

Date of Hearing: June 24, 2014

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Mariko Yamada, Chair

SB 1127 (Torres and Pavley) – As Amended: June 15, 2014

SENATE VOTE: 35-0

SUBJECT: Emergency services: individuals with developmental disabilities and cognitive impairments.

SUMMARY: Adds individuals who are developmentally disabled or cognitively impaired to the list of people who may be the subject of a Silver Alert. Specifically, this bill:

- 1) Authorizes a law enforcement agency to request the California Highway Patrol to activate a "Silver Alert" when a developmentally disabled or cognitively impaired person is reported missing, and specified conditions are met.
- 2) Deletes the repeal date (January 1, 2016), thereby extending the operation of these provisions indefinitely.

EXISTING LAW:

- 1) Defines a "Silver Alert" as a notification system, that can be activated as specified, and is designed to issue and coordinate alerts with respect to a person 65 years of age or older who is reported missing. (Gov. Code § 8594.10, subd. (a).)
- 2) States that a law enforcement agency may request a Silver Alert be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:
 - a) The missing person is 65 years of age or older.
 - b) The investigating law enforcement agency has utilized all available local resources.
 - c) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
 - d) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or there are other factors indicating that the person may be in peril.
 - e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person. (Gov. Code § 8594.10, subd. (c).)
 - f) Repeals these provisions on January 1, 2016 unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

- 3) States that if an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, shall request the activation of the Emergency Alert System (EAS) within the appropriate local area. (Gov. Code § 8594, subd. (a).)
- 4) Provides that California Highway Patrol (CHP) in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association and the California Police Officers' Association shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the EAS, and where appropriate, other supplemental warning systems, shall proceed after qualifying abduction has been reported to a law enforcement agency. (Gov. Code § 8594, subd. (b).)
- 5) Provides that in addition to the circumstances described under existing law relating to "Amber Alerts", upon the request of an authorized person at a law enforcement agency that is investigating an offense, the CHP shall activate the EAS and issue a blue alert if all of the following conditions are met:
 - a) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
 - b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
 - c) A detailed description of the suspect's vehicle or license plate is available for broadcast;
 - d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect; and,
 - e) The CHP has been designated to use the federally authorized EAS for the issuance of blue alerts. (Gov. Code § 8594.5, subd. (b).)
- 6) Defines a "Blue Alert" as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified. (Gov. Code Section 8594.5 (a).)
- 7) Provides that the blue alert system incorporates a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying attack. The blue alert system shall utilize the state-controlled Emergency Digital Information System, local digital signs, focused text, or other technologies, as appropriate, in addition to the federal EAS, if authorized and under conditions permitted by the federal government. (Gov. Code § 8594.5 subd. (c).)

FISCAL EFFECT: According to the Senate Appropriations Committee: Per Senate Rule 28.8 – "a) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (b) the bill will cause no significant reduction in revenues."

COMMENTS:

Background:

Emergency Alert System

Amber Alert. The nation's first Amber alert was established in 1996, and named after the after 9-year-old Amber Hagerman who was kidnapped and murdered while riding her bicycle in Arlington, Texas, that same year. It was intended to help inform local residents to search for a child who was abducted nearby.

California began the Amber Alert as a regional program in 1999 and it was adopted statewide in 2002 (AB 415, Runner). As of February 2014, there have been 219 activations in California, 255 recovered victims and 131 suspects arrested. Of the abductions, twice as many were parental abductions as stranger abductions. The CHP is responsible for statewide coordination of the Amber Alert system.

Blue Alert. California expanded the alert system in 2010 to allow the CHP to initiate a quick response to coordinate alerts following an attack on a law enforcement officer if the officer was killed, suffered serious bodily injury or was assaulted with a deadly weapon and the suspect remains at large.

Silver Alert. In 2012, California established the Silver Alert program to coordinate communication after the unexplained or suspicious disappearance of an elderly person. The system is intended to provide immediate attention to the public about the missing person, including photographs, descriptions and information about the last time and location they were seen. The program is coordinated by the California Highway Patrol, which will issue an alert only if the missing person is 65 years or older, the investigating agency has used all of its resources and determines that the missing person disappeared under suspicious or unexplained circumstances and the local law enforcement agency believes the person is in danger. The CHP also must determine that if the information was disseminated to the public, it could assist in the safe recovery of the missing person. According to the author, there have been 182 Silver Alert activations since the system was created, resulting in 166 successful recoveries of one or more adults.

According to a 2009 report issued by the Congressional Research Service, "Alert Systems for Missing Adults in Eleven States: Background and Issues for Congress," there is growing concern about the dangers associated with adults with cognitive disorders who wander:

Policymakers and advocates for the missing have identified persons with Alzheimer's disease and other forms of dementia as being particularly vulnerable to missing episodes. Increases in longevity among the older population and the aging of the baby boom generation have contributed to interest in establishing these systems. Wandering from home can be a frequent behavior that may pose a significant, sometimes life-threatening, danger to the wellbeing of those with Alzheimer's disease and other forms of dementia. According to the Alzheimer's Association, if not found within 24 hours, nearly 50 percent of those who wander risk serious illness or death. Illness or death may occur

from exposure to the elements, lack of food or hydration for an extended period, and general inability of the individual to think, act, or communicate to gain assistance.

More than 16 million people in the U.S. are living with cognitive impairments. Alzheimer's is the most common form of dementia, a general term for memory loss and other intellectual disabilities serious enough to interfere with daily life. A person with Alzheimer's, or other forms of cognitive impairment, may not remember his/her name or address, and can become disoriented, even in familiar places. These individuals are prone to wandering and become missing from their families or caregivers. It's estimated that 60 percent of individuals with cognitive impairments or Alzheimer's will wander.

Author's Statement: According to the author:

SB 1127 is a common-sense approach, using California's existing infrastructure, to address a serious problem for individuals with Autism Spectrum Disorder (ASD), developmental disabilities, Alzheimer's and other forms of cognitive impairment. SB 1127 is an important and innovative approach to highlight the life-threatening problem of wandering and missing individuals who are challenged with developmental disabilities or cognitive impairment.

What This Bill Does: Authorizes a law enforcement agency to request the CHP to activate a "Silver Alert" when a developmentally disabled or cognitively impaired person is reported missing, and specified conditions are met. The bill defines "developmentally disabled" to mean affected by a developmental disability as defined in Welf. & Inst. Code, § 4512. Welf. & Inst. Code, § 4512 defines "developmental disability" to mean a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

This bill defines "cognitively impaired" to mean to be affected by a cognitive impairment as defined in Welf. & Inst. Code, § 14522.4. Welf. & Inst. Code, § 14522.4 defines "cognitive impairment" to mean the loss or deterioration of intellectual capacity characterized by impairments in short- or long-term memory, language, concentration and attention, orientation to people, place, or time, visual-spatial abilities or executive functions, or both, including, but not limited to, judgment, reasoning, or the ability to inhibit behaviors that interfere with social, occupational, or everyday functioning due to conditions, including, but not limited to, mild cognitive impairment, Alzheimer's disease or other form of dementia, or brain injury.

Supporters: The bill's sponsor, The Help Group, writes that:

SB 1127 improves the safety of children with ASD other developmental disabilities and their families. The tendency of individuals with ASD to wander puts them at risk of injury, trauma, or even death.... In addition, the risk is more serious to these individuals because more than one-third of children who elope have challenges communicating verbally or by typing/writing their name and contact information. The effect of

elopement on families is significant, and implementing this bill is a key to safety measure to support families and reduce harm to children.”

Previous Hearing: SB 1127 was previously heard in the Assembly Public Safety Committee where it passed on a unanimous vote of 7-0.

REGISTERED SUPPORT / OPPOSITION:

Support

Alzheimer's Association
Association of Regional Center Agencies (ARCA)
The Help Group

Opposition

None on file.

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