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Testimony in opposition

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Senate State and Local Government Committee

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TESTIMONY OF

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Good afternoon, Chair Roers, Vice Chair Castenada, and members of the Senate State and Local Government Committee. My name is Jenna Clawson Huibregtse, and I proudly serve as a lieutenant with the North Dakota Highway Patrol. I operate as the Safety and Education commander, and some of my duties include operating as North Dakota's alerts coordinator and overseeing the agency's cultural liaison officer program.

Greater awareness and public involvement in recognizing and addressing the crisis of missing and murdered indigenous people is paramount. In my testimony, I will offer a high-level overview of the existing alerts, current SB 2098 and its changes to the alerts system, how alerts are processed, the importance of strict criteria, and current issues with the alerts system.

High-Level Overview of Alerts

The alerts system consists of many entities including: local law enforcement, BCI, highway patrol, and Emergency Services including state radio and the watch center.

AMBER Alert (exists as an executive order, also in SB 2098)

1. Exist for abducted children who are 17 years of age or younger
2. Confirmation by local law enforcement of a stranger or family abduction in which the child is believed to be in grave danger serious bodily harm or death,
3. There is descriptive information about the child, abductor, and/or suspect's vehicle to assist with a safe recovery.

Blue Alert

1. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
2. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
3. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
4. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

Silver Alerts

1. The missing person involves a vulnerable adult as defined under NDCC 50-25.2-01 or vulnerable elderly adult, who is at least 65 years old, as defined under NDCC 12.1-31-07, who has been reported to law enforcement as missing.
2. The missing person involves a minor who has developmental disabilities, as defined under NDCC 25-01.2-01, who has been reported to law enforcement as missing.
3. There is descriptive information about the minor or adult and/or vehicle involved, to assist with the safe recovery of the person.
4. There is enough usable information about the person and/or vehicle to believe an immediate broadcast will provide the public with descriptive information to help locate the person or vehicle.

Senate Bill 2098 refines some of the existing language, formally bringing Amber alerts into century code and adds clarifying language regarding endangered missing persons and silver alerts. A suggested amendment to House Bill 1535, is to bring this proposed section of law, if passed, into chapter 54 where the rest of alerts have been formally organized this session.

When an alert is requested:

When an individual is believed to meet criteria for an alert, the reporting local law enforcement agency fills out a request form and submits it by contacting State Radio. State Radio then works with local enforcement and the Watch Center to run verification checklists, gather intel, and begin notifications to the Highway Patrol, the Bureau of Criminal Investigation, and alerts team to start the vetting process.

Often there is further information that needs to be collected with the reporting law enforcement agency or with the family before an alert is issued. This information typically includes more descriptive information about what someone was wearing or driving, checking cell phone records, bank accounts, places they frequent, and more. A key piece of alerts working is having enough usable information for the public to look for the individual(s) or suspect(s) AND believing the missing person is likely in view of the public, and still in the state, so they can be found safely.

During this information collecting process, we encourage local jurisdictions to use their own local alerting system first, typically referred to as a code red, but we find they are often unaware of this resource. By doing this, we help locate many of the people in alert requests before they are issued out to the public. This spares our alerts system from overuse and only impacts the immediate area where the person is likely located versus the entire state. This is an effective tool, used yesterday in Bismarck, and brought home a Silver alert submission before the state-wide alerting system needed to be used.

When an alert does not meet criteria:

When an alert does not meet criteria, efforts to find the person do not cease. We continue to assist the requesting law enforcement agency with launching a missing persons search, assist them in putting out a local code red alert, use media and social media blasts, and more. Regardless of an alert being issued or not, local law enforcement agencies maintain control of a missing person case. The Highway Patrol and Bureau of Criminal Investigation's involvement stays at an alerts level and as an assisting agency in the missing persons search.

Adding an alert type, in this case the Feather alert, must require specific and strict criteria being amended into this bill. After discussions with the bill sponsors and Indian Affairs Commission, the highway patrol and bureau of criminal investigation believe a significant rework is needed for an inclusive alert, that does not overuse the alerts system ultimately making it no longer an effective tool.

We believe this legislation should be retitled – missing and endangered persons alert – as to include all North Dakotans, while maintaining a strong emphasis written into highlight indigenous peoples who go missing at a rate 10x more than other races. The title missing and endangered persons alert” also maintains consistency with the federal alerting system.

Criteria:

Strong criteria, that ensure a powerful alerts system, must be amended into this law. When criteria become too broad, over-alerting occurs and the system is no longer

effective. This is seen across the nation in states with hundreds of alerts per year. If the criteria are implemented as written, we will join those states and citizens in North Dakota will be alerted every day.

This highlights at least two incredibly important issues; we must maintain the consistent and strict criteria in the alerts system AND we must address the missing persons epidemic plaguing tribal nations and North Dakota. However, as I testified in this committee before, it is important to separate abducted individuals or those who go missing and are in grave danger of serious bodily harm or death from a standard missing persons or a search for recovery case.

There are a variety of reasons a person can go missing and not all qualify in these categories. In some cases, people choose to go missing or in other cases people do not want to be found. We must maintain and respect the freedom of choice afforded to people who chose to go missing. For example, we have received Silver alert requests and even issued alerts where someone was staying at a hotel, sitting in an emergency room, or was in jail in another state. In these examples, we would then find out later they had their faculties about them and did not qualify for an alert. Without strict criteria, an alerts system can become an overused tool that encroaches on the freedom of our able mind and able-bodied citizens or becomes an overused substitute for thorough law enforcement investigations.

To maintain an effective alerts system, I urge the committee to rename this alert to missing endangered persons alert and implement the following criteria:

- a. The missing individual is over the age of 17;
- b. Confirmation by local law enforcement of a stranger or family abduction in which the missing adult is believed to be in grave danger of serious bodily harm or death; or,
- c. The missing adult is believed to be in danger of serious bodily harm or death; and,
- d. There is descriptive information about the person, the abductor, and/or suspect's vehicle to assist with the safe recovery of the victim and/or the apprehension of the suspect; and,
- e. Believe an immediate broadcast alert will assist in the search for and safe return of the missing and endangered adult.

For consideration while keeping the alerts system effective and impactful the following must be considered:

3. A wireless emergency alert will only be utilized for a missing endangered persons alert when there is confirmation by a law enforcement agency that an abduction has occurred. (Savannah Greywind, Dru Sjodin, Sherry Arnold, Oliva Lonebear, etc.)
4. When the missing endangered person is an indigenous individual, the alerting website and distributed materials will specify as such. If the race of the person is unknown the alert will not be delayed for race identification.

Having worked in law enforcement, with missing persons cases, and intensely with tribes for 10 years, I understand the intent of the bill and the impact this awareness brings for the Native American community. The feather alert bill focuses on an important topic and a crisis that impacts Native Americans more than any other race. The U.S. Department of Justice indicates Native American women are missing and murdered at a rate ten times higher than the national average. These statistics are also high for Native American men and children. Though some of these cases may not be alerts qualifying, they shed light on related issues impacting tribal members: understaffed law enforcement agencies, distrust causing delayed or failure to report missing people, lack of law enforcement agreements and assistance, and more. I know that many of these issues can be working on by the passage of HB 1199 – related to the the missing indigenous people task force.

For the committee's discussion, it's important to know who is not covered by alerts, and that is all races, people aged 18 and older who have been abducted or are missing endangered, and in grave danger of serious bodily harm or death. However, I caution creating more alert types with expansive criteria or descriptions. They must be strict, direct, and as clear as possible. More alerts equal more confusion for the public. Midwest states vary in alert types, some having over 10 alerts types, and sending nearly 400 alerts in a year. Currently, with three alert types, North Dakota sends out 10 alerts per year on average. To give some context, if we have a missing persons alert with too general of criteria, we could have sent 1,301 alerts to your cell phone in 2024. That averages 3.5 alerts a day. This would render the system ineffective, as people would shut their alerts off and become numb to emergency alerts—or as we call it now, alters fatigue. Strict

criteria, like I've outlined today, reserves the alerts system for our most vulnerable while providing a mechanism to have more missing people reported, information distributed, and ultimately saving more lives.

When considering changes to the alerts century code, we must look at its origin. The alerts system was created to bring abducted children home via the Amber alert. The unfortunate truth is, each time an alert type is added or expanded we reduce the effectiveness of Amber alerts due to people shutting their notifications off. If a child is abducted in North Dakota, we need everyone to know. While North Dakota enjoys a high success rate for public alerts, the catch 22 is the more alerts being sent, the less they are viewed as people become desensitized. Maintaining a high standard of strict criteria is paramount when considering adding or expanding emergency alerts.

For consideration, and an overview, there are other suggested amendments to language for this alerting type to operate effectively, and I will highlight those that are more than housekeeping type items.

1. Renaming the alert type to "missing endangered persons alert"
 - a. This includes all North Dakotans, and maintains consistency with the federal alerting system.
2. Provides requirements to highlight those that are indigenous who qualify for this alert
3. Requires a WEA only for abduction cases
4. Allows alerting in indigenous languages when available, instead of a requirement
5. Keeps Indian Affairs as a liaison in indigenous cases only
6. Strikes the annual findings at an annual listening session, as it creates redundancy. Public meetings can be done at an Indian Affairs Commission meetings, where tribal chairs are sitting commission members, and the meetings are always open to the public and they are hosted both virtually and around the state, in -person, for accessibility.
7. Strikes the annual public meeting where recommendations are made to improve the system by law enforcement. HP and BCI already host quarterly meetings to improve the alerts systems individually and a whole. These are not open to the public as law enforcement sensitive information is shared.

This concludes my testimony, and I will stand for any questions.