

REVISED AMBER ALERT PLAN

The Section of the current AMBER Alert Plan entitled “When Is An Amber Alert Issued?” is hereby deleted and is replaced with the following text:

When Is An AMBER Alert Issued?

AMBER Alerts are intended to be issued when there is reason to believe that a child has been abducted and may be in danger of death or serious bodily injury. AMBER Alerts are not intended for all missing child incidents, runaways, or child custody situations, and it is the responsibility of all law enforcement agencies to make certain that the AMBER Alert system is not abused. The misuse of the AMBER Alert system would lead to a lack of confidence by members of the general public whose assistance is being sought. The activation of an AMBER Alert in any case where there is no objectively reasonable basis to believe that a child has been abducted and may be in danger of death or serious bodily injury would undermine the program’s effectiveness by leading citizens to pay less attention to these alerts, which in turn would endanger abducted children who are genuinely at risk of death or serious bodily harm. Accordingly, it is the policy of the State of New Jersey that an AMBER Alert should only be activated by the State Police when the circumstances meet specific criteria that are set forth below.

The decision whether or not to issue an AMBER Alert is a judgment call that must be made very quickly based on the limited information available at that moment. For this reason, law enforcement officials who apply the following criteria in good faith and who document the reasons and factual basis for their decision should not be second-guessed based on subsequent events, or on information that was not reasonably available at the time that the decision to initiate or refrain from initiating an AMBER Alert had to be made.

Criteria for activation of the AMBER Alert system

The following criteria shall be met before an AMBER Alert is activated:

1. There is reason to believe that a child under the age of 18 has been abducted.
2. There is reason to believe that the abducted child may be in danger of death or serious bodily injury.
3. There is reason to believe that an AMBER Alert would assist in locating the child considering all relevant circumstances, including whether there is enough descriptive information available, and the amount of time that has elapsed since the child was last seen and was reported missing.

Applying the activation criteria in cases involving family abductions

When deciding whether to activate or request activation of an AMBER Alert, law enforcement officials should consider whether the reported abduction was done by a family member or someone acting on behalf of a family member. An AMBER Alert should not be activated unless the AMBER Alert criteria have been met.

When a stranger abducts a child, it may generally be assumed that the child is at great risk of physical harm. In the case of a family abduction, law enforcement officials must consider the complexity of the circumstances of the reported abduction (*i.e., e.g.*, the manner in which it was committed and whether violence, threat of violence, a deadly weapon, or other dangerous behavior or circumstance was involved), as well as any available background information about the abductor and his or her relationship to the child and any history of prior abductions, custody disputes, domestic violence or child abuse. Furthermore, when assessing the totality of the known circumstances, law enforcement officials responding to a report of a family abduction may need to consider the possibility that the person reporting the abduction has a motive to overstate the risk of physical harm posed to the child in order, for example, to gain an advantage in ongoing or contemplated matrimonial or custody rights litigation.

This statewide policy should not be construed in any way to categorically prevent activation of an AMBER Alert in family abduction cases. The familial relationship between the suspected abductor and the abducted child is merely a factor that should be considered as part of the totality of the circumstances in determining whether there is reason to believe that the child may be in danger of death or serious bodily injury. In family abduction cases, the law enforcement officials should consider the following specific circumstances, when information about these circumstances is available:

1. Whether any threats of harm to the child were made by the abductor at any time before the abduction, or during the course of the abduction (including implied threats such as “if I can’t have custody, then no one will”);
2. Any past history of violence by the abductor directed against the child, or abuse or neglect of the child, or any other child;
3. Whether violence or threat of violence was used in committing the abduction, and whether force was used or directed against the child (*e.g.*, the child resisted or tried to escape), or put the child at immediate risk of harm, even if the force was directed against another (*e.g.*, the use or threatened use of a firearm or other weapon; assault by auto, motor vehicle eluding or reckless driving, etc.);
4. Whether there is a family history of domestic violence or child abuse, or a history of custody disputes or past abductions;

5. Whether the abductor has a past history of violence or weapons offenses;
6. Whether the abductor is believed to be armed;
7. Whether the abductor is believed to be under the influence of alcohol or drugs;
8. Whether the abductor has a history of alcohol or other substance abuse;
9. Whether the abductor has a history of mental illness;
10. Whether the abductor was acting irrationally (*e.g.*, uncontrolled rage, desperation, or panic);
11. Whether the child and/or abductor have pre-existing medical and/or health conditions, which, if unmonitored and/or untreated, could impact on the welfare of the child;
12. Any other facts or circumstances that suggest that the abductor might intentionally or unintentionally harm the child, or expose the child to a dangerous situation.

AMBER Alerts are only one part of a comprehensive law enforcement response to reports of abducted/missing children

Even when the circumstances of an abduction or missing child case do not meet the criteria for activation of an AMBER Alert, the law enforcement agency responding to the incident should immediately contact the New Jersey State Police Missing Persons Unit for assistance, and must conduct the missing child investigation in accordance with guidelines, protocols, and/or best practices disseminated by the State Police pursuant to Attorney General Law Enforcement Directive No. 2008-4. The decision not to activate an AMBER Alert to interrupt radio and television programs with an emergency broadcast should in no way preclude a law enforcement agency from preparing and distributing flyers or using other means to enlist public assistance in locating the missing child. Nor does the statewide AMBER Alert Plan in any way preclude a law enforcement agency from entering into an agreement with local media to publicize missing persons reports. The AMBER Alert program is intended to supplement, not supplant, other techniques and methods for soliciting the public's assistance in locating missing persons.