

TESTIMONY OF
Sergeant Jenna Clawson Huibregtse

Good afternoon, Chairman Klemin and members of the House Judiciary Committee. My name is Jenna Clawson Huibregtse, and I proudly serve as a sergeant with the North Dakota Highway Patrol. I operate as the Safety and Education officer, and some of my duties include operating as North Dakota's alerts coordinator and overseeing the agency's cultural liaison officer program.

I would like to thank the bill sponsors for bringing this important issue to the forefront and offering their testimony. 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.

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

High-Level Overview of Alerts

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. This bill also puts all alerts in the same section of century code.

If you refer to a red and white handout I distributed, you will see a case study compiled by NDDDES from the last issued Silver Alert. This includes an outlining the alert process when a request is made by local law enforcement. When an individual is believed to meet criteria for an alert, the reporting local law enforcement agency fills out the 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 group 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). During this information collecting process, we encourage local jurisdictions to use their own local alerting system, 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.

When an alert does not meet criteria, efforts to find the person do not cease at this time. We continue to assist the requesting law enforcement agency with launching a missing persons search, assist them in putting 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, will require specific and strict criteria being added to this bill. After discussions with the bill sponsors and Indian Affairs Commission, the highway patrol and bureau of criminal investigation offered the following potential criteria for a Feather Alert:

- Confirmation by local law enforcement of a stranger or family abduction in which the missing person is believed to be in grave danger of serious bodily harm or death; and,
- 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.

It is important to separate abducted individuals from a standard missing persons case. There are a variety of reasons a person can go missing and not all qualify in this category. 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. While it is in the minority, we have received alert requests and even issued alerts where someone was taking time off from their family at a hotel or in another case the person was in jail in another state. In both 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.

The feather alert bill focuses on an important topic and a crisis that has 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 many 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.

For the committee's discussion it's important to know who else is not covered by alerts, and that is all races, people aged 18 and older who have been abducted and meet these same criteria. However, I caution creating more alert types. More alerts also 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 send out 10 alerts per year on average. To give some context, if we had a missing persons alert with general criteria, we would have sent 1,301 alerts to your cell phone in 2024. That averages 3.5 alerts a day. Strict criteria, like I've outlined today, reserves the alerts system for our most vulnerable.

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 alerts due to people shutting their notifications off. 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 there are a few other adjustments to language:

Line 9 and line 15, strike "superintendent" and add "highway patrol". This aligns with how alerts are currently being done.

Line 13, strike "missing" and insert previously mentioned criteria.

Line 21 and 22, strike "shall oversee the implementation of the feather alert notice system, and". Implementation would need to be done by the agencies who issue alerts: highway patrol, BCI, and NDDDES. This still keeps the Indian Affairs Commission on as a liaison.

Line 20, Issuing an alert in indigenous languages is incredibly useful, but may come with challenges. We are limited to 90 characters, including spaces, when issuing an alert to cell phones. This information is what you see on your cell phone, and it provides a short description and a website to click for more information. An alternative may be having pre-written messages, in indigenous languages, that could be displayed on the website for an alert if one is issued. Otherwise, the interpretation service would need to be provided 24/7 in the event we have an alert that needed interpreting.

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



— State of —
North Dakota

Office of the Governor

John Hoeven
Governor

EXECUTIVE ORDER 2002-06

WHEREAS, it is essential to utilize maximum public participation to recover children in the most serious child abduction situations; and

WHEREAS, in child abduction circumstances, law enforcement has information available to disseminate to the general public that could assist in the safe recovery of the victim, the apprehension of the suspect, or both; and

WHEREAS, the Amber Alert, first created in Dallas, Texas after the murder of Amber Hagerman, a nine-year-old girl who was abducted in 1996 from her home in Arlington, Texas makes the Emergency Alert System available for use by law enforcement officials to alert the general public when a child has been abducted and is believed to be in danger; and

WHEREAS, the goal of the Amber Plan is to coordinate the services of government, law enforcement, and broadcasting agencies in an effort to expedite the recovery of abducted children by coercing the kidnapper to release the child for fear of being caught; and

WHEREAS, the Amber Plan requires law enforcement to meet certain criteria when evaluating a child abduction before activation can occur. Therefore, the Amber Alert is not activated for every abduction or custody dispute; and

WHEREAS, tragedies, such as those concerning 11-year-old Jeanna North of Fargo, North Dakota in 1993 inspired the Fargo Police Department to develop the Jeanna Alert; and

WHEREAS, nine North Dakota counties have had a fully implemented Amber Alert program for several years: Cass, Adams, Hettinger, Bowman, Slope, Golden Valley, Billings, Stark and Dunn. It has been used once in the Richardton area.

NOW, THEREFORE, I, JOHN HOEVEN, Governor of the State of North Dakota, by virtue of the power and authority vested in me by the Constitution and statutes of the State of North Dakota, do hereby issue this Executive Order to become effective immediately:

IT IS ORDERED that the Superintendent of the North Dakota Highway Patrol, in cooperation with the Division of Emergency Management and other state agencies, shall implement the use of the Emergency Alert System in the State of North Dakota.

IT IS FURTHER ORDERED that the Superintendent of the North Dakota Highway Patrol, in cooperation with the Division of Emergency Management and other state agencies, local law enforcement and broadcasters, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters and any other intermediate emergency agencies that may institute activation of the Amber Alert shall proceed after a qualifying abduction has been reported to a law enforcement agency. Those policies and procedures shall be inserted into the North Dakota Emergency Operation Plan, and shall include, but not be limited to:


- (1) Procedures for transfer of information regarding the abducted victim and abduction from the law enforcement agency to the broadcasters;
- (2) Specification of the event code or codes that should be used if the Emergency Alert System is activated to report a qualifying child abduction;
- (3) Recommended language for an abduction alert;
- (4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the abduction should contact and how the person should contact the agency; and
- (5) Recommendations on the extent of the geographical area to which a child abduction emergency alert should be broadcast.

IT IS FURTHER ORDERED that the Superintendent of the North Dakota Highway Patrol shall see that these policies and procedures are implemented immediately and distributed to law enforcement agencies, broadcasters and intermediate agencies. The Superintendent shall also coordinate with the Office of the Governor and Division of Emergency Management to communicate the existence of this program to the public and shall report back to the Governor regarding compliance with this Order.

All State entities under the Governor's jurisdiction shall cooperate fully with the Superintendent of the North Dakota Highway Patrol and provide assistance as needed to implement this Executive Order. All other State agencies are encouraged to assist the Superintendent of the North Dakota Highway Patrol as requested to comply with the Executive Order.

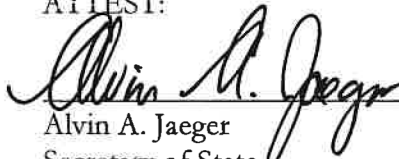
This order is pursuant to Article V, Section I of the North Dakota Constitution.

Executed at Bismarck, North Dakota this 30th day of August, 2002.



John Hoeven
Governor

ATTEST:



Alvin A. Jaeger
Secretary of State



Cory G. Fong
Deputy

Meet the ND Watch Center



24/7 Round-the-Clock Readiness

The ND Watch Center is responsible for round the clock monitoring, collecting, assessing, and disseminating of public safety threats information.

The Watch Center is our first line of state emergency response. Following comprehensive standard operating procedures, the Watch Center Staff notifies the correct people at the correct time. When needed, they get the right people to the table, ensuring timely response.

Watch Center



Watch Center was notified by state radio of a vehicle fire in Towner, ND. The vehicle is in a car port in the alley of Towner Hardware. There are two 1000lb propane tanks 20 ft from the fire as well as a house 8-10 yards from the fire. Some explosions have been heard. Entire block and restaurant has been evacuated. No injuries reported, everyone clear of the vehicle. I called Kelsey the EM, left voicemail. No requests for assistance at this time.



WE GET INFORMATION IN



WE COMPILE

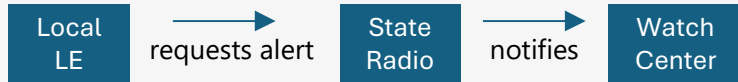


WE GET INFORMATION OUT

Public Alerts

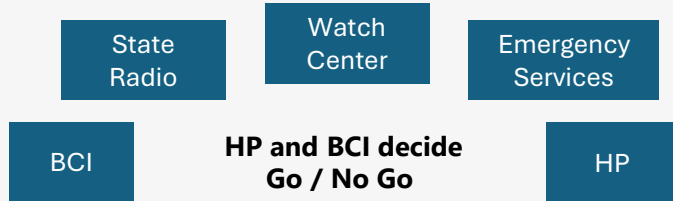
Did you know? ND enjoys a high success rate for public alerts. In 2024, nine people were located before activation and three were found safely after. Since the inception in 2018, ND has not experienced a Silver Alert in which the individual was not found.

What goes into an alert?



Work with local LE, run verification checklists & gather intel

WC sends notifications and SR starts the meeting



511, DOT Signs, Alert, Social, Website go live within 30 mins

Case study

State Radio received an alert request by Minot Police Dept the evening of December 31st. From start to finish, all public communications were live in just 33 mins.

Schaefer was found alive in her vehicle the next morning by two Berthold area teens who were snowmobiling in the very rural area. 911 was called and Schaefer was taken to the hospital where she was monitored and treated for hypothermia.



The Catch 22 with public alerts: the more alerts being sent, the less they are viewed. More people opt out of receiving alerts on their phone and tune out of the DOT road signs and news, reducing the overall effectiveness.

An **AMBER Alert** can be activated if it is believed that an immediate broadcast alert will help locate the child(ren) and/or suspect, and there is enough descriptive information about the child, the suspect and/or the suspect's vehicle to assist with the safe recovery of the victim and/or apprehension of the suspect as long as **BOTH** the following criteria are met:

AMBER ALERT

- The abducted child or children are 17 years of age or younger, AND
- There is confirmation by law enforcement of a stranger or a family abduction in which the child is believed to be in GRAVE DANGER of serious bodily harm or death.

A **Silver Alert** is activated if there is enough descriptive information about the missing person and/or vehicle to assist with the safe recovery of that person and **EITHER** of the following are met:

SILVER ALERT

- Is the missing person a vulnerable adult who meets and has a substantial functional or mental impairment?
 - **Substantial functional impairment** - a substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment.
 - **Substantial mental impairment** - a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.

- Is the missing person a minor who has a developmental disability as outlined below?

Developmental disability - a severe, chronic disability of an individual which:

Is attributable to a mental or physical impairment or combination of mental and physical impairments, including Down syndrome;

Is manifested before the individual attains age twenty-two;

Is likely to continue indefinitely;

Results in substantial functional limitations in three or more of the following areas of major life activity:

- *Self-care*
- *Self-direction*
- *Receptive and expressive language*
- *Learning*
- *Economic sufficiency*
- *Mobility*
- *Capacity for independent living*

Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. Do you believe the subject is mobile and has left the immediate area?

A **Blue Alert** is activated if there is enough descriptive information to aid in the apprehension of an individual who is a suspect in an offense if **ALL** of the following are met:

BLUE ALERT

- The 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;
- The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
- Law enforcement investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
- Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.