

Pennsylvania State Police Testimony
House Aging and Older Adult Services Committee
March 10, 2010

Public Hearing on the Establishment
of a PA Senior/Silver Alert System

Presented by:
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Good morning, I am Captain Bret Waggoner, Director of the Special Investigations Division, Bureau of Criminal Investigation of the Pennsylvania State Police. On behalf of Colonel Frank E. Pawlowski, Commissioner of the Pennsylvania State Police, I would like to thank you for this opportunity to provide testimony to the committee. With me today is Corporal Richard Bramhall from Troop F, Montoursville. Corporal Bramhall is assigned to the Criminal Investigation Assessment Unit at his Troop. In addition, he is one of six Department members designated to activate the Pennsylvania Amber Alert System.

The Special Investigations Division is tasked with a wide variety of responsibilities that support the investigative needs of the fifteen (15) Pennsylvania State Police Troops and local law enforcement agencies within our Commonwealth. Among the support units within the Division is the Criminal Investigation Assessment/Missing Persons Unit. In addition to providing assistance with criminal and missing person investigations, this Unit coordinates the Pennsylvania Amber Alert System.

Experiencing the pain and anxiety associated with a missing family member or friend is among the most traumatic events anyone could experience. Obviously, the family and friends want their loved one found as soon as possible. In Pennsylvania, it is incumbent upon the Pennsylvania State Police, and all law enforcement agencies, to review policies and resources to ensure we are in the best position to successfully resolve missing person cases.

In accordance with Pennsylvania Law, if the missing person is less than 18 years-old, issuing an Amber Alert is a possibility. As you probably know, there is a strict

criterion that must be met before an Amber Alert is issued. We recognize there are many circumstances where the known circumstances of the missing person incident do not meet the Amber criteria, or the subject is 18 years-old or older. Even so, public assistance to locate the missing subject remains very important. Situational examples include missing adults with special needs, the elderly and missing children whose circumstance do not meet the Amber criterion.

In all of these circumstances, the Pennsylvania State Police, the Pennsylvania Amber Alert Stakeholders, and other state and national agencies recognize the need for a response that includes requesting the public's assistance to aid in the recovery of the missing person. A primary concern regarding the creation of an alert system beyond the Amber protocol is desensitizing the public and therefore, limiting their participation. The more alerts law enforcement issues, the greater the chance the public will become desensitized and thereby compromising their effectiveness. With this in mind, the Pennsylvania State Police, in cooperation with the Pennsylvania Amber Alert Stakeholders and the National Center for Missing and Exploited Children, have been developing a Missing and Endangered Person Advisory System or MEPAS. The MEPAS is designed to offer investigating agencies the ability to transmit information to the public rapidly across a broad technology spectrum without interrupting broadcast programming, except at the discretion of the broadcasting entities. The MEPAS would use an existing, secure email system to notify radio and television stations of a missing person investigation. This notification provides them the opportunity to further distribute the information to the public in a timely manner.

Regarding different approaches to this issue, I am aware of three legislative proposals, which address missing endangered person incidents: **House Bill 122**, **House Bill 726** and **Senate Bill 976**.

House Bill 122 would establish the "Senior Alert System". Although titled the "Senior Alert System", the system applies to anyone 18 years or older who is missing. Naming the system "Senior Alert" may confuse the public since it will apply to those outside the age limit for what is normally considered "Senior". Also, applying the system to only missing subjects 18 years old and older does not allow law enforcement to use the system for missing child situations that do not meet the criterion for an Amber Alert. In addition, by using the word "Alert" within the title of the system, the possibility of desensitizing the public exists and thereby, potentially diminishes the effectiveness of the most common and successful alert nationwide, the Amber Alert.

House Bill 122 contains specific investigative procedures for law enforcement to follow when conducting missing person investigations. Among the procedures is the requirement (if possible) for the investigating officer to complete the associated report within five hours and directing the officer to solicit input from the individual reporting the missing person regarding what law enforcement agencies should receive the report. I will assume the legislative intent is to ensure the information regarding the missing person is distributed in a timely manner. Timely information distribution can be accomplished through the newly established Alert PA system and existing law enforcement communication networks (CLEAN Messages). Addressing active investigative steps (investigative lead information, interviews, etc.) sometimes precludes the investigating officer from completing a report within a set time frame. With regard to

the procedure of asking the subject reporting the missing person what law enforcement agencies should receive the information, this step will only prolong the initial investigation. Experience and an assessment of the current circumstances place the investigating agency in the best position to determine the avenues for information distribution.

House Bill 726 would establish the Pennsylvania Silver Alert System. This bill directs the Pennsylvania State Police to work in conjunction with the Department of Aging to establish an alert system for senior citizens, defined as a person 65 years of age and older. This bill places significant administrative and implementation responsibility on the Department of Aging. It will require personnel from the Department of Aging to be accessible 24 hours a day, seven days a week to make determinations regarding activation requests and to activate the system. Also, as currently written, the bill is not clear regarding whether it covers all individuals 65 and older or only those in this age category who also have impaired mental conditions. Overall, we note House Bill 726 presents many of the same challenges within House Bill 122, including age limitations and use of the term "alert."

Senate Bill 976 is a third piece of proposed legislation written to address missing and endangered subjects. This bill amends the existing Pennsylvania Amber Alert Law by establishing the Missing Endangered Person Advisory System (MEPAS). It uses parts of the existing and proven Pennsylvania Amber Alert framework to assist in the recovery of any missing person, regardless of age, who is proven to be missing and endangered. Senate Bill 976 was drafted in coordination with the Pennsylvania State Police and the Pennsylvania Amber Alert stakeholder group. Part of the effort included

establishing a system that avoided "alerts" for the various missing person categories, such as special needs children and adults, seniors with diminished mental capacities, and adults in situational danger (kidnapping or hostage situations). There is a current national effort to focus on a "catch-all" system that can be used in these various situations without compromising the integrity of the Amber Alert System. Thirteen states implemented this type of advisory system in addition to their existing Amber Alert Systems. The MEPAS do not include the term "alert" in order not to desensitize the public. This system uses tested methodology and selected technology currently used in the Amber Alert System to notify the public and law enforcement.

Law enforcement is obligated to use all of our resources in order to bring a missing person investigation to successful conclusion. Obviously, the ultimate goal is to reunite the missing subject with their family and/or friends. Developing a system that includes public notifications to accomplish this goal is extremely important. Senate Bill 976 creates an effective tool to meet our obligation without placing undue burden on the investigators, family members, and other state agencies or compromising the established Amber Alert System.

In conclusion, on behalf of Colonel Pawlowski and the entire Pennsylvania State Police, I again thank you for the opportunity to address your Committee. I will be happy to answer your questions at this time.