

## In between help & hype. The use of media in kidnapping investigations

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### English summary<sup>1</sup>

#### Research on 'criminal investigative media communication' in kidnapping cases

The goal of this study, commissioned by the Police Science and Research Program, was to provide an outline for the use of media in criminal investigations involving kidnapping cases. We looked into two main areas. First, how do the police make use of media communication in missing persons / kidnapping cases and second what can we learn regarding criminal investigative practices? To this extent, we regard 'criminal investigative media communication (CIMC)' as a police investigative strategy. Media communication is used to call on the public for help, more specifically, to provide the police with relevant information for the criminal investigation.

To answer our central research questions, we conducted a literature and government document study, performed eight case studies of closed kidnapping cases, and completed in-depth interviews with thirty respondents. Half of our interview respondents were linked to the eight case studies; the other half were police, judicial, media communication and academic experts.

#### *Kidnapping and police investigation*

Kidnapping, or abduction, is a serious crime, which has barely been touched upon in Dutch criminological and sociological literature. This could be due to the fact that kidnapping is not a major public issue in the Netherlands. 'Deprivation of liberty', the Dutch judicial qualification, often occurs in combination with other criminal acts, such as violent crime, sex offenses, human trafficking or armed robbery. Depending on police registration of the primary criminal act, the aspect of abduction may remain hidden. There are various types of kidnapping depending on the offender's motive or goal of the act. Abduction is most often associated with ransom kidnapping (financial profit). Other types include kidnapping with ideological motive, criminal abduction, eloping, parental abduction, and sexually motivated abduction. In literature we find that kidnappers can sometimes resort to serious physical violence and/or psychological torture of their victims. Depending on the type of kidnapping and the offender's motive, the precipitated victim risk, which is greatly relevant for police intervention strategy, may vary. Unfortunately, little research has been done on the perceived nor the actual risk.

When receiving a missing person's report, the police will estimate the safety (life) risk for the missing person. The investigative authority and means of the police depends upon this urgency status and determines the course of action that will be taken. In the Netherlands the police may start a criminal investigation when the missing person's case is deemed 'urgent'. Meaning, the absence of the person contradicts the 'normal' behavioral pattern; there is evidence that the missing person has become a crime victim; or there is substantial indication for endangerment of others/society. Troublesome are the incidents where someone is missing, but there is lack of substantial evidence for a criminal act. Thus, police are not allowed to start a criminal investigation, but may only

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investigate based on their 'police assistance' jurisdiction. This demonstrates the crucial importance of the emergency intake process. In practice, knowledge of the missing persons protocol and primary decisions by the intake officer need to be improved in order to raise and tackle urgent cases more effectively. When a criminal investigation takes place it is primarily focused on the safety and release of the victim(s). Next, on the arrest and trial of the offender. Last, on the conservation or recovery of the potential ransom. Media communication is one of the investigative tools available to the police.

#### *Criminal investigative media communication (CIMC)*

Today civilians are more and more included in police investigations for which the Dutch police aspire to establish police-civilian cooperation ("co-creation"). *Criminal investigative media communication (CIMC)* is an example of this co-creation: the police use media communication to ask the public for assistance in gathering investigative leads. There are strict criteria for using CIMC, because it greatly affects the privacy of the persons involved, being suspects, victims and/or relatives. These criteria are stated by the Attorney-General in a formal work instruction and overseen by the Supreme Public Prosecutor (regionally) and the national Portfolio Holder CIMC.

When CIMC is used in a kidnapping investigation, the objective or purpose depend upon the phase of the criminal investigation and the operational or tactical needs of the investigative team. The range of the media message may be national, regional or local. In practice, it may be decided to start 'small' (local) because of the anticipated impact on the lives of the people involved. In any case, police capacity for receiving public responses and possible follow-up needs to be guaranteed before using CIMC. The formal work instruction states that the results of CIMC should be shared with the public in order to ensure future willingness to respond to new CIMC.

There is a great variety of media sources and channels, both owned by the police and external media contract partners. Examples are the Dutch national television show 'Opsporing Verzocht' ('Wanted'), regional police television programs, particular websites (large range or specific target audience), and social media. Amber Alert enables the police to spread a national warning very rapidly through multiple channels, in case a minor has been kidnapped or is missing. Speedy implementation is one of its specific work instructions. The use of social media needs to be well reflected on: not much is known about the effects; messages spread extremely rapidly and are no longer 'owned' by their sender. Once out there, a message cannot be deleted. This has great consequences for a missing person, their family and for crime suspects (who have not yet been convicted).

#### **The use of CIMC in eight kidnapping cases**

##### *Eight kidnappings*

The eight cases we studied all have different types of offenders with varying motives, victims (e.g. minors or adults) and a unique offense pattern. We studied one parental abduction, three child kidnappings with sexual motive, two cases with sexual exploitation (trafficking), one relational abduction and one ransom kidnapping. Almost all victims were vulnerable for one reason or another, such as being a minor, single status or suffering from addiction. In five cases the victim was a minor. In three of eight cases the victim did not survive the offense; all three kidnappings had a sexual component, in two of them the victim was a minor. The victims were lured by the offender and subsequently held against their will and sexually abused. Most kidnappings were not planned carefully. In six of eight cases the offenders had criminal records, consisting of violent crimes, sex offenses, theft and drug related offenses.

### *Police response and use of CIMC*

The police learned about the crimes in various ways: there could be a missing person report, a kidnapping alert or in one case, the investigation started when the body of a deceased child was found on the road. Consequently, the initial police response varies. Especially in the initial, hectic investigative phase. There is lack of overview, lack of information and/or flawed information about the incident. In several cases, police are unable to estimate the urgency of a missing person incident and therefore legally cannot start criminal investigation. This is hard to explain to family members of the missing person.

The police have different strategies for using CIMC, depending on the type of incident report, urgency-estimation and previous experience with CIMC and kidnappings. In four of the studied cases the emergency dispatcher immediately sent out a local community alert<sup>2</sup>. Besides community alerts, CIMC is usually implemented soon after a criminal investigation is initiated. In all of the cases the following forms of CIMC were used: press releases, press conferences, flyers, Amber Alert, the national police directed TV show 'Wanted'<sup>3</sup>, regional police TV shows, police official and other (partner) websites and regional newspaper messages. In many cases the police distributed a press release, which was adopted by other media. Social media was monitored, but used less as a channel for CIMC. This may be due to the fact some of the studied cases are a bit dated.

A police communication adviser is usually consulted regarding the manner of broadcasting, to write messages and to manage press publicity. Some police units believe that a communication advisor should always be part of the criminal investigative team in kidnapping cases; other police units believe that a communication advisor or press publicist should not be included in the investigative strategy in order to ensure no sensitive investigative information accidentally ends up in newspapers.

### *Objectives of CIMC*

What are the aims of using CIMC? Police state that CIMC is mainly used to search for witnesses and information about the abduction. However, when CIMC is used later on in the investigation, there are different aims such as specific information requests in order to gather evidence, creating 'noise' in order to invoke suspect movement, or appealing to a suspect's emotions. Side goals which are mentioned are building a positive corporate image (by showing the police are 'on top of it'), maintaining media control and warning the public (in case of a dangerous/armed suspect). In some cases there is a deliberate decision to refrain from using CIMC. Arguments to support this view are that there are other (substantial) leads, or police fear that the suspect(s) - pressured by media attention - may hurt the victim. Other factors that influence the decision making process are media pressure aimed at the police or criticism regarding former police decisions about CIMC in similar cases.

### *The actual decision of broadcasting in a kidnapping case*

Besides the aims of CIMC described above, the decision to actually broadcast CIMC may be a very difficult one. There are numerous complex considerations, that differ in each case and context. The first consideration that is mentioned most often is the victim's safety. This may be a consideration to either go ahead with broadcasting, or refrain from broadcasting. Secondly, a consideration

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<sup>2</sup> Community 'Police Alert' or 'Neighborhood Alert'. Local emergency alert system in which the police can send emergency alerts, notifications and updates to subscribers (cell phone, pager, BlackBerry, PDA and/or e-mail account). In the Netherlands this system is referred to as 'Burgernet'.

<sup>3</sup> 'Opsporing Verzocht'.

supporting the use of CIMC is the speed and reach of certain types of messaging, such as national tv, internet and social media. A third, restricting consideration, is the privacy of the actors involved. This stresses proportional to the use of CIMC. Fourth, are there other possible investigative strategies? Other investigative strategies may be used as alternatives to (subsidiarity, refraining from CIMC), or in combination with CIMC as a condition for broadcasting. A fifth consideration is whether there is useable tactical information in order to focus public responses (such as a suspect description, car type or specific objects). Sixth, police should consider the fact that criminal investigative purposes do not necessarily match journalistic purposes. A message should have certain news value in order to be adopted by regional and national media. This entails positioning a message carefully or deciding not to go ahead when there is little anticipated value in broadcasting. A seventh, final consideration our police respondents mention, is broadcasting in order to prevent negative public imaging regarding the police approach of the kidnapping.

Every specific kidnapping will have to be reviewed on its own, but overall police are extra careful in (assumed) sexually motivated abductions. Likewise, in parental abductions related to custody issues, police will explore less personally invasive alternatives to national CIMC.

#### *Content and target group*

The time of broadcasting depends on the estimated effect (day versus night), the objective, other leads available and information. Regarding message content, the question to the public should be formulated carefully, weighing the victim's safety, the privacy of the actors involved (victim, suspect, family members..) and what information is specific offender knowledge. Offender knowledge, information about the kidnapping that can only be known by the offender, can be vital to suspect questioning used to establish proof of involvement in the crime. For that reason, police prefer not to use offender knowledge in CIMC. When using a photo of the victim, police should urge the family to supply a realistic photo (not a 'flattering' one).

Depending on the urgent nature of the specific case, some police units circulate a message internally for one to two weeks before broadcasting it publicly. Some advocate split-level broadcasting, from local to regional to national, however, the distinction between regional and national nowadays can hardly be made, considering the fluid character of modern media and the fact that national news agencies scan regional media on a daily base. When a missing person case is urgent, it is more likely that it will be immediately communicated publicly with a broad range of channels. Later on in the investigation, when CIMC becomes part of a tactical investigative approach, or when the crime was committed within a specific context, narrowcasting may be more fruitful. Depending on the tactical objective or the specific context, a more specific target group can be addressed. The form and channel of CIMC can be aligned to these objectives. Social media is regarded by police detectives as an important tool that could be used more often. In most cases a combination of media resources would be optimal.

When we look at our eight cases, the above recommendations are not always followed. When CIMC was used with a tactical aim in the investigation (combined with other investigative resources), the manner of implementation was well-considered. In the initial, hectic phase or when an investigation was 'stuck', more pragmatic decisions were made.

### *Acknowledging public and family*

Police experts point out the importance of arranging the capacity to receive public responses to CIMC, to follow-up on leads and, moreover, the importance of informing the public about the results of their reports. The latter is a national guideline for CIMC. The rationale is that civilians are more prone to assist in future CIMC, when they learn that their information is being recorded and used. The studied cases show that police experience difficulties in receiving and responding to public responses.

Family members of a missing or kidnapped person are taken into account by the police in various ways. Detectives stress that family members should be taken seriously and should be informed about the course of action, as well as the reasons for these actions. In the Netherlands, 'family detectives' are an important link to the family throughout the investigation. By 'sticking to the family', family detectives facilitate careful deliberation about what information may be communicated freely and what information should remain confidential. Moreover, the family detective is able to inform the family about the risks involved in seeking media attention and subsequent impact on the family's and the victim's lives. According to some detectives, it is unfortunate that family members are often neglected as possible investigative partners.

### **Conclusion**

There are various complex factors and considerations regarding the use of CIMC in kidnapping cases, which are difficult to anticipate and control. The aim of the message, considerations before broadcasting, and the target group are all related to the phase and objectives of the overarching police investigation. In kidnappings, some very special and specific crime characteristics are that the offender and victim's whereabouts are unknown<sup>4</sup> and that the crime is 'ongoing'. As such, the victim may continuously be in danger. In addition to the consideration that the use of CIMC should be proportionate to the risk, the police team describe a complicated tradeoff between the assumed risks and the negative side effects of CIMC and the would-be revenues.

Finding the victim is an important 'cut' in the police investigation. We are talking about the transition from one phase – when the victim's safety and whereabouts are unknown – to another phase, in which the victim has been found.<sup>5</sup> Before and after this transition, CIMC is used with a different aim and has different considerations. Our research shows that police and district attorneys (who lead the criminal investigation) may be very hesitant in using CIMC, because of this precipitated victim risk. However, our findings do not show that CIMC indeed may form a risk to the physical wellbeing of a kidnapping victim. The cases we studied seem to imply that offender characteristics and type of abduction (offender motive) are related to this risk, not CIMC. Since we only studied eight cases, this assumption needs further research.

Other risks and bottlenecks the police team may find itself confronted with when contemplating CIMC, are estimating the urgency of a missing person report, the impact CIMC may have on the lives of victim suspect and family members, possible conflicting media strategies from different police teams or units, and the fact that police interests may differ from journalistic interests. The value of CIMC can be that police can reach a large or a very specific group of people very fast, in order to find a missing or abducted person quickly. The most obvious goal is gathering of information in order to receive a crucial tip from the public, that would otherwise remain hidden. Another prevalent aim is

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<sup>4</sup> When in an abduction the offender and victim whereabouts are known, we consider this a hostage situation.

<sup>5</sup> This may imply that the victim has been rescued / brought to safety, or that police have established that the victim is deceased.

to stir suspects, in order to identify them, trace them and/or gather evidence against them. In both scenarios CIMC should be followed up and/or combined with other criminal investigative resources. As such, CIMC is not an isolated tool. The findings show that CIMC was most fruitful when it entailed a very specific question related to specific information, e.g. regarding a specific car type with license plate numbers.

Besides the criteria in the formal work instruction, there are some other 'conditions' and recommendations for using CIMC in kidnapping cases. One condition is that information is verified before used in CIMC, another that all communications are documented carefully. Documenting is important in order to account for the decisions made within their specific context, but also in order to distinguish offender knowledge from public knowledge later on. Moreover, the police should be equipped for receiving and following up public responses. Specialist expertise, such as a family detective, a coordinator missing persons, a behavioral expert and communication advisor could be of great value in minimalizing the perceived risks and to help make decisions regarding CIMC. In the Netherlands, a missing persons coordinator can help estimate the level of urgency in a missing person case. A behavioral expert can shed light on possible offender behaviors (and victim risk) in a specific kidnapping case. A communication advisor can provide an overview of tactical possibilities and available resources of CIMC combined with other criminal investigative methods.

Reference:

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