

HOUSE BILL REPORT

SSB 5556

As Reported by House Committee On:
Public Safety

Title: An act relating to missing endangered persons.

Brief Description: Concerning missing endangered persons.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Darneille, Dammeier, Schlicher, Conway, Roach, McAuliffe, Becker, Carrell, Delvin and Shin).

Brief History:

Committee Activity:

Public Safety: 3/20/13, 4/2/13 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Renames the Missing Children Clearinghouse to the Missing Children and Endangered Person Clearinghouse.
- Requires law enforcement agencies to file a missing person report into the state missing person computerized network within six hours (instead of 12 hours) after receiving notification of a missing child or endangered person.
- Provides that social media may be used to enhance the public's ability to assist in recovering abducted children and missing endangered persons.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

Missing Children and America's Missing Broadcast Emergency Response Alerts.

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.

After a report is taken regarding a missing child, local law enforcement agencies must file an official missing person report and enter biographical information into the state's missing person computerized network within 12 hours after the notification is received by the agency. This network is connected to the Federal Bureau of Investigation's National Crime Information Center's database.

The Washington State Patrol (WSP) operates a Missing Children Clearinghouse (MCC) through its Missing and Unidentified Person Unit. The MCC includes the maintenance and operation of a toll-free 24-hour telephone hotline and it distributes information to local law enforcement agencies, school districts, the Department of Social and Health Services (DSHS), and the general public regarding missing children. The information includes pictures, bulletins, training sessions, reports, and biographical materials that assist in local law enforcement efforts in locating missing children. The WSP also maintains a computerized interface with national and other statewide missing person systems or clearinghouses and operates the America's Missing Broadcast Emergency Response (AMBER Alert) plan.

The WSP is the lead agency for the AMBER Alert plan which provides alerts for child abductions. It is a system where local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems voluntarily cooperate to assist in finding abducted children. Many law enforcement agencies in Washington have developed individual local AMBER Alert plans. These plans have met the criteria of the WSP's statewide AMBER Alert plan and 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.

An AMBER Alert may be activated directly by a local law enforcement agency that has an approved local AMBER Alert plan. In the event a law enforcement agency does not have an approved plan, that agency must utilize the resources of another law enforcement agency with an approved plan to activate an AMBER Alert (through a mutual aid agreement with an agency that has an approved plan), or request the WSP's assistance in activating an AMBER Alert. The WSP then notifies the Washington State Emergency Management Division which issues the alert to radio and television media through the Emergency Alert System (EAS). Radio and television media will then broadcast the information about the abduction provided through the EAS. This information typically includes details about the missing child and the perpetrator (if known), including descriptive information. The WSP also notifies the Department of Transportation (DOT) of the AMBER Alert, and the DOT places the information on electronic highway traffic signs.

Missing Adults and Endangered Missing Person Advisory Alerts.

In 2010 the WSP began implementing an Endangered Missing Person Advisory (EMPA) plan. The EMPA 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.

The EMPA alert 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" 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).

Summary of Amended Bill:

Law enforcement agencies must file a missing person report into the state missing person computerized network within six hours instead of within 12 hours after receiving notification of a missing child or endangered person.

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.

The MCC is renamed the Missing Children and Endangered Person Clearinghouse (Clearinghouse) and the Clearinghouse is expanded to include missing endangered persons. The Clearinghouse must distribute information to local law enforcement agencies, school districts, the DSHS, and the general public regarding endangered persons.

The WSP must develop and implement an EMPA plan. Social media may be used to enhance the public's ability to assist in recovering abducted children and missing endangered persons.

Amended Bill Compared to Substitute Bill:

The definition of a "missing endangered person" is amended and 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 to safety without assistance.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Imagine turning your back for a few minutes and a child or an adult with a developmental disability that you are responsible for, disappears. It is the community's responsibility to help return these missing persons back to a safe environment. Today's social media has helped to spread information quickly, and commonly used AMBER Alerts help to display information across highway signs relating to a missing child. This bill will heighten the intensity about the reporting of a missing person and will help law enforcement in locating that missing person. It also cleans up language about the planning process and changes the name of the MCC.

There are times when children with autism often disappear as well as seniors with Alzheimer's or dementia. In Skagit County, there was a resident in a senior facility with Alzheimer's who walked away. A search was started within 20 minutes of staff noticing him being missing; however, his deceased body was later found. There was another situation where a 16-year-old girl went missing who was mentally challenged. The police treated the case as if she was a typical runaway and she was also later found murdered. Typically, if a person is not found within 12 to 24 hours then one could be looking at a difficult situation. Time is of the essence when a person goes missing.

The current EMPA statute was enacted in 2010 but many people do not know about it. When it was put in statute no parameters were put around it. Many local law enforcement agencies have the EMPA listed on their websites; however, an actual activation of the alert is the responsibility of the WSP. The EMPA plan does not activate the emergency alert system like the AMBER Alert. The AMBER Alert is part of the EAS and the Federal Communications Commission (FCC) has authority over the EAS. In order to activate the EAS, the FCC has to authorize the use of the system and has done so in the past for AMBER Alerts on child abductions and other emergencies.

A better notification system is needed in this state but that notification should be scaled back to where only those individuals that live in a certain zip code area are notified. Currently, the EMPA plan under this bill will include wandering senior citizens or seniors with dementia.

(Opposed) None.

Persons Testifying: Senator Darneille, prime sponsor; Dave Knutson, Washington Health Care Association; Brenda Chambers, Senior Services of America; Cecil Daily; Diana Stadden, The ARC of Washington State; and Mark Allen, Washington State Association of Broadcasters and AMBER Alert Advisory Committee.

Persons Signed In To Testify But Not Testifying: None.