

FINAL BILL REPORT

SHB 1021

C 2 L 15 E1
Synopsis as Enacted

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).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

The America's Missing Broadcast Emergency Response (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.

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.

An approved plan must meet 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. 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.

Some states have also started local Silver Alert programs for adults with cognitive impairments 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 may not 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, or 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 are 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, or mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return safely without assistance.

Summary:

An 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.

Votes on Final Passage:

House 95 3

First Special Session

House 88 4

Senate 43 0

Effective: August 27, 2015