



**69<sup>th</sup> Legislative Assembly**

Testimony in **Support** of

**Senate Bill No. 2098**

**State and Local Government Committee**

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TESTIMONY OF

**Sergeant Jenna Clawson Huibregtse**

Good afternoon, Chairman Roers and members of the State and Local Government Committee. My name is Jenna Clawson Huibregtse, and I proudly serve as a sergeant with the North Dakota Highway Patrol. My duties include operating as North Dakota's alerts coordinator. The alerts system consists of many entities including: local law enforcement, state radio, the watch center, BCI, Highway Patrol, Emergency Services.

The Highway Patrol thanks Senator Larson and Representative Heinert for sponsoring this important bill. North Dakota has three emergency alerts called AMBER, Blue, and Silver alerts.

The high-level overview:

**AMBER Alert**

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.

If you flip to a red and white handout I distributed to you, you will see a case study compiled by NDDDES from the last Silver Alert. This includes a matrix showing what happens when an alert is requested 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. By doing this, we help locate many of the people in alert requests before they are issued out to the public. 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.

Today I bring amendments forward after conversations with Senator Larson, Representative Heinert, the Bureau of Criminal Invitation, and the impacted alerts group from North Dakota Department of Emergency Services. I also bring these amendments forward having 6 years' experience working these emergency alerts.

Currently, alerts information exists in two locations. Silver and Blue alerts are in century code whereas the Amber alert exists by executive order only. This bill organizes the alerts into one section of century code. Impacting page 1 line 18 and page 2 line 17, you will see the first amendment proposed is moving “missing individual” to number four and “Silver Alert Notice” to number 3. This keeps the Amber, Blue, and Silver alert notice portions in one section.

Next, we amended the “missing individual” definition by adding the term endangered on Page 1 line 18. It is important to separate endangered individuals from a standard missing persons case. There are a variety of reasons a person can go missing and not all qualify in this endangered category. In some cases, people chose 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 do not have physical or mental impairments preventing them from living independently. While it is in the minority, we have received Silver alert requests or even issued a Silver alert 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 a silver 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.

For consistency and clarity, we also added endangered to page 1 line 19, page 1 line 22, and page 2 line 1.

- a.** an (endangered) disabled adult
- b.** an (endangered) minor who has a developmental disability, and
- c.** an (endangered) elderly adult

On Page 2 line 3, we struck “may pose an imminent risk of personal injury to the adult or others” and we added language to maintain consistency with Amber alerts and clarify WHY we do Silver alerts and WHO we do them for. “An elderly adults who has disappeared, whose disappearance has been reported to law enforcement and the disappearance 1) indicated the person may be in grave danger or serious bodily injury or death.”

On page 2, line 4 we also added “and highway patrol or bureau of criminal investigation” after law enforcement agency. While reports must be made to the local law enforcement agency, the qualification for an alert must be done in conjunction with the highway patrol or bureau of criminal investigation according to North Dakota century code. Adding these two agencies complies with century code and creates consistency across the three alert types.

On page 2, line 7-11, the section has been struck. This section solely relates to weather and age, leaving the alert criteria too loose. By adding “grave danger or serious bodily injury or death” to Page 2, line 3 inclement and extreme weather is accounted for. I would like to note that we already consider weather as a factor for every alert request since we consider that to be extreme circumstances that could seriously injure or kill a missing endangered individual who qualifies for a Silver alert.

On page 2, line 13 and 16, we struck duration of disappearance. In a missing persons case, time is of the essence. When a person has been missing and qualifies for an alert, they are physically or mentally impaired and loved ones or a care facility report the person missing to us in a timely manner. In turn, an immediate broadcast of usable information about the person and/or vehicle will provide the public with descriptive information to help locate the person or vehicle. If a person has been missing for longer, the immediate broadcast is no longer considered beneficial. Many factors contribute to this, but some include, change of clothing, no longer driving the same vehicle, multiple states away, no longer in view of the public, etc.

When considering changes to the alerts century code, we have 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. More opt out of receiving alerts on their phone and tune out of the DOT road signs and news, reducing the overall effectiveness. The changes proposed today expand the discretion for law enforcement when finding missing endangered individuals, while maintaining a high standard of strict criteria.

Please consider these changes and I will stand for any questions. Thank you Chairman Roers and the committee.