

Argument in favor of amending Title 12, Chapter 1, Article 1, Arizona Revised Statutes by adding Section 12-116.13 as well as amending Sections 8-901 and 8-810 and 41-1736, Arizona Revised Statutes, relating to missing children.

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MissingNoMore is an Arizona based and founded 501(c)(3) nonprofit that engages in search and rescue operations to find missing children and bring them safely home. Our mission is to positively partner with local law enforcement and actively search for kids currently listed as missing persons. **MissingNoMore** links the families of missing kids to direct search and rescue teams, investigators, and resources so that every effort is made for the safety of the missing child.

Argument Proposal Abstract

Arizona currently ranks as fifth worst in the nation in regard to the issue of missing persons cases, but second worst in the nation in per capita rates with the state average being more than twice the national average. And, the issue of missing children is directly related to child trafficking and exploitation. In this matter, Arizona families of missing children need to be provided with legislation that equips and enables local law enforcement to combat child trafficking and exploitation. Within such legislation, consequences for obstructing missing child investigation are required; and, the provision of consequences for obstructing missing child investigation provides an opportunity to increase available resources to anti-human trafficking funding. Additionally, legislative amendments are required because there currently exists an inconsistency in language and requirements between A.R.S.8-901 and A.R.S.8-810; the proposed amendments seek to create a cohesion of language and requirements to improve legislative equity between various populations of missing children.

In the effort to resolve local cases and improve the wellbeing of children across the state, local law enforcement needs additional resources to combat the issue of missing children, human trafficking, and child exploitation. These additional resources can be provided through collaboration with existing community resources and vendors already available and willing to assist in addressing the issue. Furthermore, in addition to increased community collaboration, there is an immediate need to eliminate the designation of runaway from all missing child investigations. Ninety percent of all missing child cases are designated as “runaways” with such a designation creating a hindrance to the safety of missing children.

Addressing the Crisis of Missing Children and Child Trafficking

Arizona is in a state of crisis; more specifically, vulnerable children in the state of Arizona are experiencing a horrific crisis. This beloved state is plagued with the evil of child trafficking and exploitation; and, the primary means in which this evil thrives involves the crisis of missing children. According to available data, Arizona currently ranks as fifth worst in the nation in regard to the issue of missing persons cases based on raw numbers; when per capita rates are reviewed, Arizona is ranked second worst in the nation with the average being more than twice the national average.¹ This unfortunate ranking should result in a significant pause and reflection; this need for statewide reflection is especially true when considering that the Bureau of Justice Assistance cites that across the country over 600,000 individuals go missing every year.² And, again, it must be understood that the issue of missing children is directly related to child trafficking and exploitation; national statistics state that, at minimum, it is reported that 1 in 6 reported missing children are known to have been trafficked or exploited. Data on sex trafficking reveals that more than half of all sex trafficking victims were missing children designated “runaways”³ and that the average age of sexually exploited individuals ranges from 4 to 17 with the average age being 15-years-old.⁴ This data matches statistics provided by the NCMEC: “74% of endangered runaways reported to NCMEC were between 15-17 years old.”⁵

¹ <https://worldpopulationreview.com/state-rankings/missing-persons-by-state>

² <https://bja.ojp.gov/doc/fs-muhr.pdf>

³ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

⁴ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

⁵ <https://www.missingkids.org/theissues/runaways#bythenumbers>

We must address the magnitude of the state's missing person's issue and adequate legislation must support this effort.

It is more than apparent statistically and anecdotally that Arizona families of missing children need to be provided with legislation that equips and enables local law enforcement to combat the issue of child trafficking and exploitation. This necessary action requires reviewing and auditing policies, procedures, and legislation involving missing children. Vulnerable children deserve legislation that:

1. Eliminates the designation of "runaway,"
2. Creates consequences for people who harbor a missing child in a way that obstructs a missing child investigation,
3. Increases law enforcement requirements for missing child investigations, and
4. Encourages law enforcement's collaboration with non-government vendors such as private investigators and nonprofit organizations.

However, at this time, there currently exists an inconsistency in language and requirements between A.R.S.8-901 and A.R.S.8-810. The inconsistency in current legislation shows an inequity of mandated responses by law enforcement for missing child cases as cited in A.R.S.8-901 and child welfare department requirements for missing children who are wards of the state as cited in A.R.S.8-810. These two pieces of legislation should work together harmoniously, utilize shared language to avoid discrepancies of interpretation, and work collaboratively to achieve a shared goal—the goal of improving the safety and wellbeing of vulnerable children across our state. The provided proposed amendments seek to create a cohesion of language and requirements between the two related statutes to ensure the safety

wellbeing of all missing. Creating a consistency of language and requirements also establishes a needed legislative equity between missing children who are and are not wards of the court.

Furthermore, justice for impacted children and families demands consequences. It is necessary to create actionable consequences for individuals concealing or harboring a missing child in a means that results in knowingly and intentionally obstructing the law enforcement investigation of that missing child. By instituting consequences in the form of criminal violations and fines for obstructing a law enforcement missing child investigation, there is an opportunity to provide an increase in available resources to anti-human trafficking funding which can be used for the purpose of supplementing local law enforcement training and resources as well as any other appropriate tools needed to improve efforts in locating missing children and fighting against child trafficking.

The issue of child trafficking, child sexual exploitation, and vulnerable missing children requires the use of any and all resources available. Local law enforcement is currently, and has been, unfairly stretched beyond its capacity physically and financially; and, when considering the facts as to the magnitude of Arizona's missing persons issue, it is apparent that additional resources are required. Our peace officers deserve assistance. While the provision of additional funding as well as additional peace officers is a needed considerations, there currently exists, without the need for increased funding, community resources and vendors ready, willing, and able to assist in the fight against child trafficking, child sexual exploitation, and vulnerable missing children; these community resources and vendors include (but are not limited to): churches, established parachurch ministries, nonprofit organizations, and licensed private investigators. Such available resources, if equipped with mutual collaboration between each other and law enforcement officials, are needed to address the issue of missing children and its

relation to child trafficking and exploitation. This is a matter that is plaguing Arizona and crosses jurisdictional boundaries, and local law enforcement already requires intensive collaboration with subsequent agencies to resolve such cases; however, such necessary jurisdictional boundaries already cause hindrances to missing child case resolutions as seen in case studies like that of Natalee Cramer. Natalee was abducted in Dallas and was immediately sexually assaulted, sexually trafficked across state lines, and sexually exploited online. Dallas police did not issue an Amber Alert; and, instead required her father to file a report with his local police department (more than 30-miles away) classifying his daughter as a “runaway.” After attempting to do so, his local police department claimed jurisdictional issues since the incident occurred in a different city. After multiple agonizing days of unsuccessful police investigation, Natalee’s parents hired a private investigator who soon located Natalee. Within such a short timeframe, Natalee had already been trafficked across state lines into Oklahoma where her traffickers were sexually exploiting her online for profit.⁶ National studies of child sex trafficking cases indicated that the average minor victim of sex trafficking was prostituted in 3 different states with some being prostituted in up to 17 different states.⁷ Unfortunately, similar cases exist across Maricopa County as well as the entire state of Arizona. Natalee’s experience is merely one story that is reflective of the national reality that many missing child cases, especially those lasting two months or longer, are resolved through the help of a private investigator hired at the expense of child’s family. And, the overwhelming majority of cases currently listed for Arizona on the National Center for Missing and Exploited Children (NCMEC) database show children who have been missing for over two months. Simply stated, all available help is needed.

⁶ <https://www.theblaze.com/news/teen-abducted-dallas-mavericks-sex-trafficking>

⁷ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

Another means by which the issue of child trafficking, missing children, child sexual exploitation, must be addressed, as also understood through Natalee Cramer's story, regards the practice designating missing children as "runaways." One purpose of the proposed amendments is to eliminate the designation of runaway from all missing child investigations and subsequently alter current law enforcement policy for the designation of "runaway." Nationally, over ninety percent of all missing child cases are designated as "runaways"⁸ with current local law enforcement policy stating that "the primary responsibility for locating a runaway falls on the parent or guardian of the child."⁹ The Phoenix Police Department Missing Persons Unit specifically states the following on their public website: "The primary responsibility of the Phoenix Police Department's Missing Persons Unit is for missing persons who are truly missing. Yes, there is a difference between a missing person and a runaway. A missing person case has an unexplained disappearance; whereas the runaway has a motive to disappear and does not want to be found."¹⁰ The facts (statistically, anecdotally, local case studies, national reports), however, speak exactly to the opposite of this sentiment. Factually, missing is missing, and all missing children are vulnerable and endangered. It must be understood, factually speaking, that over 75% of all sex trafficking cases nationwide involved victims who were minors; and, in more than 50% of reported sex trafficking cases, the victims were minors who were designated law enforcement to be "runaways."¹¹ The policy position on "runaways" promoted by the Phoenix Police Department Missing Persons Unit also stands in contradiction to the position of the NCMEC; the

⁸ <https://www.missingkids.org/theissues/runaways>

⁹ <https://www.phoenix.gov/administration/departments/police/investigations/family-investigations-bureau/missing-unidentified-persons/runaways-information.html>

¹⁰ <https://www.phoenix.gov/administration/departments/police/investigations/family-investigations-bureau/missing-unidentified-persons/runaways-information.html>

¹¹ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

NCMEC provides a clear definition of what they call Endangered Runaway: “an Endangered Runaway is a child under the age of 18 who is missing on his or her own accord and whose whereabouts are unknown to their parent or legal guardian. These children are highly vulnerable and can experience homelessness when they are missing.”¹² It should be, however, that even such a definition does not take into account national statistics on missing runaways and child sex trafficking cases. The reality is factually far worse. Also, it must be noted that the NCMEC does not make a distinction between *runaways* and *endangered runaways*—all runaways are considered by the NCMEC to be missing, endangered, and highly vulnerable.

In the matter of missing children and runaways, the facts shout clearly. Studies of sex trafficking cases nationwide found that the *recruitment tactics sex traffickers focused on runaways*; child traffickers utilized the ruse of friendship, romance, giving a place to stay to the victim, and promises of wealth.¹³ During the “recruitment” of victims: 1 in 5 minor victims of sex trafficking were physically assaulted, 1 in 5 minor victims of sex trafficking were sexually assaulted, 1 in 10 minor victims were threatened with a firearm, and 1 in 6 cases of child trafficking drugs and/or alcohol were used to lure or retain minor victims thereby and exploiting and advancing the child’s vulnerability.¹⁴ In a six year study, there was shown an exponential upward trajectory of child sex trafficking cases with the study numerically reporting a 400% increase of cases between 2010 and 2015 alone; this indication also included a steady increase in female sex trafficker involvement, a decrease in gang involvement, an increase in traffickers

¹² <https://www.missingkids.org/theissues/runaways>

¹³ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

¹⁴ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

exclusively targeting minors, and *an increase in the use of shelter to runaways as a recruitment tool.*¹⁵

Local and national case studies of varying severity indicate the dangers of current policies and procedures regarding the missing children and the designation of “runaway”; these local case studies include even the recently reported murders of the following children who were in DCS care: Rebecca Baptiste¹⁶, Emily Pike¹⁷, and Zariah Dodd¹⁸. The fate of such cases, and many others, may have been avoided if the dangerous designation of “runaway” and its subsequent policing policy did not act as a hindrance. DCS has already discussed, according to media reports, making changes to their written guidelines that eliminate the designation of “runaway” within their handbook.¹⁹ Again, one of the intended purposes of the proposal is to eliminate the designation of runaway from all missing child investigations and subsequently alter current law enforcement policy for the designation of “runaway.”

Through these described and outlined efforts—creating collaboration with all available community resources, establishing consequences for those harboring missing children and obstructing missing child investigations, ensuring legislative equity for populations of missing children by ensuring cohesion of language and requirements within applicable statutes, and eliminating the designation of “runaways” from legislation and subsequent policies—we, as a

¹⁵ <https://www.mccaininstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>

¹⁶ <https://www.abc15.com/news/local-news/investigations/judge-moves-forward-with-charges-in-rebekah-baptiste-murder-case>

¹⁷ <https://www.abc15.com/news/local-news/investigations/no-arrests-in-emily-pike-death-new-body-camera-video-recounts-past-runaways>

¹⁸ <https://www.abc15.com/news/local-news/investigations/court-records-detail-warning-signs-in-pregnant-teens-murder-in-dcs-custody>

¹⁹ <https://www.abc15.com/news/local-news/investigations/dcs-state-of-failure/we-have-made-progress-second-stakeholder-meeting-held-amid-probe-into-dcs>

concerned and caring community, can turn the rising tide of child trafficking, missing vulnerable children, and child sexual exploitation. It is a matter that demands our attention and efforts; and, combatting this issue is a requirement for every decent society. Arizona families deserve these changes, and our children need them.