

Date of Hearing:

**ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT**

Freddie Rodriguez, Chair

AB 1314 (Ramos) – As Amended August 15, 2022

**SUBJECT:** Emergency notification: Feather Alert: endangered indigenous people

**SUMMARY:** This bill establishes the Feather Alert system, to aid in location of an Indigenous person who has been involuntarily abducted or kidnapped. Specifically, **this bill:**

- 1) Authorizes the CHP to activate a Feather Alert upon request by a law enforcement agency that following requirements are met:
  - a) The missing person is an indigenous woman or an indigenous person.
  - 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 to the public, could assist in the safe recovery of the missing person.
- 2) 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.
- 3) Defines “Feather Alert” as a notification system, activated to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances.
- 4) Requires CHP to evaluate this bill, as specified, and submit it to the Governor and Legislature no later than January 1, 2027.

**EXISTING LAW:**

- 1) Established the “AMBER Alert” system and 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.
- 2) Provides that the 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.

- 3) Establishes the “Blue Alert,” and defines it as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified.
- 4) Establishes the “Silver Alert” and defines it 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.

**FISCAL EFFECT:** A fiscal committee has not analyzed this bill.

**COMMENTS:**

Purpose of 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.”

California Emergency Services Act: The California Emergency Services Act (ESA) was enacted in 1970, and established Cal OES within the Governor’s Office. The ESA gives the Governor authority to proclaim a state of emergency in an area affected or likely to be affected when: conditions of disaster or extreme peril exist; the Governor is requested to do so upon request from a designated local government official; or the Governor finds that local authority is inadequate to cope with the emergency. Local governments may also issue local emergency proclamations, which is a prerequisite for requesting the Governor’s Proclamation of a State of Emergency. This act also authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies.

Integrated Public Alert & Warning System: The Integrated Public Alert & Warning System (IPAWS) is FEMA's national system for local alerting that provides authenticated emergency and life-saving information to the public through mobile phones using Wireless Emergency Alerts (WEA), to radio and television via the Emergency Alert System, and on the National Oceanic and Atmospheric Administration's Weather Radio. For California, FEMA and Cal OES designate entities with the authority to alert and warn the public when there is a disaster, threat, or dangerous or missing person. More than 1,500 federal, state, local, tribal and territorial entities use IPAWS to send alerts and warnings.

California Public Alert and Warning System (CalPAWS) Plan: Developed by Cal OES, the purpose of the CalPAWS plan is to formalize effective processes and recommended standardized policies for alerting and warning California residents during local and state disasters. This plan integrates new and existing public alert, warning, and notification systems to offer state and local authorities an assortment of capabilities and dissemination channels for emergency alerts.

Alert Systems: The first alert system developed in California was "Amber Alert", which authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. After a successful implementation, the "Blue

Alert" and the "Silver Alert" notification systems were developed. The "Blue Alert" system provides for public notification when a law enforcement officer has been attacked and the "Silver Alert" notification system provides for public notification when either (1) a person age 65 years or older or (2) a person who is developmentally disabled or cognitively impaired is missing.

Individual County and City Alerts: Each County in California has an alerting program that residents can sign up for and receive alerts for emergencies in a specific county. Many cities also have their own unique programs. There are multiple vendors available for counties and cities to contract with to provide alerts. Not every county and city use the same vendor or system.

Missing and Murdered Indigenous Women and People (MMIWP): California has the largest population of Indigenous people compared to any other state. In 2020, the Sovereign Bodies Institute published a report identifying 165 MMIWP and Two Spirit cases reported throughout California. As of 2020, these results identified California as the state with the fifth highest number of cases.

The National Institute of Justice 2016 report made the following findings:

- a) 84% of American Indian/Alaska Native women (1.5 million people) experience violence in their lifetimes
- b) 67% were concerned for their own safety, and
- c) 41% had been physically injured from physical violence by intimate partners, stalking, and sexual violence.

It is important to note that, due to underreporting, racial misclassification, and prejudice, these statistics likely do not reflect the true number of cases.

Arguments in Support: The Yurok Tribe states, "The Alert system created by AB 1314 will be utilized as an emergency alert issued by the Department of the California Highway Patrol, when a law enforcement agency determines that an Indigenous person is missing under suspicious circumstances. California has the largest population of Native Americans out of any state in the United States and the fifth largest caseload of MMIWP. Indigenous people are disproportionately affected by domestic violence, human trafficking, and murder, and become missing at much higher rates than people of other races."

They continue, "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. Additionally, there is no current alert system in place in California for Indigenous women and people who go missing. The alert system created by AB 1314 will help locate the individual who is missing in the critical first 48 hours. It will also improve communication between law enforcement agencies and local jurisdictions, and will also serves to increase awareness about the crisis of missing Indigenous people, particularly women and girls."

Prior and Related Legislation:

AB 415 (Runner), Chapter 517, Statutes of 2002: This bill established the AMBER Alert system in California and authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases.

SB 839 (Runner), Chapter 311, Statutes of 2010: This bill established the Blue Alert system and provides for public notification when a law enforcement officer has been attacked.

SB 1047 (Alquist), Chapter 651, Statutes of 2012: This bill established the Silver Alert system and provides for public notification when a person age 65 years or older is missing.

SB 1127 (Torres) Chapter 440, Statutes of 2014: This bill expanded on the Silver Alert system to additionally provide for public notification when a person who is developmentally disabled or cognitively impaired is missing.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Cahuilla Consortium Victim Advocacy Program  
California Consortium for Urban Indian Health  
California State Sheriffs' Association  
California Tribal Business Alliance  
California Tribal Families Coalition  
Los Coyotes Band of Cahuilla and Cupeno Indians  
Picayune Rancheria of the Chukchansi Indians  
San Manuel Band of Mission Indians  
Santa Ynez Band of Chumash Indians  
Shingle Springs Band of Miwok Indians  
Torres Martinez Band of Desert Cahuilla Indians  
Yocha Dehe Wintun Nation  
Yurok Tribe

**Opposition**

None on file.

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