

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 3 Assault or Battery of a Law Enforcement Officer

SPONSOR(S): Criminal Justice Subcommittee; Nehr and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 464

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Krol	Cunningham
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

In May 2008, Governor Charlie Crist signed an Executive Order establishing the Florida Law Enforcement Officer (LEO) Alert. This alert was created 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 used a vehicle to flee in an attempt to escape. The LEO Alert is issued when an offender kills or seriously injures a law enforcement officer and a detailed description of the offender's vehicle or means of escape is available to broadcast to the public using highway Dynamic Message Signs and other highway advisory methods.

CS/HB 3 creates s. 784.071, F.S., establishing a "blue alert." A blue alert is issued at the request of an authorized person at a law enforcement agency 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 can be issued.

The bill requires the Florida Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation to activate the Emergency Alert System and issue a blue alert.

The bill provides that the blue alert will 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 provides an effective date of October 1, 2011 and is estimated to have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

In May 2008, Governor Charlie Crist signed an Executive Order establishing the Florida Law Enforcement Officer (LEO) Alert.¹ The LEO Alert was created 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 used a vehicle to flee in an attempt to escape.²

The Executive Order directed the Florida Department of Transportation (FDOT) and the Department of Highway Safety and Motor Vehicles' Florida Highway Patrol (FHP) to coordinate with the Florida Department of Law Enforcement (FDLE) to immediately broadcast important information about an offender who has killed or critically injured a law enforcement officer.³ The information is broadcast through FDOT's highway Dynamic Message Signs and other highway advisory methods alerting the public to report information about the offender to the investigating law enforcement agency (investigating agency), thereby increasing the chances of apprehension.⁴

The coordination between the agencies created the Florida LEO ALERT Plan Policy. This policy outlines the criteria needed to activate an LEO Alert and the steps each agency must take in the alert activation process. Before an LEO Alert can be activated, the policy specifies that the following criteria must be met:

- 1) The offender killed or critically injured a law enforcement officer.
- 2) The investigating agency determines that the offender poses a serious public risk.
- 3) A detailed description of the offender's vehicle or other means of escape is available for broadcast.
- 4) The activation must be recommended by the investigating agency.⁵

The policy also establishes the LEO Alert activation process, which occurs in the following order:

- 1) The investigating agency calls FDLE's Florida Fusion Center (FFC) located in Tallahassee. The FFC is manned 24 hours a day, seven days a week.
- 2) FDLE works with the investigating agency to offer assistance, ensures the activation criteria have been met, and determines if the alert will be displayed regionally or statewide.
- 3) FDLE works with the investigating agency to prepare information for public release, including suspect and/or suspect vehicle information, as well as agency contact information.
- 4) FDLE contacts FHP's Orlando Regional Communications Center (ORCC) to send the LEO Alert. ORCC relays that information to other regional communication centers where the activation is to take place.
- 5) FDLE contacts 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.

¹ Office of the Governor, Executive Order Number 08-81.

² FDLE 2011 Analysis of HB 3.

³ *Id.*

⁴ The Florida LEO ALERT Plan Policy. Updated 4/29/08. On file with Criminal Justice Subcommittee staff.

⁵ *Id.*

- 6) FDOT displays the message until the offender is captured or for a maximum of six hours. The alert is 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 records an LEO Alert message on the My Florida 511 System⁶ when the LEO Alert is activated.
- 7) Once FDLE is notified that the offender has been captured, FDLE contacts the appropriate parties to cancel the alert. FHP then notifies its other offices of the cancellation.⁷

The LEO Alert Policy Plan requires each activation to 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.⁸

Effect of the Bill

CS/HB 3 creates a “blue alert.” At the request of an authorized person at a law enforcement agency, the Florida Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation will activate the Emergency Alert System and issue a blue alert if all of the following conditions are met:

- A law enforcement officer has been killed, has suffered serious bodily injury, or has been assaulted with a deadly weapon; or a law enforcement officer is missing while in the line of duty under circumstances evidencing concern for the officer’s safety.
- The suspect has fled the scene of the offense.
- The investigating agency determines that the suspect poses an imminent threat to the public or other law enforcement officers.
- A detailed description of the suspect’s vehicle, or other means of escape, or license plate of the suspect’s vehicle is available for broadcast.
- Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect; and
- 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 requires the blue alert to 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 section to display traffic emergency information on a highway message sign in lieu of displaying blue alert information.

⁶ The My Florida 511 System is a free telephone service provided by FDOT that allows the public to access information on traffic congestion, construction, crashes, and serve or unusual weather conditions effecting traffic.

⁷ *Supra* the Florida LEO ALERT Plan Policy. The same activation steps are used if there is revised vehicle information or a broadcast area is changed.

⁸ *Id.*

B. SECTION DIRECTORY:

Section 1. Creates 784.071, F.S., relating to assault or battery on a law enforcement officer; missing while in line of duty; blue alert.

Section 2. Provides an effective date of October 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Highway Safety and Motor Vehicles and FDLE report that the bill will have no fiscal impact as the Law Enforcement Officer Alert Plan has been in existence since May 2008.⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

It appears the bill would have no fiscal impact on local governments as the Law Enforcement Officer Alert Plan has been in existence since May 2008.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

⁹ The Department of Highway and Motor Vehicles 2011 Analysis of HB 3 and FDLE 2011 Analysis of HB 3.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 8, 2011, the Criminal Justice Subcommittee adopted a strike-all amendment to the bill and reported the bill favorably as a Committee Substitute. The strike-all amendment:

- Requires the Florida Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation to activate the Emergency Alert System and issue a blue alert.
- Modifies the conditions for which a blue alert may be issued by adding provisions for law enforcement officers missing in the line of duty under circumstances evidencing concern for the officer's safety.
- Provides that the blue alert will 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.
- Specifies that it is not a violation of this section to display traffic emergency information on a highway message sign in lieu of displaying blue alert information.

This analysis is drafted to the Committee Substitute.