

Date of Hearing: April 21, 2015

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Cheryl Brown, Chair

AB 643 Nazarian – As Amended April 8, 2015

SUBJECT: Emergency services: Silver Alerts.

SUMMARY: Authorizes the use of changeable message signs for Silver Alerts when certain criteria are met. Specifically, **this bill:**

- 1) Allows the California Department of Highway Patrol to activate messages on changeable message signs located throughout the state on major routes when a law enforcement agency determines that a Silver Alert subject may be in a vehicle, and specific information about that vehicle is available for public dissemination.

EXISTING LAW:

- 1) Federal law establishes the Emergency Alert System (EAS), a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, and direct broadcast satellite providers, that enables the President to address the American public during a national emergency. Federal law permits state and local authorities to use the system to deliver other important emergency information.
- 2) State law authorizes “Amber Alerts,” a program designed to aid in the recovery of an abducted child or an individual with a proven mental or physical disability, and requires the California Highway Patrol (CHP), in consultation with others, to develop policies and procedures to instruct agencies how to carry out an Amber Alert.
- 3) State law authorizes “Blue Alerts,” a quick response system designed to issue and coordinate alerts when a law enforcement officer has been killed or is seriously injured.
- 4) State law authorizes a Silver Alert notification system, designed to issue and coordinate alerts if a person that is age 65 years or older, developmentally disabled, or cognitively impaired is missing, and all the following conditions have been met:
 - a) The missing person is aged 65 or older, developmentally disabled, or cognitively impaired;
 - b) The law enforcement agency has used all available local resources to locate the missing person;
 - c) The person has gone missing under unexplained or suspicious circumstances;
 - d) The missing person is believed to be in danger because of health or weather conditions, or in the company of dangerous people; and,

- e) It has been determined that the public dissemination of information may lead to a safe recovery of the missing person.
- 5) Directs CHP, upon activation of a Silver Alert, to issue a be-on-the-lookout alert, an Emergency Digital Information Service message, and/or electronic flyer.

FISCAL EFFECT: Unknown.

COMMENTS:

Author's Statement: “AB 643 expands the Silver Alert program to also activate an alert via Changeable Message Signs (CMS). CMS effectively displays safety and traffic information to the public utilizing California highways. The alert will reach millions of motorists and will ensure that California is taking all possible measures in aiding with the safe return of a missing person.”

Background on Silver Alerts: California has the largest number of seniors, age 65 or older, in the nation currently at 5.1 million, and due to the Silver Tsunami, that number is expected to climb to 9 million by 2030. When a senior goes missing and has been determined by law enforcement to be in danger (for example, a senior with Alzheimer’s disease who has wandered away from home), California uses a uniform alert system to help with recovery. Such conditions often have the effect of leaving victims disoriented and confused. It is estimated that over five million Americans suffer from Alzheimer’s, and 60 percent of these persons are likely to wander from their homes. The Alzheimer’s Foundation of America states that 50 percent of such wanderers risk illness, injury, or death if not located within 24 hours. Missing seniors must be found quickly because they have a 50 percent greater chance of serious injury or death when they’ve been missing over 24 hours, due to exposure and lack of much needed medications.

The Silver Alert program is deployed differently than the Amber Alert and Blue Alert programs because it deploys:

- 1) Be-On-The-Lookout (BOLO) announcements (which contain suspect, victim, and vehicle information) that are broadcast by CHP communication centers to CHP personnel located in the affected geographic areas.
- 2) Emergency Digital Information Services which provides local, state, and federal law enforcement agencies with a direct computer link to media outlets and other law enforcement agencies.
- 3) APBnet, an image-based system operated by a non-profit organization that links state, county, and local law enforcement. The system captures, then immediately distributes color photographs and images to law enforcement agencies, the media, and other organizations.

California supports 790 changeable message signs on major state highways subject to both federal and California policies. These regulations generally limit the use of changeable message signs to traffic operations and guidance information. Additionally, the signs are used for Amber Alerts and Blue Alerts.

Support: The California Long-Term Care Ombudsman Association, an organization that represents the local, professional Long-Term Care Ombudsmans describes “wandering,” “elopements,” and “being lost” as a high-risk behavior that will impact about 6 in 10 older people with dementia. It is not always possible to predict when a senior is going to wander, so having safety protocols in place to reduce the amount of time that a senior spends lost, is vital to their well-being.

Opposition: None.

Dual Referral: AB 643 was heard by the Assembly Transportation Committee on April 6, 2015 and passed unanimously, with no abstentions.

Prior Legislation:

SB 839 (Runner), Chapter 311, Statutes of 2010, required the CHP, at the request of an authorized person at a law enforcement agency, to activate the EAS and issue a “blue alert”, as defined, if a law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, the suspect has fled the scene of the offense, and other specified conditions are met.

SB 1047 (Alquist), Chapter 651, Statutes of 2012, authorized the “Silver Alert Program” to provide public alerts when an older adult has been reported missing and the law enforcement agency determines that public dissemination of an alert would contribute the individual’s safe return.

SB 38 (Alquist), of the 2009-10 Legislative Session, called for the development of a missing senior person alert on or before January 1, 2011. SB 38 was held on the Assembly Appropriations Committee’s Suspense File.

REGISTERED SUPPORT / OPPOSITION:

Support

California Senior Legislature – Sponsor
American Silver Alert Coalition
Alzheimer’s Association
The Arc and United Cerebral Palsy California Collaboration
Association of Regional Center Agencies (ARCA)
California Assisted Living Association (CALA)
California College and University Police Chiefs Association
California Long-Term Care Ombudsman Association (CLTCOA)
Center for Autism and Related Disorders (CARD)
Congress of California Seniors
County of San Diego

Opposition

None on file.

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