

HOUSE BILL REPORT

ESHB 1820

As Passed Legislature

Title: An act relating to the blue alert system.

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).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/15/11, 2/16/11 [DPS].

Floor Activity:

Passed House: 2/29/12, 98-0.

Passed Senate: 3/2/12, 48-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires the Washington State Patrol to develop a Blue Alert system to quickly notify the public about an offender suspected of injuring or killing a law enforcement officer.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

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

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.

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.

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 of Engrossed Substitute Bill:

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. A "law enforcement officer" 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.

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

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) The Blue Alert system will aid in apprehension of suspected cop killers and those who have injured people in the line of duty. A person who is willing to shoot a police officer is also very likely to kill and injure someone else, especially as he or she flees the

scene of the crime. It is critical to disseminate information about these shootings to the public.

This system could have helped bring peace of mind to the families and friends of a Seattle Police Department officer who was fatally shot in 2009, and the four Lakewood Police Department officers also slain that year. This is not a system that would be used a lot. Police advocates are trying to pass Blue Alert laws in all states. Police do not like to ask for help, so this system must be important.

The fiscal note does not seem accurate because it should not take three employees to implement a system modeled on the AMBER Alert system. Even if the costs are as high as stated in the fiscal note, the system is essential. Congress may make grant money available to the state to help pay for such a system.

(In support with amendment) The fiscal note was created based on the original bill, which required every law enforcement agency to have its own plan. Either way, implementing the system will require a vast amount of work. The fiscal note reflects the need to hire new staff and create a system plan. Some people are concerned that the number of AMBER Alert-style alerts will decrease the amount of attention the public pays to such alerts, but those concerns are outweighed by the threat of very violent people on the loose.

It would be an injustice to deploy the Blue Alert system when a case does not meet set criteria, and law enforcement agencies should avoid notifying an officer's next of kin through an alert.

(Opposed) None.

Persons Testifying: (In support) Representative Hope, prime sponsor; Renee Maher, Council of Metropolitan Police and Sheriffs; Troy Meyers, Washington State Concerns of Police Survivors; Mark Allen, Washington Association of Broadcasters; and Keriann Shumate.

(In support with amendment) Don Pierce, Washington Association of Sheriffs and Police Chiefs; and Jason Berry, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.