

HOUSE BILL REPORT

SHB 1021

As Passed House:
May 28, 2015

Title: An act relating to creating a silver alert system.

Brief Description: Creating a silver alert system.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Appleton, Orwall, Robinson, Bergquist, Cody, Hudgins, Senn, Santos and Fey).

Brief History:

Committee Activity:

Public Safety: 1/14/15, 2/13/15 [DPS].

Floor Activity:

Passed House: 3/6/15, 95-3.

First Special Session

Floor Activity:

Passed House: 5/28/15, 88-4.

Brief Summary of Substitute Bill

- Requires the Washington State Patrol's Endangered Missing Person Advisory alert system to include a Silver Alert to assist in the recovery of a missing endangered person age 60 or older.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Orwall, Vice Chair; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert, Ranking Minority Member.

Staff: Yvonne Walker (786-7841).

Background:

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 America's Missing Broadcast Emergency Response (AMBER) Alert plan is named after 9-year-old Amber Hagerman of Arlington, Texas, who was abducted and murdered in January 1996. In remembrance of Amber, her name became the nationally recognized acronym for the AMBER Alert.

The AMBER Alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. The Washington State Patrol (WSP) is the lead agency for the AMBER Alert plan in Washington. An AMBER Alert may be activated directly by a local law enforcement agency that has either an approved local AMBER Alert plan or a mutual aid agreement with an agency that has an approved plan, or directly by the WSP if the local law enforcement agency does not have an approved plan.

Once the WSP receives notification of an AMBER Alert, the WSP then notifies the Washington State Emergency Management Division which issues an alert to radio and television media through the Emergency Alert System (EAS). Upon receiving the necessary information, radio and television media then broadcast the information about the abduction provided through the EAS. This 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 (electronic reader boards).

An AMBER Alert may only be initiated in abduction cases that meet criteria specified in the AMBER Alert plan. The main criteria are:

- the child is under the age of 18 years and is known to be abducted (not a runaway);
- the child is believed to be in danger of death or serious bodily injury; and
- there is enough descriptive information available to believe that an AMBER Alert activation will assist in recovery of the child.

In Washington, an approved plan must not only have met the criteria of the WSP's statewide AMBER Alert plan, but also must specify local law enforcement agency procedures to investigate a child abduction case, approve AMBER Alert activations, coordinate community response, and direct the recovery of a child. The Department of Justice, AMBER Alert Coordinator, and the National Center for Missing and Exploited Children have provided guidelines for the states when establishing criteria for issuing an alert. The Federal Communications Commission (FCC) governs the national broadcasting of Amber Alert notifications. As of 2005 all 50 states have adopted an AMBER Alert plan.

Some states have also started local "Silver Alert" programs for adults with cognitive impairment who are lost. Silver Alerts are designed to alert the public and law enforcement agencies in helping to look for and identify missing adults. These programs often are targeted for adults with Alzheimer's disease, dementia, or other cognitive impairments. A Silver Alert is not approved and cannot be broadcast in the same fashion as an AMBER Alert.

The WSP is responsible for operating a Missing Children and Endangered Person (MCEP) Clearinghouse. The MCEP Clearinghouse plan involves the voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and

television stations, and cable and satellite systems to enhance the public's ability to assist in recovering endangered missing persons who do not qualify for inclusion in an AMBER Alert.

In an instance where a missing person does not qualify for an alert under the AMBER Alert system, an Endangered Missing Person Advisory (EMPA) alert may be activated. An EMPA is initiated by law enforcement agencies using the following criteria:

- a person is missing under unexplained, involuntary, or suspicious circumstances;
- the person is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance;
- there is enough descriptive information that could assist in the safe recovery of the missing person; and
- the incident has been reported to and investigated by a law enforcement agency.

Once a report is received regarding an endangered missing person and all criteria is met, the investigating agency may begin to initiate an "EMPA" alert through its central-computerized enforcement system, notify the WSP's Missing Person Unit, and enter all information into the National Crime Information Center and the Washington Crime Information Center. After an EMPA is activated, all Washington law enforcement agencies are notified, as well as all portal partners (such as broadcasters, the media, and other subscribers). School districts, the Department of Social and Health Services, and the general public are also notified through a media release.

A "missing endangered person" is defined as a person with a developmental disability or a vulnerable adult, believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return safely without assistance.

Summary of Substitute Bill:

The EMPA must include a Silver Alert designation that will be used on variable message signs and text of highway advisory radio messages to assist in the recovery of a missing endangered person age 60 or older. The definition for a "missing endangered person" is expanded to include a person who has been diagnosed as having Alzheimer's or dementia.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In the year 2020, 20 percent of our population will be over the age of 85 years old. Washington does not have facilities for most of these people and Medicare will not pay for them because they are categorized as untreatable. Also, many families cannot afford to put their loved ones in a secure facility for seniors.

With an AMBER Alert, notices go out over the phone and television, but when an elderly person goes missing the same alerts do not go out. Why are children treated differently than elderly adults?

In 2014 an elderly woman went missing. The police tried to ping her phone, fliers were posted, and even social media was used, all with no success. The family later learned that there was no "Silver Alert " program available in the state. The woman was eventually found deceased about a month or so after she went missing.

Alzheimer's and dementia are diseases that are at an epidemic level in Washington. There is a need for the establishment of a Silver Alert program in Washington, for time is of the essence when you are dealing with an incredibly frail population who may suffer from confusion.

(With concerns) The state's current EMPA plan was established in 2008 and is for anyone that is missing under unexplained or suspicious circumstances and is presumed to not be able to return safely without assistance. That plan includes alerts for autistic children, vulnerable adults despite their age, anyone with a physical or developmentally disability, and others. This plan is a very well established plan that law enforcement agencies are familiar with and one in which the DOT is also a partner. Local law enforcement agencies also have the ability to communicate through local media.

The AMBER Alert is only for abducted children. Use of AMBER is one of about 52 events that the FCC has authorized to use the emergency alert system. Other alerts include such alerts as those for floods, earthquakes, tornados, etc. The FCC governs the use of the emergency alert system and there is no event approved for the EMPA or for Silver Alerts. Even if the bill passes, it will not activate the emergency broadcast system like an AMBER Alert.

(Opposed) None.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Patrick O'Neil; and Lauri St. Ours, Washington Health Care Association.

(With concerns) Mark Allen, Washington State Association of Broadcasters; and Rob Huss and Carri Gordon, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.