

Attachment G – CHP AMBER, SILVER, BLUE AND YELLOW Alerts

[source: CHP]

By legislation the California Highway Patrol (CHP) is responsible for public alerting in specified circumstances. CHP uses a variety of alert dissemination tools including Changeable Message Signs on freeways, the broadcast Emergency Alert System (EAS), Wireless Emergency Alerts (WEA) and social media. Details appear in the following CHP Information Bulletins.



INFORMATION

BULLETIN

for Allied

Agencies

BULLETIN NUMBER 217

AMBER ALERT PROGRAM UPDATE AND ENDANGERED MISSING ADVISORIES

The purpose of this Information Bulletin is to provide an AMBER Alert program update and discuss the use of an Endangered Missing Advisory (EMA) for circumstances where the statutory criteria for an AMBER Alert are not met. Both procedures have proven to be very successful in locating abducted and missing children when implemented in an appropriate manner.

Background

America's Missing: Broadcast Emergency Response Alert, or AMBER Alert, is a program that partners California's law enforcement community, media broadcasting agencies, and the public in locating abducted children. The goal of an AMBER Alert is to provide the public with immediate information about a child abduction via widespread media broadcasts and to solicit help from the public in the safe and swift return of the child. In cases where the AMBER Alert criteria are not met, there are other options for law enforcement agencies to use to disseminate information to the public.

Activating an AMBER Alert

Local law enforcement agencies investigate reports of an abducted or missing child. Ultimately, the local investigating law enforcement agency determines if the AMBER Alert activation criteria specified in *Section 8594 of the Government Code (GC)* have been met. The following are the Government Code criteria for an AMBER Alert:

- ♣ There is a confirmed abduction, or a child has been taken by anyone, including, but not limited to, a custodial parent or guardian (e.g., witness verification, alternative explanations for a child's absence eliminated).
- ♣ The victim is 17 years of age or younger, or an individual with a proven mental or physical disability.

- ♣ The child is in imminent danger of serious bodily injury or death.
- ♣ Information is available that, if disseminated to the general public, could assist in the safe recovery of the victim (vehicle information is not a requirement to activate an AMBER Alert).

Per GC Section 8594, “Law enforcement agencies shall only request activation of the Emergency Alert System for an abduction if these criteria are met.” If met, the Government Code requires the investigating agency to request activation of the Emergency Alert System (EAS) in the “appropriate local area.” Therefore, by law, the AMBER Alert is essentially the EAS activation.

As mentioned, vehicle information is not a requirement for an AMBER Alert. However, agencies need to be aware that Changeable Message Signs (CMS) will not be used as a supporting notification system during an AMBER Alert if there is no discerning vehicle information (such as a license plate) available.

Accordingly, it is important for agencies to establish comprehensive AMBER Alert plans to detail the response procedures and protocols specific to their jurisdictions. For most agencies in the state, the California Highway Patrol (CHP), Emergency Notification and Tactical Alert Center (ENTAC) will be the primary point of contact for activating an AMBER Alert.

There are four counties in the state where the sheriff’s department activates the EAS within their counties when the abduction occurs within the respective counties. These types of activations are in accordance with established plans, such as Child Abduction Regional Emergency plans. Those counties are Los Angeles, Orange, Alameda, and San Diego. Law enforcement agencies within these counties should contact their Sheriff’s Departments to determine the procedures for activating the EAS for an AMBER Alert when the qualifying abduction occurs within these counties.

Cases Not Meeting AMBER Alert Criteria

The AMBER Alert should be activated only in those child abduction cases meeting the mandatory AMBER Alert criteria. AMBER Alerts should not be used for cases involving:

- ♣ Runaways.
- ♣ Missing children in which there is no evidence of foul play or the child is not in imminent danger of serious bodily harm or death.
- ♣ Custody disputes where the child’s life or physical health is not reasonably believed to be in imminent danger.

It is important to remember that an AMBER Alert is effective only if activated when appropriate. If AMBER Alerts are misused or employed in cases that do not meet the GC criteria, the program’s credibility and integrity can be

diminished. For cases that do not meet these criteria, agencies should continue to exercise discretion in determining which of the many following available resources would be the most appropriate for transmitting information to other law enforcement agencies, the media, and the public.

Endangered Missing Advisory (EMA)

An EMA can be issued in cases where the statutory criteria for an AMBER Alert are not met; however, an agency has reasons to believe the person is at risk or endangered and assistance in distributing information to help locate the individual(s) is desired. Although not all inclusive, the following are examples where an EMA, versus an AMBER Alert, may be appropriate:

- ♣ A juvenile is reported missing and there is no indication or confirmation that an abduction occurred.
- ♣ A person with a known medical condition, such as dementia, is reported missing.

An EMA involves many of the same alerting/notification measures utilized during an AMBER Alert, except for there is no activation of the EAS. Typically, CMS are also not utilized for an EMA. An EMA generally consists of an Emergency Digital Information Service (EDIS) message, Critical Reach flyer, Be-On-the-Look-Out broadcasts, U.S./Mexico border notification (if appropriate), and notification to the National Center of Missing and Exploited Children. Additional notification systems can be used during an EMA; however, they are used on a case-by-case basis. Further questions regarding EMAs can be directed to ENTAC.

Emergency Digital Information Service

EDIS provides local, state, and federal law enforcement agencies with a direct computer link to media outlets, other law enforcement agencies, and members of the public that sign-up for the service. Standard EDIS messages can be sent via the California Law Enforcement Telecommunications System, (www.edis.oes.ca.gov).

APBnet

APBnet is a web-based system that captures and immediately distributes color photographs and images to law enforcement agencies, media outlets, and other organizations. In addition, the system is capable of transmitting information via facsimile to business, hospitals, schools, media outlets, and agencies. The APBnet system can be used to quickly disseminate information regarding a child abduction case throughout the state.

Assembly Bill 34 and National Crime Information Center Entries

Assembly Bill 34 was enacted in September 2010 and amended Penal Code Section 14205, regarding reports of missing persons. Commencing on January 1, 2012, law enforcement agencies receiving a missing persons report of someone who is under 21 years of age, or there is evidence the person is at risk, shall transmit the report to the California Department of Justice for inclusion in the Violent Crime Information Center and the National Crime Information Center (NCIC) databases within **two** hours after receipt of the report. This may be accomplished by establishing a record in the National Missing and Unidentified Persons System (MUPS). When missing person information is entered into the MUPS system, it is automatically filed in NCIC.

California Highway Patrol Assistance

The CHP's ENTAC is available 24 hours a day, 7 days a week for assistance with either an AMBER Alert request or EMA activation. Any questions regarding an AMBER Alert, an EMA, or the other resources available for missing children cases may be directed to ENTAC at (916) 843-4199 or via email at entac@chp.ca.gov.



INFORMATION

BULLETIN

*for Allied
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BULLETIN NUMBER 227

SILVER ALERT PROGRAM

The purpose of this Information Bulletin is to provide law enforcement agencies with updated information about changes to the Silver Alert criteria.

Background

Senate Bill (SB) 1127, which became effective January 1, 2015, amends the criteria for the issuance of a Silver Alert. Section 8594.10 of the California Government Code (GC) establishes that a Silver Alert can now be activated for an individual that is developmentally disabled or cognitively impaired regardless of his or her age. Per Section 8594.10 GC, the following criteria must be met for the issuance of a Silver Alert:

- The missing person is 65 years of age or older, developmentally disabled, or cognitively impaired.**
- The investigating law enforcement agency has utilized all available local resources.**
- The law enforcement agency determines the person has gone missing under unexplained or suspicious circumstances.**
- The law enforcement agency determines the person is in danger because of age, health, mental or physical disability, environment or weather conditions, the person is in the company of a potentially dangerous person, or other factors indicating the person may be in peril.**
- There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.**

“Developmentally disabled” means affected by a developmental disability, as defined in subdivision (a) of Section 4512 of the Welfare and Institutions (W&I) Code, and “cognitively impaired” means affected by a cognitive impairment, as defined in Section 14522.4 W&I.

Additionally, the repeal date of January 1, 2016, for Section 8594.10 GC has been deleted.

California Highway Patrol Assistance

The CHP’s Emergency Notification and Tactical Alert Center (ENTAC) is available 24 hours a day, 7 days a week for assistance. Any questions regarding this bulletin may be directed to ENTAC at (916) 843-4199 or via email at entac@chp.ca.gov.

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Highway Patrol

INFORMATION

BULLETIN

for Allied

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January 26, 2011

BULLETIN NUMBER 218

BLUE ALERT SYSTEM

The purpose of this Information Bulletin is to provide law enforcement agencies information about the Blue Alert system.

Background

The Blue Alert system was enacted into California law with the passage of Senate Bill (SB) 839, which adds Section 8594.5 to the Government Code (GC). Similar to an AMBER Alert, the goal of a Blue Alert is to provide immediate information to the public via media broadcasts and other notification resources. However, instead of assisting in the safe recovery of abducted children, a Blue Alert is intended to solicit help from the public in the safe and swift apprehension of violent suspects that have killed or seriously injured law enforcement officers and who continue to pose a threat to public safety. The California Highway Patrol (CHP) administers the Blue Alert system and is responsible for issuing Blue Alerts.

Activating a Blue Alert

In accordance with Section 8594.5, "an authorized person at a law enforcement agency that is investigating an offense described" in the first condition listed below, can request the issuance of a Blue Alert. In those instances where a request is made, the CHP shall issue the Blue Alert if ALL of the following conditions are met:

- 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.**
- A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.**

- **A detailed description of the suspect’s vehicle or license plate is available for broadcast.**
- **Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.**

As specified in law, all the listed conditions have to be met for the CHP to issue a Blue Alert. The CHP’s Emergency Notification and Tactical Alert Center (ENTAC) is the designated “24/7” point-of-contact for law enforcement agencies wanting to activate Blue Alerts. The 24-hour phone number for law enforcement agencies to contact ENTAC is (916) 843-4199.

Blue Alerts and the Emergency Alert System (EAS)

SB 839 and Section 8594.5 GC authorize the CHP to activate EAS for a Blue Alert if authorized and under conditions permitted by the federal government. At this time, the Federal Communications Commission (FCC) has not approved and designated an EAS code to be used for Blue Alerts. Therefore, the EAS cannot be used for Blue Alerts until such time a code has been issued by the FCC.

Changeable Message Signs (CMS)

The general use of CMS for Blue Alerts has also not been approved. Similar to the approval to use EAS, a federal authority—the Federal Highway Authority in this case—has not granted approval for CMS to be used during Blue Alerts.

Policies and Procedures

Law enforcement agencies should establish policies and procedures for requesting a Blue Alert. Some of the items for inclusion in agency specific policies and procedures are:

- The Government Code conditions for when a Blue Alert can be activated.
- The persons or positions designated within the agency that are authorized to request a Blue Alert.
- The contact information for ENTAC.

California Highway Patrol Assistance

The CHP’s ENTAC is available 24 hours a day, 7 days a week for assistance. Any questions regarding this bulletin may be directed to ENTAC at (916) 843-4199 or via email at entac@chp.ca.gov.

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YELLOW ALERT SYSTEM

The purpose of this Information Bulletin is to provide law enforcement agencies information about the Yellow Alert System.

Assembly Bill 8, which goes into effect January 1, 2016, adds Section 8594.15 to the California Government Code (GC), creating the Yellow Alert System. The purpose of a Yellow Alert is to issue and coordinate alerts following a hit-and-run incident where a person has been killed or has suffered serious bodily injury as described in Section 20001 of the Vehicle Code, and where certain requirements are met. The California Highway Patrol (CHP) administers the Yellow Alert System and is responsible for issuing Yellow Alerts. Per GC Section 8594.15, the following criteria must be met for the issuance of a Yellow Alert:

- A person has been killed or has suffered serious bodily injury due to a hit-and-run incident.**
- There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.**
- The investigating law enforcement agency has additional information concerning the suspect or the suspect's vehicle, including, but not limited to, any of the following:**

The complete license plate number of the suspect's vehicle.

A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of the suspect.

The identity of the suspect.



4. Public dissemination of available information could either help avert further harm or accelerate apprehension of the suspect based on any factor including, but not limited to, the severity of the injury, the time elapsed between a hit-and-run incident and the request, or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

The Yellow Alert consists of the activation of the Changeable Message Signs. However, the CHP will assist with a be-on-the-lookout alert, or an electronic flyer (APBnet) at the request of the involved agency.

It is recommended that law enforcement agencies establish policies and procedures for requesting a Yellow Alert. Some of the items for inclusion in agency specific policies and procedures are:

1. The GC requirements for when a Yellow Alert can be activated.
2. The persons or positions designated within the agency that are authorized to request a Yellow Alert.
3. The contact information for the Emergency Notification and Tactical Alert Center (ENTAC).

On January 1, 2019, GC Section 8594.15 will be repealed unless another statute is enacted that deletes or extends that date.

California Highway Patrol Assistance

The CHP's ENTAC is available 24 hours a day, 7 days a week for assistance. Any questions regarding this bulletin may be directed to ENTAC at (916) 843-4199 or via e-mail at entac@chp.ca.gov.

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