



69th Legislative Assembly

Testimony in **Support of**

Senate Bill No. 2098

House Government and

Veterans Affairs Committee

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TESTIMONY OF

Sergeant Jenna Clawson Huibregtse

Good afternoon, Chairman Schauer, Vice Chairman Satrom, and members of the Government and Veterans Affairs 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 NDDES 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.

Any amendments that were made on the senate side were done after thorough conversations with Senator Larson, Representative Heinert, the Bureau of Criminal Investigation, and the impacted alerts group from North Dakota Department of Emergency Services.

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. This bill also more clearly defines who qualifies for a silver alert.

When considering changes to the alerts century code, we must consider 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 and the committee.

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.

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.

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graph LR
    A[Local LE] -- "requests alert" --> B[State Radio]
    B -- "notifies" --> C[Watch Center]
  
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notifies

WC sends notifications and SR starts the meeting

Emergency
Services

HP and BCI decide Go / No Go

HP

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

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.

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.

