WEST VIRGINIA CODE CHAPTER 15 ARTICLE 3C

WV Legislature

§15-3C-1. Short title.

This article shall be known and may be cited as the "Blue Alert Plan".

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§15-3C-2. Findings and declarations relative to the "Blue Alert Plan".

(a) The Legislature finds that:

(1) Public alerts can be one of the most effective tools in locating criminal suspects;

(2) The disappearance of a law-enforcement officer in the line of duty or a person who kills or inflicts a life-threatening injury upon a law-enforcement officer poses a serious threat to the safety of the public, and the rapid dissemination of information, including a description of the missing law-enforcement officer, suspect, or suspects, details of the crime, and of any vehicles involved, to the citizens of the affected community and region is, therefore, critical;

(3) Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely notifying the law-enforcement community of the location of the missing law-enforcement officer, suspect, or suspects;

(4) The most effective method of immediately notifying the public of the location of a missing law-enforcement officer or a person who kills or inflicts a life-threatening injury upon a law-enforcement officer is through the broadcast media; and

(5) All forms of developing technologies are required to assist law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well-being and safety of our law-enforcement officers and the public. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in locating a missing law-enforcement officer or the apprehension of a suspect or suspects who kill or inflict a life-threatening injury upon a law-enforcement officer.

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate a missing law-enforcement officer or locate and safely apprehend a suspect or suspects who kill or inflict a life-threatening injury upon a law-enforcement officer, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish this program for West Virginia.

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§15-3C-3. Establishment of "Blue Alert" program.

(a) The Superintendent of the West Virginia State Police shall establish a Blue Alert program authorizing the broadcast media, upon notice from the West Virginia State Police, to broadcast an alert to inform the public of a law-enforcement officer who is missing in the line of duty or a suspect or suspects who kill or inflict a life-threatening injury upon a law-enforcement officer, subject to the criteria established in §15-3C-4 of this code. The program shall be a voluntary, cooperative effort between state law enforcement and the broadcast media.

(b) As used in this article:

(1) "Blue Alert" means an alert issued by the West Virginia State Police pursuant to the provisions of this article.

(2) "Law-enforcement officer" means:

(i) Those persons defined as a chief executive pursuant to §30-29-1(2) of this code;

(ii) Those persons defined as a law-enforcement officer pursuant to §30-29-1(6) of this code;

(iii) Those persons defined as a law-enforcement official pursuant to §30-29-1(7) of this code;

(iv) A federal official who is authorized to carry a firearm and make arrests for violations of federal law; and

(v) A state officer or state correctional employee who is authorized to carry a firearm and make arrests for violations of state law.

(3) "Secretary" means the Secretary of the Department of Military Affairs and Public Safety.

(4) "Suspect" or "Suspects" means an individual or individuals who have killed or inflicted a life-threatening injury upon a law-enforcement officer and who remain at large.

(c) The Superintendent shall notify the broadcast media serving the State of West Virginia of the establishment of Blue Alert program and invite their voluntary participation.

(d) The Superintendent shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2019. The plan shall include Blue Alert activation protocols, coordination and utilization of established programs to facilitate the apprehension of a person or persons who kill or inflict life-threatening injuries upon law-enforcement officers, and analysis of any costs. The Superintendent shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the "Blue Alert" program.

(e) A Blue Alert shall include:

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(i) All appropriate information that the reporting law-enforcement agency has that may assist in the location of a missing law-enforcement officer or apprehension of a suspect or suspects;

(ii) A statement instructing anyone with information related to the killing or injuring of the law-enforcement officer to contact his or her local law-enforcement agency;

(iii) A warning that the suspect or suspects are dangerous and that members of the public should not attempt to apprehend the suspect or suspects themselves.

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§15-3C-4. Activation of Blue Alert.

The following criteria shall be met before the West Virginia State Police activate the Blue Alert:

(1) A law-enforcement officer has been killed or seriously injured, or is believed to be missing, in the line of duty;

(2) There is sufficient information available relating to the officer's last known location or the physical description of any suspect, suspects, or vehicles involved that could be broadcast to assist in locating the officer, suspect, or suspects.

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§15-3C-5. Notice to participating media; broadcast of alert.

(a) To participate, the media may agree, upon notice from the West Virginia State Police via email or facsimile, to transmit information to the public about a missing law-enforcement officer or a suspect or suspects that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing law-enforcement officer, suspect, or suspects, such details of the circumstance surrounding the law-enforcement officer becoming missing or the death or injury to the law-enforcement officer, as may be known, and such other information as the West Virginia State Police may deem pertinent and appropriate. The West Virginia State Police shall, in a timely manner, update the broadcast media with new information when appropriate concerning the missing law-enforcement officer, suspect, or suspects.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing law-enforcement officer, suspect, or suspects may contact the West Virginia State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the West Virginia State Police shall also notify the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Blue Alert so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a Blue Alert is in progress and may provide information relating to the missing law-enforcement officer, suspect, or suspects and how motorists may report any information they have to the State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the West Virginia State Police.

(f) The Superintendent shall develop and undertake a campaign to inform law-enforcement agencies about the Blue Alert program established under this article.

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§15-3C-6. Immunity from civil or criminal liability.

No person or entity who, in good faith, follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.

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§15-3C-7. Guidelines; procedural rules.

The Superintendent may adopt guidelines and procedural rules to effectuate the purposes of this article.

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