FEAR, HYPE, AND STEREOTYPES: DANGERS OF OVERSELLING THE AMBER ALERT PROGRAM

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ABSTRACT

For decades, Americans have been preoccupied with socially constructed myths concerning crime as a result of media oversaturation and hyperbole.[1] One current program that stands as a shining example of overselling a solution to a socially created problem is AMBER Alert.[2] Stereotypical depictions of sex-crazed lunatics who prey on children are a far cry from the objective reality that surrounds the problem of child abduction; specifically, stranger abductions are statistically much less common than other abductions (e.g., family abductions).[3] By constantly inundating the American public with messages of "stranger danger," the standby status-quo of "us versus them" is both reaffirmed and legitimized, thereby strengthening the fallacious idea that strangers are the biggest threat to children's safety while simultaneously ignoring the stark reality that family members are much more likely culprits.[4] The issue of child safety must not be taken lightly, and the intentions of the AMBER Alert program are noble, yet the program remains woefully ineffective. The danger in overselling the AMBER program is threefold. First, as a byproduct of Crime Control Theater, parents are mistakenly allowed to assume that the government is taking care of the problem of child abduction, and, in the event of a stranger abducting their child, that an AMBER Alert will quickly and effortlessly return their child unharmed.[5] Secondly, through the construction and maintenance of crime myths, public discourse is warped in such a way as to obfuscate the very real issue of familial abductions that constitute the vast majority of child kidnappings.[6] Finally, by perpetuating the stereotype of

[1] *See* VICTOR E. KAPPELER & GARY W. POTTER, THE MYTHOLOGY OF CRIME AND CRIMINAL JUSTICE 1–2, 33–35 (4th ed. 2005).

[2] *See* Timothy Griffin & Monica K. Miller, *Child Abduction, AMBER Alert, and Crime Control Theater,* 33 CRIM. JUST. REV. 159, 159 (2008).

[3] ANDREA J. SEDLAK ET AL., DEP'T OF JUSTICE, NATIONAL ESTIMATES OF MISSING CHILDREN: AN OVERVIEW 6–7 (2002); Kristen M. Zgoba, *The AMBER Alert: The Appropriate Solution to Preventing Child Abduction?,* 32 J. PSYCHIATRY & L., 71, 72 (2004).

[4] *See generally* KAPPELER & POTTER, *supra* note 1, at 4–7 (describing the media's role in creating crime myths); SEDLAK, *supra* note 3, at 6–7.

[5] *See generally* Timothy Griffin, *An Empirical Examination of AMBER Alert 'Successes',* 38 J. CRIM. JUST. 1053, 1054 (2010).

[6] *See* SEDLAK ET AL., *supra* note 3, at 6–7; Michelle Hammond, Monica K. Miller & Timothy Griffin, *Safe Haven Laws as Crime Control Theater,* 34 CHILD ABUSE & NEGLECT 545, 548–49 (2010).

strangers as a constant threat to children's wellbeing and safety, programs such as AMBER Alert are unintentionally contributing to a heightened climate of fear, leading the American public to believe that danger is ever-present, which encourages paranoia, disillusionment, and a willful lack of faith in society as a whole.[7] Preventing the overselling of programs like AMBER Alert is essential if society wishes to engage in effective and reasonable crime control; attempting to legitimize these programs with claims that exaggerate their purported efficacy can only hinder progress, and will ultimately fail to serve the interests of justice. Accountability from elected officials must be demanded by the American people if the undeniable truth surrounding the nature of child abductions is ever going to be understood and addressed.

I. INTRODUCTION

While citizens of the United States believe that the real threat to the nation's children comes from outside the home, in reality, children are killed far more often by family members.[8] In fact, strangers only account for eleven percent of all offenders who commit violent crimes against, while family members represent the largest group of offenders of child kidnappings.[9] Largely due to this misconception of "stranger-danger," efforts by the criminal justice system continue to target so-called "stereotypical" child abductions through the use of the AMBER Alert program.[10]

The AMBER Alert program was named for Amber Hagerman, who was nine years old when she was abducted and murdered by an unknown perpetrator in Arlington, Texas in 1996.[11] The crime

[7] *See* KAPPELER & POTTER, *supra* note 1, at 68–70; Elise Chenier, *The Natural Order of Disorder: Pedophilia, Stranger Danger and the Normalising Family,* 16 SEXUALITY & CULTURE 172, 177 (2011); Zgoba, *supra* note 3, at 72–73; Kristen M. Zgoba, *Spin Doctors and Moral Crusaders: The Moral Panic Behind Child Safety Legislation,* 17 CRIM. JUST. STUD. 385, 385–86 (2004) [hereinafter Zgoba, *Spin Doctors*].

[8] *See* JOHN M. DAWSON & PATRICK A. LANGAN, DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, MURDER IN FAMILIES 1 (1994).

[9] *Juvenile Justice Bulletin: Perpetrators Against Juveniles,* NAT'L CRIM. JUST. REFERENCE SERVICE (June 2000), https://www.ncjrs.gov/html/ojjdp/2000_6_4/page4.html.

[10] *See* Chenier, *supra* note 7, at 174; Timothy Griffin et al., *A Preliminary Examination of AMBER Alert's Effects,* 18 CRIM. JUST. POL'Y. REV. 378, 379 (2007).

[11] U.S. DEPT. OF JUST., *AMBER Alert: About AMBER Alert,* www.amberalert.gov/about.htm (last visited Jan. 17, 2015).

remains unsolved.[12] In the midst of an abundance of media sensationalism about the horrendous nature of the homicide, officials developed the AMBER program, which stands for America's Missing: Broadcast Emergency Response.[13] Although created with the noblest of intentions, critics and scholars alike have questioned the ability of the AMBER program to successfully deliver on its intended goal of helping save children from the strangers' intent on harming them.[14] While the importance of saving even one life must not be understated, the consequences of overselling the program are dire indeed.[15] Discussing these consequences is the goal of this article.

A. Importance of Examining the AMBER Alert Program

One of the biggest concerns regarding the AMBER Alert program that makes overselling so pernicious is that the program fails to be successful in "stereotypical" child abduction cases.[16] Stereotypical kidnappings are those committed by strangers, or slight acquaintances, and are characterized by the specific intent to ransom, keep, or kill the child.[17] Therefore, misrepresentations on behalf of the media to promote "success stories" might egregiously mislead the American public to believe that when the unthinkable *does* occur, an AMBER Alert will save a child's life.[18] Equally alarming, because public discourse necessarily includes crime myth construction, the real threat to children has been rendered invisible, making it even more difficult to discuss openly and honestly.[19] "Crime myths become a convenient mortar to fill

[12] Ashanti Blaize, *Cold Case That Inspired Amber Alert System Still Unsolved*, NBCDFW.COM (Jan. 12, 2011, 10:38 PM), http://www.nbcdfw.com/news/local/New-Leads-in-Cold-Case-that-Inspired-Amber-Alert-System-113398609.html.

[13] U.S. DEPT. OF JUST., *supra* note 11.

[14] Justin Peters, *Let's Get Rid of the AMBER Alert System. It Doesn't Work,* SLATE (Aug. 8, 2013, 1:14 PM), http://www.slate.com/blogs/crime/2013/08/08/amber_alert_california_let_s_get_rid_of_the_amber_alert_system.html?wpisrc=obnetwork; *see* Griffin & Miller, *supra* note 2, at 168–69.

[15] *See* Griffin, *supra* note 5, at 1060.

[16] Lorie L. Sicafuse & Monica K. Miller, *The Effects of Information Processing and Message Quality on Attitudes Towards the AMBER Alert System*, 8 APPLIED. PSYCHOL. CRIM. JUST. 69, 70 (2012); *see also* Griffin et al., *supra* note 10, at 378.

[17] *See* SEDLAK ET AL., *supra* note 3, at 7.

[18] *See* Griffin, *supra* note 5, at 1053–54.

[19] *See generally* KAPPELER & POTTER, *supra* note 1, at 1–2 (noting how the inception of crime myths transforms and distorts certain crime problems "into social and political problems.").

gaps in knowledge and to provide answers to questions social science either cannot answer or has failed to address."[20] The particular crime myth operating in tandem with the AMBER Alert program claims that there are a multitude of dangerous strangers waiting to kidnap and harm children.[21] The promulgation of stranger danger lends weight to socially constructed crime myths by sublimating one scary story to another; thus programs like AMBER help us ignore family violence, which hits too close to home, and instead focus on the socially acceptable outlet of predatory strangers, a much more comfortable target.[22]

While "some action" is arguably better than "no action" when considering how to proceed when a child's life is in danger, AMBER Alert(s) as they now stand serve primarily to augment the criminal justice system's transparency to the public.[23] In other words, since AMBER Alerts are designed to help recover children in cases of "stereotypical" abductions, which are quite rare, the program does more to convey the legitimacy of the criminal justice system than it does to actually solve these types of crimes. As such, AMBER Alerts can be considered Crime Control Theater, which is defined as "'a public response or set of responses to crime which generate the appearance, but not the fact, of crime control.'"[24] The media's complicity in this particular matter serves to keep crime myths, such as the "stereotypical child abduction," alive, while continuing to produce few tangible results.[25] The purpose of this article is to highlight the way the program is being oversold across the United States, discuss the problems of overselling, and provide suggestions that will hopefully allow for better program design and implementation in the future.

[20] *Id.* at 3.

[21] *See* Melinda Smith & Jeanne Segal, *Child Abuse and Neglect*, HELPGUIDE.ORG, http://www.helpguide.org/articles/abuse/child-abuse-and-neglect.htm (last updated Dec. 2014) (stating that child abuse may be carried out by strangers, most child abuse is carried out by family members or others close to a family).

[22] *See* Chenier, *supra* note 7, at 183; Barry Glassner, *The Construction of Fear,* 22 QUALITATIVE SOC. 301, 302, 304 (1999).

[23] *See* Griffin & Miller, *supra* note 2, at 167.

[24] *Id.* at 160.

[25] *See* KAPPELER & POTTER, *supra* note 1, at 57–58, 68–73.

B. Method

In an attempt to emphasize why overselling is inherently problematic, an analysis of the current situation surrounding AMBER Alerts will be made; each of the three overarching and somewhat overlapping problems will be discussed at length in three separate Parts. Part II introduces the Crime Control Theater paradigm as a stage for discussion of subsequent paradigms, such as moral panics (Section A1) and "unaddressable crime" (Section A2), to highlight the theatrical aspects of AMBER Alert. Section B details the background of Crime Control Theater, including examples that support both the principles and application of Crime Control Theater. Section C explicitly defines the four criteria of Crime Control Theater, which are: a reactionary response to moral panic, unquestioned acceptance and promotion, an appeal to mythic narratives, and empirical failure.[26] These criteria are applied to the AMBER program in Section D. Part III introduces the concept of socially constructed crime myths as applied to the AMBER program, expanding on some of the criteria of Crime Control Theater to discuss the nature of crime myths (Section A), including some of the techniques by which these crime myths are constructed and maintained (Section B). Part IV concerns the perpetuation of stereotypes and fear, specifically focusing on the many ways these affect American society; the use of "scary stories" as fear tactics (Section A), as well as associated consequences and other concerns (Section B), are analyzed to that end. Part V highlights the various unintended outcomes of overselling the AMBER program, including the three major dangers of overselling the program. Finally, Part VI provides several proposals to prevent overselling and other recommendations.

II. CRIME CONTROL THEATER

Remaining proactive in the aftermath of tragedy is imperative if the government wishes to maintain its legitimacy in the eyes of the American people.[27] Bolstered by the system of mass media,

[26] M.M. Armstrong, Monica K. Miller & Timothy Griffin, *An Examination of Sex Offender Registration and Notification Laws: Can Community Sentiment Lead to Ineffective Laws?, in* HANDBOOK OF COMMUNITY SENTIMENT 239, 239–42 (Monica K. Miller et al. eds., 2015); Hammond et al., *supra* note 6, at 548–49.

[27] BERCH BERBEROGLU, THE STATE AND REVOLUTION IN THE TWENTIETH CENTURY: MAJOR SOCIAL TRANSFORMATIONS OF OUR TIME 22 (2007).

which perpetuates the appearance of a "crime wave," fear becomes a vehicle that provides the impetus for action to be taken.[28] Because Americans tend to demand swift action from their government, especially when children have been put at risk, little time is afforded to conduct rigorous scientific studies or to invent theory-based solutions for problems. This is true of stereotypical child abductions; due to the heightened level of urgency surrounding these atypical situations, the AMBER Alert program was hastily implemented.[29] Unfortunately, the AMBER program represents a prime example of Crime Control Theater, a term used for programs and policies that offer the appearance of addressing crime problems yet rarely work as intended.[30]

A. Moral Panic and the Problem of "Unaddressable" Crime

Crime Control Theater is a result of moral panics concerning 'unaddressable' crime, and thus a discussion of these foundational issues is necessary to fully understand the Crime Control Theater phenomenon.

1. Moral Panic

There are five criteria of a moral panic, all of which are satisfied in the case of AMBER Alert.[31] First, society expresses *concern* over some person (abductor) or event (abduction) that is determined to be a threat.[32] Second, *hostility* escalates, partially due to increased attention from the media and community leaders.[33] Next, a *consensus* forms, indicating that something needs to be done to address the current problem (e.g., adopt the AMBER Alert program).[34] Often, the concern generated due to an abundance of media coverage, and the action proposed as a result, are *disproportionate* to the actual threat (e.g., stranger abduction

[28] *See* KAPPELER & POTTER, *supra* note 1, at 5, 47; Zgoba, *Spin Doctors*, *supra* note 7, at 401.

[29] *See generally* Griffin & Miller, *supra* note 2, at 159–60, 167 (describing the fear that arises in child abduction cases and the "aggressive adoption" of the AMBER Alert system).

[30] *See id.* at 167.

[31] ERICH GOODE & NACHMAN BEN-YEHUDA, MORAL PANICS: THE SOCIAL CONSTRUCTION OF DEVIANCE 33 (1994); Zgoba, *Spin Doctors*, *supra* note 7, at 400–01.

[32] GOODE & BEN-YEHUDA, *supra* note 31, at 33.

[33] *Id.* at 33–34.

[34] *Id.* at 34–35.

is an extremely rare event).[35] Eventually, the collective outrage leads to action, and soon the panic subsides; this *volatility* is characteristic of crimes against children, as panic rises and falls over time.[36] A community's emotional reaction to horrific events can easily result in a moral panic. However, many of these panics result from events that are essentially unaddressable; this issue will be discussed shortly.

Moral panics come and go,[37] and the tumultuous nature of this situation frequently leads to trends in the field of crime control being labeled "fads."[38] Trends from many fields, including medicine, business, education and economics, have a predictable lifecycle: emerging, surging, and purging.[39] Some trends, or "fads," leave lasting marks on society, but many others fade away, often without any trace of the money and resources that were invested in them.[40] American citizens in particular are quite obsessed with, and therefore highly susceptible to, new and novel things, especially those that can solve problems and make life easier.[41] Joel Best's book "Flavor of the Month: Why Smart People Fall for Fads" explains this obsession with new ideas and the resultant willingness for people to "jump on the bandwagon" with reckless abandon.[42]

2. "Unaddressable" Crime

Unfortunately, many of the crimes that plague modern society are virtually unpreventable, meaning that solutions implemented to combat these problems have little hope of being effective.[43] Safe Haven laws, which legally permit parents to abandon their

[35] *Id.* at 36–38.

[36] *Id.* at 38–41.

[37] *See id.* at 31.

[38] *See generally* JOEL BEST, FLAVOR OF THE MONTH: WHY SMART PEOPLE FALL FOR FADS 2, 4 (2006) (explaining that fads are short lived, and can occur in institutions in our society).

[39] *Id.* at 45, 80, 106 (discussing the efforts of businesses to put forth perfect products and bone marrow transplants).

[40] *See id.* at 5.

[41] *See id.* at 43–44.

[42] *See generally id.* (describing Americans as a people that are "more willing to consider new ideas. . . . [O]ur society is relatively willing to embrace change . . . .").

[43] *See, e.g.*, Hammond et al., *supra* note 6, at 546, 548 (describing the prevention of infanticide as "forbiddingly difficult" when a mother is determined to do so, despite the implementation of laws attempting to prevent it).

children, exemplify this situation quite well.[44] These laws were specifically designed to reduce incidents of infanticide, many of which are committed by mothers with substantial mental health issues who give birth in unusual places, such as the bathroom; some of these women might be unaware they are pregnant or may be trying to hide their pregnancy.[45] These individuals are highly unlikely to know that Safe Haven laws exist, and even if they do, many are unlikely to pursue that option for fear of their pregnancy being revealed.[46] It is true that some mothers have made use of these laws and abandoned their children legally, yet these women were likely more stable mentally, and probably would have found a viable legal alternative, such as adoption, to handle the situation regardless of Safe Haven laws.[47]

Similarly, an abductor intent on kidnapping and killing a child is unlikely to be deterred by the AMBER Alert system.[48] Indeed, the perpetrator might even have intended to keep the child alive for a period of time, but after seeing the AMBER Alert, decides to kill him or her to get rid of the evidence of the abduction.[49] If this "precipitation effect" occurs, the Alert has actually had the opposite effect than what was intended.[50] Further, there are many psychological reasons why the AMBER Alert system is unlikely to work often enough to justify its continued existence.[51] For instance, the bystander effect predicts that individuals are less likely to help someone in need if there are others who could help (e.g., other community members who also see the Alert).[52] Eyewitness memory research highlights the myriad of factors that make it unlikely community members will accurately encode, retain, and recall information that would allow them to make a proper identification in the chance that they see the perpetrator and child.[53] Although the scientific reasons why the Alert program is unlikely to work are beyond the scope of this article, there are many other identifiable factors that can help

[44] *See generally id.* at 546.
[45] *Id.*
[46] *Id.* at 546–47.
[47] See *id.* at 547.
[48] *See* Monica K. Miller et al., *The Psychology of AMBER Alert: Unresolved Issues and Complications*, 46 SOC. SCI. J. 111, 115 (2009).
[49] *Id.*
[50] *Id.*
[51] *Id.* at 113–14.
[52] *Id.* at 114.
[53] *Id.* at 113.

explain why the AMBER Alert system is seldom effective.[54]

While they are quite prone to exaggeration by the media, heinous crimes remain difficult to address due to the low frequency of their occurrence.[55] As noted by Schneier, "[i]t's hard to find a terrorist, kidnapper, or bank robber, because there simply aren't that many in our society."[56] If Alerts were issued only in cases in which they were intended (stranger abductions), there would be very few Alerts, and the public might not even know what AMBER Alerts are or what to do when they see an Alert.[57] But, by expanding the Alert program to benign or low-danger cases (e.g., child was at a friend's house but forgot to tell her mom; non-custodial dad does not return child after visitation), the program remains fresh in people's minds.[58] Addressing rare stranger abductions is difficult; it is only by widening the scope of abductions to include low-risk cases that AMBER Alerts have a chance of working.

In sum, moral panics often arise when crimes such as infanticide and child abduction occur, yet due to the "unaddressable" nature of these crimes, effective solutions are rarely available. If a solution *is* proposed, it is likely to be mere theater. That is, the solution might satiate the public's need to "do something," but will lack any concrete ability to actually work as intended. The "perfect storm" of moral panic and unsolvable crime leads to the (perhaps inevitable) development of solutions that are clearly Crime Control Theater.[59] Occasionally, there is a "success" (i.e. someone sees an Alert and then aids in the rescue of the child), but available scientific research reveals these are extremely rare.[60]

B. Background and Recent Expansion of Crime Control Theater

Before the notion of Crime Control Theater was even proposed, scholars were highlighting the development and problems

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[54] *Id.*

[55] Hammond et al., *supra* note 6, at 549.

[56] BRUCE SCHNEIER, BEYOND FEAR: THINKING SENSIBLY ABOUT SECURITY IN AN UNCERTAIN WORLD 11 (2003).

[57] *See generally* Miller et al., *supra* note 48, at 117 (noting that half of child abductions are conducted by family members and that "[r]ecent events have indicated that AMBER Alerts have been issued for situations beyond the guidelines and original purpose.").

[58] *Id.*

[59] *See* Hammond et al., *supra* note 6, at 547–48.

[60] *See generally* Griffin, *supra* note 5, at 1054.

associated with knee-jerk reactions to rare crime events that are difficult to address.[61] Schneier details the government's security reactions to the 9/11 attacks; he discusses how Americans were told that they needed to make sacrifices in the name of national security, whether it was enhanced screening methods at airports or funding new government departments and programs like Homeland Security.[62] However, most of these measures appear to be little more than Band-Aids, ignoring the real problems and their causes in favor of showing the American people that their government is "doing something." In the end, changes are made not because they are effective, but because no one wants to face the frightening reality that some crimes are nearly impossible to prevent. This has directly led to the current situation in which the daily lives of American citizens have been altered in the name of ineffective security.

Generally speaking, programs which seek to allay fears through symbolic communication (e.g., adopting policies that are mere theater) do so because no viable solution is available.[63] Thus, swift action often replaces effective action, providing little solution to the problem at hand while simultaneously projecting the figment of justice being served.[64] This desire to appear as if "something" is being done would seem to violate a valuable "ethical imperative to not mislead [or otherwise misinform] the public."[65] However, when real solutions are scarce, legitimizing activities often take their place.[66] Crime Control Theater necessarily includes providing "a socially constructed 'solution' to a socially constructed problem," an intentionally overbroad definition that lends itself to application in many different areas of society.[67] As such, it has been gaining widespread acceptance in numerous areas of academic research.[68]

Specifically, a study of mandatory influenza vaccines found that a new term, "health promotion theater," was needed, as the

[61] Hammond et al., *supra* note 6, at 549.

[62] *See* SCHNEIER, *supra* note 56, at 10.

[63] *See* Griffin & Miller, *supra* note 2, at 167; Hammond et al., *supra* note 6, at 547–49.

[64] *See* Griffin, *supra* note 5, at 1059, 1061.

[65] Griffin & Miller, *supra* note 2, at 168; *see* Griffin, *supra* note 5, at 1061.

[66] *See* Griffin & Miller, *supra* note 2, at 168.

[67] *See id.* at 159–60.

[68] *See* Anita Miko & Monica K. Miller, *Mandatory Influenza Vaccinations: An Example of Health Promotion Theater,* 4 GLOBAL HEALTH GOVERNANCE 1, 6 (2010).

implications of Crime Control Theater have now extended past criminal law and into the realm of health care.[69] In this case, the program of mandatory vaccines promises to increase the overall standard of public health, yet fails to actually do so.[70] Another application of "theater" concerns gerontology; "Silver Alerts," piggybacking on the existing infrastructure of the AMBER Alert system, are issued to help recover older adults with cognitive impairments, (such as Alzheimer's or dementia) who have wandered away from home.[71] However, serious concerns as to the program's efficacy and implementation point to the "theatrical" nature of such a program (e.g., unwarranted surveillance and dissemination of personal information, as well as statistics suggesting that Silver Alerts are not more effective than existing programs).[72] These and other instances of Crime Control Theater often promise to "solve" a problem, only to end up being completely ineffectual or even counterproductive, leading to further complications and unintended consequences.[73]

C. Criteria of Crime Control Theater

Four distinct criteria for determining whether or not a program is consistent with Crime Control Theater have been proposed: reactionary response to moral panic, unquestioned acceptance and promotion, appeal to mythic narratives, and empirical failure.[74] Although some programs embody a few of these elements, it is the specific confluence of all four working together that set Crime Control Theater apart from legitimate crime control practices.

The first criterion, "reactionary response to moral panic," contains two specific parts that require further examination.[75] A reactionary response necessarily includes a strong emotional,

[69] *Id.* at 1, 6.

[70] *Id.* at 6–7.

[71] Dawn Carr et al., *Silver Alerts and the Problem of Missing Adults with Dementia*, 50 GERONTOLOGIST 149, 149 (2009); Gina Petonito & Glenn W. Muschert, *Silver Alert Programs: An Exploration of Community Sentiment Regarding a Policy Solution to Address the Critical Wandering Problem in an Aging Population, in* THE HANDBOOK OF COMMUNITY SENTIMENT 253, 254 (Monica K. Miller et al. eds., 2015).

[72] *See* Carr et al., *supra* note 71, at 150, 155.

[73] *See id.* at 155.

[74] *See* Armstrong et al., *supra* note 26, at 6–8; Hammond et al., *supra* note 6, at 548.

[75] *See* Hammond et al., *supra* note 6, at 548.

albeit rash, reaction to some kind of traumatic event, such as a child murder or an act of terrorism.[76] As detailed above, a moral panic is incited when a person or group of people engage in unlawful behavior that is deemed a threat to the status-quo, often by way of undermining contemporary moral values of right and wrong.[77] In the wake of such an event, actions are taken to prevent them from occurring again, like the swift passing of the Patriot Act in 2001 in reaction to the attacks of September 11.[78] From this first criterion, a clear pattern emerges: some kind of terrifying event occurs, followed by a moral panic, and concludes with reactive legislation.[79]

The second criterion of Crime Control Theater is unquestioned acceptance and promotion of the given "solution."[80] Much like the Silver Alert program being called a "no-brainer" by legislators and service providers, the idea behind unquestioned acceptance is that it contains a moral platform so powerful that none dare oppose it.[81] Promotion, however, falls to those who would benefit from the legitimization of such an undertaking; more specifically, politicians and governmental offices can both be said to have quite a bit to gain by promoting a morally justifiable piece of reactive legislation such as AMBER Alerts or Silver Alerts.[82] When moral panics ignite the passions of the American public, unquestioned acceptance of whatever legislation is promoted becomes nearly a given; the irresistible strength of such ideological justifications has proven quite effective time and time again, and has won many a politician their ticket to reelection.[83]

The third criterion is an appeal to mythic narratives.[84] Mythic narratives operate by reinforcing self-perceptions of social actors into two basic camps, those who are law-abiding and those who

[76] *See id.* at 548.

[77] ERICH GOODE & NACHMAN BEN-YEHUDA, MORAL PANICS: THE SOCIAL CONSTRUCTION OF DEVIANCE 35 (2010).

[78] Uniting And Strengthening America By Providing Appropriate Tools Required To Intercept And Obstruct Terrorism (USA Patriot Act) Act Of 2001, 107 Pub. L. No. 56, 115 Stat. 272.

[79] *See* Armstrong et al., *supra* note 26, at 241.

[80] *See* Hammond et al., *supra* note 6, at 548.

[81] *See id.; see also* Carr et al., *supra* note 71, at 150.

[82] *See* Carr et al., *supra* note 71, at 149–50, 153; Hammond et al., *supra* note 6, at 548.

[83] *See* Armstrong et al., *supra* note 26, at 239; Daniel Béland, *The Political Construction of Collective Insecurity: From Moral Panic to Blame Avoidance and Organized Irresponsibility* 3, 10, 11 (Ctr. for European Studies, Working Paper Series 126, 2005).

[84] *See* Hammond et al., *supra* note 6, at 548.

are not.[85] This polarizing activity serves to condemn those who disobey the law while simultaneously reaffirming one's morally superior position in society; this is a major underlying function of the criminal justice system that maintains the status-quo.[86] Four basic features of mythic narratives have been identified which greatly increase the likelihood of the myth taking hold in a given society: 1) the presence of innocent victims, 2) a clearly identifiable villain, 3) the proposed solution seems grounded in common sense and would be relatively easy to implement, and 4) the proposed solution is intended to benefit potential victims, which is often broadly defined.[87] Mythic narratives are inherently problematic because they guide public discourse in an extremely narrow way; by constructing an emotionally based concept of criminals, crime myths dictate what society should and should not value, and also suggest what ought to be done when a challenge to the existing social order comes about.[88] Ultimately, crime myths become reality, unable to be questioned or ignored by society at large.[89]

The fourth and final criterion is empirical failure.[90] Quite simply, this is failure to deliver on the intended goal of the program or policy in question.[91] Empirical failure often happens when reactive legislation is passed in response to moral panic.[92] Once again returning to the Patriot Act example, years after its implementation, many concerned citizens, public organizations, and even a few politicians have openly criticized the act as overbroad and invasive, especially concerning the use of surreptitious surveillance and domestic wiretapping.[93] Consistent with the formulation of Crime Control Theater, the Patriot Act, having been in place for nearly thirteen years, has failed to produce any real evidence of terrorist cells operating within the

[85] *See* KAPPELER & POTTER, *supra* note 1, at 3.
[86] *Id.* at 3, 4.
[87] *See* Griffin & Miller, *supra* note 2, at 167; Hammond et al., *supra* note 6, at 548.
[88] *See* KAPPELER & POTTER, *supra* note 1, at 3–5.
[89] *Id.* at 4–5.
[90] Hammond et al., *supra* note 6, at 548.
[91] *Id.*
[92] *See* Griffin & Miller, *supra* note 2, at 171.
[93] *See Reform the Patriot Act*, ACLU, https://www.aclu.org/reform-patriot-act (last visited Jan. 20, 2015); Julian Sanchez, *The Patriot Act: Does It Really Work?*, CATO INSTIT. (Oct. 21, 2009), http://www.cato.org/publications/commentary/patriot-act-does-it-actually-work.

borders of the United States.[94] Instead, it has been labeled a success because hardly any terrorist activity has taken place on American soil in the years since its inception, serving to symbolically remind the people that their government is "doing something."[95]

D. The AMBER Program as Crime Control Theater

Unfortunately, the AMBER Alert program is a prime example of Crime Control Theater.[96] While many contend that the program is beyond reproach, ostensibly due to the fact that it is designed to save innocent children from the hands of unknown perpetrators, a critical examination is necessary in order to guide public discourse in the right direction.[97] By allowing emotional appeals to dictate the course of the criminal justice system, the reality of child abductions remains hidden from view, ultimately leading to unnecessary and ineffective legislation, as well as promoting inaccurate beliefs regarding stranger danger and the relative safety of the family unit.[98]

The AMBER Alert program meets each of the four criteria of Crime Control Theater as outlined above.[99] The reactionary response to moral panic in this case was the abduction, rape and murder of Amber Hagerman in 1996.[100] The local police department was widely criticized in the media for lacking a means to quickly disseminate the known facts of the case to the public at large; after her body was found four days later, public sentiment reached the boiling point, and distraught cries for action were heard from around the nation.[101] Crimes against children never sit well with the general populace, and the heinous nature of Amber Hagerman's death, combined with a media frenzy of overexposure, virtually guaranteed a quick response on behalf of the government to this particular moral panic, thereby

[94] *See Reform the Patriot Act*, *supra* note 93.

[95] *See* MATHEW MANWELLER, THE RIGHT OPINION: A HERETIC'S VOICE FROM THE IVORY TOWER 96 (2007).

[96] *See* Hammond et al., *supra* note 6, at 548–49; Miller et al., *supra* note 48, at 116; Lorie L. Sicafuse & Monica K. Miller, *Social Psychological Influences on the Popularity of AMBER Alerts*, 37 CRIM. JUST. & BEH. 1237, 1239 (2010).

[97] *See* Hammond et al., *supra* note 6, at 548–49.

[98] *See id.* at 549.

[99] *See id.* at 548.

[100] *Id.*

[101] *See* Griffin & Miller, *supra* note 2, at 159–60; Hammond et al., *supra* note 6, at 548; Zgoba, *supra* note 3, at 73.

confirming the public's fears that a serious gap in crime control existed.[102]

By the time the AMBER Alert program was implemented, few were willing to question its logic, let alone its purported methods for curbing stereotypical child abductions; unquestioned acceptance and promotion (the second Crime Control Theater criterion) of the program swiftly ensued.[103] The media's ability to turn one or two isolated incidents into an epidemic can quickly generate a "false impression of . . . magnitude," lending weight to an issue that, while tragic, would have been largely ignored without media hype.[104] The theatrical component of AMBER Alert is necessarily compounded by its very design; text-message alerts, scrolling banners on electronic roadside signs, and even radio announcements serve to prove the government's unwavering commitment to protecting the nation's children while simultaneously encouraging citizen participation.[105] Thus, the twin goals of unquestioned acceptance and thorough promotion of the program are ensured.

An appeal to mythic narratives (the third Crime Control Theater criterion), especially when young victims are involved, helps reaffirm the social hierarchy's ability to preserve law and order.[106] By contrasting villains and victims, society is given an opportunity to proclaim what it will and will not tolerate; the morally impervious character of innocents is sustained, and those who would not yield to social authority are wantonly disparaged as nonconformists.[107] While it remains popular,[108] the AMBER Alert program does a remarkable job of exhibiting all of the characteristics of perpetuating a crime myth. It has identified and targeted a distinctly deviant population (strangers who abduct children), it contains a helpless victim population (children), it has sustained the emergence of virtuous heroes (in this case, those who implemented the AMBER Alert plan and continue to champion it), and finally, it addresses the existence of threats towards established norms and values (children are

[102] *See* Griffin & Miller, *supra* note 2, at 160; Hammond et al., *supra* note 6, at 548.

[103] *See* Hammond et al., *supra* note 6, at 548; Sicafuse & Miller, *supra* note 96, at 1238.

[104] KAPPELER & POTTER, *supra* note 1, at 57; *see* Zgoba, *supra* note 3, at 72.

[105] *See* Hammond et al., *supra* note 6, at 548.

[106] *See id.* at 548.

[107] *See* KAPPELER & POTTER, *supra* note 1, at 23.

[108] Hammond et al., *supra* note 6, at 547.

innocent and need protection/evildoers must be punished).[109]

Finally, and arguably most importantly, the AMBER Alert program is an empirical failure (the fourth Crime Control Theater criterion) in terms of its stated goal of rescuing children from stereotypical child abductions.[110] A recent study of 333 alerts demonstrates that strangers rarely kidnap children.[111] Equally damning to AMBER Alert's necessity is the Department of Justice's claim that only hundred stereotypical child abductions occur each year in the United States.[112] The main impetus behind the AMBER program stems from the idea that strangers who abduct children are intent on harming them in some form, yet this is not reflected by available statistics; for every 10,000 reported missing children, there is approximately one child abduction murder.[113]

Another flaw in the AMBER program that has led to empirical failure is the critical time window for recovering abducted children; 74% of children murdered by an unknown perpetrator are killed within three hours of their abduction.[114] Yet in most of these cases, a missing child report is not filed with the police until two or more hours have gone by.[115] This leaves little more than an hour to locate a child who is in imminent danger of harm; with such a short time available, successful recovery of the child grows more improbable by the minute.[116] Even in those cases touted as "successful," alerts are rarely issued within the critical three hour time frame.[117] This is consistent with earlier research, as a convenience sample of 280 AMBER Alerts revealed that slightly over half (52.7%) of alerts were issued after a delay of one to six hours.[118] More importantly, the study also revealed that the Alert had absolutely no effect whatsoever on the return of the

[109] *See* KAPPELER & POTTER, *supra* note 1, at 23.

[110] *See* Griffin, *supra* note 5, at 1059; Griffin et al., *supra* note 10, at 387–88; Griffin & Miller, *supra* note 2, at 167; Hammond et al., *supra* note 6, at 548; Sicafuse & Miller, *supra* note 96, at 1239.

[111] *See* Griffin, *supra* note 5, at 1054, 1056, 1061; KENNETH A. HANFLAND ET AL., DEP'T OF JUSTICE, CASE MANAGEMENT FOR MISSING CHILDREN HOMICIDE INVESTIGATION 1–3 (1997); SEDLAK et al., *supra* note 3, at 6–7.

[112] Griffin, *supra* note 5, at 1059.

[113] *See* HANFLAND ET AL., *supra* note 111, at 87.

[114] *Id.* at iii.

[115] *See id.* at 15.

[116] *See id.* at 17, 88.

[117] Griffin, *supra* note 5, at 1054.

[118] Griffin et al., *supra* note 10, at 384.

child in 62.7% of the cases.[119]

E. Overselling as a Theatrical Necessity of AMBER

Entangled within the idea of unquestioned acceptance and promotion is a byproduct of Crime Control Theater: overselling. When moral panics take hold, reactive legislation often follows, and the result is usually undesirable.[120] A large part of the reason why theatrical programs like AMBER Alert remain in operation is due to the fact that they are *oversold* to an outraged and fearful public by over-zealous politicians, legislators, and media pundits seeking votes, publicity, and ratings.[121] While symbolic measures can and do pacify an eager public, they fundamentally lack the ability to solve the problem at hand.[122] Quite necessarily, this leads to a situation in which the public requires reassurance from time to time in order to feel as if their fears have been adequately put to rest.[123] This often leads to the inevitable reporting of "success" stories through a variety of outlets, yet these claims are questionable at best.[124]

In fact, many of these "success stories" are actually cases that the AMBER Alert program was never intended for, such as family abductions.[125] Oftentimes, these family abductions are the result of parents failing to return their children after a scheduled visitation; this action is usually intentional, as the parent might believe that the child is better off living with them rather than with the custodial parent.[126] While these situations can be extremely frightening, they are not what the AMBER program was designed to address.[127] Presumably due to the very low

[119] *Id.* at 385.

[120] *See* Zgoba, *supra* note 3, at 72–73; KAPPELER & POTTER, *supra* note 1, at 78, 365.

[121] *See* KAPPELER & POTTER, *supra* note 1, at 46–48, 78, 365–67.

[122] *See* Griffin & Miller, *supra* note 2, at 166–67.

[123] *See* Griffin, *supra* note 5, at 1060; *supra* Part I.A. (Because truly successful stories are not very likely to be forthcoming as a result of the inherently flawed nature of the program, select stories are trumpeted out, and, with the help of a little misdirection, the overwrought message that saving just *one* child makes the effort all worthwhile is proclaimed).

[124] *See* Griffin, *supra* note 5, at 1059–60; Griffin et al., *supra* note 10, at 390–92; Zgoba, *Spin Doctors*, *supra* note 7, at 400.

[125] *See* Griffin, *supra* note 5, at 1059–60.

[126] *See* Griffin, *supra* note 5, at 1059 (stating that the majority of child abductions are committed by family members and other adults that know the child).

[127] *See* Griffin, *supra* note 5, at 1061; Zgoba, *supra* note 3, at 73.

frequency of stereotypical child abductions, AMBER Alerts are commonly used for these types of family abductions, which enables the media to market the case as a "successful AMBER Alert" once the child is returned to the lawful parent.[128]

This is a clear example of how the AMBER Alert program continues to be oversold to the American public: an Alert is issued for a case that does not fit the specific criteria of the program, the child is retuned unharmed, and the AMBER program is credited with yet another "success."[129] Thus, the vicious cycle of unexamined statistics coupled with exaggeration and sensationalism reinforce the idea that the program actually works, which in turn fosters further unquestioned acceptance and promotion.[130] In this way, overselling becomes a necessity by which the program is both beyond reproach and morally gratifying.

III. SOCIAL CONSTRUCTION OF CRIME MYTHS

Social problems, and the solutions created to deal with them, do not naturally exist—they must be labeled as such.[131] Situations and events like kidnappings, pollution, and poverty objectively *exist*, yet they are not considered "problems" until someone decides that they are.[132] The difficulty inherent in understanding and predicting social issues is that they vary by society and temporality; what might be considered a social problem in one time and place might not be considered a problem in another.[133] Rather, it is *how* a given society thinks about the event or situation in question that gives way to meaningful communication of ideas; this is the embodiment of social constructionism.[134]

Claims-makers (e.g., media, lawmakers, scientists) define

[128] *See* Griffin, *supra* note 5, at 1059–60.

[129] *See id.* at 1053.

[130] *See generally* KAPPELER & POTTER, *supra* note 1, at 10 (describing how the government controls the dissemination of information to maintain the "status quo" in order to control and promote what programs are supported).

[131] *See generally* SOCIAL PROBLEMS CONSTRUCTIONIST READINGS 39 (Donileen R. Loseke & Joel Best eds., 2003) (outlining the idea that "people create the meanings we assign to the objective world around us.").

[132] *Id.* at 3, 39 (stating "a *claim* is any verbal, visual, or behavioral statement that tries to persuade audience members to take a condition seriously and respond to it as a social problem . . . .").

[133] *See id.* at 39.

[134] *Id.* at 3.

problems by deciding what issues to address and how to address them, but the proposed solution depends almost entirely on the available audience (e.g., the public).[135] Public sentiment directly affects what issues are considered problematic enough to warrant the attention of claims-makers, so forthcoming answers must necessarily address whatever moral panic has risen in order to pacify the general populace.[136] Once a solution has been proposed, however, it will most likely need to be "hyped-up" in order to sustain the people's faith in the program.[137] Rather than acknowledge failure, symbolic enterprises are allowed to continue as long as they abate the public's concerns.

Given the amount of overselling taking place in regards to the AMBER Alert program, a serious inquiry is needed to describe the potential dangers of overselling symbolic solutions to the public. Because crime myths impose clear, albeit mistaken, concepts of *who* poses *what* kind of threat to *whom*, they necessarily contribute to an overall culture of fear.[138] By providing some common enemy to focus on (e.g., dangerous strangers, terrorists), that fear is transformed into support for legislation designed to address "unaddressable" crimes.[139] Therefore, the continued use of crime myths to garner support for the AMBER program directly influences the manner in which the program is oversold to the American public. Some commonly used techniques of constructing crime myths are discussed, as well as the implications of encouraging and promoting AMBER Alert beyond what is justified.

A. The Nature of Crime Myths

Crime myths are more than just stories used to scare children from misbehaving or ways of making sense of complex issues; due to their ability to influence cognitive processes, they have the power to dictate the shape and nature of reality.[140] Kappeler and Potter argue that these myths "fill[] the knowledge void by reinforcing existing social arrangements that serve the interests

[135] *Id.* at 39.
[136] *See id.*
[137] *See* Griffin & Miller, *supra* note 2, at 166–67 (defining crime control theater as "'a public response or set of responses to crime which generate the appearance, but not the fact, of crime control.'").
[138] *See* KAPPELER & POTTER, *supra* note 1, at 3, 74.
[139] *See id.* at 3.
[140] *See id.* at 1–4; *see also* Glassner, *supra* note 22, at 304.

of powerful people and institutions."[141] Once they have been accepted by the general population, much like Crime Control Theater itself, they become thoroughly entrenched and therefore difficult to remove from the minds of those who have accepted them.[142] More importantly, crime myths serve the dual function of legitimizing social action based on emotionally laden arguments while justifying the status-quo dictation of what are considered acceptable behaviors, social practices, and institutional responses toward crime.[143] Thus, when ineffective solutions for a given problem (e.g., AMBER Alert, security responses to the September 11 attacks) are oversold, the construction of a crime myth is complete.[144] By garnering the public's unwavering acceptance for the proposed solution, no matter how faulty or ill-conceived, AMBER Alert will continue to be oversold to guarantee its continued acceptance and promotion, ensuring that the resulting tautology of unfounded claims, overselling, and acceptance remains an essential underlying component of the proposed solution.

B. Constructing and Maintaining Crime Myths

Several common techniques used by the government, media, politicians, and special interest groups for constructing and maintaining crime myths have been identified.[145] The first is simply creating criminal stereotypes; this process characterizes crime as static and "unidimensional," which in turn provides the necessary catalyst to turn criminals into one-dimensional thugs, incapable of redemption or rehabilitation.[146] Stereotypical phrases, such as "child abduction" or "crime against the elderly," are used to link public discourse and perceptions with expansive categories of crime which tend to result in very narrow conceptions of a given problem; thus, the link between crime and perpetrator is established in such a way that to hear a certain word nearly guarantees the visualization of a certain social actor.[147] One need look no further than Neighborhood Watch

[141] *See* KAPPELER & POTTER, *supra* note 1, at 4.
[142] *See id.* at 4–5.
[143] *See id.* at 4.
[144] *See id.*
[145] *Id.* at 28.
[146] *Id.* at 29.
[147] *See generally* KAPPELER & POTTER, *supra* note 1, at 29 (identifying that stereotypical phrases are used to link broad concepts of crime with diverse types

signs with their shifty, black-cloaked, sinister figures to understand this concept; the epitome of the "dangerous stranger," these signs serve as a powerful reminder to the public that menacing criminals lurk in our midst.[148] By presenting this figure inside of a circle with a line running through it, the dichotomy of "us versus them" is established once more, clearly delineating the role members of society are expected to play in the fight against crime.[149]

Another technique of crime myth construction is presenting opinion as fact.[150] When conjectural phrases are presented to a concerned public as fact, dishonest communication has occurred.[151] Media outlets wield an incredible amount of power derived from their ability to disseminate information, factual or otherwise, to millions of people at a time; the influence these words have is unmistakable, and the results can be devastating.[152] Put another way, people "in the know" can willingly fan the flames of moral panics with phrases like, "our children are not safe at school anymore," or, "strangers are waiting to harm our youth."[153] This kind of unwarranted rhetoric has been found numerous times in research concerning AMBER Alerts and other instances of Crime Control Theater.[154]

The next technique, masking personal opinion, is similar to the previous technique, yet it requires a deliberate intent to present only one side of a given situation.[155] It is akin to selection bias, which is what happens in statistical research when non-random samples are used, meaning that selection of participants was *purposeful*.[156] Unfortunately, this particular method of garnering public support is all-too-common in the modern age of media;

of criminal behavior).

148 *See* NAT'L NEIGHBORHOOD WATCH INST., http://www.nnwi.org (last visited Jan. 28, 2015). *See generally Crime Prevention: A Community Effort Neighborhood Watch*, N.Y. STATE POLICE, http://troopers.ny.gov/crime_prevention/General_Safety/Neighborhood_Watch/ (last visited Jan. 28, 2015) (explaining that Neighborhood Watch is used to prevent crime in neighborhoods).

149 *See* NAT'L NEIGHBORHOOD WATCH INST., *supra* note 148.

150 KAPPELER & POTTER, *supra* note 1, at 29.

151 *Id.*

152 *Id.* at 5.

153 *See id.* at 29.

154 *See* Zgoba, *supra* note 3, at 72–73; Zgoba, *Spin Doctors*, *supra* note 7, at 386.

155 KAPPELER & POTTER, *supra* note 1, at 29.

156 H. RUSSELL BERNARD, SOCIAL RESEARCH METHODS: QUALITATIVE AND QUANTITATIVE APPROACHES 92, 97 (2d ed. 2013).

partisan politics, and the news outlets which unabashedly promote them, encourage the American public to dichotomize issues in such a way that common ground is ultimately denied.[157] Rather than some grand conspiracy, this type of politicking is currently accepted as the normal state of affairs in journalistic endeavors, lending credence to the optimistic suggestion that these men and women are merely misguided and not willfully malicious.[158] When news reporters intentionally seek out those who share their opinions and then present them as if they were just "random people on the street," they are purposefully distorting "facts" to fit with their own personal worldview (or that of their paid sponsors); this thoughtless act shapes public discourse in such a way that people mistakenly feel safe in the knowledge that they have warned their children about the danger of strangers while completely ignoring the threats closer to home which, ironically, are far more common but rarely make headlines.

The use of value-laden terminology is another common technique of crime myth construction.[159] Much like the first technique discussed, utilizing very specific language to receive an impassioned (and predictable) response from the public can easily lead to the desired effect of unquestioned promotion and acceptance.[160] In this particular instance, however, the words and phrases are not stereotypical *per se,* rather, they convey a culturally shared attitude that by its very nature is difficult to dismiss. Oftentimes, the words represent a cultural or social bias towards an individual or a group of people, such as "child-predator" or "serial killers".[161] Language can be a subtle tool for manipulation, and the words used in the reporting of stereotypical child abductions, when viewed in this light, are specifically designed to provoke fear and outrage from the public.[162] This artificially created moral panic generally

[157] *See generally* Alexander Sileo, *Avoiding the Liberal-Conservative Dichotomy*, GEORGIA POL. REV. (Oct. 23, 2012, 5:28 AM), http://georgiapoliticalreview.com/avoiding-the-liberal-conservative-dichotomy/ (stating that in the political context, media encourages Americans to dichotomize issues by dichotomizing the issues themselves).

[158] *See generally id.* (explaining that all major news channels use the polarizing method, and therefore, it is normal).

[159] *See* KAPPELER & POTTER, *supra* note 1, at 29.

[160] *See id.* at 13 (describing how politicians use terms like "drug war" to gain public support for various initiatives).

[161] *Id.* at 56, 79.

[162] *See* Zgoba, *supra* note 3, at 72.

encourages the public to demand action from their government, leading to rash decisions and ineffective, reactive programs such as AMBER Alert.[163]

The final, and arguably most deplorable, technique designed to create and maintain crime myths is known as information management.[164] Part of what makes this process so irksome is that other, equally pressing stories of importance like white collar crime, political malfeasance, or military transgressions are *intentionally* ignored in favor of focusing on "hot-button" issues such as child molestation, "crack-babies," "welfare queens," and juvenile super-predators.[165] Willful misdirection to gain ratings, votes, or, case in point, to continue a program that has been proven ineffective, makes a farce out of the American legal system and undermines the public's ability to engage in honest and necessary discussion of important problems.[166] This common practice provides shaky ground for issues that might have been compiled with the purest of intentions, but by its inherently deceptive nature, makes a mockery of justice and silences the cries of many victims not deemed exciting enough to be presented to the American people.[167]

IV. PERPETUATION OF STEROTYPES AND FEAR

The primary impetus of Crime Control Theater is arguably the social construction and maintenance of fear.[168] A myriad of mechanisms have been designed to protect people from the things they fear, and AMBER Alerts are just one example. However, by maintaining an ever-active vigil against perceived threats to life and limb, new fears are necessarily created in the process.[169] In other words, fear is manufactured by the very efforts that have been designed to protect against it.[170] The irony inherent in such thinking is an unavoidable one, as life is filled with problems and dangers of every sort; attempting to concoct ways of avoiding this unfortunate, albeit necessary, condition of all human life can only result in disappointment. Much like crime myth construction, the

[163] *See id.* at 80–81.
[164] KAPPELER & POTTER, *supra* note 1, at 29.
[165] *See* Glassner, *supra* note 22, at 304.
[166] *See* KAPPELER & POTTER, *supra* note 1, at 48.
[167] *See id.* at 6.
[168] *See id.* at 48, 50.
[169] *See id.* at 67; Glassner, *supra* note 22, at 301.
[170] *See* Glassner, *supra* note 22, at 301.

social construction of fear requires a "suitable" target for efforts to be directed at, and quite often real threats are ignored in favor of comfortable ones, such as malevolent strangers rather than family members.[171]

A. Use of "Scary Stories"

One such mechanism in the social construction of fear is the promulgation and repetition of scary stories, which are designed to ensure compliance with social norms regarding what are considered "appropriate" threats to children.[172] These stories distract us from hard truths, like how family members are much more likely to harm a child than a complete stranger.[173] Oftentimes, these scary stories are revealed to be mere fables intended to provoke fear and worry, yet by the time the error has been identified, the damage has already been done and honest social discourse is once again denied.[174] By far, one of the best examples of this comes from the urban legend of poisoned Halloween Candy that first started circulating in the 1970s.[175]

Media outlets ranging from *Newsweek* to the *New York Times* warned their patrons of a new and terrifying epidemic that was allegedly sweeping the nation, claiming that several children had died from ingesting intentionally-tainted Halloween Candy they had received from strangers during the course of trick-or-treating.[176] In response to growing worry across the nation, the International Association of Police Chiefs working in tandem with the National Confectioners Association sponsored the creation of a "Halloween Candy Hotline" in 1982.[177] Through this hotline, reports of suspected tainted candy could be handled by an external agency designed to provide the police with technical assistance.[178] So far, no reports of tainted candy have been forthcoming.[179] Nearly a decade later, it was found that not only were these sensationalized news stories based on a few, isolated incidents, the actual perpetrators in these crimes turned out to be

[171] *Id.* at 302.
[172] *Id.* at 301, 304.
[173] *See* Chenier, *supra* note 7, at 181.
[174] *See* KAPPELER & POTTER, *supra* note 1, at 68.
[175] *Id.* at 19.
[176] *See id.*
[177] *See id.*
[178] *Id.*
[179] *See id.* at 19–20.

the victims' own family members.[180] Once again, misrepresentation of facts about crimes against children produced a predictable moral panic that resulted in the formation of reactive program implementation and served to highlight the underlying message about the folly of trusting strangers.[181] The importance of the family unit as a refuge safe from harm was reaffirmed while casting imaginary strangers in the role of would-be offenders against children, a "scary story" that continues to be retold to this very day.[182]

B. Associated Consequences and Other Concerns

Three "negative, latent consequences" have been identified as a product of media overexposure.[183] The first is the encouraged assumption that danger is necessarily linked to persons outside of the family unit.[184] When the outside world is constantly presented as a dangerous and inhospitable place, distrust ensues, social interaction decreases, and isolation can result, which might significantly stunt a child's development.[185] AMBER Alerts currently help perpetuate this stereotypical attitude towards strangers, yet available evidence shows that family members kill children more often than strangers do.[186] As the program continues to be oversold, peoples' fear of these "dangerous strangers" increases as well, unintentionally propagating a heightened climate of fear and potentially harming children in the process.[187]

The second and related consequence is an increase in anxiety stemming from these socially constructed fears.[188] In the case of stereotypical child abductions, the established dogma of "Don't Talk to Strangers" is legitimized by media hype, ultimately teaching children to run from people they do not know straight

[180] *See* KAPPELER & POTTER, *supra* note 1, at 19–20; Glassner, *supra* note 22, at 303.

[181] *See* Chenier, *supra* note 7, at 183; Glassner, *supra* note 22, at 301–04.

[182] *See* Chenier, *supra* note 7, at 174; Glassner, *supra* note 22, at 303–04.

[183] *See* KAPPELER & POTTER, *supra* note 1, at 68.

[184] *See id.*

[185] *See id.*; Sicafuse & Miller, *supra* note 16, at 83.

[186] *See Homicides Fall to Lowest Rate in Four Decades*, BUREAU OF JUST. STAT., http://www.bjs.gov/content/pub/press/htus8008pr.cfm (last visited Jan. 29, 2015).

[187] *See* KAPPELER & POTTER, *supra* note 1, at 68; Chenier, *supra* note 7, at 181; Sicafuse & Miller, *supra* note 16, at 71.

[188] *See* KAPPELER & POTTER, *supra* note 1, at 68–69.

into the arms of those most likely to harm them in the first place.[189] Since the focus of AMBER Alerts are stereotypical child abductions,[190] they necessarily contribute to the idea that families are safe and free from activities that harm children.[191] In short, focusing on strangers, rather than family members, leaves the nation's children vulnerable.[192]

Finally, the last latent consequence concerns *who* becomes responsible for the safety and wellbeing of children. Undeniably, most people would agree that families are, and should be, responsible for their children in this capacity; yet by stressing the importance of parents and other family members teaching their children about threats posed to them by the outside world, the burden of public safety is shifted from law enforcement to families.[193] AMBER Alerts, both in the way they are disseminated (e.g., cell-phone and email alerts, billboards, posters) and the way they are designed to work (e.g., eyewitnesses contact the appropriate authorities) require direct participation from the public.[194] However, this participation begets a mild, and perhaps even subconscious, form of paranoia, as each new Alert (supposedly) signals another innocent child stolen.[195]

By making the public aware of these threats as they develop, law enforcement officials are, in essence, handing over the reins of social control to the public, meaning citizens have become responsible for the safety of their own community.[196] This particular line of thinking means that when families neglect to instill the "appropriate" amount of fear into their children, and subsequently their children are harmed or murdered by social contacts outside of the family unit, *they alone* are responsible for

[189] *See id.* at 69.

[190] *See supra* Part I.A (discussing the purpose of the AMBER alert program).

[191] *See supra* Part II.A.2 (highlighting the "unaddressable" nature of child abduction and the lack of effective solutions).

[192] KAPPELER & POTTER, *supra* note 1, at 69 (pointing out that by generating a fear of being kidnapped by strangers, children abused by family members have no one to disclose the abuse to).

[193] *See id.*

[194] *See* Hammond et al., *supra* note 6, at 548.

[195] Drake Bennet, *Abducted! The Amber Alert System is More Effective as Theater Than as a Way to Protect Children*, BOSTON.COM (July 20, 2008), http://www.boston.com/bostonglobe/ideas/articles/2008/07/20/abducted/?page=full.

[196] *See* KAPPELER & POTTER, *supra* note 1, at 69–70.

the tragedy that has occurred.[197] This particular style of victim-blaming ensures that the offender and the structural components of society which engender this type of behavior remain unexamined, leading to further instances of crime as the true nature of the problem (e.g., family offenders) continues to be ignored.[198] Indeed, teaching families about the importance of communication and proper outlets for their anger might prove more helpful than instructing children to avoid strangers at all costs.[199]

Another important problem that arises from perpetuating unrealistic stereotypes is that excessive fear communicated by AMBER Alert and other fear-based theater can easily find its way into the behavior of parents.[200] In short order, this fear becomes communicated and transferred to their children, oftentimes manifesting itself in the ways parents choose to interact with their children, especially in terms of supervision.[201] Parents who keep close watch over their children promote a heightened fear of crime in them, as they tend to present the threat posed by the outside world in a disproportionate way.[202] Thus, overprotective parents unintentionally raise their children to believe the world is a dangerous place, and that people (especially strangers) should not be trusted.[203] This type of upbringing could certainly affect how they decide to live their daily lives (e.g., avoiding new places or people) and ultimately could affect their interactions with others as they grow older (e.g., significant others, friends, strangers).[204]

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[197] *Id.*

[198] *See id.*

[199] *See generally id.* at 70 (noting that the objective is to educate parents on actual leading causes of child harm).

[200] *See* Saskia De Groof, *And My Mama Said . . . The (Relative) Parental Influence on Fear of Crime Among Adolescent Girls and Boys,* 39 YOUTH & SOC'Y 267, 271–72 (2008).

[201] *See generally id.* at 271 (explaining that children will often fear the same kinds of things as their parents).

[202] *See generally id.* at 271–73 (explaining that children will often fear the same kinds of things as their parents); David C. May, Lesa Rae Vartanian & Keri Virgo, *The Impact of Parental Attachment and Supervision on Fear of Crime Among Adolescent Males,* 37 ADOLESCENCE 267, 270 (2002).

[203] *See* De Groof, *supra* note 200, at 271–72.

[204] *See generally id.* at 271–73 (describing how, for example, "the parental expression of greater concern for daughters induces long-term consequences for gender equity in adult life.").

V. OUTCOMES OF OVERSELLING

As social narratives continue to be constructed, solutions are proposed which give the appearance of crime control.[205] These solutions often emerge at the expense of truth, and in the case of stereotypical child abductions, the truth that is presented to the American public is artificially constructed through media hyperbole.[206] To wit, not only are AMBER Alerts unlikely to save a child's life in the event of a stereotypical abduction, through their very use a heightened climate of fear is necessarily created and sustained.[207] This situation in turn perpetuates the very crime myths that were presented by the media to begin with, and the entire cycle starts up once more, leaving honest, intelligent discourse about "unadressable" crimes a thing of distant memory. Overselling the AMBER Alert program represents a dangerous willingness to allow half-truths and stereotypes to become the dominant ideology of crime control practices in the United States; this must not be tolerated. The three distinct problems related to the overselling of AMBER Alert are reiterated below.

First, the AMBER Alert program has been shown to possess all the characteristics of Crime Control Theater; as such, the problem of stereotypical child abduction is assumed by the general public to be both solvable and frequent, when in fact it is neither.[208] Second, crime myth construction serves to allow society to scapegoat "dangerous strangers" into the role of would-be child abductors while family members avoid scrutiny, a consequence of the way kidnappings continue to be framed by the media and law enforcement officials.[209] Finally, the use of stereotypes as a result of both Crime Control Theater and crime myth construction engenders a wholly unnecessary culture of fear, in which the threat posed to children by strangers is perceived as ever-present.[210] While these three issues represent the bulk of the problems associated with overselling the AMBER Alert program, they are not alone; several other problems exist as

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[205] *See* Griffin & Miller, *supra* note 2, at 160.

[206] *See* SEDLAK ET AL., *supra* note 3, at 1; Griffin & Miller, *supra* note 2, at 160.

[207] *See* Griffin & Miller, *supra* note 2, at 168.

[208] *See* Griffin, *supra* note 5, at 1054.

[209] *See generally* SEDLAK ET AL., *supra* note 3, at 6–7 (showing the rarity of nonfamily abductions).

[210] *See* KAPPELER & POTTER, *supra* note 1, at 68–70; Chenier, *supra* note 7, at 177; Zgoba, *Spin Doctors*, *supra* note 7, at 385–86.

well.[211]

One of the many dangers of overselling AMBER Alert is that it creates a disproportionate amount of fear that is not justified by the actual risk. Schneier addresses how large-scale solutions to crime control, such as post-September 11 security measures, are complicated by the fact that they target such infrequent occurrences, yet they have broad, sweeping implications that end up affecting the daily lives of Americans and contribute to warped perceptions of safety.[212] Security measures, whether enhanced TSA protocols, domestic wiretapping, or AMBER Alerts, affect everyone in the country and promote fear on an egregiously large scale.[213] Both the AMBER Alert program and post-September 11 security measures are representative of "knee-jerk reactions" to rare but horrifying events; undeniably however, AMBER Alerts do not affect Americans' daily lives to the extent that post-September 11 security measures have and continue to, yet they similarly communicate the basic contention that there is much to fear from "unaddressable" crimes.[214]

AMBER Alerts have become just another routine part of life in America; citizens are now expected to actively assist in the safe recovery of abducted children, equally sharing in the responsibility to become part of the "solution" to this particular social ill.[215] Alerts are everywhere: on TV, cell phones, billboards, and especially the internet.[216] The ubiquitous nature of these alerts coupled with highly-publicized cases have created a disproportionate level of fear in the community, which in turn creates an unwarranted level of fear on a daily basis for events that are uncommon and unlikely.[217] However, constant reminders

[211] *See, e.g.*, KAPPELER & POTTER, *supra* note 1, at 68–70.

[212] *See* SCHNEIER, *supra* note 56, at 5, 11.

[213] *See generally id.* at 5, 10 (discussing security measures that effect wide spread social policy).

[214] *See id.* at 10; *supra* Part II.A.2.

[215] *See* BARRY GLASSNER, THE CULTURE OF FEAR: WHY AMERICANS ARE AFRAID OF THE WRONG THINGS 220–21 (10th ed. 2009); Sicafuse & Miller, *supra* note 16, at 70 (explaining that AMBER Alerts are used to enable the entire community to assist in the search for a missing child, and stating that "[t]he success of AMBER Alert is contingent on the public's ability to recall enough information from the Alert to identify the perpetrator or victim.").

[216] GLASSNER, *supra* note 215, at 220–21; *YESCO Electronics Participates in AMBER Alert Initiative*, YESCO, http://www.yesco.com/amber-alert.html (last visited Feb. 3, 2015); *Amber Alert – America's Missing: Broadcast Emergency Response*, U.S. DEPARTMENT OF JUST., http://www.amberalert.gov (last visited Feb. 3, 2015).

[217] GLASSNER, *supra* note 215, at 220–21.

of abductions when they *do* occur (e.g., AMBER Alerts) contribute to society's belief that the risks are higher than they actually are.[218]

Another possible problem with overselling the AMBER Alert program concerns the clearly intentional focus on rare, yet highly-publicized events, including the resultant tendency to ignore more common but less-publicized ones.[219] Social problems are socially constructed and thus rely on the public's input, yet not every potential problem becomes labeled as such or is even considered urgent.[220] Because of the subjective nature of social issues, society often disagrees as to what problems are serious enough to warrant the attention of "claims-makers"; what is a problem to one person is not a problem to another.[221] In the case of the AMBER Alert program, society is focused on stopping rare and unlikely events while simultaneously ignoring more common causes of child injury or death (e.g., accidents, choking, allergies).[222] This particular problem of overselling is that it takes the focus off of (and resources away from) more common risks to children and allows them to be allocated on less prevalent risks.[223] Indeed, Barry Glassner has dedicated an entire book to the topic of "The Culture of Fear: Why Americans are Afraid of the Wrong

[218] *See generally* Sicafuse & Miller, *supra* note 16, at 70–71, 73–74 for discussion of how the "availability heuristic" predicts that the more easily an event comes to mind, the more common we believe it is. Constant AMBER Alerts keep child abduction in the forefront of our minds, making us think that abductions are routine. However, most Alerts are not for "stranger" abductions but family abductions or mistakes (e.g., there was a mix up about which parent was going to pick the child up from school). In most cases, the child was never in any grave danger and the situation is resolved without the help of AMBER Alert. *See* Griffin, *supra* note 5, at 1060. Yet, Alerts rarely state whether the child was abducted by a stranger or a parent, or simply not home when she was supposed to be home. The available heuristic leads us to believe that there is an epidemic of children who are abducted by strangers, when in fact that is not the case.

[219] *See* Zgoba, *Spin Doctors*, *supra* note 7, at 401.

[220] *See* SOCIAL PROBLEMS, *supra* note 131, at 3.

[221] *Id.* at 4, 39.

[222] *See Choking Prevention for Children*, NEW YORK STATE DEPARTMENT OF HEALTH, http://www.health.ny.gov/prevention/injury_prevention/choking_prevention_for_children.htm (last updated July 2014); Neil K. Kaneshiro, *Death Among Children and Adolescents*, MEDLINEPLUS, http://www.nlm.nih.gov/medlineplus/ency/article/001915.htm (last updated Aug. 30, 2014); Sicafuse & Miller, *supra* note 16, at 73 (stating that the AMBER Alert program keeps its support despite data proving that child abduction is unusual).

[223] *See* SOCIAL PROBLEMS, *supra* note 131, at 3–4.

Things."[224]

A final, but related risk, involves the costs of panic-driven Crime Control Theater. Panic about crime, illness, and other social problems has a literal price tag as well as the psychological price discussed above;[225] all too often, panics can lead legislatures to throw money at a given problem as an easy and highly transparent "solution."[226] One contemporary moral panic that exemplifies this scenario is arguably the "War on Drugs."[227] In an effort to combat the rise of moral panic surrounding the use of illegal drugs, California has historically spent more money on prisons than education.[228] Increasing the amount of money spent—currently in the $100 billion range—on the criminal justice system has not reduced fear, but has paradoxically magnified it.[229] The expansion of both police departments and prison construction in the last two decades suggests that the problem of crime is actually bigger than it really is.[230] While panic-driven spending tends to make Americans feel like something is being done, these measures are quite ineffective.[231] In the meantime, many of the nation's children are malnourished, living in poverty, and illiterate.[232] This is an unforgivable situation with little hope of public sentiment (and the resultant allocation of resources) suddenly swinging its way. While heinous, "unaddressable" crimes are certainly a problem in modern society, panic-driven responses to crime can result in money and attention being appropriated to the entirely wrong issues.[233]

VI. PREVENTING OVERSELLING & OTHER RECOMMENDATIONS

Ideally, AMBER Alert needs to either be restructured in order

[224] *See* GLASSNER, *supra* note 215, at xi.

[225] *See id.* at xii–xiv.

[226] *See generally id.* at xiii–xiv (stating that tax payers foot the bill for fear-driven legislation).

[227] Linda Evans & Eve Goldberg, *The Prison-Industrial Complex and the Global Economy,* GLOBAL RESEARCH (Oct. 18, 2001), http://globalresearch.ca/articles/EVA110A.html.

[228] *Id.*

[229] *See* GLASSNER, *supra* note 215, at xxv.

[230] *Id.*

[231] *See id.*; *see also* SCHNEIER, *supra* note 56, at 241 (citing terrorism as an example that spending more money out of fear is not an effective means).

[232] *See* GLASSNER, *supra* note 215, at xxv, 222.

[233] *See id.* at xxv, 221–22.

to work more efficiently and precisely, with an emphasis on truth in advertising, or scrapped altogether in favor of honesty towards American citizens and their families. By continuing to oversell the AMBER program as a solution to stereotypical child abductions, children are left vulnerable to the problems of family violence, which are far more common, and society is left with the mistaken belief in the power of the AMBER program to deliver when a child has been abducted by a stranger.[234] While it *is* true that AMBER Alerts are occasionally effective, the types of kidnappings they most often help solve (i.e., familial abductions) are not what the program was intended for.[235] Furthermore, these types of incidents are consistently solved *without* the help of an AMBER Alert, which further begs the question of why the program is continued.[236]

Even though the program could potentially help thousands of children each year by resolving these far more common cases of familial abductions, recent research proves the unlikelihood of such a scenario.[237] If official estimates are correct, slightly more than 200,000 children are abducted by their family members per year in the United States.[238] This would produce nearly 550 alerts *per day*, which could lead to the serious problem of over-stimulating the public.[239] In fact, the concept of "AMBER fatigue" has been introduced to explain why issuing alerts with such frequency can actually hinder the public's ability to retain the information necessary to assist with the recovery of children.[240] Thus, the idea that the program should be continued with a focus on solving familial abductions is not advisable.

Predictably, our current system of mass media has a vested interest in portraying crime "trends" in a way that bolsters viewership and increases ratings, and this is especially true of crimes involving children.[241] However, the media is not such a monolithic entity that it can arbitrarily fabricate crime trends without the approval, explicit or otherwise, of the governing body

234 *See* Griffin & Miller, *supra* note 2, at 160.
235 *See* Griffin et al., *supra* note 10, at 390.
236 *See id.*
237 *See* Griffin & Miller, *supra* note 2, at 166.
238 *See* SEDLAK ET AL., *supra* note 3, at 10.
239 *See id.*
240 *See* Griffin et al., *supra* note 10, at 390; Miller et al., *supra* note 48, at 113.
241 *See* KAPPELER & POTTER, *supra* note 1, at 47; Zgoba, *Spin Doctors, supra* note 7, at 385–86.

under which it operates.[242] As such, it is the duty of the government of this United States to ensure that it does not unnecessarily contribute to a heightened climate of fear by rubber-stamping or officially agreeing with statements made by the media that are patently false.[243] Unfortunately, it is quite easy to politicize the issue and cast those who dare oppose legislation like AMBER Alerts as "enabling" these types of predators and crimes.[244]

It is not very taxing to take a stand against dangerous strangers, yet taking a stand against *the family* as victimizers of children, or questioning the AMBER Alert program itself, is almost certainly political suicide.[245] This situation is inherently problematic; when political leaders are afraid to speak out on issues they know to be misrepresented or taken out of context, they are compounding an issue that desperately needs an honest appraisal, one that could greatly benefit from the experience and expertise that many bring to the table. Better solutions than mere Crime Control Theater exist for a wide array of social ills; it is a matter of finding courageous leaders and scholars willing to put their personal reputations on the line for programs and policies that will do more than appear successful. As long as the American public continues to eschew reasonable legislation for reactive legislation, the manner in which stereotypical child abductions are handled will remain hopelessly ineffective.

If the legitimacy of programs such as AMBER Alert is to be sustained, several important steps need to be taken to eradicate their theatrical nature. First of all, sensationalism and over-reporting of atrocious yet rare crimes by the media must be stopped; moral panics are regularly incited by careless regard for facts and statistics.[246] Opinions presented as truth should never be tolerated, and severe penalties should be imposed for those who would violate this simple imperative.[247] An appeal to moral

[242] *See* Zgoba, *Spin Doctors*, *supra* note 7, at 389.

[243] *See* KAPPELER & POTTER, *supra* note 1, at 11–13.

[244] *See generally* Carr et al., *supra* note 71, at 149–50 (describing the blind political support policies like Silver Alert receive despite a lack of empirical evidence that such policies are needed); Zgoba, *Spin Doctors*, *supra* note 7, at 397–98 (stating how programs such as AMBER Alert and Megan's Law are almost unanimously supported because politicians don't want to look "callous or unresponsive" in front of their constituents).

[245] *See* Zgoba, *Spin Doctors*, *supra* note 7, at 397–98.

[246] *See* KAPPELER & POTTER, *supra* note 1, at 6–7.

[247] *Id.* at 9.

decency must become the driving force behind journalism if the protection of society is truly to become the goal behind reporting such matters. These perpetrators must be held to a higher authority, with the possibility of losing one's press credentials constantly serving as a reminder of the price that will be paid for unjust and unethical reporting; if this threat does nothing to allay the improper use of journalism, fines, and other penalties should be imposed on recalcitrant offenders. This practical tenet of journalism needs to be actually embraced and enforced rather than continually ignored without any visible consequences. Those in charge of regulating the behavior of the press must remain vigilant so as not to allow unquestioned falsehoods to masquerade as truth.

Secondly, advocating the use of misdirection and misinformation (i.e., techniques of crime myth construction, purposeful perpetuation of stereotypes and fear), whether explicitly *or* by omission, in order to secure favorable legislation through unquestioned promotion and acceptance is nothing more than propaganda by a different name *regardless of intentions*. Willful distortions of public problems are not fundamentally endemic to the fields of journalism or politics; rather, they represent a relatively recent and disturbing trend that substitutes honest discourse for fear-mongering.[248] In order to solve this problem, a public rejection of the loathsome tactics currently used to quickly implement emotionally laden legislation must be accomplished by whatever means necessary (e.g., letter-writing campaigns, canvassing, phone calls to local representatives, staged protests and boycotts of certain media outlets, peaceful sit-ins).

Third, any law that has been implemented quickly as a result of an emotional and horrific crime should contain a "sunset clause," meaning that the law will be re-evaluated after a certain time period.[249] The hope behind such a requirement is that, after the initial panic surrounding the issue has died down, more cautious and scientific investigation can reveal whether the law is actually effective or indeed has negative, unintended consequences. Sunset clauses force open an honest discourse

[248] *Id.* at 6, 47.

[249] *See* Monica K. Miller & Jared Chamberlain, *"There Ought to Be a Law!": Understanding Community Sentiment*, *in* HANDBOOK OF COMMUNITY SENTIMENT 3, 23 (Monica K. Miller, Jeremy A. Blumenthal & Jared Chamberlain eds., 2015).

among lawmakers, as opposed to the typical stunted discourse that is representative of Crime Control Theater.[250] In order for the law to be extended, proponents must produce a positive policy analysis; if this is not forthcoming, the law would fall off the books. Hopefully, the resultant situation will encourage lawmakers to actively participate in the development of more successful solutions.

Fourth, both the government and the public need to be educated about the pitfalls of sweeping legal changes that are likely Crime Control Theater. In the aftermath of a horrific event (e.g., kidnapping, terrorist attacks) it is all too easy to demand that officials do something—anything—to address the emerging concerns of the public.[251] However, many of these rare events cannot be easily addressed, and thus any solution provided has the potential to be extremely ineffective, mere economy-sized Band-Aids that are disproportionate to the risk.[252] As such, sweeping changes should be reserved for more common risks that affect large segments of the population.[253] Making major changes in response to low-frequency events that are unlikely to affect any particular citizen or re-occur is nonsensical.[254] Further, the consequences of enacting these types of laws need to be addressed. Even if they occasionally work as intended, they far more often create problematic situations that generally outweigh any positive effects gained. It is easy for a citizen, politician, or media pundit to proclaim, "if AMBER Alert saves one life, it is worth it," yet the unintended outcomes are often immeasurable and far-reaching.[255] While the emotions associated with moral panic can easily overcome any rational analysis, it is of the utmost importance that an attempt to educate the public and lawmakers about the issues surrounding Crime Control Theater is made.

Politicians, media pundits, and government officials have all had a hand in creating the situation surrounding the AMBER Alert program; the concept of Crime Control Theater could hardly

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[250] *See id.*

[251] *See* SCHNEIER, *supra* note 56, at 10–11.

[252] *See id.* at 10–11, 14.

[253] *See id.* at 20–21.

[254] *See id.* at 14, 21, 29.

[255] *See* Miller et al., *supra* note 48, at 115 (listing the many possible negative consequences of AMBER Alerts); Sicafuse & Miller, *supra* note 16, at 71; Sicafuse & Miller, *supra* note 96, at 1239.

exist without their willingness to appease a distraught public.[256] Yet therein lies the paradox of a democratic society. Authority without the consent of the governed is no authority at all, which means that the American public has and continues to submit willingly to the "powers that be" for matters to have progressed this far.[257] Personal accountability was one of the many cornerstones upon which this country was founded; as such, if there is blame to be found, it must be shared by *all,* rather than heaped indiscriminately at the doorsteps of this nation's social and political leaders. Instead of demanding swift responses to problems that affect a miniscule portion of the population, the American public needs to stop and consider the facts of any given moral panic before rushing to conclusions. Education that encourages common sense and the ability to question the legitimacy of claims made by those in positions of power and influence must be maintained if the American public wishes to avoid allowing themselves to be bamboozled by hype and sensationalism time and time again. Most everyone in this country is required to take a course on U.S. government while in high school; perhaps part of that curriculum should include the great Greek philosophical works on skepticism and inquiry before this nation loses its ability to question authority indefinitely.

Finally, Best makes several recommendations for avoiding "fads" in institutions, which can be applied to Crime Control Theater laws, including the AMBER Alert program.[258] The first is "[d]on't forget what happened last time."[259] Panics come and go, and quite often solutions are recycled or reinvented (e.g., Silver Alerts piggybacking off of the existing AMBER infrastructure).[260] Remembering what happened (e.g., in terms of tangible benefits and costs) is essential to prevent citizens from blindly jumping on the newest bandwagon. The second is "[b]e skeptical about astonishing claims."[261] While good advice for any situation, this simple idea encounters great difficulty in the present context given the stunted discourse that comes with Crime Control

[256] *See* Miller et al., *supra* note 48, at 112; Sicafuse & Miller, *supra* note 16, at 73; Sicafuse & Miller, *supra* note 96, at 1246.

[257] *The Declaration of Independence: A Transcription*, ARCHIVES.GOV (Jan. 29, 2015), http://archives.gov/exhibits/charters/declaration_transcript.html.

[258] *See* BEST, *supra* note 38, at 155–60.

[259] *Id.* at 155.

[260] *See* Carr et al., supra note 71, at 149; Petontio & Muschert, *supra* note 71, at 254.

[261] BEST, *supra* note 38, at 156.

Theater. It is difficult to question whether a proposed solution to child abduction or other horrific crimes might not work, because people do not want to appear "soft on crime." However, due to the warped reality surrounding events that provoke moral panics and public outrage, skepticism is necessary. Promoters must be challenged to provide evidence that the solution will or has worked; meritless solutions should not be accepted for any reason. As an example, AMBER Alert was initially touted as saving hundreds of lives, but the strength of that message was later toned down, replaced with the modest and more realistic claim that it has aided in the recovery of numerous children.[262] This softening of language is no doubt due to the rising tide of skepticism surrounding the efficacy of the AMBER Alert program.

Best's third recommendation is, "[c]ontinue to insist on persuasive evidence."[263] After a law or policy has been implemented, there should be available evidence as to its effectiveness. Anecdotes are not enough; scientific proof is needed. Specifically, this recommendation requires the advent of necessary measures to be in place so as to allow for regular and frequent evaluation. Again, the authors acknowledge it is difficult to insist on requiring proof that the AMBER Alert program works, as many seem to believe that asking for an evaluation is somehow promoting harm to children, yet this crucial step is entirely necessary. Evaluations take time to determine whether something works or not,[264] so patience on behalf of the American people is needed. However, this willingness to wait patiently for results does not mean filibustering should be tolerated; deadlines must be made and kept with strict adherence, otherwise progress can and will be hindered even further. The fourth recommendation is "[d]on't focus on the fear of being left behind."[265] Often, new solutions are hastily adopted because the window of opportunity is mistakenly perceived as rather small (e.g., the AMBER Alert program was rushed through legislation in order to combat further instances of stereotypical child abductions).[266] Yet this rush for action is precisely what allows negative consequences to be overlooked,

[262] Griffin et al., *supra* note 10, at 379.
[263] BEST, *supra* note 38, at 156.
[264] *See id.* at 157–58.
[265] *Id.* at 159.
[266] *See id.*

and also keeps important questions from being asked, such as whether other methods would be more effective. Thorough program analysis in the beginning stages of any project can save money and prevent negative consequences from occurring by putting an end to the current trend of adopting poor solutions.

While these recommendations attempt to be all-encompassing, they are not. However, an honest endeavor to provide reasonable and logical solutions has been made; whether the proposed changes are implemented depends entirely on compassionate social actors who desire real crime control strategies that do not compromise efficacy and accountability for symbolic representations of good intentions. Society needs to reclaim its ability to think critically and independently if it is ever going to stop being susceptible to the corruptible influences of absolute authority. Wise decision-making that benefits the people, rather than providing them with ineffective programs and false hope, should be a priority of all government officials. Democracy demands no less, and noble intentions cannot return missing children.

VII. CONCLUSION

Due to the distorted perceptions of the threat to this nation's children and the largely ineffectual nature of the program created in response to that distortion, the viability of continuing the AMBER program as originally intended is quite limited. In line with recommendations made previously by scholars in the field, educating parents on the true threat to their children, rather than subjecting families to fictitious scary stories, needs to happen; endless repetition of falsehoods will never solve the problems that continue to confound this nation.[267] The mythic narrative of, and subsequent efforts to protect against, stereotypical child abductions is a direct result of media manipulation *and* American society's stubborn refusal to acknowledge the very real role played by families in the majority of crimes against children, including abuse, kidnapping, and homicide.[268]

AMBER Alert continues to be oversold to a public desperate for solutions to largely unaddressable crimes in large part because

[267] *See* Griffin et al., *supra* note 10, at 390; Hammond et al., *supra* note 6, at 551.

[268] *See* KAPPELER & POTTER, *supra* note 1, at 35, 70.

the idea that dangerous strangers are lurking on every street-corner, schoolyard, and playground continues to be offered as the reality of the situation.[269] While the incidence of stereotypical child abductions remains quite low in this country, fear remains high; the reason why strangers are such a convenient scapegoat is due to the fact that when stereotypical child abductions *do* occur, they are relatively difficult to solve amicably.[270] The heightened fear surrounding stereotypical child abductions is understandable, but due to the low number of these instances,[271] willfully allowing children and their parents to live in constant fear is unjustifiable. Until the American public is presented with an honest picture of the problem, legislation and crime myths aimed at protecting children from strangers will continue to remain ineffective.

[269] *See id.* at 34–35, 55.
[270] *See* Griffin, *supra* note 5, at 1058–60.
[271] *See id.* at 1058.