

**Attorneys-General of Manitoba, Minnesota, North Dakota and South
Dakota**

**Protocol to establish a Memorandum of Understanding
on an Interjurisdictional AMBER Alert Plan
for the Protection of Children**

This is a Memorandum of Understanding (“MOU”) for the purpose of establishing an Interjurisdictional AMBER Alert Plan for the Protection of Children. This Memorandum is the product of a partnership between the Attorneys-General of Manitoba, Minnesota, North Dakota, and South Dakota (collectively the “Attorneys-General”).

WHEREAS certain studies of abducted children who were murdered indicate that 44% of children died within the first hour of abduction, 74% died within the first three hours of abduction, and only 1% survived more than one day;

AND WHEREAS timely information about the abduction provided to the public will greatly enhance the efforts of law enforcement to locate the abducted child;

AND WHEREAS broadcasters are ready to assist law enforcement to provide a timely, efficient method to communicate news of an abducted child to the public;

AND WHEREAS the Attorneys-General approve the formation of an Interjurisdictional partnership among Manitoba, Minnesota, North Dakota, and South Dakota (collectively referred to as “jurisdictions”) to help safely recover abducted children;

AND WHEREAS the Attorneys-General are committed to protecting children and will accordingly use their best efforts to have their respective jurisdictions take all steps necessary to bring into effect a further Memorandum of Understanding, intended to be entitled the Interjurisdictional AMBER Alert Plan for the Protection of Children Memorandum of Understanding (the “AMBER Alert MOU”);

THEREFORE the Attorneys-General, in the spirit of promoting closer relationships, intend to work co-operatively to the fullest possible extent consistent with the law and existing treaties between their respective nations and do accept:

1. They will each use their best efforts to encourage their jurisdictions:
 - a) To take all necessary legislative, regulatory, and other steps, on a timely basis, to allow each jurisdiction to bring into effect an AMBER Alert MOU containing provisions similar to the draft attached hereto as Schedule “A”.
 - b) To designate a single point of contact available 24 hours a day, seven days a week, to receive this AMBER Alert information.

- c) To apply strict and consistent activation criteria as public perception of the credibility of the AMBER Alert Plan broadcast is critical to the success of the plan.
- d) To make citizens familiar with the AMBER Alert Plan, in order to enhance its success in the safe recovery of abducted children.

2. It is intended that:

- a) The Amber Alert MOU will come into effect when accepted by two or more jurisdictions as between or among such jurisdictions;
- b) Upon subsequent acceptance of the AMBER Alert MOU by additional jurisdictions, it will come into effect among those jurisdictions in each jurisdiction that has previously ratified it;
- c) The signature of an official authorized under the laws of the ratifying jurisdiction to bring into effect such agreements will constitute ratification of the Amber Alert MOU.

3. This MOU will be in effect for a period of 5 year (s) from the date of signing, although any jurisdiction may terminate their participation in the MOU with 90 days written notice to the other jurisdictions.

4. This MOU may be amended or extended by mutual consent, in writing, by participating jurisdiction.

5. This MOU represents a statement of general intention on the part of the Attorneys-General and does not represent any manner of binding contractual or other legal agreement on the part of any of the Attorneys-General nor their respective jurisdictions whatsoever. Neither the Attorneys-General nor their respective jurisdictions will be subject to any legal liability resulting from non-performance of any provisions of this MOU to Establish an Interjurisdictional AMBER Alert Plan for the Protection of Children MOU.

I hereby accept the provisions set forth in the Protocol to Establish an Interjurisdictional AMBER Alert Plan for the Protection of Children Memorandum of Understanding.

Signed this 26th day of May, 2006

Signed this 26th day of May, 2006

Original signed by
Attorneys-General of the Province of Manitoba

Original signed by
Attorneys-General of the State of North Dakota

Signed this 26th day of May, 2006

Signed this 26th day of May, 2006

Original signed by
Attorneys-General of the Province of Minnesota

Original signed by
Attorneys-General of the State of South Dakota

SCHEDULE “A”

Memorandum of Understanding on Interjurisdictional AMBER Alert Plan for the Protection of Children

This is a Memorandum of Understanding (“MOU”) entitled Interjurisdictional AMBER Alert Plan for the Protection of the Children. This Memorandum is the product of a partnership between certain states of the United States of America and certain Canadian provinces and territories (collectively referred to as “jurisdictions”).

WHEREAS certain studies of abducted children who were murdered indicate that 44 % of children died within the first hour of abduction, 74% died within the first three hours of abduction, and only 1% survived more than one day;

AND WHEREAS timely information about the abduction provides to the public will greatly enhance the efforts of law enforcement to locate the abducted child;

AND WHEREAS broadcasters are ready to assist law enforcement to provide a timely, efficient method to communicate news of an abducted child to the public;

AND WHEREAS an interjurisdictional partnership has been formed to help safely recover abducted children.

THEREFORE the participants of this Memorandum, in the spirit of promoting closer relationships, intending to work co-operatively to the fullest possible extent consisting with the law and existing treaties between their respective nations, accept the following as provisions of their understanding.

1. Activation Process

- 1.1 A reporting jurisdiction, finding it appropriate to expand an AMBER Alert into another jurisdiction, and having confirmed the accuracy of its information and verified that the activation criteria are satisfied, will notify the receiving jurisdiction, providing all available information surrounding the abduction.

- 1.2 If the receiving jurisdiction accepts that the information is accurate and that the activation criteria identified below are satisfied, the receiving jurisdiction will immediately activate its AMBER Alert Plan. Member jurisdictions will be available 24 hours a day, seven days a week to receive this information.

- 1.3 The reporting member jurisdiction will immediately notify the receiving jurisdiction when the child has been located, or the child has left the receiving jurisdiction, allowing the receiving jurisdiction to deactivate its AMBER Alert Plan, if appropriate. The duty of the reporting jurisdiction to provide relevant information to the receiving jurisdiction is a continuing obligation, which will exist as long as the AMBER Alert Plan of the receiving jurisdiction is activated.

- 1.4 Each jurisdiction will designate a single point of contact to be available 24 hours a day, seven days a week.

2. Activation Criteria

- 2.1 The participants of this MOU have developed strict activation criteria after review of the AMBER Alert Plans in place in their jurisdictions. The primary consideration in the development of the activation criteria is the identification of those abducted children who are at greatest risk of serious bodily injury or death. Other factors, such as the availability of resources and potential for abuse, were also considered. Public perception of and AMBER Alert Plan broadcast as credible is critical to the success of the plan.
- 2.2 In order for the interjurisdictional AMBER Alert Plan to be activated, law enforcement must be satisfied that the following criteria have been met:
- a. The abducted child must be 17 years of age or younger;
 - b. The abducted child is believed to be in danger of death or serious bodily injury;
 - c. There is reason to believe that the abducted child is traveling to or in the receiving jurisdiction; and
 - d. There is enough information available to believe that an activation will assist in the recovery of the child.
- 2.3 The AMBER alert Plan is limited to “abducted” children, and, therefore, excludes children believed to be runaways from home, or parental abductees unless the reporting jurisdiction determines that the parent is in violation of a court order regarding their custodial rights and the child is in serious danger of imminent bodily harm or death.

3. AMBER Alert Training Program

3.1 Each jurisdiction is encouraged to provide training to its law enforcement agencies and broadcasts on its AMBER Alert Plan. It is intended that any such training will provide instruction on all aspects of the jurisdiction's plan, including its activation criteria and broadcasting procedures.

4. School and Community Notifications

4.1 The citizens of each jurisdiction must be familiar with its AMBER Alert Plan in order to enhance its success in the safe recovery of abducted children. Therefore, each jurisdiction is encouraged to develop an information brochure which will be made available in an effort to educate the public about the jurisdiction's AMBER Alert Plan.

5. Review of AMBER Alert

5.1 The participants of this MOU may form an AMBER Alert Plan Review Committee (the "Committee") to periodically review the circumstances surrounding all interjurisdictional AMBER Alert Plan activations. The Committee's review may focus upon the circumstances of the activation, and identify and correct any problems with implementation of the plan. It is intended that the Committee will consist of the participants of the MOU and broadcast associations of each jurisdiction which is a participant of this MOU.

6. Miscellaneous

6.1 This MOU is not intended to and does not create any legal rights to activation of the AMBER Alert Plan.

6.2 This MOU is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies any other parties.

6.3 This MOU is not intended to and does not empower members of the public to act as police officers or to take police action. The role of the public is to provide law enforcement officials with information to assist in the recovery of the child.

6.4 This MOU will come into effect when accepted by two or more jurisdictions as between or among such jurisdictions. Upon subsequent acceptance of this MOU by additional jurisdictions, it will come into effect among those jurisdictions in each jurisdiction that has previously ratified it. The signature of an official authorized under the laws of the ratifying jurisdiction to bring into effect such agreements will constitute ratification of this MOU.

6.5 This MOU will be in effect for a period of 5 years from the date of signing, although any participant may terminate their participation in the MOU with 90 days written notice to the jurisdictions.

6.6 This MOU may be amended or extended by mutual consent, in writing, by participants.

6.7 This MOU represents a statement of general intention on the part of the participants and does not represent any manner of binding contractual or other legal agreement on the part of the participants to the others whatsoever. The participants will not be subject to any legal liability resulting from non-performance of any provisions of this MOU.

I hereby accept the provisions identified in the Interjurisdictional AMBER Alert Plan for the Protection of Children Memorandum of Understanding.

Signed this 26th day of May, 2006 on behalf of Manitoba

Original signed _____

Signed this 26th day of May, 2006 on behalf of North Dakota

Original signed _____

Signed this 26th day of May, 2006 on behalf of South Dakota

Original signed _____