who have been detected, prosecuted, and are now required to register as sex offenders. More individuals come into contact with children in society than just those individuals who have been detected and prosecuted.

The map regularly updated by the National Center for Missing & Exploited Children serves as a comparison among the states of two levels of sex offender registering. The number of sex offenders registered per state (total population) and a per capita rating that compares states of varying population sizes. The most current map is available by visiting <https://www.nsopw.gov/>.

Activity Break:

After allowing all the participants to have several moments to observe the map and note differences among the states.

The risk of sex offenders to the community and to children in particular is not wholly solved by the requirement to register. Among identified perpetrators of attempted child abductions, as noted in the first Section of this training, 15 percent were registered sex offenders. Additionally, the National Center for Missing & Exploited Children conducted a multi-year study of the applications of individuals seeking to join youth-serving organizations. Of the applicants identified in the study who had criminal histories:

- 42 percent had a criminal record in another state
- 23 percent changed their name on their application
- 6 percent changed their date of birth
- 53.4 percent claimed to not have a criminal record¹⁰⁸

¹⁰⁷ *Id.* at 37-39.

¹⁰⁸ Data based on a national study with more than 100,000 checks run. *What You Need to Know About Background Screening, Appendix A: Child Safety Pilot Program*, 8, 15, COMMUNITY ORIENTED POLICING RESOURCES, U.S. DEPARTMENT OF JUSTICE (June 2013), available at <https://www.justice.gov/resources> (last accessed August 24, 2023).

Interacting with Potential Child Sexual Offenders

In many cases, child sexual offenders may have had little or no negative interaction with law enforcement officers (i.e., criminal arrests, search warrants, knock-and-talks, etc.). Once they realize the nature and seriousness of the investigation, some offenders may react in an extreme manner:

CSOs [child sex offenders] most likely will react to the stress physiologically and cognitively as they consider the consequences of arrest. This inverse relationship impacts the dynamics between investigators and offenders, as well as the potential outcome. As a result, CSOs' stress levels could escalate, perhaps, to the point at which they formulate a plan to avoid capture (e.g., by escaping, attempting suicide, or harming an officer). -*FBI Bulletin*¹⁰⁹

While offenders may not have criminal histories or any documented instances of violent conduct, child sexual offenders may present serious risk of harm to themselves or others. As part of its May 2013 Bulletin, the FBI offered the following suggestions for officers during interactions with child sexual offenders (CSOs).

Before Contact with a CSO
Prepare search or arrest team members for the CSO's state of mind.
Brief the team on the plan, along with any contingencies.
Stress the importance of safety gear, such as body armor.
Use the Situation, Missions, Execution, Administration, and Communication model (SMEAC) to organize the search or arrest plan.
Employ a best-practices approach when interacting with a CSO to prepare for and prevent violence.
Conduct surveillance and other techniques to obtain information about the CSO.
Plan for how the approach and tactical response will impact the interview and balance with safety concerns.
Consider what themes to use if CSOs respond negatively and the team must negotiate with them.
Consider if, or when, a SWAT or crisis negotiation team would be requested.
Discuss and plan for seizing weapons for both the CSO's and officers' safety—when team members return to make an arrest, the CSO may be prepared.

¹⁰⁹ Joy Shelton, et. al, *Officers and Child-Sex Offenders: Operational Safety Considerations*, FEDERAL BUREAU OF INVESTIGATION, May 2013, available at <https://leb.fbi.gov/articles/featured-articles/officers-and-child-sex-offenders-operational-safety-considerations> (last accessed Aug. 24, 2023).

During Interaction with a CSO
Conduct an initial evaluation of the CSO's reaction to investigators.
While keeping scene calm and controlled, attempt to slow the process to decrease the stress of the offender, as well as increase rational decision making.
Safely exercise appropriate physical control over the CSO, consistent with the law and the agency's restraint policy.
Build rapport with CSOs by treating them with respect, thus encouraging them to cooperate with the interview and share information that could highlight potential risk factors or stressors.
Continue to evaluate stress levels for increased elevations throughout the period of contact or as long as law enforcement remains present.
Ask CSOs how they will be impacted; observe their reactions and responses.
Do not allow offenders to roam freely.
Keep CSO in sight if possible. However, if officers allow CSOs to leave during a search, one investigator must ensure that CSOs do not return and surprise the team.
Ask CSOs about the presence and location of any firearms.
If a CSO has access to firearms, secure all weapons by clearing them, emptying the magazines, and separating them from the guns, or placing the weapons in a law enforcement officer's vehicle until the team vacates the premises.
Ask the offender about prior suicidal thoughts or attempts, as well as details, such as where, when, and what triggered the behavior.
Ask CSOs directly if they are considering suicide. Asking will not give them the idea—suicidal individuals already have thought about it.
Obtain contact information for family members or close friends and notify them if the CSO exhibits concerning behaviors or makes remarks that indicate elevated suicide risk.
Ask CSOs if they see or have seen a mental health professional. Request consent to speak with that individual.
Coordinate with the prosecuting attorney with respect to what, if any, steps can and should be taken regarding firearms discovered during the execution of a warrant.
Assess the residence, such as its layout, to address contingencies in the event of an altercation with the CSO if officers need to return to the residence.
After Meeting with a CSO
If local law enforcement officers are not involved in the operation, inform them of your contact with the offenders and the potential risk of harm by the individuals to themselves or others.

Conduct a debriefing with the team to discuss any potential issues regarding risk.

Serving the Community

Law enforcement serves a variety of tasks related to the protection of the community. The following are steps law enforcement takes, as well as strategies that can be shared with interested community members:

- Verify address and compliance checks
- Monitor/surveillance to facilitate compliance
- Community outreach, education and prevention
- Investigate reports of violations
- Partner with agencies to improve oversight ¹¹⁰

For community members interested in maintaining safe environments, they can also be encouraged to:

- Report violations (unregistered address, loitering in prohibited areas, engaging in prohibited behavior)
- Participate in law enforcement community meetings or follow law enforcement reports, websites, or newsletters.
- Educate the community on safety issues.¹¹¹

Unit Goal: Child Sex Trafficking

18.11: By the end of this section, the participant will be able to specify methods used by traffickers to locate and manipulate potential victims as well as categorize trafficking crimes according to available state criminal provisions.

Please note that this section of curriculum is not intended to replace instruction in more advanced courses dedicated to the topic of human trafficking. Rather, it is meant as a cursory review of how children can become victims of exploitation through sex trafficking. One reason that this section appears at the end of the curriculum is that child sex trafficking interrelates to many of the other topics discussed throughout the course. Highly at-risk populations for sex trafficking include runaways and youth missing from care¹¹² as well as any child with a prior history of abuse or neglect. Traffickers

¹¹⁰ See *What You Need to Know About Sex Offenders in Your Community*, 8-9, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE (March 2012) available at <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p220-pub.pdf> (last accessed Aug. 24, 2023).

¹¹¹ See *id.*

¹¹² *Child Sex Trafficking At-A-Glance*, POLARIS PROJECT, 3 available at <http://www.polarisproject.org/resources/resources-by-topic/sex-trafficking> (last accessed August 24, 2023) (“Child victims can be isolated from friends and family and manipulated into believing that their only possible means of support is a pimp

often utilize grooming techniques, commonly filling the role of a boyfriend, savior, father figure, older-sister figure, or any relational gap in the child's life.¹¹³ Or the trafficker may already have an established place in the child's life, including a family relationship.¹¹⁴ Grooming tactics can include an online solicitation process, as some of the case studies below demonstrate. Traffickers, including gang members, use mixed forms of recruitment from street interactions with youth to social media and even enlisting other youth to act as recruiters.¹¹⁵ Of course, when a child goes missing and is suspected of being targeted for trafficking, many of the response techniques from Section 1 apply along with specialized resources detailed in this section.

Child Sex Trafficking and Texas Law

In every case of a minor victim transported, enticed, recruited, harbored, provided or obtained by a person for the purpose of prostitution, a trafficking offense has

and his or her co-conspirators for all of life's necessities. As a result, it is extremely difficult for a child victim of trafficking to extricate themselves from a trafficking situation, and it may take repeated attempts to leave a situation.”).

¹¹³ *Commercial Sexual Exploitation of Children: A Fact Sheet*, NCMEC (CSEC Fact Sheet) available at https://www.theiacp.org/sites/default/files/HumanTrafficking/CCSE_Fact_Sheet.pdf (last accessed August 24, 2023) (“Often traffickers/pimps will create a seemingly loving and caring relationship with their victim in order to establish trust and allegiance. This manipulative relationship tries to ensure the youth will remain loyal to the exploiter even in the face of severe victimization. These relationships may begin online before progressing to a real-life encounter.”).

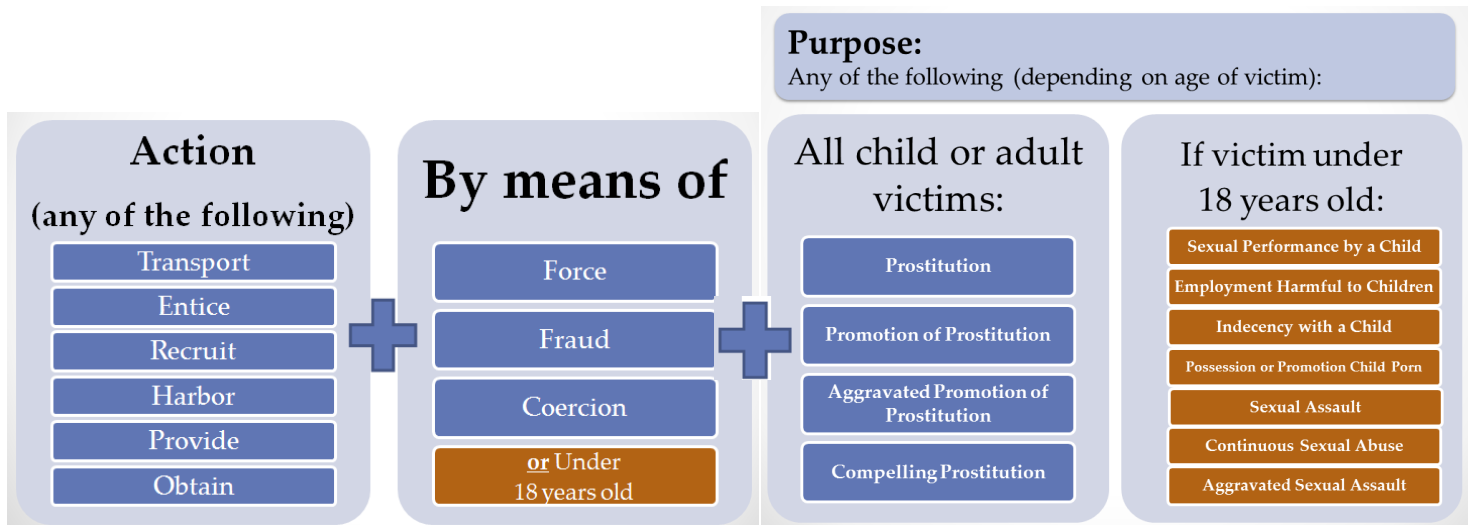
¹¹⁴ *Child Sex Trafficking At-A-Glance*, POLARIS PROJECT, 3, available at <http://www.polarisproject.org/resources/resources-by-topic/sex-trafficking> (last accessed August 24, 2023) (stating that, “If the controller is a family member, it can be particularly difficult for the child to leave the situation or involve law enforcement due to shame, fear of repercussions within the family unit or fear of leaving, and emotional attachment to the family member.”).

¹¹⁵ See, e.g., Marisa Kashino, *You're Pretty. You Could Make Some Money*, WASHINGTONIAN (June 10, 2013) available at <http://www.washingtonian.com/articles/people/youre-pretty-you-could-make-some-money/> (last accessed Aug. 24, 2023); *North Park Gang Members Indicted in Racketeering Conspiracy*, FEDERAL BUREAU OF INVESTIGATION (Jan. 8, 2014) available at <http://www.fbi.gov/sandiego/press-releases/2014/north-park-gang-members-indicted-in-racketeering-conspiracy> (last accessed Aug. 24, 2023) (“[T]hey also used social media like Instagram, Facebook, YouTube, and Twitter to lure unwitting young girls into the lifestyle with rap videos and promises of a glamorous life.”).

occurred.¹¹⁶ There is no requirement that the person selling or buying the youth be aware of the child's age.¹¹⁷ Unlike an adult victim, a minor victim of trafficking (under the age of 18) need not be affected by force, fraud, or coercion to make a case for trafficking.¹¹⁸ Furthermore, no minor under the age of 18 can consent to be a victim of trafficking despite the age of consent law in Texas.¹¹⁹

The following tables summarize the components of Texas Penal Code Sec. 20A as it applies to child victims.

Trafficking in Persons (Texas Penal Code Sec. 20A)



In addition to Trafficking in Persons, the statute includes a second offense:

Offense	State Law
Continuous Trafficking of Persons	PC 20A.03

Real World Examples from Texas

For members of the public, the term “prostitution” may recall popular concepts of young, adult women acquiring a source of revenue, but the reality is more coercive and brutal. In one Texas Case Study, the trafficker solicited a fourteen-year-old online, convincing her to travel by bus from Houston to Amarillo. After he transported her to

¹¹⁶ See TEXAS PENAL CODE § 20A.02.

¹¹⁷ *Id.*

¹¹⁸ See *id.*

¹¹⁹ *Id.*

Midland, “[The victim] told Phea that she did not want to work as a prostitute. In response, Phea beat and tased [her], rupturing her eardrum.”¹²⁰

In another Texas Case Study, the National Center for Missing & Exploited Children (NCMEC) referred a case of online advertising of a minor for sex to the Texas Office of the Attorney General (OAG). Based on the information NCMEC provided, the OAG and DPS were able to track down the 16-year-old victim. A trafficker had allegedly forced her to endure more than 100 sexual assaults by customers in Dallas, San Antonio, and Austin. The time on the road kept her isolated and she had to turn over all the money from the encounters. Police were able to rescue her based on the tips provided by NCMEC. Her exploiter was arrested on charges related to trafficking.

As the case studies above demonstrate, the commercial sex industry preys on the young. In fact, the average age of recruitment nationwide is between the ages of 12 to 14 years old.¹²¹ Not only are traffickers adept at ensnaring minors, but they also often induct them into trafficking using a brutal seasoning process.¹²² Law enforcement and social services must work quickly to provide preventative education to children who are at risk of running or being recruited, report and locate missing children, and identify children at high risk of exploitation on the street (even when they do not wish to be helped).

When minor victims are under the control of a trafficker (often referred to as a pimp), the next myth of prostitution is proven untrue. Victims are not typically allowed to keep

¹²⁰ See *U.S. v. Phea*, [No. 12-51031](#) (5th Cir. June 13, 2014) (affirming conviction).

¹²¹ *Commercial Sexual Exploitation of Children: A Fact Sheet*, NCMEC FACT SHEET (CSEC Fact Sheet) available at https://www.theiacp.org/sites/default/files/HumanTrafficking/CCSE_Fact_Sheet.pdf (quoting *National Report on Domestic Minor Sex Trafficking: America’s Prostituted Children*, SHARED HOPE INTERNATIONAL, 30 (2009)). See also *Comparison Chart of Primary Sex Trafficking Networks in the U.S.*, *Sex Trafficking Networks*, POLARIS PROJECT (column on Domestic Networks) (downloaded 2012) available at <http://www.polarisproject.org/resources/resources-by-topic/sex-trafficking>.

¹²² Shared Hope International defines “seasoning” as: “A combination of psychological manipulation, intimidation, gang rape, sodomy, beatings, deprivation of food or sleep, isolation from friends or family and other sources of support, and threatening or holding hostage of a victim’s children. Seasoning is designed to break down a victim’s resistance and ensure compliance.” *Glossary of Trafficking Terms*, SHARED HOPE INTERNATIONAL, available at <http://sharedhope.org/learn/traffickingterms/> (last accessed Aug. 24, 2023).

any revenue for their exploitation.¹²³ Three in four children being commercially exploited are under the control of a pimp and do not receive any revenue for their involvement. Human trafficking has proven extremely lucrative for exploiters and has climbed to one of the top three illegal industries nationwide.¹²⁴ For this reason, and the relatively low risk of detection, multiple high-ranking gangs in Texas are becoming more involved in the trade of humans.¹²⁵

Reaching Current and Potential Victims

In addition to preventing runaway behavior as detailed in Section 2.1, law enforcement also has the task of identifying children currently being victimized by traffickers. Physical indicators of victimization can include branding tattoos, or signs of physical abuse, carrying suspicious amounts of cash without explanation, the presence of hotel cards or a prepaid cell phone, possession of false driver's license (or lying about age), injuries or signs physical abuse, as well as sexually explicit content on electronic devices.¹²⁶

Behavioral indicators can include inability or fear of social interaction, truancy, or lack of enrolment in school, runaway behavior or homelessness, inconsistent stories,

¹²³ See, e.g., Bill Miller, *2 charged with sex-trafficking of child*, FORT WORTH STAR-TELEGRAM (March 6, 2013) available at <http://www.star-telegram.com/2013/03/06/4663053/2-charged-with-sex-trafficking.html> (detailing a Fort Worth trafficking case in which a 15 year-old victim was forced into trafficking and giving alleged traffickers all the money from the acts).

¹²⁴ *HHS Fights to Stem Human Trafficking*, Fact Sheet, US DHHS (Aug. 15, 2006) available at <https://www.acf.hhs.gov/otip/fact-sheet/resource/fshumantrafficking> (last accessed August 24, 2023); *Anti-Human Trafficking Task Force Initiative*, Overview, BUREAU OF JUSTICE ASSISTANCE, US DOJ (accessed July 12, 2013) available at <https://bja.ojp.gov/taxonomy/term/anti-human-trafficking-task-force-initiative> (last accessed August 24, 2023).

¹²⁵ *Texas Gang Threat Assessment*, TEXAS DEPARTMENT OF PUBLIC SAFETY, 29-30 (April 2014) available at https://www.dps.texas.gov/sites/default/files/documents/director_staff/media_and_communications/2018/txgangthreatassessment201811.pdf (last accessed Aug. 24, 2023) (stating that, "While many Tier 1 and Tier 2 gangs currently conduct human trafficking operations in Texas, we assess other Texas gangs have and will continue to operate in human trafficking due to the potential for large and renewable profits, and the assumed low risk of detection by law enforcement.").

¹²⁶ *Commercial Sexual Exploitation of Children: A Fact Sheet*, NCMEC Fact Sheet (CSEC Fact Sheet) available at https://www.theiacp.org/sites/default/files/HumanTrafficking/CCSE_Fact_Sheet.pdf (last accessed August 24, 2023).

unwillingness to give local address or guardian information, fear of another person (often older controlling male/boyfriend), or young age with high number of sexual partners.¹²⁷ More general outward signs can include fear, anxiety, depression, submissiveness, tenseness, or nervousness.¹²⁸

One behavioral indicator in particular is not always self-evident and requires an explanation related to the “rules of the game.” Lack of eye contact made by a potential victim could be caused by the precise training of the trafficker:

Victims are instructed to keep their eyes on the ground at all times. According to traditional pimping rules, when a victim makes eye contact with another pimp (accidentally or on purpose), she is choosing him to be her pimp. If the original pimp wants the victim back, he must pay a fee to the new pimp. When this occurs, he will force the victim to work harder to replace the money lost in transaction. -Shared Hope International¹²⁹

Victims also often do not consider themselves a victim and can demonstrate loyalty, possessiveness, or protectiveness toward their trafficker. This loyalty is purposefully developed by the trafficker through manipulation, disingenuous shows of affection, intimidation, threat or force.¹³⁰ For these reasons, social service providers have described some victims as “love addicted.”¹³¹ As noted in multi-year data of federal investigations for trafficking, traffickers are typically but not always male, and also quite

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Glossary of Trafficking Terms*, SHARED HOPE INTERNATIONAL, available at <http://sharedhope.org/learn/traffickingterms/> (last accessed Aug. 24, 2023).

¹³⁰ See *Protecting Vulnerable Children: Preventing and Addressing Sex Trafficking of Youth in Foster Care, Testimony of John D. Ryan For the United States House of Representatives Committee on Ways and Means Subcommittee on Human Resources*, NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (October 23, 2013) available at <https://www.govinfo.gov/content/pkg/CHRG-113hhrg89541/html/CHRG-113hhrg89541.htm> (last accessed August 24, 2023) (“They actively target runaways and then lure them into the sex trade using psychological manipulation, illegal drugs and violence. Any child may be vulnerable to someone who promises to meet their emotional or physical needs, but children with no permanent home are particularly vulnerable.”).

¹³¹ Rachel Lloyd, *Girls Like Us: Fighting for a World Where Girls Are Not for Sale, an Activist Finds Her Calling and Heals Herself* (New York: 2011).

young.¹³² The prevalence at youth may be explained by gang involvement in human trafficking¹³³ and the young age of recruitment into gang activities. Young adults likely also make more appealing or trustworthy lures when seeking to recruit young girls and teens. Traffickers often encourage victims to assume a recruitment role to lure other prospective victims. Cases have documented victimized girls returning to shelters or

¹³² Duren Banks & Tracey Kyckelhann, *Characteristics of Suspected Human Trafficking Incidents: 2008-2010*, US DOJ BUREAU OF JUSTICE STATISTICS, 6, Table 6 (April 2011) available at <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf> (last accessed August 24, 2023)(sex trafficking was the overwhelming majority of documented cases, see Table 1, page 3). Cases analyzed originated from 18 task forces between January 2008-June 2010. The data showed that 82.1 percent of all human trafficking investigations were for sex trafficking and 40.4 percent of cases involved child victims (248 sex trafficking child victims, and 6 child victims for labor trafficking). 488 total sex trafficking suspects were categorized as follows:

Age of Sex Traffickers: Under 18 (2.4 percent); 18-24 (35.4 percent); 24-35 (25.6 percent); Over 35 (15.9 percent); and Unknown (20.7 percent).

Gender: Male (76.6 percent); Female (17.3 percent); and Unknown (6.1 percent).

Race: White (5.4 percent); Black (53.4 percent); Hispanic (21.7 percent); Asian (4.4 percent); Other (1.2 percent); and Unknown (13.9 percent).

¹³³ See *Texas Gang Threat Assessment*.

schools¹³⁴ to seek out new victims. As one trafficker noted, vulnerable girls are more likely to trust, talk to and follow the lead of other girls.¹³⁵

Interacting with Potential Victims of Sex Trafficking:

The following outline was developed from referencing two guides on the issue of human trafficking.¹³⁶

1. Remain calm and avoid pity, judgment, or patronization.
2. Build trust and rapport.
3. Use a conversational tone to obtain information.
4. Avoid victim-blaming statements, attitudes, body language, behaviors, or jargons.

¹³⁴ See, e.g., *Motion by Supervisor Michael D. Antonovich: Establish a Sex Trafficking Task Force* (Nov. 27, 2012) available at <http://file.lacounty.gov/bos/supdocs/72846.pdf> (last accessed Aug. 24, 2023) (“Even more shocking is that pimps are using child sex workers to recruit fellow foster care children at the DCFS Emergency Response Command Post and group homes across the County.”); Marisa Kashino, *You’re Pretty. You Could Make Some Money*, WASHINGTONIAN (June 10, 2013) available at <http://www.washingtonian.com/articles/people/youre-pretty-you-could-make-some-money/> (last accessed August 24, 2023)

The *You’re Pretty* story is a **Virginia Case Study** in which gang members utilized every available recruitment venue from public parks and places to private networks and social media. The message that, “You’re Pretty, you could make some money,” was sent out to at least 800 girls via social media by just one of the traffickers eventually arrested. *Id.* The case also demonstrates the difficulty of detecting victimization as some victims reportedly snuck out of their families’ homes during the night and returned in the morning before anyone noticed their departure. *Id.*

¹³⁵ See Trafficker Phone Interview, Video Clip, Pamela Brown, *Gang sex trafficking, a growing trend in Northern Virginia*, ABC7 (Nov. 16, 2012) available at <https://wjla.com/news/crime/gang-sex-trafficking-a-growing-trend-in-northern-virginia-82169> (last accessed Aug. 24, 2023).

¹³⁶ *Domestic Sex Trafficking: The Criminal Operations of the American Pimp*, 6, POLARIS PROJECT available at <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/victims/domestic-sex-trafficking-criminal-operations-american-pimp.pdf> (last accessed Aug. 24, 2023). *Introduction to Human Trafficking: A Guide to Criminal Justice Professionals*, 28-29, TEXAS HUMAN TRAFFICKING PREVENTION TASK FORCE, TEXAS OFFICE OF THE ATTORNEY GENERAL (September 2013) available at <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/criminal-justice/HT-CrimJust-GUIDE-2013.pdf> (last accessed Aug. 24, 2023).

5. Have them tell their story, but do not expect to hear the entire, full story at the first encounter.
6. Recognize that many victims are coached, so do not take offense at lies and try to recognize canned stories.
7. Avoid technical terms and do not expect them to recognize the term “human trafficking” or even that they are victims or survivors of a crime.
8. Maintain ongoing contact and be available for one-on-one interactions.
9. Conduct safety assessments and find suitable placement for the victim.

For additional exercises and case study scenarios involving law enforcement, the Office of the Attorney General of Texas published a guide for criminal justice professionals in 2013.¹³⁷

¹³⁷ *Introduction to Human Trafficking: A Guide to Criminal Justice Professionals*, TEXAS HUMAN TRAFFICKING PREVENTION TASK FORCE, TEXAS OFFICE OF THE ATTORNEY GENERAL (September 2013) available at <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/criminal-justice/HT-CrimJust-GUIDE-2013.pdf> (last accessed Aug. 24, 2023).

Appendix A: Activities

The following pages contain activities to accompany the lecture.

Section 1.1 Activity: Missing Children, Abductions, and Attempted Abductions

Missing at the Mall

Divide the room into small groups/pairs to work on the prompts (4 prompts total, so repeat the prompts among the groups/pairs as needed).

The answers to this activity can be much more detailed than the basic answer outline provided below. The activity is intended to be completed in small groups/pairs. If there are more small groups/pairs than the number of prompts, then have multiple groups work separately on one prompt.

Activity Background: You are called to a local mall concerning a missing child. The information you have is to meet the caller in the food court area of the mall adjacent to the coffee shop. The child is described as a 10-year-old girl with brown hair, blue shirt, tan pants, and pink lace up sneakers. You arrive at the food court within 5 minutes and learn the caller is the missing girl's mother and she has been missing for 30 minutes. Additional law enforcement officers are also responding to the call.

Group One Assignment: What are the initial steps you take? ANSWERS:

- Interview the parent/reporting person.
- Confirm the child is missing.
- Determine when and where the child was last seen.
- Obtain and broadcast a detailed description of the child.
- Make an initial assessment based upon the information.
- Establish a perimeter.

Group Two Assignment: As part of an initial assessment, what are the types of missing children cases that could apply (i.e., causes)? ANSWERS:

- Determine the type of incident:
 - Nonfamily abduction
 - Family abduction
 - Runaway, and/or
 - Lost or otherwise missing
- Determine if the child has special needs.
- Follow any applicable reporting requirements.

Group Three Assignment: What are the types and places you may find digital evidence?

- Mall and store surveillance camera video.

- Other bystanders, or mall patron's cell phone videos or pictures.
- Cell phone use records and locations:
 - Missing child,
 - Mother, and/or
 - Other family members or acquaintances.
- Patrol unit in-car video.
- Internet access by missing child:
 - Email, texting, texting applications,
 - Social networking, and/or
 - Any device the child had access to.

Group Four Assignment: What are the initial investigative steps?

- Enter the missing child into NCIC and clearinghouse.
- Separate and interview everyone at the scene.
- Secure the child's home, especially the child's room.
- Secure the vehicle used to arrive at the mall.
- Develop history of family dynamics.
- Conduct criminal history checks.
- Update area law enforcement agencies (no more than 48 hours after first report).
- Ensure that all state reporting requirements are followed.

Section 2.1 Activity: Runaways

Rock and a Hard Place

Instructor: To add an extra interactive element, ask participants to share their “situations.” After a participant shares a situation, ask the room for a show of hands of how many people would leave the known environment based on the described situation.

Example:

Participant: “If my best friend was in immediate danger, I would leave despite known potential dangers.”

Instructor: “If you got a call that your best friend was in immediate danger, how many of you would take substantial risk to get to them?”

Background on Exercise

The exercise is designed to show the level of desperation necessary to cause a person to abandon their known environment. The exercise is intended to make participants think beyond labels of “problem kids,” “repeat runners,” or “troublemakers” when interacting with runaway youth in the future. Although certain conditions are listed (lack of financial support, identification, assets or other supports and resources), other conditions are purposefully left unknown including:

- The status of any family members (i.e., separation scenarios)
- Unsafe home environments (i.e., prior abuse, neglect, etc.)
- Other physical threats
- Other coercive elements
- Lures from individuals

As participants consider what conditions could cause them to leave their known environment and traverse through dangerous conditions, they may identify some of the above conditions.

Section 2.2 Activity: Missing from Care
Life in the Trash

Instructor:

Have one participant read the text printed on the following page aloud.

Allow the participants 5 minutes to complete the exercise (individually or in small groups).

Note: If the topic of family members in the household arises, the official is unwilling to make any guarantees about where the student or their family members will be taken or even if they will be allowed to stay together. After the 5 minutes is up, ask them to share examples of some of their essential physical items. Then ask for volunteers to share their listed concerns in this simulation. Draw a diagram to list answers:

Items (examples)	Concerns (examples)
Toothbrush	Where are we going?
Wallet, Phone	Where are my other family members?
Medications	What happens to the stuff I leave behind?

When the exercise is over, read this prompt:

“This exercise is designed to simulate the feelings of a child or teen in foster care. The experience of being forced to pack your life’s possessions in a trash bag is so common across foster care that it is discussed in conferences and academic papers. **What message does the trash bag send to the child?** What about when they are pulled from school or other locations and not allowed to go home to collect their things?”

“Throughout this training course you will learn many things about children who runaway from their families, guardians or placements. One thing you will learn is that children are moved among placements for many reasons, many of them having nothing to do with the child’s behavior. **Regardless of the reason, each change in placement can increase the chance a child will run by up to 70%.**”

“Once a child is on the street, there is a high likelihood that they will be confronted with transactional sex, also called **survival sex**. This can be a gateway into longer term commercial sexual exploitation (commonly called prostitution).”

“Let’s turn back to our exercise.”

[Rhetorical questions (just ask and let the audience consider on their own):]

“What would you do if an authority figure forced you to leave your home? What if you had no power over where you would end up next? Then they separated you from your siblings, spouse, or children? **What would you do to get back to them? What if you had no identification, no credit cards, you run out of cash, and if the police found you, they would just send you to another anonymous placement?**”

OPENING EXERCISE:

Imagine yourself at home in the evening on a regular weekday night. You have just had dinner when an official arrives at your door and knocks loudly. The official informs you that you are being evacuated and will have to come with them immediately. Assuming that their authority and identification checks out, you have no choice but to follow their commands.

They hand you a plastic garbage bag and tell you that you have 5 minutes to grab your essentials. You can only fill the bag; that is all there is room for in their vehicle. They will not tell you where you are going.

You have 5 minutes to identify all of the things you would pack. What are your other concerns while you are packing your bag? List the items you would grab. Also list the primary concerns that are going through your mind while you pack.

OPENING EXERCISE:

Imagine yourself at home in the evening on a regular weekday night. You have just had dinner when an official arrives at your door and knocks loudly. The official informs you that you are being evacuated and will have to come with them immediately. Assuming that their authority and identification checks out, you have no choice but to follow their commands.

They hand you a plastic garbage bag and tell you that you have 5 minutes to grab your essentials. You can only fill the bag; that is all there is room for in their vehicle. They will not tell you where you are going.

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Section 3.1: Sexual Exploitation

Reinventing the Wheel

Instructor: This activity requires the use of the handout on the next page for each participant. Pass out the blank copies of the Abuse of Children Wheel, as published by the Domestic Abuse Intervention Project and available in full at <http://www.theduluthmodel.org/training/wheels.html>.

Assign participants as individuals or small groups to fill out one section of the wheel with a description or examples. Have participants share their answer, and then read the examples used on the original wheel (shown below).

ANSWERS:



Original from:
Domestic Abuse
Intervention Programs
202 East Superior Street
Duluth, MN 55802
218.722.2781
www.theduluthmodel.org

Section 3.1 Activity Handout

