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LD 496

"An Act Regarding the Time Frame for Issuing a Silver Alert and to Require Silver Alerts for All
Persons Missing from Certain Inpatient Facilities"

Before the Joint Standing Committee on Criminal Justice and Public Safety,
March 26, 2025

Senator Beebe-Center, Representative Hasenfus, and members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Brodie Hinckley, Director of the Emergency Communications Bureau at the Department of Public Safety, and appear before you today to speak against LD 496, An Act Regarding the Time Frame for Issuing a Silver Alert and to Require Silver Alerts for all Persons Missing from Certain Inpatient Facilities. The department takes this position because existing systems and practices are in place that we believe address the concerns outlined in this bill.

The Silver Alert Program was initially established to help locate a person who was missing due to deterioration of intellectual faculties, such as dementia, and who was 60 years of age or older. In 2021, it was updated to missing endangered person, which is defined as a person who is believed to be in danger because of the person's age, mental or physical health, or intellectual or developmental disability because of environment or weather conditions, or because the person is missing in dangerous, unexplained, involuntary or suspicious circumstances as determined by a local law enforcement agency.

The National Crime Information Center (NCIC) defines an endangered person as a person of any age who is missing under circumstances indicating that his/her physical safety may be in danger. We can not automatically consider a missing endangered person until a local law enforcement agency has confirmed these criteria.

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A local law enforcement agency must request a Silver Alert through the Department of Public Safety. Once approved, the Public Information Officer of DPS will send a group email to the press, Maine Lottery, Scientific Games, Maine DOT, and the Maine Turnpike Authority, providing them with the information to display on their devices. Prior to the request, the local Law Enforcement Agency will complete an Endangered Missing Person report, which will activate a teletype that reaches all local law enforcement agency dispatch centers. We do not have the means to notify all hospitals, homeless shelters, soup kitchens, and public libraries in the state within 24 hours. The local Law Enforcement Agency is required to conduct an exhaustive search prior to activating a Silver Alert, which may include checking these facilities if warranted.

There is also a belief that these Silver Alerts could result in the activation of the Emergency Alert System (EAS), which is not accurate. The EAS is utilized for widespread emergencies, disasters, and the Amber Alert. The use of this system is strictly controlled by the Federal Communications Commission (FCC), and this type of incident does not qualify.

Since 2022, we have issued 128 Silver Alerts. It is important to take into account that the new language in this LD requires that the alert must be reissued after 2 weeks and every 2 weeks thereafter. We do not want to dilute the overall effectiveness of these alerts. If we send them out daily or weekly, the concern is that the public will not pay attention to them. Additionally, the intent of the Silver Alert Program is to disseminate information as quickly as possible in a controlled and regulated manner, thereby ensuring its effectiveness. After the initial activation, it is the responsibility of the local Law Enforcement Agency to provide updates.

Since we have been keeping better track of Silver Alerts, a majority have been located by Law Enforcement, family members, or returned home. Only 4% have been located by the general public based on the Silver Alert Program.

There will be a fiscal impact associated with this, as we would request that a part-time position be created to support the Silver Alert Program. The position would assist with follow-up, ensure the alert is sent out every two weeks, and educate Law Enforcement and the general public about the program.

We would also need a messaging platform to notify the hospitals, homeless shelters, soup kitchens, and public libraries. We are not aware of such a program, but we will do more research into it.

Thank you, and I would be happy to answer any questions the Committee may have.

Respectfully,

A handwritten signature in cursive script that reads "Brodie Hinckley".

Brodie Hinckley