

SILVER ALERT INITIATIVES IN THE STATES

3/13/2009

Protecting Seniors with Cognitive
Impairments



Silver Alert Initiatives in the States

PROTECTING SENIORS WITH COGNITIVE IMPAIRMENTS

INTRODUCTION

To help protect an increasing number of citizens with cognitive impairments who wander and become missing, several states have initiated “Silver Alert” programs. Silver Alert programs are modeled after the Amber Alert programs for missing children now in effect in all 50 states. The alert programs can quickly distribute information about missing persons to law enforcement, radio, and television stations. The alerts are designed to advise the public of a missing adult, using radio and television broadcasts, as well as using other messaging alternatives such as traffic signs. While the Amber Alert programs quickly disseminate information about missing children, Silver Alert programs are designed particularly to protect adults with Alzheimer’s disease or other forms of dementia.

In May 2008, NASUA conducted a survey of the states to determine which have a Silver Alert program, how they fund it and how each administers the program. At that time, we found that seven states had Silver Alert Programs and at least two states reported they had legislation pending. Colorado, Georgia, Missouri, North Carolina, Oklahoma, Texas, and Virginia had Silver Alert Programs in place. Ohio had legislation that has been signed by the governor but is not yet effective.

“It is common for a person with dementia to wander and become lost; many repeatedly. In fact, over 60 percent of those with dementia will wander at some point.”

Alzheimer’s Association

Due to the demand for further information on Silver Alerts at the state and federal level, NASUA conducted a follow-up survey in January 2009. This report is an updated version of the original report prepared in May 2008.¹

¹ The original report is available on the NASUA website: www.nasua.org

Overview of the States

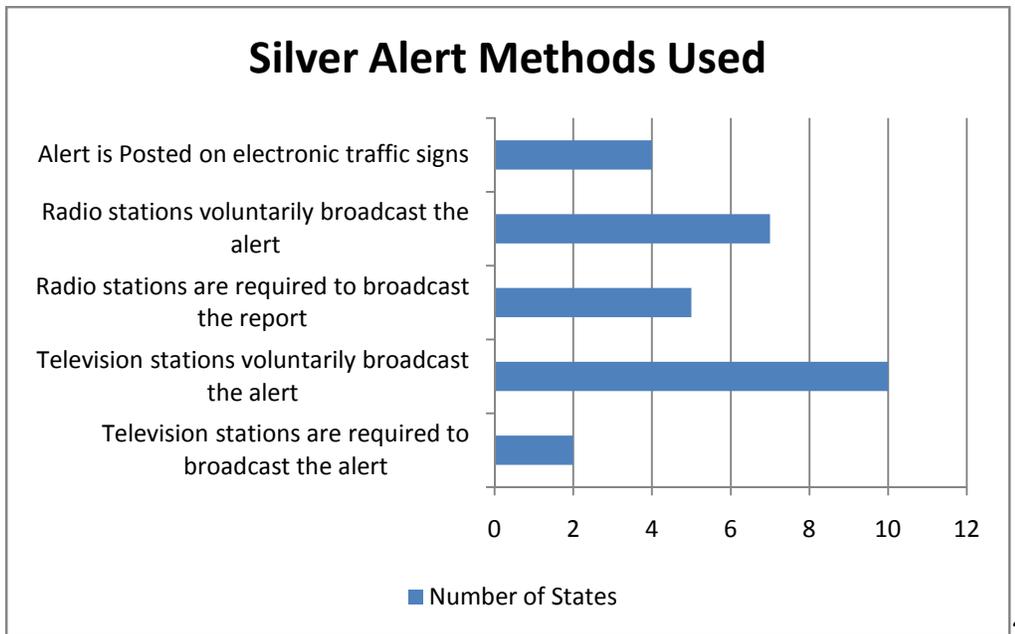
The federal government does not currently mandate that states implement Silver Alert programs. Of the 50 states, we found 18 states had a program in place to deliver alerts about missing seniors and individuals with cognitive impairments. Of these 18, three states (Arizona, Minnesota and New Mexico) have missing persons alert systems that disseminate information about all missing people, regardless of age or impairment. Fourteen states currently have legislation pending. Eighteen states have neither.

States with Silver Alert Programs	States with Pending Legislation	States Without
<i>Arizona</i> ² Colorado Delaware Florida Georgia Kentucky Louisiana Minnesota Missouri New Hampshire New Mexico North Carolina Oklahoma Ohio Rhode Island South Carolina Texas Virginia	Alabama Arkansas California Connecticut Hawaii Indiana Kansas Maryland Massachusetts Nevada New Jersey Tennessee West Virginia Wisconsin	Alaska Idaho Illinois Iowa Maine Michigan Mississippi Montana Nebraska New York North Dakota Oregon Pennsylvania South Dakota Utah Vermont Washington Wyoming

The states that responded to the survey reported that the most prevalent method of distributing the alert was through television stations who voluntarily broadcast the alert. This method is employed in ten states. An additional two states require television stations to broadcast alerts. In most cases, the alerts refer concerned individuals to contact local law enforcement agencies. In Ohio, anyone with information is directed to the missing adults' website, where they will find a description of the missing person, and the circumstances under which they went missing.³ This website includes a phone number to call to report information, as well as the name of the officer assigned to the case. Additional methods of communicating the alert are listed in the following chart.

² Italicized states have over-arching Missing Persons Alerts that include senior citizens.

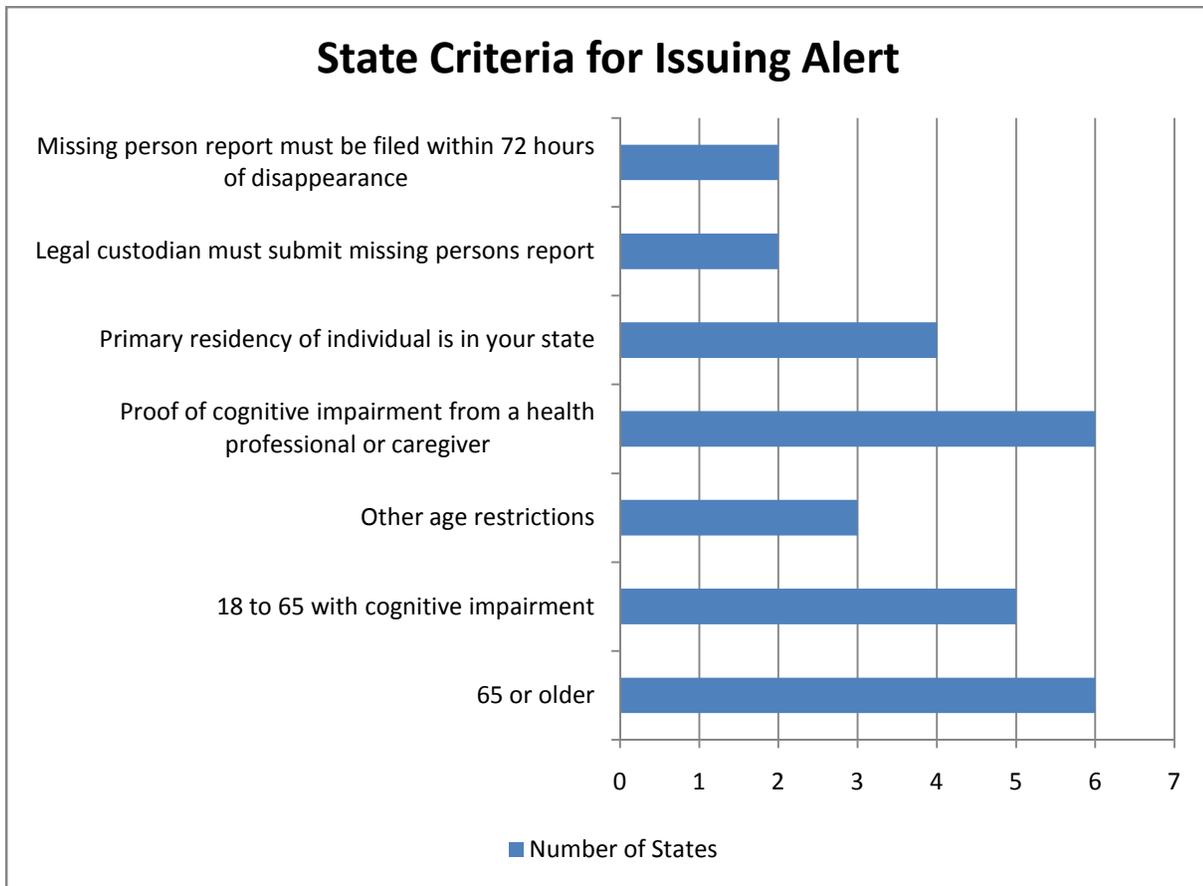
³ <http://www.missingadults.ohio.gov/OhioMAA/Home.aspx>



The eligibility criteria for a silver alert vary from state to state. The most common criterion for a silver alert is an age restriction (65+ or other). The second most common criterion is proof of a cognitive impairment provided by either a health care provider or a caregiver. One criterion that is a bit controversial is the requirement that a missing person report be filed; in some cases the individual must be missing for 48 hours before a report can be filed. Two of the respondents to the survey mentioned their concerns about the requirement, as it meant the missing person had more time to wander, and thus a higher chance of injuring themselves or becoming confused. They felt an immediate alert would be more successful. In the Amber alert system, there is no waiting period before the dissemination of information after a child goes missing. The federal Amber alert website reads “The goal of an AMBER Alert is to *instantly* galvanize the entire community to assist in the search for and the safe recovery of the child.”⁵

⁴ The charts represent data from states that answered the January 2009 follow-up survey.

⁵ <http://www.amberalert.gov/>



State Examples

Colorado

In February 2007, Colorado's governor signed the Silver Alert program into law, creating an alert program for senior citizens and individuals with developmental disabilities. Colorado's program requires that the caretaker provides to law enforcement officials evidence of the missing person's impaired mental condition. Once the information is verified, the information is sent out to designated media outlets in Colorado including radio stations, television stations, and other media outlets that are required to broadcast the alert at designated intervals.

Georgia

Georgia's Silver Alert Program is called "Maddie's Call." The program is for older persons with Alzheimer's disease and/or dementia. "Maddie's Call" was established by the Georgia General Assembly in 2006 and provides an emergency missing alert for disabled or elderly persons. Georgia law defines "disabled adults" as individuals who are developmentally impaired or who suffer from dementia or some other cognitive impairment. The Georgia Bureau of Investigations runs the program and several criteria are in place for activation of the call including:

1. A local law enforcement agency believes a disabled person is missing and is in immediate danger of serious bodily injury or death.

2. Through its own investigation, the law enforcement agency verifies the disappearance and eliminates alternative explanations for the disabled person's disappearance.
3. Sufficient information is available to disseminate to the public that could assist in locating the disabled person.
4. The missing disabled person is entered into the National Crime Information Center (NCIC) database.
5. The law enforcement agency must issue a statewide broadcast to law enforcement/911 centers and contact local media regarding the missing person.

Missouri

Missouri has an Endangered Persons Advisory that is similar to the Amber Alert system. The Endangered Persons Advisory is used to develop and coordinate the efforts of law enforcement and the media in order to increase public participation in safely recovering endangered missing person by increased communication and effective resources sharing. The Advisory is used when a person is missing under unexplained circumstances (not just suspicious) and is an at-risk adult, or the circumstances fail to meet the criteria for an Amber Alert for a missing child. Information is disseminated to law enforcement agencies, broadcasters, and the public using the same methods as the Amber Alert and, in addition includes the use of electronic signs, communication capabilities of private entities, and a portal that allows law enforcement to directly issue and update alerts to any subscribing individual or agency. The Endangered Person Advisory Program is initiated solely by Missouri law enforcement agencies using the following criteria:

1. Is the person missing under unexplained, involuntary, or suspicious circumstances?
2. Is the person believed to be in danger because of age, health, mental or physical disability, environment or weather conditions?
3. Is the person in the company of a potentially dangerous person or some other factor that might put the person in peril?
4. Is there information that could assist the public in the safe recovery of the person?

Missouri's Endangered Person Advisory is a cooperative effort between the Missouri Department of Public Safety, the Missouri State Highway Patrol, the Missouri Department of Health and Senior Services, the Missouri Police Chiefs Association, the Missouri Sheriffs Association, and the Missouri Broadcasters Association. Missouri reported that there are no costs associated with the program.

North Carolina

North Carolina has a Silver Alert program that was established by the General Assembly to locate individuals suffering from dementia or other cognitive impairments. The North Carolina Silver Alert program is operated through the North Carolina Center for Missing Persons with voluntary participation by radio and television broadcasters and the North Carolina Department of Transportation.

The North Carolina model is designed to protect the rights of the missing individual by not releasing specific health information about the missing person that may subject the individual to potential harm, abuse, or exploitation.

The criteria for the North Carolina Silver Alert program are as follows:

1. The person is 18 years or older.
2. The person is believed to be suffering from dementia or other cognitive impairment.
3. The person is believed to be missing-regardless of circumstance.
4. A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing.
5. Law enforcement reports the incident to the North Carolina Center for Missing Persons.

Oklahoma

The Oklahoma Silver Alert System was established in 2006, following a resolution that called for the establishment of a Silver Alert System, but did not require it by law. In 2007, the legislature passed an amendment to make the program mandatory by law. The alert system is activated for patients with Alzheimer's Disease, dementia or other health issues. The key difference in the Amber Alert system and the Silver Alert program in Oklahoma is that the Silver Alert program does not interrupt broadcast programming like the Amber Alert program does.

The Oklahoma Department of Public Safety reports that so far the system does not seem to be overused. This was a concern about the program before its implementation. Approximately ten seniors have been found since its implementation.

Texas

The Texas Silver Alert is integrated with the Texas AMBER Alert system to make up the Texas AMBER/Silver Alert Network. The program is administered through the Texas Department of Public safety, and is funded through the Office of the Governor, Criminal Justice Division. The Silver Alert system, implemented September 1, 2007, is the result of state legislation that Governor Perry signed on May 14, 2007.

The Texas system requires the following:

1. The person must be a senior age 65 or older.
2. The person must have Texas as their primary residence.
3. The person must have a written diagnosis from a medical or mental health professional stating the senior suffers from an impaired mental condition. The disappearance must pose a credible threat to the senior's health and safety.
4. The report must be filed within 72 hours of the disappearance.
5. Sufficient information must be available to disseminate to the public that could assist in locating the missing senior.

Since September 1, 2007, when the Program began, 31 activations of the Texas Silver Alert Network have occurred.

Virginia

Virginia has a Senior Alert Program that is administered through the Virginia State Police. The legislation was developed by the Virginia Alzheimer's Association chapters and the Virginia Office of the Attorney General. It was passed with bipartisan support in 2007. However, no funding was offered by the state, but the state police offered to absorb the costs of administration.

The program is so new that it is too early to report its impact or any data regarding utilization of the service.

State Legislative Resources

The states approaches to Silver Alert legislation vary widely. Most states have established independent programs through legislation passed by their general assemblies. A few states have chosen to amend existing Amber Alert bills to include senior citizens and individuals with disabilities.

Legislative Examples

The Delaware Gold Alert activates alerts for missing senior citizens, missing suicidal persons, and missing persons with disabilities. It is based on the existing Delaware missing children's alert (A Child is Missing (ACIM)).

To view the legislation:

<http://delcode.delaware.gov/title11/c085/sc07/index.shtml>

The Louisiana Silver Alert activates advisories for senior citizens with verified mental impairments.

To view the legislation:

<http://www.legis.state.la.us/billdata/streamdocument.asp?did=488679>

The Colorado Silver Alert triggers an alarm for missing senior citizens or individuals with developmental disabilities.

To view legislation:

[http://www.leg.state.co.us/clics/clics2007a/csl.nsf/0/c99f45dddfbc8c9187257251007b66ad/\\$FILE/wptemp.txt](http://www.leg.state.co.us/clics/clics2007a/csl.nsf/0/c99f45dddfbc8c9187257251007b66ad/$FILE/wptemp.txt)

The New Mexico Missing Persons Clearinghouse collects information on missing persons for use by law enforcement officials, and distributes the announcement via flyers, posters and other methods.

To view legislation:

<http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-hit-h.htm&2.0>

Issues and Concerns

“Will false alarms erode the public’s faith in the system and their willingness to listen and respond to these messages?”

-Concerned Respondent

Several concerns were raised by the state unit directors who completed the survey. The top concern was that the alerts might be overused. Twelve of the respondents to the survey reported that they were concerned that the Silver Alert had been over used or abused in their state. One state reported that the police in their state “feel as though the families and caregivers repeatedly allow individuals to wander because they know that law enforcement officials will find them.”⁶ Echoing this sentiment, former New York State Governor Pataki vetoed their silver alert system with a veto message that indicated that the silver alert system would weaken the Amber Alert system by making the alerts “too common.” Three states that responded to the survey reported the silver alert had been activated ten times or less, while two states reported their silver alert being activated over 30 times.

On the other hand, two respondents reported that they thought the Silver Alert in their state was underutilized. Both of these states indicated that they thought one reason it was underutilized was that not enough information about the program was available. Other reasons cited for the underutilization of the programs were a lack of funding and a lack of coordination between the responsible agencies.

Another concern expressed by states was that the cost would be high. Of the states responding to the survey, however, most of the states indicated that the costs of administering each program were minimal. Four states that responded to the survey indicated there were no reported costs.

Protecting the rights of the missing seniors was also a concern raised by several states fearing that the individual’s privacy may be violated. One respondent wrote “I am concerned that this approach can be a violation of privacy and dignity. Wanderers don’t go beyond their communities so there is no need for this kind of state broadcast alert system. There are very few “lost” elders who have life-threatening experiences, and these are due to weather, not abductions or elopement.” The states with Silver Alert systems in place indicated that they had tight controls in place to guard against exploitation of wanderers, but they should continue to be assessed and monitored.

Federal Legislation

On May 8, 2008 U.S. Representative Gus M. Bilirakis (R-Fla.) introduced federal legislation that would establish a national grant program to help states and territories establish Silver Alert notification systems to locate missing individuals suffering from dementia-related illnesses. The Silver Alert Grant Program Act of 2008 would establish a grant program within the Department of Justice to allow states with an approved application to obtain federal funding for the establishment of Silver Alert programs or to make improvements to existing ones. This legislation was introduced and assigned to subcommittee, which held hearings but took no further action.

In February 2009 the House passed H.R. 632, authored by Representative Lloyd Doggett (D-Texas) and Representative Sue Myrick (R-N.C.), to encourage, enhance and integrate silver alert programs throughout the United States. The legislation contains portions of the legislation introduced by Representative Bilirakis in 2008. The bill has 12 co-sponsors. This legislation would create a national coordinator of the Silver Alert communications network at the Department of Justice. The legislation would also establish a federal grant program to develop and enhance Silver Alert Programs in the states and territories. The grants offered to states and territories would help states establish and operate silver alert notification systems to help find missing seniors. Five million dollars is authorized by the bill for each of the fiscal years 2009-2013. On February 11, the legislation was referred to the Senate Committee on the Judiciary.

⁶ This statement was made in the first survey in May 2008.

NASUA will continue to monitor this legislation.

For more information:

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APPENDICES

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APPENDIX A- ADDITIONAL STATE RESOURCES

Colorado

This is a link to the Colorado legislation for the Silver Alert program, which is housed at the Colorado Bureau of Investigation.

[http://www.leg.state.co.us/clics/clics2007a/csl.nsf/0/c99f45dddffc8c9187257251007b66ad/\\$FILE/wptemp.txt](http://www.leg.state.co.us/clics/clics2007a/csl.nsf/0/c99f45dddffc8c9187257251007b66ad/$FILE/wptemp.txt)

Delaware

This is a link to the Delaware legislation for their gold alert program, which is administered by the state police.

<http://delcode.delaware.gov/title11/c085/sc07/index.shtml>

Florida

This is a link to the consumer website of the Florida Silver Alert program.

<http://www3.fdle.state.fl.us/MCICSearch/SilverAlerts.asp>

Louisiana

This is a link to the Louisiana legislation for the Silver Alert Program, which is administered by the Department of Public Safety.

<http://www.legis.state.la.us/billdata/streamdocument.asp?did=488679>

Ohio

This is a link to the Ohio Missing Adult Alert website for consumers and professionals, which gives an overview of the program components. The website also issues a descriptive alert of the missing adult and contact information to report any information concerning the missing person.

<http://www.missingadults.ohio.gov/OhioMAA/Home.aspx>

New Mexico

This is a link to the New Mexico Missing Person Information page, which was developed as a clearinghouse of information for missing persons of any age or state of mind.

<http://missingpersons.osogrande.com/>

North Carolina

This is a link to the North Carolina Aging Planning Bulletin (APB) for Wandering Behavior. The APB is a training document developed by the State Unit on Aging in conjunction with the AAAs to aide local advisory councils in planning for aging services in their area. The topics are chosen from a list of "hot topics" developed in conjunction with the AAAs. Completed APBs are sent to the AAAs for use in planning and for further distribution.

To view the APB for Wandering Behavior:

http://www.ncdhhs.gov/aging/pub/apb7_demenita.pdf

The Aging Planning Bulletins were developed to aide local advisory councils in planning for aging services in their area. To view other North Carolina APBs:

<http://www.ncdhhs.gov/aging/pub.htm#PB>

Nevada

This is a link to the legislation for the Silver Alert in Nevada, which has been introduced, but not yet passed.

<http://www.leg.state.nv.us/75th2009/Bills/AB/AB4.pdf>

APPENDIX B- ADDITIONAL RESOURCES

U.S. House of Representatives

This is a link to access the Library of Congress' search engine, Thomas. To view the bill, visit Thomas.gov and search House Bill 632, sponsored by Rep Doggett, Lloyd [TX-25].

www.thomas.gov

Amber Alert

This is a link to view comprehensive information about the Amber Alert, on which the Silver Alert is based.

<http://www.amberalert.gov/>

NASUA

This is a link to the NASUA website.

www.nasua.org