

# The Forgotten Victims of Missing White Woman Syndrome: An Examination of Legal Measures That Contribute to the Lack of Search and Recovery of Missing Black Girls and Women

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THE FORGOTTEN VICTIMS OF MISSING WHITE WOMAN  
SYNDROME: AN EXAMINATION OF LEGAL MEASURES  
THAT CONTRIBUTE TO THE LACK OF SEARCH AND  
RECOVERY OF MISSING BLACK GIRLS AND WOMEN

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INTRODUCTION

The underrepresentation and misrepresentation of Black faces in mainstream news media is neither a new nor surprising concept to most people who have access to modern technology.<sup>1</sup> The issue of underrepresentation and, consequently, inadequate attention to the cases of missing Black people in America is an ongoing issue that very few attempted solutions have solved. A thorough comparison of the number of Black Americans who are reported missing with the number of times news media reports Black Americans as missing makes it even clearer that underrepresentation is an issue.<sup>2</sup> This disparity, dubbed ‘Missing White Woman Syndrome,’<sup>3</sup> has more recently become a problem as technology continues to grow to be the primary method for access to current events and news.<sup>4</sup>

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1. Tony Weaver, Jr., *Analysis of Representations of African Americans in Non-Linear Streaming Media Content*, 7 ELON J. UNDERGRADUATE RES. COMM. 57, 59 (2016).

2. See 2016 NCIC Missing Person and Unidentified Person Statistics, NAT’L CRIME INFO. CTR. 5 (Jan. 10, 2017), <https://www.fbi.gov/file-repository/2016-ncic-missing-person-and-unidentified-person-statistics.pdf/view> [hereinafter *2016 Statistics*].

3. Gene Demby, *What We Know (And Don’t Know) About ‘Missing White Women Syndrome,’* NPR (Apr. 13, 2017, 1:22 PM), <https://www.npr.org/sections/codeswitch/2017/04/13/523769303/what-we-know-and-don-t-know-about-missing-white-women-syndrome> [<https://perma.cc/A6NF-C2F3>].

4. See Jimmy Rohampton, *3 Ways Social Media is Changing How Millennials Consume News*, FORBES (Dec. 15, 2016), <http://charlesjenningsassociates.com/3-ways-social-media-is-changing-how-millennials-consume-news> [<https://perma.cc/4DQQ-WQ8T>].

Left unaddressed, Missing White Woman Syndrome is a danger to all living minority people worldwide, as the possibility of being the victim of abduction or chance of disappearing exists no matter what gender or race a person is.<sup>5</sup> Comedian Jon Stewart brought awareness to this issue in one of his routines by declaring that “TV:  $y$  (minutes of media coverage) = Family Income  $\times$  (Abductee Cuteness  $\div$  *Skin Color*) + Length of Abduction  $\times$  Media Savvy of Grieving Parents” is the official formula for the indication of how much media airtime a missing child might receive.<sup>6</sup>

Current laws and policies are evidently either mimicking or causing the lack of coverage of Black missing persons cases in mainstream media, and are thus failing at protecting missing Black girls and women.<sup>7</sup> In order to both ensure that these suspect classes are equally protected, and remedy the lack of news coverage of Black girls and women, state legislatures must enact specific targeted laws and policies that allocate resources to the search and recovery of missing Black girls and women and promote the equal protection of all missing persons.

This Note focuses on the racial disparity that is present in the investigation and allocation of resources in missing persons cases. This Note argues that the most beneficial remedy for the significant disparity that majorly effects missing Black girls<sup>8</sup> requires the creation of legislation at the state and local level. The legislation must be carefully and specifically written to create resources to aid in the search and recovery of missing girls and women of color. This Note will specifically discuss the underrepresentation of missing Black girls in American news media and discuss how the phenomenon of ‘Missing White Woman Syndrome’ has pervaded news media and negatively impacted the outcomes of missing Black girls’ and women’s cases. This Note analyzes existing law and legislation at the state and federal level and suggests frameworks that state legislatures should use in the future to address this issue.

Part I of this Note provides a background on the topic of Missing White Woman Syndrome and missing persons cases in general.

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5. See *2016 Statistics*, *supra* note 2, at 5. This report shows that people of all ages, races, and genders are sometimes reported missing.

6. Vicky Allan, *The Madeleine McCann Syndrome*, HERALD (Apr. 29, 2017), [http://www.heraldscotland.com/business\\_hq/opinion/15255912.The\\_Madeleine\\_McCann\\_Syndrome](http://www.heraldscotland.com/business_hq/opinion/15255912.The_Madeleine_McCann_Syndrome) [<https://perma.cc/59G8-H5EY>] (emphasis added).

7. See *infra* Section II.B. I discuss how the existing body of law and legislation on missing persons cases only address a specific subset of missing persons cases which does not include minority children’s cases.

8. I refer to ‘Black girls’ and ‘Black women’ interchangeably throughout this Note, but these references include both groups of people.

First, the Note provides a brief overview of the number of missing persons cases in the United States. Next, it defines Missing White Woman Syndrome, discusses the term's origins, and presents the statistics that support the fact that racial disparity exists between missing persons cases and the coverage of missing persons cases in television and print media. Finally, it examines how racial disparity exists in general crime data—the existence of this disparity lends support to the fact that Missing White Woman Syndrome is more than an idea or terminology with no tangible meaning.

Part II of this Note examines existing federal and state legislation and the efforts of advocacy groups that work to resolve all missing persons cases. Section II.A mainly focuses on the evolution of missing persons advocacy and law. Section II.B addresses legislative and advocacy efforts, that are remedies tailored specifically to benefit one group (tailored remedies),<sup>9</sup> to build upon the notion that remedies for missing people exist for almost every group *except* Black girls and women, thus demanding the creation of a tailored remedy to address this neglected group.<sup>10</sup> This Section specifically examines federal legislation, Virginia legislation, and advocacy groups that are based in Virginia and other states to summarize both the work that has already been done in response to missing persons cases and work done to address specific subsets of missing persons. Section II.B also discusses various cases from national news and local/state news that further support this Note's thesis.

Part III of this Note offers suggestions for ways that state legislatures, law makers, and advocacy groups can act to create a change in what has become the norm in the coverage and solution of missing persons cases across the United States. This Part uses the summarized remedies presented in Part II to shape a framework in which the missing persons cases of Black girls and women can be addressed. This Part suggests the creation and expansion of a tailored remedy for missing Black girls and women based on the remedies that already exist and appear to be effective within advocacy and legislation. Part III specifically focuses on the existing RILYA Alert System, a

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9. See *infra* Sections II.A and II.B.

10. See *infra* Section II.A. In Section II.A, I assert that remedies have been created for almost all of the necessary and most endangered groups except for Black girls and women. In that Section, I discuss the emergence of missing persons remedies for children (i.e., NCMEC was specifically created in response to a missing White boy); see Ray Sanchez, *Etan Patz Case: Pedro Hernandez Found Guilty of Murder, Kidnapping*, CNN (Feb. 14, 2017, 8:04 PM), <https://www.cnn.com/2017/02/14/us/etan-patz-case-conviction/index.html> [<https://perma.cc/5W6T-WRBN>], to the eventual creations of advocacy groups in response to the disappearances of White girls and women (i.e., Help Save The Next Girl). This flow of resources, paired with the statistics that display outright racial disparity and the prevalence of Missing White Woman Syndrome, shows that there is a dire need for remedies that focus on missing Black people, specifically missing Black girls and women.

system implemented in Florida that expands AMBER Alert to address the needs of missing persons of color.<sup>11</sup> Part III proposes that the RILYA Alert system be expanded across the fifty states and encourage the creation of a federal program that will act as each state program's counterpart. Additionally, Part III calls for the elimination of strict criteria for programs like AMBER Alert, because of the detrimental effect that the criteria tend to have in the cases of missing Black girls and women.

## I. BACKGROUND

### A. *Missing Persons Statistics Generally*

Approximately 90,000 people are missing in the United States at any given time.<sup>12</sup> Of those missing people, 33,388 of them are juveniles.<sup>13</sup> According to the National Crime Information Center's Missing Person File for the 2016 operational year, out of the total of recorded cases, there were 170,899 reported cases of missing Black persons under age 18 and 264,443 reported cases of missing White persons under age 18.<sup>14</sup> Although a majority of these cases end up being resolved,<sup>15</sup> there are some subsets, specifically the cases of missing Black Americans, which go unresolved,<sup>16</sup> thus causing them to be represented in the pool of missing persons cases at a much larger number.<sup>17</sup> According to the National Center for Missing and Exploited Children, ninety-eight percent of children who are reported missing are found within days.<sup>18</sup> In 2016, African-American missing persons cases appeared amongst the remaining older and open cases four times as often as the cases of White and Hispanic missing persons.<sup>19</sup>

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11. Administrator, *What is a Rilya Alert?*, IMAGINE PUBLICITY (June 13, 2010), <https://imaginepublicity.com/2010/06/13/what-is-a-rilya-alert> [<https://perma.cc/64SF-FBC7>] [hereinafter *What is a Rilya Alert?*].

12. Kevin Kepple, et al., *By the Numbers: Missing Persons in the USA*, USA TODAY (Sept. 23, 2014, 7:03 PM), <https://www.usatoday.com/story/news/nation-now/2014/09/23/missing-persons-children-numbers/16110709> [<https://perma.cc/7S9C-V6DY>].

13. *Id.*

14. *2016 Statistics*, *supra* note 2, at 5.

15. *All Things Considered: Majority of Missing Persons Cases Are Resolved*, NPR (May 7, 2013, 3:00 PM), <https://www.npr.org/2013/05/07/182000622/majority-of-missing-persons-cases-are-resolved> [<https://perma.cc/2LVY-5YCX>].

16. Maya Dukmasova, *Black People Make Up the Majority of Missing Persons Cases in Chicago*, CHI. READER (Sept. 8, 2016, 11:05 AM), <https://www.chicagoreader.com/Bleader/archives/2016/09/08/black-people-make-up-the-majority-of-missing-persons-cases-in-chicago> [<https://perma.cc/AM86-KGQR>].

17. *Id.*

18. *See id.*

19. *See id.*

### B. Defining Missing White Woman Syndrome

Missing White Woman Syndrome<sup>20</sup> refers to the overabundance of coverage that mainstream media outlets dedicate to missing persons cases of White women and its correlating lack of coverage of missing people of color.<sup>21</sup> The term “Missing White Woman Syndrome,” also alternatively known as “Missing White Girl Syndrome,”<sup>22</sup> was first coined by Gwen Ifill, a PBS news anchor.<sup>23</sup> Missing White Woman Syndrome also refers to the media’s tunnel-vision-like focus on “young, white, attractive . . . rich females.”<sup>24</sup> Some have characterized the phenomenon as “round-the-clock coverage of disappeared young females who qualify as ‘damsels in distress’ by race, class, and other relevant social variables.”<sup>25</sup> Others have called this same idea “damsel in distress syndrome.”<sup>26</sup> Some researchers have considered the occurrence of racial bias in news media to be a product of profit-driven business models and news media organizations attempts to gain the attention of “the majority audience group[s].”<sup>27</sup>

Missing White Woman Syndrome has been well-documented by mainstream media’s failure to represent and depict missing persons cases in the same proportion that they appear across races.<sup>28</sup> In a 2010 study, Seong-Jae Min and John C. Feaster found that while minorities were disproportionately represented in news coverage, African American missing children in particular “were significantly underrepresented when compared to national statistics.”<sup>29</sup> The pair of researchers compared 19.5%, the percentage of African-American missing children cases covered in news media, with 33.2%, the actual percentage of reported incidents from the FBI’s data.<sup>30</sup> They

20. See discussion *infra* Section II.B. Missing White Woman Syndrome is interchangeably referred to as “Missing White Woman Syndrome” and “Missing White Girl Syndrome.” These all reference the same idea.

21. See Demby, *supra* note 3.

22. Zach Sommers, *Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons*, 106 J. CRIM. L. & CRIMINOLOGY 275, 278 (2016).

23. See Demby, *supra* note 3.

24. Ludovica Laccino, *What is ‘Missing White Woman Syndrome’?*, INT’L BUS. TIMES (Mar. 20, 2014, 4:19 PM), <https://www.ibtimes.co.uk/what-missing-white-woman-syndrome-1441153> [<https://perma.cc/LS7J-YRTU>].

25. Sarah Stillman, *‘The Missing White Girl Syndrome’: Disappeared Women and Media Activism*, 15 GENDER & DEV. 491, 492 (2007).

26. Laccino, *supra* note 24; Stillman, *supra* note 25, at 492.

27. See Seong-Jae Min & John C. Feaster, *Missing Children in National News Coverage: Racial and Gender Representations of Missing Children Cases*, 27 COMM. RES. REP. 207, 209, 213 (2010).

28. See *id.* at 209.

29. *Id.* at 213.

30. *Id.* at 212.

concluded that racial disparity is prevalent in media because “African-American missing children cases are underrepresented in national television news compared to their actual rates of incidence.”<sup>31</sup> In 2015, Clara Simmons and Joshua Woods replicated Min and Feaster’s study and found that although African-American missing children amounted to a shockingly low 7% of media references, they accounted for 35% of the National Crime Information Center’s cases.<sup>32</sup>

A mid-2000 study conducted by Scripps Howard News Service found that although White children accounted for only 53% of the 37,665 cases reported to the National Center for Missing and Exploited Children, and 54% of cases in a study conducted by the U.S. Justice Department, they were covered in 67% of The Associated Press’ (AP) missing children news coverage, and 76% of CNN’s news coverage.<sup>33</sup> Conversely, Black children accounted for 23% of missing children cases reported to the National Center for Missing and Exploited Children, and 19% of the cases studied by the U.S. Justice Department, but were only represented in 17% of AP’s stories and 13% of CNN’s stories.<sup>34</sup> The study chose to focus on AP because it “is the largest producer of print news in the United States,” and CNN because “it was the largest provider of national television reporting” during the years of the study.<sup>35</sup> Although it focused on only two of the largest national reporting services, experts suggest that the results of “this study are indicative of reporting practices throughout the nation’s news media.”<sup>36</sup>

### *C. Racial Disparity and Representation in Crime Data*

In order to fully understand and conceptualize the statistics that support the existence of Missing White Woman Syndrome, it is important to examine the prevalence of racial disparity in crime statistics within the United States. In the United States, it has become seemingly common knowledge that racial disparity exists in many forms of media, including those that are most frequently available for public consumption.<sup>37</sup> The form most relevant to the discussion of Missing White Woman Syndrome is news media.

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31. *Id.*

32. See Clara Simmons & Joshua Woods, *The Overrepresentation of White Missing Children in National Television News*, 32 COMM. RES. REP. 239, 242 (2015).

33. Scripps Howard News Service, *News Coverage Ignoring Missing Minority Children*, GAINESVILLE SUN (Dec. 2, 2005, 12:01 AM), <https://www.gainesville.com/news/20051202/news-coverage-ignoring-missing-minority-children> [<https://perma.cc/WLA3-VL8N>].

34. *Id.*

35. *Id.*

36. *Id.*

37. See Milenko Martinovich, *Significant Racial and Ethnic Disparities Still Exist, According to Stanford Report*, STAN. NEWS (June 16, 2017), <https://news.stanford.edu/2017/06/16/report-finds-significant-racial-ethnic-disparities> [<https://perma.cc/5QCQ-2N8K>].

The prevalence of images of minorities as criminals in crime data is permeated throughout mainstream media.<sup>38</sup> While the statistics and empirical studies clearly show that minorities are over-associated with crime and over-typified as criminal offenders,<sup>39</sup> studies have found the stark opposite outcome in the representation of minorities as victims.<sup>40</sup> The 2013 Uniform Crime Report prepared by the Federal Bureau of Investigation states that Black Americans compose only 28.3% of federal arrests.<sup>41</sup> Similarly, a 2017 special report composed by the U.S. Department of Justice found that Black Americans compose 22.7% of victimizations in the United States.<sup>42</sup> When contrasted with the alarming rates that Black Americans are depicted as criminals in mainstream media,<sup>43</sup> it becomes clear that racial disparity persists in driving perceptions and attitudes within the United States, both on individual and systemic levels.<sup>44</sup>

The Sentencing Project's 2014 report specifically noted that news media, including television programs and printed media, consistently "over-represent racial minorities as crime suspects and whites as crime victims."<sup>45</sup> Another study conducted by a group of researchers found that media outlets over-reported offending incidents of Black Americans compared to White Americans and found this slanted news coverage was consistent with "power structure, racial threat, and racial privileging arguments."<sup>46</sup> The researchers suggested that "the frequent reporting of black perpetrators may be a case of media reflecting dominant groups' views through delegitimizing blacks by portraying them as criminal."<sup>47</sup> The researchers ultimately concluded that racial minorities are less likely to be portrayed as victims when

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38. See Lori Dorfman & Vincent Schiraldi, *Off Balance: Youth, Race & Crime in the News*, BUILDING BLOCKS FOR YOUTH 1, 13 (2001), [http://www.bmsg.org/sites/default/files/bmsg\\_other\\_publication\\_off\\_balance.pdf](http://www.bmsg.org/sites/default/files/bmsg_other_publication_off_balance.pdf).

39. See *id.*

40. See *id.*

41. Uniform Crime Report, *Crime in the United States 2013* (2014), <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-43> [<https://perma.cc/N9ZR-QGVN>].

42. Rachel E. Morgan, *Race and Hispanic Origin of Victims and Offenders, 2012–15*, U.S. DEP'T JUST. 1, 2 (2017), <https://www.bjs.gov/content/pub/pdf/rhovo1215.pdf>.

43. See Travis L. Dixon & Daniel Linz, *Overrepresentation and Underrepresentation of African Americans and Latinos as Lawbreakers on Television News*, 50 J. COMM. 131, 135 (2000).

44. See Trina T. Creighton et al., *Coverage of Black Versus White Males in Local Television News Lead Stories*, 4 J. MASS COMM. & JOURNALISM 1, 1 (2014).

45. Nazgol Ghandnoosh, *Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies*, SENT'G PROJECT 3 (2014), <https://sentencingproject.org/wp-content/uploads/2015/11/Race-and-Punishment.pdf>.

46. Eileen E.S. Bjornstrom et al., *Race and Ethnic Representations of Lawbreakers and Victims in Crime News: A National Study of Television Coverage*, 57 SOC. PROBS. 269, 287 (2010).

47. *Id.*



compared to whites Americans,<sup>48</sup> and the favoritism given to White victims in crime reporting within media results in “victimization in minority communities” being “routinely minimized.”<sup>49</sup> Further, the study forewarned that “[t]he minimization of attention to groups that . . . bear the brunt of victimization *may lead to a lack of support for policies oriented to addressing their vulnerability to violence.*”<sup>50</sup>

A 2014 report conducted by The Sentencing Project found that media crime coverage fuels and incites racial perceptions of crime.<sup>51</sup> The study also insisted that because racial minorities are identified as criminals more often than not, nonminorities develop limited empathy toward racial minorities who are often perceived as offenders.<sup>52</sup>

## II. LEGISLATIVE REMEDIES AND ORGANIZATIONAL ADVOCACY

The most feasible method to reverse the effects of Missing White Woman Syndrome is to advocate for and implement legislative measures that are tailored to address the proven racial disparity in missing persons cases. Currently, legislative measures and advocacy efforts exist on both the federal and state level,<sup>53</sup> however, very few of these are tailored to address the disparity at hand.<sup>54</sup> An example of an effort that currently exists is the National Missing and Unidentified Persons System (NamUs). NamUs was created in 2005 as a result of a summit that joined federal, state, and local law enforcement officials to discuss the challenges involved with solving missing persons cases.<sup>55</sup> This national-level missing persons remedy contains three databases that aim to find missing persons and identify unidentified and unclaimed persons based on biological evidence such as DNA, finger and palm prints, and iris scans.<sup>56</sup>

While policies and joint efforts like NamUs have created a solid baseline of remedies that are available to resolve missing persons

48. *Id.* at 283.

49. *Id.* at 288.

50. *Id.* (emphasis added).

51. See Ghandnoosh, *supra* note 45, at 3.

52. See *id.* at 6. This finding might suggest that the lack of empathy that nonminorities have toward minorities in the context of minorities as criminal offenders transfers over to the context of minorities as criminal victims.

53. See N.Y. EXEC. LAW § 838-a (McKinney 2018); see generally *About, NAT'L MISSING & UNIDENTIFIED PERSONS SYS. (NAMUS)*, <https://namus.gov/About> [<https://perma.cc/S3AC-SQYS>].

54. See *infra* Section II.A (discussing the existing missing persons remedies and how those remedies were created).

55. See *About, supra* note 53.

56. See NAT'L INST. JUST., *National Missing and Unidentified Persons System (NamUs), Policy Manual* 8 (2014); see also *National Missing and Unidentified Persons System, NAT'L MISSING & UNIDENTIFIED PERSONS SYS. (NAMUS)*, <https://www.namus.gov> [<https://perma.cc/KLJ6-F4ZY>].

cases nationwide,<sup>57</sup> state and federal laws have not advanced to address the various areas of disparity within the way that missing persons cases are presently handled.<sup>58</sup> Specifically, they have failed to address racial disparity.<sup>59</sup> An evaluation of existing legislation and missing persons advocacy makes very clear that current laws and policies are failing at protecting missing Black girls and women.

### *A. The Evolution of Missing Persons Law and Remedies*

From the moment that missing persons cases became sensationalized in the United States, measures that aid in the search of missing children and adults began to form across the country.<sup>60</sup> Because missing persons issues were not previously a national concern, issues of disparity in media coverage and legal remedies to address missing persons cases had not yet evolved.<sup>61</sup> Thus, many of the measures that were formed at the beginning of the missing persons epidemic to address dormant and critical missing persons cases were not tailored to a specific racial or gender demographic, but were instead tailored to find missing children.<sup>62</sup> One such organization is the National Center for Missing and Exploited Children (NCMEC).<sup>63</sup> NCMEC is a non-profit organization “whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization.”<sup>64</sup> The organization began after 1979 and 1981 disappearances and murders of six-year-old Etan Patz and six-year-old Adam Walsh respectively.<sup>65</sup> Ironically, as reflected by the goals behind

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57. See *National Missing and Unidentified Persons System (NamUs), Policy Manual*, *supra* note 56, at 5.

58. See generally Olivia B. Waxman, *The U.S. Is Still Dealing with the Murder of Adam Walsh*, TIME (Aug. 10, 2016), <http://time.com/4437205/adam-walsh-murder> [<https://perma.cc/7GZG-2QY7>]. Many of the existing laws and organizational advocacy groups were formed in response to the disappearances of missing White men and women, and have therefore failed to address the specific needs of minority communities.

59. See Laccino, *supra* note 24.

60. See *id.*; Waxman, *supra* note 58.

61. See *id.*

62. See generally Kate Springer, *Etan Patz: A Brief History of the ‘Missing Child’ Milk Carton Campaign*, TIME (Apr. 20, 2012), <http://newsfeed.time.com/2012/04/20/etan-patz-a-brief-history-of-the-missing-child-milk-carton-campaign> [<https://perma.cc/84TR-FJW8>]. One of the first organizations formed to assist in the search of missing people was the National Center for Missing and Exploited Children (NCMEC). NCMEC was formed in response to the kidnapping of Etan Patz and twenty-nine other missing and murdered children in Georgia. *Id.* Shortly after its creation, NCMEC started the famous milk carton missing children campaign, which quickly spread information about missing children across the United States. *Id.*

63. *Id.*

64. *About Us*, NAT'L CTR. FOR MISSING & EXPLOITED CHILD., <http://www.missingkids.com/footer/about> [<https://perma.cc/K57Q-RBAM>].

65. *Our History*, NAT'L CTR. FOR MISSING & EXPLOITED CHILD., <http://www.missingkids.com/footer/about/history> [<https://perma.cc/5RW6-9X9A>].

the creation of this organization, the birth of crime databases and organizations which focused on missing children—and gave birth to Missing White Woman Syndrome—did not begin with White girls and women.<sup>66</sup> Instead, it began with White boys.<sup>67</sup> This pattern of tunnel-vision-like focus showcases the typical foundations and initial priorities of organizations that address crime across America.<sup>68</sup>

Following the media's obsession with missing children cases,<sup>69</sup> news coverage of missing persons cases soon became White female-centered.<sup>70</sup> In fact, two of the most sensationalized missing persons cases in American media are the cases of two young White women: Natalee Holloway and Maura Murray.<sup>71</sup> Maura Murray was twenty-one years old when she vanished following a car accident in New Hampshire in 2004.<sup>72</sup> For over a decade, theories related to her disappearance have been plastered on podcasts, internet forums, and most recently, television shows.<sup>73</sup> Natalee Holloway was eighteen years old when she went missing while on an international high school graduation trip in 2005.<sup>74</sup> Although Natalee's disappearance occurred over a decade ago and despite her being declared legally deceased,<sup>75</sup>

66. *See id.*

67. *See id.*

68. *See* Min & Feaster, *supra* note 27, at 208 (discussing that it is no secret that American media has historically been biased towards the coverage of cases featuring White victims. Studies have shown that White individuals are usually overrepresented as victims in news coverage while Black and Hispanic individuals are overrepresented as criminals, which is indicative of racial bias in news coverage).

69. It is incredibly important to note that while the media first became obsessed with missing children, the focus and catalyst for missing persons cases was a six-year-old White boy. This further demonstrates that while the media's coverage of missing people has not always targeted women, it has always been White-centered and White-focused. This fact alone increases the necessity of the creation of legal remedies tailored to benefit missing Black girls and women.

70. *See* Stillman, *supra* note 25, at 492 (indicating that although only 53% of abductees were White between 2000 and 2005, a majority (76%) of abduction cases featured on CNN, a mainstream news outlet, featured White female children).

71. *See* Natalie Finn, *The Disappearance of Maura Murray: Everything You Need To Know About the Baffling Unsolved Case*, E! NEWS (Sept. 30, 2017, 6:00 AM), <https://www.eonline.com/news/883921/the-disappearance-%20of-maura-murray-everything-you-need-to-know-about-the-baffling-unsolved-case> [<https://perma.cc/LT3F-XH7S>].

72. *See* *Investigative Services Bureau Major Crime Unit Missing Persons: Maura Murray*, N.H. DEP'T SAFETY, DIVISION ST. POLICE, <https://www.nh.gov/safety/divisions/nhsp/missingpersons/mpmurray.html> [<https://perma.cc/ZB6B-DLXJ>]; *Maura: A Daughter, a Sister, a Loved One, a Friend*, MAURA MURRAY MISSING, <http://www.mauramurraymissing.org> [<https://perma.cc/TTJ9-A4KU>].

73. *The Disappearance of Maura Murray*, OXYGEN, <https://www.oxygen.com/the-disappearance-of-maura-murray> [<https://perma.cc/5HYU-3GKL>] (last visited Apr. 5, 2019).

74. *See* Catharine Skipp, *Cracking The Holloway Case?*, NEWSWEEK (Feb. 7, 2008, 7:00 PM), <https://www.newsweek.com/cracking-holloway-case-93881> [<https://perma.cc/PT Y7-CUNS>].

75. *See* *Natalee Holloway Declared Legally Dead*, CNN (Jan. 12, 2012, 5:41 PM), <https://www.cnn.com/2012/01/12/justice/alabama-natalee-holloway/index.html> [<https://perma.cc/KW88-M6FJ>].

her story remains the subject of popular television documentaries and among the top headlines in major news outlets.<sup>76</sup>

The organization Help Save The Next Girl (HSTNG) was created during the peak of the coverage of the aforementioned cases.<sup>77</sup> HSTNG was started by Dan Harrington and Gil Harrington in response to the 2009 abduction and murder of their daughter, Morgan Harrington, a twenty-year-old Virginia Tech student.<sup>78</sup> As the name of the organization indicates, Morgan was female, and she was also White.<sup>79</sup> While the organization does not purport to assist only in the cases of missing White women,<sup>80</sup> it was undoubtedly created in response to the murder and abduction of a White woman.<sup>81</sup> Still, it is incredibly important to note that HSTNG has historically dedicated portions of its resources to the cases of other local, missing Black girls. The most prominent of these cases is the case of Alexis Murphy, a seventeen-year-old Black girl who went missing from Lovingston, Virginia, an area close in proximity to the location from which Morgan Harrington was abducted.<sup>82</sup> HSTNG has dedicated a page on the organization's website to Alexis Murphy's case.<sup>83</sup>

HSTNG was started with the clear intention of preventing abductions and missing persons cases across the Commonwealth of Virginia.<sup>84</sup> The organization's goal is narrowly tailored to assist missing girls in Virginia.<sup>85</sup> Since its establishment, the organization has grown into a national effort with the addition of a chapter at Virginia Tech, as well as chapters in various other colleges, high schools, middle schools, and cities.<sup>86</sup> In 2017, HSTNG began an annual event called Virginia Missing Persons Day.<sup>87</sup> This free event was started

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76. See Tamar Lapin, *Remains Found in Aruba Didn't Belong to Natalee Holloway*, N.Y. POST (Oct. 3, 2017, 10:17 AM), <http://nypost.com/2017/10/03/remains-found-in-aruba-didnt-belong-to-natalee-holloway> [<https://perma.cc/7FUW-XQYP>]; David Lohr, *Sex Offender Claims Responsibility For Natalee Holloway TV Series*, HUFFINGTON POST (Oct. 17, 2017, 2:31 PM), [https://www.huffingtonpost.com/entry/sex-offender-natalee-holloway-tv-series\\_us\\_59e4fec7e4b0ca9f4839c786](https://www.huffingtonpost.com/entry/sex-offender-natalee-holloway-tv-series_us_59e4fec7e4b0ca9f4839c786) [<https://perma.cc/D62P-DNA7>].

77. See *History*, HELP SAVE NEXT GIRL, <http://helpsavethenextgirl.com/about/history> [<https://perma.cc/2DMY-4CTJ>].

78. See *id.*

79. See *id.*

80. See *Partnering with the Next Family*, HELP SAVE NEXT GIRL, <http://helpsavethenextgirl.com/advocacy/alexis-murphy> [<https://perma.cc/NES5-9REU>].

81. See *History*, *supra* note 77.

82. See *Partnering with the Next Family*, *supra* note 80.

83. See *id.*

84. See *History*, *supra* note 77.

85. See *id.*

86. See *Chapters*, HELPSAVENEXTGIRL, <http://helpsavethenextgirl.com/chapters/current-chapters> [<https://perma.cc/5W2S-4UUF>].

87. See Emily Satchell, *Hundreds of Open Cases Prompt Virginia's First Missing Persons Day*, WAVY (Apr. 21, 2017, 4:34 PM), <https://www.wavy.com/news/hundreds-of>

to bring friends and family members of the missing together.<sup>88</sup> At this event, people who are aware of unreported missing persons cases are able to file missing persons reports with law enforcement agencies and receive updated information on older missing persons cases.<sup>89</sup> HSTNG has also made significant and effective use of social media by using its internet-driven platforms to “gather[] and share[] information quickly and efficiently through outlets such as Facebook and Twitter” and to “disseminate timely posts to reach a large number of interested people, and together create a zone of safety.”<sup>90</sup>

In addition to social media advocacy, HSTNG has also made substantial progress by way of legal advocacy, specifically through legislative advocacy.<sup>91</sup> HSTNG has been prosperous in its legal advocacy efforts by successfully supporting legislation in Virginia.<sup>92</sup> In January 2015, Morgan Harrington’s mother, Gil Harrington, visited the Virginia General Assembly with Senator Ryan McDougle, in an effort to promote missing persons related legislation.<sup>93</sup> The organization has additionally pushed for other pieces of legislation to pass in the Virginia General Assembly and has seen many successes.<sup>94</sup>

The legislation that HSTNG has had success with can be divided into various categories. One type of legislation that the organization has focused on is legislation that promotes sexual assault and violence awareness in educational settings.<sup>95</sup> In 2016, HB 659 was signed into law by the Governor of Virginia.<sup>96</sup> This law “[r]equires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse,

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-open-cases-prompt-virginias-first-missing-persons-day/1060938308 [https://perma.cc/YA P3-4U8Y].

88. WSL5 10, *Virginia Missing Persons Day*, YOUTUBE (Apr. 28, 2018), [https://www.youtube.com/watch?time\\_continue=102&v=UZDCWnMEq44](https://www.youtube.com/watch?time_continue=102&v=UZDCWnMEq44) [https://perma.cc/Y8Y5-U2 HE].

89. *Id.*

90. Lohr, *supra* note 76.

91. *Legal*, HELPSAVENEXTGIRL, <http://helpsavethenextgirl.com/advocacy/legal> [https://perma.cc/F48W-UW8P].

92. *See id.*

93. *See* Bob Brown, *Morgan Harrington’s Mother, Advocates Hail Legislative Strides on Sexual Assault*, ROANOKE TIMES (Mar. 11, 2016), [http://www.roanoke.com/news/politics/general\\_assembly/morgan-harrington-s-mother-advocates-hail-legislative-strides-on-sexual/article\\_4a2d39b1-d38e-54c4-b742-c4cb3fb44217.html](http://www.roanoke.com/news/politics/general_assembly/morgan-harrington-s-mother-advocates-hail-legislative-strides-on-sexual/article_4a2d39b1-d38e-54c4-b742-c4cb3fb44217.html) [https://perma.cc/B7JU-CM R6]; *see also* *Harringtons Want Legislation to Improve Abduction Investigations*, NBC 29 (Oct. 21, 2014, 12:07 PM), <http://www.nbc29.com/story/24511521/harringtons-want-legislation-to-improve-abduction-investigations> [https://perma.cc/B3TL-K8LJ].

94. *See Legal*, *supra* note 91.

95. *See* H.B. 659, Gen. Assemb., Reg. Sess. (Va. 2016) (*available at* <https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB659> [https://perma.cc/6GRY-Y4Z3]).

96. *See id.*

sexual harassment, and sexual violence.”<sup>97</sup> Similarly, the organization had success in the same year with HB 1102, which requires various educational state agencies and departments to create curricula on trauma-informed sexual assault investigation,<sup>98</sup> and Every Child Achieves Act, which requires schools that apply for Title IV funding to also report how they teach children about safe relationships.<sup>99</sup> HB 655, which also passed the Virginia General Assembly in 2016, also targets sexual assault cases, by requiring that the Department of General Services retain rape kits for a minimum of five years if the victim elects not to report the assault to law enforcement.<sup>100</sup>

Other pieces of legislation supported by the organization focus exclusively on crimes involving missing persons.<sup>101</sup> An example of the organization’s advocacy in this area is Kristen’s Law.<sup>102</sup> Kristen’s Law, named in honor of an eighteen-year-old woman named Kristen Modafferi who went missing in 1997, helped create and fund the National Center for Missing Adults.<sup>103</sup> The Harringtons, on behalf of HSTNG, advocated for the reauthorization of Kristen’s Act in 2010 to ensure that the scope for missing persons cases includes missing adults as opposed to being limited solely to the cases of missing children.<sup>104</sup>

HSTNG can serve as a model for organizations and missing persons activist groups across the nation that seek to promote equality in the coverage of missing persons cases. Because of HSTNG’s assertive activism, the group has contributed to the successful outcomes of many local and national missing persons cases through new legislation, increased awareness, and tailored focus.

### *B. Issues With Existing Tailored Remedies and Legislation for Missing Persons Cases of Black Girls and Women*

#### *1. Black & Missing Foundation, Inc.*

Despite the presence of organizations like Help Save The Next Girl, which are tailored towards girls and women in general, there

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97. *Id.*

98. *Legal, supra* note 91.

99. *See id.*

100. *See id.*

101. *See id.*

102. *See id.*

103. *See id.* *See generally* Kristen’s Act of 1999, H.R. 2780, 106th Cong. (1999).

104. Maria Glod, *While Searching for Daughter, Va. Girl’s Parents Work to Help Others*, WASH. POST (Jan. 21, 2010, 1:25 PM), <http://voices.washingtonpost.com/crime-scene/maria-glod/a-missing-daughter-her-parents.html> [<https://perma.cc/U8AP-5P6G>].

is still a lack of remedies and efforts that are reserved solely for the coverage, investigation, and settlement of missing persons cases of Black girls and women. Because the majority of efforts already focus on missing persons cases that do not feature minority victims,<sup>105</sup> it is imperative to also have efforts that focus exclusively on minority missing persons cases. When contrasting the available remedies with empirical evidence that shows the lack of attention given to Black victims, one fact becomes clear: the demand for attention to the cases of missing Black girls and women is high, and the resources being dedicated to resolve them are unjustifiably low.<sup>106</sup>

There have been some pushes to design remedies for missing Black children and adults. One of these tailored efforts is the Black & Missing Foundation, Inc.<sup>107</sup> Black & Missing Foundation, Inc. (BMFI), a non-profit organization, was founded in 2008 by two Black women.<sup>108</sup> Derrica Wilson, a veteran law enforcement official, and Natalie Wilson, a public relations specialist, used their backgrounds and experiences to create the organization in order “to bring attention to missing persons cases involving [] African Americans.”<sup>109</sup> The organization’s website states that the organization was “established as a non-profit organization whose mission is to bring awareness to missing persons of color [and] provide vital resources and tools to missing person’s families and friends and to educate the minority community on personal safety.”<sup>110</sup>

Unlike organizations like Help Save The Next Girl, BMFI appears to operate reactively rather than proactively.<sup>111</sup> The organization primarily focuses on increasing awareness of missing persons of color and resolving existing cases.<sup>112</sup> BMFI’s website does not mention organizational advocacy similar to that of Help Save The Next Girl in the form of lobbying efforts or law proposals.<sup>113</sup> BMFI offers

105. *See supra* Section II.A (discussing how existing missing persons remedies are tailored towards demographics that exclude missing Black girls and women).

106. *Supra* Section II.A.

107. *About Us*, BLACK & MISSING FOUND., INC., <http://www.blackandmissinginc.com/cdad/about.htm> [<https://perma.cc/KJV9-YQE9>].

108. *About Us: Derrica N. Wilson*, BLACK & MISSING FOUND., INC., <http://www.blackandmissinginc.com/cdad/about-derrica.htm> [<https://perma.cc/2ZXV-3AAA>]; *About Us: Natalie Wilson*, BLACK & MISSING FOUND., INC., <http://www.blackandmissinginc.com/cdad/about-natalie.htm> [<https://perma.cc/RZ7D-B2A6>].

109. NewsOne Staff, *How Two Sisters Got America Hunting for Our Missing*, NEWS-ONE (Sept. 15, 2013), <https://newsone.com/1834015/natalie-derrica-wilson-black-and-missing-foundation> [<https://perma.cc/BF85-SEX8>].

110. *About Us*, *supra* note 107.

111. *See id.*

112. *Frequently Asked Questions*, BLACK & MISSING FOUND., INC., <http://www.blackandmissinginc.com/cdad/faq.htm> [<https://perma.cc/3764-Z4YF>].

113. *Compare supra* note 112, *with supra* note 91.

a plethora of resources for the families of missing persons of color,<sup>114</sup> however, its proactive efforts seem to be limited to speaking engagements with the organization's founders and increasing the visibility of this particular subset of missing persons cases.<sup>115</sup>

By implementing certain changes, BMFI could better help assist in resolving the cases of missing Black girls and women. For instance, the creation of a legal advocacy and lobbying team would likely greatly influence the creation of state and federal legislation that would mandate the allocation of funding and other resources to the investigation of missing people of color. While BMFI is extremely effective in providing resources to assist families of the missing, by equipping families with information about how to file reports and gain access to law enforcement services,<sup>116</sup> it is deficient in services that advocate and demand changes in existing legislation and policies that alienate Black missing persons.<sup>117</sup>

## 2. *The AMBER Alert and Similar Alert Systems*

As previously stated, missing persons law and legislation is not dormant and has seen movement and change in recent years.<sup>118</sup> However, the existing body of missing persons law is not narrowly tailored enough to support the cases of the hundreds of thousands of Black girls and women that are currently missing in the United States.<sup>119</sup>

The most well-known law in the body of missing persons law and legislation is the AMBER Alert; the AMBER Alert was established in 1996 as a legacy for Amber Hagerman, a nine-year-old who was kidnapped and murdered in Texas.<sup>120</sup> The system works by requiring law enforcement to notify broadcasters and state transportation officials after they have “determined that a child has been abducted and the abduction meets AMBER Alert criteria.”<sup>121</sup> After law enforcement

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114. See *Family Resources*, BLACK & MISSING FOUND., INC., <http://www.blackandmissinginc.com/cdad/safety.htm> [<https://perma.cc/42TM-6LDC>]. The website offers missing persons checklists to aid families who are searching for loved ones and provides a “Family Resources” page which guides families to law enforcement resources and gives tips on how to report a missing person. See *id.*

115. See *About Us*, *supra* note 107.

116. See *Report a Missing Person*, BLACK & MISSING FOUND. INC., <http://www.blackandmissinginc.com/cdad/missing.cfm> [<https://perma.cc/M5SK-Q7FV>].

117. Compare *id.*, with *Legal*, *supra* note 91. While the website's sidebar includes many topics that aid in the publication of missing persons cases, the sidebar lacks an “advocacy” section.

118. See *supra* Section II.A.

119. See *2016 Statistics*, *supra* note 2, at 5.

120. *Frequently Asked Questions*, AMBER ALERT, <https://www.amberalert.gov/faqs.htm#faq1> [<https://perma.cc/DY6J-ZGXD>].

121. *Id.*



makes this determination, messages with information about the missing child are displayed on television, broadcasted on radio, sent as text messages to mobile phones, and placed on highway signs.<sup>122</sup>

AMBER Alert laws are typically used in missing persons cases disproportionately because missing Black children are more likely to be labeled as runaways,<sup>123</sup> which is a label that is excluded by the AMBER Alert system's criteria.<sup>124</sup> A similar issue exists within current state law regarding missing persons cases.<sup>125</sup> In the Virginia Code, section 15.2-1718, 'Receipt of missing child reports,' mandates that police and sheriff's departments cannot enact policies that require the observance of any waiting periods before accepting missing children reports.<sup>126</sup> Despite these types of state laws, many law enforcement agencies have taken advantage of the loopholes that are present in missing persons categorization. For example, a person labeled as a "runaway" may be an exception to this law, and would thus allow law enforcement to delay response and investigation into a potential missing persons case.<sup>127</sup> This has frequently been the case of many missing children of color.<sup>128</sup> When used in missing persons cases, especially in cases involving children, the term "runaway" usually "implies runaway children are not in danger,"<sup>129</sup> "are not being harmed by systems of exploitation and victimization,"<sup>130</sup> and "puts the blame on caregivers, remov[ing] the government's role and impl[y]ing that these girls got what they deserved for being 'fast.'"<sup>131</sup> A recent example of the use of this misnomer is the disappearance of sixteen-year-old

122. *See id.*

123. *See* Preston Mitchum, *The Danger of Forcing the 'Runaway' Label on the Missing DC Girls*, ROOT (Mar. 30, 2017, 2:00 PM), <https://www.theroot.com/the-danger-of-forcing-the-runaway-label-on-the-missin-1793799915> [<https://perma.cc/C26M-TPLH>]; Sonia Ayanna Stovall, *Why Do We Seldom Hear About Missing Black Children?*, DENVER POST (Feb. 14, 2013, 11:13 AM), <https://www.denverpost.com/2013/02/14/why-do-we-seldom-hear-about-missing-black-children> [<https://perma.cc/9X5S-43MX>]; *see also* SUZANNE WHITMORE JONES, RACE MIXING: SOUTHERN FICTION SINCE THE SIXTIES 267 (2004); David Lohr, *Police Apply Controversial 'Runaway' Label to Missing Twin Sisters (UPDATE)*, HUFFINGTON POST (June 8, 2017, 12:11 PM), [https://www.huffingtonpost.com/entry/police-apply-controversial-runaway-label-to-missing-twin-sisters\\_us\\_59396bb2e4b00610548057df](https://www.huffingtonpost.com/entry/police-apply-controversial-runaway-label-to-missing-twin-sisters_us_59396bb2e4b00610548057df) [<https://perma.cc/R2EK-BHGB>].

124. *See Guidelines for Issuing AMBER Alerts*, AMBER ALERT, <https://www.amberalert.gov/guidelines.htm> [<https://perma.cc/U9WD-UU3X>]; *see also* Stovall, *supra* note 123.

125. *See* VA. CODE ANN. § 15.2-1718 (2016).

126. *Id.*

127. *See Guidelines for Issuing AMBER Alerts*, *supra* note 124. One of the requirements for AMBER Alerts in most states is that law enforcement confirms that the child was abducted. *Id.* By labeling a child a runaway, law enforcement agencies can refrain from issuing an AMBER Alert because runaways are not typically abducted. *See id.*

128. *See* Lohr, *supra* note 123; Mitchum, *supra* note 123.

129. Lohr, *supra* note 123.

130. Mitchum, *supra* note 123.

131. *Id.*

Jholie Moussa. Jholie went missing after leaving her home in Fairfax County, Virginia on January 12, 2018.<sup>132</sup> When her family reported her as a missing child on January 13 to the Fairfax County Police Department, the local law enforcement agency classified Jholie as a runaway which stunted the investigation into her disappearance.<sup>133</sup> The Police Department did not begin seriously investigating Jholie's disappearance until January 16.<sup>134</sup> It was not until Jholie had not used her social media or communicated with family members that it became clear to the police that "something . . . was beyond normal."<sup>135</sup> Jholie was "found dead less than a mile from her Alexandria home 14 days after she went missing."<sup>136</sup> For at least three of those days her presumed "runaway" status prevented law enforcement and news media from actively investigating her case and changed what may have otherwise been a happy ending.<sup>137</sup> During the course of the investigation of her disappearance and murder, Jholie's family expressed concern that local law enforcement did not take their belief that Jholie was an endangered missing person seriously, despite law enforcement's insistence that they would utilize every resource that they had available to them.<sup>138</sup>

Jholie's story is just one among the many Black and minority girls and women who have been denied a fair and thorough investigation because they were thought to have simply run away from home.<sup>139</sup> One solution that may address the disparity seen in the use

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132. Crimesider Staff, *Jholie Moussa Disappearance, Once Probed as Runaway Case, Now Murder Investigation*, CBS NEWS (Jan. 30, 2018, 8:45 PM), <https://www.cbsnews.com/news/jholie-moussa-disappearance-once-probed-as-runaway-case-now-murder-investigation> [<https://perma.cc/8DR4-XZ5T>].

133. *See id.*

134. *See id.*

135. *Id.*

136. Stephanie Gailhard, *National Center for Missing & Exploited Children Speaks Out After Teen's Death*, WUSA9 (Jan. 29, 2018, 5:31 PM), <https://www.wusa9.com/article/news/local/fairfax/national-center-for-missing-exploited-children-speaks-out-after-teens-death/65-512047908> [<https://perma.cc/T7R2-8XSZ>].

137. *See id.*; *see also* David Lohr, *Missing Teen's Mom: 'It's a Nightmare I Can't Wake up From,'* HUFFINGTON POST (Jan. 24, 2018, 7:18 PM), [https://www.huffingtonpost.com/entry/jholie-moussa-missing-mom-interview\\_us\\_5a68f94ee4b0dc592a0f2139](https://www.huffingtonpost.com/entry/jholie-moussa-missing-mom-interview_us_5a68f94ee4b0dc592a0f2139) [<https://perma.cc/CXY5-LZVT>].

138. *See* Justin Jouvenal, *Man Charged in Murder of Fairfax County Teen Jholie Moussa*, WASH. POST (Aug. 30, 2018), [https://www.washingtonpost.com/local/public-safety/man-charged-in-murder-of-fairfax-county-teen-jholie-moussa/2018/08/30/ec9596c2-ac9c-11e8-a8d7-0f63ab8b1370\\_story.html?utm\\_term=.f52c526044e0](https://www.washingtonpost.com/local/public-safety/man-charged-in-murder-of-fairfax-county-teen-jholie-moussa/2018/08/30/ec9596c2-ac9c-11e8-a8d7-0f63ab8b1370_story.html?utm_term=.f52c526044e0) [<https://perma.cc/4WCS-X7FV>].

139. *See, e.g.,* Sara Nealeigh, *A Teen's Body Was Found in the Woods. Family Said She Had Run Away Before*, BRADENTON HERALD (July 17, 2017, 2:48 PM), <https://www.bradenton.com/news/local/crime/article161777443.html> [<https://perma.cc/TV8B-92VY>]. *See generally* Anna Giles, *Friends Say Teen Found Killed in Kalamazoo Was Not a Runaway*, WWMT (Jan. 31, 2018), <http://wwmt.com/news/local/friends-say-teen-found-killed-in-kalamazoo-was-not-a-runaway> [<https://perma.cc/ZE8Q-79E3>].

and application of AMBER Alert is the creation of an alert system specifically for minority children. Following the discovery of Jholie's body, her family formed a non-profit organization named Not A Runaway, Inc. (NAR).<sup>140</sup> NAR was created directly in response to Jholie's disappearance and classification by the local law enforcement agency as a runaway.<sup>141</sup> Since the founding of the organization, NAR has created a new alert system called the Jholie Alert System, which is an "alternative to the AMBER Alert System, designed to mobilize and engage a large social media community to be on the look out for the missing child."<sup>142</sup> One of the Jholie Alert System's criteria focuses on ensuring that children are not miscategorized as runaways.<sup>143</sup> NAR's website gives credit to the effectiveness of the AMBER Alert system, but also highlights the issues and loopholes that are embedded in the AMBER Alert system's criteria.<sup>144</sup> Because the Jholie Alert System was introduced in February 2018, the effectiveness of the system is unknown at this time.<sup>145</sup> Unlike the AMBER Alert, the Jholie Alert System has not yet been codified into federal or state law, and is therefore enforced only through the efforts of the non-profit organization, NAR, and its volunteers.<sup>146</sup>

In contrast to the investigation of Jholie's disappearance, the investigation into the disappearance of Ashanti Billie, a Black nineteen-year-old woman who disappeared from Virginia Beach, Virginia, on September 19, 2017, started swiftly and with the deployment of many law enforcement resources.<sup>147</sup> Within a day of Ashanti's disappearance, local news networks featured detailed coverage about her case and the local law enforcement agency had already requested the public's help in finding the missing nineteen-year-old.<sup>148</sup> Her

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140. See Justin Jouvenal, *If I Can't Have You, No One Can': Family Describes What They Think Led to Killing of Jholie Moussa*, WASH. POST (Aug. 31, 2018), [https://www.washingtonpost.com/local/public-safety/if-i-cant-have-you-no-one-can-family-describes-what-led-to-killing-of-jholie-moussa/2018/08/31/3bd06fa2-ad22-11e8-8a0c-70b618c98d3c\\_story.html?utm\\_term=.4001104a911b](https://www.washingtonpost.com/local/public-safety/if-i-cant-have-you-no-one-can-family-describes-what-led-to-killing-of-jholie-moussa/2018/08/31/3bd06fa2-ad22-11e8-8a0c-70b618c98d3c_story.html?utm_term=.4001104a911b) [https://perma.cc/V3P4-PQ7A].

141. See *The Jholie Alert*, NOT A RUNAWAY, <http://www.notarunaway.org/the-jholie-alert> [https://perma.cc/KJ99-72U7].

142. *Id.*

143. See *id.*

144. *Amber Alert*, NOT A RUNAWAY, <http://www.notarunaway.org/amber-alert> [https://perma.cc/WA37-4LM8].

145. *Who We Are*, NOT A RUNAWAY, <http://www.notarunaway.org/who-we-are> [https://perma.cc/X6G2-AZ5F].

146. See Jouvenal, *supra* note 140.

147. See Web Staff, *Virginia Beach Police Searching for Woman Missing Under Suspicious Circumstances*, WTKR (Sept. 19, 2017 3:47 PM), <https://wtkr.com/2017/09/19/virginia-beach-police-searching-for-woman-missing-under-suspicious-circumstances> [https://perma.cc/5EUD-FKKM].

148. See Jesse Varner, *Parents of Missing Virginia Beach College Student Just Want Her Home*, WAVY (Sept. 19, 2017, 3:50 PM), <https://www.wavy.com/news/virginia-beach-teenager-missing-considered-suspicious/1061127051> [https://perma.cc/6AD5-CBXA].

disappearance was “considered suspicious” seemingly from the outset of the investigation because of the discovery of her personal items in a neighboring city.<sup>149</sup> Ashanti’s case is strongly distinguished from other missing persons cases because of where she went missing. On the morning of her disappearance, Ashanti entered a gate at Joint Expeditionary Base Little Creek, a U.S. Naval Military Base in Virginia Beach, Virginia.<sup>150</sup> It is possible that the involvement of the military base in Ashanti Billie’s disappearance contributed to the attention that her case received across Virginia, and eventually the rest of the United States.<sup>151</sup>

Ashanti Billie’s death and abduction prompted the proposal of the Ashanti Alert bill in the Virginia General Assembly.<sup>152</sup> On March 1, 2018, the Virginia House of Representatives and Senate unanimously passed HB 260 ‘Virginia Critically Missing Adult Alert Program.’<sup>153</sup> The bill, originally sponsored by Delegate Jerrauld Jones,<sup>154</sup> “[c]reates a program for local, regional, or statewide notification of a critically missing adult, defined as an adult whose whereabouts are unknown, who is believed to have been abducted, and whose disappearance poses a credible threat to his health and safety.”<sup>155</sup> The Ashanti Alert is designed to bridge the gap for missing adults between eighteen and sixty years old who are too old to qualify for the AMBER Alert System and Endangered Missing Child Media Alert, but also too young for a Senior/Silver Alert.<sup>156</sup> The bill was shortly thereafter signed by Governor Ralph Northam and passed into law.<sup>157</sup> Just a

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149. *Id.*

150. See Jane Alvarez-Wertz, *FBI Release Video of Missing Woman’s Vehicle at JEB Little Creek*, WAVY (Sept. 26, 2017, 3:19 PM), [https://www.wavy.com/news/fbi-releases-video-of-missing-womans-vehicle-at-jeb-little-creek\\_20180320062605465/1061113134](https://www.wavy.com/news/fbi-releases-video-of-missing-womans-vehicle-at-jeb-little-creek_20180320062605465/1061113134) [<https://perma.cc/KZ9T-CFHM>].

151. See Roger Chesley, *Unanswered Questions Remain in the Ashanti Billie Tragedy*, VIRGINIAN-PILOT (Nov. 10, 2017), [https://pilotonline.com/news/local/columnist/roger-chesley/article\\_3dfa6a82-7368-57c7-9cb2-9ca447d1f1da.html](https://pilotonline.com/news/local/columnist/roger-chesley/article_3dfa6a82-7368-57c7-9cb2-9ca447d1f1da.html) [<https://perma.cc/7GC3-KFYF>]. Ashanti’s parents expressed concern about the perceived lack of safety at the military base. *Id.* The article also questions whether Ashanti’s murderer targeted the base and the military’s operations generally. See *id.*

152. See Brian Reese, *‘Ashanti Alert’ Bill Passes in General Assembly, Awaits Northam’s Approval*, WAVY (Mar. 2, 2018, 8:40 PM), <https://www.wavy.com/news/ashanti-alert-bill-passes-in-general-assembly-awaits-northams-approval/1078391264> [<https://perma.cc/9PTX-GDDM>].

153. See H.B. 260, Gen. Assemb., Reg. Sess. (Va. 2018) (available at <http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB260>) [<https://perma.cc/G3RJ-ZJHT>].

154. See Reese, *supra* note 152.

155. H.B. 260, Gen. Assemb., Reg. Sess. (Va. 2018) (available at <http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB260>) [<https://perma.cc/G3RJ-ZJHT>].

156. See Reese, *supra* note 152.

157. See Brian Hill, *Virginia Gov. Northam Signs “Ashanti Alert” Bill for Missing Adults*, NEWS3WTKR (June 22, 2018, 5:54 AM), <https://wtkr.com/2018/06/22/virginia-gov-northam-to-sign-ashanti-alert-bill-for-missing-adults> [<https://perma.cc/KW7Z-XGFA>].

few months later, the U.S. House of Representatives passed H.R. 5075, the federal counterpart to HB 260, by a voice vote, making it the first step in certifying the Ashanti Alert as a nationwide alert system.<sup>158</sup> Following the bill's success in the House, Ashanti's parents and Congressman Scott Taylor advocated for the bill to be passed in the Senate, and then fast tracked to the President for final implementation.<sup>159</sup> On December 31, 2018, President Donald Trump signed the Ashanti Alert Act into law.<sup>160</sup> As a federal law, the Act "requires the Department of Justice to establish a national communications network . . . to assist regional and local search efforts for certain missing adults."<sup>161</sup> If fully implemented, the Ashanti Alert—as a nationwide alert system—could help to fill many of the loopholes of the AMBER Alert system; however the racial disparity gap may still be left open as the bill primarily addresses age disparity and makes no mention of racial disparity.

Unknown to many, the AMBER Alert System has a counterpart named the RILYA Alert.<sup>162</sup> The RILYA Alert system was created in response to the disappearance of Rilya Wilson, a four-year-old who went missing in Florida's Department of Children and Families' (DCFS) foster care system.<sup>163</sup> Rilya Wilson, a Black girl, was missing for almost two years before anyone at Florida DCFS noticed.<sup>164</sup> Rilya, whose name stands for "Remember I Love You Always,"<sup>165</sup> sparked the creation of the RILYA Alert system, which aims to "help spread awareness about the disproportionate amount of media attention that missing African American [c]hildren receive."<sup>166</sup> The RILYA Alert system specifically aims to help "bridge this discrepancy by shortening the response time in which crucial information is shared with the public."<sup>167</sup> The system purports to be similar to the AMBER Alert System, however, it "is not meant to replace the

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158. See Andy Fox et al., *Ashanti Alert Bill Passes in U.S. House of Representatives*, WAVY (Sept. 25, 2018, 4:25 AM), [https://www.wavy.com/news/local-news/virginia-beach/ashanti-alert-bill-passes-in-us-house-of-representatives/1473112853?fbclid=IwAR25Hp hIIAL-msfK349gcREqEAxhiCL0F\\_ZjQi6j-\\_ShJ1tP2\\_Ih20V2JLo](https://www.wavy.com/news/local-news/virginia-beach/ashanti-alert-bill-passes-in-us-house-of-representatives/1473112853?fbclid=IwAR25Hp hIIAL-msfK349gcREqEAxhiCL0F_ZjQi6j-_ShJ1tP2_Ih20V2JLo) [<https://perma.cc/5H7R-Y8B9>].

159. See Web Staff, *President Trump signs Ashanti Alert Act into Law*, WTKR (Dec. 31, 2018, 6:37pm), <https://wtkr.com/2018/12/31/president-trump-signs-ashanti-alert-act-into-law> [<https://perma.cc/DK2N-GMDT>].

160. See *id.*

161. *Id.*

162. *Rilya Alert Criteria*, PEAS THEIR PODS, <https://www.peasint heirpods.com/rilya-alert-history> [<https://perma.cc/4ZKX-HAFH>].

163. *Id.*

164. See *id.*

165. *Id.*

166. *Id.*

167. *Id.*

A[MBER] Alert System.”<sup>168</sup> RILYA Alert instead aims to bridge the gap of information that AMBER Alert fails to capture in its program criteria.<sup>169</sup>

In 2003, the Florida Legislature codified the RILYA Alert system with the Rilya Wilson Act.<sup>170</sup> Although the Act itself does not directly address children who are labeled as runaways,<sup>171</sup> the website that specifically addresses the RILYA Alert system states that RILYA Alerts may be issued even if the child has been classified as a runaway by law enforcement.<sup>172</sup> The system does this by using the least restrictive requirements for missing persons reports.<sup>173</sup> The RILYA Alert system eliminates the need for missing persons reports to include *all* identifying information, such as the abductor’s name, license plate numbers, and witnesses, thereby making it much easier for families of the missing to file an initial claim and application for a RILYA Alert to be issued.<sup>174</sup> The RILYA Alert system essentially advertises itself to be the AMBER Alert option for all missing children of color and appears to fill in the loopholes and significant disparity created by the AMBER Alert System’s criteria.<sup>175</sup> The RILYA Alert works like the AMBER Alert by assembling the information reported for public distribution.<sup>176</sup> The alert system intends to supplement the AMBER Alert by helping to “reduce the response time in which . . . crucial information is shared with the public.”<sup>177</sup>

The RILYA Alert was created by Peas In Their Pods, Inc.<sup>178</sup> Peas In Their Pods (PEAS), a non-profit organization, was founded in 2007 and is currently led by Gaétane Borders and Anita Harris.<sup>179</sup> The organization aims “to give a voice to missing children of color, and to fight against child abuse and sexual exploitation.”<sup>180</sup> PEAS was founded on the understanding that missing children of color do not receive the same attention that nonminority missing children receive

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168. *Rilya Alert Criteria*, *supra* note 162.

169. *See id.*

170. FLA. STAT. ANN. § 39.604(1) (LexisNexis 2018).

171. § 39.604(2).

172. *See Rilya Alert Criteria*, *supra* note 162.

173. *See id.*

174. *See id.*

175. *See id.*

176. *See id.*

177. *What is a Rilya Alert?*, *supra* note 11.

178. *See id.*

179. *See Mission*, PEAS IN THEIR PODS, <https://www.peasint heirpods.com/mission> [<https://perma.cc/QAT5-PVZ4>]; *see also Meet the Executive Team*, PEAS IN THEIR PODS, <https://www.peasint heirpods.com/meet-the-team> [<https://perma.cc/EM72-ARZC>].

180. *Mission*, *supra* note 179.

and it aims to assist with these cases “in the form of media campaigns, public alerting system, profiling, and parent advocacy services.”<sup>181</sup> In addition to assisting in publicizing missing children of color, the organization also provides preventative services to the community by offering training and other resources that affect child safety.<sup>182</sup> Like HSTNG and BMFI, PEAS offers a variety of services to assist parents and families when their children and loved ones go missing.<sup>183</sup>

### III. RESOLVING THE ISSUES CREATED BY MISSING WHITE WOMAN SYNDROME

Because a system for missing Black girls has already been created, it is difficult to understand why the stories and cases of missing Black girls and women largely remain untold and unheard of. A portion of the answer likely lies in the fact that forty-nine states have not yet adopted the RILYA Alert system or an alert system with a similar purpose.<sup>184</sup> Unlike the AMBER Alert System, which was incorporated by all fifty states in the United States,<sup>185</sup> the RILYA Alert System has only been adopted by Florida, the state it originated in.<sup>186</sup> Although the failure of other states to create RILYA Alert systems through legislation does not prevent missing children from other states from being issued a RILYA Alert,<sup>187</sup> it does lessen the visibility of such RILYA Alerts because a majority of these states are not set up to broadcast them.<sup>188</sup>

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181. *Id.*

182. *See id.*

183. *See id.*

184. *See generally* Rilya Wilson Act, FLA. STAT. ANN. § 39.604 (LexisNexis 2018) (showing that only one state has adopted the RILYA Alert System and codified it). The bill has unfortunately only passed the Florida Legislative branch. It lacks a federal counterpart as well as counterparts across the remaining forty-nine states.

185. *See AMBER Alert Timeline*, U.S. DEP'T JUST., <https://www.amberalert.gov/pdfs/AMBERAlertTimeline-508c.pdf>. As of 2009, all fifty states in the U.S., including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have adopted AMBER Alert plans. Some areas of Canada and Mexico have also adopted the system. *See United States, Mexico and Canada Join Forces to Improve Amber Alert System*, U.S. DEP'T OF JUST.: OFF. PUB. AFF., <https://www.justice.gov/opa/pr/united-states-mexico-and-canada-join-forces-improve-amber-alert-system> (May 26, 2016) [<https://perma.cc/2GMV-D33J>].

186. *See* Rilya Wilson Act, FLA. STAT. ANN. § 39.604 (LexisNexis 2018).

187. *See Current RILYA Alerts*, PEAS THEIR PODS, [https://www.peasint heirpods.com/cur rent-rilya-alerts](https://www.peasint heirpods.com/current-rilya-alerts) [<https://perma.cc/LBA7-SCSF>]. As of January 21, 2018, the current RILYA Alerts feature missing minority children from several states in the U.S. *See Missing Children by State*, PEAS THEIR PODS, <https://www.peasint heirpods.com/missing-children-by-state> [<https://perma.cc/VM68-QW2N>]. The alerts are not exclusive to Florida.

188. Whereas AMBER Alerts are broadcast by telephone, social media, radio, and TV broadcast in all fifty states and U.S. territories, RILYA Alerts are only broadcast through social media and radio and television broadcasts in Florida. *See Frequently*

In addition to other states lacking a plan for RILYA Alerts, the federal government also lacks legislation for the system.<sup>189</sup> In 2011, Congresswoman Frederica Wilson introduced the federal version of the Rilya Wilson Act in the 112th Congress.<sup>190</sup> The bill died in committee and was not enacted.<sup>191</sup> In 2013, Congresswoman Wilson introduced the bill for a second time, however, it died again in committee and was never enacted by Congress.<sup>192</sup>

The success of AMBER Alerts can largely be attributed to the national strategy and federal legislation behind it.<sup>193</sup> AMBER Alerts began as a local radio station broadcast and eventually expanded to other states and communities until it was finally passed into federal law.<sup>194</sup> At the federal level, the PROTECT Act codified the role of the National AMBER Alert Coordinator within the Department of Justice.<sup>195</sup> The PROTECT Act, which stands for Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act, was signed into law in 2003 and “strengthened law enforcement’s ability to prevent, investigate, prosecute, and punish violent crimes committed against children.”<sup>196</sup> Some of the tasks of the National AMBER Alert Coordinator are to “[h]elp eliminate geographic gaps in AMBER networks,” “[s]upport development of state AMBER plans and efforts,” and “[p]rovide regional AMBER network coordination.”<sup>197</sup> With the federal enactment and codification of the RILYA Alert system, missing minority children and missing children in foster care systems might also receive widespread attention to their cases.

Another downfall of the RILYA Alert system is that the law is written to apply only to children who are between the ages of zero to school-entry age.<sup>198</sup> Because the system was implemented in response

*Asked Questions*, *supra* note 120. The lack of plans to implement RILYA Alerts in other states creates decreased visibility of the alert system in total.

189. See Rilya Wilson Act, H.R. 680, 113th Cong. (2013) (*available at* <https://www.govtrack.us/congress/bills/113/hr680> [<https://perma.cc/Y6VU-J2GS>]).

190. See *id.*; see also Press Release, Frederica S. Wilson, Congresswoman, Congresswoman Wilson Introduces Rilya Wilson Act (Dec. 20, 2011), <https://wilson.house.gov/media-center/press-releases/congresswoman-wilson-introduces-rilya-wilson-act> [<https://perma.cc/X2S7-HYVQ>].

191. See Rilya Wilson Act, H.R. 680, 113th Cong. (2013) (*available at* <https://www.govtrack.us/congress/bills/113/hr680> [<https://perma.cc/Y6VU-J2GS>]).

192. See *id.*

193. *National Strategy*, AMBER ALERT, [https://www.amberalert.gov/ntl\\_strategy.htm](https://www.amberalert.gov/ntl_strategy.htm) [<https://perma.cc/YG97-2CMG>]; *Legislation*, AMBER ALERT, <https://www.amberalert.gov/legislation.htm> [<https://perma.cc/3FDN-C4JY>].

194. See *AMBER Alert Timeline*, *supra* note 185.

195. See *id.*

196. *Legislation*, *supra* note 193.

197. *AMBER Alert Timeline*, *supra* note 185.

198. *Rilya Wilson Act Frequently Asked Questions*, FLA. DEPT CHILD. & FAMILIES (Aug. 28, 2014), <http://centerforchildwelfare.fmhi.usf.edu/LegislativeChanges/RilyaWilsonActFAQs082814.pdf>.



to the death of a four-year-old child, the legislation was narrowly tailored to address the needs of a very specific and small group of individuals.<sup>199</sup> However, what might be considered a downfall may also be considered this legislation's strength. Instead of casting a wide net as the AMBER Alert seems to do, the Rilya Wilson Act makes the target population of its application clear in both the legislation's language and explanation.<sup>200</sup> Additionally, because it targets a very small and specific population,<sup>201</sup> application of its guidelines may be much easier for local, state, and federal law enforcement agencies and communities to enforce.

The optimal solution for addressing the issues that Missing White Woman Syndrome creates is a combination of the most effective parts of these existing programs. By combining the national strategies of the AMBER Alert System with the goals and essence of the RILYA Alert System, the Jholie Alert, and the Ashanti Alert, many of the issues created by Missing White Woman Syndrome would likely be addressed or at least become closer to being resolved than ever before. Additionally, existing and future missing persons organizations would benefit from mimicking the structures of organizations like Help Save The Next Girl, while also keeping the goals of organizations such as Black & Missing Foundation, Inc., Peas in Their Pods, Inc., and Not A Runaway, Inc. at the hearts of their missions.

## CONCLUSION

Missing people have only recently become a central focus in American pop culture.<sup>202</sup> However, the sensationalism that predominantly surrounds the cases of missing White children and women has yet to shift to missing Black girls and women. Missing White Woman Syndrome, the media's tunnel-vision-like tendency to focus on the cases of missing White girls and women,<sup>203</sup> has created considerable racial disparity in the world of missing persons cases.<sup>204</sup> This trend—the lack of attention to and popularization to the stories of Black

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199. *See id.* The law protects children between zero to school-entry age and specifically targets children who are in foster care and who may be at risk of school performance and behavioral issues. *See id.*

200. *See id.*

201. *See id.*

202. *See generally* Karen Bennett, *In These States, Missing Persons Cases Are Piling Up*, CHEATSHEET (June 11, 2018), <https://www.cheatsheet.com/culture/in-these-states-missing-persons-cases-are-piling-up.html> [<https://perma.cc/GDW6-SHNG>].

203. *See* Laccino, *supra* note 24.

204. *See* Min & Feaster, *supra* note 27, at 208.

victims—coincides with the familiar narrative of Black Americans being both undesired and unlikely victims in American pop culture.<sup>205</sup>

As the number of missing persons cases in the United States grows larger every year,<sup>206</sup> the number of missing Black girls and women increases as well.<sup>207</sup> Because many of the existing missing persons policies were created in response to the disappearances of White boys<sup>208</sup> and girls,<sup>209</sup> the currently existing body of remedies continuously fails the thousands of missing Black girls and women in America.

In order to address the issue that Missing White Woman Syndrome creates, state and federal governments must be willing to implement laws and systems that are structured to address the needs of minorities. In an effort to facilitate the drafting and proposal of such reforms, advocacy groups and organizations must lobby and advocate specifically for state and federal programs that will demand that local, state, and federal governments allocate resources to underserved and underrepresented populations.

State governments and the federal government should look to programs that have already been executed and organizations which already have solid bases to serve as models for new programs and overhauls of existing programs. Such previously existing groups and policies include the AMBER Alert System, the RILYA Alert System, Help Save The Next Girl, Black & Missing Foundation, Inc, and Peas in Their Pods, Inc.

One key element of the organizations and systems mentioned in Section II.B of this Note<sup>210</sup> is the ability to validate missing persons reports and begin allocating resources to the investigation of missing persons cases even if the person is classified as a runaway. As discussed, Black children are likely to be classified as runaways when reported as missing due to a variety of factors and systemic issues.<sup>211</sup> The runaway label must be abandoned, or, at the very least, used seldomly, in future missing persons cases. Likewise, law enforcement agencies must be more reluctant to label missing children as runaways without considering alternative explanations for their disappearances first.

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205. See *supra* Section I.C; see also Dorfman & Schiraldi, *supra* note 38, at 13.

206. See, e.g., 2015 NCIC Missing Person and Unidentified Person Statistics, NAT'L CRIME INFO. CTR. 5, <https://www.fbi.gov/file-repository/2015-ncic-missing-person-and-unidentified-person-statistics.pdf/view>; 2016 Statistics, *supra* note 2, at 5.

207. 2015 NCIC Missing Person and Unidentified Person Statistics, *supra* note 206; 2016 Statistics, *supra* note 2.

208. See *supra* Section II.A (discussing Etan Patz).

209. See *supra* Section II.A (discussing Natalee Holloway and Maura Murray).

210. See *supra* Section II.B.

211. See *supra* Section II.B.2.

It is important that legislators and the public understand that advocacy groups tailored toward finding remedies for missing Black girls and women are not calling for a complete override of the systems currently in place.<sup>212</sup> Systems such as AMBER Alert and general-purpose missing persons advocacy groups are still very much needed and desired. However, in a just society, systems, policies, advocacy groups, and organizations tailored toward missing Black girls and women must coexist to ensure that the effects of Missing White Woman Syndrome are felt no more than what is absolutely necessary and to reverse the standard of bias that this phenomenon has created.

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212. See *Rilya Alert Criteria*, *supra* note 162.

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