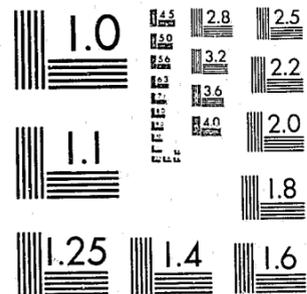


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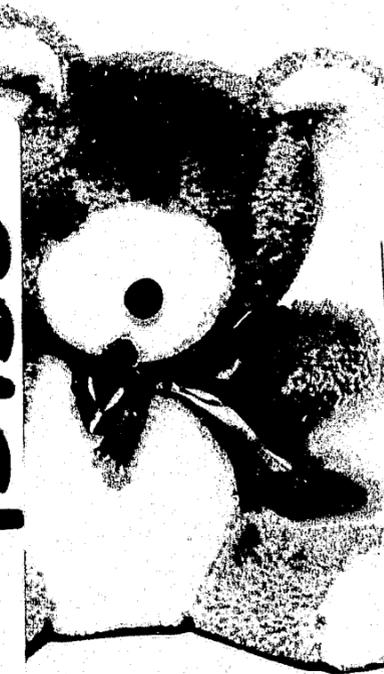
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JANUARY 1984

FBI LAW ENFORCEMENT BULLETIN

Pedophilia /pēd-ə-fil-ē-ə/ *n* :
sexual perversion in which
children are the preferred
sexual object

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FBI

Pedophilia /péd-a-ll-ē-ə/ n.: sexual perversion in which children are the preferred sexual object



This special issue centers on the theme of child sexual exploitation—a crime which remains a potential threat to every child in America.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

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Director's Message

Last Spring, in a conference with religious and political leaders concerned over law enforcement's efforts against pornography, the President of the United States told the group that having "identified the worst hazardous-waste sites in America—we have to do the same with the worst sources of pornography." As hazardous wastes destroy this Nation's environment, pornography permeates the backbone of American society and destroys one of our most valuable resources—our children.

Public concern over this perverted assault on children was directly expressed in 1978 when Congress passed the Protection of Children Against Sexual Exploitation Act. The FBI investigates criminal conduct defined by the Act and gives high priority to those pornography cases involving children. One of the problems encountered in the investigation of this type of pornography is that much of the material is produced by a clandestine subculture with perverted sexual interests focusing on children. Because the pornographic material produced by this subculture is for members self-gratification rather than for commercial profit, these investigations are complicated.

The FBI has achieved notable success in combating the child exploitation problem that affects our Nation. Undercover operations conducted in major U.S. cities have resulted in a number of arrests, indictments, and convictions. Laboratory examination of pornographic materials often provides valuable information which can identify sources and locations of manufacture and distribution. Also, steps are being taken to expand our investigative techniques regarding these investigations to include storing data on violators in the Organized Crime Information System. However, the key element to a more effective enforcement program is cooperation.

The exploitation of children transcends jurisdictional boundaries. And because of the nature and national scope of this crime, many of the thousands of children who disappear without a trace each year fall victim to sexual exploitation, no single law enforcement agency can cope with the inherent investigative problems. Our efforts need to be coordinated—not fragmented. Information must be shared—not withheld.

The FBI has already established one joint task force specializing in child sex exploitation cases. Operating out of the New York City Office, the task force is composed of FBI Agents, U.S. Customs Service officers, investigators from the U.S. Postal Service, and officers from the New York City, Nassau, and Suffolk County Police Departments.

As another means to assist those in law enforcement who investigate child sex offenders, a network of Federal, State, and local officers has been formed through the efforts of members of the Behavioral Science Unit at the FBI Academy, Quantico, Va. Twenty-five officers from various agencies throughout the United States took part in a 5-day seminar, during which attendees presented and participated in a discussion of various topics concerning the sexual exploitation of children. A major goal of this seminar was to foster personal contact among officers who work in this sensitive and difficult-to-penetrate area. Opening lines of communication between agencies eliminates one of the stumbling blocks to effective investigation and prosecution.

The dangers of sexual exploitation and pornography to its victims are only too evident—physical and emotional suffering and ruined lives. As a civilized society, we cannot afford to let our children pay the price for our inaction. Every child in America is a potential victim of sexual abuse and exploitation. For this reason, all of us in law enforcement must join together in the protection of our Nation's most valuable resource—our children.

William H. Webster
Director
January 1, 1984

93132



On October 12, 1982, the President of the United States signed into law the Missing Children Act, which requires the Attorney General to "acquire, collect and preserve any information which would assist in the location of any missing person (including children, unemancipated persons as defined by the laws of the place of residence) and provide confirmation as to any entry [into FBI records] for such a person to the parent, legal guardian or next of kin. . . ." In essence, the enactment of the Missing Children Act gives parents, legal guardians, or next of kin access to the information in the FBI National Crime Information Center's (NCIC) Missing Person File.

The Missing Person File has been part of the FBI's National Crime Information Center since October 1, 1975. Law enforcement agencies can enter missing person information into the NCIC computer and query the file to determine whether a person might be missing. The file has four categories of records, one of which is for missing juveniles. For entry into this category, the missing person must be

unemancipated as defined by the laws of his or her State of residence. A record entered into this category will be retained in the file until the person is no longer considered a juvenile as defined by the statutes of that person's State.¹ Any law enforcement agency can make inquiries into the Missing Person File and are, in fact, encouraged to do so when they encounter someone who might be missing, e.g., juvenile seen on the street during school hours. An inquiry may be made using only physical descriptors, i.e., approximate age, sex, race, height, weight, eye and hair color, if a child does not know his/her name or date of birth or both.

One aspect of the Missing Children Act authorized the collection and dissemination of data on unidentified deceased persons. This resulted in the creation of the Unidentified Person File in NCIC, which became operational on June 30, 1983. Unlike other NCIC person files containing unique numerical identifiers for searching purposes, records in the Unidentified Person File will use such descriptive data as blood type, dental characteristics, broken bones, etc. The Missing Person File has been expanded to include these identifiers for comparison purposes.

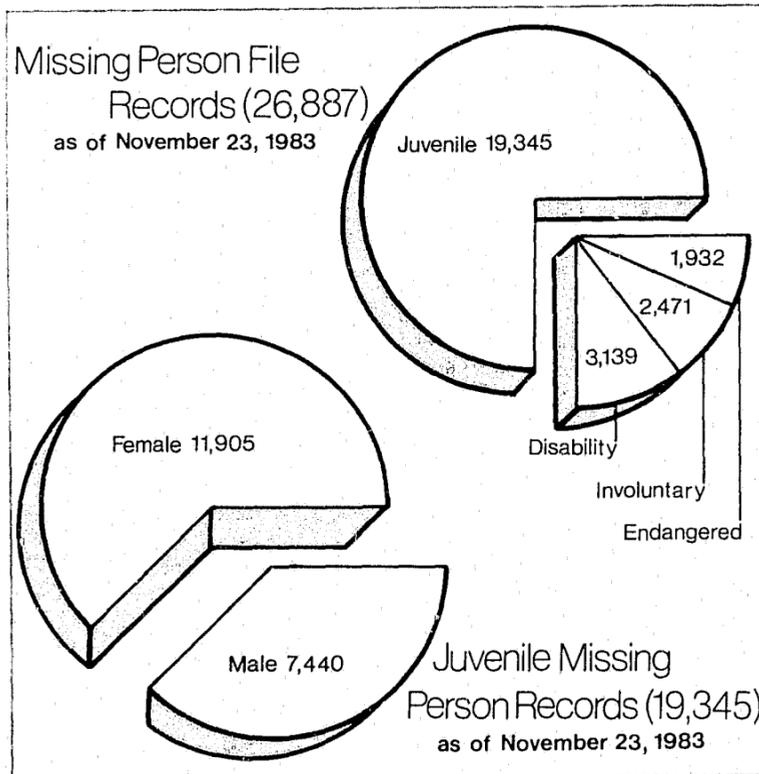
As a means to assist agencies in

gathering dental, medical, and optical information for entry in missing and unidentified person records, the NCIC is in the process of preparing forms designed to supplement standard police missing person reports. This will allow the officer taking a report to give a copy to the parent, legal guardian, or next of kin in order that complete medical data on the missing person can be obtained from medical personnel. The completed form is then returned to the same police agency for entry of data in the existing missing person record.

The Missing Children Act requires the FBI, when properly requested by a

parent, legal guardian, or next of kin, to check to see if data on a missing child has been entered into the Missing Person File. The individual making the request is notified of the results of the check, and if a record has not been entered, he is instructed to contact local law enforcement authorities to determine whether the disappearance of the missing person meets the criteria for entry into the NCIC computer. If a case should arise where data has not been entered and local police decline to enter the missing person record, the FBI is authorized to enter the record. However, before this is done, the appropriate FBI field office will confirm the action of the local agency. If this is substantiated, the FBI field office will enter the missing person record, notifying the requester of this action and stressing the importance and necessity for being promptly advised of the individual's return. In such cases, the FBI field office becomes the originating agency of the record and receives any "hit" confirmations. The field office will then attempt to notify the parent, legal guardian, or next of kin and/or the investigating agency of the missing person's location and advise them to contact the inquiring agency immediately. The FBI does not have the authorization to detain the individual and is not responsible for returning the individual to the parent, legal guardian, or next of kin.

Missing Person File Records (26,887) as of November 23, 1983

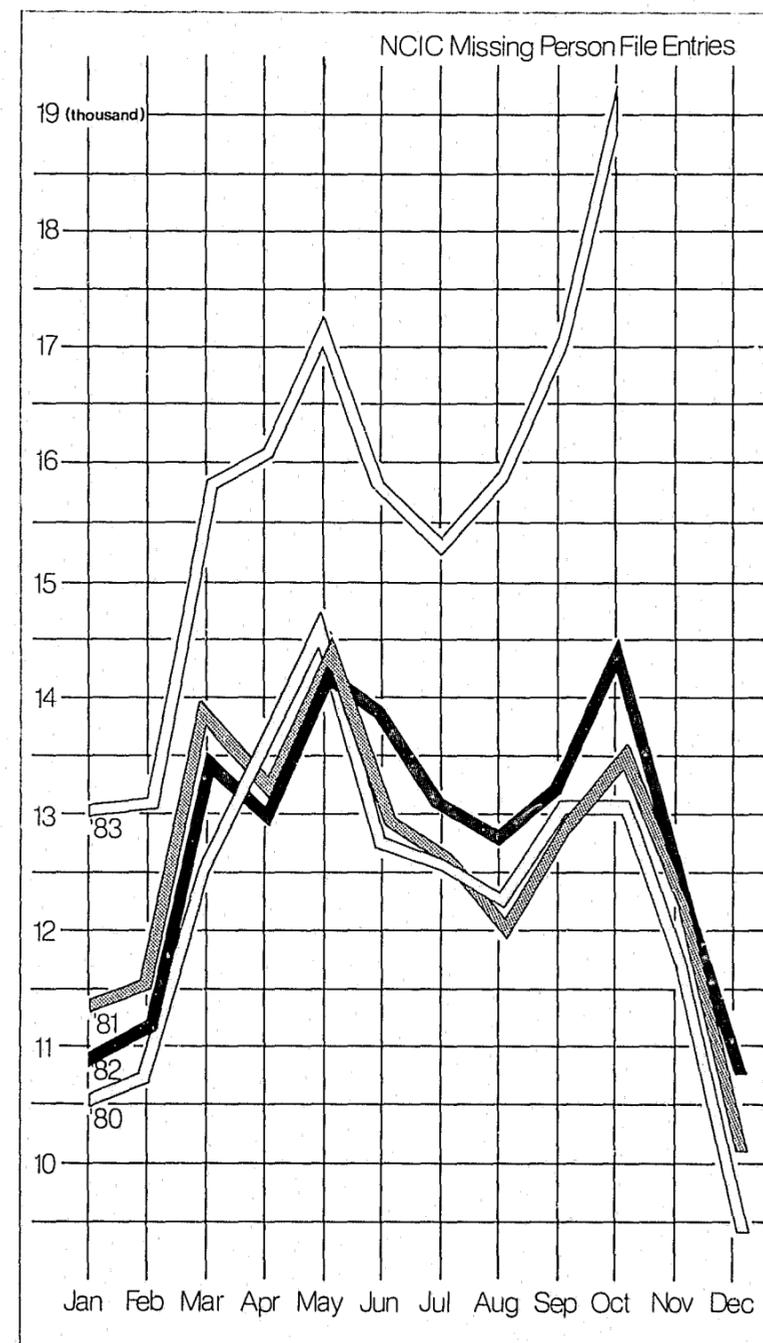


Juvenile Missing Person Records (19,345) as of November 23, 1983

In response to national concern over the plight of missing children, police departments and civic organizations across the Nation have started fingerprinting children as part of a voluntary program to identify children who may, at some later date, become lost or missing. The FBI recommends that the child's parent or legal guardian retain the card until such time as the child is reported missing.

On March 18, 1983, the FBI initiated a new service as a result of the Missing Children Act. The FBI's Identification Division will now accept from criminal justice agencies fingerprint cards relating to missing children and other missing persons meeting the criteria for entry into the NCIC Missing Person File.

When the fingerprint card of a missing person is received at the FBI, the card is searched against those cards already on file. If the fingerprints submitted match an already existing record, the criminal justice agency submitting the card will be furnished with a copy of that record and all other pertinent information. If a later fingerprint card submission is matched to the missing person's fingerprint card, the contributor of the current submission and the contributor of the missing person's fingerprint card will be promptly notified. As with records in the NCIC Missing Person File, fingerprint cards of missing children are removed from the Identification Division files when the individual reaches the age of emancipation.²



Unfortunately, since the passage of the act, several misconceptions as to the FBI's responsibility in missing children cases have arisen. The act did not confer upon the FBI any new investigative jurisdiction, that is, the act does *not* empower the FBI to investigate every missing child case in America. The FBI can initiate a preliminary inquiry in such cases only when there is an indication that a crime has been committed which falls within its jurisdiction, such as kidnaping. Even so, the Federal Kidnaping Statute specifically excludes the kidnaping of a minor by a parent thereof. Cases of this nature are more appropriately handled by State and local authorities. However, under certain circumstances, the FBI can enter parental kidnaping cases through the Fugitive Felony Act. The following conditions must be present for the FBI to enter such a case:

- 1) A State arrest warrant must be issued charging the parent with a felony violation;
- 2) There must be evidence of interstate flight;
- 3) A specific request for FBI assistance must be made by State authorities who must agree to extradite and prosecute on the charge for which the parent is being sought; and
- 4) The appropriate U.S. attorney must authorize issuance of an unlawful flight warrant.

If circumstances indicate an abduction, the FBI field office receiving the report notifies FBI Headquarters immediately, providing specific details or circumstances. The field office is required to conduct a preliminary inquiry in order to determine the need for a full investigation. No ransom demand or evidence of interstate travel is required for the FBI to conduct a preliminary inquiry. There must be reasonable indication that an abduction has occurred before the FBI will initiate a full-scale kidnaping investigation, or under the Federal Kidnaping Statute, if an abducted victim is not released within 24 hours, a presumption is created that the victim has been transported in interstate or foreign commerce.

Summary

Missing children cases, as all missing person cases, almost always fall within the jurisdiction of local and State authorities. Yet, there are ways in which the FBI can be of assistance during such investigations.

Besides offering access to information in the FBI's NCIC Missing Person File and adding fingerprints of missing or abducted children to the repository of fingerprint cards maintained by the FBI's Identification Division, the FBI maintains liaison with local authorities to ensure the FBI is notified should information develop that a kidnaping has occurred. Also, Special Agents are instructed to offer any type of assistance necessary, in compliance with Federal statutes.

They will handle out-of-state leads when asked to do so by local authorities, locate and transmit records, or verify an individual's location should local authorities wish to interview him.

The goal of the FBI is the same as that of the parents of missing or abducted children—to seek the safe return of the child and to ensure that any criminal involved is brought to justice.

FBI

Footnotes

¹ For more detailed information on the Missing Person File, see Demery R. Bishop and Timothy J. Schuessler, "The National Crime Information Center's Missing Person File," *FBI Law Enforcement Bulletin*, vol. 51, No. 8, August 1982, pp. 20-24.

² For more detailed information on the policy of the FBI's Identification Division, see Division's "Letter to All Fingerprint Contributors," dated 3/18/83. If a copy is not available at your department, one can be obtained by writing: FBI Identification Division, Washington, D.C. 20537, Attention: Recording Section.

END