
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 1314 **Hearing Date:** June 28, 2022
Author: Ramos
Version: June 20, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Emergency notification: Endangered Missing Advisory: Indigenous persons*

HISTORY

Source: Author

Prior Legislation: AB 8 (Gatto) Chapter 326, Stats. 2015
AB 47 (Gatto) Vetoed 2014
SB 1127 (Torres) Chapter 440, Stats. 2014
SB 1047 (Alquist) Chapter 651, Stats. 2012
SB 839 (Runner) Chapter 311, Stats. 2010
SB 38 (Alquist) failed Assembly Appropriations, 2009
SB 415 (Runner) Chapter 517, Stats. 2002
SB 6 (Rainey) Chapter 507, Stats. 1999

Support: California Tribal Families Coalition; San Manuel Band of Mission Indians; Santa Ynez Band of Chumash Indians; Shingle Springs Band of Miwok Indians

Opposition: None known

Assembly Floor Vote: Not applicable

PURPOSE

This bill establishes the Endangered Missing Advisory system, to aid in location of an Indigenous person who has been involuntarily abducted or kidnapped.

Existing law requires the driver of a vehicle involved in an accident resulting in injury to another person to stop at the scene of the accident and to fulfill specified requirements, including providing identifying information and rendering assistance. (Veh. Code, § 20001 (a).)

Existing law provides that, except as specified, fleeing the scene of an accident resulting in injury to another, is punishable by 16 months, two, or three years in state prison or, by imprisonment in a county jail not to exceed one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001 (b)(1).)

Existing law provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than 90 days nor more than one year, or by a fine ranging between \$1,000 and \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001 (b).)

Existing law allows the court, in the interests of justice, to reduce or eliminate the minimum term of imprisonment required for a conviction of fleeing the scene of an accident causing death or permanent, serious injury. (Veh. Code, § 20001 (b).)

Existing law states that a person who flees the scene of an accident after committing gross vehicular manslaughter or gross vehicular manslaughter while intoxicated, upon conviction for that offense, shall be punished by an additional term of five years in the state prison. This additional term runs consecutive to the punishment for the vehicular manslaughter. (Veh. Code, § 20001 (c).)

Existing law 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, through a person authorized to activate the Emergency Alert System (EAS), shall request the activation of the EAS within the appropriate local area. (Gov. Code, § 8594 (a).)

Existing law 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 instructions 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 (b).)

Existing law 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, § 8594.5, (a).)

Existing law 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 (b).)

Existing law 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, (EDIS) 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 (c).)

Existing law 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 . (a).

Existing law provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, The agency may request the CHP to activate a "Silver Alert". If the CHP concurs that the specified requirements are met, it shall activate a "Silver Alert" within the geographical area requested by the investigating law enforcement agency. (Gov. Code § 8594.10. (c).)

Existing law 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 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; and,
- 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 (c).)

This bill authorizes the Department of the California Highway Patrol (CHP) to activate an Endangered Missing Advisory upon request by a law enforcement agency that following requirements are met.

- a) The missing Indigenous person has been involuntarily abducted or kidnapped.
- b) The investing law enforcement agency has utilized local and tribal resources.
- c) The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
- d) There is information available that, if disseminated ot the public, could assist in the safe recovery of the missing person.

This bill provides that CHP may use a changeable message sign if the law enforcement agency determines a vehicle was used in the incident and there is specific identifying information about the vehicle.

This bill defines “Endangered Missing Advisory” as a notification system, activated to issue and coordinate alerts with respect to an Indigenous person who has been involuntary abducted or kidnapped.

This bill requires CHP to evaluate this section, including the efficacy, the advantages, and the impact to other alert programs and submit it to the Governor and Legislature no later than January 1, 2027.

COMMENTS

1. Need for This Bill

According to the author:

The Missing and Murdered Indigenous People (MMIP) Epidemic has been a problem across the nation and in the State of California. The National Institute of Justice 2016 report found that 84% of American Indian/Alaska Native women (1.5 million people) experience violence in their lifetimes, 67% were concerned for their own safety, and 41% had been physically injured from physical violence by intimate partners, stalking, and sexual violence. Underreporting, racial misclassification, bias, and lack of resources to follow through and close cases are challenges when working on MMIP cases.

2. Alert Systems in California:

There are a number of similar alert systems already in use in California. The first alert system developed in California was "Amber Alert", established by AB 415 (Runner), Chapter 517, Statutes of 2002, that authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. Following on the success of the "Amber Alert" program, the "Blue Alert" and the "Silver Alert" notification systems were developed. The "Blue Alert" system, established by SB 839 (Runner), Chapter 311, Statutes of 2010, provides for public notification when a law enforcement officer has been attacked and the "Silver Alert" notification system, established by SB 1047 (Alquist), Chapter 651, Statutes of 2012, provides for public notification when a person age 65 years or older is missing. The "Silver Alert" system was recently broadened with the passage of SB 1127 (Torres) Chapter 440, Statutes of 2014, to include missing persons who are developmentally disabled or cognitively impaired.

3. Endangered Missing Advisory

This bill creates an Endangered Missing Advisory where when notified by a local law enforcement agency that an Indigenous person has been involuntarily abducted and kidnapped, the CHP is authorized to activate an alert system. CHP may assist the investigating law enforcement agency and the bill encourages the use of radio, television, social media, etc. to spread the information about the missing person. The bill also permits CHP to use a changeable message freeway sign if there is information about a vehicle involved in the incident.

This bill also requires CHP to submit a report on the use of the Endangered Missing Advisory.

4. Argument in Support

According to California Tribal Families Coalition:

According to the Department of Justice (DOJ), American Indians and Alaska Natives are two and a half times more likely to experience violent crimes and at least two times more likely to experience rape or sexual assault crimes in comparison to all other ethnicities. In 2016, the National Crime Center reported 5,712 cases of missing American Indian and Alaska Native women and girls, which is an incredibly high amount of cases compared to the U.S. Department of Justice missing person's database which has 116 reported cases. Furthermore, in a report published by the Sovereign Bodies Institute in 2020 there were 165 Missing Murdered Indigenous Women Girls and Two Spirit (MMIWG2) cases reported throughout California. At the time, this made California among the top five states in the nation with the highest number of cases.

Current alert systems, such as the AMBER alert, have been incredibly beneficial to the rescue of missing persons. As of May 1, 2022, the AMBER alert has contributed to the recovery of 1,114 children. The implementation and use of such alert systems has also been a deterrent for predators who seek out to cause harm upon others. The systems allow for the engagement with radio, television, cable, satellite and social media to assist with the dissemination of information in regard to a missing person.

As a tribal membership organization seeking to protect the health, safety and welfare of tribal children and families, the Coalition hears from its 50 member tribes in California the devastating tragedies and urgency around issues surrounding Missing and Murdered Indigenous Peoples. Tribal communities need access to a comprehensive coordinated system of support to locate community members that are missing, and the proposed system in this legislative effort aims to create such a system

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