



State of Vermont
Department of Public Safety
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To: House Committee on Human Services
House Committee on Government Operations
Senate Committee on Health and Welfare
Senate Committee on Government Operations

From: Commissioner Jennifer Morrison, Department of Public Safety

Date: October 28, 2022

Re: Report regarding broadcasting information on missing persons pursuant to 2022, No. 113,
§ 6a (S. 206)

Background

In April 2022, the House Committee on Human Services took testimony on [H. 530](#), An act relating to creating the Vermont Silver Alert Program. H. 530 proposed a statute regarding broadcasting information about and locating missing individuals who are 60 years of age or older or who have a psychiatric disability, developmental disability, or cognitive impairment. The Department of Public Safety (DPS) requested that the matter be studied further in part because DPS did not recommend using the Amber Alert statute (20 V.S.A. § 1828) as a template for a Silver Alert program in Vermont. As a result, the Committee included the following reporting provision in Act 113 (S. 206):

On or before November 1, 2022, the Department of Public Safety shall submit a written report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations with its recommendations regarding broadcasting information on missing persons with Alzheimer’s Disease or related disorders or cognitive disabilities to aid in locating those individuals, including any proposals for legislative action. In forming its recommendations, the Department shall consult with interested stakeholders, including the Vermont Chapter of the Alzheimer’s Association, Vermont Care Partners, and the Vermont Association on Mental Health and Addiction Recovery, and shall notify the Chairs of the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations as to the date, time, and location of stakeholder meetings.

[2022, No. 113](#), § 6a.

DPS formed an internal group with members of the Division of Emergency Management and the Vermont Intelligence Center to carry out the charge in Act 113. The group convened a

meeting with stakeholders on June 23, 2022, with representatives attending from the Vermont Chapter of the Alzheimer’s Association, Green Mountain Support Services, long-term care facilities, the Vermont Association of Adult Day Services, the Vermont Association of Broadcasters, and the Adult Services Division of the Department of Disabilities, Aging, and Independent Living. The internal group took feedback from that stakeholder meeting and continued to meet regularly throughout the summer and fall.

The group engaged in significant internal dialogue about the practical effectiveness of various notification systems and contacted other states regarding the operation of their notification systems for adult missing persons. As a result of this process, the group developed a draft DPS policy expanding the adult missing person search tools to include Wireless Emergency Alerts (WEA) in certain circumstances. The draft policy is called the Missing Vulnerable Person Alert Policy. The group sought feedback on the draft policy from the stakeholder meeting attendees in October 2022. The policy is attached to this report. DPS intends to implement a final version of this policy by March 1, 2023.

Recommendation

Act 113 instructs DPS to provide its recommendations regarding broadcasting information on missing persons with Alzheimer’s Disease or related disorders or cognitive disabilities to aid in locating those individuals, including any proposals for legislative action. DPS recommends implementing a final version of the Missing Vulnerable Person Alert Policy and reporting back to the Legislature each year for the next two years regarding the use and effectiveness of the policy. DPS does not recommend statutory changes at this time, but it may have recommendations for statutory changes once the policy has been implemented and tested in the field.

Explanation of Draft Policy and Missing Person Process

In reviewing the policy, please note the following:

- WEA consists of mass cell phone notifications in a particular geographic area regardless of whether the cell phone user opted into the alerts.
- The use of WEA is limited to certain criteria and to those deemed a “missing vulnerable person” under the draft policy. The policy expressly does not use an individual’s disability status as part of the definition of a missing vulnerable person, but rather the circumstances created by an individual’s disability or impairment (i.e., an individual “who is unable to protect themselves from significant harm” and is unable “to return to safety without assistance”). This was done in part to account for the difficulty of ascertaining someone’s disability in an emergency, and also to move away from categorizing individuals based on a disability generally.
- The additional criteria are based on discussions about what has been effective in other states and our internal conversations about what has been effective in Vermont. The “on foot” requirement is tailored to the circumstance of “wandering” by those with dementia and is specific to the narrow geographic area of a WEA alert.

- DPS decided against an age limitation for issuing these alerts because some individuals experience mental impairment at younger ages and in different forms beyond the traditional onset of dementia. Similarly, DPS decided against using the name “Silver Alert” for these types of alerts because of the implied age association of that color alert. Instead, DPS used a simple descriptor: “Missing Vulnerable Person Alert.”
- DPS is continuing a dialogue about traffic and lottery machine notification in appropriate circumstances, and this may be added to the draft policy in the future.
- DPS added the use of WEA in the form of written policy to allow for adaptation and changes in the future as the criteria are tested in the field.
- We do not recommend using the Emergency Alert System (EAS) for adult missing person cases at this time, in part because we have not experienced a problem with voluntary cooperation by the media with broadcasting information about missing persons. EAS consists of emergency broadcast alerts to television and radio with an automated message.
- DPS will be pursuing law enforcement training and public awareness messaging relating to this policy before its effective date.

This policy will supplement the existing process for locating adult missing persons in Vermont. Vermont’s current missing person statutes are contained in Subchapters 1 and 2 of Chapter 112 in Title 20. See 20 V.S.A. §§ 1820-1848. Subchapter 1 governs the process for a missing person complaint, report, dissemination of report, and search. Subchapter 2 regards search and rescue for persons who are missing or lost in the backcountry, remote areas, or waters of Vermont. The following process typically occurs under the framework provided in current law:

- An individual makes a complaint of a missing person to a law enforcement agency, often via a dispatcher.
- The law enforcement agency that has geographic jurisdiction over the complaint (the investigating agency, which is typically a municipal agency or the Vermont State Police) is responsible for entering the missing person information into the National Crime Information Center (NCIC) database.
- The investigating agency is responsible for disseminating the missing person information to other local law enforcement agencies and, via a press release, to “all media in the region in which the missing person lives, or was last seen, unless such disclosure would impede an ongoing investigation or unless otherwise requested by the complainant.” 20 V.S.A. § 1823(b)(3).
 - The media, in their discretion, may publicize the missing person information on their media platforms.
- The investigating agency is responsible for conducting a search for the missing person as appropriate under the circumstances.
 - Searches for missing persons whose whereabouts are unknown “within the backcountry, remote areas, or waters of the State” are conducted pursuant to

Subchapter 2 of Chapter 112, including involvement of the search and rescue coordinator, search and rescue team, and centralized incident command system.

Additionally, at the state level:

- The Vermont Intelligence Center (VIC) monitors the NCIC reports and issues weekly bulletins regarding missing persons in Vermont. The VIC follows up with the investigating agency on all active missing persons cases every 7 days until the conclusion of the case.
- Upon request from the investigating agency, the VIC can broadcast the missing person information on social media (Twitter, Instagram, and Facebook).
- Upon request from the investigating agency, Vermont Emergency Management (VEM) can issue a missing person alert via VT Alerts, including:
 - Reverse 911 robocall dialing of residential or commercial landline phones in a selected geographic area, and
 - Alerts to those who opt-in to VT Alerts via email, text, push notifications, or robocalls.
- At this time, VEM generally does not utilize the Emergency Alert System (EAS) or Wireless Emergency Alerts (WEA) for missing persons other than Amber Alerts for abducted children.
- At this time, DPS generally does not request activation of road signs or lottery machines for missing persons other than Amber Alerts for abducted children.

Conclusion

DPS intends to implement a final version of the Missing Vulnerable Person Alert Policy by March 1, 2023. We recommend reporting back to the Legislature each year for two years regarding the use and effectiveness of the policy. We do not recommend statutory changes at this time, but DPS may have recommendations for statutory changes in its yearly updates once the policy has been implemented and tested in the field.

Draft Policy

Missing Vulnerable Person Alert Policy
Department of Public Safety
Division of Emergency Management
Author: Ian Kilburn

Purpose: This policy establishes the guidelines for the issuance of a Missing Vulnerable Persons Alert utilizing the VT-Alert Mass Notification System.

Applicable to: Vermont Emergency Management and approved alerting authorities who have adopted VT-Alert as their mass notification tool.

Definitions:

VT-Alert: VT-Alert is the Division of Emergency Management's mass notification tool to the public to notify the public of emergency situations. VT-Alert is used by state and local governments to ensure timely notifications are made to the public.

The VT-Alert system is comprised of opt-in subscribers, reverse landline dialing (including business and residential classes, also known as reverse 9-1-1 dialing), as well as the Integrated Public Alert Warning System (IPAWS).

IPAWS: Integrated Public Alert Warning System is the Federal Emergency Management Agency's (FEMA) national system for local alerting that provides authenticated emergency and life-saving information to public via the Wireless Emergency Alert (WEA) system and the Emergency Alert System (EAS).

- **WEA:** Wireless Emergency Alert system, part of IPAWS, sends push notifications to mobile phones in a geographic area.
- **EAS:** Emergency Alert System, part of IPAWS, sends alert messages to radio and television broadcasters.

Missing Vulnerable Person: A person whose whereabouts are unknown, who is unable to protect themselves from significant harm **and** is believed to be in danger of death or serious bodily injury due to an inability to be located safely or an inability to return to safety without assistance.

Alert Requirements: (To be completed by requesting law enforcement agency)

1. Missing person meets the definition of Missing Vulnerable Person;
2. Report has been made to a Vermont law enforcement agency with geographic jurisdiction over the missing person case;
3. Person(s) have been entered into the National Crime Information Center (NCIC) as a "Missing Person – Endangered";
4. A request has been made to the Vermont State Police (VSP);
 - a. Business hours: appropriate Barracks Commander
 - b. After-hours: Appropriate VSP Watch Commander (i.e., Northern or Southern Zone Command)
5. The request for a Missing Vulnerable Persons Alert has been submitted to Vermont Emergency Management Watch Officer via the request form AND follow up with a phone call via 800-347-0488
6. Requests for a Missing Vulnerable Persons Alert to be issued via WEA and reverse landline dialing will only be issued during the hours of 6:00 AM to 10:00 PM.

Criteria for a Missing Vulnerable Person Alert via VT-Alert to Reverse landline dialing and the Wireless Emergency Alert System:

1. Missing vulnerable person has been missing for 24-hours or less;
2. Missing vulnerable person is believed or known to be on foot;

3. There is sufficient information available to disseminate that could assist in locating the missing vulnerable person (i.e., physical description, clothing description, last known location, etc.); and
4. The search for the missing vulnerable person has been initiated and is still being conducted.

Criteria for a Missing Vulnerable Person Alert via VT-Alert to opt-in subscribers:

1. Missing vulnerable person has been missing for 72-hours or less; and
2. There is sufficient information available to disseminate that could assist in locating the missing vulnerable person (i.e., physical description, clothing description, last known location, etc.)

Suggested additional actions of the lead law enforcement agency

1. Issue a press release to local media to include a recent photo of the missing person
2. Social media postings on official department/agency pages
3. Consult with the Vermont Intelligence Center via 802-872-6110 for additional assistance and broadcasts
4. Lead law enforcement agency should notify the Vermont Emergency Management Watch Officer when the missing vulnerable person is located
 - a. A cancelation alert should be considered if the missing vulnerable person is located within 24-48 hours. Cancelation alerts will be issued only to VT-Alert opt-in subscribers.