

111TH CONGRESS
2^D SESSION

S. 3972

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2010

Mr. CARDIN (for himself, Mr. GRAHAM, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Blue Alert
5 Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “Coordinator” means the Blue
2 Alert Coordinator of the Department of Justice des-
3 ignated under section 4(a);

4 (2) the term “Blue Alert” means information
5 relating to the serious injury or death of a law en-
6 forcement officer in the line of duty sent through the
7 network;

8 (3) the term “Blue Alert plan” means the plan
9 of a State, unit of local government, or Federal
10 agency participating in the network for the dissemi-
11 nation of information received as a Blue Alert;

12 (4) the term “network” means the Blue Alert
13 communications network established by the Attorney
14 General under section 3; and

15 (5) term “State” means each of the 50 States,
16 the District of Columbia, the Commonwealth of
17 Puerto Rico, the United States Virgin Islands,
18 Guam, American Samoa, and the Commonwealth of
19 the Northern Mariana Islands.

20 **SEC. 3. BLUE ALERT COMMUNICATIONS NETWORK.**

21 The Attorney General shall establish a national Blue
22 Alert communications network within the Department of
23 Justice to issue Blue Alerts through the initiation, facilita-
24 tion, and promotion of Blue Alert plans, in coordination

1 with States, units of local government, law enforcement
2 agencies, and other appropriate entities.

3 **SEC. 4. BLUE ALERT COORDINATOR; GUIDELINES.**

4 (a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the
5 Department of Justice to act as the national coordinator
6 of the Blue Alert communications network.

8 (b) DUTIES OF THE COORDINATOR.—The Coordinator shall—

10 (1) encourage States and units of local government to develop additional Blue Alert plans;

12 (2) establish voluntary guidelines for States and units of local government to use in developing Blue
13 Alert plans that will promote compatible and integrated Blue Alert plans throughout the United
14 States, including—

17 (A) a list of the resources necessary to establish a Blue Alert plan;

19 (B) criteria for evaluating whether a situation warrants issuing a Blue Alert;

21 (C) guidelines to protect the privacy, dignity, independence, and autonomy of any law
22 enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement
23 officer;
24
25

1 (D) guidelines that a Blue Alert should
2 only be issued with respect to a law enforce-
3 ment officer if—

4 (i) the law enforcement agency in-
5 volved—

6 (I) confirms—

7 (aa) the death or serious in-
8 jury of the law enforcement offi-
9 cer; or

10 (bb) the attack on the law
11 enforcement officer and that
12 there is an indication of the
13 death or serious injury of the of-
14 ficer; or

15 (II) concludes that the law en-
16 forcement officer is missing in the line
17 of duty;

18 (ii) there is an indication of serious
19 injury to or death of the law enforcement
20 officer;

21 (iii) the suspect involved has not been
22 apprehended; and

23 (iv) there is sufficient descriptive in-
24 formation of the suspect involved and any
25 relevant vehicle and tag numbers;

1 (E) guidelines—

2 (i) that information relating to a law
3 enforcement officer who is seriously in-
4 jured or killed in the line of duty should be
5 provided to the National Crime Informa-
6 tion Center database operated by the Fed-
7 eral Bureau of Investigation under section
8 534 of title 28, United States Code, and
9 any relevant crime information repository
10 of the State involved;

11 (ii) that a Blue Alert should, to the
12 maximum extent practicable (as deter-
13 mined by the Coordinator in consultation
14 with law enforcement agencies of States
15 and units of local governments), be limited
16 to the geographic areas most likely to fa-
17 cilitate the apprehension of the suspect in-
18 volved or which the suspect could reason-
19 ably reach, which should not be limited to
20 State lines;

21 (iii) for law enforcement agencies of
22 States or units of local government to de-
23 velop plans to communicate information to
24 neighboring States to provide for seamless
25 communication of a Blue Alert; and

- 1 (iv) providing that a Blue Alert
2 should be suspended when the suspect in-
3 volved is apprehended or when the law en-
4 forcement agency involved determines that
5 the Blue Alert is no longer effective; and
6 (F) guidelines for—
- 7 (i) the issuance of Blue Alerts
8 through the network; and
9 (ii) the extent of the dissemination of
10 alerts issued through the network;
- 11 (3) develop protocols for efforts to apprehend
12 suspects that address activities during the period be-
13 ginning at the time of the initial notification of a
14 law enforcement agency that a suspect has not been
15 apprehended and ending at the time of apprehension
16 of a suspect or when the law enforcement agency in-
17 volved determines that the Blue Alert is no longer
18 effective, including protocols regulating—
- 19 (A) the use of public safety communica-
20 tions;
- 21 (B) command center operations; and
22 (C) incident review, evaluation, debriefing,
23 and public information procedures;

1 (4) work with States to ensure appropriate re-
2 gional coordination of various elements of the net-
3 work;

4 (5) establish an advisory group to assist States,
5 units of local government, law enforcement agencies,
6 and other entities involved in the network with initi-
7 ating, facilitating, and promoting Blue Alert plans,
8 which shall include—

9 (A) to the maximum extent practicable,
10 representation from the various geographic re-
11 gions of the United States; and

12 (B) members who are—

13 (i) representatives of law enforcement
14 organizations, law enforcement agencies,
15 and public safety communications;

16 (ii) broadcasters, first responders, dis-
17 patchers, and radio station personnel; and

18 (iii) representatives of any other indi-
19 viduals or organizations that the Coordi-
20 nator determines are necessary to the suc-
21 cess of the network; and

22 (6) act as the nationwide point of contact for—

23 (A) the development of the network; and

24 (B) regional coordination of Blue Alerts
25 through the network.

1 (c) LIMITATIONS.—

2 (1) VOLUNTARY PARTICIPATION.—The guide-
3 lines established under subsection (b)(2), protocols
4 developed under subsection (b)(3), and other pro-
5 grams established under subsection (b), shall not be
6 mandatory.

7 (2) DISSEMINATION OF INFORMATION.—The
8 guidelines established under subsection (b)(2) shall,
9 to the maximum extent practicable (as determined
10 by the Coordinator in consultation with law enforce-
11 ment agencies of States and units of local govern-
12 ment), provide that appropriate information relating
13 to a Blue Alert is disseminated to the appropriate
14 officials of law enforcement agencies, public health
15 agencies, and other agencies.

16 (3) PRIVACY AND CIVIL LIBERTIES PROTEC-
17 TIONS.—The guidelines established under subsection
18 (b) shall—

19 (A) provide mechanisms that ensure that
20 Blue Alerts comply with all applicable Federal,
21 State, and local privacy laws and regulations;
22 and

23 (B) include standards that specifically pro-
24 vide for the protection of the civil liberties, in-
25 cluding the privacy, of law enforcement officers

1 who are seriously injured or killed in the line of
2 duty and the families of the officers.

3 (d) COOPERATION WITH OTHER AGENCIES.—The
4 Coordinator shall cooperate with the Secretary of Home-
5 land Security, the Secretary of Transportation, the Chair-
6 man of the Federal Communications Commission, and ap-
7 propriate offices of the Department of Justice in carrying
8 out activities under this Act.

9 (e) REPORTS.—Not later than 1 year after the date
10 of enactment of this Act, and annually thereafter, the Co-
11 ordinator shall submit to Congress a report on the activi-
12 ties of the Coordinator and the effectiveness and status
13 of the Blue Alert plans that are in effect or being devel-
14 oped.

15 **SEC. 5. GRANT PROGRAM FOR SUPPORT OF BLUE ALERT**
16 **PLANS.**

17 Section 1701(b) of title I of the Omnibus Crime Con-
18 trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b))
19 is amended—

20 (1) in paragraph (16), by striking “and” at the
21 end;

22 (2) by redesignating paragraph (17) as para-
23 graph (18); and

24 (3) by inserting after paragraph (16) the fol-
25 lowing:

1 “(17) to assist a State in the development or
2 enhancement of programs and activities in support
3 of a Blue Alert plan and the network (as those
4 terms are defined in section 2 of the National Blue
5 Alert Act of 2010), including—

6 “(A) developing and implementing edu-
7 cation and training programs, and associated
8 materials, relating to Blue Alert plans;

9 “(B) developing and implementing law en-
10 forcement programs, and associated equipment,
11 relating to Blue Alert plans; and

12 “(C) developing and implementing new
13 technologies to improve the communication of
14 Blue Alerts; and”.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 1001(a)(11) of the Omnibus Crime Control
17 and Safe Streets Act of 1968 is amended by adding at
18 the end the following:

19 “(C)(i) Of amounts authorized to be appropriated to
20 carry out part Q in any fiscal year, \$10,000,000 is author-
21 ized to be appropriated for grants for the purposes de-
22 scribed in section 1701(b)(17).

23 “(ii) Amounts appropriated pursuant to clause (i)
24 shall remain available until expended.”.

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