

Date of Hearing: April 20, 2016

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 2384 (Gallagher) – As Amended April 6, 2016

SUBJECT: Terrorist activity

SUMMARY: Requires the Office of Emergency Services (CalOES), in the first update of the State Emergency Plan after January 1, 2017, to develop a plan to enhance the public's knowledge about how to identify and report terrorist activity.

EXISTING LAW:

- 1) Establishes the CalOES by the Governor's Reorganization Plan No. 2, operative July 1, 2013.
- 2) Requires Cal OES to perform a variety of duties with respect to specified emergency preparedness, mitigation, and response activities in the state, including emergency medical services.
- 3) Specifies that the SEP shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.
- 4) Requires the Governor to coordinate SEP and those programs necessary to mitigate the effects of an emergency.
- 5) Requires the Governor to coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of the State of California, such plans and programs to be integrated into and coordinated with SEP and the plans and programs of the federal government and of other states to the fullest possible extent.
- 6) Specifies that the Governor may, in accordance with SEP, authorize programs for the mitigation of the effects of an emergency, as specified.
- 7) Requires CalOES to update SEP, on or before January 1, 2015, to include proposed best practices for local governments and nongovernmental entities to use to mobilize and evacuate people with disabilities and others with access and functional needs, during an emergency or natural disaster.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author, communities that are alert and informed have a large impact on maintaining safety in our nation and are the best defense for preventing terrorist incidents. We need to make sure that if someone sees something, they say something. AB 2384 is a step in the right direction for increasing public awareness by requiring CalOES, in their next State Emergency Plan update, to develop a plan to enhance the public's knowledge about how to identify and report suspicious activity.

Background: In 2009, the California Legislature merged the powers, purposes, and responsibilities of the former OES with those of OHS into the newly- created California Emergency Management Agency (Cal EMA). On July 1, 2013, Governor Edmund G. Brown Jr.'s Reorganization Plan #2 eliminated Cal EMA and restored it to the Governor's Office, renaming it the California Governor's Office of Emergency Services (CalOES), and merging it with the Office of Public Safety Communications. Today, CalOES is responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities within the state.

State Emergency Plan: The SEP addresses the state's response to extraordinary emergency situations associated with natural disasters or human-caused emergencies. In accordance with the California Emergency Services Act, the plan describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental agencies, how resources are mobilized, how the public will be informed and the process to ensure continuity of government during an emergency or disaster.

The plan is a management document intended to be read and understood before an emergency occurs. It is designed to outline the activities of all California jurisdictions within a statewide emergency management system and it embraces the capabilities and resources in the broader emergency management community that includes individuals, businesses, non-governmental organizations, tribal governments, other states, federal government and international assistance.

"See Something, Say Something": In July 2010, the Department of Homeland Security (DHS) started the "If you See Something, Say Something" campaign to raise public awareness of the indicators of terrorism.

DHS launched the campaign in conjunction with the U.S. Department of Justice's Nationwide Suspicious Activity Reporting Initiative (NSI), with the goal of training state and local law enforcement to recognize behaviors and indicators of terrorism and terrorism-related crime. The NSI standardizes how these observations are documented and analyzed and ensures that reports are shared with the Federal Bureau of Investigation (FBI)-led Joint Terrorism Task Forces for investigation and with state Fusion Centers for analysis.

According to the DHS website, suspicious activity is any observed behavior that could indicate terrorism or terrorism-related crime. This includes, but is not limited to:

- **Unusual items or situations:** A vehicle is parked in an odd location, a package/luggage is unattended, a window/door is open that is usually closed, or other out-of-the-ordinary situations occur.
- **Eliciting information:** A person questions individuals at a level beyond curiosity about a building's purpose, operations, security procedures and/or personnel, shift changes, etc.
- **Observation/surveillance:** Someone pays unusual attention to facilities or buildings beyond a casual or professional interest. This includes extended loitering without explanation (particularly in concealed locations); unusual, repeated, and/or prolonged observation of a building (e.g., with binoculars or video camera); taking notes or measurements; counting paces; sketching floor plans, etc.

Reporting suspicious activity: A 2012 study by the International Association of Chiefs of Police and DHS, titled: “Improving the Public’s Awareness and Reporting of Suspicious Activity”, found that many people do not report suspicious activity because they fear retaliation, incorrect reporting, or think it is not a worthwhile use of police resources.

The study also found the public’s definition of suspicious activity differs from law enforcement’s definition. Participants tended to define suspicious activity as something out of the ordinary or out of place considering the location. In many cases, people gave their everyday environment as a normal setting where any deviation would set off an internal trigger—e.g., unknown people or cars loitering in their neighborhood or near their workplaces, particularly late at night. More than one in three survey respondents (36 percent) described traditional criminal activity, such as someone brandishing a gun or breaking into a car. Only a small portion (5 percent) described activities that may be indicative of terrorism. Urban and suburban respondents were more likely than rural respondents to mention an activity that may lead to a terrorist act.

The study makes several recommendations to increase underreporting and overall understanding of suspicious activity. Those recommendations include: 1) Local law enforcement and community organizations should promote public involvement in identifying and reporting suspicious activities through outreach efforts and campaigns; 2) Public education efforts should provide community members with a better understanding of what suspicious activity entails; 3) Educating the public about what behaviors to be aware of is essential to effective reporting; and 4) Law enforcement should advertise clear and concise methods by which people can report suspicious activity.

Prior/Related legislation: AB 1346 (Gray) of 2015/2016 Session. Would require CalOES to update the State Emergency Plan on or before January 1, 2018, and every 5 years thereafter, and would require the plan to be consistent with specified state climate adaptation strategies. AB 1346 is pending hearing in the Senate Governmental Organizations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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