

# REPORT OF THE REVIEW PANEL

CONCERNING THE DISAPPEARANCE AND DEATHS  
OF THREE YOUNG BOYS IN EAST CAMDEN  
JUNE 22-24, 2005

Panel Members:

James P. Lynch  
1st Assistant Camden County Prosecutor

Michael Kantner  
Deputy Chief of Investigators  
Camden County Prosecutor's Office

Edward Hargis  
Deputy Chief of Police  
Camden Police Department

## TABLE OF CONTENTS

I.	Introduction	page 1
II.	Summary of Facts	3
III.	Conclusions	16
IV.	Recommendations	23

## TABLE OF APPENDICES

- A. Camden Police Department, General Order No. 97-2
- B. Policy of the Attorney General Regarding Missing and Unidentified Persons Investigations, December, 1987
- C. Center for Disease Control and Prevention, Morbidity and Mortality Weekly Report, December 4, 1998
- D. New Jersey Statute 40A:14-156 (Mutual Aid)
- E. Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model; developed by the National Center for Missing and Exploited Children, January, 2005.

## I. INTRODUCTION

On the afternoon of Wednesday, June 22, 2005, three young boys disappeared from the yard of the home of one of the boys in East Camden. Their absence was noted at about 5:00 p.m. Following an unsuccessful search by family members and neighbors, a 911 call was made at 8:25 p.m. and officers from the Camden Police Department responded to the scene.

Over the next two days, dozens of agencies and scores of law enforcement personnel and civilians searched for the missing boys. At about 6:45 p.m. on Friday, June 24, 2005 the boys were found in the trunk of a motor vehicle parked in the yard where they had last been seen. Their deaths were determined to be accidental.

On June 25, 2005, Camden County Prosecutor Vincent P. Sarubbi announced that he had appointed a review panel to investigate the disappearance of the boys and the law enforcement response. Prosecutor Sarubbi directed the panel members to prepare a report which was to be provided to him and Camden Police Chief Edwin Figueroa by July 25, 2005. That date was later extended one week by Prosecutor Sarubbi.

This document is the work product of the review panel. In preparing this report, the panel members obtained and reviewed hundreds of pages of reports from numerous agencies, viewed photographic evidence and considered statements from and summaries of interviews with witnesses. The panelists also examined the vehicle in which the boys were found.

Members of the review panel have endeavored to perform their assigned task in an even-handed, objective fashion. They recognize the tragedy in this case is both enormous and enduring. It is their sincere hope that this report will shed light on how this tragedy occurred and, through its recommendations, help to ensure that it will never be repeated.

## II. SUMMARY OF FACTS

On the afternoon of Wednesday, June 22, 2005, three young boys were playing together in the front yard of the residence at 957 Bergen Avenue, Camden, New Jersey. The boys were:

- Anibal Cruz, age 11, DOB: 11-18-93  
957 Bergen Avenue  
Camden, New Jersey
- Daniel Agosto, age 6, DOB: 1-4-99  
918 Bergen Avenue  
Camden, New Jersey
- Jesstin Pagan, age 5, DOB: 1-1-2000  
411 N. Black Horse Pike  
Mt. Ephraim, New Jersey

The boys had been observed in the yard playing with a garden hose between 4:30 p.m. and 5:00 p.m. Shortly thereafter, they were gone. At about 5:00 p.m. family members of the boys, joined by friends and neighbors, began to search the area looking for the boys. Among the places searched were the Cruz residence, the yard and a shed located in the yard.

Also located in the yard, some distance from the house, was a 1992 Toyota Camry automobile, red in color, New Jersey registration RH-137P. The registered owner of this vehicle is Carmen Lopez, mother of Elba Cruz who is the mother of one of the victims, Anibal Cruz. Elba Cruz resides at 957 Bergen Avenue with her children.

The red Toyota was left with Elba Cruz when her mother, Mrs. Lopez, departed for Puerto Rico some 8-10 months ago. The car's registration had just expired and it had a valid inspection sticker. The car was operable until some 5-6 weeks prior to June 22. It was parked in the rear yard about 75 feet from the house, facing south and was substantially shaded by trees. After the boys vanished, this car was checked by family members prior to calling the police but no one went into the vehicle or opened its trunk. The Cruz family believed that the car was not locked.

When the search initiated by the boys' families was unsuccessful and as darkness approached, the families decided to contact the authorities to report the boys missing. A family member dialed "911" at 8:25 p.m. The "missing child" report was a "Priority I" call, the highest priority. However, officers were not dispatched until 8:50 p.m. Communication records reflect that a series of eight other "Priority I" calls were received between 8:04 and 8:44 that night by Camden Police Communications. Five of these Priority I calls were received between 8:18 and 8:25. The last of these was the report of the missing boys. This volume of calls explains the delay in the dispatch to that report. The first officer arrived at the Cruz residence at 8:57 p.m. That officer was a ranking superior who was joined shortly thereafter by a patrol officer.

The responding officers were briefed by family members of the boys. They derived the names of the boys, physical and clothing descriptions and additional details. They were told by family members that the boys regularly

stayed on the 900 block of Bergen Avenue. However, neighborhood residents advised that the boys were seen about four blocks away earlier that day and that Anibal Cruz was known to frequent areas within four blocks of his home at 957 Bergen Avenue. The officers were advised that a neighborhood search had been conducted and two families noted that the 1992 Toyota in the yard had been checked. The officers searched the interior of the Cruz house and the adjacent yard. They looked into the Toyota but did not enter the passenger section of the vehicle or open the car's trunk. Thus by 10:00 p.m. on Wednesday, the Toyota had been checked twice, once by family members, once by police officers. Neither check involved entering the car or opening its trunk. Three of the four car doors were locked, the driver's door was not locked but its exterior door handle was partially broken making it more difficult to open. The car's windows were closed.

The officers searched the Agosto residence at 918 Bergen Avenue and one other house on the block.

While officers were still actively involved in their search of the yard at 957 Bergen Avenue and surrounding neighborhood, they received a report that the children had been sighted in the area of 26<sup>th</sup> Street and River Road near Ricardo's Pizzeria. The officers responded to that location, however, the report was unfounded.

During the early hours after the report was received by the police, it was ordered that a local broadcast providing descriptions of the boys and other

important details be repeated every 20 minutes over the Camden Police Department main communications channel. This was done to ensure that, between other assignments, all officers on duty focused their attention on the search for the boys. The Philadelphia Police Department was contacted and assigned a helicopter equipped with a spotlight and thermal imaging equipment to assist in the search. Between 9:00 p.m. and 11:00 p.m., ten Camden Police Officers were actively involved in the search for the boys.

Between 11:00 p.m. and 3:00 a.m., the number of officers dedicated to the search increased to 19. An attempt was made to get a police K-9 to assist in the search. A responding K-9 handler, after being briefed on the case, advised that his dog was unsuitable for this assignment. No further effort to obtain a police dog was made until later Thursday morning. At 12:54 a.m. information regarding the missing children was entered into NCIC. This was in accord with Camden Police Department General Order Number 97-2 and the Policy of the State Attorney General Regarding Missing and Unidentified Persons Investigations.

In addition, the New Jersey State Police were contacted to inquire about the issuance of an Amber Alert. Camden Police were advised that the case did not meet Amber Alert criteria.

During the early morning hours, posters were made up featuring pictures of all of the missing boys as well as physical and clothing descriptions. In addition, family members and the public information officer of the Camden Police

Department contacted media sources to generate publicity regarding the boys' disappearance in order to alert and seek assistance from members of the public.

Due to the fact that 957 Bergen Avenue is located relatively close to the Pennsauken border, the Pennsauken Police were advised soon after the missing persons report was filed. Both Pennsauken Police and the County Communications Center in Lindenwold were faxed copies of the initial Camden Police reports.

At approximately 3:00 a.m. two Camden Police officers carried out another search of the Cruz yard at 957 Bergen Avenue. These were different officers than the ones who had searched previously. Again, neither of them physically went into the passenger compartment of the Toyota nor did they open the trunk. However, one of the officers banged hard on the outside of the trunk and loudly called out to the boys. The officer received no response.

Between 3:00 a.m. and approximately 6:00 a.m. there were 14 Camden officers dedicated to the search. After this time frame, the number of searchers increased dramatically. The Camden Police Department deployed additional officers from the School Patrol, Community Oriented Policing (C.O.P.), Patrol, Traffic, Mounted and Detective Units as supplemental staffing. At about 7:30 a.m., the Camden County Prosecutor's Office became aware of the situation. More than 20 investigators from that agency were assigned to assist in the search. In addition, the recruit class of the Camden County Police Academy was

summoned by the Prosecutor's Office and assigned to the search. This group consisted of 37 recruits.

Additional emergency response agencies provided support and assistance. All told, approximately 120 law enforcement officers participated in the search operation for most of the day on Thursday. Their efforts were supplemented by firefighters, rescue workers, tracking specialists, family members, and citizen volunteers. These participants brought the total search personnel to well over 150 people. Among the more than two dozen agencies represented over the course of the two day search were the Camden County Sheriff's Department, New Jersey State Police, the F.B.I. and a host of local police departments as well as the Camden Fire Department and additional paid and volunteer firefighters from surrounding municipalities.

The Camden Police Department employs the "Incident Command System" (N.I.M.S.) as a management strategy. Under this system, the departmental Watch Commander is charged with responsibility for exercising control of emergent matters which occur on his/her tour of duty. This system was in effect during the time when the search for the boys was conducted.

Two problems arose on Thursday morning between approximately 6:30 a.m. and 7:30 a.m. The first problem occurred during the changeover of incident commanders. Due to a failure of communications between the incoming and outgoing incident commanders, for a brief period, no incident commander was present at the area of the search.

The second problem also involved a failure of communication. When the incoming incident commander requested additional investigative personnel, he did not advise as to where they should report. Subsequently, the investigative supervisor directed that investigative personnel report to a separate location. This had the effect of two operations centers functioning simultaneously. This resulted in unnecessary confusion and some duplication of efforts.

These problems were rectified early on Thursday afternoon and did not recur during the course of this operation.

A number of tracking dogs from various agencies were utilized on both Thursday and Friday. Beginning late Thursday morning, dogs began searching around where the boys were last seen and additional areas. However, it appears that none of the tracking dogs were specifically focused on the Toyota or the area immediately around it. Also, it must be noted that by the time the dogs entered the investigation late Thursday morning, many hours had elapsed since the disappearance of the boys. During this time, many people were in and out of 957 Bergen Avenue and the adjacent yards. Thus, the boys' trail was neither fresh nor uncontaminated. At least one of the dogs led its handler in the direction of the Delaware River. Wooded areas near the river banks and the banks themselves were carefully searched. Numerous vessels were employed in this process. Some of the vessels carried cadaver dogs, that is, dogs specially trained to discover human remains. Although the river was one of the focal points of the search, it was not focused upon to the exclusion of other areas.

During the day on Thursday, many of the officers were divided into two person teams. The area around 957 Bergen Avenue was divided into sectors and each team was responsible for searching a sector. A directive was given to search all abandoned houses and vehicles and to question all residents encountered to seek investigative leads. Spanish speaking officers were assigned to team up with non-Spanish speaking officers so that as many teams as possible could communicate in two languages.

Countless interviews were conducted to determine if anyone had seen the children or had observed suspicious activity in the neighborhood. Multiple searches of residences in the city were conducted. In addition, at least five residences outside the city were searched including two in Pennsylvania. The interviews produced many false leads. For example, one woman described seeing the children entering into a van late Wednesday and being driven away from the neighborhood. Another witness advised that the children were seen walking together Wednesday night at a location some distance from 957 Bergen Avenue. Still another individual described seeing three people near the Delaware River but could not estimate the ages or provide descriptions of the people. Children's clothing was found in a wooded area near the river but it did not fit the description of the clothing worn by the missing youths. Parents of the children looked at the clothing and confirmed it did not belong to the boys. These and other leads were investigated but none proved to be helpful.

One of the concerns of the law enforcement officers was that the boys might have been the victims of a sexual predator. With officers using records provided by the Prosecutor's Office, convicted sex offenders subject to the provisions of Megan's Law who live in the area were located and interviewed. This process produced no helpful information.

Two officers, one from the Camden Police Department and one from the Prosecutor's Office, were assigned to search the sector which included the yard at 957 Bergen Avenue on Thursday. One of the officers looked inside the Toyota and bent down to examine the trunk and look under the car. Neither officer entered into the passenger area of the Toyota or opened the trunk. Also, on Thursday, a member of the immediate family of one of the boys checked the car by looking inside but did not enter the car or examine the trunk contents.

From 8:00 p.m. on Thursday until 1:00 a.m. on Friday, over 50 officers were engaged in the on-going search for the children. Between 1:00 a.m. and 6:00 a.m. on Friday about 25 officers continued the search.

After 6:00 a.m. on Friday, the number of searchers grew markedly to about the same number as the previous day, about 120 officers, and in excess of 150 people all told. The equipment used and the methods employed were essentially the same on Thursday and Friday. However, the yard area of 957 Bergen Avenue was not searched on Friday afternoon by the officers assigned to that sector due to substantial media presence at the premises.

Early on Friday evening, between 6:30 p.m. and 6:45 p.m., a relative of one of the boys went to the Toyota to retrieve jumper cables to assist in starting his car which had a low battery. He opened the trunk of the Toyota, saw the bodies of the three boys inside, then, immediately closed the trunk. He summoned the father of one of the boys to look inside the trunk. The father opened the trunk and instantly responded with shock, grief and despair. Regrettably, the reaction of the father was captured on video by media members who were gathered at the scene.

The trunk was shut and police were notified. Homicide investigators from the Camden County Prosecutor's Office and the Camden Police Department were summoned. County Medical Examiner Paul Hoyer responded to the scene and viewed the remains of the children in the trunk. A decision was made, in order to preserve the integrity of evidence, to have the Toyota transported to the Camden County Medical Examiner's Office with the boys still in the trunk. Autopsies were begun that very evening and were completed in the early morning hours of Saturday, June 25.

The boys were coated with a white, powdery substance. This came from a bag of concrete located in the trunk that had been broken open and spread throughout the trunk. None of the boys were wearing shoes, two of them were shirtless, two were wearing short pants and one wore sweatpants.

The Medical Examiner determined that the boys had died due to suffocation and that their deaths were accidental. He found no evidence that the

boys had been struck or beaten by anyone nor were there other substantial injuries. He found no evidence that the boys had been tied up or otherwise restrained to force them into the vehicle's trunk or to keep them there.

The report of the Medical Examiner did not offer any precise opinion as to the time of death. Dr. Hoyer noted that, based on the condition of the boys' remains and factoring in the approximate ambient temperatures during the time they were missing, he could provide an estimated time frame for when they died. He opined that the range of time was from 16 hours to 36 hours prior to their discovery in the trunk. Thus, in his view, they died between 6:45 a.m. on Thursday and 2:45 a.m. on Friday.

Prior to the issuance of his report, Dr. Hoyer was made aware of the fact that, at approximately 3:00 a.m. on Thursday, an officer had banged loudly on the trunk and called out the names of the boys. Dr. Hoyer advised that if the boys had been asleep this would have awakened them. However, he noted that by that time the boys could have lapsed into unconsciousness.

Homicide investigators and members of the Prosecutor's Office Crime Scene Investigations Unit went into the passenger section of the Toyota and examined its contents. The passenger area was extremely cluttered. Amidst some of the clutter, not readily visible from outside the car, were the boys' shoes. If the interior of the car had been thoroughly searched either by family members or by the police this important evidence would have been discovered sooner.

In the course of the sudden death investigation conducted by the homicide investigators, members of the victims' families were interviewed. During one of these interviews, it was brought to the investigators' attention that Anibal Cruz was known to play in his grandmother's car, the red Toyota. In addition, it was learned that Anibal knew how to gain access to the trunk from the passenger area of the car by folding down the back seat and that he had done so on a number of occasions. This information was not previously made known to either the Camden Police Department or to the families of both other boys.

Upon examination of the Toyota, it was confirmed that trunk access was available through the back seat passenger area of the car. It was also determined that, once the seat clicked back in place, the back seat was no longer accessible from the trunk. Another mode of entry into the trunk without use of a key was a trunk release switch in the Toyota's front seat. This release switch was operable although the Cruz family did not realize it was operable. However, once the trunk was open it would not remain open unless held in place. Otherwise it would slam shut. The trunk was not equipped with an interior release switch enabling someone locked inside to make a safe exit. Such switches were not mandatory when the car was manufactured.

The trunk of the Toyota has a volume of 15 cubic feet. With the back seat folded down on either or both sides (the seat has a 60-40 split allowing dual access to the trunk) the area has the characteristics of a "fort" which would

seem to have obvious appeal to young boys such as the victims. Examination of the vehicle reveals various damage including damage to the tail lights. There is no padding or insulation material on the inside of the trunk lid. Banging on the trunk lid with a bare fist produced a loud noise.

### III. CONCLUSIONS

1. THE TRUNK AND PASSENGER COMPARTMENT OF THE TOYOTA SHOULD HAVE BEEN THOROUGHLY SEARCHED BY FAMILY MEMBERS AND BY POLICE OFFICERS IN THE EARLY STAGES AFTER THE BOYS' DISAPPEARANCE; NEITHER THE FAMILIES OF THE BOYS NOR THE POLICE FULLY RECOGNIZED THE DANGER POSED BY THE TRUNK.

The boys were last seen playing in the yard at 957 Bergen Avenue. The Toyota was parked in the yard. The Cruz family knew that Anibal played in the car. The family also knew that he had previously entered the trunk by folding down the back seat of the car. This important information was not made known to the Camden Police Department or the families of the other boys until after the bodies were discovered. However, it must be noted that the initial questioning of the Cruz family by police failed to elicit this information. It appears most likely that the boys gained access to the trunk through the back seat of the car rather than by lifting the trunk lid from outside the car.

A thorough search of the interior of the car would have revealed the shoes of the boys amidst the clutter. Discovery of this evidence would no doubt have resulted in the trunk being searched.

It must be noted that communication failures played a large part in this tragedy. When the families told the police that the car had been "checked" family members did not say precisely what the check included and the police never asked. Similarly, after the first police "check" of the Toyota was done, and

even afterwards, officers responded to queries by supervisors by advising the vehicle had been checked. No supervisor ever gave an order to fully search the interior and trunk of the car. It was their apparent belief that the checking had included such searches or that the car was locked and was inaccessible to the boys.

Finally, it is clear that, on a hot summer's day, the interior and trunk of the car represented a substantial danger to the safety and well being of the children. The car should have been completely locked and made inaccessible to them.

There is always a danger that missing children can become trapped in places where they are deprived of adequate air. This kind of threat is recognized in New Jersey criminal statute N.J.S.A. 2C:40-1a which provides that a disorderly person offense is committed if one discards a refrigerator without ensuring that a child cannot be trapped inside. Similarly, it has long been known that trunks of automobiles can be hazardous areas especially for young children.

The Centers for Disease Control and Prevention published a Morbidity and Mortality Weekly Report on December 4, 1998 which detailed how dangerous car trunks can be. In the four week period between July 13, 1998 and August 8, 1998, eleven small children died in three separate incidents when they became trapped in automobile trunks. The victims included three 2-year-olds, two 3-year-olds, four 5-year-olds, and two 6-year-olds. All of their deaths were accidental and resulted from hyperthermia, asphyxiation or a combination of

both. Nine of the children in two incidents were missing for two hours prior to their discovery. The other two children were missing for five hours.

It is apparent that, in this case, neither the families of the missing children nor the law enforcement responders fully recognized the danger posed by the car and trunk. The vehicle was located in the same yard where the children were last seen. It should have been one of the first areas focused on by the searchers and it should have been searched, including the trunk, promptly and thoroughly.

2. NOTIFICATION TO THE POLICE AFTER THE BOYS DISAPPEARED WAS UNNECESSARILY DELAYED.

Family members, friends and neighbors conducted their own search for the boys before contacting the authorities. The police were not called in for more than three hours. Given the ages of the boys and the circumstances relating to their disappearance this delay was much too long.

3. THE CAMDEN POLICE DEPARTMENT GENERAL ORDER AND THE GUIDELINES OF THE STATE ATTORNEY GENERAL DEALING WITH MISSING PERSONS ARE INADEQUATE WITH REGARD TO CHILD SEARCHES AND NEED MODIFICATION.

Camden Police Department General Order Number 97-2, dealing with missing persons, and the Policy of the Attorney General Regarding Missing and Unidentified Persons Investigations do not provide specific, detailed methods which can be effectively employed in missing child cases. Where the missing

person is a child, the police response must be significantly different than for an adult missing person.

Children, especially young children, are extremely vulnerable. They frequently do not recognize dangerous people, places, or situations. Lacking judgment and maturity, they can quickly find themselves in positions of great risk. When the child is very young, the potential for disastrous consequences is enhanced. A thorough and detailed procedural model for child searches is necessary.

4. THE POLICE DID NOT EXERCISE ENOUGH CONTROL OVER THE HOUSE AT 957 BERGEN AVENUE AND THE ADJACENT YARDS DURING THE TIME WHEN THE BOYS WERE MISSING.

Clearly, tighter police control over the location where the boys were last seen was warranted. While it would probably have been excessive to remove Cruz family members from their home, they should have been encouraged to restrict the access of relatives and friends to the home and property while the search was being conducted. In addition, non-essential officers, public officials and members of the media should have been excluded from 957 Bergen Avenue and the area around it. The yard where the children were last seen should have been treated as a possible crime scene and secured as such.

5. MORE POLICE PERSONNEL SHOULD HAVE BEEN ASSIGNED TO THE SEARCH IN THE EARLY HOURS OF THURSDAY MORNING.

The initial police response to the report of the missing boys appears to have been reasonable and appropriate. However, in the early morning hours of Thursday, June 23<sup>rd</sup>, the number of officers devoted to the search was reduced to 14. Given the ages of the boys and the circumstances surrounding their disappearance, the number of officers should not have been lowered at that time. As the initial searches proved unsuccessful, the level of concern for the boys' safety was heightened not reduced. Additional off duty Camden Police Officers could have been summoned; also, the police could have called for "mutual aid" to draw officers from surrounding municipalities. The seriousness and immediacy of the emergency required more police personnel.

6. THE INCIDENT COMMAND SYSTEM (N.I.M.S.) WAS NOT STRICTLY FOLLOWED RESULTING IN SOME CONFUSION AND DUPLICATION OF EFFORT; A SINGLE COMMAND POST SHOULD HAVE BEEN ESTABLISHED AND MAINTAINED.

As reflected in the factual summary, the Incident Command System broke down on Thursday morning. The problems were primarily the result of communications failures. Once the nature of these problems became apparent, corrective action was taken to reaffirm that there was a single designated incident commander and a single command post.

7. NOTIFICATION TO THE HIGHEST LEVELS OF THE CAMDEN POLICE CHAIN OF COMMAND SHOULD HAVE BEEN MADE SOONER.

The Chief and Deputy Chief of the Camden Police Department were not alerted to the fact of the boys' disappearance until after 2:00 a.m. on Thursday. The significance of this situation merited quicker notification of these leaders.

8. A GREATER EFFORT SHOULD HAVE BEEN MADE TO SECURE A TRACKING DOG ON THE NIGHT OF THE BOYS' DISAPPEARANCE; ALTHOUGH A NUMBER OF K-9'S WERE AVAILABLE FOR DEPLOYMENT ON BOTH THURSDAY AND FRIDAY, NO DOG WAS SPECIFICALLY USED TO EXAMINE THE TOYOTA OR THE YARD IMMEDIATELY AROUND IT.

The boys were last seen at about 5:00 p.m. on Wednesday. Between that time and the time the preliminary police investigation had been completed, a significant period of time had elapsed. Moreover, there was a substantial volume of human traffic in and around the yard at 957 Bergen Avenue during this time period. An effort to obtain a police K-9 was made around midnight. When it proved unsuccessful, follow up efforts should have been made; however, even if a dog had responded promptly at that time, the prospects for successful tracking of the boys were uncertain.

By late morning on Thursday, the trail had grown colder. The chances of discovering the boys were reduced even further when no dog was led to the Toyota to examine it. Again, if the responding officers had fully recognized the

dangers posed by the vehicle and had they been made aware that one of the children played in the car, the dogs may have been deployed differently.

9. THE DELAY OF APPROXIMATELY 25 MINUTES FROM THE RECEIPT OF THE 911 CALL TO THE DISPATCH OF POLICE OFFICERS WAS NOT EXCESSIVE GIVEN THE NUMBER AND TIMING OF OTHER PRIORITY I CALLS

At first glance, the dispatch delay is disturbing. However, a review of the dispatch records for Wednesday night reflects that there was a flurry of serious calls at and around the time that the boys' disappearance was reported to the police. Under these circumstances, the dispatch delay cannot be said to be the result of any negligence or error in judgment on the part of any dispatcher.

#### IV. RECOMMENDATIONS

1. LAW ENFORCEMENT AGENCIES IN CAMDEN COUNTY SHOULD ADOPT THE MODEL POLICY DEVELOPED BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN FOR HANDLING REPORTS OF MISSING AND ABDUCTED CHILDREN; POLICE TRAINING SHOULD INCLUDE THIS MODEL POLICY.

The National Center for Missing and Exploited Children has published a guide entitled: Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model. The most recent revision of this model was January, 2005. This document sets forth in detailed, systematic, easy to understand fashion, the proper way to organize and conduct a search for a missing child.

A review of this document reveals that it is an invaluable tool for law enforcement which can and should be utilized. It is recommended that this policy and procedure be made part of the training for recruits in the Police Academy and that in-service classes be conducted so that experienced police officers may be familiarized with the model.

2. THE CAMDEN COUNTY PROSECUTOR'S OFFICE AND CAMDEN POLICE DEPARTMENT SHOULD JOIN WITH STATE, COUNTY AND LOCAL LAW ENFORCEMENT AGENCIES AND PUBLIC HEALTH OFFICIALS TO EDUCATE THE PUBLIC ABOUT THE DANGERS POSED TO SMALL CHILDREN BY AUTOMOBILE TRUNKS.

It appears that the seriousness of this danger has not been fully appreciated by parents or law enforcement professionals. The previously mentioned December 4, 1998 report from the Center for Disease Control and Prevention concludes with the following:

State and local public health officials can use the findings in this report to guide prevention messages about children playing in or around car trunks. Effective public health strategies to prevent deaths associated with car trunk entrapments should include

- 1) preventing children's access to car keys;
- 2) keeping cars locked, with trunks closed, when cars are not in use; and
- 3) supervising young children closely when they are around cars. (Appendix C, page 3)

The tragic deaths of the three young victims in this case must serve as a clear, though painful, reminder of the necessity to keep small children out of parked motor vehicles. This case has received widespread media coverage. The story of these innocent victims is now known far and wide. Responsible public officials must do all they can to see that the lesson of this case receives widespread attention as well. Since access to the passenger area of a car usually allows access to the trunk, small children must be kept out of parked vehicles.

3. WHEN SMALL CHILDREN ARE MISSING, THE POLICE MUST BE NOTIFIED WITHOUT SUBSTANTIAL DELAY.

In situations where small children have disappeared, time is of the essence. Fear and concern on the part of family members may cloud their judgment as to where and how to conduct a search. Family members should not be worried about potential embarrassment or hesitate to call police out of concern for wasting the time of the officers. The important thing, the only important thing, is to locate the children and return them safely to their homes. Police officers play a vital role in this process, they should be notified promptly.

4. IN MISSING CHILDREN CASES POLICE LEADERS MUST BE PREPARED TO ENSURE THE PROMPT AND CONTINUING DEDICATION OF SUBSTANTIAL NUMBERS OF PERSONNEL.

Each reported case of a missing child must receive a prompt response and initial assessment. While some investigations can be effectively conducted with limited resources, some require the immediate dedication of a substantial number of personnel to assist in the search. Moreover, searchers must be available in large numbers, at any time, day or night.

Among the resources from which a police agency may draw are the agency's own personnel, officers from other departments or law enforcement agencies, firefighters, rescue workers, and citizen volunteers. In this regard, under mutual aid, which is provided for under Title 40 of the New Jersey

Statutes, police personnel from neighboring communities may be called upon to render assistance in emergencies. Such assistance is mandatory if requested.

There can be no hard and fast rules since each case is different. All of the particular circumstances involved must be weighed and evaluated. Among the considerations should be: the number of missing children; the age, mental capacity and physical health of the children; the time elapsed since the children were last seen; whether the children have "disappeared" in the past, the time of day or night, the weather conditions and the relative degree of danger in the area.

Police leaders need to be fully informed as to the status of each case so that they may exercise their judgment in a timely and decisive manner.

Everyone involved should keep firmly in mind the general principle that the longer a search lasts the greater the likelihood of a tragic outcome.

5. IN MISSING CHILD CASES, THE INCIDENT COMMAND SYSTEM (N.I.M.S.) SHOULD BE EMPLOYED AND STRICTLY FOLLOWED.

This system ensures that a single incident commander exercises controlling authority in critical situations. A search for missing children as in this case qualifies as such a crisis. This system is effective when applied strictly and consistently. It must be employed by all local police departments when appropriate in missing child cases.

6. THE CAMDEN COUNTY PROSECUTOR'S OFFICE IN CONJUNCTION WITH THE CAMDEN COUNTY CHIEFS OF POLICE ASSOCIATION SHOULD COORDINATE THE CREATION OF A SPECIAL RESOURCE LIST TO BE PROVIDED TO ALL LAW ENFORCEMENT AGENCIES IN CAMDEN COUNTY.


The search for the boys involved the use of many specialized resources from a variety of law enforcement agencies. To facilitate prompt and effective assistance from such agencies, it is necessary that any department facing an emergency and requesting aid have access to a master list of all special resources available from other police agencies.

Such a list should include, at a minimum, the following categories:

- 1) trained search and rescue personnel;
- 2) canines and their specialties;
- 3) SWAT teams;
- 4) watercraft and dive team resources;
- 5) bomb squads;
- 6) police horses;
- 7) helicopters; and
- 8) all-terrain vehicles.


Compilation of this information would provide a valuable emergency resource. The effective use of this resource by police leaders in crisis situations would well serve the interests of public safety.

Respectfully submitted,



---

James P. Lynch  
1st Assistant Camden County Prosecutor



---

Michael Kantner  
Deputy Chief of Investigators  
Camden County Prosecutor's Office



---

Edward Hargis  
Deputy Chief of Police  
Camden Police Department

August 1, 2005