

FINAL BILL REPORT

ESHB 1820

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Synopsis as Enacted

Brief Description: Implementing the blue alert system.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Lias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley).

House Committee on Public Safety & Emergency Preparedness
House Committee on General Government Appropriations & Oversight
House Committee on Ways & Means

Background:

America's Missing Broadcast Emergency Response (AMBER) Alert System.

Washington's AMBER Alert system provides a method to rapidly alert the public to the details of alleged child abductions through the media. The AMBER Alert system is meant to assist with recovery of abducted children through voluntary cooperation between broadcasters, cable systems, and local and state law enforcement agencies.

When a local law enforcement agency determines that an incident qualifies under criteria set for the AMBER Alert system, the agency may activate an AMBER Alert directly in certain circumstances, or submit the information to the Washington State Patrol (WSP). The agency or the WSP notifies the Washington State Emergency Management Division, which issues the AMBER Alert to radio and television media through the Emergency Alert System (EAS). Radio and television media broadcast the information about the abduction provided through the EAS.

An incident must meet certain criteria before an alert is sent, such as that the child must be abducted and not a runaway and is believed to be in danger of death or serious bodily injury. Broadcasted information typically includes a picture or description of the missing child, details of the abduction, the name and a picture or description of the suspected abductor, and information about the vehicle used by the abductor. The WSP also notifies the Department of Transportation (DOT) of the AMBER Alert, and the DOT places the information on highway traffic signs.

Missing Persons Resources.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The WSP's Missing and Unidentified Persons Unit oversees efforts to recover missing persons. The WSP runs a Missing Children Clearinghouse (Clearinghouse) to distribute information about missing children to local law enforcement agencies, school districts, the Department of Social and Health Services, and the public. The Clearinghouse includes a toll-free, 24-hour telephone hotline. The WSP also must maintain a regularly updated computerized link with national and statewide missing-person systems or Clearinghouses.

The WSP also promulgates an Endangered Missing Person Advisory Plan to foster voluntary cooperation between law enforcement and state government agencies and the media to enhance the public's ability to assist in recovering endangered missing persons who do not qualify for inclusion in an AMBER Alert.

Blue Alert Systems.

Blue Alerts notify law enforcement and the public about descriptions of people suspected of injuring or killing law enforcement officers. Several states have enacted "Blue Alert" systems modeled on AMBER Alert systems. Those states include Florida, Texas, Oklahoma, Alabama, Maryland, Georgia, Delaware, California, Virginia, Mississippi, Tennessee, Utah, and Colorado. A Blue Alert rapidly alerts the public with information identifying the offender, the offender's vehicle, and license plate information in order to help hinder the violator's ability to flee the state and facilitate a speedy capture.

Summary:

The Washington State Patrol, in partnership with the Washington Association of Sheriffs and Police Chiefs, must implement a Blue Alert system to assist in apprehending a person suspected of killing or seriously injuring a law enforcement officer. The system must be implemented within available resources and developed consistent with the AMBER Alert system, the Clearinghouse, and the Endangered Missing Person Advisory Plan.

The term "law enforcement officer" includes: police officers, the Attorney General, the Attorney General's deputies, sheriffs and their regular deputies, corrections officers, tribal law enforcement officers, park rangers, state fire marshals, municipal fire marshals, sworn members of the city fire departments, county and district fire fighters, and agents of the Department of Fish and Wildlife. The term also includes an employee of a federal governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and who has statutory powers of arrest.

The Blue Alert program must include the following: procedures to support the investigating law enforcement agency as a resource for the receipt and dissemination of information about the suspect, the suspect's whereabouts, and methods of escape; a process for reporting information to designated media outlets; and criteria for the investigating agency to determine quickly whether an officer has been seriously injured or killed and whether a Blue Alert needs to be activated.

The Blue Alert system may be activated when the investigating agency (the agency that has primary jurisdiction over the area in which the crime occurred) believes that:

- a suspect has not been apprehended;

- the suspect may be a serious threat to the public;
- sufficient information is available to disseminate to the public to assist in apprehending the suspect;
- release of the information will not compromise the investigation; and
- releasing the victim information will not improperly notify an officer's next of kin.

When a Blue Alert is activated, the investigating agency must provide descriptive information under the Washington Criminal Justice Information Act and the National Crime Information Center system. The investigating law enforcement agency must terminate the Blue Alert with respect to a particular suspect when the suspect is located, the incident is resolved, or it is determined that the Blue Alert system is no longer an effective tool for locating and apprehending the suspect.

Radio and television broadcasting stations, cable television systems, and the employees of those organizations may not be held civilly liable for broadcasting information supplied by law enforcement for distribution through a Blue Alert.

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: June 7, 2012