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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 673                      **Hearing Date:** April 18, 2023  
**Author:** Bradford  
**Version:** March 21, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** HM

**Subject:** *Emergency notification: Ebony Alert: missing Black youth*

## HISTORY

**Source:** Author, California/Hawaii NAACP

**Prior Legislation:** AB 1314 (Ramos) Ch. 476, Stats. 2022  
AB 8 (Gatto) Ch. 326, Stats. 2015  
AB 47 (Gatto) Vetoed 2014  
SB 1127 (Torres) Ch. 440, Stats. 2014  
SB 1047 (Alquist) Ch. 651, Stats. 2012  
SB 839 (Runner) Ch. 311, Stats. 2010  
SB 38 (Alquist) failed Assembly Appropriations, 2009  
SB 415 (Runner) Ch. 517, Stats. 2002  
SB 6 (Rainey) Ch. 507, Stats. 1999

**Support:** California-Hawaii State Conference of the NAACP; NAACP Santa Rosa – Sonoma; NAACP Santa Clarita; NAACP Santa Monica/Venice; Greater Sacramento Urban League; NAACP Stockton; Voice of the Youth

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to establish the Ebony Alert system to aid in the location of missing Black youths, including young women and girls, who are reported missing under unexplained or suspicious circumstances.*

*Existing law* states that if an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the Emergency Alert System (EAS), shall request the activation of the EAS within the appropriate local area. (Gov. Code, § 8594 (a).)

*Existing law* provides that the California Highway Patrol, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California

Police Chiefs' Association and the California Police Officers' Association, shall develop policies and procedures providing instructions specifying how law enforcement agencies, broadcasters participating in the EAS, and where appropriate, other supplemental warning systems, shall proceed after qualifying abduction has been reported to a law enforcement agency. (Gov. Code, § 8594 (b).)

*Existing law* defines a “Blue Alert” as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified. (Gov. Code, § 8594.5, (a).)

*Existing law* provides that in addition to the circumstances described under existing law relating to "Amber Alerts", upon the request of an authorized person at a law enforcement agency that is investigating an offense, the California Highway Patrol (CHP) shall activate the EAS and issue a blue alert if all of the following conditions are met:

- 1) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
- 2) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
- 3) A detailed description of the suspect’s vehicle or license plate is available for broadcast;
- 4) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect; and,
- 5) The CHP has been designated to use the federally authorized EAS for the issuance of blue alerts. (Gov. Code, § 8594.5 (b).)

*Existing law* provides that the "Blue Alert" system incorporates a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying attack. (Gov. Code, § 8594.5 (c).)

*Existing law* provides that the blue alert system shall utilize the state-controlled Emergency Digital Information System, (EDIS) local digital signs, focused text, or other technologies, as appropriate, in addition to the federal EAS, if authorized and under conditions permitted by the federal government. (Gov. Code, § 8594.5 (c).)

*Existing law* defines a "Silver Alert" as a notification system, that can be activated as specified, and is designed to issue and coordinate alerts with respect to a person 65 years of age or older who is reported missing. (Gov. Code, § 8594.10. (a).)

*Existing law* provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, the agency may request the California Highway Patrol to activate a "Silver Alert". (Gov. Code § 8594.10. (b).)

*Existing law* provides that if the California Highway Patrol concurs that the specified requirements are met, it shall activate a "Silver Alert" within the geographical area requested by the investigating law enforcement agency. (Gov. Code § 8594.10. (b).)

*Existing law* states that a law enforcement agency may request a "Silver Alert" be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:

- 1) The missing person is 65 years of age or older;
- 2) The investigating law enforcement agency has utilized all available local resources;
- 3) The law enforcement agency determines that that the person has gone missing under unexplained or suspicious circumstances;
- 4) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or there are other factors indicating that the person may be in peril; and,
- 5) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person. (Gov. Code § 8594.10 (c).)

*Existing law* defines a "Feather Alert" as a means of notification system, designed to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances. (Gov. Code § 8594.13 (a).)

*Existing law* provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, the agency may request the CHP to activate a "Feather Alert". (Gov. Code § 8594.13. (b).)

*Existing law* provides that if the California Highway Patrol concurs that the specified requirements are met, it shall activate a "Feather Alert" within the geographical area requested by the investigating law enforcement agency. (Gov. Code § 8594.13. (b).)

*Existing law* states that a law enforcement agency may request a "Feather Alert" be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:

- 1) The missing person is an indigenous woman or an indigenous person.
- 2) The investigating law enforcement agency has utilized available local and tribal resources.
- 3) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
- 4) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- 5) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person. (Gov. Code § 8594.13. (c).)

*This bill* establishes legislative findings and declarations relating to this bill.

*This bill* defines an “Ebony Alert” as a means of a notification system, activated as specified, designed to issue and coordinate alerts with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances.

*This bill* provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, the agency may request the California Highway Patrol to activate an "Ebony Alert".

*This bill* provides that if the California Highway Patrol concurs that the specified requirements are met, it shall activate an "Ebony Alert" within the geographical area requested by the investigating law enforcement agency.

*This bill* provides that radio, television, cable, satellite, and social media systems are encouraged to, but not required to, cooperate with disseminating the information contained in an Ebony Alert.

*This bill* states that upon activation of an Ebony Alert, the Department of the California Highway Patrol shall assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an electronic flyer, or changeable message signs.

*This bill* states that upon activation of an Ebony Alert, the Department of the California Highway Patrol may use a changeable message sign if both of the following conditions are met:

- 1) A law enforcement agency determines that a vehicle may be involved in the missing person incident.
- 2) Specific identifying information about the vehicle is available for public dissemination.

*This bill* states that a law enforcement agency may request that an Ebony Alert be activated if that agency, after considering the following factors, determines that an Ebony Alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl:

- 1) The missing person is between 12 to 25 years of age, inclusive.
- 2) The missing person suffers from a mental or physical disability.
- 3) The person is missing under circumstances that indicate any of the following:
  - The missing person’s physical safety may be endangered.
  - The disappearance of the missing person may not have been voluntary, including an abduction or kidnaping.
  - The missing person may be subject to trafficking.
- 4) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.

- 5) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- 6) The investigating law enforcement agency has utilized available local resources.
- 7) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

## COMMENTS

### 1. Need for This Bill

According to the author:

Data from the 2019 United States Census shows that people who are Black or African American make up 13.4% of the United States population. However, nearly 40% of missing persons are people of color.

Black children make up about 38 percent of all missing child cases and receive less media attention to the fact that they are missing. Black youth are disproportionately classified as “runaways” in comparison to their white counterparts who are classified as “missing” and do not receive the Amber Alert. Black women and girls are at increased risk of being harmed and trafficked.

The Congressional Black Caucus Foundation report on human trafficking, found in a two-year study of human trafficking incidents across the country, 40% of sex trafficking victims were identified as Black women.

SB 673 provides law enforcement with an additional tool, “Ebony Alert” to disseminate timely, accurate information to engage the public and the media to more effectively assist with locating Black Youth and young women that are missing person.

### 2. Emergency Alert System:

The Emergency Alert System (EAS) is part of the broader Integrated Public Alert & Warning System (IPAWS) within FEMA’s national system for local alerting that provides authenticated emergency and life-saving information to the public through mobile phones using Wireless Emergency Alerts to radio and television via the EAS, and on the National Oceanic and Atmospheric Administration’s Weather Radio. For California, FEMA and Cal OES designate entities with authority to alert and warn the public when there is a disaster, threat, or dangerous or missing person. Over 1,500 federal, state, local, tribal and territorial entities use IPAWS to send alerts and warnings.

The California Public Alert and Warning System (CalPAWS) Plan was developed by Cal OES for the purposes of formalizing effective processes and recommending standardized policies for alerting and warning California residents during local or state disasters. The plan outlines new

and existing public alerts, warnings, and notification systems to offer state and local authorities various capabilities and dissemination channels for emergency alerts<sup>1</sup>. Currently, California utilizes IPAWS to disseminate emergency information via satellite Emergency Alert System providers, Wireless Emergency Alert system providers, Weather Service Systems, unique systems, and potential future systems.

California also has several alert systems for the purposes of aiding in the location of specific individuals or alerting of particular emergencies. The first system developed in California was “Amber Alert,” which authorized law enforcement agencies to use digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. After a successful implementation, the “Blue Alert” and the “Silver Alert” notification systems were developed. The “Blue Alert” system provides for public notification when a law enforcement officer has been attacked, and the “Silver Alert” notification system provides for public notification when either (1) a person age 65 years or older or (2) a person who is developmentally disabled or cognitively impaired is missing. The “Feather Alert” is the most recent addition that notifies the public in cases of endangered indigenous people who are reported missing under unexplained or suspicious circumstances.<sup>2</sup> (See <https://www.caloes.ca.gov/wp-content/uploads/Warning-Center/Documents/StateofCaliforniaEAS-Plan.pdf> for more information relating to California’s operation of existing emergency alerts.)

As noted by the author, “Ebony Alerts” will address the often ignored or lack of attention to Black youth and young Black women that are disproportionately missing in California.

### 3. Ebony Alert

According to the most recent FBI Missing Person and Unidentified Person Statistics in 2021, 125,727 children were labeled as Black juveniles compared to the 197,381 reported white juveniles<sup>3</sup>. However, it’s important to note that the FBI makes no distinction between white and non-white Hispanics and Latinos which in turn incorporates the latter groups into the broader white category. This dramatically skews categorization numbers based on race that deprives the communities of raw data. Coupling with the fact that Black youths account for around 14% of all children in the US while making up 38% of the missing person reports, Black youths are disproportionately impacted with higher rates of juvenile labeling and missing person reports. In general, Black Americans comprise 13% of the population while making up 31% of missing persons. These numbers remain consistent with trends seen in previous years in FBI data.

Moreover, according to a report by the Congressional Black Caucus Foundation, human trafficking conditions have found that 40% of sex trafficking victims were identified as Black women, whereas 57.5% of all juvenile prostitution arrests are Black children. The report also highlights the various socioeconomic conditions that many Black children and women face that contribute to these statistics.<sup>4</sup>

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<sup>1</sup> “California State Warning Plan,” accessed March 30, 2023, <https://calalerts.org/documents/calpaws/01California-State-Warning-Plan.pdf>

<sup>2</sup> “News & Alerts,” accessed March 30, 2023, <https://www.chp.ca.gov/news-alerts>

<sup>3</sup> “2021 NCIC Missing Person and Unidentified Person Statistics,” accessed March 30, 2023, <https://www.fbi.gov/file-repository/2021-ncic-missing-person-and-unidentified-person-statistics.pdf/view>

<sup>4</sup> “Black Women and Girls: Sex Trafficking in the U.S.,” accessed April 5, 2023, <https://www.cbcfinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>

Missing black youths are also significantly underrepresented in television news and media coverage. The HBO docuseries “*Black and Missing*,” created by Soledad O’Brien and Natalie and Derrica Wilson, explores this facet by analyzing the socioeconomic factors that disproportionately play a role in the disappearances of Black women and girls in particular and the shortcomings of law enforcement and media organization to give them adequate attention. The docuseries makes a note of how white women get significant media attention and are considered more of an urgency. Cases such as Natalee Holloway in 2005 to the Gabby Petito in 2022 are two examples of missing white women who garnered mass media, police, and public attention that attributed to the “Missing White Woman Syndrome” phenomena.<sup>5</sup> Coined by the late journalist Gwen Ifill, this syndrome highlights how white women have been historically viewed as victims of needing protection. In response to this and how society views Black women and girls with urgency, Natalie Wilson states:

They are classifying [Black] children when they’re reported missing as runaways. If you’re classified as a runaway, you do not receive the Amber Alert or any type of media coverage, and oftentimes [Black] women are not treated as victims. They are treated like deviant behavior happens in that segment of society and their cases aren’t taken seriously. They’re not viewed as being important. So what we’re trying to do is to change the narrative around our missing to show the human aspect or element. These are missing mothers, and sisters, and aunts, and grandmothers, and fathers and valuable members of our society.<sup>6</sup>

The author states that this bill will give law enforcement an additional tool to effectively assist with locating Black Youth and young women that are missing person.

### 3. Argument in Support:

According to the California-Hawaii State Conference of the NAACP:

SB 673 will authorize a law enforcement agency to request the Department of the California Highway Patrol to activate an “Ebony Alert,” concerning Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances. Black women and girls are at increased risk of harm and make up a disproportionate percentage of all missing people. In addition to making up a disproportionate percentage of all missing people and receiving fewer media coverage, Black women and girls are at increased risk of harm.

Missing children have become more publicized in the United States over the past two decades, which has resulted in nearly 98% of these missing children being located. While this is promising, there are severe racial disparities in the statistics of those still missing. According to data from the 2019 United States Census, people who are Black or African American make up 13.4% of the United States population. However, nearly 40% of missing persons are people of color. The Congressional Black Caucus Foundation report on human trafficking also found

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<sup>5</sup> “3 Minutes on Missing White Woman Syndrome,” accessed April 10, 2023, <https://www.american.edu/magazine/article/3-minutes-on-missing-white-woman-syndrome.cfm>

<sup>6</sup> “Soledad O’Brien and Natalie Wilson discuss Black and Missing,” accessed April 10, 2023, <https://19thnews.org/2021/12/soledad-obrien-black-missing-documentary/>

in a two-year study of human trafficking incidents across the country, 40% of sex trafficking victims were identified as Black women.

The CA/HI NAACP's principal objective is to ensure the political, educational, social, and economic equality of minority citizens in California and eliminate race prejudice. According to the National Crime Information Center's (NCIC's) Missing Person and Unidentified Person Files for the 2021 operational year, 177,500 Black adults and children were reported missing. One problem with the AMBER Alert system is the strict criteria a case must fulfill for the message to be broadcast. If these guidelines are not met, an AMBER Alert cannot be issued, and the child is labeled a runaway. Because of these criteria, many missing Black children have been pushed aside. Black youth are disproportionately classified as "runaways" compared to their white counterparts, which are classified as "missing" and do not receive the Amber Alert. In cases where the child is mislabeled as a runaway, fewer resources are allotted to their safe return.

**-- END --**