

# THE MISSING PERSONS PROBLEM

BY ADRIAN KENYON

*At a time when NSW Police face the common prospect of reduced budgets, and violent crime rates, officers are often unable to actively investigate the cases of Missing Persons. That is, until now...*

WITH THE STAKES RAISING HIGH in many of the unsolved missing persons profiles, the strategic advances of NSW Police are often cut short by scarce leads and blocked time resources, and as a result, many of the states prominent cases are left unsolved. In many of its cases, police are often pressured against the lure of inequitable deadlines, with the constant realisation of life and death – where for many of the victims, life expectancy is only a matter of hours. Throughout all the struggles, appears a new glimmer of hope...

In NSW, twenty-two people are reported missing each day, and despite the attributed facts that 99% of those reported return home safely, there still remains the 1% who, fall through to the cracks of the unknown.

Despite this, short-term and long-term missing persons cases continue to exert the stretched resources of investigating officers, costing an annual projected cost to the community of \$72m nationally.

Currently, lies the question for forensic investigators to establish the division of whether the victim has met the hands of foul play, or to make the call – suggesting the “victim,” is lagging the streets – before conforming to the pride and guilt, of returning home.

With frontline officers often caught between the strains of indecision, and where for many, the realisation of what frequently appears as a case of suicide or murder, has seen the calamity of missing persons brought to the signs of a world-first resolution. In the present investigative system, officers are called to a method where it is central to identify not who the missing person is, but rather, the events transpired upon disappearance.

These restrictions, have seen the broad hunt for the missing identity crisis, shift, to the advancement of a risk-assessing system comprising of both the victims pre-disappearance behaviours, and the reconstruction of the deceased's psychological state before time of death, accurately narrowing down the predictions to a point of percentage.

Dr Shaunagh Foy, a forensic psychologist from Bathurst's Charles Sturt University, assisted police through uniquely calculating missing persons files and data extracts, dating from a selection of over 350 solved missing persons cases, extending from the past 20 years.

"The research started off as an exploratory study to see if there was any possibility of their being any differences between persons who have met with foul play, and those who have run away." The data used by Foy, outlined an empirical approach – linking the observations of the missing persons preceding behaviours to the underlying suspicions of pre-disappearance.

"The aim was to go beyond [the] general descriptions of the person, by highlighting behavioural and psychological factors that had the potential to have value," she says. "The research was conducted in a way so as to allow the researcher to develop a sense of how missing persons differ, and to articulate those differences." Such findings throughout, led Foy to distinguish the cases of suicide against the cases of runaway, leaving for clearer findings in location.

"Those who had runaway were more likely to be rebellious than those who were the victim of foul play, and those who left to suicide tended to not be rebellious," she says.

In 1998, the National Missing Persons Unit at the Australian Bureau of Criminal Intelligence, commissioned customary research in a bid to overcome the gap of knowledge for police towards the broad cases missing person's reports, and the impact of disappearance felt on the community. However, as Foy suggests, the very issue of police understanding, may be reliant upon the individual intuition, of an investigating officer.

"A police officer who deals with a lot of missing persons cases would over time, come to develop an intuitive sense of what it is that has most likely happened to the missing person."

Missing persons cases continue to spiral out of control - and it seems that for frontline investigators, the use of such itinerant technologies as laptops and mobile phones that outwardly appear the advantage tools in investigations. The very co-existence for Foy's profiling to exist with such police data processing technologies, could potentially allow for the use of hand-held data-miners to be fully operational in such investigations.

"There is an increasing convergence between PDA's and mobile phones," says Terry Bossomaier, who is professor of Centre for Research in Complex Systems at CSU. According to Bossomaier, the future growth and applications for PDA's remains uncertain. "PDA's have been steadily increasing in speed, but there are two factors that make their future growth hard to predict," he says. "Mobile phones are getting more powerful and are taking over some of the functions performed by PDA's. Secondly, laptops are shrinking, and new data input approaches are already in the market."

There's no doubt that the scope of suspicions towards missing persons cases continues to diverge from case to case, leaving poorly sourced traces of information for examining officers to compare the different types of missing persons for prediction. For investigating officers such as Sergeant Mark Samways, it's this very "inexact science" of those missing, that continues to call him to serve Parramatta's NSW Missing Persons Unit. Samways believes that something needs to be done to tackle the large number of missing persons cases, and there would be few to disagree.

"We have to keep an open mind about anything that may potentially help police do their job better," he says. "Our primary efforts are a multi-agency approach - to help locate missing people - and in-turn, looking at the groups of people missing ... as well as using other agencies such as the Attorney Generals Office, Mental Health Department, and even DOCS," He also says there exist a range of factors that play influence for the processes made by

investigators, including the time of location. “Each missing persons case is risk assessed and the circumstantial evidence is based on a range of factors, including the time of day.”

Any possible lead that will help to identify the location is sourced by the difference in the time of the report, and can therefore be the contrast, in risk appraisal.

The milestone case of mentally ill patient Cornelia Rau brought to its knees, the public realisation of how stretched the missing persons risk assessment system had become for investigating officers. The equivocated case of Rau, called those most senior into account. Enquiries were launched, politicians ducked for cover, and it would see any form of culpability from the system denied. For more than 10 months, the case of the then 39-year-old German-born Australian unremarkably spiralled into the hands of bureaucratic neglect, as both the national systems of immigration and mental health were brought to question.

By the time of Rau’s whereabouts, all was too late, and the system of missing persons profiling had failed to promptly expound resolution.

Inexplicably, it would see the trace for information led by NSW Police – launched into a missing persons appeal – campaigned by Rau’s family and prominently posted on posters and Newspapers, but yet tragically failed to cross state borders.

In July this year, the multiparty initiative of both the Australian Federal Police, and the NSW Attorney-Generals-Office, moved towards a collaborative effort, launching research into missing person’s phenomena. With it, saw the launch of the Missing Persons National database, allowing the families of both those missing, and the victims themselves, to establish interaction through the use of the networked website. The use of such interfaced technologies it seems is only just beginning, and as Coordinator of the AFP National Missing Persons Unit, Leonie Jacques suggests, there still remains more to come.

“It’s almost like a two stage rollout of enhanced capability. One [system] is currently being rolled out which gives more demographic data around missing persons, and the next one to be scoped, will give it even greater capabilities with the introduction of Biometric data.” When asked, how measures such as the national database may increase the potential for location, Jacques replies: “I think the primary thing is that it will be real time ... as soon as its logged, its there for states and territories to access.”

She also says that the benefits of such “e-sightings,” will allow for a more readily networked system, in the aid of recent sightings. “A cop on the beat, will actually be able to log into the system if they feel that there’s a sighting of somebody ... that will assist in the location,” she says. “There’s been quite a increase in sightings reports, because it allows the community to go straight onto our website. It also ameliorates that potential for human error.” It’s such changes in discretion that has allowed the approach to shift from reports being made over 1800-line, noted by an officer, and then relayed to the states and territories.

Like Jacques, Acting Sergeant Vanessa Rolf of NSW Missing Persons Unit, endorses the changes for the use of the state service and says that the use of a national database, will assist greatly in eliminating the unknown.

“At the moment, everyone has a stand alone database, [and] the only time we’ll have someone that’s gone missing in another state on our [NSW police] database is whether the next of kin for the person reporting, reports it to a NSW police station ... or another state asks us,” she says. “If each state has access to one national database at least we know what’s going on in each state.”

Foy agrees that such methods of detection will only enhance in the location findings, and says that Australia is not alone in the uncertainty of finding those missing. The FBI revealed in reports conducted in 2000, that 58% of policing concerns into missing persons was caused by the uncertainty into child disappearance. The fact that for such large numbers of children leave their homes each year compounds the difficulty in accurately classifying a missing child as a runaway or a victim of abduction.

“If you read all of the information, all of the variables that occur in other western countries like America or England, their dealing with the same issues were dealing with,” she says. “A

person who has met with foul play will have the same characteristics in all westernised countries.”

The judgment call by coroners’ into the findings of foul play is the port of call in determination, where for the interests of closure, will see a hefty exploration into the believed reasons of death. The inquest of a death certificate is made with a comfortable presumption to suggest a lack of evidence of life. It is with such conditions, that will see the coroners’ office exhaust every known resource, to draw such a conclusion – meticulously tracing through the deceased’s course of events – to reach the findings of full drawn efforts.

The Victorian Institute of Forensic Medicine, is as an interviewee who requested anonymity suggests, are developing further enhanced capabilities for the purpose of standardising across the states and territories, in the cases of coronial examination.

“What we are developing here at the VIFM, and what the AFP will eventually end up with, is a national search engine, which will allow for unknown deceased’s remains and their anti-mortem data that is collected, to be compared with post-mortem remains that are found throughout the states.”

Life insurance claims continue to be the heart of target in the cases of manufacture and imposture missing persons cases. Irregularity and suspicion, is a fact of life for such insurance companies, where for the cases of doubt plays a part of concern, will see insurance giants go to great lengths to investigate.

Richard Gilbert, CEO of the Investment and Financial Services Association, believes the waging campaign against life insurance deception is only just beginning.

“It could bring the industry to its knees, by having to prove identity by death. But fortunately, most people that overwhelmingly enter into a life insurance contract, are honest people, and so where talking about very small handfuls of cases ... and that’s one of the great virtues of Australian society.”

With an armed conflict against identity fraud, it seems that no one is taking chances when it comes confidence in the system. Clearly, at the best of times, consumer confidences remains at an all time low, and as a result, it seems the co-ordination of investigation is not taking chances with unlawful activities. “I think people that want to do their part unlawfully, know that the life insurance industry is not going to be paying money out for nothing. Life insurance claims for death can be hundreds of thousands of dollars, and to that effect, means that the company paying out has to be very sure before they pay out, [and] we’ll take any types of possible action to ensure that we know that someone is actually dead, so if there’s a suspicion that someone is not dead, well then clearly, the company will go to great lengths to investigate that,” says Gilbert.

He also talks of cases where for those who dare to test the fringes of the system by deceiving a case of missing persons identity, will be found. “There was a case recently where there was a three-and-half-million-dollar life contract, and the company went out and found that the person was still alive ... and obviously didn’t pay out the money.”

It’s such known cases that Gilbert refers to, that surfaced the alleged reports of manufacture missing person’s fraud in both 9/11 and the 2002 Bali Bombings. Behind such examples of endeavoured deception, awaits the intelligence mechanisms to counter-act such unlawful tsunamis. In a bid to deter the acts of manufactured identity, governments and private conglomerates, are spending up big when it comes to the fight against identity theft and missing persons fraud. With the ambitious estimated cost of identity fraud in Australia ranked at a \$1.1bn epidemic, the Queensland-state-attorney general’s office has unveiled the mechanism of the proposed electronic-birth-validation certificate and passport encryption, to immediately concede the threat of such bogus identities. The launches of such campaigns against identity threats are continuing to diversify, as the exploit of government encryption measures will allow the use of real time electronic links throughout departments such as the Registry of Births Deaths and Marriages.

False names of those abroad operating with fictitious passports make this very issue more complex than it really needs to be. Whilst such practices may not be according to Rolf a common occurrence, none the less, they still exist.

“We get cases where people may have come into the country on a Visa and they soon disappear soon after they’ve come into the country. On many occasions, they may have come into the country on a false passport, and we cannot identify who the person is.” Rolf can only agree that the measures being adopted by Queensland government will act as a deterrent to such practices, and suggests the strategies would prove invaluable in NSW.

“It would definitely reduce identity theft, and manufacture missing persons. We would be confident in knowing who we were actually looking for,” she says.

The president of the NSW Council for Civil Libertarians, Cameron Murphy, is apprehensive with the moves being assumed. “The problem with any data-matching system is that while it initially may be used for one purpose, and that might be to validate the birth certificate, you cant stop it then from being adapted to be used in its entirely different purpose,” he says. And therein lies the problem for those at the target of counter identity fraud. By yielding an approach of government encryption will see the missing persons problem only intensify, and yet by adopting such measures, will as Murphy believes, see yet another catalogue of public information on file, readily exposed to those in trusted positions of eminence.

“Once your identities been stolen your private information’s been released, and there’s nothing in the world you can do to get it back. It’s a situation that can’t really be fixed.” Murphy believes that for those who fall prey to such conspiracies, should be met with the full financial reimbursement. “We should be ensuring that people can obtain compensation – can sue people.” Gilbert also argues, that the rollout of such measures, is merely a means of fraud prevention. “There’s an in-principle commitment to use the electronic validation to the greater extent then what we have,” he says.

There is no question that for insurance companies, maintaining the information of legitimate identity is a must. The enforcement powers for doubt can see with it, concerns into intrusive examinations where as according to Murphy, may cause with it anguish for families involved.

“I think that the real issue is that they [insurance firms] need to bear in mind the distress of the family and they need to be sensitive to that. In terms of the investigation, we need to ensure that any co-operation between police and private investigators has protocols to ensure that the investigation is conducted appropriately.”

Gilbert argues, that there does remain more to the equation of missing persons than just insurance, and strongly believes the insurance industry maintains strong provisions to cater the needs of those involved. “Look at the end of the day, missing persons is not just about insurance fraud. Missing persons, who have gone off the track to leave their family, may have gone missing for mental health reasons. For those people, the sooner their found and brought into a caring and loving environment again the better... and there are just tragic circumstances,” he says.

Its Private Investigators such as Warren Mallard of **Lyonswood Investigations and Forensic Group**, who believes there is now a dramatic shift in the paradigms of an industry once viewed as “a perception that private investigators were people that had two shots of bourbon before breakfast, lived out of foam cups, and were probably dishevelled and maybe even a disgraced police officer.”

Mallard appears committed to his craft, and indicates the change of perception as only a good thing. “We’re now a very potent, skilled, and competency accredited group of individuals,” he says. It’s this very change in the public image that for Mallard has called him on many accounts, for a wider recognition within the ranks of the public and policing to assist those missing.

“I believe that the lack of co-operation is not born out of professional jealousy, I believe it’s born out of a lack of understanding, particularly about how the private investigation industry works and can work with, and complement the government law enforcement agencies,” he says.

He also suggests that the bridging gap between private investigators and the general public is continuing to come-of-age. “I firmly believe that in relation to missing persons, that there will

be even more enquiries from people out there in the public with private investigation companies. We don't send people away and we don't not investigate, if somebody comes to us and they want us to investigate [then] we always investigate."

Mallard, a former public policing officer himself, with a combined investigative background of 38 years has seen and heard it all before. He's written to Attorneys General, shared a recent conversation with the DPP, and has even written to former Commissioners of police, requesting for a more mutual approach between the private and the public to help locate those missing. Such a commitment has seen him decorated on three separate accounts since leaving the public policing, in addition to chairing presidency of three national Industry representative bodies and as a Director of the World Association of Detectives

With the ever-increasing merit to the private sector, it still sees with it concern from the public police towards joint efforts of operation. "We have had instances where a private investigator has rung up a mother of a missing person and said I know where your son is, but he was trying to extort money out of her before releasing any types of information," says Rolf. "We don't have a list of ones that are competent, or ones that we normally work with either."

Mallard however argues, that if further safeguard powers of regulation were to be put in place, that invariably it would see compliances for a combined force.

"The first line of investigation for any police officer is that police system that can pull a whole lot of data on an individual, and that's all of our intelligence gathering, and we cant gather that intelligence because they don't trust us with that information. When you're searching for a missing person, time is of the essence. For everyday that floats past allows for a trail to be covered of more deception," he says.

**Mallard is strident with regard the advantages of pooling data for a common lawful cause. He argues that investigators have many skills still to be learned by public police and access to data that public police would never even consider in their endeavours to locate a missing person.**

"You cant guarantee somebody that you'll find that missing person, the only guarantee you can give someone is that you'll give it your best shot. **To give it your best shot, you need the best available combined resources**" ●