

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 464

INTRODUCER: Senator Latvala

SUBJECT: Assault or Battery of a Law Enforcement Officer

DATE: February 28, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.			TR	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill codifies an existing alert program that was created by executive order in 2008. This type of program often goes by the name “blue alert,” though the precise name of the current Florida program is the Florida Law Enforcement Officer (LEO) Alert Plan.

Under the bill, at the request of an authorized person employed at a law enforcement agency, the Florida Department of Law Enforcement (FDLE), in cooperation with the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT), is required to activate the emergency alert system and issue a blue alert if a law enforcement officer has been killed, suffered serious bodily injury, has been assaulted with a deadly weapon, or is missing while in the line of duty under circumstances evidencing concern for the officer. The bill specifies other conditions that must be met before the alert may issue and when the alert issues. It also creates an exception for display of traffic emergency information in lieu of blue alert information.

This bill creates the following section of the Florida Statutes: 784.071.

II. Present Situation:

It appears that Florida was the first state to implement a “blue alert” program,¹ which goes by the name Florida Law Enforcement Officer (LEO) Alert Plan. According to FDLE staff, to activate the alert, the following four criteria must be met:

- The offender(s) killed or critically injured a law enforcement officer.
- The law enforcement agency’s investigation must conclude that the offender(s) pose a serious public risk.
- There must be a detailed description of the offender’s vehicle, including tag or partial tag, to broadcast to the public.
- The activation must be recommended by the local law enforcement agency of jurisdiction.²

The FDLE has provided the following additional information regarding the Florida program:

On May 5, 2008, Florida Governor Charlie Crist signed Executive Order Number 08-81 establishing the Florida Law Enforcement Officer (LEO) Alert Plan. This plan, which uses some of the technologies employed in an Amber Alert, was established in response to the increasing number of law enforcement officers in the state who were killed or injured in the line of duty. In some of these cases, the offender or offenders used vehicles to flee and attempt to escape.

Under this plan, the Florida Department of Law Enforcement (FDLE), the Florida Department of Transportation (FDOT), and the Department of Highway Safety and Motor Vehicles’ Florida Highway Patrol (FHP) will immediately broadcast important information about an offender(s) who has seriously injured or killed a law enforcement officer.

The information will be broadcast through dynamic highway message signs and other appropriate notification methods to increase the chances of capturing the suspect(s) responsible for injuring or killing a law enforcement officer.

To activate a LEO Alert, the following steps must occur in this order:

1. The local law enforcement agency of jurisdiction will call FDLE’s Florida Fusion Center (FFC) desk at 850-410-7645. This LEO Alert point of contact is manned 24 hours a day, seven days a week.
2. FDLE’s on-call supervisor will work with the investigating agency to offer assistance, ensure the activation criteria have been met and determine if the alert will be displayed regionally or statewide.

¹ U.S. Senator Benjamin Cardin, Maryland’s Blue Alert System can support, protect law enforcement officers nationwide, *The Sentinel Newspapers* (Maryland), December 9, 2010 (<http://www.thesentinel.com/pgs/cardin-blue-alert-system>) (last accessed on February 28, 2011).

² E-mail from FDLE staff to staff of the Senate Committee on Criminal Justice, dated March 1, 2011.

3. FDLE will work with the investigating agency to prepare information for public release, including suspect and/or vehicle information, as well as agency contact information.
4. FDLE will contact the Florida Highway Patrol's Orlando Regional Communications Center (ORCC) to send the LEO Alert. The ORCC communications supervisor will relay that information to other regional communication centers where the activation is taking place.
5. FDLE will contact FDOT's Orlando Regional Transportation Management Center to develop the message content using the FDOT-approved template which includes vehicle information, tag number and other identifiers.
6. FDOT will display the message until the offender(s) is captured or for a maximum of six hours. The alert will be displayed on dynamic highway message signs on all requested highways unless a traffic emergency occurs, which requires a motorist safety message to be displayed. FDOT also will record a LEO Alert message on the 511 system when the LEO Alert is activated.
7. The same activation steps will be used if there is revised vehicle information or a broadcast area is changed.
8. Once FDLE is notified that the offender(s) has been captured, FDLE will contact the appropriate parties to cancel the alert. FHP then will notify its other offices of the cancellation.

Each activation will be reviewed by a committee of state agency partners and law enforcement representatives to ensure that criteria and goals are met and that each activation took place in a timely fashion.³

According to information provided by the Officer Down Memorial Page, Inc.,⁴ there have been 9 line-of-duty deaths of Florida law enforcement officers in 2011 and 6 of those deaths were the result of gunfire.⁵ According to FDLE staff, no alerts have issued since the program's inception.⁶ As previously noted, more is required than an officer's death by gunfire to activate an alert. It should also be noted that every line-of-duty death case is different. Some may involve gunfire, while others may not. Cases may not involve the use of a vehicle by the offender or vehicle information may not be available. In some cases, the suspect is quickly apprehended or is shot or killed. Further, the alert must be recommended by the local law enforcement agency of jurisdiction.

³ Analysis of SB 464, Florida Department of Law Enforcement, February 2, 2011.

⁴ The Officer Down Memorial Page, Inc. (ODMP) is a non-profit organization whose mission is to honor law enforcement officers killed in the line of duty and their families. The ODMP also provides statistical information about and profiles of these officers.

⁵ <http://www.odmp.org/search.php> (last accessed on February 28, 2011).

⁶ E-mail from FDLE staff to staff of the Senate Committee on Criminal Justice, dated March 1, 2011.

III. Effect of Proposed Changes:

The bill creates s. 784.071, F.S., which codifies an existing blue alert program that was created by executive order in 2008. Under the bill, at the request of an authorized person employed at a law enforcement agency, the FDLE, in cooperation with the DHSMV and the DOT, is required to activate the emergency alert system and issue a blue alert if all of following conditions are met:

- A law enforcement officer has been killed, suffered serious bodily injury, has been assaulted with a deadly weapon, or is missing while in the line of duty under circumstances evidencing concern for the officer.
- The suspect has fled the scene of the offense.
- The law enforcement agency investigating the offense determines that the suspect poses an imminent threat to the public or to other law enforcement officers.
- A detailed description of the suspect's vehicle, or other means of escape, or the license plate of the suspect's vehicle is available for broadcasting.
- Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.
- If the law enforcement officer is missing, there is sufficient information available relating to the officer's last known location and physical description, and the description of any vehicle involved, including the license plate number or other identifying information, to be broadcast to the public and other law enforcement agencies, which could assist in locating the missing officer.

The bill provides that the blue alert shall be immediately disseminated to the public through the emergency alert system by broadcasting the alert on television, radio, and the dynamic message signs that are located along the state's highways.

The bill also provides that it is not a violation of this new section to display on a highway message sign information pertaining to a traffic emergency if one arises in lieu of displaying blue alert information on the sign.

The effective date of the bill is October 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Since there is already an existing blue alert program, it appears unlikely that the codification of this program would have any additional impact on private entities involved in the alert, such as television and radio stations broadcasting the alert.

C. Government Sector Impact:

According to the FDLE, “[t]here is no fiscal impact associated with this legislation. This bill codifies an existing program (Law Enforcement Officer Alert) created by Executive Order Number 08-81 in 2008.”⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

For comparison purposes, the criteria for activating a blue alert in Texas (the second state to adopt a blue alert program) are similar to Florida’s criteria. Texas requires the following:

- A law enforcement officer must have been killed or seriously injured by an offender.
- The investigating law enforcement agency must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel.
- A detailed description of the offender’s vehicle, vehicle tag, or partial tag must be available for broadcast to the public.
- The investigating law enforcement agency of jurisdiction must recommend activation of the Blue Alert to the State Operations Center (Texas Division of Emergency Management).⁸

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁷ Analysis of SB 464, Florida Department of Law Enforcement, February 2, 2011.

⁸ Blue Alert Request Form, Texas Department of Public Safety (<http://www.txdps.state.tx.us/InternetForms/Forms/TDEM-52.pdf>) (last accessed on March 1, 2011).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
