

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: January 15, 2015

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Sharon M. Tso *Sharon Tso for* Council File No: 14-0002-S108
Chief Legislative Analyst Assignment No: 14-12-0858

SUBJECT: Resolution (Englander - Buscaino - Bonin) to support AB 8 (Gatto)

CLA RECOMMENDATION: Adopt Resolution (Englander - Buscaino - Bonin) to include in the City's 2015 – 2016 State Legislative Program SUPPORT for AB 8 (Gatto), which would authorize law enforcement agencies to issue a "Yellow Alert" if a person has been seriously injured or killed in a hit-and-run incident, and there is a reliable description of the suspect or the suspect's vehicle available.

SUMMARY

On December 3, 2014, a Resolution (Englander - Buscaino - Bonin) was introduced in support of AB 8 (Gatto), which would establish a "Yellow Alert" system, which law enforcement would be able to use to alert the public of a serious or fatal hit-and-run collision when a reliable description of the vehicle involved or the perpetrator is available. The Resolution states that the City of Los Angeles has a significant number of hit-and-run collisions each year, many of which result in serious injuries and deaths, and that these types of cases are difficult to solve. The Resolution further states that AB 8 would give law enforcement agencies a new tool to use to locate and arrest hit-and-run perpetrators in California.

The Resolution states that AB 8 is similar to Colorado's "Medina Alert" system, an emergency alert system for hit-and-run crimes modeled after the Amber Alert system. Colorado's system is designed to quickly alert the public when a serious or fatal hit-and-run collision occurs and a description of the vehicle is available. The Resolution states that the City Council previously adopted a Resolution (C.F. 14-0002-S41) to support or sponsor legislation to create a "Medina Alert" system in California. The City also supported previous "Yellow Alert" legislation introduced by Assemblymember Gatto in the 2013 - 2014 legislative session (C.F. 14-0002-S76). The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 8 (Gatto), which would authorize law enforcement agencies to issue a "Yellow Alert" if a person has been seriously injured or killed in a hit-and-run incident, and there is a reliable description of the suspect or suspect's vehicle available.

BACKGROUND

Hit-and-run crimes are a significant and growing problem in many urban areas, where pedestrians, cyclists, and motorists all share space. The number of hit-and-run collisions has increased in California over the last few years, as cycling and walking become more popular, despite efforts by law enforcement agencies to curtail this problem. Hit-and-run crimes are also difficult to solve, as there is often little or no evidence, and even when there is a description of a vehicle, the perpetrator

has often fled long before law enforcement is able to disseminate information on the incident to the public.

AB 8 (Gatto) seeks to get information on hit-and-run suspects to the public far more quickly, by establishing a "Yellow Alert," which law enforcement agencies could quickly issue in hit-and-run incidents where someone has been severely injured or killed by a vehicle that fled the scene.

Under AB 8, a Yellow Alert could be issued in a specific geographical location where a severe or fatal hit-and-run has occurred, and there is additional information on the suspect or the suspect's vehicle available. When the criteria for issuing an alert has been met, an investigating agency would be able to request that the California Highway Patrol (CHP) issue the Yellow Alert. AB 8 requires the CHP to issue Yellow Alerts through be-on-the-lookout alerts, Emergency Digital Information Service messages, and/or through electronic flyers.

AB 8's Yellow Alert is modeled after Colorado's "Medina Alert," which was originally rolled out in the cities of Denver and Aurora. Medina Alerts are limited to hit-and-run incidents where there is a severe injury or death, and a description of the vehicle is available. These requirements, significantly mirrored by AB 8, ensure that the alert system is not overused, and is only employed in situations where an individual has been seriously or fatally injured, and there is a chance of quickly apprehending the perpetrator.

Assemblymember Gatto introduced this legislation as AB 47 in the previous legislative session, and it was passed by the legislature. However, AB 47 was vetoed by Governor Brown. Governor Brown stated that he vetoed this legislation because he signed SB 1127 (Torres) adding developmentally disabled persons to the missing persons alert system, and this addition to the alert system should be tested before adding another category of emergency alert.

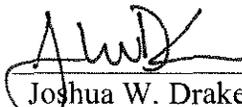
DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

12/01/2014

Bill introduced



Joshua W. Drake
Analyst

SMT:MF:jwd

Attachment: Resolution (Englander - Buscaino - Bonin)
AB 8 (Gatto)

14-0002-5108

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles has a significant number of hit-and-run collisions each year, many of which result in serious injuries or deaths; and

WHEREAS, a recent *Los Angeles Times* article reported that between 2002 and 2012, more than 5,600 cyclists were injured, an increase of 42% of hit-and-run collisions involving bicyclists in Los Angeles County; and

WHEREAS, hit-and-run cases are difficult for law enforcement to solve, as there is often limited or no evidence and no witnesses; and

WHEREAS, the City Council previously adopted positions to support or sponsor legislation to create a system similar to Colorado's "Medina Alert" system (C.F. 14-0002-S41 and C.F. 14-0002-S76), which issues emergency alerts similar to an Amber Alert, but for severe or fatal hit and run collisions where a reliable description of the vehicle involved is available; and

WHEREAS, AB 8 (Gatto) would create a "Yellow Alert" system, substantially similar to Colorado's Medina Alert, to notify the public in serious or fatal hit-and-run collisions; and

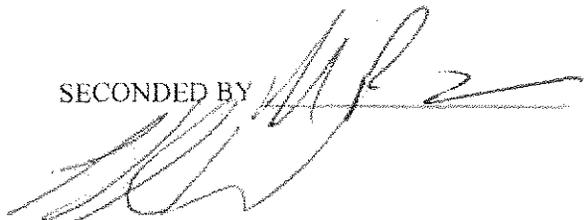
WHEREAS, AB 8 would authorize law enforcement agencies to issue an alert through the existing Emergency Alert System to notify the public of the specific description of a vehicle suspected of being involved in a hit-and-run when a person has been seriously injured or killed; and

WHEREAS, AB 8 would create a new tool for effectively addressing hit-and-runs in California;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for AB 8 (Gatto), which would authorize law enforcement agencies to issue a "Yellow Alert" if a person has been killed or seriously injured in a hit-and-run incident and there is a reliable description of the vehicle.

CO-PRESENTED BY 
MITCHELL ENGLANDER
Councilmember, 12th District

CO-PRESENTED BY 
JOE BUSCAINO
Councilmember, 15th District

SECONDED BY 

DEC 03 2014

ORIGINAL

ASSEMBLY BILL

No. 8

Introduced by Assembly Member Gatto

December 1, 2014

An act to add Section 8594.15 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 8, as introduced, Gatto. Emergency services: hit-and-run incidents.

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that 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 that person. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill would authorize a law enforcement agency to issue a Yellow Alert if a person has been killed or has suffered serious bodily injury due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect's vehicle. The bill would require the Department of the California Highway Patrol to activate a Yellow Alert within the requested geographic area upon

request if it concurs with the law enforcement agency that specified requirements are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8594.15 is added to the Government
2 Code, to read:

3 8594.15. (a) For purposes of this section, "Yellow Alert"
4 means a notification system, activated pursuant to subdivision (b),
5 designed to issue and coordinate alerts with respect to a hit-and-run
6 incident resulting in the death or injury of a person as described
7 in Section 20001 of the Vehicle Code.

8 (b) (1) If a hit-and-run incident is reported to a law enforcement
9 agency, and that agency determines that the requirements of
10 subdivision (c) are met, the agency may request the Department
11 of the California Highway Patrol to activate a Yellow Alert. If the
12 Department of the California Highway Patrol concurs that the
13 requirements of subdivision (c) are met, it shall activate a Yellow
14 Alert within the geographic area requested by the investigating
15 law enforcement agency.

16 (2) Radio, television, and cable and satellite systems are
17 encouraged, but are not required, to cooperate with disseminating
18 the information contained in a Yellow Alert.

19 (3) Upon activation of a Yellow Alert, the Department of the
20 California Highway Patrol shall assist the investigating law
21 enforcement agency by issuing the Yellow Alert via a local digital
22 sign.

23 (c) A law enforcement agency may request that a Yellow Alert
24 be activated if that agency determines that all of the following
25 conditions are met in regard to the investigation of the hit-and-run
26 incident:

27 (1) A person has been killed or has suffered serious bodily injury
28 due to a hit-and-run incident.

29 (2) The investigating law enforcement agency has additional
30 information concerning the suspect or the suspect's vehicle,
31 including, but not limited to, any of the following:

32 (A) The complete license plate number of the suspect's vehicle.

- 1 (B) A partial license plate number and the make, model, and
- 2 color of the suspect's vehicle.
- 3 (C) The identity of the suspect.
- 4 (3) Public dissemination of available information could either
- 5 help avert further harm or accelerate apprehension of the suspect.