

Editorial Notes

REFERENCES IN TEXT

The PROTECT Act, referred to in par. (1), is Pub. L. 108-21, Apr. 30, 2003, 117 Stat. 650, also known as the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003. Subtitle A of title III of the Act is classified generally to chapter 205 (§20501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 2003 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

§ 21902. Ashanti Alert communications network**(a) In general**

The Attorney General shall, subject to the availability of appropriations, establish a national communications network within the Office of Justice Programs of the Department of Justice to provide assistance to regional and local search efforts for missing adults through the initiation, facilitation, and promotion of local elements of the network, in coordination with States, Indian Tribes, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.

(b) Integration with existing communications network

In establishing the Ashanti Alert communications network under subsection (a), the Attorney General shall coordinate, when advisable, with missing person alert systems in existence as of December 31, 2018, such as the AMBER Alert communications network and Silver Alert communications networks.

(Pub. L. 106-468, title II, §202, as added Pub. L. 115-401, §2(5), Dec. 31, 2018, 132 Stat. 5337.)

§ 21903. Ashanti Alert Coordinator**(a) National coordinator within Department of Justice**

The Attorney General shall designate an employee of the Office of Justice Programs of the Department of Justice to act as the national coordinator of the Ashanti Alert communications network.

(b) Duties of the Coordinator

In acting as the national coordinator of the Ashanti Alert communications network, the Coordinator shall—

(1) work with States and Indian Tribes to encourage the development of additional Ashanti Alert plans in the network;

(2) establish voluntary guidelines for States and Indian Tribes to use in developing Ashanti Alert plans that will promote compatible and integrated Ashanti Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish an Ashanti Alert plan;

(B) criteria for evaluating whether a situation warrants issuing an Ashanti Alert, taking into consideration the need for the use of Ashanti Alerts to be limited in scope because the effectiveness of the Ashanti Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of an adult who is missing, and the cir-

cumstances of his or her disappearance, including any history of domestic violence, sexual assault, child abuse, or human trafficking, warrant the issuance of an Ashanti Alert; and

(ii) whether the individual who reports that an adult is missing is an appropriate and credible source on which to base the issuance of an Ashanti Alert;

(C) a description of the appropriate uses of the Ashanti Alert name to readily identify the nature of search efforts for missing adults; and

(D) recommendations on how to protect the privacy, dignity, independence, autonomy, and safety of any missing adult who may be the subject of an Ashanti Alert;

(3) develop proposed protocols for efforts to recover missing adults and to reduce the number of adults who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the adult is missing through the time of the return of the adult to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol;

(E) incident review, evaluation, debriefing, and public information procedures; and

(F) protocols for declining to issue an Ashanti Alert;

(4) work with States and Indian Tribes to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, Indian Tribes, units of local government, law enforcement agencies, and other entities involved in the Ashanti Alert communications network with initiating, facilitating, and promoting Ashanti Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of adult citizen advocacy groups, law enforcement agencies, victim service providers (as defined in section 12291(a) of this title), and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Ashanti Alert communications network; and

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

(A) the development of the network; and

(B) regional coordination of alerts for missing adults through the network.

(c) Coordination**(1) Coordination with other agencies**

The Coordinator shall coordinate and consult with the Secretary of Transportation, the

Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, and other appropriate offices of the Department of Justice, including the Office on Violence Against Women, in carrying out activities under this chapter.

(2) State, tribal, and local coordination

The Coordinator shall consult with local broadcasters and State, Tribal, and local law enforcement agencies in establishing minimum standards under section 21904 of this title and in carrying out other activities under this chapter, as appropriate.

(d) Annual reports

(1) In general

Not later than 1 year after December 31, 2018, and annually thereafter, the Coordinator shall submit to Congress a report on—

- (A) the activities of the Coordinator; and
- (B) the effectiveness and status of the Ashanti Alert plan of each State or Indian Tribe that has established or is in the process of establishing such a plan.

(2) Contents

Each report under paragraph (1) shall include—

- (A) a list of each State or Indian Tribe that has established an Ashanti Alert plan;
- (B) a list of each State or Indian Tribe that is in the process of establishing an Ashanti Alert plan;
- (C) for each State or Indian Tribe that has established an Ashanti Alert plan, to the extent the data is available—
 - (i) the number of Ashanti Alerts issued;
 - (ii) the number of missing adults located successfully;
 - (iii) the average period of time between the issuance of an Ashanti Alert and the location of the missing adult for whom the Alert was issued;
 - (iv) the State or Tribal agency or authority issuing Ashanti Alerts, and the process by which Ashanti Alerts are disseminated;
 - (v) the cost of establishing and operating the Ashanti Alert plan;
 - (vi) the criteria used by the State or Indian Tribe to determine whether to issue an Ashanti Alert; and
 - (vii) the extent to which missing adults for whom Ashanti Alerts were issued crossed State lines or territorial borders of an Indian Tribe;
- (D) actions States and Indian Tribes have taken to protect the privacy and dignity of the missing adults for whom Ashanti Alerts are issued;
- (E) ways that States and Indian Tribes have facilitated and improved communication about missing adults between families, caregivers, law enforcement officials, and other authorities; and
- (F) any other information the Coordinator determines to be appropriate.

(Pub. L. 106-468, title II, § 203, as added Pub. L. 115-401, § 2(5), Dec. 31, 2018, 132 Stat. 5337.)

§ 21904. Minimum standards for issuance and dissemination of alerts through Ashanti Alert communications network

(a) Establishment of minimum standards

Subject to subsection (b), the Coordinator shall establish minimum standards for—

- (1) the issuance of alerts through the Ashanti Alert communications network; and
- (2) the extent of the dissemination of alerts issued through the Ashanti Alert communications network.

(b) Limitations

(1) Dissemination of information

The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide for the dissemination of appropriate information relating to the special needs of a missing adult (including health care needs) to the appropriate law enforcement, public health, and other public officials.

(2) Geographic areas

The minimum standards established under subsection (a) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State, Tribal, and local law enforcement agencies), provide that the dissemination of an alert through the Ashanti Alert communications network shall be limited to the geographic areas that the missing adult could reasonably reach, considering—

- (A) the circumstances and physical and mental condition of the missing adult;
- (B) the modes of transportation available to the missing adult; and
- (C) the circumstances of the disappearance.

(3) Other requirements

The minimum standards established under subsection (a) shall require that, in order for an Ashanti Alert to be issued for a missing adult, the missing adult—

- (A) suffers from a proven mental or physical disability, as documented by a source determined credible by an appropriate law enforcement agency; or
- (B) be missing under circumstances that indicate, as determined by an appropriate law enforcement agency—
 - (i) that the physical safety of the missing adult may be endangered; or
 - (ii) that the disappearance of the missing adult may not have been voluntary, including an abduction or kidnapping.

(4) Safety, privacy, and civil liberties protections

The minimum standards established under subsection (a) shall—

- (A) ensure that alerts issued through the Ashanti Alert communications network comply with all applicable Federal, State, Tribal, and local privacy laws and regulations;
- (B) include standards that specifically provide for the protection of the civil liberties