

Testimony of
Mr. Marc Klaas

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Mr. Chairman and members of the Committee, thank you for allowing me a few moments to testify on behalf of this important piece of legislation. As the father of a child victimized by a violent recidivist offender I can offer a unique perspective on various aspects of the Amber Alert.

When my daughter Polly was kidnapped from her own bedroom in front of witnesses, the Petaluma, California Police Department dispatched an All Points Bulletin (APB) stipulating that disbursement was, "Nor for press release". Unfortunately, another local agency interpreted that to mean that they should not notify deputies in patrol cars as the press might monitor those frequencies. One-hour after Polly was kidnapped two local Sheriff's deputies had the kidnapper in their custody, but because they were unaware that a crime had been committed, they helped him to pull his vehicle out of a ditch and sent him on his way instead of arresting him. We then searched for sixty-five days before we recovered Polly's remains.

My, oh my, look at how far we have come. When two Lancaster, California teenagers were recently kidnapped a gunpoint the responding agency pulled out all the stops and immediately alerted the media and the public by utilizing a variety of pre-determined communication tools. That decision to implement what is commonly known as the Amber Alert has been credited with saving the lives of the teenagers. As the Kern County Sheriff dramatically stated on television, "The girls were within ten-minutes of being murdered. The Amber Alert saved their lives".

Like so many successful initiatives, the Amber Alert was born of a personal tragedy. On January 13, 1996 nine-year-old Amber Hagerman was kidnapped from a supermarket parking lot. When her lifeless body was discovered three days later an anonymous caller to a Dallas, Texas radio talk show asked why the public hadn't been alerted since the crime was committed in front of at least one witness. This seemingly innocuous conversation prompted the Dallas Association of Broadcasters and local law enforcement to create the informal alliance that became the Amber Alert.

In the ensuing years three distinct variations on the program have been adopted. Utah, Oklahoma, California, Colorado, Michigan, Pennsylvania and Texas have all implemented statewide systems. Some Amber Alert programs, such as Cincinnati's Child Abduction Alert Program (C.A.A.P.) which includes parts of Ohio, Kentucky and Indiana or the St. Louis Area Regional Abduction Alert (S.A.R.A.A.) which extends across the river into Bellville, Illinois, have adopted a more regional approach. Finally, more localized or city based systems like the original in Dallas/Ft. Worth or the Washington, DC Amber Alert serve the needs of young families in those and other American communities. Despite growing pains and variations on the theme, the Amber Alert has been credited with saving the lives of many children.

As long as a strict criterion is followed, the Amber Alert can continue to evolve as an effective and powerful weapon in the war to rescue America's stolen children. Common elements in most systems include the following:

- The child is 17 years of age or younger.
- The jurisdictional law enforcement agency believes that the child has been abducted, that is, unwillingly taken from their environment without permission from the child's parent or legal guardian.
- There is reason to believe that the victim is in immediate danger of serious bodily injury or death.
- It is confirmed that an investigation has taken place that verifies the abduction and has eliminated alternative explanations for the missing child.
- There is sufficient information available to disseminate to the public that could assist in locating the child, suspect, or vehicle used in the abduction.

Although there are those who complain that the attendant attention paid to the issue of missing children during this the "Year of Abduction" is spreading fear through our society, I counter that the attention is appropriate. If statistics relating to crimes against children affected any other segment of our society, we would declare epidemic status, pass emergency legislation and adopt a bunker mentality. Unfortunately, since the statistics apply to children we accept it as status quo. Now, however, with the Nation's attention riveted on abductions we have a better understanding of the issue and that we are better prepared to respond in a variety of ways. For instance, we know that stranger scenarios are not the only ones that pose a predatory risk.

Our evolving attitude is further illustrated by recent Amber Alert innovations. When the young women in Lancaster were kidnapped the Amber Alert concept was expanded through the utilization of electronic billboards that advertised a description of the getaway vehicle including license plate in more than 500 locations throughout California. This innovation was immediately adopted by the state of Texas as an important component of their newly created statewide Amber Alert system. I predict that other states will quickly follow suit and that the use of electronic highway signs will soon be utilized throughout the country. I have personally been approached by truck drivers, gas station and convenience store owners and others who are eager to become pro-actively and officially involved in the Amber Alert.

Now that the Federal Communications Commission (FCC) has authorized use of the Emergency Alert System (EAS) for missing child alerts, further innovations are occurring. In California, a component of the EAS called the Emergency Digital Information Service (EDIS) can immediately activate 50,000 communication devices including the cell phones, email accounts and pagers of citizens who voluntarily participate whenever an Amber Alert is activated. Where we take this idea next is limited only by imagination.

I believe that the next logical step in the evolution of the Amber Alert is to extend it across the country with broad based local, regional, statewide and federal support. Society will be best served when a system that disregards state borders, focuses on logical population centers and extends from the Golden Gate Bridge to the Statue of Liberty and from Galveston, Texas to Bangor, Maine is fully implemented. This goal is best achieved through realization of an Internet based system that establishes a standardized communication platform and utilizes existing

hardware and software. This approach is cost effective and easily implemented with a minimal investment.

Although the Amber Alert concept has been in existence for seven-years it is only now gaining the recognition that it deserves. When the Kern County Sheriff dramatically declared the impending doom of the young Lancaster women on Larry King Live, America suddenly realized the power of the Amber Alert. When three more children were quickly recovered through subsequent Amber Alert's America experienced a social epiphany, realizing for the first time that there are occasions on which we can beat evil on its own turf, and that not every child taken by an abductor is doomed.

The attention currently being paid to this important program will surely pass. However, if we continue to build upon current successes that have been achieved then none of the recent victims of predatory abduction will have died in vain. Our timeframe may be short and our attention span is may be easily diverted, but we will succeed if we seize the moment.

I want to thank Senator's Hutchinson and Feinstein for authoring and supporting Amber Alert legislation. Their effort elevates the Amber Alert debate in important ways. They are advocating and promoting a successful weapon in the battle to recover kidnapped children. They are setting an important precedent that can be duplicated throughout the country. They are seizing the moment.

Mr. Chairman, members of the committee, I urge you to fully support SB____, for if it becomes law, and I cannot say this in more definitive terms, children's lives will be saved.

Appendix A

Kidnapping: Whenever a person is taken or detained against his or her will, including hostage situations, whether or not the victim is moved. Kidnapping is not limited to the acts of strangers but can be committed by acquaintances, by romantic partners, and, as has been increasingly true in recent years, by parents who are involved in acrimonious custody disputes. Kidnapping involves both short-term and short-distance displacements, acts common to many sexual assaults and robberies.

According to the FBI's National Crime Information Center (NCIC)

- 85% to 90% of the 876,213 persons reported missing to America's law enforcement agencies in 2000 were juveniles (persons under 18 years of age). That means that 2,100 times per day parents or primary care givers felt the disappearance was serious enough to call law enforcement.
- 152,265 of the persons reported missing in 2000 were categorized as either endangered or involuntary.
- The number of missing persons reported to law enforcement has increased from 154,341 in 1982 to 876,213 in 2000. That is an increase of 468%.

According to the United States Department of Justice (DOJ), Office of Juvenile Justice Delinquency Prevention (OJJDP) Juvenile Justice Bulletin, June 2000

- Kidnapping makes up less than 2 percent of all violent crimes against juveniles reported to police.
- Based on the identity of the perpetrator, there are three distinct types of kidnapping: kidnapping by a relative of the victim or "family kidnapping" (49%); kidnapping by an acquaintance of the

victim or "acquaintance kidnapping (27%); and kidnapping by a stranger to the victim or "stranger kidnapping (24%).

- Family kidnapping is committed primarily by parents, involves a larger percentage of female perpetrators (43%) than other types of kidnapping offenses, occurs more frequently to children under 6, equally victimizes juveniles of both sexes, and most often originates in the home.
- Acquaintance kidnapping has features that suggest it should not be lumped with stranger kidnapping into the single category of non-family kidnapping, as has been done in the past.
- Acquaintance kidnapping involves a comparatively high percentage of juvenile perpetrators, has the largest percentage of female and teenage victims, is more often associated with other crimes (especially sexual and physical assault), occurs at homes and residences, and has the highest percentage of injured victims.
- Stranger kidnapping victimizes more females than males, occurs primarily at outdoor locations, victimizes both teenagers and school-age children, is associated with sexual assaults in the case of girl victims and robberies in the case of boy victims (although not exclusively so), and is the type of kidnapping most likely to involve the use of a firearm.

According to the National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children study prepared for the USDOJ in 1990, based on data from 1998:

- Approximately 354,100 children are victims of family abduction every year.
- There are approximately 114,600 attempted stranger abductions every year and 3,200-4,600 attempts are successful.

Appendix B

- In 1997, 93% of Sheriff's departments in the United States had computers in the workplace.
- Nearly all local police departments serving a population of 2,500 or more used one or more types of computers during 1997. During that same time about two-thirds of those serving fewer than 2,500 residents used them.
- The percentage of all local police officers employed by a department that used computers increased from 95% in 1993 to 98% in 1997. The type of computer most commonly used in local police facilities in 1997 was the personal computer.
- In 1998, California had 524 local police and sheriff's agencies: 344 local Police Agencies; 58 Sheriff's Agencies; 121 Special Enforcement Agencies.
- There are 482 Sheriff's offices in California and 6,715 Sheriff's offices in the United States.
- There are 19,494 Police Departments in the United States.