

**ADOPTED REGULATION OF THE  
DEPARTMENT OF PUBLIC SAFETY**

**LCB File No. R021-12**

Effective June 23, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-13, NRS 427A.868.

A REGULATION relating to older persons; providing for the operation of the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state and local law enforcement agencies, media outlets and other public and private organizations to assist in the search for and safe return of missing endangered older persons. (NRS 427A.867) Further, existing law requires the Department of Public Safety, in consultation with representatives of the Department of Transportation, the Nevada Sheriffs’ and Chiefs’ Association, media outlets that participate in the System and any other public or private organization that participates in the System, to adopt regulations governing the operation of the System. (NRS 427A.868)

**Sections 7 and 8** of this regulation set forth the actions that a law enforcement agency is required to take before activating the System and the procedure for activation of the System.

**Section 9** of this regulation sets forth the content that is required to be included in the form prescribed by the Department of Public Safety for use by a law enforcement agency to determine whether to activate the System and to notify the Department that the law enforcement agency is activating the System.

**Section 10** of this regulation provides that an activation of the System automatically expires unless: (1) the law enforcement agency that activated the System cancels the activation; or (2) the Department grants an extension of the activation of the System.

**Sections 11 and 12** of this regulation set forth the procedure for requesting an extension of the activation of the System and cancelling the activation of the System.

**Section 13** of this regulation sets forth the content that is required to be included in the form prescribed by the Department of Public Safety for use by a law enforcement agency to cancel an

activation of the System and to notify the Department that the law enforcement agency has cancelled an activation of the System.

**Section 1.** Chapter 427A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Department” means the Department of Public Safety.*

**Sec. 4.** *“Media outlet” has the meaning ascribed to it in NRS 427A.864.*

**Sec. 5.** *“Missing endangered older person” has the meaning ascribed to it in NRS 427A.865.*

**Sec. 6.** *“System” has the meaning ascribed to it in NRS 427A.866.*

**Sec. 7.** *Before a law enforcement agency may activate the System to disseminate a notice on behalf of a missing endangered older person, the law enforcement agency must:*

*1. Confirm that:*

*(a) The missing person is a person who meets the definition of a missing endangered older person set forth in NRS 427A.865;*

*(b) Alternative explanations for the disappearance of the missing endangered older person have been considered and eliminated;*

*(c) Not more than 72 hours have elapsed since the time of discovery of the disappearance of the missing endangered older person;*

*(d) The law enforcement agency has sufficient descriptive information about the missing endangered older person and any other pertinent information to disseminate through the System;*

*(e) If a vehicle is involved in the disappearance of the missing endangered older person and the law enforcement agency decides to disseminate information regarding the vehicle through the System, the law enforcement agency has sufficient descriptive information regarding the vehicle to disseminate through the System; and*

*(f) If a suspect is involved in the disappearance of the missing endangered older person and the law enforcement agency decides to disseminate information regarding the suspect through the System, the law enforcement agency has sufficient descriptive information regarding the suspect to disseminate through the System; and*

*2. Complete the activation form prescribed by the Department pursuant to section 9 of this regulation.*

**Sec. 8. 1.** *If, after taking the actions set forth in section 7 of this regulation, the law enforcement agency determines that it is appropriate to activate the System, the law enforcement agency may activate the System. To activate the System, the law enforcement agency must:*

*(a) Transmit the completed activation form prescribed by the Department pursuant to section 9 of this regulation to the communications center of the Department which is located nearest to the law enforcement agency;*

*(b) Place a telephone call to the communications center of the Department which is located nearest to the law enforcement agency to confirm that the communications center received the activation form;*

*(c) Initiate a computerized alert to other law enforcement agencies, as appropriate, to attempt to locate the missing endangered older person and, if applicable, the suspect; and*

*(d) Enter the information concerning the missing endangered older person into the computer for the National Crime Information Center.*

*2. If a vehicle is involved in the disappearance of the missing endangered older person and the law enforcement agency has sufficient descriptive information regarding the vehicle to disseminate through the System, the communications center of the Department will:*

*(a) Initiate a radio broadcast to other law enforcement agencies, as appropriate, to attempt to locate the missing endangered older person and, if applicable, the suspect, and will repeat the broadcast at designated intervals of not less than once every 4 hours;*

*(b) Notify the following participating members of the System, as appropriate, given the geographical area that the dissemination of information will encompass, that the System has been activated:*

*(1) Media outlets;*

*(2) Other communications centers established by the Department;*

*(3) Organizations which provide information relating to crimes to residents of this State through the use of Internet-based technology; and*

*(4) Any other public or private organizations that have chosen to participate in the System; and*

*(c) Notify the Department of Transportation that the law enforcement agency:*

*(1) Has activated the System;*

*(2) Has determined that the disappearance involved a vehicle and the law enforcement agency has sufficient information regarding the vehicle to disseminate through the System; and*

*(3) Has decided that it would be beneficial to have the information relating to the missing endangered older person and the vehicle posted on signs operated by the Department of Transportation on highways and roads. The Department of Transportation will determine whether it is appropriate to have the requested information posted on such signs.*

*3. If a vehicle is not involved in the disappearance of the missing endangered older person or if a vehicle is involved in the disappearance of the missing endangered older person but the law enforcement agency does not have sufficient descriptive information regarding the vehicle to disseminate through the System, the law enforcement agency must notify the following participating members of the System, as appropriate, given the geographical area that the dissemination of the information will encompass, that the System has been activated:*

*(a) Media outlets;*

*(b) Organizations which provide information relating to crimes to residents of this State through the use of Internet-based technology; and*

*(c) Any other public or private organizations that have chosen to participate in the System.*

*4. Upon being notified by the Department or another law enforcement agency that the System has been activated, the participating members of the System shall disseminate all appropriate information that may assist in locating the missing endangered older person.*

*Sec. 9. The Department will maintain on its Internet website a form for use by a law enforcement agency to determine whether to activate the System and to notify the Department that the law enforcement agency is activating the System. The activation form must include, without limitation:*

*1. The name of the law enforcement agency that received the report of a missing endangered older person and the case number assigned to the report;*

2. *The name, title and contact information of the law enforcement officer assigned to the report;*
3. *A checklist of the criteria for activating the System to disseminate a notice on behalf of the missing endangered older person;*
4. *The name of and any other descriptive information concerning the missing endangered older person, including the last known location at which the missing endangered older person was seen;*
5. *A brief description or identification of the vehicle, if any, involved in the disappearance of the missing endangered older person;*
6. *The name of and any other descriptive information concerning a suspect, if any, who is believed to have taken the missing endangered older person, including the last known location at which the suspect was seen;*
7. *Information regarding whether the dissemination of the information will encompass:*
  - (a) *A particular neighborhood, city, county, region or state; or*
  - (b) *More than one neighborhood, city, county, region or state; and*
8. *Information regarding whether the law enforcement agency has decided that it would be beneficial to have the information concerning the missing endangered older person and any vehicle involved in the disappearance posted on signs operated by the Department of Transportation on highways and roads.*

**Sec. 10.** *An activation of the System automatically expires 48 hours after the System is activated unless:*

1. *The law enforcement agency that activated the System cancels the activation of the System pursuant to section 12 of this regulation; or*

*2. The Department grants an extension of the activation of the System pursuant to section 11 of this regulation.*

*Sec. 11. 1. The law enforcement agency that activated the System may request an extension of the activation of the System for an additional 48 hours. A request for such an extension:*

*(a) May be verbal;*

*(b) May be made any time before the expiration of the activation; and*

*(c) Must be made to the communications center of the Department which received the activation form pursuant to section 8 of this regulation.*

*2. The Director of the Department or his or her designee will consider each request for an extension of the activation of the System and will grant such an extension if the law enforcement agency is able to provide to the Department new facts or information that may assist in locating the missing endangered older person.*

*3. If the Director of the Department or his or her designee grants a request for an extension of the activation of the System:*

*(a) The law enforcement agency that requested the extension shall:*

*(1) Initiate a computerized alert to other law enforcement agencies, as appropriate, indicating that the activation of the System has been extended; and*

*(2) If the law enforcement agency notified the participating members of the System of the activation of the System pursuant to subsection 3 of section 8 of this regulation, notify those participating members of the System that the activation of the System has been extended; and*

*(b) The communications center of the Department which received the activation form pursuant to section 8 of this regulation will, if the communications center notified the participating members of the System of the activation of the System pursuant to subsection 2 of section 8 of this regulation:*

*(1) Notify those participating members of the System that the activation of the System has been extended; and*

*(2) Initiate a radio broadcast to other law enforcement agencies, as appropriate, indicating that the activation of the System has been extended.*

*4. Upon being notified by the Department or the law enforcement agency that the activation of the System has been extended, the participating members of the System shall continue to disseminate all appropriate information that may assist in locating the missing endangered older person.*

**Sec. 12. 1.** *If a missing endangered older person is located or it is otherwise necessary to cancel the activation of the System, the law enforcement agency that activated the System must cancel the activation. To cancel the activation of the System, the law enforcement agency must:*

*(a) Complete the cancellation form prescribed by the Department pursuant to section 13 of this regulation;*

*(b) Transmit the completed cancellation form to the communications center of the Department to which the activation form was transmitted;*

*(c) Place a telephone call to the communications center of the Department to which the activation form was transmitted to confirm that the communications center received the cancellation form;*



*(d) Initiate a computerized alert to other law enforcement agencies, as appropriate, indicating that the activation of the System has been cancelled; and*

*(e) Update, as appropriate, the records entered into the computer for the National Crime Information Center concerning the missing endangered older person.*

*2. If the law enforcement agency cancels an activation of the System and:*

*(a) The law enforcement agency notified the participating members of the System of the activation of the System pursuant to subsection 3 of section 8 of this regulation, the law enforcement agency shall notify those participating members of the System that the activation of the System has been cancelled.*

*(b) A communications center of the Department notified the participating members of the System of the activation of the System pursuant to subsection 2 of section 8 of this regulation, the communications center will:*

*(1) Notify those participating members of the System that the activation of the System has been cancelled; and*

*(2) Initiate a radio broadcast to other law enforcement agencies, as appropriate, indicating that the activation of the System has been cancelled.*

*3. Upon being notified by the Department or the law enforcement agency that the activation of the System has been cancelled, the participating members of the System shall cease disseminating information regarding the missing endangered older person.*

**Sec. 13.** *The Department will maintain on its Internet website a form for use by a law enforcement agency to cancel an activation of the System and to notify the Department that the law enforcement agency has cancelled an activation of the System. The cancellation form required pursuant to this section must include, without limitation:*

- 1. A statement indicating the procedure that a law enforcement agency must follow to cancel an activation of the System;*
- 2. The name of the law enforcement agency that received a report of a missing endangered older person and the case number assigned to the report;*
- 3. The name, title and contact information of the law enforcement officer authorizing the cancellation of the activation of the System;*
- 4. The name of the missing endangered older person;*
- 5. The date and time that the System was activated;*
- 6. The date and time of the cancellation of the activation of the System; and*
- 7. A statement indicating whether the missing endangered older person was located as a result of the activation of the System.*

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB FILE No. R021-12

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 427.

1. A clear and concise explanation of the need for the adopted regulation.
  - This proposed regulation is being adopted pursuant to Senate Bill 245, approved during the 76<sup>th</sup> Regular Session of the Nevada Legislature (2011).

A REGULATION relating to older persons; providing for the operation of the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; and providing other matters properly relating thereto.
2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.
  - Public comment was solicited through a posted Notice for a Public Hearing Workshop, and at the Public Hearing held on November 5, 2012 and February 12, 2013. The Notice of Public Hearing Workshop, and the proposed regulations of Chapter 427A sections 2 to 13 relating to older persons; providing for the operation of the Statewide Alert System for the Safe Return of Missing Endangered Older Persons were mailed on October 22, 2012 and January 8, 2013 to all county libraries, Coordinator Mary Shope, Nevada Silver Haired Legislative Forum for dissemination to all members, persons and organizations, and the public of interest.
  - A Public Hearing Workshop was held on November 5, 2012 and a Public Hearing was held on February 12, 2013. Thirteen members of the public and three members of the DPS attended the hearing workshop held on November 5, 2012. Seven members of the public and three members of the DPS attended the hearing held on February 12, 2013. Comments generated during the November 5, 2012 workshop were focused on the use of the word “wishes” which was used four times in the regulation. The recommended wording change to “decides” in two location and “has decided would be beneficial” in the two other locations were implemented in the December 18, 2012 revision of the regulation. Two additional commented language changes were not implemented since it would have required a statutory change. A Public Hearing was held on February 12,

2013. There were no questions, comments, opposition or discussion concerning the regulation during the hearing.

- No written comment was submitted for either hearing.
- Interested persons may request a copy by writing to the Nevada Department of Public Safety, Highway Patrol Division, attention Lt. Baughman, 555 Wright Way, Carson City, NV. 89711.

3. The number of persons who:

a. Attended the hearing workshop to solicit comments on November 5, 2012: 16

1. Frank Mahoney – Nev. Center. for Missing Loved Ones
2. Barry Gold – AARP of Nevada
3. Herb Randall - NSHLF
4. Lonnie Strait - NSHLF
5. Brian O'Callaghan - LVMPD
6. Ken Wiles – Alert ID
7. Mary Shope - NSHLF
8. Gwen Bareded – City of Las Vegas
9. Rob Lunquist - LVMPD
10. Bob Roshak – Nevada Sheriff and Chiefs of Police Assoc.
11. Janice Miller – Senator Harry Reid’s Office
12. Robin Huhn
13. Sally Ramm -
14. Antonio Bandiero – DPS
15. Roger Vind – DPS
16. Denise Stewart - DPS

b. Attended the hearing to solicit comments on February 12, 2013: 10

1. Francis Mahoney – Nev. Center. for Missing Loved Ones
2. Herbert Randall - NSHLF
3. Lonnie Strait - NSHLF
4. Lucy Peres - NSHLF
5. Paul Lacombe - NSHLF
6. Mary Shope - NSHLF

7. Michael Clark - NSHLF
  8. Roger Vind – DPS
  9. Pat Gallagher - DPS
  10. Denise Stewart - DPS
4. A description of how comment was solicited from affected business, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.
    - No businesses will be affected by the proposed amendments, therefore no comments were solicited.
  5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.
    - A public hearing workshop was held on November 5, 2012 and a public hearing was held on February 12, 2013. The hearing workshop on November 5, 2012 generated comments on recommended wording changes. The changes were made in the December 18, 2012 revision. During the February 12, 2013 hearing, members of the public attended the hearing and there were no questions, comments, opposition or discussion concerning the regulation.
  6. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:
    - a. Both adverse and beneficial effects; and
      - The proposed regulations are expected to have an immediate benefit on the public ensuring the safe and uneventful recovery of missing/endangered older persons. The Department does not foresee any adverse effects.
    - b. Both immediate and long-term effects
      - Immediate and long-term effects include the ease of understanding of the rules, regulations and the criteria for which issuance of an active alert must adhere to. The ease of understanding of the procedure will ensure that the alert is timely and appropriate.
  7. The estimated cost to the agency for enforcement of the adopted regulation.
    - The agency does not envision any increased costs associated with the proposed regulations.

8. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary, if the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.
  - There are no other state or government agency regulations that the proposed amendments duplicate.
9. If the regulation includes provisions that are more stringent than federal regulation that regulates the same activity, a summary of such provisions.
  - The agency does not believe that the proposed amendments are more stringent than federal regulation.
10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
  - The proposed regulation does not provide or involve and new fee.