

CITY OF OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Amber Alert Informational Report

DATE: April 12, 2017

City Administrator
Approval

Date

4/26/17

RECOMMENDATION

Staff Recommends That The City Council Receive A Report With Possible Action On The Oakland Police Department And The California Highway Patrol Amber Alert Process; A Timeline And Review Of The Dartanian Brooks Amber Alert Request On Or About January 13, 2017; And Recommendations For Improvement To The Process.

EXECUTIVE SUMMARY

The California Highway Patrol (CHP) manages the AMBER Alert emergency child abduction system in coordination with police agencies in California. The system is designed to broadcast over many types of electronic media to draw the attention of millions of people that a child has been abducted. CHP has ultimate authority to approve AMBER Alert requests, as defined by California Government Code 8594 (**Attachment A**). There was a delay by the CHP in authorization of the AMBER Alert system in the case of a missing boy on January 13, 2017. A request for an informational report and possible action was brought to the April 13, 2017 Rules and Legislation Committee by a member of the public; this report is a response to that request.

BACKGROUND AND LEGISLATIVE HISTORY

The CHP Amber Alert website¹ explains that California's AMBER Alert is "modeled after the nationwide AMBER Plan, which was developed in 1996 after nine-year old Amber Hagerman was abducted and brutally murdered near her home in Arlington, Texas." As a result, the Texas Association of Radio Managers created an emergency alert plan to aid in the recovery of abducted children. Communities throughout the country have since adopted similar plans, with the aim of returning abducted children to safety by employing the media to broadly disseminate information.

AMBER Alerts are now distributed via multiple media platforms to reach the maximum number of people. Commercial radio stations, Internet radio, satellite radio, and television stations are all

¹ <https://www.chp.ca.gov/news-alerts/amber-alert/amber-alert-plan>

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part of the system. AMBER Alerts are also issued via e-mail, electronic traffic-condition signs, commercial electronic billboards, or through wireless device SMS (Short Message Service) text messages.

California first introduced the AMBER Alert concept in 1999 as a regional program. In 2002, Assembly Bill 415 (Government Code section 8594) mandated that AMBER Alert plans be implemented statewide with specific notification protocols for all communities. California AMBER Alerts are initiated solely by California law enforcement agencies and CHP alone has the final authority to activate an AMBER Alert.

Law enforcement agencies must follow strict activation criteria before an alert is activated. An AMBER Alert can be issued only when the following criteria for child abduction have been met:

1. A confirmed abduction with evidence the victim has been taken against their will and are not simply missing (e.g., eyewitness verification, physical evidence, alternative explanations for child's absence have been eliminated);
2. The victim is 17 years-old or younger or has a proven mental or physical disability;
3. Circumstances surrounding the abduction indicate the victim is in imminent danger of serious bodily injury or death; and
4. There is available information that if the disseminated to the public, could assist law enforcement in the safe recovery of the victim.

If the above criteria are met, the OPD Special Victim Section (SVS) Intake Officer provides the information to CHP. CHP then determines if it will authorize an AMBER Alert activation.

ANALYSIS AND POLICY ALTERNATIVES

Timeline and Review of Request for Dartanian Brooks Amber Alert

OPD experienced a delay in the AMBER Alert authorization process by CHP on January 13, 2017. The incident involved a three years-old boy. The missing child case did not meet the AMBER Alert criteria when the boy's mother first contacted OPD. The mother left the boy and her car with a trusted friend. She later called OPD, hours after the friend and her son were not at the agreed upon meeting place. The mother expressed worry for her son but communicated that she did not believe the friend would hurt her child. SVS followed protocol to locate the boy, including contacting the mother's friends and family, contacting the suspect's friends and family, conducting a grid search around the mother's home and other known locations, and distributing a TRAK (Technology to Recover Abducted Kids)² flyer. These initial recovery efforts failed to locate the young boy. Therefore, OPD at 9:45

² Technology to Recover Abducted Kids (TRAK) is a computer system that helps police create and electronically distribute flyers with any type of image, including the photograph of a missing child or a criminal, to distribute information to police offices, other jurisdictions, media representatives, and the community. More information can be found here:
<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=183870>

pm, requested an AMBER Alert; CHP denied OPD this initial AMBER Alert request by communicating that this missing person case did not meet CHP Amber Alert criteria.

By the next morning the mother and investigator believed the child could be in grave danger. SVS believed even more so that the AMBER Alert criteria had been met. At approximately 10:00am, SVS contacted CHP to authorize an AMBER Alert notification. However, CHP still disagreed with OPD's assessment of the missing person and whether the Alert criteria had been met. CHP refused to authorize the AMBER Alert at that time as well. OPD, now 12 hours after the first request, and two hours after the second request, continued to explain to CHP why the circumstances changed and why the child now met the criteria for an AMBER Alert notification. CHP then authorized the AMBER Alert (12 hours after the first request was made by OPD).

The child was returned to his mother within an hour of the AMBER Alert.

Recommendations for Improvement to the Process

CHP controls the AMBER Alert system and protocols, sets criteria for AMBER Alerts, and controls Alert issuance. OPD followed all AMBER Alert protocols in the AMBER Alert authorization process on January 13, 2017. The City would have to engage in discussions with CHP for overall AMBER Alert process improvement recommendations as all the protocols are set at that level.

PUBLIC OUTREACH / INTEREST

No outreach was required for this report. OPD recognizes that all Oakland residents and visitors are concerned with the welfare of Oakland children. The AMBER Alert system is important to the Oakland community because it concerns the welfare of abducted children.

COORDINATION

The Office of the City Attorney reviewed this report.

FISCAL IMPACT

There is no fiscal impact associated with this report.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

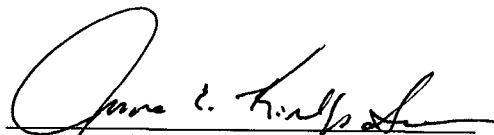
Social Equity: Cases of abducted children concern all Oakland residents and visitors. OPD serves the welfare of the Oakland community by taking all necessary actions – including the use of the AMBER Alert system – to help find abducted children and reunite them with their families.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Receive A Report With Possible Action On The Oakland Police Department And The California Highway Patrol Amber Alert Process; A Timeline And Review Of The Dartanian Brooks Amber Alert Request On Or About January 13, 2017; And Recommendations For Improvement To The Process.

For questions regarding this report, please contact Lieutenant Jill Encinias, Special Victims Section, at (510) 238-3253.

Respectfully submitted,



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Attachments (1)
A: California Government Code 8594

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California Government Code 8594

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(a) 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, shall, absent extenuating investigative needs, request activation of the Emergency Alert System within the appropriate local area. Law enforcement agencies shall only request activation of the Emergency Alert System for an abduction if these requirements are met. The Emergency Alert System is not intended to be used for abductions resulting from custody disputes that are not reasonably believed to endanger the life or physical health of a child.

The California Highway Patrol, if requested by a law enforcement agency, shall activate the system.

(b) The California Highway Patrol, 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 Peace Officers' Association, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency agencies that may institute activation of the Emergency Alert System, and, where appropriate, other supplemental warning systems, shall proceed after a qualifying abduction has been reported to a law enforcement agency. Those policies and procedures shall include, but not be limited to:

- (1) Procedures for transfer of information regarding the abducted victim and abduction from the law enforcement agency to the broadcasters;
- (2) Specification of the event code or codes that should be used if the Emergency Alert System is activated to report a qualifying child abduction;
- (3) Recommended language for an abduction alert;
- (4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the abduction should contact and how the person should contact the agency; and
- (5) Recommendations on the extent of the geographical area to which a child abduction emergency alert should be broadcast.

(c) The California Highway Patrol, in consultation with the Department of Justice, shall review the Amber Plan as adopted by other states and Orange County's Child Abduction Regional Emergency Alert Program for guidance in developing appropriate policies and procedures for use of the Emergency Alert System and, where appropriate, other supplemental warning systems to report qualifying abductions.

(d) The California Highway Patrol, in conjunction with the Department of Justice, shall develop a comprehensive child abduction education system to educate children in the state on the appropriate behavior to deter abduction. The California Highway Patrol shall convene a group consisting of a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, representatives of advocacy groups, and the Department of Education to assist in the development of a plan.

- See more at: <http://codes.findlaw.com/ca/government-code/gov-sect-8594.html#sthash.0LvWqa93.dpuf>