



"Lady Justice" used with permission from DG Smalling, Choctaw Nation

# Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Operation Lady Justice

## Written Consultation Comments Received 2020

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January 2021



**OPERATION  
LADY JUSTICE**

**Department of Justice**

950 Pennsylvania Avenue NW

Washington, DC 20530

[www.justice.gov](http://www.justice.gov)

**Department of the Interior**

1849 C Street NW

Washington, DC 20240

[www.doi.gov](http://www.doi.gov)

**Department of Health and Human Services**

200 Independence Ave SW

Washington, DC 20201

[www.hhs.gov](http://www.hhs.gov)

# Written Consultation Comments Received 2020

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January 2021



# Contents

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Sheila Price, Shatter the Silence, and Sherry Ellsworth, Lumbee Recognition — Lumbee Nation, North Carolina .....	1
Shelly R. Fyant, Tribal Chairwoman — The Confederated Salish and Kootenai Tribes of the Flathead Nation, Montana.....	5
Patti Gosch, Tribal Liaison, Washington State Patrol.....	9
Heather Ralph .....	17
Kari Sindberg VandenBrink .....	19
Athena Sanchey-Yallup, Chair, Yakama Nation’s Missing and Murdered Indigenous Women Committee, Yakama Nation Tribal Council — Confederated Tribes of the Yakama Nation, Washington .....	21
Jynx Houston — Oregon .....	25
Stephanie Sanderlin — Curyung Tribal Council, Alaska .....	27
Julia Crockett, British Postgraduate Researcher — University of Huddersfield, United Kingdom.....	29
Aaron A. Payment, Chairperson — Sault Ste. Marie Tribe of Chippewa Indians, Michigan .....	31
Robert Albert, Second Chief, Koyukuk Village Council — Koyukuk Native Village, Alaska .....	39
Grace Bulltail — Crow Tribe of Indians, Montana .....	41
Stacey Schreiber — Stockbridge-Munsee Band of Mohican Indians, Wisconsin.....	45
Michael Lasnier, Chief of Police — Suquamish Tribe, Washington .....	47
Vivian Korthuis, Chief Executive Officer — Association of Village Council Presidents, Alaska .....	51
Teri Gobin, Chairwoman — Tulalip Tribes, Washington .....	59
Rex L. Jim, Executive Staff Assistant, Office of the President and Vice President — The Navajo Nation, Utah-Arizona-New Mexico.....	63
Sovereign Bodies Institute — United States and Canada.....	73
Rhonda D. Harjo .....	77

Rochelle Keyhan, Chief Executive Officer — Collective Liberty, Washington, D.C. ....87

Brenda S. Golden — Golden Legal Services, Oklahoma .....93

Meghan “Sigyanna” Topkok, Staff Attorney, and Melanie Bahnke, President —  
Kawerak Inc., Alaska .....95

Joel Jackson, President — Organized Village of Kake, Alaska .....105

Annette Okitkun — Village of Kotlik, Alaska .....109

Esther Lucero (Diné), Chief Executive Officer, and Abigail Echo-Hawk (Pawnee),  
Chief Research Officer — Seattle Indian Health Board, Washington ..... 111

J. Michael Chavarria, Governor — Santa Clara Pueblo, New Mexico ..... 119

Tehassi Tasi Hill, Chairman — Oneida Nation, Wisconsin .....123

Chuck Hoskin Jr., Principal Chief — Cherokee Nation, Oklahoma .....127

Nicole Wagon — Fremont County, Wyoming .....131

Gloria O’Neill, President and Chief Executive Officer — Cook Inlet Tribal Council,  
Alaska Native Justice Center .....135

# Sheila Price, Shatter the Silence, and Sherry Ellsworth, Lumbee Recognition — Lumbee Nation, North Carolina

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**From:** sponcedele@aol.com

**Subject:** Fwd: Letter to OLJ

10/29/20

Dear Sir or Madam.

We are writing to “Operation Lady Justice” for an urgent issue that we feel may have not been brought to you or the President when he recently visited our Lumbee Nation in Robeson County, NC. We have so many unsolved missing and murdered indigent women and men in our homeland. So many of their children have been left to suffer without their parents. Their mothers weep everyday. We are writing to you from two organized groups, “Shatter the Silence” and “Lumbee Recognition” now have more than 11,000 friends in our group for which information can easily be dispersed. Three more teams are organizing. We are so thankful to your group and the President for requesting the group to be created. We are so thankful that he visited us. by looking at this list , with your help , I know we can bring our missing home or find their killers. We need justice for all these people. Please see the victims name below:

Rhonda Jones(Murder Victim 2017)

Kristen Bennett(Murder victim 2017)

Megan Oxendine(Murder victim 2017)

Susan McGirt(Missing 2018 and found decease in 2019)

Donaly McIntosh( Missing 2001, found decease 2009)

Clayton Jackson Locklear(Missing)

Herbert Strickland, Jr,

Cynthia Jacobs (Missing) 2017)

Abby Patterson(Missing 2017)

Tabitha Anne Goins( went missing in Hope Mills, 2019)

Jr. Little(missing, 12/12/18)

Casey Young(deceased counted as a suicide, family doesn't agree)

Katina Locklear(Murdered)

Johnny Sinclair(unsolved murder)

Phillip Miles Chavis(Missing, 1989)

Miranda Davis(Missing, 2020)  
Eric Montreal Evans(Missing, 2017)  
James Earl Fagin(Missing 2019)  
Sara Nicole Graham(Missing 2015)  
Billy Jean Hammonds, Missing 2016  
Troy Lee Jacobs(Missing 1996)  
Janice Marie Jones(Missing 1994)  
Gailon Leek (Missing 2002)  
Stephany Lewis(Missing 2004)  
Delwin Maxton(missing 2004)  
Brian Lowery(missing 2002)  
Jessica Lowery(Missing 2005)  
Terry Lowery 1995(Missing 1995)  
Chaleetha Maynor( Missing 2007)  
Julandon Mcullom(Missing Jul 9th)  
Shiely McNair(Missing 1994)  
Rubles perez(Missing 2016)  
James Smith(Missing 1978)  
Hebert Strickland(2018)

1) Three women were killed in a relatively short period of time. Another two women and one man disappeared during the same time period. True or untrue, we were told that evidence sat on the shelves for 24 months. Please help us to find out why not? We were told that the evidence of fingernail clippings never came back yet. Please send someone to investigate this matter. The killers and abductors are still allowed to walk freely around our Robeson County to do this again? There have been people coming forward to “Shatter the Silence,” to let them know anonymous tips.

2) A person even did a dark podcast titled ,” The lady with no legs.” During this interview the woman said that she believes the police are corrupt and once of the victims were seen with a detective.

2) One anonymous tipster told Ms. Sheila that one of the missing “Abby” was dumped in a pond on Almanac Rd. To be specific they told Ms. Price that she had overdosed, was foaming at the mouth, died and was then dumped. The woman stated that she was not there, but her friend was.

3) Ms. Price was called by an informant. The informant told her that she was there the night her daughter and another victim was killed. They gave the person responsible's name. They said that she stays at the Royall Inn on Carthage where she is dealing drugs heavily, and that there is a red bow on her door. They told Mrs. Price that her daughter's body was placed in a shopping cart and then pushed down the road and dumped. Also we are informed that the police had the blanket one of the victims was found in disposed of.

We firmly believe what is in the Dark Shall be Brought to the Light.

Please reach out to us, I am a nurse, writing this letter to you to get help for this community, I do not want anything but help for the people. I see a county in despair. Ms. Sheila Price can be reached at 910 740-6555. She is the mother of one of the 3 victims found deceased in 2017 (upside down in a garbage can) and the” Shatter the Silence” group. If you should need me, I can be reached at 773 368-7797,

We pray for your help.

Respectfully,

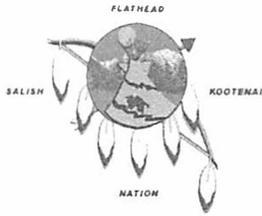
Sheila Price, “Shatter the Silence”

Sherry Ellsworth, RN, “ Lumbee Recognition”



# **Shelly R. Fyant, Tribal Chairwoman — The Confederated Salish and Kootenai Tribes of the Flathead Nation, Montana**

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A Confederation of the Salish,  
Pend d' Oreille  
and Kootenai Tribes

THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION  
P.O. BOX 278  
Pablo, Montana 59855  
(406) 275-2700  
FAX (406) 275-2806  
www.cskt.org



A People of Vision

**TRIBAL COUNCIL MEMBERS:**

Shelly R. Fyant -Chairwoman  
Anita L. Matt -Vice Chair  
Ellie Bundy McLeod - Secretary  
Martin Charlo -Treasurer  
Len Two Teeth  
D. Fred Matt  
Carole Lankford  
James "Bing" Matt  
Charmel R. Gillin  
Mike Dolson

October 22, 2020

Katharine Sullivan, Principal Deputy Assistant Attorney General  
Tara Sweeney, Assistant Secretary for Indian Affairs  
Terry Wade, Executive Assistant Director, Federal Bureau of Investigation  
Laura Rogers, Acting Director, Office on Violence Against Women  
Charles Addington, Deputy Bureau Director, Bureau of Indian Affairs  
Trent Shores, U.S. Attorney for the N. District of Oklahoma  
Jean Hovland, Deputy Assistant Secretary for Native American Affairs

*Presidential Task Force on Missing and Murdered American Indians  
and Alaskan Natives (Operation Lady Justice)*

Dear Task Force Members:

The Confederated Salish and Kootenai Tribes (CSKT) are writing in regards to Executive Order 13898, the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (Operation Lady Justice). Ms. Ellie Bundy, Tribal Council representative participated in the BIA Great Plains and Rocky Mountain Region listening session but did not have the opportunity to speak. We request that this written statement be made a part of the Operation Lady Justice official record.

According to the National Institute of Justice (NIJ) 84 percent of Native women have experienced violence in their lives, 56 percent of those women experience sexual violence and 60 % of the women have experienced

psychological violence in their lifetime. According to the Centers for Disease Control and Prevention, (CDC) homicide is the 3rd leading cause of death among American Indian and Alaska Native women. These statistics expose the deep impact that violence has in the lives of Native women, families and tribal communities.

CSKT has recognized that violence, drug activity, runaways and sex trafficking is in dangerous correlation with Missing and Murdered Indigenous People. Although young women are most at risk, there is a large number of young men that are vulnerable as well. CSKT adopted a tribal resolution in January 2019 establishing a Missing and Murdered Indigenous People (MMIP) work group to address MMIP which focuses on education and awareness. It is a dangerous time for our young people who may face safety threats that were unheard of 15-20 years ago. We find ourselves in a situation where we need to be more vigilant about protecting our younger generation. Indian Country struggles with alcohol, meth and opioids and it will take a multi-agency approach to make an impact. It is also important to engage the community to lead efforts in developing and implementing solutions.

CSKT's Work Group has had trainings for the community on MMIP and Sex Trafficking as well as presentations in the community. The work group, along with our Tribal Law and Order, developed Missing Persons Protocol for when someone in the community goes missing. Council member Ellie Bundy is the Tribe's representative on the State AG Missing Indigenous Persons Task Force.

Montana, as well as states throughout Indian Country, have recognized Missing and Murdered American Indians and Alaskan Native concerns and have taken action through legislation, task forces and field hearings.

CSKT and tribes across the nation have testified and provided comments regarding this alarming issue of missing and murdered indigenous people. There have been enough hearings and enough studies on the subject. It's time to get something done. CSKT is ready to act to address this issue and is ready to partner with State and Federal officials to take action.

CSKT would like to work with local, State and Federal officials to develop a Community Response Plan that contains protocols to respond to missing person

**cases. There needs to be clear direction on the roles and authorities of Tribal governments and agencies. There needs to be cultural sensitivity training provided to Law Enforcement and other agencies to stop the stereotyping and racism. Families of missing persons need support. We need to develop a position that is an advocate and tribal liaison between the family and law enforcement and other agencies. We need to create joint task forces that are willing to collaborate and work together to stop this problem.**

**We are thankful that your task force is bringing attention to the issue of Missing and Murdered American Indians and Alaskan Natives and CSKT looks forward to joint partnerships to address this crisis.**

Sincerely,

A handwritten signature in black ink that reads "Shelly R. Fyant". The signature is written in a cursive, flowing style.

**Shelly R. Fyant  
Tribal Chairwoman  
Confederated Salish and Kootenai Tribes**

# Patti Gosch, Tribal Liaison, Washington State Patrol

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**From:** Gosch, Patti (WSP)

**Subject:** Testimony Submission (Washington State)

October 22, 2020

Testimony Submission to OperationLadyJustice@usdoj.gov

## *Introduction*

- ▶ I am Patti Gosch, the Washington State Patrol (WSP) Tribal Liaison focusing on Missing and Murdered Indigenous People program. Previous to my current position, I was the Liaison to the Tribal Law Enforcement community in Washington State for twenty years as the lead Criminal Intelligence Specialist with the High Intensity Drug Trafficking Area (HIDTA) program.
- ▶ I would like to share some insight from the past ten months of focusing on Missing and Murdered Indigenous Persons and their families and communities in Washington State.

## *History*

- ▶ There are twenty-nine tribal reservations in Washington State, the majority of which are self-governing, with few under State jurisdiction (PL280). Additionally, there is a large native population in the urban areas, partially due to the Public Law 959, that are repeatedly overlooked when referencing Native American communities
- ▶ Most Tribal law enforcement in Washington State have the benefit of Federal and State law enforcement training, and have experienced officers who have joined Tribal from non-tribal law enforcement agencies.
- ▶ In 2019, the Washington State Legislature (HB 1713) required that WSP would have two Liaison positions for missing and murdered indigenous women and indigenous persons established. We are currently in the process of hiring the second liaison position, our applicant should be joining us soon.
- ▶ The Liaison position(s) have the following requirement:
  - The liaisons shall work to build relationships to increase trust between governmental organizations and native communities.
  - The Liaisons shall facilitate communications among:

- Indian tribes and tribal organizations and communities;
  - Urban Indian organizations and communities;
  - Tribal Liaisons in other state agencies;
  - Law enforcement agencies at the federal, state, local, and tribal level; and
  - Non-governmental entities that provide services to Native American women.
- The Washington state patrol must develop a best practices protocol for law enforcement response to missing person reports for indigenous women and other indigenous persons. The protocol must include steps that law enforcement should take upon receiving a missing person report for an indigenous woman or other indigenous person.
    - Not only does WSP provide guidance to law enforcement, the WSP also provides guidance to family members who need assistance reporting a loved one missing. (See brochure, pages 2 and 3.)
- ▶ Currently, Washington State’s weekly average count of missing persons identified as Native American is 102. There is fluctuation as those that have been located are quickly filled with new reports, both first time missing and frequent runaways. Currently there are 166 unidentified remains in Washington State dating as far back as 1955. When the WSP Liaison program began in November 2019, male missing counts were significantly higher than missing females. As of today’s record search, the counts are similar, with male missing count decreasing. There is not enough information to determine if this is because of or linked in some way to the COVID pandemic.

## *Successes*

- ▶ Working together with our legislators, we have made progress with changes in legislation. Washington State House Bill 2792 became law on June 11, 2020, requiring all persons reported missing to be entered into NCIC if they have not been located after thirty days. Previous to this law, it was not required for a healthy, viable adult in Washington State to be entered into NCIC, as it was viewed that they had a right to be missing.
- ▶ This new legislation only effects Washington State. Reporting requirements for adults to NCIC are not consistent between interstate jurisdictions.
- ▶ NCIC has proven to be vital in our efforts. With the use of NCIC, we have been successful in locating missing persons across the country. Law enforcement will be alerted anywhere in the United States if they run identification of someone listed as missing and linked in NCIC. This gives the opportunity of the person to be located, where otherwise it would be limited to only the state they were entered as missing.
- ▶ Washington State does not have a task force, but a collaborative of stakeholders. Our collaborative have been successful correcting racial identifiers for missing and murdered. We have helped out-of-state families have their relative’s cold case reopened, have located missing of both in-State and out-of-State families, and continue to support those who are searching for their loved ones.

- ▶ We also make a point to support tribal law enforcement efforts. We recognize that a community may have higher numbers of missing persons because their public safety and enforcement teams are making every effort to ensure that their missing are being reported.

## *Challenges*

- ▶ Tribal police chiefs have voiced their concerns of not being notified that one of their enrolled members is missing from other than reservation residences or have been murdered. To try to resolve this issue, we send a weekly list of all of the identified native missing persons, and a quarterly list of all missing persons in Washington State to all of the Tribal Police Chiefs and/or their designees. The Tribal Police Chiefs have identified persons not entered into the system correctly and have cleared persons missing from other locations that were found residing in their jurisdiction.
- ▶ Information regarding where a person is enrolled is difficult to find or non-existent. Because of this, non-Tribal Investigators frequently do not know from what community a Native missing or murdered person is from unless it is reported directly by family members. In urban settings, missing persons are often reported by friends or associates, unrelated to them.
- ▶ Tribal Police Chiefs have indicated that they know where the missing teenager is in a non-tribal jurisdiction, however their authority does not extend outside the Tribal jurisdiction and they themselves cannot retrieve or contact the missing. Non-tribal law enforcement do not always have the resources or availability to assist. This is an area where Tribal and non-Tribal law enforcement agencies communication and partnerships is of vital importance.
- ▶ Jurisdictional boundaries are a problem for investigations, and can be barriers. Many persons who contact our office for assistance in reporting their Washington State family member missing are Native families who reside out-of-state. Agencies require in-person reporting to verify identification and travel to Washington State can be both costly and time consuming, which can force a missing person report to be significantly delayed or even non-existent.
- ▶ Information sharing with State and Federal agencies are not fluid. Restrictions formed by legislation and policy prevent continuity in investigation.
- ▶ Database information does not always line up with Local, State and Federal programs. For example, the race may default or be selected as “white”, but the notes section may indicate the person is “other than white”. Misidentifying skeletal remains race, gender, and or age may also complicate the findings. In cases of unidentified remains, unless DNA is used, accuracy cannot be confirmed.
- ▶ Marketing databases used by law enforcement to research victim background to identify family members or community origins are often not useful because the databases are based on financial information and residential applications of adults. Young people will not have developed the criteria necessary to have information in these systems.

- ▶ The Tribal Access Program (TAP) is the tribal access link to NCIC, however not all tribes that have TAP terminals have equal access. We have tribal jurisdictions, who have TAP that still have to physically take their missing persons reports and protection orders to the County jurisdiction to be filed, where others are able to use their terminal at their office. In some cases travel in one direction is more than one hour, which is considerably taxing to a small agency, with few available officers.
- ▶ What must be understood is historically tribal communities were the target of violence and greed from outsiders, resulting in generational mistrust outside of the tribal community. When Tribal communities have been greatly disappointed over many generations of trauma, they naturally have low expectations of any assistance. After an attempt to report a missing person has failed, often the effort will not be repeated and the victim may not be reported missing for many years.
- ▶ Best practices protocols for non-tribal law enforcement agencies should include Native cultural awareness training:
  - Showing photos of the deceased are generally taboo and offensive, regardless of the law enforcements attempts to investigate an unidentified victim. When attempting to identify a deceased person by their tattoos or body scars, an artist's rendition of both are appropriate over the sectionalized photo of the remains.
  - Body language may also bring misunderstanding in communication between non-tribal law enforcement and the tribal communities. In non-tribal communities not making eye contact is perceived as deceptive, however in traditional tribal communities, it is rude to look someone directly into their eyes while talking to them. Likewise, crossing ones arms across the chest while talking in a non-tribal community indicates hostility and guardedness, whereas in a traditional tribal community it indicates that they are paying attention.
  - During effort's in trying to interview a person reporting the missing, the stress of the event, coupled with traditional tribal formal communication styles and accents of the reporting person might give the perception to non-tribal law enforcement that the person is less than credible and it becomes easy to be dismissive towards the validity of the reporter.
- ▶ Families of missing and murdered should be kept informed of both progress and barriers, once vetted for the safety of the missing person. The investigation process should be explained, including why some information cannot be made available. Thoughtfulness and patience should be practiced.

## *Conclusion*

- ▶ Washington State does not have a formal task force for Missing and Murdered Indigenous Persons, but rather a collaborative of both tribal and non-tribal agencies, State agencies, public and private organizations, and stakeholders to our State's efforts in finding missing native persons and resolving the unidentified persons list and murders. Amongst our stakeholders are tribal grassroot and tribal urban organizations. We are a community working together with one goal in mind.

- ▶ Although many persons are making genuine efforts to help, mistakes that are made during the efforts may be viewed as insensitive and culturally offensive. We must continue to do the hard work together, building and fostering a culture of trust, collaboration, diversity, and continually strive for performance improvement.
- ▶ For any questions or further information, please feel free to contact me:

Patti Gosch  
Tribal Liaison  
Washington State Patrol  
Government and Media Relations

## FRIEND/FAMILY MEMBER IS MISSING:

- ❧ **DO NOT WAIT!**  
Report the Missing. There is NO time requirement to wait before reporting.
- ❧ **CALL LOCAL AUTHORITIES FIRST!**  
Initial report must be taken by local law enforcement.
- ❧ **REPORT RACE ACCURATELY!**  
Giving the wrong information may prevent being found.
- ❧ **PHOTOS are important!**
- ❧ **KEEP MISSING VISIBLE!**  
The Washington State Patrol Missing and Unidentified Persons Unit can assist with poster distribution.
- ❧ **STRANGER DANGER!**  
Be cautious of stranger information. Report ALL tips or requests for monies to investigators.
- ❧ **ACCOUNTABILITY!**  
Keep records of contact with investigators and tipsters.
- ❧ **NEVER GIVE UP!**  
Missing persons have been found alive decades after being reported

❧ **IT'S THE LAW,** Legislators enacted HB2792, which states if a crime is suspected or after 30 days of being reported a person is not found, **LAW ENFORCEMENT MUST**

enter the missing into the National Crime Information Center (NCIC\*).

❧ **MISSING PERSONS PACKETS** are available on the WSP website. The packets include information needed by the investigating officer and authorization to release medical and dental information.

*\*NCIC is a National database used by law enforcement to share information such as warrants, protection orders, and missing persons. Information is searched at the time of contact with individuals.*

There are 1,886 persons listed as actively missing in Washington State (May 2020). Law enforcement divides their time investigating all manners of crime with resources dependent on budget and staffing. Local community and non-profit organizations are a great source of additional assistance.

**Missing & Unidentified Persons Unit**  
mupu@wsp.wa.gov

Toll Free : (800) 543-5678

# Missing Person Reporting

Law Enforcement and Community



Government and Media Relations

<https://www.wsp.wa.gov/crime/alerts-missing-persons/missing-persons>

DRAFT Rev 05/21/20

## WASHINGTON STATE PATROL MISSING AND UNIDENTIFIED PERSONS UNIT (MUPU)

All missing persons need to be reported to the primary law enforcement agency where the person was last seen FIRST before any assistance from the MUPU can begin.

The MUPU will provide a data packet for the requestor to fill out and provide essential information on the missing adult and will request the most recent, color, good quality digital photo to include on the poster. Once the packet is filled out and signed the MUPU can proceed with the poster and any other investigative assistance requested.

The Washington State Patrol Missing and Unidentified Persons Unit (MUPU) will provide a poster with photo for an active missing person ONLY when requested by a family member/legal guardian or the law enforcement agency handling the investigation.

To request assistance:

Toll Free: (800) 543-5678

Email: [mpu@wsp.wa.gov](mailto:mpu@wsp.wa.gov)

Email: [mupu@wsp.wa.gov](mailto:mupu@wsp.wa.gov)



(800) 543-5678

## WSP MUPU ACTIVE ALERTS

*Event must be reported to and Investigated by law enforcement to activate alerts.*

### AMBER ALERT

#### Criteria

1. Children 17 and under who are known to have been abducted and not a runaway or throw away.
2. In danger of serious bodily injury or death.
3. Activation should occur within 4 hours of the event unless not reported to law enforcement within that time frame.

### SILVER ALERT &

#### ENDANGERED MISSING PERSON ADVISORY

#### Criteria

1. Person of any age who is missing and in danger due to age, physical or mental health, severe weather conditions and not able to return to safety without assistance.
2. Enough information available to assist in the recovery of the missing person.

### DISTRIBUTION

- Email through subscriber list
- Fax—Contact AMBER Alert Coordinator to subscribe
- Wireless Emergency Alerts (WEA) - cell phone alerts ONLY if vehicle information is available
- Emergency Alert System (EAS) - interruption of television and radio—handled by WA State Department of Emergency Management (Amber ONLY)
- Department of Transportation Highway Signs—ONLY if there is vehicle information available
- WSP Twitter and Facebook Pages

**\*Law enforcement agencies: fill out an Alert Data Entry Form to activate an Alert.**

## MISSING AND MURDERED INDIGENOUS PEOPLE

On average, 102 of our Native neighbors—women, girls, men and boys—are listed as missing in Washington State each week. The majority of missing Native people are reported in cities and counties, not tribal jurisdictions. The actual number of missing Native Americans is likely much higher, as Native persons are often inaccurately reported or listed as white in law enforcement databases.

HB1713 legislation intends to find ways to connect state, tribal, and federal resources to create partnerships to find ways to solve this crisis facing Native communities.



### Tribal Liaison

Email: [Patti.Gosch@wsp.wa.gov](mailto:Patti.Gosch@wsp.wa.gov)

Desk: (206) 472-2774

Cell: (360) 280-0567

## ADDITIONAL RESOURCES

### NamUS

Website: <https://www.namus.gov/>

Email: [NamUs@unthsc.edu](mailto:NamUs@unthsc.edu)

Toll Free: (855) 626-7600

National Center for Missing & Exploited Children

Website: [www.missingkids.org](http://www.missingkids.org)

Toll Free: (800) 843-5678

1-800-THE-LOST

WSP Missing & Endangered Child Task Force  
Investigative Assistance Division

Email: [MECTF@wsp.wa.gov](mailto:MECTF@wsp.wa.gov)

(360) 704-2400

[www.wsp.wa.gov/crime/alerts-missing-persons/](http://www.wsp.wa.gov/crime/alerts-missing-persons/)



# Heather Ralph

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**From: Heather Ralph**

**Subject: We need to end the crisis of missing and murdered Native women and girls**

10/20/2020

Every year many Native American women and girls go missing and are murdered and nobody hears about it or does anything. Native women are 10 times more likely to experience violence than the national average according to <https://www.csvanw.org/mmiw/>. Please take action to end this crisis and make America safe for Native women and girls.

Heather Ralph



# Kari Sindberg VandenBrink

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**From: Kari Sindberg VandenBrink**

**Subject: Save Native Women NOW**

10/7/2020

I am writing to submit a comment regarding Missing and Murdered American Indians and Alaska Natives - an overwhelming majority of which are women or two-spirit.

Domestic violence disproportionately affects Native American women in the United States. Following deep generational trauma and the effects of colonialism as recently as the 1960s, Native peoples deserve and need federal assistance. The systemic racism that created deep inequities for Native peoples continues to impact their lives unfairly and without justice.

Missing and murdered Indigenous women deserve justice and their communities deserve healing. It is the responsibility of the U.S. government to support the First Nations peoples whose land was stolen from them, and now their women are being stolen.

Please make this right and do your part. Listen to Native women. Believe Native women. Support Native communities. Redeem yourselves for the harm you have caused.

Thank you,

Kari Sindberg VandenBrink, MPP



**Athena Sanchey-Yallup, Chair,  
Yakama Nation’s Missing and  
Murdered Indigenous Women  
Committee, Yakama Nation Tribal  
Council — Confederated Tribes of the  
Yakama Nation, Washington**

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Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

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October 2, 2020

Sent via Email to [operationladyjustice@usdog.gov](mailto:operationladyjustice@usdog.gov)

THE PRESIDENTIAL TASK FORCE ON MISSING AND  
MURDERED AMERICAN INDIANS AND ALASKA NATIVES

Re: Missing and Murdered Indigenous Women and Girls

Dear Task Force Members,

I write in response to the federal task force's request for comment regarding the ongoing MMIW crisis. I am chair of the Confederated Tribes and Bands of the Yakama Nation's ("Yakama Nation") special committee, the "MMIW Committee," which was formed to address the serious issue of missing and murdered women and girls in both our community as well as other tribes and urban communities facing similar issues.

While it is important to increase our understanding of the scope of this crisis, we cannot afford to wait for further studies before taking concrete action to address the needs already identified by Native communities. Yakama women have increasingly been subjected to sex trafficking, rape, assault, molestation and other sexual crimes since the first arrival of Euro-Americans. We do not need studies to confirm what we have lived for many decades. Federal agencies, from the U.S. Department of Justice to the Indian Health Service, have a vital role to play in responding to crimes as well as addressing root causes of this systemic failing of Native Women and Girls.

The MMIW Crisis is greatly impacted by the overcomplicated jurisdictional matrix within the Yakama Reservation, including the negative impacts of Pub. L. 83-280 and lack of accountability for Washington State and county law enforcement obligations. Yakama Nation is regularly left in the dark regarding state and county investigations and prosecutions of crimes involving Yakama Members within the Yakama Reservation. In two separate recent fatalities involving non-Indian perpetrators and beloved members of our Yakama family, the U.S. Attorney for the Eastern District of Washington has refused act on our request that he pursue justice on behalf of our members. In one of those cases, the county prosecutor has also declined to pursue justice under its Pub. L. 83-280 jurisdiction.

As you have heard during your many listening sessions over the past year, these jurisdictional problems are not unique to the Yakama Reservation. Until Congress acts to rectify the jurisdictional complications, the U.S. Department of Justice must step up to fill a jurisdictional gap that continues to allow for violence perpetrated against Native people by non-Indians.

Yakama Nation, Post Office Box 151, Toppenish, WA 98948 (509) 865-5121

In 2019, Yakama Nation Leadership traveled to Washington D.C. to advocate for the passage of necessary federal legislation. We are pleased to see two bills, Savanna's Act and the Not Invisible Act, recently pass out of Congress. Passage of these bills is just one important step of many that are necessary for the federal government to respond to the crisis at hand.

Our MMIW Committee is working to address a number of the needs expressed by our community. Some of the community feedback included the need for: 1) a family advocate to assist in reporting missing persons and interactions with law enforcement; 2) better communication and building of trust between state, tribal, and local law enforcement agencies and community members; 3) more financial resources for law enforcement; 4) personal safety education; 5) better coordination and cooperation between law enforcement agencies; 6) more programs geared at reaching kids that are at risk; 7) training for law enforcement on cultural sensitivity and interviews regarding sensitive issues; and 8) parenting support and education. I encourage the task force to include this feedback in its final report due to our inability to host an in-person listening session between the task force and local community as a result of Covid-19 limitations.

The development of real solutions will require willingness by the federal government to center Native voices in development and implementation of solutions. Yakama Nation remains dedicated to partnering with local and federal agencies to continue identifying solutions to the multiple issues that contribute to the tragedy of losing our Native women and girls.

Sincerely,

  
Athena Sanchey-Yallup  
YAKAMA NATION TRIBAL COUNCIL



# Jynx Houston — Oregon

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**From: Jynx Houston**

**Subject: MMIW LEGAL BACKING**

10/2/2020

I am writing to urge you to do everything in your power at DOJ to give the MMIW Movement the strongest legal backing you can. Indigenous girls & women have endured for centuries brutality, sexual violence, & death at the hands often of non-Native men over which tribes have not had jurisdiction to prosecute. This movement on behalf of Native girls & women is rapidly growing across the US & deserves your full support.

Thank you for your attention,

Jynx Houston  
Portland, OR



# Stephanie Sanderlin — Curyung Tribal Council, Alaska

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**From:** Stephanie Sanderlin

**Subject:** Operation Lady Justice Comments

10/2/2020

I am an Indigenous person and an enrolled member of the federally-recognized Curyung Tribal Council in Dillingham, Alaska.

While I am thankful for the Operation Lady Justice task force, I have concerns regarding the technological issues taking during the listening sessions. These issues prevented Indigenous people who are not members of the task force from being able to speak to task force members. Writer and activist Christine Cissy White stated, “It’s not trauma-informed if it’s not informed by trauma survivors.” The listening sessions must hear from the Indigenous people who are trauma survivors. Anything less means an uninformed and limited in efficacy task force.

I would like to see a plan for holding listening sessions again in order to allow those more comfortable with verbal testimony to give it.

Thank you,

Stephanie Sanderlin



**Julia Crockett, British Postgraduate  
Researcher — University of  
Huddersfield, United Kingdom**

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**Operation Lady Justice – personal written submission – 30 September 2020**

**Julia M Crockett – British postgraduate researcher University of Huddersfield UK**

My intention in making this brief contribution to your consultation process is to take the first step in mentioning to Marcia Good and all of President Trump's team the work of **Sanctuary** schemes in the UK. I hope this is helpful and relevant. My own particular academic focus is under the draft heading of 'Disrupting Domestic Violence Through Design' and draws upon crime prevention initiatives in the USA, UK, and Australia (to date) which look at the environment within which a crime takes place, and the extent to which that might be influenced to prevent or deter crime; to save lives.

The **Sanctuary** scheme run by the Metropolitan Police in London was initiated in 1998 by a serving police officer. He is now the Technical Advisor and wrote the 'best practice' manual which specifies which building security reinforcement measures effectively provide temporary safety when a property is under attack. These measures, which may include the construction of a Safe Room, buy time for the emergency services to arrive. Specialist Fire Officers advise on these projects ensuring that people are able to escape and/or remain, depending on the circumstances. Sanctuary schemes are said to save lives, and may yet prove to have done so, but they also problematically save money for local authorities where the expense of designing and building a purpose-built Women's' Refuge puts a heavy strain on reduced budgets. The Met Police team collaborate with Housing departments in London boroughs. Attitudes variously see domestic abuse/domestic violence as a homelessness problem, as a health problem, and sometimes as a crime. It is politicized and the effectiveness of intervention can depend on who are the lead agency.

My interest is in the question of whether women are truly being enabled to survive and then to move on from an abusive/ violent adult relationship by staying in the place where the daily memory of corrosive words and actions surrounds them, or whether they need practical and emotional help to safely leave, immediately. There is no easy answer to this complex question. It requires police officers to be aware that initiating a Sanctuary scheme is an option, which they are responsible for implementing in an emergency, and for local authorities to agree to provide funding for the work. There is an inter-borough agreement in London whereby immediate relocation may be arranged, quietly, so that the shift is away from a dangerous home and the at times complicit wider family or community, but that the overall domestic context remains recognizable to the person/people at risk and so is not too disorienting. It is not a shift to another part of the country, although that does happen, but to another part of the same city. They speak the same language(s) there and translators and chaperones can be arranged, and support services to some extent provided.

I approach this topic today as a former CID Officer, a London police detective, at a time when prosecutions could not proceed without the willingness of a survivor/victim to give evidence in court. This is not now the case, but I note that in my initial survey of agencies and organizations supporting survivors/victims of domestic abuse/domestic violence here that the work of the Crown Prosecution Service (CPS) is rarely mentioned. They are often not listed on websites as one of the agencies engaged with domestic abuse/domestic violence, and the idea of assisting prosecutions seems not to be automatically represented in policy-making and planning. It is said that this is because survivors/victims do not want the police involved, but experience suggests that in fact some charities and agencies do not. This is a serious problem, in my view, as at every step of an initial call-out police officers need to be thinking in terms of collecting evidence, in the assumption that a subsequent prosecution may proceed, and their training needs to reflect this.

Sincerely, Julia M Crockett 2020 [u1971405@pgr.hud.ac.uk](mailto:u1971405@pgr.hud.ac.uk)

# **Aaron A. Payment, Chairperson — Sault Ste. Marie Tribe of Chippewa Indians, Michigan**

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September 30, 2020

**Aaron A. Payment,**  
EdD, EdS, MEd, MPA

**Tribal Chairperson**

**Address:**

523 Ashmun St.  
Sault Ste. Marie,  
MI 49783

**Phone:**

906.440.5937

**Email**

[aaronpayment@saulttribe.net](mailto:aaronpayment@saulttribe.net)

**FaceBook**

‘Aaron Payment’

RE: Operation Lady Justice

Submitted to: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

Dear Ladies/Gentlemen,

Please accept the attached document as the Sault Ste. Marie Tribe of Chippewa Indians’ comments and recommendations for the above purpose. If you have any questions regarding our written comments please let me or Mike McCoy at [mmccoy@saulttribe.net](mailto:mmccoy@saulttribe.net).

**Respectfully,**

A handwritten signature in blue ink that reads "Aaron A. Payment".

**Aaron A. Payment**

**Sault Ste. Marie Tribe of Chippewa Indians  
Comments and Recommendations  
To  
Operation Lady Justice,  
The Presidential Task Force  
On Missing and Murdered  
American Indians and Alaska Natives**

Dr. Aaron Payment, n'dizhnikaaz. Sault Ste. Marie Tribe of Chippewa Indians ndoo-debendaagoz. Kina Baawaa'ting Anishinaabek Omaa go nda Onji-kida. I am Dr. Aaron Payment. As the elected Chairperson of the Sault Ste. Marie Tribe of Chippewa Indians, I am submitting this testimony on behalf of my Tribe. My Tribal nation, with over 44,000 members, is the largest Tribe east of the Mississippi River. My Tribe provides this testimony in good faith. We hope the Operation Lady Justice, the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, uses it to improve its services to American Indians and to better meet its trust responsibility to the Tribal Nations.

**Background:**

After the U.S. Supreme Court ruling of Oliphant v. Suquamish Indian Tribe,<sup>1</sup> Tribal governments were not allowed to prosecute non-Indians for crimes on Indian lands. The federal government was left to prosecute crimes of non-Indians on reservations, but, few cases referred to the federal government are investigated and prosecuted. As per off-trust-land situations, state law enforcement agencies are sometimes perceived as not exerting equal investigative efforts in matters involving a victim from a marginalized population, when compared to investigative responses afforded to white and educated victims.<sup>2</sup> This is changing, however, as more and more states are responding to this crisis.<sup>3</sup>

Since the Oliphant Supreme Court ruling, non-Indian crime on Tribal lands has exploded. The worst of it has been crime against women and children. Off reservation, too, crimes against Native people have been horrific. Overwhelmingly, the perpetrators of violent crimes against

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<sup>1</sup> Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

<sup>2</sup> “Missing Indigenous Women Spotlighted as Bill Signed.” The Seattle Times, April 24, 2019. See <https://www.seattletimes.com/seattle-news/inslee-signs-bill-responding-to-issue-of-murdered-and-missing-indigenous-women/> The Navajo-Hopi Observer reported: “[The Urban Indian Health Institute] study said that “despite this ongoing crisis, there is a lack of data and an inaccurate understanding of MMIWG (Missing and Murdered Indigenous Women and Girls), creating a false perception that the issues does not affect off-reservation/village American Indian and Alaska native communities.”” Missing and Murdered Indigenous Women: Finding Justice for Amanda”. The Navajo-Hopi Observer. January 29, 2019. See <https://www.nhnews.com/news/2019/jan/29/missing-and-murdered-indigenous-women-finding-just/>

<sup>3</sup> “Legislative action is also happening at the city, county, and state levels. From the entire west coast to the plains, southwest and upper Midwest state lawmakers have acted to pass legislation to increase the response to MMIW. The state legislation centers on increasing the response to MMIW by monitoring cases through dedicating state personnel and the creation of local task forces.” “MMIW Update- Missing and Murdered Indigenous Women and Girls” National Indigenous Women’s Resource Center Website. See <https://www.niwrc.org/rm-article/mmiw-update-missing-and-murdered-indigenous-women-and-girls>

American Indian and Alaska Native women are non-Indian.<sup>4</sup> The vast majority of American Indian and Alaska Native women (more than 4 in 5 women), have experienced violence and more than 1 in 2 have experienced sexual violence.<sup>5</sup> The National Institute of Justice conducted a study that found over 84% of indigenous women have experienced violence, including 56.1 percent who have experienced sexual violence, 55.5 percent who have experienced physical violence by an intimate partner, 48.8 percent who have experienced stalking, and 66.4 percent who have experienced psychological aggression.<sup>6</sup> Often, this kind of violence leads to murder. And, in fact, murder is the third leading cause of death of American Indian and Alaska Native women.<sup>7</sup> In addition to rates of violence against Native American women, it is imperative that Native American children and men also be included in these efforts. Information from Amber Alerts in Indian Country report 7,700 Native American youth were indicated as missing during 2016 in the United States.<sup>8</sup> The Department of Justice National Institute of Justice reported in 2016 that 81.6 percent of Native American men experience violence in their lifetime.<sup>9</sup>

### **Recommendations:**

#### **Create Protocols that Improve Data Collection and Analysis:**

Currently, the federal government does not keep track of most crimes in Indian Country.<sup>10</sup> Tribes attempt to keep track of missing indigenous people, but with little help from the federal government, they often have little success in obtaining data.<sup>11</sup> “The National Crime Information

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<sup>4</sup> Andre B. Rosay. “Violence Against American Indian Women and Men.” NIJ Journal No. 277. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. See: <https://nij.gov/journals/277/pages/violence-against-american-indians-alaska-natives.aspx> According to the National Institute of Justice, 97 percent of Native women who have experienced violence had been victimized by non-Native perpetrators. Grace Segers. “Congress Tackles Crisis of Missing and Murdered Native American Women.” CBS News Digital. June 12, 2019. See: <https://www.cbsnews.com/news/congress-crisis-missing-and-murdered-native-american-women/>

<sup>5</sup> “Ending Violence Against Native Women.” Indian Law Resource Center. See: <https://indianlaw.org/issue/ending-violence-against-native-women>

<sup>6</sup> Overall, more than 1.5 million American Indian and Alaska Native women have experienced violence in their lifetime. Andre B. Rosay. “Violence Against American Indian Women and Men.” NIJ Journal No. 277. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. See: <https://nij.gov/journals/277/pages/violence-against-american-indians-alaska-natives.aspx>

<sup>7</sup> Jennifer Bendery. “Feds Show Up Unprepared for Hearing On Murdered and Missing Native Women.” Huffington Post. June 21, 2019. See [https://www.huffpost.com/entry/missing-murdered-indigenous-women-savannas-act-senate\\_n\\_5d0c3630e4b0a394185fe56f](https://www.huffpost.com/entry/missing-murdered-indigenous-women-savannas-act-senate_n_5d0c3630e4b0a394185fe56f) It is a problem so pervasive that, in some places, Native American women are more than 10 times more likely than the rest of the population to be murdered, according to a Department of Justice-funded study by researchers at the University of Delaware and the University of North Carolina Wilmington. That stunning statistic is more than a decade old, but the issue of missing and murdered women is much older than that. One estimate from the National Crime Information Center shows 5,712 reports of missing Native American women in 2016 alone -- yet reliable, comprehensive data on the problem is still almost impossible to come by. Scott McLean and Sara Weisfeldt. “Why Do So Many Native American Women Go Missing? Congress Aiming to Find Out.” CNN. April 9, 2019. See: <https://www.cnn.com/2019/04/09/us/native-american-murdered-missing-women/index.html>

<sup>8</sup> “National VS. Native Missing Youth Statistics.” Amber Alert-Indian Country. November 2017. See: <https://amberic.org/wp-content/uploads/2017/11/NationalvsNativeMissingYouth.pdf>

<sup>9</sup> Andre B. Rosay. “Violence Against American Indian Women and Men.” NIJ Journal No. 277. National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. See: <https://nij.gov/journals/277/pages/violence-against-american-indians-alaska-natives.aspx>

<sup>10</sup> Broken Promises: Continuing Federal Funding Shortfall for Native Americans. U.S. Commission on Civil Rights. December 2018. See <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

<sup>11</sup> A November report by the Urban Indian Health Institute found that there have been 506 cases of missing and murdered Native women and girls in 71 cities across the U.S. since 2010. However, this data is almost certainly an

Center shows 5,712 reports of missing Native American women in 2016 alone – yet, reliable, comprehensive data on the problem are still almost impossible to come by.”<sup>12</sup>

**The process, which should include all federal, state, local, and Tribal law enforcement agencies, should include data collection requirements, and should require victims and perpetrator(s) Tribal citizenship information. It is recommended that a uniform data collection system be created and adopted by the Administration which will enable Tribal governments and federal partners a one-stop, easy to read and access data system. We also recommend that a Data Collection Task Force be created that includes federal, state and Tribal nations to review the variations between data collection sets mandated by each federal and state agency tasked with criminal justice and make recommendations to create a one-stop data collection system.**

As sovereign governments, it is essential for Tribes to know as soon as possible if a Tribal Member is victimized. **Once a victim is identified as a Tribal member, their Tribal government should be informed.** Tribal governments may be able to provide increased services to the families and community members of the disappeared or murdered Tribal citizens, such as counseling for the family and children of the disappeared, burial assistance and community walks and healing ceremonies, or know of available resources within the community where the crime occurred.

**The Sault Ste. Marie Tribe of Chippewa Indians recommends that federal, state, local, and Tribal law enforcement representatives review, revise, and create law enforcement and justice protocols appropriate to the disappearance/murder of indigenous people, not just American Indian and Alaska Native women and children.** This is in line with federal goals: In their November 29, 2019 letter to Tribal letters, representatives of the U.S Attorney Offices for the Eastern and Western Districts of Michigan, stated that the Department of Justice’s strategy regarding Missing and Murdered Indigenous Persons, is to “work closely with federal, tribal, state, and local agencies to develop common protocols and procedure for responding to reports of missing or murdered indigenous people.”<sup>13</sup> Moreover, Operation Lady Justice Task Force deliverables include the requirement to develop and publish best-practices guidance for federal, state, local, and Tribal law enforcement in cases involving missing and murdered indigenous persons.

**The Sault Ste. Marie Tribe of Chippewa Indians Recommends that Indigenous Missing Person Complaints Filed with ANY Law Enforcement Agency Must Be Immediately Accepted and Immediately Acted On:**

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undercount – UIHI identified that 153 cases did not exist in law enforcement records. Grace Segers. “Congress Tackles Crisis of Missing and Murdered Native American Women.” CBS News Digital. June 12, 2019. See: <https://www.cbsnews.com/news/congress-crisis-missing-and-murdered-native-american-women/>

<sup>12</sup> Scott McLean and Sara Weisfeldt. “Why Do So Many Native American Women Go Missing? Congress Aiming to Find Out.” CNN. April 9, 2019

<sup>13</sup> Matthey Schneider, U.S. Attorney, Eastern District of Michigan and Andrew B. Birge, United States Attorney, Western District of Michigan, Letter to Tribal Leaders re Missing and Murdered Indigenous Persons. November 29, 2019.

Recently, we had a MMIP complaint in our community where a local law enforcement agency refused to accept the complaint because the complaint did not meet Michigan’s statutory definition of “vulnerable.”<sup>14</sup> The family member was told to “come back” after “x” number of hours had passed. This cannot continue to happen in the various federal, state, and local jurisdictions. There needs to be a uniform standard recognizing the vulnerable status of American Indian and Alaska Natives.

Make no mistake. These individuals *are* “vulnerable.” There is a real crisis. And, the crisis is not limited to Indian Country. We have thousands of Native American people disappearing every year. Each and every one of the MMIP are American citizens, as well as being Tribal members, and in the cases of off-reservation crime, they are state residents as well. When violent crime happens to members of Tribes, it is also happening to members of the larger community as well.

**We recommend updating federal, state, and local statutes, regulations, and individual law enforcement office policies to require individual law enforcement agencies to immediately begin an investigative response in instances of MMIP reports.** Changes to statutes and regulations take time, but changes to office policies can be immediate. We recommend immediate change to the law enforcement office policies with concurrent efforts to change existing laws and regulations.

**Create Jurisdictional Communication Protocols:**

Inter-jurisdictional assistance is imperative. We must eliminate the mind-set of “not my jurisdiction, not my problem.” For example, if an off-trust-land case is being handled by the Sheriff’s Department, and the Federal Bureau of Investigation, the U.S. Attorney’s Office, or the Tribal Police have access to investigative resources that the Sheriff’s Department may need, then these Law Enforcement agencies need to be effectively communicating and collaborating.

**The Sault Ste. Marie Tribe of Chippewa Indians recommends the creation of protocols that include a cooperative methodology to enable federal/state/local/Tribal law enforcement agencies to communicate together in all MMIP cases.**

**Create Protocols Regarding Decisions to Prosecute:**

**We recommend that federal, state and local entities work with the federally-recognized Tribes to review, revise, and create law enforcement and justice protocols regarding decision to prosecute individuals accused of violent crime against Tribal Members.**

**It is recommended that U.S. Attorneys Offices prosecute more Tribal crimes.** Currently, U.S. Attorneys decline to prosecute most violent crimes against American Indian and Alaska Native people. This is not justice. And, it’s a failure of VAWA.

**It is also recommended that U.S. Attorney Offices be required to communicate with Tribal Justice officials as soon as possible, as to their decision to prosecute cases.** Section 201 of the Tribal Law and Order Act (“TLOA”) requires U.S. Attorneys to coordinate with Tribal justice officials on the use of evidence when declining to prosecute or refer a reservation crime. Sharing of this type of information is critical to keeping Indian citizens safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute cases so that, in the case of an Indian

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<sup>14</sup> Mozelle Senior or Vulnerable Adult Medical Alert Act. Act 176 of 2012.

defendant, a Tribal prosecution may proceed, or in all other cases, Tribes can at least notify the victim of the status of the case so that the victim may take the necessary steps for protection.

Too often, we see a reluctance to properly investigate and prosecute MMIP cases involving the most vulnerable of victims; those with drug and alcohol problems. Recently, in a case involving an alleged rape and murder of a member of the Sault Ste. Marie Tribe of Chippewa Indians, the body was found in the home of the alleged perpetrator who is known to habitually victimize women with addictions. When the victim's parent asked what had happened, a Michigan State Police Officer answered by saying, "What do you think they were doing here, having tea and crumpets?" Later, a Chippewa County Prosecutor explained to the parent that they declined to press charges because the victim was not a "good girl" and therefore the case would not fare well with the jury.

Law enforcement and judicial system partners must stop treating victims with addictions and their families as undeserving of justice. Such attitudes are outrageous and must stop. **Every MMIP case must be investigated and prosecuted to the full extent of the law.**

### **Recognition of Tribal Courts:**

**The Sault Ste. Marie Tribe of Chippewa Indians recommends federal legislation requiring social media platforms recognize Tribal Courts as a "court of competent jurisdiction" for purposes of investigative search warrant requests.** Currently, as referenced in the footnote, in an actual response from Snapchat, Tribal Law Enforcement is unable to access investigative information necessary to ensure a swift and comprehensive response to MMIP complaints.<sup>15</sup> Without recognition as courts of competent jurisdiction, Tribal courts are reduced to irrelevancy. The federal government, which recognizes the legitimacy of Tribal courts, must send a clear message recognizing Tribal sovereignty and the powers of Tribal courts.

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<sup>15</sup> **Snapchat LEO** (Snapchat)

Apr 17, 4:46 PM UTC

Hello,

Snap is in receipt of your search warrant issued or obtained by a Tribal authority.

We must object to your request as invalid under the federal Stored Communications Act, 18 U.S.C. § 2701, et seq. ("SCA"), which only permits preservation requests or investigatory legal process to be issued or obtained by a "court of competent jurisdiction" or a "governmental entity" as defined by statute. *Id.* § 2711(3)(B) (defining "court of competent jurisdiction" as "a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants"); *see also id.* at § 2711(4) (defining "governmental entity" as "a department or agency of the . . . State or political subdivision thereof."). The SCA further defines "State" to include "any territory or possession of the United States", but does not specifically include Tribal authorities. *See* 18 U.S.C. §§ 2510(3), 2711(1). When Congress identifies Tribal authorities, it does so with specificity rather than by the general phrase "territory or possession." *See, e.g., Wilson v. Marchington*, 127 F.3d 805, 8080-09 (9th Cir. 1997). Accordingly, preservation requests or investigatory legal process issued or obtained by a Tribal authority are invalid to compel the preservation or production of records or content under the SCA.

If there is a federal or state law enforcement agency with concurrent jurisdiction over this matter, you may wish to work with them to issue a preservation request and obtain appropriate legal process under the SCA.

Regards,  
Snap Inc. Law Enforcement Operations

### **Investigation of Cold Cases:**

Currently, there is not a universal definition of what a “cold case” is. The National Institute of Justice says that the case must be at least 3 years old, but cold cases shouldn’t be “limited” to that definition. **The Administration should define “cold cases” as cases that have not been investigated for 6 months. Additionally, Tribal governments and families of victims of opened cold case files must be contacted. Victim services should be part of the team and they should be in touch with the relevant Tribal nation and the family.**

### **“Community Response Plans”**

It is our understanding that although the Operation Lady Justice Task Force is not creating “protocols” regarding what Tribes should do in situations involving missing and murdered American Indians and Alaska Natives, through identification of what has worked well in the past as a means of creating “Community Response Plans.” Most Tribes are stretched thin, operating on a shoestring budget. **Any additional requirements placed on Tribes should be fully funded.** Funding should not come from existing grant program areas or from funds set-aside for other purposes. Otherwise, existing programs and services will be short-funded and hurt.

### **Conclusion:**

The only way the MMIP crisis can be ended is through cross-jurisdictional cooperation. The numbers indicate that the vast majority of violent crime committed against Indigenous people are committed by non-Native men. These are the crimes that often lead to murder. It is the position of the Sault Ste. Marie Tribe of Chippewa Indians that by working together, the federal, state, local governments and the Tribal Nations can review and revise existing protocol to create efficient, collaborative procedures that will effectuate improved outcomes.

If you have any questions, please do not hesitate to contact me or the Sault Ste. Marie Tribe of Chippewa Indians Legislative Director, Mike McCoy at [MMcCoy@saulttribe.net](mailto:MMcCoy@saulttribe.net).

**Robert Albert, Second Chief,  
Koyukuk Village Council —  
Koyukuk Native Village, Alaska**

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## Koyukuk Village Council

PO Box 109  
Koyukuk, AK 99754  
PH (907) 927-2253  
FAX (907) 927-2220

September 29, 2020

### Written Testimony

To: Presidential Task Force on Missing and Murdered American Indians and Alaska Natives

Please accept this written testimony on behalf of the Koyukuk Native Village. Koyukuk, Alaska has a population of 86 with 376 tribal members. A large portion of our tribal members live in the urban areas, Fairbanks and Anchorage. There have been reported cases of vulnerable tribal members being targeted for sex trafficking and exploitation.

There are also those who are missing person cases: they are both male and female usually travel to city for medical or other appointments, or when they get large amounts of money from dividends and/or firefighting. Koyukuk is a long distance from the nearest city, over 370 miles and only accessible by air. When a person is reported missing the tribe is not notified, the tribe is not invited in the search. The law enforcement agency will only offer limited time to search, it is the responsibility of the people in the area to continue the search using their own resources. There is a need for a designated tribal point of contact that LEOs can contact in the event of a report of a missing person, need people and money in the area to assist with the search, a lot of times family won't leave the area and food/drinks should be provided for a meeting place. There is also a need for money for POC to travel to location of missing person to coordinate with LEOs and to keep updated on missing person.

For those victims of murder Cases: they are male and usually travel to city when get large amounts of money or appointments. When a person is murdered the nearest Law Enforcement Officer (LEO) is the person who notifies the family no information is given to tribe regarding the investigation and progress on the case. There are no updates given unless the family calls and pressure LEOs for information. There is a need for a tribal POC to be designated to receive updates and communicate with LEOs. There is a need for funding for family members to travel to claim body and escort to home for funeral and the POC to travel with them to assure that all traditional and customs are adhered to.

At the statewide and regional level: need communication and coordination when reports are made of missing or murdered Alaska Natives so that local resources can be called up in the even that further assistance is needed to help with search or locating witnesses. It would be ideal for a task force to be made available that deals specifically with Alaska Natives involved with crimes that will coordinate with the villages on cases, the rural unit out of Fairbanks does not coordinate with tribes on what the status is on cold cases that involve missing or murdered Alaska natives. It is imperative that cold cases be looked at again, no matter the amount of time that has passed.

Please take careful consideration of these recommendations and god bless you always.

Sincerely,

Robert Albert, Second Chief

# Grace Bulltail — Crow Tribe of Indians, Montana

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**From: Grace Bulltail**

**Subject: Justice For Kaysera**

9/5/2020

Hello,

Please find my letter demanding that Operation Lady Justice do everything in the program's capacity to investigate the murder of my niece Kaysera Stops Pretty Places.

Grace Bulltail

SENT VIA EMAIL: OperationLadyJustice@usdoj.gov

September 3, 2020

Dear Operation Lady Justice Task Force,

My name is Grace Bulltail. I am a resident of Pryor, Montana and I am writing to demand justice for my niece Kaysera Stops Pretty Places.

On August 24, 2019, Kaysera Stops Pretty Places went missing in a suburban neighborhood of Hardin, Montana, less than a half mile off of the Crow Reservation. On the morning of August 29, her body was found in that same neighborhood. Law enforcement did not inform the family that Kaysera's body had been found until almost two weeks later on September 11.

Days before Kaysera went missing, she filmed and posted to social media the beating of her 15-year-old brother by law enforcement at Crow Fair. The officers beating the minor in a wheelchair included Big Horn County deputies. The U.S. Attorney's Office investigated the incident and officers were reprimanded. There is reason to believe that one of your deputies who was under investigation for the scene filmed by Kaysera was a responding officer when her body was discovered.

Despite the suspicious circumstances surrounding Kaysera's death, the FBI, the Big Horn County Sheriff's Office, and the Montana Department of Justice have done absolutely nothing to investigate. Kaysera's family has provided the authorities with tips and evidence to aid the investigation yet they continue to be ignored.

It is the job of the Operation Lady Justice Task Force to make justice happen. Your job is to ensure Native girls like Kaysera receive justice and are not ignored and forgotten by the very organizations put in place to protect them. Tips must be followed up on, questions need to be asked, and comprehensive investigations must take place.

It is also a duty of the Task Force to be transparent. Not only do the families of murdered Native girls and peoples deserve justice, they deserve to be informed about how investigations are progressing, or as in Kaysera's case, how they are not progressing at all. It is utterly disrespectful to keep victims' families in the dark and force them to investigate the murders and disappearances of their family members themselves.

Without transparency and communication between the Task Force, families, and state and federal authorities, there will continue to be cases like Kaysera's where the murder of Native girls and women go uninvestigated. The Task Force must ensure that these cases do not get lost in a jurisdictional void and become forgotten. A way the Task Force could guarantee accountability in this regard is by facilitating an interagency review team comprised of individuals who are knowledgeable and actually care about finding justice for Native women and girls. There can be no more hollow gestures when the lives and legacies of our families are on the line.

We are aware that the Task Force intends to establish “a multi-disciplinary, multi-jurisdictional team including representatives from Tribal law enforcement and the DOJ and DOI to review cold cases.” This Task Force must investigate Kaysera’s murder since, at this point one year later, it is clear that the FBI, the Big Horn County Sheriff’s Department, and the Montana Department of Justice will not.

The Operation Lady Justice Task Force, FBI, Big Horn County Sheriff’s Department, and the Montana Department of Justice must do their job and investigate. The absence of accountability of federal and local law enforcement is inexcusable and justice must be found for Kaysera and her family.

Sincerely,  
Grace Bulltail





# Stacey Schreiber — Stockbridge-Munsee Band of Mohican Indians, Wisconsin

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**From: Stacey Schreiber**

**Subject: Operation Lady Justice Tribal Consultation Testimony 08/25/2020**

Good Afternoon. I thank you for the opportunity to share with you the story of our beautiful relative Kozee. Although I am not here for myself, I will provide introductions. My name is Stacey Schreiber Schinko. I am the founder of Justice For Kozee which is a non-profit organization that was created after our relative was murdered. I am an enrolled member of the Stockbridge-Munsee Band of Mohican Indians from Bowler, WI. I am Wolf Clan. My parents are Ellen Mohawk and the late Duane Schreiber, Sr. My grandparents were Milford Mohawk, Sr., Elizabeth Welch, George Schreiber and Mary Schroeder. I am married to Henry Schinko and together we have five children.

On May 15th, 2020, the beautiful Kozee Featherstone Montana-H Medicine Top Decorah (Ho-Chunk/Northern Cheyenne) celebrated her 3-month sobriety anniversary and was working hard to move back home to Wisconsin in the coming months. The very next day she was murdered in Winnebago, Nebraska, by her so-called fiancé Jonathan Daniel Rooney. This monster did horrible, unthinkable things to our Kozee. His inhumane actions were so severe in nature, it took 14 days for our Kozee to make it back home to Wittenberg. Her body was burned beyond recognition resulting in official identity confirmation being made through forensic dentistry. If that was not horrendous enough, he did all of this with Kozee's infant son present. I refuse to call Jonathan Daniel Rooney the father of Kozee's beautiful children because a real father, a real man would NEVER take a mother from her children. We are Kozee's voice and will not be silenced. Our mission is Justice For Kozee. We are changing the narrative Jonathan Daniel Rooney provided in his police statement. His lies will not be how our Kozee is remembered. When her name is said people will know and remember as we do. Kozee was a daughter, a sister, a Nani (Mom), a Cuwi (Auntie) and a friend to many. Although she was 10 pounds 13 ounces when she was born, she grew into a beautiful, petite woman. She was small, but she was strong. She loved running, playing basketball and spending time with her huge family. Kozee was the youngest of seven siblings. Kozee lost her father, her hero, on her 18th birthday. His death impacted Kozee in a way she was never able to fully heal. She was a member of the Native American Church and grew up going to meetings, devotions, and prayer services. She moved to Winnebago, NE, in 2017 and started attending sweats, meetings and was beyond proud her oldest daughter Mila attended her first sweat on April 17, 2020. Her baby girl asked her if she could go sit in the sweat with her. I am so thankful Kozee was able to experience this with her. Knowing her children were on the right path made her heart happy. Kozee was a kind-hearted soul with a contagious laugh. Kozee was only 22 years old, and a mother to three precious children who in her own words saved her life. Mila, Kyson and Tydus will know that no matter what; their mother Kozee wanted them to know they were wished for, longed for, prayed for, and that they are forever loved. Kozee's faith in God was strong, and she recently acknowledged it was time to let God run her life. The only sense we can make of this is God had a higher purpose for Kozee. Her death will save others. Her death will reform laws. Her death will not be in vain. Her

death will bring awareness to Murdered and Missing Indigenous Women (MMIW) around the world. Her death will change lives. Her death will never kill her spirit.

The deadline for motions for the next legal proceeding is September 4, 2020. We do not know if the hearing scheduled for September 9, 2020, will happen or if we will continue to wait in putting our Kozee's remains to rest. She is still considered evidence, and her remains are resting at the funeral home down the street from my home. I know her spirit has passed onto the happy hunting ground, but it is difficult being in limbo. Our family is highly active in this investigation because we feel if we are not justice will not be served. Regular contact is kept with the U.S. Attorney's Office in Omaha, NE. Our last update was they are still waiting on the pathologist's final autopsy report as well as the site she lost her life was still being analyzed. We understand there is a process which takes time, but we feel we are the lucky ones. I know that may sound crazy, but we know where our Kozee is, and we know who murdered her. This is not the case for too many families across Indian country, and our prayer is the creation of the Presidential Task Force on Missing & Murdered American Indians and Alaska Natives and MMIW cold case offices will expand what tribal organizations have been doing in looking for our relatives and making those who have committed these egregious acts accountable for their actions. We welcome your assistance and commitment in this epidemic. Anushiik & Pinaagigi.

# **Michael Lasnier, Chief of Police — Suquamish Tribe, Washington**

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*SERVICE, DEDICATION, INTEGRITY*

**SUQUAMISH POLICE DEPARTMENT**

18490 Suquamish Way, Suite #105 / P.O. Box 1021  
Suquamish WA 98392 OFFICE (360) 598-4334

*Mike Lasnier, Chief of Police*

August 13<sup>th</sup>, 2020

Dear Federal Partners,

Thank you for the outreach, and the attention of the current administration to this critical issue. As a Law Enforcement Officer of 33 years, and a Tribal Police Chief for over 2 decades, I greatly appreciate your efforts.

My issue is focused on the prevention of future cases of missing and murdered indigenous women, by closing a large gap created by the current status of Federal Indian Country Law; the lack of extradition of Tribal Court warrants. Because we are separate sovereigns, many States will not extradite or serve arrest warrants issued by Tribal Courts. It does no good to give Tribes special DV jurisdiction if the offender can walk off of the reservation, and know that they can avoid justice just by never going back.

- Domestic Violence Offenders who flee the reservation without going to court do not have their firearms rights restricted, because they are never convicted. They are ***able to purchase firearms that might be used against the current or future victims.***
- Sex Offenders who flee the reservation to avoid conviction never become convicted sex offenders, so they ***are not required to register.*** They are able to seek out new victims in a community that has no warning.
- Tribes were given special DV Jurisdiction under Federal Law to prosecute certain non-native DV offenders, as well as the ability to incarcerate offenders for up to 3 years per offense, and 9 years per incident; this gives offenders (both Native and Non-Native) great incentive to run from Tribal Justice just by leaving the Reservation boundaries. They can currently get away with it.
- ***Victims have a right to justice.*** They should be able to seek reparations for crimes committed against them, but if their case is never adjudicated, they never get justice, nor recompense.

While those of us in the State of Washington are seeking a "State" legislative solution under Washington State laws to resolve these issues, should we really have to? Why did the Federal System give us special DV jurisdiction with no ability to enforce it via extradition?

I would ask our Federal partners to seek a Federal solution that would give Nationwide "Full Faith and Credit" to Tribal Arrest Warrants, similar to the full faith and credit granted to D.V. Protection orders. At a minimum, such full faith and credit should apply to any case involving a D.V. related crime, a crime against children, or a sex offense. An extradition process that reviews the basis of the warrant would be expected, as long as Tribal Justice Systems are given the same respect granted to other Countries, States, Counties, Cities or Towns.

In some cases, these crimes were historically handled by the FBI, but after the TLOA passed, there are now many (perhaps most) cases where the Tribal courts can wield consequences equal to those of the Federal Courts. We need to arm Tribal justice systems with the means to do the job. It is our community, our victims, our suspects, our future and our culture; we are the best situated to deal with it, but we can't do that with one hand tied behind our back. We are the only justice systems in the United States who aren't given the respect of having our warrants honored. It's time we fixed that.

Who kills or kidnaps native women? D.V. perpetrators. Sex Offenders who target native women. This issue, and solving this issue, are direct solutions to the MMIW mission, and solutions that can be enacted at the Federal level that will empower Tribal justice systems, and make Tribal women safer nationwide.

Thank you for your time and for your efforts.

Michael Lasnier  
Chief of Police  
Suquamish Tribe  
Desk: 360-394-8538  
Cell: 360-340-0695



# Vivian Korthuis, Chief Executive Officer — Association of Village Council Presidents, Alaska

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**From: Vivian Korthuis**

**Subject: Thank you**

7/16/2020

Marcia,

Thank you again for the opportunity. I would like to keep in contact with you.

AVCP's three recommendations all center around building a public safety service delivery model in rural Alaska – you can read more about these recommendations in the report we submitted to the Presidential Commission on Law Enforcement and the Administration of Justice this summer. More information on our public safety advocacy is available [here](#) on our website; as our work in the areas of MMAIAN and public safety continues, we'll be happy to update the OLJ Taskforce.

If there is anything else I can do, please ask me.

Vivian

Vivian Korthuis

Chief Executive Officer

Association of Village Council Presidents

PO Box 219, Bethel, Alaska 99559

# ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

Thaddeus Tikiun Jr., Chairperson | Vivian Korthuis, CEO | AVCP.org



## Administration

101 A Main St., PO Box 219, Bethel, AK 99559 | T 907.543.7300

June 11, 2020

Katharine Sullivan, Principal Deputy Assistant Attorney General, Office of Justice Programs; and Tara Katuk Mac Lean Sweeny, Assistant Secretary for Indian Affairs Department of the Interior Co-chairs, Presidential Taskforce on Missing and Murdered American Indian and Alaska Natives  
*Via electronic correspondence at: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)*

Re: 2020 Operation Lady Justice Listening Session: The Presidential Taskforce on Missing and Murdered American Indians and Alaskan Natives

To Whom it May Concern:

Thank you for the opportunity to provide verbal and written testimony on the important topic of **Missing and Murdered American Indian and Alaska Natives**. More specifically, the quandary of Missing and Murdered Alaska Natives (“MMAN”) in rural Alaska.

The Association of Village Council Presidents (AVCP) is the largest tribal consortium in the Nation with 56 federally recognized Tribes as members. Our Region is approximately 55,000 square miles, with a population of 25,000 who reside in 48 communities along the Yukon River, Kuskokwim River, and Bering Sea Coast. AVCP’s mission is to work in partnership to provide community development, education, social services, culturally relevant programs, and advocacy for our Tribes and their tribal members. AVCP has long held an advocacy position in our region and is determined to lend its voice in highlighting the issues surrounding the exceptional crisis of MMAN, specifically in our Rural Alaskan communities such as those located in the AVCP region. We recognize that the MMAN issue poses a different set of dynamics from that of Missing and Murdered American Indians in other tribal communities in the Lower 48, so we highlight those challenges here and present our recommendations for effective response below.

The need for public safety has always been a grave issue and priority in our region, but that need has increased dramatically in the last decade. In 2016, AVCP held its annual convention and our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. Under this initiative, we recognize that the plight of MMAN needs immediate consideration.

Nunaput umyuallgutkut pinirluteng-Ilu, Tegganerput qigcikliki pirpakluki-Ilu, ayagyuaput-Ilu ciuliqagcimaut yuuyarakun.  
Our Tribes are united and strong, our Elders are respected and valued, and our youth are guided by Yuuyaraq.

Akiachak, Akiak, Alakanuk, Andreadfski, Aniak, Atmaultluak, Bethel, Bill Moore's Sl., Chefornak, Chevak, Chuathbaluk, Chuloonawick, Crooked Creek, Eek, Emmonak, Georgetown, Goodnews Bay, Hamilton, Hooper Bay, Lower Kalskag, Upper Kalskag, Kasigluk, Kipnuk, Kongiganak, Kotliik, Kwethluk, Kwigillingok, Lime Village, Marshall, Mekoryuk, Mtn. Village, Napaimute, Napakiak, Napaskiak, Newtok, Nightmute, Nunakauyak, Nunam Iqua, Nunapitchuk, Ohogamiut, Oscarville, Paimiut, Pilot Station, Pitka's Point, Platinum, Quinhagak, Red Devil, Russian Mission, Scammon Bay, Sleetmute, St. Mary's, Stony River, Tuluksak, Tuntutuliak, Tununak, Umkumiut

### Public Safety Crisis in Rural Alaska

There are disproportionately high rates of crimes against Alaskan Native women, children and individuals in our communities. These staggeringly high rates of crimes are reflected with the following statistics:

- Alaska is the deadliest state for women with approximately 59% of women experiencing intimate partner violence, sexual violence or both.<sup>1</sup>
- Alaska Native women continue to suffer the highest rate of forcible sexual assault and have reported rates of domestic violence up to 10 times higher than in the rest of the United States.<sup>2</sup>
- Alaska has the fourth highest rate of missing and murdered women in the Nation.<sup>3</sup>
- [T]he numbers of missing and murdered American Indian and Alaska Native women and the lack of a diligent and adequate federal response is extremely alarming to indigenous women, tribal governments, and communities<sup>4</sup>
- Teenagers who are removed from their Native villages to cities on the road system often run away and are at risk for trafficking and being taken advantage of.

While tribes across Indian Country have the infrastructure to build reporting and data collection systems for tribal law enforcement to respond to the crisis of MMAIAN, Rural Alaskan tribes are suffering. In Rural Alaska, the basic public safety infrastructure is missing. At least one in three Alaska villages has no local law enforcement. In May 2019, 98 tribal communities in Alaska had no state-funded law enforcement, and about 70 of those communities had no local police of any kind.<sup>5</sup> It is impossible to develop systems to increase the investigation and prosecution of these cases when villages have no public safety officers, no public safety buildings, existing public safety officers have not received training or do not have the right equipment, and public safety officers don't receive adequate pay or benefits.

Every meeting with tribal leaders is wrought with the same stories and the same question, "what are we doing about the public safety crisis in our community?" Our answer is "we are sharing with everyone, the State, the Federal Government, what we need right now to make rural Alaska safer." The challenges facing our tribes in rural Alaska are especially unique because of its remote locations. We are highlighting what the federal government can do to give our region the tools we need to protect the women, children, and families living in our communities.

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<sup>1</sup> "Missing or murdered? In America's deadliest state, one family is still searching for answers." USA Today, July 1, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/06/25/deadliest-state-women-alaska-rape-and-murder-toocommon-domestic-violence-rape-murder-me-too-men/1500893001/>.

<sup>2</sup> "Ending Violence Against Native Women." Indian Law Resource Center, April 5, 2020, <https://indianlaw.org/issue/ending-violence-against-native-women>.

<sup>3</sup> "Remembrance Offers Healing To Alaska Native Community Mourning Missing And Murdered Women." Anchorage Daily News, McGee, M., May 4, 2019, <https://www.adn.com/alaska-news/anchorage/2019/05/05/remembrance-offers-healing-to-alaska-native-community-mourning-missing-and-murdered-women/>.

<sup>4</sup> "Ending Violence Against Native Women," Supra.

<sup>5</sup> In May 2019, 98 tribal communities, with a total population of 30,000, had no state-funded law enforcement at some point in 2019. Of that number, about 70 communities had no local police of any kind. "These Cops are Supposed to Protect Rural Villages. They're in the Suburbs Instead." ProPublica, December 5, 2019, <https://www.propublica.org/article/looking-for-alaskas-rural-police-force-check-the-suburbs>.

**Recommendations for addressing the public safety crisis of Missing and Murdered Individuals in Rural Alaska**

To successfully protect the most vulnerable members in our villages, Alaska's Tribes need:

1. Appropriate public safety resources, infrastructure and funding. This means funding for:
  - Law enforcement officers in our villages;
  - Appropriate equipment, resources, and technology, which includes the necessary resources to report and investigate new and unsolved cases of missing or murdered persons in tribal communities; and
  - Public safety infrastructure: including, jail cells, public safety officer housing, and tribal court buildings.
2. Tribes must have the authority to protect tribal members in their villages. Alaska Tribes' criminal jurisdiction (such as proposed in S. 2616, Alaska Tribal Public Safety Empowerment Act) over Alaska Natives within the village boundaries will allow a better response to crimes involving missing and murdered Alaska Natives.
3. Tribal law enforcement officers must have access to the training that they need.
  - Training will help officers perform their job safely, effectively, and efficiently.
  - Training is important in successfully prosecuting crimes involving missing and murdered tribal members.

We can improve the response to missing and murdered American Indians and Alaska Natives if we listen to what our tribes need and support them – we already know what will work in our villages and communities.

**Conclusion**

This work that the Presidential Taskforce on Missing and Murdered American Indians and Alaska Natives is pursuing is a uniquely important work. To be successful, we must take steps to create an atmosphere for conversation and collaboration. Then, we can begin building the public safety infrastructure that will allow our tribes to be an active part of the ongoing conversation and solution. With your support, our tribes can effectively deliver public safety services in Rural Alaska. We are standing up for ourselves and the protection of our families and communities. We are not asking for anything more or anything less than any community in Alaska or the United States.

Thank you for the opportunity to share these comments with you. I'm available at (907) 543.7304 or [vkorthuis@avcp.org](mailto:vkorthuis@avcp.org) for any questions or comments you may have.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS



Vivian Korthuis  
Chief Executive Officer

# ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

Thaddeus Tikiun Jr., Chairperson | Vivian Korthuis, CEO | AVCP.org



## Administration

101 A Main St., PO Box 219, Bethel, AK 99559 | T 907.543.7304

October 30, 2020

**Attn: Katharine Sullivan & Tara Sweeny, Task Force co-chair Designees  
Presidential Taskforce on Missing and Murdered American Indian and Alaska  
Natives**

*Via electronic correspondence at: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)*

**Re: 2020 Operation Lady Justice Virtual Tribal Consultations: The Presidential  
Taskforce on Missing and Murdered American Indians and Alaskan Natives**

To Whom it May Concern:

Thank you for another opportunity to provide verbal and written testimony on the important topic of **Missing and Murdered American Indian and Alaska Natives**. The September 10, 2020 Virtual Tribal Consultation for the Alaska BIA Region provided another occasion to advocate for tribes in the AVCP region regarding this very important quandary of Missing and Murdered Alaska Natives (“MMAN”) in rural Alaska.

As a reminder, the Association of Village Council Presidents (AVCP) is the largest tribal consortium in the Nation with 56 federally recognized Tribes as members. Our Region is approximately 55,000 square miles, with a population of 25,000 who reside in 48 communities along the Yukon River, Kuskokwim River, and Bering Sea Coast. AVCP’s mission is to work in partnership to provide community development, education, social services, culturally relevant programs, and advocacy for our Tribes and their tribal members. AVCP has long held an advocacy position in our region and is determined to continue to speak out on issues regarding the extraordinary crisis of MMAN, specifically in our Rural Alaskan communities such as those located in the extremely remote AVCP region. As we have stated previously, MMAN issues pose a different set of dynamics from that of Missing and Murdered American Indians in other States and Jurisdictions. We continue to highlight those challenges here and present our transformative recommendations for effective response below.

The need for public safety has always been a grave issue and priority in our region. That need has increased dramatically in the last decade. In 2016, AVCP held its annual convention and our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. Under this initiative, we recognize that the plight of MMAN need immediate consideration.

### Public Safety Crisis in Rural Alaska

There are disproportionately high rates of crimes against Alaskan Native women, children and individuals in our communities with consistently high rates of missing and murdered individuals.

These staggeringly high rates of crimes are reflected with the following statistics:

- Alaska is the deadliest state for women with approximately 59% of women experiencing intimate partner violence, sexual violence or both.<sup>1</sup>
- Alaska Native women continue to suffer the highest rate of forcible sexual assault and have reported rates of domestic violence up to 10 times higher than in the rest of the United States.<sup>2</sup>
- Alaska has the fourth highest rate of missing and murdered women in the Nation.<sup>3</sup>
- [T]he numbers of missing and murdered American Indian and Alaska Native women and the lack of a diligent and adequate federal response is extremely alarming to indigenous women, tribal governments, and communities<sup>4</sup>.
- Teenagers who are removed from their Native villages to cities on the road system often run away and are at risk for trafficking and being taken advantage of.

While tribes across Indian Country have the infrastructure to build reporting and data collection systems for tribal law enforcement to respond to the crisis of MMAIAN, Rural Alaskan tribes are suffering, and we need your help. In Rural Alaska, the basic public safety infrastructure is missing. At least one in three Alaska villages has no local law enforcement. In May 2019, 98 tribal communities in Alaska had no state-funded law enforcement, and about 70 of those communities had no local police of any kind.<sup>5</sup> It is impossible to develop systems to increase the investigation and prosecution of these cases when villages have no public safety officers, no public safety buildings, existing public safety officers have not received training or do not have the right equipment, and public safety officers don't receive adequate pay or benefits. The basic building blocks to lay a good foundation for public safety systems in Rural Alaska is missing.

Every meeting with tribal leaders is wrought with the same stories and the same question, "what are we doing about the public safety crisis in our community?" AVCP's only answer can be that "we are sharing with everyone, including the State and Federal Government. We are telling them what we need right now to make rural Alaska safer." The challenges facing our tribes in rural

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<sup>1</sup> "Missing or murdered? In America's deadliest state, one family is still searching for answers." USA Today, July 1, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/06/25/deadliest-state-women-alaska-rape-and-murder-too-common-domestic-violence-rape-murder-me-too-men/1500893001/>.

<sup>2</sup> "Ending Violence Against Native Women." *Indian Law Resource Center*, April 5, 2020, <https://indianlaw.org/issue/ending-violence-against-native-women/>.

<sup>3</sup> "Remembrance Offers Healing To Alaska Native Community Mourning Missing And Murdered Women." Anchorage Daily News, McGee, M., May 4, 2019, <https://www.adn.com/alaska-news/anchorage/2019/05/05/remembrance-offers-healing-to-alaska-native-community-mourning-missing-and-murdered-women/>.

<sup>4</sup> "Ending Violence Against Native Women," *Supra*.

<sup>5</sup> In May 2019, 98 tribal communities, with a total population of 30,000, had no state-funded law enforcement at some point in 2019. Of that number, about 70 communities had no local police of any kind. "These Cops are Supposed to Protect Rural Villages. They're in the Suburbs Instead." ProPublica, December 5, 2019, <https://www.propublica.org/article/looking-for-alaskas-rural-police-force-check-the-suburbs>.

Alaska are especially unique because of its tremendously remote locations. What we can do as an organization is highlight what we believe the Federal Government can do to give our region the tools we need to protect the women, children, and families living in our communities.

Recommendations for addressing the public safety crisis of Missing and Murdered Individuals in Rural Alaska

To successfully protect the most vulnerable members in our villages Alaska's Tribes need:

- Appropriate public safety resources, infrastructure and funding. This means funding for:
  1. Hiring and training law enforcement officers in our villages; Training is important for successful prosecution of crimes involved MMAN.
  2. Public safety infrastructure: including, jail cells, public safety officer housing, domestic violence shelters, tribal court buildings; and
  3. Increased support and training for: law enforcement officers, tribal courts and wrap around services.
- Tribes must have the authority to protect tribal members in their villages. Alaska Tribes' criminal jurisdiction over Alaska Natives within the village boundaries will allow a better response to crimes involving missing and murdered Alaska Natives. This will also allow tribes to be more proactive in creating preventative services and provide educational resources for the most vulnerable; and
- Collaboration with Federal, State and Local partners is needed for networking and developing practical platforms to address and help our missing and murdered Tribal members up front.
  1. The BIA has opened several cold case offices addressing the cases of missing and murdered indigenous women, one of which just opened in Anchorage Alaska. AVCP fully supports the Anchorage cold case office and the difference it will make in this crisis and we look forward to collaborating with them.
  2. We hope to become involved in more collaboration on all levels to help to bring innovative ideas like the Anchorage cold case office to rural Alaska where it is needed. For instance, opening a cold case office in rural hubs would enhance the collaboration with Tribes tremendously.
  3. Platforms such as the NamUs database (found at <https://www.namusinfo.org/mip>) will be key in implementing reporting strategies for missing and murdered tribal members in our region. Partnering with the NamUs database to accurately report cases will be vital. Collaboration through NamUs will require additional local infrastructure and equipment.

We can improve the response to missing and murdered American Indians and Alaska Natives if we listen to what our tribes need and support them – we already know what will work in our villages and communities.

Conclusion

The work that the Presidential Taskforce on Missing and Murdered American Indians and Alaska Natives is pursuing is a uniquely important work. Before we confirm that work in rural Alaska, we must take steps to create an atmosphere for conversation and collaboration. Only then will we be able to address the ongoing need for updated public safety tools and infrastructure that will allow our tribes to be an active part of the ongoing conversation and solution. We can improve the response to missing and murdered American Indians and Alaska Natives if we listen to what our tribes need and support them – we already know what will work in our villages and communities. We are standing up for ourselves and the protection of our families and communities. We are not asking for anything more or anything less than any community in Alaska or the United States.

Thank you for the opportunity to share these comments with you. I'm available at (907) 543.7301 or [vkorthuis@avcp.org](mailto:vkorthuis@avcp.org) for any questions or comments you may have.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS



Vivian Korthuis  
Chief Executive Officer

# **Teri Gobin, Chairwoman — Tulalip Tribes, Washington**

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Board of Directors:  
Teri Gobin – Chair  
Glen Gobin – Vice Chair  
Mel R. Sheldon – Secretary  
Misty Napeahi – Treasurer  
Mel Sheldon Jr. – Council Member  
Hazen Shopbell – Council Member  
Marlin Fryberg Jr. – Council Member

6406 Marine Dr  
Tulalip, WA 98271-9694  
360-716-4500  
Fax 360-716-0628

The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

October 28, 2020

Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7th Street NW, Room 6336  
Washington DC 20531

Dear Attorney General William Barr and Principal Deputy Associate Attorney General Jessie Panucho:

Thank you for the opportunity to provide comments on the development of the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives and, specifically, the creation of cold case teams to address missing and murdered American Indians, also known as Operation Lady Justice (OLJ). Attention to this issue is long-overdue and we appreciate the Administration's efforts on this issue.

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied bands signatory to the 1855 Treaty of Point Elliott. The United States Constitution recognizes three distinct sovereigns in addition to the Federal government: the several states, foreign nations, and Indian Tribes. As a sovereign government, Tulalip Tribes has been governing similar to those of other sovereign governments for thousands of years, and has had its current government under a constitution approved by the Secretary of Interior since 1936, exercising its powers to best determine the needs of its tribal community and tribal members.

The Tulalip community is located on a 22,000-acre Reservation bordering on the east to Interstate 5 Corridor 35 miles north of Seattle. This area has recently experienced rapid population growth and development. Tulalip has 5,011 enrolled members, but most Reservation residents are non-Indian due to the history of allotments. Today, the Tribes or Tribal members hold approximately 60% of the Reservation lands with the balance being in non-Indian ownership.

The large number of non-Indian residents on the Tulalip Indian reservation, geographic location of the reservation, and the economic activity on the reservation generated by the Tulalip Tribes has contributed to an increased number of crimes committed against members of the Tulalip Tribes, and leaves its members increasingly vulnerable to crime.

Again, the Tulalip Tribes appreciates the efforts of creating the Task Force however, for such efforts to have lasting, sustaining, and effective impacts there must be adequate and sustained resources devoted to the MMIW issue. This effort cannot be a short-term policy focus that gets attention and resources for a brief period. Accordingly, we urge the United States Department of Justice (Department) to advocate for long term funding devoted to the issue in budget requests to Congress to obtain an allocation of dedicated funds within the Department's budget on an ongoing basis focusing to focus on federal prosecutorial needs as well as federal investigative needs.

In order for the Task Force to meet its goals of resolving unresolved MMIW cases, the protocols and procedures developed by the Task Force must promote cooperation and information sharing between state, local, tribal, and federal agencies for both investigation and prosecution efforts, along with a clear understanding of agency roles, responsibilities, and expectations as it relates to investigations. Here in Washington State, it will be imperative that the Task Force communicate closely with the Washington State Patrol (WSP) Missing and Murdered Indigenous People program pursuant to Washington State House Bill B 1713. The Washington state patrol is in the process of developing a best practices protocol for law enforcement response to missing person reports and steps upon receiving reports of missing Indigenous persons.

The Task Force must also develop infrastructure that allows for meaningful and on-going participation from families of missing and murdered victims, tribal advocates, and tribes, in addition to on-the-ground consideration of the realities of what tribal communities face. Additionally, the protocols should also set forth a victim-centered and trauma informed approach in the daily operations of any cold case investigation. Finally, to encourage maximum and effective coordination with our federal partner, we recommend the Taskforce encourage each United States Attorney's Office with Indian country jurisdiction to consult with and develop Memorandums of Understanding with each tribe in their jurisdiction on how they will communicate and collaborate on MMIW issues.

One of the largest obstacles to addressing the crisis of MMIW has been the barriers tribes face in accessing national crime databases such as the National Criminal Information Center (NCIC). The Tribal Access Program for National Crime Information (TAP), which provides eligible Tribal Nations with access to the NCIC system has resulted in only 75 Tribal Nations having NCIC access.<sup>1</sup> The Tulalip Tribes has NCIC access. NCIC is the best central point for data collection and information sharing. Linking cases through databases "multiplies the investigative information available for each of the linked cases." We recommend the Department advocate for a dedicated funding stream making TAP available to all interested Tribes who meet the requisite requirements. Critical to having access to NCIC is the development of a protocol to address "database hits." Without a proper protocol to address hit notifications that is consistent among all law enforcement agencies, agencies face confusion about what is needed and who should respond. Leaving a notification unaddressed equates to ignoring a suspect who is likely the perpetrator.<sup>2</sup>

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<sup>1</sup> <https://www.justice.gov/opa/pr/thirty-tribes-selected-expansion-program-enhancing-tribal-access-national-crime-information>

<sup>2</sup> <https://www.policechiefmagazine.org/expert-panel-issues-new-best-practices-guide-for-cold-case-investigations/>

In response to your question on challenges we face as a tribe, our most significant challenge is our inability to fully protect our community. While the 2013 tribal VAWA provisions gave Indian Tribes additional tools to help keep their communities safe from non-Indians who perpetrate crimes against Indian women, there is a continued need to build on the 2013 provisions because of the limitations in the law. Offenders escalate into more serious crimes and being able to apprehend and prosecute suspects serves as a deterrent to more serious crimes such as kidnapping and murder. The restoration of tribal criminal jurisdiction is a critical and requisite component to effectively addressing the murdered and missing indigenous women's crisis in the United States. The Administration and the Department have been silent for the past four years over its support for expansion of inherent tribal criminal jurisdiction over certain crimes in pending legislation. As our trustee, we ask the Department to support a full fix to *Oliphant v. Suquamish*, 435 U.S. 191 (1978). Short of a full *Oliphant* fix, we need a VAWA fix that allows us to expand the 2013 SDVCJ tribal provisions to be able to prosecute crimes that stem from the DV incident and other DV related crimes.

Another challenge facing the Tulalip Tribes is lack of resources for investigating missing person cases off-reservation. Tulalip Police officers are commissioned by the state and each officer has general peace officer authority on and off the Reservation. Tulalip officers routinely go off-reservation to conduct follow-up investigations on cases originating from the Tulalip Indian reservation, including missing persons cases. Tulalip officers also go off-reservation to assist other law enforcement agencies with their investigations. However, sending detectives across the state is difficult because there is a lack of resources with staff and funding. We need a funding mechanism to support investigator positions to focus solely on MMIW cases and other unresolved cases.

In closing, we ask the Task Force to include tribal advocates and MMIW families in the review of all Task Force protocols and procedures to ensure that they reflect the concerns of those who are engaged with, and impact by, the issue on a daily basis. This will help ensure that what is developed includes the perspective of non-law enforcement interests and is grounded in tribal community perspective rather than a federal law enforcement perspective.

Thank you for taking the time to listen to our concerns, the voices and needs of our tribe, and for considering our recommendations. Should you have any questions or need further follow up, please contact the Tribal Chair Teri Gobin at [trgobin@tulaliptribes-nsn.gov](mailto:trgobin@tulaliptribes-nsn.gov) or Lisa Koop Gunn at [lkoop@tulaliptribes-nsn.gov](mailto:lkoop@tulaliptribes-nsn.gov) or 206-683-5667.

Thank you,



Teri Gobin  
Tulalip Tribal Chairwoman

Cc: Ryan Miller, Government Relations  
Chris Sutter, Tulalip Chief of Police

**Rex L. Jim, Executive Staff Assistant,  
Office of the President and  
Vice President — The Navajo Nation,  
Utah-Arizona-New Mexico**

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# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT

October 27, 2020

Executive Director Marcia Good  
Operation Lady Justice  
U.S. Department of Justice  
Office of Justice Programs  
810 7<sup>th</sup> Street NW, Room 6336  
Washington, DC 20531  
[OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

**Re: Navajo Nation Designee for Tribal Consultation**

Greetings Ms. Good:

In preparation for submission of the Navajo Nation's written tribal consultation comments for Operation Lady Justice, I am designating Rex L. Jim, Executive Staff Assistant with the Office of the President and Vice President, to testify on my behalf for the Navajo Nation. This authorization is effective only during the dates of the 2020 Tribal Consultations. Mr. Jim can be reached at [rexleejim@gmail.com](mailto:rexleejim@gmail.com) or (928) 871-7000.

If you have further questions or concerns, please do not hesitate to contact the Office of the President and Vice President at (928) 871-7000. Thank you very much and we appreciate this opportunity to discuss ways to address the ongoing crisis of Missing and Murdered Native Americans and Alaskan Natives.

Sincerely,

Jonathan Nez, *President*  
**THE NAVAJO NATION**

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT  
POST OFFICE BOX 7440 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-7000 · FAX: (928) 871-4025

Navajo Nation written consultation comments to the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, Operation Lady Justice

The Office of the President and Vice President submits the following statement with the full expectation that Navajo Nation sovereignty will be respected, and that the United States will fully meet its treaty obligations. In the spirit of true Nation to Nation collaboration it would benefit all stakeholders to invest in all the forthcoming policy recommendations and program implementations.

The Navajo Nation Office of the President and Vice President (OPVP) has directed the following governing agencies to respond to several framing questions:

- Navajo Nation Division of Public Safety (NNDPS)
- Navajo Nation Department of Justice (NNDOJ)
- Navajo Nation Division of Social Services (NNDSS)
- Navajo Nation Department of Health
- Navajo Nation Department of Diné Education.

OPVP received written responses from the Navajo Department of Criminal Investigation on behalf of the NNDPS, the Office of the Prosecutor on behalf of the NNDOJ and the Department of Self Reliance and Navajo Treatment Center for Children and Their Families on behalf of the NNDSS.

## **SCOPE**

### **A. Missing Persons**

The NNDPS's Police Department and Criminal Investigations Department does not have the personnel, such as crime analysts or criminologists, nor the technology available, to analyze the missing persons reports received at the Police Department and/or the Criminal Investigations Department. For this reason, there are no common factors to establish community characteristics, external contributing factors nor geographic locations from which individuals go missing.

There has been no information gathered from reporting parties on whether a report is generated after it is determined that a person is missing. There is also no information to report on conditions which lead to missing person report delays or on characteristics that lead to no report filing.

The NNDOJ's Office of the Prosecutor (OTP) generally does not receive reports of missing individuals. There are times when law enforcement has identified a suspect and the "missing" person aspect of the case is a key element associated with criminal offense. For example, pursuant to the Navajo Criminal Code on kidnapping or unlawful imprisonment, OTP would be alerted. When there is no intersection between missing persons and specific crimes, OTP does not always receive a report. Additionally, if a missing person report is referred directly to the Criminal Investigations Department or FBI, OTP may not be made aware of the incident.

The OTP does not currently maintain data on whether missing persons reports are made in an efficient or timely fashion to law enforcement. Anecdotal evidence, collected by speaking with community members potentially impacted by missing persons issues, suggests that it is common for missing person “reports” to be posted on social media before a formal report is made to law enforcement. There are a number of reasons why community members are turning to non-official institutions prior to law enforcement. OTP believes this approach may be due to lack of public education about when and how missing person reports are appropriately made to law enforcement.

#### B. Murder Cases and Suspected Murder Cases

The NNDPS reported that in the past ten years there have been 370 murder and manslaughter cases reported to the Criminal Investigations Department (CI). As stated in the section regarding Missing Persons, the NNDPS does not have data to effectively answer key questions related to resolving murder cases including the following:

- victim identity
- perpetrator identity
- relationships between victims and perpetrators if any
- contributing factors
- nature of reporting including timeliness

Criminal Investigators report that a typical response to a missing person case includes information dissemination through the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs) and the Amber Alert system. The NNDPS has a command system in place to alert command staff of major incidents, which includes murder and/or missing person incidents.

The OTP states that homicide reports are frequently not made in a timely manner from law enforcement to OTP. Other times, reports of a homicide are not made at all to OTP from the CI and FBI. Crimes included under the Major Crimes Act, or MCA, (18 U.S.C. § 1153), such as homicide, naturally involve concurrent jurisdiction between the Nation and the federal government. A CI will become involved in MCA cases, however, the Navajo Police Department is not commonly involved. The OTP does not receive incident reports from the CI. The CI similarly reports that when an FBI agent becomes involved on-scene with a homicide, the FBI report is not shared with the CI.

### CHALLENGES

#### A. Missing Persons

The practice of searching for missing persons has fallen into a grey area in which law enforcement are not necessarily in a position to act. This is because there is no specific “crime” that can be directly tied to mobilizing a search and rescue effort. This is a direct consequence of the overlapping jurisdictions, attitudes about successfully administering criminal justice in Indian

Country and the Navajo Nation, as well as a shortage of staff to carry out such endeavors. There is a lack of clarity similar to assigning responsibility to one individual or institution. Too many questions must be asked before any activity can be carried out such as 1. Who has jurisdiction? 2. What agency will locate? 3. Is there a crime? 4. Does the crime involve a Major Crime . . . and so on. Meanwhile, missing individuals remain un-rescued and the probability of locating a person safely diminishes by the hour. There, currently, appears to be no set protocol to search for missing persons at this time. There currently appears to be no protocols for sharing data on missing individuals. Anecdotal accounts suggest families of missing individuals carry out their own searches utilizing their own equipment.

#### B. Murdered/Suspected Murder Cases

The OTP's experience with not receiving homicide reports from the CI, and the CI not receiving reports from the FBI, is a major concern to OTP and the Navajo Criminal Justice system. The offenses occurring in Navajo communities are not being reported to the Nation or being acted upon due to the assumption that it will be handled unilaterally by the federal government. If and when the incident report is shared with OTP, evidence issues may arise that preclude prosecution.

OTP reports that declination to prosecute letters are often received from the U.S. Attorney, at times, years after the date of the crime. One consequence of the delays is that evidence of a crime may not be competent, preserved, or otherwise viable to withstand the rigors of prosecution. In some cases, evidence is never furnished to the Navajo Nation making tribal prosecution difficult or impossible. The consequences of these characteristics lead to a miscarriage of justice for many victims residing within the Sacred Mountains of the Navajo Nation.

### **SOLUTIONS/RESOURCES**

The OTP reports a major strength in some Navajo communities including great trust and communication between the community members, Police Department and local prosecutors. This is not present in all Navajo police districts (there are eleven districts throughout the Nation). Trust and open communication is important because missing persons are more likely to be reported to a prosecutor or the police. Another major strength is the number of programs available within the Navajo Nation government such as the Division of Social Services, Police Department, Criminal Investigations, victim advocates, among others. Communication between these resources should be promoted to reduce redundancy and maximize public trust.

In Navajo we have a clanship system in place that our people tap into in times of need: they come together for healing ceremonies to address trauma collectively. For example, today when a child is announced lost, in addition to formal research teams, extended family and clan members come together to search for the lost child. Often individuals stay with extended family and clan members, so these members often know more about the whereabouts of individuals and their tendencies. This traditional network system is effective if the missing individual is within

the Navajo Nation. If the found individual has experienced trauma of any kind, families come together with protection and blessing prayers, and other healing rituals that involve the family and community. In this way, the victim feels that they belong and is cared for.

In June 2019, Navajo Nation President Jonathan Nez established the Restoring and Healing our Navajo Families Workgroup to provide guidance on issues and concerns related to the increasing cases of our missing and murdered relatives, domestic violence among families, suicide rates, and many other family related social ills that hinder us from healing our Diné families and relatives. The workgroup is co-chaired by Navajo Nation First Lady Phefelia Nez and Navajo Nation Second Lady Dottie Lizer. First Lady Nez is also the Navajo Nation representative to the New Mexico MMIW Task Force. The vision for the workgroup is to work in collaboration with Navajo governmental and non-governmental groups and programs as well as other state and national task forces to begin assessing and addressing issues adversely affecting Navajo families, notably missing and murdered persons.

## **RECOMMENDATIONS**

- Funding for establishing a Navajo Nation Data Institute to track and study cases. The Restoring and Healing Navajo Families Data Institute is ideally going to be a data driven apparatus, requiring dedicated investment in staff and equipment. With objective data points inputted into the system, inferences may be drawn based on historical data. Inferences can eventually lead to the allocation of resources to current activities.
- Along with funding for constructing a data set is the question of data sovereignty. While it would seem simple to request collaboration with those that currently run and house data on missing and murdered individuals, it should be the larger goal of the Navajo Nation to run and control its own data set. This will require many intergovernmental agreements between the Navajo Nation, states, counties, and federal agencies among others. This endeavor should be pursued by virtue of collaboration to the exclusion of unnecessary competition. The goal among all parties should be to save lives.
- Expanding scope of data collected - We must require all law enforcement agencies and others that make contact with the public to add tribal affiliation and ethnicity data to the list of data collected on missing person reporting fields. In the Navajo culture, it is also appropriate to collect clans.
- Jurisdiction Issues - The law enforcement community must come to a consensus on fostering Indian Country, and the Navajo Nation, free license to police their communities without outside influence. These complexities are compounded by the three states that overlap with the Navajo Nation. This requires a major re-examination of various policies and practices including, but not limited to, The Major Crimes Act and the Oliphant v. Suquamish case. It is further needed that law enforcement agencies do a better job of cross commissioning officers as law enforcement and the protection of vulnerable lives should be the ultimate goal. There are many methods to carry out these tasks including strengthening the Navajo Nation Code, specifically, the Tribal Law and Order Act as well as re-examining the veracity of the Violence Against Women Act.

- Funding for victim, survivor, and family support services (intervention and treatment): this includes victim advocates, shelters, transitional housing, long term housing, transportation assistance to court hearings, a victim compensation and assistance fund, legal advocates to assist victims with filing of family abuse protection orders, mental health and substance abuse counseling and treatment services, and healing centers that are culturally relevant and family centered.
- Funding for college and other programs in needed professions related not only to criminal justice but also in other specialized fields - well trained data analysts with degrees in data science and, ideally citizens of the Navajo community, will be able to determine the types of crime being committed surrounding events, such as fairs, the number of individuals going missing, and the number of individuals going murdered. Some events that deserve attention are construction sites with a higher population of non-Navajo men or fracking sites. Emerging scholarly research suggests that violence perpetrated against Indigenous women spikes when there is a “man camp” nearby. With the idea that “conditions” lead to specific “outcomes”, our ability to forecast future events being tied to specific crime will only improve in accuracy. The ultimate goal is to save lives. Other specialized fields include sexual assault nurse examiners, mental and behavioral health, early childhood education and childcare, certified victim witness advocate, nonprofit management, among others.
- Additional resources for law enforcement academy for recruitment and successful completion to increase the number of police officers on the Navajo Nation.
- Additional funding streams for nonprofit organizations who are service providers to victims, survivors and families.
- Additional scholarships and internship opportunities for all age groups to begin or switch careers to needed career fields on the Navajo Nation.
- Additional funds for additional special assistant US Attorney in tribal courts
- Funding for tribal justice systems including public safety and criminal investigations, increased staffing, including positions for crime analysts, updated equipment and software for data tracking, facilities to house personnel. This includes resources for tribes to build up restorative justice programs and alternative dispute resolution programs based on cultural values and practices.
- Additional resources for Navajo language and culture programs.
- Data sharing agreements and MOU’s to facilitate collaboration between tribal, state, and local jurisdictions to expedite cases.
- Funding for training
  - trauma informed care and trauma informed response
  - conducting investigations and evidence collection
  - collective restorations: family health, community healing
  - gender and identity
  - cultural sensitivity and de-escalation training for law enforcement
  - train tribal officials on what to expect or how to help during a missing or murder investigation
  - human trafficking for law enforcement, employees and programs

- Funding for prevention and education programs: we need to invest in capacity building in Navajo country. One of the most abundant, but underused resources is our youth. We have nonprofit youth organizations, the Navajo Nation Youth Council, school clubs and youth programs that can help educate themselves and others through a networked information and virtual education program about Missing and Murdered Native Americans and its prevention through websites, social media, and mass media. In addition to youth programs, we can tap into the Senior Citizen Centers whose members are mostly elders who have retired. They are educated and have skill sets that can help with prevention programs, educate the youth and others about traditional approaches to taking care of your family, so they don't wander off. We also need to financially support non-profit and other organized groups for education and prevention purposes such as cooperative extension education, locally organized search groups, and creation of programs similar to neighborhood watch. We also have many faith based organizations that have extensive network systems that can be utilized for communication and education purposes, even counseling.
- Educational publications, in print and online, on missing person protocols, responses and prevention to provide public awareness.
- Collaborate and address recommendations from state task forces as they relate to MMNA
- Additional factors impacting vulnerable Navajo citizens:
  - Emergency operation planning
  - Rural addressing
  - Housing
  - Education
  - Healthcare
  - Employment
  - Water, Electricity and Utilities
  - Transportation
  - Tele-communication including cellular and wifi - digital divide

## CONCLUSION

There are certainly many areas which will require more research to fully address. Still, we want to acknowledge the additional factors listed above as compounding the efforts to keep our citizens and their families safe and healthy. This section merely acknowledges a greater legacy of marginalization within Indigenous communities in general and, specifically, within the Navajo Nation. The legacy of many policies and practices carried out on behalf of Indigenous individuals has had detrimental impacts. Some of these factors involve assimilation policies involving boarding schools.

Additionally, today, many of our communities within the Navajo Nation have substandard educational and community service facilities. There remains a benign neglect attitude toward many initiatives enacted in the last 50 years meant to protect Indigenous communities from exploitation such as the Indian Child Welfare Act. More long-term efforts

must be made to begin treating Indigenous leaders as partners in rebuilding the political, economic, and utility infrastructure. This requires partnerships to build the Navajo economy so that all regional stakeholders may benefit especially Navajo citizens. This also means fostering a much more collaborative relationship between all areas of government within the Navajo Nation and with county, municipal, state, and federal institutions as well as other Indigenous nations.

In general, a shift in our paradigm about the role that higher education will play in the Indigenous nations' renaissance must be fostered and supported by tribal colleges and other institutions of higher education beyond the sacred mountains. Institutions of higher education, such as Diné College and Navajo Technical University, should be much more heavily relied upon for the creation and dissemination of new Navajo knowledge and innovation. For example, in addressing MMNA on the Navajo Nation the OPVP partnered with Diné College's School of Business and Social Sciences to ensure that our work is rooted in evidence-based research. We thank Dean Michael Lerma for his invaluable contribution to this initiative. Such partnerships will require an expanded approach toward partnering with other institutions of higher education to bolster visiting professorships as well as student exchanges.



# **Sovereign Bodies Institute — United States and Canada**

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**Sovereign Bodies Institute Public Testimony for The Presidential Task Force on  
Missing and Murdered American Indians and Alaska Natives**

October 31, 2020

The Sovereign Bodies Institute is an Indigenous non-profit addressing gender-based violence against Indigenous peoples through research and direct services. We are the caretakers of a database containing over 4,200 missing and murdered Indigenous women, girls, and two-spirit relatives (MMIWG2). Through all of our work, we center the needs and expertise of families and survivors in pursuit of justice and healing.

It is unclear to what degree MMIWG2 families and survivors are empowered in Operation Lady Justice (OLJ). There is a clear attempt by OLJ at Tribal Consultation--but how much family and survivor consultation is conducted? At SBI, we do not engage on projects without families and survivors in leadership positions and we always offer long-term support services to those involved.

Public policy making processes do not center the wellbeing of families and survivors. They constantly retraumatize by asking them to share their deepest traumas and cutting them off at the three minute mark. Families and survivors feel their needs are not heard in government, in research, in their tribal communities, and even in the MMIWG2 movement. They feel used and left without sufficient support needed to enable healing.

This Task Force, had it been made up of the tribal leaders and grassroots organizers who have been doing this work for decades, could have been a healing and trauma-informed process. Instead, it repeats the failures of previous processes by operating under unrealistic timelines, not publicizing the listening sessions adequately, failing to conduct direct outreach to families and survivors, and by not holding enough listening sessions to ensure participation was possible throughout all of the giant BIA regions. It ignores families and survivors living in Washington, Oregon, and California by tasking an Alaska-based office with serving these three states with significant American Indian and Alaska Native populations. Furthermore, we have asked for clarification on OLJ's strategy for Public Law 280 states and have yet to receive a clear answer. This raises serious concerns about the solutions being pushed forward by OLJ.

One of the main barriers to reporting MMIWG2 is the lack of transparency of governmental processes. Therefore, transparency and respect is crucial to the success of any MMIWG2 effort. The cold case review centers lack a clear purpose and implementation plan. It is unclear which cases they will take, what their process will be, and when they will even be staffed or open. We have yet to find a single family member or survivor that has been contacted by a cold case review center. In fact, we have requests from our families asking to be connected with the cold case review center. At this point, there appears to be no phone number or email address publicly available for any of the cold case review offices.

Moving forward, we urge the task force to promote localized, region-specific processes as opposed to sweeping national inquiries. We urge OLJ to place tribal leaders, grassroots organizers, families, and survivors in positions of authority to ensure the work is done in a good way. Each native community has a distinct culture and circumstances and the solutions look different in every community--national inquiries ignore this nuance and propose one-size-fits-all solutions that are not helpful on the ground.

We look forward to engaging on this issue and holding Operation Lady Justice accountable for enabling justice for our missing and murdered relatives. Thank you.





# Rhonda D. Harjo

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*Rhonda D. Harjo*

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October 30, 2020

Operation Lady Justice  
c/o Marcia Good, Executive Director  
U.S. Department of Justice  
Office of Justice Programs  
810 7<sup>th</sup> Street, N.W., Room 6336  
Washington, DC 20531

Submitted via email: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

Dear Task Force Members:

I am submitting my written comments in response to the Operation Lady Justice Executive Order 13898. Thank you for providing this opportunity for input and recommendations regarding the important issue of missing and murdered Indian people.

I appreciate that this Executive Order also created a cross-Departmental Task Force which included officials from several disciplines. It implicitly recognizes that the trust responsibility of the United States to Indian tribes must be implemented and fully embraced across the entire Federal government.

The Executive Order, Task Force, and deliverables are only the first step in addressing this matter. To make any progress in finding the missing and bringing justice for the missing or murdered victims, the Federal government must engage in aggressive and consistent action and seek cooperation and accountability from all stakeholders.

Solutions and future action must also include a more integrated approach. That is, this problem is not solely a law enforcement matter. Behavioral health and other socio-economic issues must be addressed as well. Accordingly, the actions and recommendations embodied in the First Report due in November, 2020, should incorporate these elements as part of the path forward.

The Executive Order outlines several questions for input and work projects for the Task Force it established. My comments will focus on the following consultation questions and recommendations:

1. **Scope.** From your experience, when people go missing [or there is a suspected murder] in your community, are there any common community factors which may contribute?
2. **Challenges.** What are the major problems or challenges your community faces in missing persons instances or suspected murder cases, relative to gaps in resources and factors of racism/bias/lack of understanding and strategies to overcome them.
3. **Solutions.** What is your vision for how to make your community and people safer, relative to reducing vulnerability of tribal members and prevention efforts that can be implemented.

### **Scope**

The problem and cause of why Indian people go missing cannot be based on any one specific or universal factor. However, there are a range of factors which may contribute to a higher susceptibility to this problem. Likewise, each Indian community is unique and the existence of these factors vary, with some more prevalent in certain communities and less in others. Yet, it is important to recognize the presence of these factors and that, until they are fully addressed in Indian communities, they will continue to contribute to more missing or murdered Indian people.

Extensive research and reports have identified risk factors existing in communities which may also make tribal members vulnerable, most notably, to behavioral health problems, involvement in justice systems, and even “losing the fundamental capacities they need to develop normally and to become successful learners and productive adults.”<sup>1</sup> Poverty (and circumstances which lead to poverty such as high unemployment rates and lack of commercial markets), substance abuse, violence or exposure to violence, and the lack of adequate health systems particularly for behavioral and mental health services are among the leading factors which create these vulnerabilities and may contribute to missing Indian people.

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<sup>1</sup> Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, Ending Violence so Children Can Thrive, (November, 2014), at 37. Available at [https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending\\_violence\\_so\\_c\\_hildren\\_can\\_thrive.pdf](https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_c_hildren_can_thrive.pdf) (last reviewed October 31, 2020). See generally U.S. Gov’t Accountability Off., GAO-18-591, Native American Youth: Involvement in Justice Systems and Information on Grants to Help Juvenile Delinquency. Available at <https://www.gao.gov/assets/700/694306.pdf> (last reviewed October 31, 2020) and U.S. Gov’t Accountability Off., GAO-20-600, Native American Youth: Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs that Could Prevent or Address Delinquency. Available at <https://www.gao.gov/assets/710/708662.pdf> (last reviewed October 31, 2020).

For example, an Indian youth may runaway to escape the violence in the community or home and then become “missing” either by choice or some involuntary measure (such as being trafficked).

The lack of law enforcement (either sufficient presence or cooperation) and complex criminal jurisdiction on Indian reservations are also cited as contributing factors to increased crime and inadequate responses to crimes,<sup>2</sup> including the problem of missing Indian people. An adequate law enforcement presence is important to preventing and responding to crime. However, which law enforcement agency should respond becomes much more difficult in missing persons cases because it may be unclear where or how the person went missing in the first place.

While it is well-documented that several Indian communities experience some of the highest rates of crimes in the nation, the law enforcement needs required to prevent and respond to these crime rates are not being met. For example, in its most recent report, the Bureau of Indian Affairs (BIA) has noted that the 2016 total estimated law enforcement needs for Indian communities is \$1 billion.<sup>3</sup> However, funding from the BIA was only \$220.2 million, leaving a deficit of nearly \$780 million.<sup>4</sup> Some funding is provided by Indian tribes and the Department of Justice, but not enough to close that gap.

### **Challenges**

As noted above, there is a significant gap in resources for law enforcement in Indian communities. The lack of law enforcement is both a factor contributing to missing and murdered Indian people and a challenge to addressing these issues. The Indian law enforcement (either BIA or tribal) is the first responder for these communities, including when a person goes missing. However, these officers are busy responding to violent crimes and often running from crisis to crisis.

A few years ago, I had participated in a ride-along with tribal police on a particular Indian reservation. For nearly twelve hours straight, we went from one incident to another of all kinds, including a traffic stop, a high-speed pursuit, and a shooting at a residence. According to the officers, that was not an uncommon night. During

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<sup>2</sup> S. Rep. No. 111-93, at 6 (2009).

<sup>3</sup> U.S. Dep’t of the Interior, Bureau of Indian Affairs, Office of Justice Services, Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2016. (2018) at 1.

<sup>4</sup> Id.

that shift, the law enforcement officers would not have had any time to pursue missing persons. If that is a typical workload for Indian law enforcement, then the need for more resources becomes particularly acute and serious for finding missing Indian people and preventing or investigating murders.

Moreover, for murders occurring on Indian lands, the Federal Bureau of Investigation (FBI) becomes involved. At one point, the FBI had over 140 special agents working in Indian Country.<sup>5</sup> Murders receive priority attention in their work, but they must also investigate other crimes including sexual abuse, gang- and drug-related crimes, and even financial corruption.<sup>6</sup> With the amount of cold and current cases of missing or murdered Indians, it is uncertain that 140 special agents are enough to address these cases or to assist the BIA in their cold case work.

Aside from the lack of law enforcement in Indian communities, it was noted by commenters during the Task Force tribal consultations that there has been a lack of cooperation or response from the local law enforcement to missing or murdered Indian people. This failure to respond may be due to many reasons, such as a lack of resources, but indifference is never acceptable. Accountability appears to be missing for some, but is necessary for all, law enforcement agencies involved: Federal, tribal, state, and local.

Inaction could be attributed to a lack of understanding, primarily, of jurisdictional authority. The complexities of criminal jurisdiction in Indian Country is well-documented. When a crime is committed, law enforcement officers should respond and not be uncertain whether they are authorized to respond. But in Indian Country, which government has jurisdiction may depend on the status of the offender, victim, type of crime, and location, things which may not always be readily apparent.

Typically, both the BIA and tribal law enforcement attempt to address these questions through cross-deputization agreements with state and local law enforcement agencies. Matters of liability and insurance costs have, for the most part, been worked out in the past. Renewals, however, can become delicate matters if the political winds change and non-existent if there is indifference.

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<sup>5</sup> *Missing and Murdered: Confronting the Silent Crisis in Indian Country: Hearing Before the S. Comm. On Indian Affs.*, 115<sup>th</sup> Cong. 1 (2018) (statement of Robert Johnson, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigations, U.S. Dep't of Justice).

<sup>6</sup> *Id.*

Consistency and stability for these cross-deputization agreements is also necessary to prevent and respond appropriately to missing or murdered Indian people.

### **Solutions**

Solutions must incorporate a multi-disciplined, integrated approach. Accordingly, my recommendations for solutions include 1) reducing vulnerability and risk factors in Indian communities, including increasing aggressive prevention efforts, 2) improving coordination between agencies, and 3) ensuring accountability upon stakeholders, particularly law enforcement and Federal agencies.

#### *Reducing Vulnerability*

Reducing vulnerability and risk factors involves building protective factors and addressing certain underlying issues through aggressive prevention efforts and treatment. Historical trauma is often highlighted as a continuing affliction leading to self-medication and other problems. Substantially increasing the availability of behavioral health (which includes mental health) services for Indian communities would go a long way in reducing the underlying trauma.

The Indian Health Service (IHS) provides funding for health services in Indian communities and provides the services directly for some Indian communities. Tribes and urban Indian health organizations also provide services as well. However, these services are primarily directed to medical services and are far more limited for behavioral health, particularly treatment or rehabilitation centers.

This Task Force should have included the Substance Abuse and Mental Health Services Administration, SAMHSA, which can assist in prevention and victim services. The SAMHSA has far more resources and expertise than the IHS to help address these problems.

To gain a foothold on these problems, the SAMHSA and IHS should conduct, within one year of the Task Force first Report and in consultation with Indian tribes, a thorough needs assessment for behavioral health services in Indian communities. This assessment should include a consideration for the urban Indian health service needs as well. These Departments should report and submit this assessment to Congress. Budget requests should also reflect these needs as well.

Behavioral treatment and rehabilitation centers are needed to assist in treating substance abuse and other needs. There are too few in Indian communities. The IHS, SAMHSA, Department of Justice, and Department of Housing and Urban Development should coordinate and examine programs which might be available and could be increased to assist in building and staffing these types of centers. The IHS should also examine the third party reimbursements available and how these could be increased or used more effectively to build and staff these types of centers.

Congress envisioned more accountability on the part of SAMHSA in the *Indian Health Care Improvement Act*. That accountability needs to be implemented and assistance should be increased to Indian communities. The SAMHSA programs should be examined to determine what assistance is currently available and what is actually being provided to Indian tribes and urban Indian health programs.

Too often the assistance needed is not provided until after the fact. Prevention is necessary at every critical juncture for Indian people. For example, building protective factors is needed in educational systems serving Indian communities. That type of supportive system is reflected in Title II of S.210, the *Tribal Law and Order Reauthorization and Amendments Act of 2019*.

Those provisions are geared to juvenile justice programs. However, they are based on tribal recommendations to improve rehabilitation and support systems for Native children in general by incorporating more traditional and cultural-based programs and coordination through, at a minimum, the Bureau of Indian Education systems. This legislation also intended that agencies would start looking at these traditional and cultural-based programs as viable and important approaches for building stronger and healthier communities. These concepts and approaches would be helpful in revising Federal programs to assist in preventing and treating the problems of missing and murdered Indian persons.

#### *Increasing Coordination*

Multiple agencies are involved in the continuum of finding missing persons, investigating missing or murdered persons, and treating the victims. For example, the Federal, Indian, state, and local law enforcement agencies may all be involved in a human trafficking investigation. However, victim services, medical and behavioral health providers, and advocate organizations may also be involved in some manner in missing or murdered cases.

In the *Tribal Law and Order Act of 2010*, Congress envisioned increased coordination among service providers and an examination of incentives to improve more local cooperation. The Department of Justice needs to revisit incentives, if any, provided to state and local agencies to increase their coordination and cooperation with Indian law enforcement agencies.

In addition, both SAMHSA and IHS should work with the Departments of Interior and Justice on an integrated approach for behavioral health and related programs (e.g. victim services) such as that reflected in Section 106 in S.210, the *Tribal Law and Order Reauthorization and Amendments Act of 2019*. This approach has been recommended by Indian tribes for several years and is based upon the successful program in P.L. 102-477, referred to as the “477 program” for tribal employment and work-related programs. It increases efficiencies in programs, reduces bureaucracy and duplication of such programs.

### *Ensuring Accountability*

Many stakeholders provide services to victims and their families. There should, however, be a means by which to hold these stakeholders accountable to ensure the cases are being properly addressed.

Congress sought accountability when it passed the *Tribal Law and Order Act of 2010*. That Act included a requirement that the Department of Justice issue an annual declination report for both prosecutions and investigations. Those reports should also include information on the numbers of backlogged cold cases on missing or murdered Indian people and the current numbers of missing Indian people, reconciling the various data bases on missing Indian people.

In addition to the report on the needs assessment, the SAMHSA should also report to Congress biannually on how it has addressed those needs. In addition, the SAMHSA should report to Congress annually on the amount of funding and programs available to Indian tribes and urban Indian health organizations as well as the actual amounts provided to them.

This annual report should include an assessment of how effective its programs are in addressing behavioral health issues in Indian communities. The report should include how it is working with Indian tribes to incorporate traditional and cultural programs into the SAMHSA-funded assistance to reduce risk factors and increase protective factors in Indian communities. This report should also detail how SAMHSA is working with Indian tribes and experts to develop a means by which

traditional or cultural programs may serve, or be developed, as promising or evidence-based programs.

Many state and local governments receive Federal funding to assist in law enforcement functions. The Federal government should ensure accountability from these agencies in addressing missing and murdered Indian people as it occurs in or involves their jurisdictions and in coordinating and cooperating with Indian law enforcement agencies and victim services. With conditions on funding or, at a minimum, incentives in funding, generally states and local agencies may be more cooperative in helping address this matter.

As a condition or priority consideration to receiving funding or additional incentive funding, the grants should require the state and local grantees with an Indian tribe in their state or local area to consult with the tribes, establish an intergovernmental multi-disciplinary task force, and enter long-term cross-deputization agreements, among other things. The state and local grantees should also include how they have implemented these matters as part of their grant reporting requirements.

Many of these recommendations could be achieved administratively through programmatic revisions. Some may require additional funding which is always a challenge to achieve. I am fairly confident that the Task Force can find that the additional costs are off-set by the reductions in costs to some programs and Federal budget in the long-run. Prevention is always difficult to measure, but can save lives. The costs of not funding more prevention or assistance should not, however, result in more lives lost or more trauma to Indian people and communities.

Thank you for your consideration. Please let me know if you have any questions or need further information from me.

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# Rochelle Keyhan, Chief Executive Officer — Collective Liberty, Washington, D.C.

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**From:** Rochelle Keyhan [rkeyhan@collectiveliberty.org](mailto:rkeyhan@collectiveliberty.org)  
**Subject:** Public Comments: Operation Lady Justice

10/31/2020

Good evening,

Thank you for hosting these listening sessions and for dedicating federal energy and resources toward solving this pressing problem.

Attached are our public comments. However we can support actionable solutions, we would be happy and proud to do so.

Warm regards,

Rochelle Keyhan  
CEO Collective Liberty



Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7th Street NW, Room 6336  
Washington, DC 20531

**PUBLIC COMMENTS: Operation Lady Justice**

My name is Rochelle Keyhan and I am the CEO of Collective Liberty, a national anti-trafficking organization. We are grateful for the support and awareness Operation Lady Justice (OLJ) has brought to the issue surrounding Missing and Murdered Indigenous Women and Girls (MMIWG) in the United States. The November 2019 Executive Order outlined the need to establish model protocols, law enforcement adoption of best practices, and improved data sharing and database usage. These are barriers to identifying and supporting victims across multiple issue areas, including human trafficking which is our area of focus at Collective Liberty. MMIWG and Human Trafficking are directly intersecting issues in the United States, with similar difficulties in enforcement against traffickers, and identification and support of victims. Human trafficking, unsurprisingly, disproportionately impacts populations of color and tribal communities, and working toward resolution of systemic gaps around MMIWG will also have a strong impact on supporting trafficking survivors. As we created our organization and have continued our work in the anti-trafficking space we have engaged indigenous activists and community members to ensure our solutions are responsive to their needs. I have participated in the listening sessions since June 2020 to hear feedback and experiences from tribal members across the nation, and the pain points in enforcement efforts and identification of missing and murdered native women are similar to those we hear from our national law enforcement partners on human trafficking.

**COLLECTIVE LIBERTY:**

Similar to the issues that have been discussed in the various national listening sessions with OLJ, the lack of tools, technology and training are rapidly escalating the human trafficking problem and exponentially increasing the exploitation of our most vulnerable populations. Currently, there is no tool providing curated human trafficking (HT) specific case data, no service assisting with the criminal intelligence necessary to identify organized criminal trafficking enterprises, and most departments and organizations cannot afford the sophisticated data visualization software, even if that data did exist. Some tools help locate missing witnesses; others help identify trafficking victims after they've already been recruited and are being sold online, specifically focused on sex trafficking of children.



This is the central problem our work is resolving, and, with modifications, our solutions can support the pain points and concerns surfaced across the OLJ listening sessions. Collective Liberty's innovative technologies produce efficient insights needed by law enforcement and other agencies to prosecute human traffickers, they also help protect and liberate survivors. Our Forging Freedom Portal is the result of more than three years of extensive fieldwork, testing, informed by survivors and feedback we have received from law enforcement agencies, prosecutors, private institutions, state legislators, and service providers. This field-centric approach to our user interface has allowed us to create a collaborative tech tool that is incredibly powerful yet easy to use. Collective Liberty puts actionable and real-time tools into our law enforcement officers' hands through the data collection and intelligence analysis process. This equips them with curated data and intelligence analysis supporting the development of strong anti-human trafficking cases.

Further highlighting how this issue is national in scope and of interest to both local and federal agencies, we at Collective Liberty work closely with government agencies including supporting the Department of Transportation Human Trafficking Task Force, Customs Boarder Patrol Forced Labor Task Force on Forced Labor, the US Treasury's anti-trafficking work and convenings, and have trained most of the Department of Justice funded Enhanced Collaborative Model, multi-disiplinary anti human trafficking task forces. We bring data and intelligence from anti-trafficking work across the nation to these federal efforts in the hopes of shifting systems and improving public policy, ensuring as a community we support survivors while stopping traffickers.

As we solidified our organizational strategy in 2018, we collaborated with multiple tribal members across the Southwest, Northeast and Islands to ensure tribal needs were incorporated into our work and long term survivor support and law enforcement engagement. Together, we are working to dismantle all forms of human trafficking by supporting survivors, improving policy, and stopping traffickers, and this includes indigenous communities in North America.

### **ISSUE SUMMARY**

The various vulnerabilities that contribute to MMIWG are the same vulnerabilities that lead to human trafficking. The National Institute of Justice estimates that 1.5 million Native American women have experienced violence in their lifetime, including many who are victims of sexual violence. Native American women are ten times more likely than any other ethnic group to be victims of crimes, including assaults and human trafficking. One of the most recent examples is in Massachusetts (one of many states in



which we provide our solutions) authorities are searching for an 18-year-old member of the Mashpee Wampanoag Tribe who has been missing for a week.

Across the United States, 1 in 3 Native Americans are living in poverty, with a median income of \$23,000 a year. These numbers from the American Community Survey highlight the stark income inequality the nation's first peoples face. Native communities don't always have access to consistent, reliable internet - so high-tech solutions we are generating for law enforcement have to be adapted and accessible broadly as well. In this way, tech-driven solutions need to be adapted and modified to ensure inclusivity of those communities as well.

Tribal agencies are understaffed, underfunded and undertrained in this type of response. Local US law enforcement in areas around larger tribal communities are typically also under resourced, including Oklahoma<sup>1</sup>, New Mexico<sup>2</sup>, and the Dakotas who receive federal funding to support their otherwise under resourced law enforcement agencies. Arkansas and Maine spend some of the lowest-per capita on law enforcement in the nation<sup>3</sup>. Outdated protocols, generalized instead of specific training, and insufficient coordination among law enforcement systems and medical institutions has ensnared victims in ongoing cycles of exploitation. Once someone who is being victimized goes from tribal to state land or to a municipality and maybe comes back, it's hard for agencies to maintain consistent support as they struggle to reach out and communicate with each.

#### **How Collective Liberty Can Assist:**

- **Human Trafficking Trainings:** Collective Liberty executives have hosted more than a dozen weeklong, advanced human trafficking training institutes in the United States and trained thousands of law enforcement personnel the past three years. We provide best practices on conducting human trafficking investigations from a victim-centered, trauma-informed, and culturally-competent framework. Our trainings can easily be adapted for tribal and non-tribal law enforcement jurisdictions, where we can adapt the socio-economic cultural context tailored to each tribal community(ites) in the jurisdiction so there is a better understanding of these diverse groups.

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<sup>1</sup> <https://www.koco.com/article/law-enforcement-fights-for-funding/4287267#>

<sup>2</sup> <https://www.ai-cio.com/news/facing-police-shortage-nm-considers-pension-changes/>

<sup>3</sup>

<https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/police-and-corrections-expenditures>



- Data: It was also noted from the listening sessions that identifying missing and murdered indigenous women and girl victims was made difficult due to the lack of systematic, uniform, and consistent data. This is the first step in creating a baseline of what is known about these vulnerable populations, and in identifying the demographics of these victims. This goes hand-in-hand with access to technology and/or Internet, which is problematic in many of these communities. Collective Liberty collects original and curated data on human trafficking, and has extensive expertise in creating, managing, and analyzing data. Given the technology and/or Internet limitations, one method to collect data is to start with paper and pen in a record-keeping gradebook style notebook to document statistics as they come in. Alternatively, a Google spreadsheet that can be updated once a week or a few times a month when access to technology and/or Internet is provided so it updates automatically is a secondary method to start data collection
- Through training, access to our digital portal, and data support, we have created a shared network of consistent language (e.g. how we identify and support victims and identify and prosecute operatives) and elevate best practices to create multi-jurisdictional strategies that eliminate silos and barriers to solving cases
- Ability to target bespoke municipal and state policy strategies that are based on data-driven solutions and best practices to protect some of the most vulnerable people in this country while creating barriers to exploitation and trafficking by perpetrators
- Elevate Native survivor narrative through rapidly expanding social media presence and, as appropriate, elevating local experience to key stakeholders and decision makers during trainings, consultations, and program design

**As solutions are explored at the federal level, Collective Liberty is continuing to pursue solutions at local levels. We are happy to collaborate, share lessons, and provide support for scaling local solutions to ensure all indigenous communities are supported, and all victims are given the opportunity to survive and thrive.**

**We appreciate this national response and look forward to supporting actionable solutions to come.**

**Best Regards,**

**Rochelle Keyhan  
CEO, Collective Liberty**



# Brenda S. Golden — Golden Legal Services, Oklahoma

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**From: Brenda S. Golden Brenda\_Golden@msn.com**

**Subject: Comments on MMIW/G/P**

10/31/2020

Thank you for your interest in hearing from the community in addressing the epidemic of Missing and Murdered Indigenous Women/Girls/Persons. These are my final comments after providing verbal testimony on two separate occasions to the Task Force.

1. The Operation Lady Justice Task Force must work within members of the community and not just those affiliated with MMIW chapters in Oklahoma. Some of these chapters marginalize and prevent full participation from persons through lateral violence toward other female natives. There are many people, including myself, that has knowledge and passion but cannot participate in a chapter due to this lateral violence.
2. We have had legislation proposed in the Oklahoma State Legislature in 2019-20 to address MMIW, but none got any traction except the one that assigned a liaison to the Oklahoma State Bureau of Investigation (OSBI) partially paid for with federal funds. We need liaisons across Oklahoma, not just in the OSBI, to assist in hearing and working with the community members when one of our loved ones goes missing. If more funds could be allocated for this purpose that would be very beneficial.
3. One of the most repeated testimonies heard across all states is that when an indigenous person goes missing local law enforcement and police officers do not take their absence seriously. In 2019 a state legislator proposed that our Council on Law Enforcement and Education Training provide at least one hour of sensitivity training on MMIW/G/P per year. Without training these police officers and law enforcement agents will not take the issue seriously nor will they understand the significance of a rapid response. Again, perhaps offering federal funds for the purpose of this training would be extremely helpful or offering to host the training that could be provided by community leaders in MMIW/G/P could be useful.
4. The Task Force should have a community based forum, perhaps an oversight board of community members to advise them and provide input into their activities. Without community oversight and involvement there could be a great disconnect with what is happening in Oklahoma counties and what the task force is prioritizing.
5. And lastly, it is extremely disappointing to me that more tribal governments are not taking up the charge to protect their own citizens. Evidently we need some program or initiative for our tribal governments to educate our people on how to protect themselves (environmental awareness and self-defense training), what to look for if someone goes missing and what to do if they see something suspicious such as a person in distress, a person that appears to be held against their will, and so forth.

Thank you for taking the time to do these consultations and for extending the comment period until today. Please let me know if you have any concerns or questions. Mvto!

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**Meghan “Sigvanna” Topkok,  
Staff Attorney, and Melanie Bahnke,  
President — Kawerak Inc., Alaska**

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**KAWERAK, INC.** Sent Via Electronic Mail: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

*REPRESENTING*

*Brevig Mission*

*Sitalsaq*

*Council*

*Diomedes*

*Ijalik*

*Elim*

*Nivlarcaurluq*

*Gambell*

*Sivuqaq*

*Golovin*

*Chinik*

*King Island*

*Ugiuvak*

*Koyuk*

*Kuuyuk*

*Mary's Igloo*

*Qawiaraq*

*Nome Eskimo*

*Sitnasuak Inuit*

*Savoonga*

*Sivungaaq*

*Shaktoolik*

*Saktullq*

*Shishmaref*

*Qikiqtaaluk*

*Solomon*

*Anuutaq*

*St. Michael*

*Taciq*

*Stebbins*

*Tapraq*

*Teller*

*Tala*

*Unalakleet*

*Uqalaaq*

*Wales*

*Kinjigin*

*White Mountain*

*Igaalik /*

*Nutchirviq*

October 30, 2020

Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7th Street NW, Room 6336  
Washington DC 20531

**Re: Kawerak Comments Regarding Missing & Murdered Native Americans**

Dear Executive Director Marcia Good:

Through a "Dear Tribal Leader" letter dated July 17, 2020, Assistant Secretary for Indian Affairs Tara Sweeney invited Tribes and Tribal Organizations to provide input regarding the scope and nature of the issues regarding missing or murdered American Indians and Alaska Natives. Please consider this correspondence Kawerak, Inc.'s ("Kawerak") comments regarding this matter as it affects our region and Tribes.

**1. General Overview**

Kawerak is a non-profit consortium comprised of the 20 federally recognized Tribes in the Bering Strait region. Kawerak provides a wide spectrum of social and other services throughout the region, through a compact with the Bureau of Indian Affairs (BIA) and other sources. Our comments are provided on behalf of the Tribes in our consortium.

Our service area includes the Seward Peninsula, Norton Sound, St. Lawrence Island, and Little Diomedes Island. This region extends 230 miles from north to south, covers 570 miles of coastline, and includes an area of more than 26,000 square miles, the equivalent of the size of the state of West Virginia. The region has approximately 10,000 residents, of which approximately 7,500 of whom are Alaska Native (primarily Inupiat, Siberian Yupik, and Central Yupik). In villages outside of the main hub of Nome, Alaska Natives comprise 90% of the population. Our villages are some of the most remote communities in the United States.

Kawerak began compacting through a PL 93-638 Title IV self-governance compact and funding agreement with the Office of Self Governance within the Department of Interior beginning in 1992. Today, Kawerak has successfully expanded to operate programs with an annual budget of over \$38M, with over 260 full and part

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time regular employees in Nome and in the villages in the Bering Strait region. This includes its compact programs with the BIA, State funded programs, and privately funded programs.

We are one of the largest employers in the region, spread over 16 separate communities unconnected to the road system, and reliant on air travel and barges for goods and services, including basic life, health and safety, such as medical care and law enforcement. We have very significant challenges in operating our services on behalf of our Tribes in the normal course of everyday life.

## **2. Public Safety Overview**

Only 5 villages in the Kawerak service area are currently staffed with Village Public Safety Officers (VPSOs). In addition to law enforcement, VPSOs may provide other community safety services, including search and rescue, fire prevention and protection, emergency medical services, probation and parole, and Drug Abuse Resistance Education (DARE) program.

Within the City of Nome, there is the Nome Police Department (NPD), which has 10 law enforcement professionals, but experiences frequent turnover. The NPD currently has two officer positions open, a sergeant position open, and a community service officer vacancy. Those 10 NPD law enforcement officers serve a community of roughly 3,800. The Alaska State Troopers are present in Unalakleet and Nome, with 5 troopers traveling intermittently to other communities in the region. There is also a Western Alaska Alcohol and Narcotics Team (WAANT) officer and an Alaska Wildlife Trooper located in Nome. The Alaska State Troopers serve the entire Bering Strait Region, which is roughly 10,000 people.

Anvil Mountain Correctional Center (AMCC) operates a 126 bed adult facility, but the inmate population as of October 30, 2020, according to Superintendent Sandra Martinson, is 152 inmates. The highest arrest rate at AMCC is for Alaska Native males between the ages of 17 – 25.

Additionally, the region has experienced serious backlog with regard to sexual assault kit (SAK) processing. Currently, the turnaround time for SAKs is 9-12 months with the Alaska State Crime Lab. In an effort to speed up the turnaround time, Kawerak, Norton Sound Health Corporation and Norton Sound Economic Development Corporation recently coordinated a \$38,295 donation to the City of Nome to send backlogged SAKs to a private lab in Virginia for processing. It is anticipated that the results from the SAKs that were recently sent to Virginia will be received back in two months' time.

The District Attorney (DA)'s office in Nome carries one of the highest caseloads in the entire state. With a current vacancy in the DA office in Kotzebue, as well as a vacant Assistant DA position in Nome, this has only exacerbated the problem.

As Nome Police Department has begun to audit and review prior sexual assault cases, an additional 87 cases have been sent to the District Attorney for

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consideration. As NPD continues to submit prior cases on top of the current cases, this will continue to significantly add to the DA's already overburdened caseload. This year has also brought higher than usual reports of sexual assault, with 117 reports as of October 2020, which is a 64% increase from 2019. Currently, 110 of the 117 reports have been processed by NPD and closed or sent to the DA for prosecution. This is an already high number of cases, and there are still several months left in the year.

Nome is home to the Bering Sea Women's Group (BSWG), a non-profit that provides shelter and services to victims of domestic violence and sexual assault. The BSWG also coordinates safe homes in the surrounding communities, although not all communities currently have a safe home representative. Getting from the villages into Nome can also cause difficulty, especially during winter months when storms may delay or cancel flights.

In 2014, the Alaska Victimization Survey for the Nome Census Area was conducted from April to June, and results were released in February 2015. This study was conducted as a landline telephone survey and it is important to share that telephone studies typically yield conservative participation. Findings include:

- a) 51% of adult women in the Nome Census Area experienced intimate partner violence, sexual violence, or both, in their lifetime;
- b) 11% have experienced intimate partner violence, sexual violence, or both, in the past year;

Women throughout the Bering Strait region face astronomically and disproportionately high rates of sexual violence. This year has also seen a record number of reports of sexual assault to the NPD. This increase may not be due to increased rates of sexual assault, but that women may be more apt to report presently than historically. There may also be complicating factors due to COVID-19.

In addition, at least 23 individuals have been identified through an unofficial count by Kawerak as still missing or whose murder is still unsolved in the region over the last several decades. All but one of these individuals is Alaska Native. It is important that we convey the sense of urgency and share that these are more than just statistics. These are our brothers and sisters, our cousins, our aunts, our mothers, our daughters, and our fellow community members. They deserve the full attention of the proper authorities. For far too long, too many Alaska Natives, both male and female, have been murdered or have disappeared with no resolution for their families and communities, and no justice for the victims.

In 2003, an NPD officer was convicted of brutally murdering a local Alaska Native woman, Sonya Ivanoff, in Nome. In the years that followed, through a grass roots community effort to call attention to the missing persons in the region, the Federal Bureau of Investigation (FBI) opened an investigation through working with Kawerak and other Alaska Native partners. One primary purpose was to establish whether the 20+ missing persons identified at that time were part of a pattern or linked by one or more crimes. The FBI determined that these were not the results of one or more serial killings, but the investigation was otherwise inconclusive.

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Around that period, the community of Nome established the Regional Wellness Forum, which is an informal group of stakeholders that have been meeting regularly for years to address ways in which the community and the region might better protect its citizens, especially those who travel into Nome from outlying villages. One positive result of this effort has been the Community Safety Patrol. This is an ad hoc group of volunteers that “patrol” Nome community areas where the bars are located, at various times of the year when an influx of visitors is expected. The intent is to be a visible presence in the community to deter crimes and assist anyone who may need it.

Another grass roots effort has been the establishment, around the same time as the Regional Wellness Forum, of a homeless shelter in Nome, the Nome Emergency Shelter Team (NEST). NEST was established to provide a safe shelter for the homeless, especially during winter months. Again this was established by volunteers, although now it is partially funded and managed through the Nome Community Center.

The Regional Wellness Forum, Safety Patrol, and NEST are all grassroots efforts by citizens and volunteers to take action to address the crimes and disappearances plaguing this region. These efforts continue today and we believe they have helped.

However, sexual assault and violence continues, and we are now looking at ways to improve the systemic response to these crimes and victims. As part of this effort, in September of 2015, a group of women and men began to meet to provide each other support around their experiences of being a victim of sexual assault or victims of violence. It became apparent through the telling of their experiences, that their cases were mishandled or not handled at all, by the NPD. The Kawerak Board of Directors passed a resolution calling on the Justice Department to conduct a Color off Law Violation investigation into the NPD after it was revealed that over 100 SAKs were sitting in storage at the NPD building. These kits were not sent to the crime lab for processing. The FBI investigated, but the threshold to prove that there were Color of Law Violations could not be established for the US Attorney to pursue a case. In May 2018, the advocacy group came forward and presented their concerns to the Nome Common Council addressing police response to sexual assault and violent crimes against Alaska Native women. The advocacy group requested education and training for officers, the creation of a community panel to advise the Nome Common Council on Nome Police, and several changes to City Police operations policy. In May 2019, after intensive assistance from the American Civil Liberties Union (ACLU), the City of Nome passed ordinance O-19-02-02, establishing the Nome Public Safety Advisory Commission.

The City of Nome is also currently facing litigation, brought by the ACLU, for allegedly mishandling a victim’s report of sexual assault. The ACLU alleges this is part of a larger pattern of systemic bias against Alaska Native women, whose cases have not been properly investigated or afforded the justice they deserve. Additionally, two years ago, in April 2018, a Community Service Officer pled guilty to assault in the fourth degree of an Alaska Native woman while he was on duty transporting her to the hospital.

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Within the judicial system, the Nome Superior Court, Second Judicial District, located in Nome, which serves as the court of general jurisdiction for the entire Bering Strait region, employed a judge who made disparaging remarks about Alaska Native women on the record during court hearings involving sex crimes. The judge was disciplined by the Alaska Supreme Court for having cultural bias and eroding confidence in the judicial system, and while not formally removed from the bench, ultimately chose not to seek retention. Instances like these have caused deep mistrust in law enforcement and judicial systems.

Finally, as of the end of August 2020, the community of Nome is experiencing the loss of another Alaska Native woman. Florence Okpealuk has been reported missing since August 29, 2020. Multiple communities and individuals have lent their assistance in coordinating search and rescue efforts, including Teller, Brevig Mission, Savoonga, Mountain Village, Anchorage, Unalakleet, Shishmaref, and Bethel who sent search and rescue teams, supplies, or provided technical assistance. Additionally, Golovin, Teller, Wales, and Nome held community marches to raise awareness of Flo's circumstances and the issue of MMIW in our region. Very early on in the case, NPD was able to pull in technical assistance from the FBI and the newly opened Alaska office that focuses on cold cases and missing and murdered American Indians and Alaska Natives. However, despite all these efforts, Ms. Okpealuk has still not been located and months have gone by. This has taken its toll emotionally and mentally on the family, friends, and community members of Ms. Okpealuk.

### **3. Recommendations for Improved Public Safety for Alaska Native Peoples**

Ending violence against Alaska Native women, children, and men is a complex issue, and will take a multi-faceted approach to address. The Bering Strait region continues to experience consistent underfunding and high turnover rates within law enforcement.

Frequent turnover in law enforcement and service providers can create confusion and requires extensive training to the new individuals. Many newcomers to town need training and education about the history of Alaska Native peoples, historical and intergenerational trauma, and racial equity. It can make handing over investigations difficult as new officers take over on cases they did not initiate, and creates the potential for miscommunication for who victims/survivors or families should speak with about the status of their cases. Having an advocate within the police department who can bridge this turnover and keep regular contact with survivors, update them on the status of their case and provide support in navigating a multi-agency system could help alleviate this. As part of this the NPD will be hiring an advocate in November 2020 to work with victims to track their cases and offer support and resources. The individual hired by NPD is a local Alaska Native woman and we hope this will help victims in their efforts to seek justice.

Kawerak is also currently conceptualizing a Multi-Disciplinary Team (MDT) approach to addressing adult sexual assault in the region. This approach could lend

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itself to ensuring a trauma-informed coordinated multi-agency support network for adult victims, and increased chances of cases being brought to prosecution.

Listed below, and organized by topic, are recommendations to bridge gaps to tackle what ultimately hinders our ability to adequately provide justice to the men, women, and children who go missing or are murdered in our region, as well as to tackle the contributing factors, such as rampant sexual assaults and domestic violence without consequences. The list is by no means all inclusive):

#### Law Enforcement

- We recommend resources to hire social workers and advocates who are dedicated to sex crimes in our local police departments.
- We recommend resources to hire a local investigator solely dedicated to missing persons and sex crimes.
- We recommend resources to hire a local prosecutor dedicated entirely to sex crimes.
- We recommend resources to provide training for law enforcement officers on trauma informed support and services to victims and families.
- We recommend more tribal involvement regarding the handling of sex offenses, whether prosecution, sentencing input, or post-release services and treatment (and the funding to Tribes to support their involvement).
- We recommend resources to provide racial equity training for all law enforcement and public safety staff.
- We request resources for a “Growing Our Own Law Enforcement” initiative focused on increasing local hire of law enforcement, dispatchers, correctional officers, etc.
- We recommend resources for a cadet training program for 18-20 year olds to create a pipeline for young locals to develop a career in NPD.
- We recommend resources for training and technical assistance in developing police policies and certification procedures. Currently, the NPD is considering seeking accreditation through the Commission on Accreditation for Law Enforcement Agencies.
- We recommend an annual audit of cases to ensure they were properly investigated and handled, and to compile statistics to inform decision-making going forward.
- We recommend resources for a clinician that is able to be present for sexual assault/physical assault exams.
- We request funding for Tribal Police.
- We recommend resources for the State of Alaska to offer pay competitive with the private sector for public defenders and state prosecutors. Recruitment is challenging and therefore positions are unfilled, causing a backlog of cases, including sexual assault cases.
- We recommend resources to provide additional support to the Nome DA office, possibly from the U.S. Attorney's office in Anchorage on a temporary basis to deal with the high caseload.
- We request resources to provide special scholarships for those pursuing law degrees who have an interest in coming back to serve our region as either public defenders or working in the District Attorney’s office.
- We recommend resources for the Alaska Crime Lab so that the time to process sexual assault kits is reduced from the current one-year timeframe.

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### Victim & Offender Support

- We recommend resources for the Bering Sea Women's Group to provide transitional housing for women in domestic violent situations.
- We recommend resources to provide recidivism reduction support for sexual offenders (example: housing away from minor children; treatment programs) and batterers to try to head off potential future crimes.
- We request resources to allow for expansion of the Child Advocacy Center services to include services to adults.
- We request resources to provide greater advocate training to those who assist victims of sexual assault or domestic violence.
- We request resources to address root causes of what may cause individuals to perpetuate harm and to address historical and intergenerational trauma.

### Community

- We recommend support for communities on how to handle situations where a community member goes missing or is murdered – including how the public can assist; that is based on our cultural value systems; and provides mental health assistance and resources to help communities and individuals to work through the stress of experiencing these situations.
- We recommend resources and assistance with compiling, accessing and tracking statistics relating to sexual assault, domestic violence, and missing and murdered Indigenous people.
- We request resources to develop a Multi-Disciplinary Team or active sexual assault response team for adults.
- We recommend resources for a Tribal Liaison position with the City of Nome to improve communication with the public on community crisis response.

### Legislative

- The Violence Against Women Act (VAWA) should be reauthorized but as it currently operates only provides very narrow circumstances for tribal involvement in certain types of crimes. Alaska also possesses very little Indian Country, which inhibits Tribes' ability to assume jurisdiction under VAWA. Further, the restrictions placed on Tribes under VAWA to prosecute offenders makes it near impossible to assume this type of jurisdiction, such as having law trained judges (who are also Alaska Native and attuned to our cultural value systems) to preside over cases and providing legal counsel to indigent defendants. In the reauthorization of VAWA these considerations should be addressed and fixed.
- Legislation needs to be enacted that allows Alaska Native Tribes and tribal consortia to compact with the federal government to provide services and assume jurisdiction of issues related to domestic violence, sexual assault, and missing and murdered Indigenous peoples.
- Funding to Tribes and consortia should be equitable, with parity in funding levels to Alaska tribes, and stable from year to year to allow Tribes and consortia to properly plan and execute services, in particular to Tribes and consortia in P.L. 280 states that have historically received little to no funding for their tribal justice systems. This should apply to any and all funding that relates to issues of domestic violence, sexual assault, and missing and murdered Indigenous peoples regardless of which agency the funding source may come from.

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- States should be provided guidance on developing a consistent and equitable definition of “consent” as relates to sexual assault statutes. The State of Alaska’s definition of “consent” places significant burden on victims to prove they resisted and their consent was taken away by force and defines consent as something that is taken, not as something that is required to be given.

Kawerak very much appreciates the work of DOI in putting this massive effort together, as well as the opportunity to provide input into this process. If you should have any questions, please feel free to contact our designated representative for this effort, Meghan Topkok, at (907) 434-1484.

Thank you for your consideration.

Sincerely,  
KAWERAK, INC.



Melanie Bahnke  
President

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# **Joel Jackson, President — Organized Village of Kake, Alaska**

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**Organized Village of Kake**

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**(Federally Recognized Tribal Government serving the Kake, Alaska area)**

October 30, 2020

Operation Lady Justice Task Force  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7th Street NW, Room 6336  
Washington, DC 20531  
via email: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

*RE: Government-to-Government Consultation Comments*

To Whom It May Concern:

We submit the following testimony to the Operation Lady Justice Task Force (OLJTF) from the Organized Village of Kake, a federally recognized tribe located in Southeast Alaska regarding the injustice of missing and murdered Indigenous women and girls (MMIW). Kake, Alaska is a rural community located on Kupreanof Island in the heart of the Tongass National Forest in the Southeast Alaska 'panhandle'. The City of Kake has an annual population of 600. The Organized Village of Kake (OVK) currently has a Tribal enrollment of 430 locally tribally enrolled citizens, about 71% of the city's total population. Our people are predominantly Tlingit, and we also have a few Tsimshian and Haida in Kake.

It is important that Kake has a voice in regard to MMIW. We begin by recognizing our Tribe's Domestic Violence Program which we started in 2011. Since our Program started serving our people and for a Tribe, we have had 3 women and girls who have gone missing and murdered: Mackenzie Howard, Jade Williams, and Shirley Skeek. Since 2011 and during various awareness events that our Program has organized, several family members have come forward and shared that at least 3 other tribal citizens of Kake had gone missing and found murdered from 1970 with little to no attention, help for surviving family members. When we organized our first ever walk to honor MMIW in 2018, there were many speeches of gratitude for remembering their loved ones and saying their names again. For those families, this was the start of long deserved healing.

Our women like all other Native women across the country deserve to be honored and remembered. We must develop and implement solutions now - sooner rather than later to prevent more women and girls needlessly losing their lives and their families and tribes being forced to live without them. **These crimes are preventable.** Their faces, lives, memories, and the families they have left behind should compel everyone to do better. As other tribal leaders have shared who have previously testified this year during OLJTF consultations and listening sessions and this week's annual VAW government-to-government consultation, we are all related and have legal and moral responsibilities

to each other. So much more needs to be done at the tribal, state and national levels, and together as partners we can end these injustices.

What can we as tribes do to better our working relationships with our State Troopers who often are here for a day or two at a time as weather and other priorities permit. What can we as tribes do to prevent any more of our women and girls going missing or being murdered? Having the federal funding resources to support tribal staff, including project coordinators and women and youth advocates makes a world of a difference. Dedicated staff can provide the necessary comprehensive advocacy services, develop and implement community awareness campaigns, partner with law enforcement, our schools, health care, local domestic violence task force, and other agencies across the state and nation to address violence against women.

Alaska specific tribal technical assistance and training, such as what's available through the Alaska Native Women's Resource Center to help tribes develop our capacity **to restore** tribal specific protections rooted in our specific cultures and **reform** current systems responding to violence against women has helped to effect change in Kake and across the state and nation. As leaders have shared during this week's annual VAWA government-to-government consultation, we also need to recognize the weight that this work places on our advocates and Program staff, so developing the capacity and resources to prevent burn out and support our staff is critical as they are our first, and too often **ONLY** responders. Grant administration that is burdensome does not help address this weight of our Domestic Violence Program staff.

What can Alaska State Troopers do to improve their services in our villages and strengthen coordination with tribal governments? What can the federal government do to support Alaska State Troopers? The state of Alaska needs to do better by protecting Alaska Native women. The state of Alaska's justice system has failed many battered and abused women by allowing perpetrators to go free with barely a slap on the wrist. What is the state's justice system telling women when abusers, batterers, predators, sex traffickers and murderers can go free or face minimal consequences?

Given the formula funding that all states receive from the federal government, and the mandatory reports they provide, is there an accounting of their arrest and prosecution rates with these crimes, especially against Native women. Is that a task that the National Institute of Justice can take on? Could OVW fund a review of states like Alaska with a high percentage of Indian people to gage what their arrest and prosecution rates are in the same way that the Tribal Law & Order Act requires the federal government to report annually on its arrest and prosecution rates in Indian country, which is exclusive for the most part of Alaska and other tribes in Public Law 280 states.

The State of Alaska has not meaningfully consulted with Alaska's 229 tribal governments as statutorily required under the Violence Against Women Act of 2013, and Alaska's tribes have pointed this out since 2014. In closing, we look forward to keeping the lines of communication open with the federal government and any assistance you can provide with strengthening tribal authority to respond to ensure no more of our women and girls go missing and/or are murdered.

Organized Village of Kake  
2020 VAWA Testimony  
Page 3

Gunalcheesh,

A handwritten signature in black ink that reads "Joel Jackson pres." The signature is written in a cursive style.

Joel Jackson  
President

# Annette Okitkun — Village of Kotlik, Alaska

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**From:** Annette Okitkun

**Subject:** Village of Kotlik, Ak Comments

10/29/2020

Our rural village of Kotlik, Ak has experienced many difficult and violent situations related to domestic violence and sexual assault, some incidents go unreported sometimes because the victim is scared but that is unknown why some incidents go unreported. Some incidents are silenced to where they don't talk about the pain and trauma to anyone, and victims often keep it to themselves. It is hard to receive any help or assistance living in a remote village in rural Alaska with no connected roads to the bigger cities. Our village of Kotlik has very little services to help victims in need, but our village does not have the proper help or services during crisis times. Yes, we do have police, ICWA, health aides, they can only do so much to help victims, they cannot house or shelter victims in times of crisis. The nearest Women's Shelter is in Emmonak, Ak. A victim would need to fly over by plane just to feel safe in a shelter. We do not have Advocacy for Women or Children, or an Emergency Response Team to help victims during crisis times. Most times victims care for themselves after dealing with violence because they don't want to worry their families. If children are involved in violence and a report was made to the Police, the ICWA will get involved and children often get taken away. We are seeing more broken families than families being healed, a lot of times alcohol is involved. We need assistance with helping victims in our Tribal Community of Kotlik.

10/30/2020

It's Tribal Community of Kotlik, sorry for the misspell of Tribal. Thank you for the opportunity to submit comments to Operation Lady Justice for our community's need for assistance with victims in need. I am an OVW Program Coordinator for our community of Kotlik, Ak and saw the opportunity for submitting comments. Thank you once again!



**Esther Lucero (Diné), Chief Executive Officer, and Abigail Echo-Hawk (Pawnee), Chief Research Officer —  
Seattle Indian Health Board, Washington**

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**Seattle Indian Health Board**  
*For the Love of Native People*  
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October 30, 2020

Esther Lucero  
Chief Executive Officer  
Seattle Indian Health Board

Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7th Street NW, Room 6336  
Washington DC 20531

Re: Operation Lady Justice Tribal Consultation Comments

*Submitted electronically via e-mail to [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)*

Dear Director Good,

We appreciate the opportunity to submit the following comments on the Consultation Framing Paper on the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives on behalf of the Seattle Indian Health Board (SIHB).

Seattle Indian Health Board continues to bring nationwide attention to Missing and Murdered Indigenous Women and Girls (MMIWG) and raises concern over the faulty collection of data on American Indian and Alaska citizens. In November of 2018, Senator Lisa Murkowski (R-AK), Senator Jon Tester (D-MT), Senator Maria Cantwell (D-WA), Senator Patty Murray (D-WA), former Senator Heidi Heitkamp (D-ND), and Representative Derek Kilmer (D-WA) joined us in Washington D.C. when SIHB's research division, the Urban Indian Health Institute (UIHI), released a first of its kind data report titled [\*Missing and Murdered Indigenous Women & Girls\*](#). The report details the results from a study of 71 urban cities in 29 states across the United States and highlights the institutional barriers to obtaining data needed to properly assess and address the crisis.

#### **Background on Seattle Indian Health Board**

SIHB is one of 41 IHS-designated Urban Indian Health Programs (UIHP), as defined by Section 4 of the Indian Health Care Improvement Act, and a HRSA 330 Federally Qualified Health Center, which serves nearly 5,000 American Indian and Alaska Native citizens living in Seattle, WA. As a culturally attuned service provider, we offer direct medical, dental, traditional health, behavioral health services, and a variety of social support services on issues of gender-based violence, elders, and homelessness.

Our research division, UIHI, is an IHS designated Tribal Epidemiology Center (TEC) and public health authority which conducts data, research, and evaluation services for over 62 urban Indian organizations nationwide which provide culturally attuned health services to urban Indian

communities. Of the twelve TECs, UIHI is the only one with a national purview, the other eleven operate regionally, serving tribal nations.

We are part of the IHS continuum of care, which is comprised of IHS Direct, Tribal 638, UIHP (I/T/U system of care). We honor our responsibilities to work with our tribal partners and to serve all tribal people. Our role is to address the community and health needs of the over 71% of American Indian and Alaska Native people that live in urban areas.

### **Missing and Murdered Indigenous Women & Girls (MMIWG) Work**

After the release of the initial MMIWG report, SIHB has utilized the tremendous amount of media coverage, social media coverage, and community support to advocate for our relatives. This attention has put pressure on legislators and mobilized communities to demand changes in policy, law enforcement, and the ways in which data is collected when it comes to American Indian and Alaska Native people.

The first report in our series, [Our Bodies, Our Stories](#), highlights data relating to sexual violence against Native women in Seattle, Washington. In Seattle, 94% of Native women reported being raped or coerced in their lifetime, 85% reported being affected by historical trauma, and 53% lacked permanent housing. Of the victims of rape and/or coercion, 42% attempted suicide in their lifetime, and 34% binge drank on a weekly or daily basis after their initial attack. Furthermore, only 8% of cases regarding a rape victim's first attack ended in a conviction.<sup>1</sup> This report demonstrated the expertise and commitment SIHB holds in advocating and providing data to protect Native women and girls.

In addition to our first report, UIHI recently released a report titled [MMIWG: We Demand More](#) which was a corrective study to the Washington State Patrol's required report under HB 2951 titled [Missing and Murdered Native American Women Report](#). Our corrective report demonstrated the importance of Native-led organizations being at the forefront of the MMIWG issue because our close relationships with the community and service providers hold us accountable.

We continue to do all this work with limited resources. Native organizations are best equipped than anyone else to address the many issues surrounding MMIWG. UIHI developed our initial MMIWG report on a shoestring budget of \$20,000 from funds obtained from Chief Research Officer Abigail Echo-Hawk's speaking fees. Not only could UIHI benefit from increased funding, but other Native led organizations who utilize their expertise to advocate, research, and organize for MMIWG.

The national recognition of our reports has allowed us to join the greater dialogue on MMIWG issues influencing local, state, and federal policy. Nationally, we have provided revisions to the recently passed Savanna's Act, and Not Invisible Act—the first two federal bills that aim to address aspects of the MMIWG crisis. On the state level, we work with legislators and have been advocating for a community-led statewide taskforce on MMIWG and a call for regular audits by of law enforcement and prosecution agencies to ensure the collection and reporting of demographic data for Native people is more accurate. Locally, we have created a Missing and Murdered Indigenous People (MMIP) Strategic Data Advisor position within the Seattle Police Department who will provide systemic oversight to data reforms within local law enforcement in partnership with SIHB.

We also recognize that, when it comes to the safety of our missing and murdered loved ones, we can't wait for the political process to run its course. Therefore, UIHI is leading local and nationwide community engagement. In 2019, in partnership with NamUs, we hosted a webinar training for more than 600 tribal, community, and urban Indian leaders nationwide regarding the process to enter the names of missing Native loved ones into the Department of Justice's federal database. We know that the data systems governments are utilizing to inform policy decisions are inaccurate and will take time to reform siloed data systems, so we—Native communities—have decided to take action to address the issues ourselves.

Both tribal and urban Indian communities have trust in SIHB, and we and know how to work across different stakeholders to figure out how we can truly address the issues that have caused our missing and murdered loved ones to go unprotected under a flawed institutional system. Despite the recent attention, this is not a new epidemic and has resulted from the complicit violence towards American Indian and Alaska Native women and girls. This has been a problem in Indian Country for hundreds of years, and because of the distrust of government and police, centuries of racism, lack of relationship building, and attempts to remove us completely from this land, much progress remains to be made.

### **Recommendations to the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (Operation Lady Justice)**

The following section outlines seven key areas of recommendations to Operation Lady Justice (OLJ) to ensure appropriate support for individuals, families, and communities affected by Missing and Murdered Native Americans (MMNA).

- 1. Acknowledge the systematic causes of MMNA.** As seen in the consultation framing questions, the current OLJ work is reactive to MMNA related crime rather than utilizing a health and human services approach to address the structural causes of violence against Indigenous bodies. OLJ lacks an analysis of the systemic issues that give rise to health disparities in American Indian and Alaska Native communities: genocide, uprooting from homelands and tribal community structure, bans on cultural practices and language, racism, poverty, lack of educational and economic opportunity, chronic underfunding of trust and treaty obligations, and institutional racism through federal policies of relocation and termination which forced many American Indian and Alaska Native communities to urban areas. These are the true causes of violence against Indigenous bodies.

The lack of Indigenous and federal data in OLJ fails to represent the severity of the MMNA cause. The lack of data can lead to misrepresentation and false narratives of victim blaming for individuals and communities. To truly address MMNA, we must uproot these fractured frameworks and address the deep and persistent causes of violence that lead to the disparity data lacking in OLJ. The crisis of MMNA was not caused by Native people and will not be addressed until our tribal and urban Indian communities can heal from the historical harms perpetuated against our communities.

- 2. Support Savanna's Act implementation.** The current OLJ task force deliverable of developing model protocols and procedures to apply to new or unsolved cases for MMNA continues to be vague and narrow in scope. With the recent bi-partisan passage of Savanna's Act, OLJ must identify opportunities to support the efforts of Savanna's Act which includes a more comprehensive representation from tribes, tribal organizations,

urban Indian organizations, and subject matter experts such as TECs. Savanna's Act also calls for a more specific and robust scope of work that address the data collection and reporting challenges that document and address the MMNA crisis. As a federal law, Savanna's Act offers more authority and sustainability for this work than the Executive Order 13898 that defines OLJ.

**3. Incorporate the four pillars and protective factors approach from the *Missing and Murdered Native Americans: A Public Health Framework for Action by the Administration for Children and Families (ACF Framework)*.**

While OJL has a narrow scope of work around model protocols and procedures for MMNA case work, it must be understood that MMNA issues require a more culturally attuned approach and framework. SIHB prefers many elements of the proposed framework of the Administration for Children and Families (ACF). The ACF framework suggests utilizing a four-pillar framework to support MMNA model protocols and procedures. The four pillars include 1) culture, language, and traditional practices; 2) economic mobility; 3) prevention of the conditions that contribute to MMNA; and 4) the social determinants of health. SIHB recommends that OLJ incorporate the ACF framework which is rooted in Indigenous knowledge and community defined solutions. In addition, the four pillars and protective factors approach created by ACF and the ACF Tribal Advisory Committee better utilize a public health approach and place emphasis on culture practices and Indigenous knowledge that keep our Native people safe and thriving. In this vein, principles of Indigenous resilience, cultural rigor, and decolonization can be found in the MMNA responses of numerous tribal and urban Indian communities. By leading with this understanding and truly integrating it with our collective response, we can create a cross-system response to MMNA that values culture as a tool for prevention through positive identity formation, and community connection.

SIHB can foresee this framework be extended to all systems that touch issues of MMNA including issues of concern for OLJ - law enforcement, criminal legal systems, and other services that prevent or response to MMNA. UIHI, our research division and Tribal Epidemiology Center, offers a model of how this shift toward decolonized data by introducing culturally-rigorous science, reclaiming Indigenous values, and using our knowledge to bring health back into the urban Indian population. Native-led reports should be added to the current data utilized in the MMNA framework to reflect the current Indigenous knowledge contributing to the MMNA conversation.

We strongly encourage that all OLJ MMNA efforts make Indigenous resilience and culture a foundational component of programming, services, and approaches to working with tribal and urban Indian communities.

**4. Establish a multi-disciplinary and multi-jurisdictional approach to reduce the burden on Native communities.** The MMNA issue is multifaceted and not the sole responsibility of the American Indian and Alaska Native communities to address the failures of government. SIHB supports OLJ deliverable to establish a multi-disciplinary, multi-jurisdictional team including representatives from Tribal law enforcement, and the Department of Justice (DOJ) and Department of Interior (DOI). However, the multi-disciplinary and multi-jurisdictional team cannot be limited to the duties to "review cold cases involving missing or murdered American Indians and Alaska Natives." The current

approach is reactive to the larger MMNA issue rather than being proactive to integrate a multi-disciplinary and multi-jurisdictional approach to support the nationwide efforts on the issue and address the root causes of MMNA that often stem from the failures of government and gaps in services, programs, and resources. This effort must also include and encompass American Indian and Alaska Native people living in urban areas. The current OLJ approach fails to adequately ensure that urban Native people are included in the proposed multi-jurisdictional approach.

OLJ is uniquely positioned to leverage federal resources and support that can increase national awareness, visibility, and mobilization across federal partner agencies and Congress. OLJ should advocate for MMNA funding support from Congress and other federal agencies to financially support MMNA work through braided funding strategies that bring flexible and robust funds to tribal and urban Indian communities. By working across federal systems, the OLJ task force can catalyze national awareness and visibility that will usher in a new era of policy and systems changes that can address the root causes of the MMNA crisis. With this approach, OLJ and federal partners can reflect a united and multiagency front to address past system failure and evoke a multipronged approach in eradicating MMNA.

5. **Include tribes, tribal organizations, urban Indian organizations, and TECs when developing the education and outreach campaign for communities affected by MMNA.** One OLJ deliverable is to clarify roles, authorities, and jurisdiction of MMNA cases including corresponding outreach and education campaigns. To ensure culturally attuned MMNA campaigns that integrate the needs of tribal and urban Indian communities, OLJ should be inclusive of tribes, tribal organizations, urban Indian organizations and TECs.
  - **Create and appropriately fund a MMNA education and outreach campaign.** MMNA is a pervasive and multi-faceted issue. We know the causes and outcomes span many sectors. No one federal agency will be equipped to address MMNA in tribal and urban Indian communities. This effort must be led and continually guided by tribal and urban Indian communities who are best equipped to inform OLJ education and outreach campaigns. We ask that OLJ fund education and outreach campaign to include national and regional Native groups that are championing MMNA efforts. Education and outreach campaign implemented strategies and programs must be informed by Indigenous voices if they are to be truly culturally attuned and community defined.
  - **Integrate TECs in the OLJ education and outreach campaign for tools and platform.** TECs have a long history of developing and disseminating health promotion campaigns for providers and consumers to inform and protect the American Indian and Alaska Native communities. Throughout the MMNA cause and before federal funding was allocated, TECs mobilized to develop and disseminate MMNA factsheets, reports, and webinars for Indian Health Care Providers and tribal and urban Indian communities. Additional funding for TECs to support this work is essential to ensuring culturally attuned education and outreach campaign reach tribal and urban Indian communities.

The 12 IHS designated TECs can be funded to support data, evaluation, and research services that inform MMNA prevention and response in a culturally attuned manner. Eleven of the Tribal Epidemiology Centers serve tribal nations regionally, while one serves over 62 urban Indian communities nationally. Using the model of the [Good Health and Wellness in Indian Country Initiative](#) from the Centers for Disease Control and Prevention (CDC), we see that TECs are uniquely positioned to partner with federal agencies to deliver data, evaluation, and research services to tribes, tribal organizations, and urban Indian organizations that are implementing public health and prevention programming.

- 6. Identify federal funding and resources for tribes, tribal organizations, and urban Indian organizations.** To better identify funding disparities and gaps in resources, OLJ should identify and analyze federal funding streams for training, technical assistance, and direct services that prevent and respond to issues of MMNA. This analysis should include current funding levels and eligible organizations for federal MMNA related funds. To appropriately address the MMNA issue, careful analysis of current funding and identified funding gaps must be considered to determine future actions that support the unique efforts by tribes, tribal organizations, and urban Indian organizations to combat MMNA. Urban Indian communities must be included in this analysis. Most federal agencies do not fund urban Indian communities explicitly. Yet, 71% of American Indians and Alaska Natives now live in urban areas; many of whom seek services at urban Indian organizations that provide critical health and human services that align with OLJ priorities and goals.
  
- 7. Expanding funding opportunities for TECs.** In addition to direct services to Native individuals and families, it is important to fund research by TECs that can further understand violence against Native people and evaluate culturally attuned interventions in urban and tribal communities. OLJ can improve transparency of funding opportunities for tribes, tribal organizations, and urban Indian organizations and can support the expansion of culturally attuned data, evaluation, and research services that focus on MMNA. OLJ should foster collaborations and connections with tribes, tribal organizations, urban Indian organizations, and TECs that are currently doing MMNA work. Strategic actions between OLJ and TECs are critical to building and leveraging multi-faceted public health efforts to bring about reductions in the number of Native people subjected to violence.

We thank you for this opportunity to provide our comments and recommendations



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# **J. Michael Chavarria, Governor — Santa Clara Pueblo, New Mexico**

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**Written Testimony of J. Michael Chavarria**  
**Governor of the Santa Clara Pueblo**  
**Operation Lady Justice**  
**October 30, 2020**  
**Emailed to: OperationLadyJustice@usdoj.gov**

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**Introduction.** Thank you Executive Director Good for the opportunity to testify on the importance of protecting missing and murdered American Indians and Alaska Natives.

**Federal Trust Responsibility and Tribal Consultation.** The President's Task Force on Missing and Murdered American Indians strengthens the Federal-Pueblo government-to-government bond and fulfills the Federal government's trust responsibility. Thank you. During Operation Lady Justice Tribal Consultations, we gratefully accepted the invitation to present concrete views on the means to address the issue within our community. We again present those solutions for your consideration.

- 1. The problem.** Santa Clara Pueblo is located within the State of New Mexico, sharing a border with Mexico. Santa Clara Pueblo is located in a rural community next to the city of Espanola. These foreign jurisdictions offer the opportunity for a perpetrator to evade the Tribal, State and Federal law enforcement authorities and to avoid detection and eventual criminal prosecution.
- 2. Resources.** While missing and murdered Pueblo members are not a daily occurrence, and the Pueblo does not face the daily problems so common in other Indian Tribes, the Pueblo always acts proactively to address problems before they happen. The Pueblo has implemented the Violence Against Women Act to assert criminal jurisdiction over non-Natives who perpetrate domestic violence against Indian women within the Pueblo.

Likewise, our response to any missing and murdered Pueblo members would be a lightning-quick response. How can we strengthen our response?

**Santa Clara Pueblo urges the Department of Justice to widen the Tribal Access Program (TAP) by providing the computer hardware and software to access federal criminal databases with lightning speed.**

**Santa Clara Pueblo urges the Department of Justice to continue their strong, recent relations with the Pueblo through annual consultations and the ability for the Pueblo to contact the U.S. Attorney immediately.**

**Santa Clara Pueblo urges Congress to reauthorize the Violence Against Women Act, allowing the Pueblo to protect Tribal victims in the same manner as the State government, through full faith and credit for Tribal Court Orders.**



# **Tehassi Tasi Hill, Chairman — Oneida Nation, Wisconsin**

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Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



October 30, 2020

Sent electronically to [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7<sup>th</sup> Street NW, Room 6336  
Washington DC 20531

**RE: Tribal Consultation on Missing and Murdered American Indian and Alaska Natives –  
Operation Lady Justice Task Force**

Dear Executive Director Good,

On behalf of the Oneida Nation (the “Nation”), I submit the following comments for the Tribal Consultation on the Missing and Murdered American Indian and Alaska Native Task Force, Operation Lady Justice.

**ONEIDA NATION BACKGROUND**

The Nation is a Title IV Self-Governance Tribe with approximately 17,359 citizens. Our reservation was established in 1838 and covers nearly 65,400 acres located within the boundaries of Brown and Outagamie Counties in Northeast Wisconsin. About 7,832 enrolled members live within the two counties, 57% of which live on Oneida Reservation land. We have 2,130 or 12.3% of enrolled members who reside within Southeast Wisconsin.

The governing body of our Nation is the General Tribal Council who elect and authorize the Oneida Business Committee to oversee Tribal operations. The Oneida Business Committee consists of a Chairperson, Vice Chairperson, Secretary, Treasurer, and five council members, each elected to concurrent three-year terms.

The purpose of our inherent right to self-governance is to protect the health, safety, and welfare of our members while protecting our culture, revitalizing our language, and restoring the environment to improve the quality of life for the community.

We are committed to maintaining our language and culture. The rich traditions, culture and language are incorporated into the very fabric of the Nation. For nearly 200 years, we have lived in Wisconsin. We have built a community that is proud and dedicated to a good mind, a good heart, and a strong fire.

The Nation is located within the Midwest Area and we have had a Compact and Funding Agreement with the U.S. Department of Interior since 1994. The Nation operates the Oneida Police Department, which

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provides local law enforcement within the boundaries of the Oneida Reservation which spans 96 square miles in two counties; Brown and Outagamie. The Oneida Police Department currently consists of a Chief of Police, Assistant Chief, Lieutenant, three Sergeants, one Detective Sergeant, 12 Patrol officers and five dispatchers. Oneida Police Officers are certified Tribal Law Enforcement Officers through the State of Wisconsin under WI Statute 165.92. The Oneida Police Department provides 24-hour law enforcement services and immediate emergency response and provides dispatch services 24 hours a day. In addition, the officers contribute to the community by offering a wide variety of services and programs including GREAT, DARE, School Liaison, and other community functions.

### **CONSULTATION COMMENTS**

The Nation submits the following comments for the Task Force to consider addressing or curtail the incidence of missing and murdered Native Americans within American Indian and Alaska Native communities:

#### **Need for Resources:**

- The Nation's biggest challenge is boots on the ground resources. While our Police Department has resources for communications efforts, there is a need for increased manpower to complete thorough investigations.
- Resources are also needed for prevention and comprehensive wraparound services for survivors, such as addressing homelessness/hidden homelessness, housing, and mental health.
- The Nation's Police Department reports a need for an additional Supervisor/Sergeant, investigator, crime scene/evidence technician, and officers. While the Nation maintains positive working relationships with state and local authorities and can rely on them for assistance with major crimes, these additional resources would allow us to better serve our community and not be so reliant on other agencies.
- The Nation's law enforcement is underfunded. In 2019, the Nation's operational costs for the Oneida Police Department exceeded \$3.5 million dollars, yet the Nation received less than \$100,000 for Law Enforcement through its BIA Self-Governance annual funding agreement. The remaining cost must be made up by tribal contribution and other funding sources.
- The COVID-19 pandemic has had a devastating impact on the Nation's ability to generate revenue and provide the resources needed not only for law enforcement, but the Nation's 149 programs and services.

#### **Collection of Data:**

- To our knowledge, Native American cases are not specifically or accurately tracked within national and state databases. Specifically identifying Native American individuals within databases would give the Task Force a better and more accurate understanding of the scope and vastness of the problem.
- A national tribal database in which tribal police agencies could communicate and share information would be beneficial.

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- There is also a need for consistent methodology and baseline collection of data, including what information we should be collecting from our entities including the Police Department and Social Service programs such as ICWA, Domestic Violence, and Behavioral Health.
- Encourage judicial collaboration between tribal, state and local courts.

### **COLLABORATION EFFORTS:**

Collaboration between law enforcement, tribal, state and federal agencies is needed to solve existing cases and work together to prevent more cases. The Nation would like to share with the Task Force current efforts to collaborate with state and federal partners on the issue of Missing and Murdered American Indians:

- Earlier this year, the Wisconsin Department of Justice and Wisconsin's indigenous communities established the Wisconsin Missing and Murdered Indigenous Women Task Force. On October 15, 2020, Councilwoman Jennifer Webster and the Nation's Chief of Police, Eric Boulanger, were announced as members of this task force. The task force plans to focus on examining the factors that contribute to missing and murdered Indigenous women (MMIW) and the response from social service organizations, understanding the roles federal, state and tribal jurisdictions play, and improving and implementing robust data collection and reporting methods.
- In addition, Councilwoman Webster serves on the Administration for Children and Families (ACF) Tribal Advisory Committee (TAC), where she and other members work with ACF Commissioner Jeannie Hovland, a member of the Operation Lady Justice Task Force. Through the Nation's participation in these committees, the Nation looks forward to building connections, sharing information, and bridging the gap between statewide and national efforts to protect Native Americans and Alaska Natives.

### **CONCLUSION**

Please accept these comments with our sincere request to work together with the Operation Lady Justice Task Force in the spirit of partnership and shared interest. I thank you for this opportunity to provide comments and recommendations and look forward to the Task Force's consideration of our feedback. Please contact Candice E. Skenandore, Self-Governance Coordinator at (920) 615-9702 or [cskena10@oneidation.org](mailto:cskena10@oneidation.org) if you have any questions or to discuss the comments.

Sincerely,



Tehassi Tasi Hill,  
Oneida Nation Chairman

A good mind. A good heart. A strong fire.



# **Chuck Hoskin Jr., Principal Chief — Cherokee Nation, Oklahoma**

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**CHEROKEE NATION®**

P.O. Box 948 • Tahlequah, OK 74465-0948  
918-453-5000 • www.cherokee.org

Office of the Chief

**Chuck Hoskin Jr.**  
*Principal Chief*

**Bryan Warner**  
*Deputy Principal Chief*

October 29, 2020

Operation Lady Justice Task Force  
Executive Director Marcia Good  
U.S. Department of Justice, Office of Justice Programs  
810 7<sup>th</sup> Street NW, Room 6336  
Washington, D.C. 20531

Dear Executive Director Good and members of the Operation Lady Justice Task Force:

Osiyo. As Principal Chief of the Cherokee Nation, I write to you today regarding the Operation Lady Justice Task Force request for comments on your objective to respond to the crisis of missing and murdered indigenous people (MMIP). The Cherokee Nation is the largest federally recognized Indian tribal government in the United States, with more than 385,000 tribal citizens and with a reservation spanning 7,000 square miles across northeastern Oklahoma.

In my role as Principal Chief, I have prioritized the issue of missing and murdered indigenous people by raising awareness of this crisis and supporting efforts by federal, state and tribal officials to coordinate resources to respond to MMIP cases. The Cherokee Nation Marshal Service (CNMS), our tribal law enforcement agency, provides assistance in a supporting role to agencies throughout our reservation boundaries on cases involving missing or murdered tribal citizens. However, CNMS has not been the lead agency on these cases prior to the recent Supreme Court decision in *McGirt v. Oklahoma* that determined that the reservation boundaries of the Muscogee (Creek) Nation were never disestablished and remain intact today. Prior to this decision, CNMS was only the lead on cases that occurred on tribal trust land. Therefore, we do not have data on the number of missing and murdered indigenous people in our reservation boundaries other than the specific cases we have been asked to provide support. Likewise, data on human trafficking, which is paramount to addressing the MMIP crisis, is virtually nonexistent. This type of data is only collected and maintained by the lead law enforcement agency handling the case. Although this will likely change in the coming months with an impending decision that will conclude that Cherokee Nation's reservation boundaries are still intact today and redefining who leads the investigations of MMIP cases, we continue to face ongoing and unique challenges related to data collection.

Despite mostly serving in an assistance capacity, CNMS has a robust intake and assessment process for missing or murdered individuals' cases. The policies and procedures currently in place for these cases will aid in the transition of MMIP cases from other agencies to the Cherokee Nation when that time comes. CNMS currently has two investigators assigned to the FBI Safe Trails Taskforce who assist with cases within the reservation. There will be an urgent need for additional

resources including funding and personnel for investigating MMIP cases. I urge the Operation Lady Justice task force to consider recommendation of additional resources for tribes throughout the country, but particularly in Oklahoma where the need for increased funding will be most dire in the coming months and years.

Coordination across agencies is also important and CNMS has been coordinating with agencies throughout our reservation for many years. Currently, CNMS has over 60 cross deputization agreements with state, municipal and federal agencies. MMIP cases often cross jurisdictional lines which means coordination and cooperation is crucial in successfully solving these crimes. We appreciate and support the selection of Patti Buhl, a Cherokee Nation citizen, as the Missing and Murdered Indigenous Persons (MMIP) coordinator for Oklahoma. I encourage the Operation Lady Justice Task Force to continue to support cross agency cooperation and elevate the priority of MMIP cases by designating qualified candidates who understand the challenges in tribal communities to lead the effort to not only solve these cases, but prevent them from happening in the first place.

Finally, it is critical that this task force understand and respond to the resource challenges that are faced by tribal communities across the country. For example, lack of internet connectivity can mean that simply posting about missing persons online may not be sufficient. In some rural Cherokee communities, the most effective mode of communication is by word of mouth through a network of Cherokee organizations and communities that remain tightly connected, but often lack connection to external groups or entities. Partnering with tribes to understand each nation's unique challenges is of the utmost importance when developing the final Operation Lady Justice plans and recommendations.

Thank you for your ongoing support for Indian Country and for raising the awareness of the MMIP crisis. Should you have any questions, please reach out to Kimberly Teehee, Executive Director of Government Relations, at [kim-teehee@cherokee.org](mailto:kim-teehee@cherokee.org).

Sincerely,



Chuck Hoskin Jr.  
Cherokee Nation Principal Chief



# Nicole Wagon — Fremont County, Wyoming

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**Nicole Wagon**

Fri, Oct  
30, 6:49  
PM

Greetings,

My name is Nicole Wagon, I am the mother of Jocelyn Watt and Jade Wagon. Both of my beautiful daughters were both murdered and missing. They are why I am involved in the Murdered and Missing Indigenous People Task Force and Movement.

My beautiful daughter Jocelyn Watt was murdered and found on January 5th, 2019 in Riverton, Wyoming of Fremont County along with her companion, Rudy Perez. This remains an open case and am hoping we will find justice for them both in the future. I work alongside diligently with the detectives assigned to the case in hopes it will be solved by working and collaborating together with justice to be served.

My other beautiful daughter, Jade Wagon, was reported missing on January 2nd, 2020 to the BIA Authorities. BIA found her on January 21st, 2020. They stated that due to hypothermia and drugs in her system was the cause of my daughter's death. I believe otherwise that she was murdered. I have personally with my family have taken it upon ourselves with the assistance of community information had to push this case with BIA to state otherwise. They (BIA Police Department) as of this moment realized that there is more to my daughter's story. I made them fully aware that I will not allow them to brush off her death to hypothermia and drug use. She will not be deemed as a statistic and her life with her beautiful voice still counts and matters. The BIA Department have realized that I was right and at this time my daughter's case remains opened and not closed.

As a parent and mother of two beautiful daughters I have realized that the systems of the Riverton RPD Department and the BIA Law Enforcement are very different of how they handle cases. It's unfortunate of other families that this has happened to do not not have the support, encouragement or tools of where to start or what to do nor the services that are provided for themselves and their families. It's traumatic to bury your children before their time whereas their lives have been taken by others and it's not okay. The trauma of how your children's lives are taken as well. It's easy to fall into depression and give up. I am not made up that way and I personally push for justice for my daughters but I hope to make a positive difference to others as well.

I believe that the RPD and Sherriff's Department could start by receiving a cultural sensitivity component course in order to work with my native tribal members. Let's meet at the table halfway and to discuss how we can make it better in all our surrounding communities to work with each other and not against.

As for the BIA Law Enforcement Officials they need a different plan of action and to get the word out of how to report a missing child and my hope is they give that particular family the benefit of the doubt that their loved one is missing.

I could give a list of all the pros and cons of each department because there are so many perspectives and views alone with my personal experiences. It can be better for all and hope others open up their minds for positive change with handling these situations of the "Murdered and Missing Indigenous People".

I do not know why these incidences happened to my family but somehow and somehow it (murdered and missing) chose me. If it was my choice I would simply rather have my two beautiful daughters, Jocelyn Watt and Jade Wagon with me and my family again. What drives me? My beautiful daughters would have NEVER given up on me nor will I give up on them. What gives me the energy to stay motivated and positive for myself and my other three beautiful daughters and my family? God my creator. He is the foundation that my parents raised me with so I keep my faith and keep going with a positive mindset.

Respectfully,

NICOLE WAGON



# **Gloria O’Neill, President and Chief Executive Officer — Cook Inlet Tribal Council, Alaska Native Justice Center**

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October 30, 2020

Operation Lady Justice  
c/o Executive Director Marcia Good  
U.S. Department of Justice  
Office of Justice Programs  
810 7<sup>th</sup> Street NW, Room 6336  
Washington, DC 20531

VIA Email to: [OperationLadyJustice@usdoj.gov](mailto:OperationLadyJustice@usdoj.gov)

*RE: Response to Operation Lady Justice Task Force Consultation Questions*

Dear Ms. Good:

As President and CEO of Cook Inlet Tribal Council (CITC) and the Alaska Native Justice Center (ANJC), two Alaska Native Tribal organizations that serve as the primary social services and justice and victims services for Alaska Native and American Indian people in Anchorage, Alaska, I am privileged to offer the following comments to the Operation Lady Justice Task Force Consultation Questions on the Missing and Murdered Native American (MMNA) crisis. We appreciate the Operation Lady Justice Task Force's (Task Force) efforts to consult with Tribes and Tribal organizations on this critical issue, and urge the Task Force to incorporate Tribal input in responding to this crisis.

CITC and ANJC have been designated their Tribal authority through Cook Inlet Region Inc., organized through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the Indian Self-Determination and Education Assistance Act (PL 93-638, 25 U.S.C. 450b). CITC and ANJC build human capacity by partnering with individual Alaska Native people to establish and achieve educational and employment goals that result in lasting, positive change for our people, their families, and their communities, as well as remove obstacles to that success.

ANJC was founded originally because of the lack of attention to Native women victims (often missing) in the Alaska justice system and the disproportionate imprisonment of Alaska Native men, and its mission continues to be Justice for Alaska Native people. The sobering fact and unacceptable truth of the matter is that violence in Alaska, particularly violence against Alaska Native women, is at an epidemic level. I will not repeat many of the statistics here, but the stark numbers do not fully capture the picture for two reasons. First, we know that the numbers recorded are merely those that are reported and do not record unreported offenses. Second, the numbers do not record the impact on countless family members – siblings, children, parents,

spouses – that are also harmed by such offenses. Attorney General Barr rightfully recognized our predicament as a Public Safety Crisis in June 2019.

Recognizing that Tribes and Tribal organizations offer holistic approaches not limited to law enforcement or the court system, we urge the Task Force to specifically consider Alaska Tribes' and tribal organizations' input as it develops the specific deliverables outlined in EO 13898, including model protocols and procedures, establishment of multi-disciplinary and –jurisdictional teams; and adding clarity around the roles, authorities, and jurisdiction held by all stakeholders in MMNA cases.

Further, while supporting the government to government relationship of the federally recognized tribes, we previously urged the Department to include Alaska Native and American Indian women who live off-reservation and in urban areas in any research and services funding in order to ensure that the full scope of the problem is considered and addressed, recognizing that tribes and tribal organizations offer holistic approaches not limited to law enforcement or the court system. We continue to urge the Department to do so. As such, CITC and ANJC offer the following responses to the consultation questions:

The Task Force has organized the Consultation Questions by subject area: 1) Scope of the crisis; 2) Challenges in addressing the crisis; 3) Solutions and Resources – our vision for making our community safer; and 4) Recommendations. We will address each subject in turn.

### **1. The Scope of the Crisis Regarding Missing Persons**

ANJC provides culturally sensitive, direct services to victims<sup>1</sup> of domestic violence, sexual assault, human trafficking, and other crimes in Anchorage, Alaska. ANJC occasionally receives reports of missing persons. When we do receive reports or learn of someone who is missing, the matter typically involves a young Alaska Native woman.

The scope of the missing persons crisis in Anchorage and in Alaska has previously been documented by the Urban Indian Health Institute's (UIHI) 2018 Missing and Murdered Indigenous Women and Girls (MMIWG) Report. UIHI's report found that, despite its relatively small population, Anchorage had the third highest number of MMIWG in the nation, and Alaska was ranked fourth in the nation for the highest number of MMIW cases. At the time of publication Alaska had 52 MMIWG cases with 31 in Anchorage and 6 in Fairbanks.

Through our work as a direct service provider, ANJC can provide a perspective on the types of community and external factors that may contribute to missing Native people in our community, Anchorage, and the response that follows. We can also collaborate with Alaska Tribes and rural partners to provide a statewide approach to bringing missing persons home. The following trends and issues frequently arise in addressing missing persons cases among Alaska Native people:

- Problems making a report. There are frequent reports that law enforcement will not take calls regarding missing children or adults seriously due to the circumstances under which they went missing or the background or 'lifestyle' of the missing person. There is also a

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<sup>1</sup> Not everyone who has been affected by criminal activity wishes to be referred to as a victim. Some might prefer the term "survivor," for example. For the sake of clarity, however, these comments use the term "victim."

- misconception that police will not consider someone missing until a certain amount of time (24 or 48 hours) has elapsed--leading many to postpone making a report.
- Standardized responses. There is a variety of databases and reporting schemes available for missing persons in Alaska. However, it is ANJC's understanding that these are seldom coordinated, making it difficult to offer clear answers about what standard reporting, response, investigation, and data collection looks like. We are not aware of a standard law enforcement process for responding to missing persons reports in Anchorage. However, there is a promising development: the Anchorage-based Department of Justice (DOJ) Missing and Murdered Indigenous Persons (MMIP) Coordinator is developing community response plans for rural, hub, and urban communities. We support this effort. A clear and widely disseminated process that receives input from Alaska Native communities will help educate the public about making reports, and illuminate existing processes the public is unaware of. Further, ANJC recognizes and appreciates the Task Force's efforts to provide clear information about the differences between the NamUs 2.0 and NCIC databases. Ongoing information sharing and public information about current resources specific to Alaska would also be very helpful.
- Human trafficking as a serious risk factor. Alaska Native youth are disproportionately affected by human trafficking. According to a ten-city study of labor and sex trafficking among homeless youth conducted by Covenant House between 2014 and 2016, homeless youth in Anchorage were being trafficked at a rate of 28% - a higher rate than any other city studied, including New York and New Orleans. Of the trafficked youth identified in Anchorage, 42% were Alaska Native, where the percentage of Alaska Native youth is under 20%. The 2018 American Community Survey estimated that Alaska Native people are 19.7% (alone or in combination with one or more races) of the population in Alaska. The disproportionality regarding trafficking of homeless Alaska Native youth is alarming, and correlates with anecdotal evidence that Alaska Native people are at higher risk of being trafficked. It is commonly understood in the Alaska Native community that traveling to Anchorage from rural communities may put one at risk for becoming missing, trafficked, involved in a crime, or being murdered. More research and community education is needed to fully understand and combat this issue.

## 2. The Scope of the Crisis Regarding Suspected Murder Cases

Last year, ANJC received a report of a suspected murder of a young Alaska Native woman in Anchorage. The Anchorage Police Department classified the death as natural causes. Her family strongly suspects that she was murdered, however requests to re-open and investigate have not been granted.

In May 2020, the Alaska Justice Information Center (AJiC) released a report "Homicide in Alaska: 1976-2016,"<sup>2</sup> which analyzed 41 years of homicide data reported to law enforcement agencies. The report is the first of its kind in Alaska to use data to shed light on the characteristics and scope of the crisis as it presents in Alaska. Employing a population percentage for American Indian and Alaska Native (AIAN or Native) people calculated by Alaska Department of Labor and Workforce

<sup>2</sup> <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-information-center/homicide-report.cshtml>.

Development using only single race data, AJiC found that Native people are 16.3% of the population. Native people represent 30.5% of the homicide victims in Alaska. Put another way – compared to our representation in the Alaska population, Alaska Native residents were twice as likely to be victims of homicide. Alaska Native women were not only overrepresented as homicide victims, but Alaska Native women were more likely to be killed by family members. Further, this disproportionality increased by location and a greater proportion of murders of Alaska Native people were reported outside of Anchorage. Such data points may infer certain information regarding how the Native population is dispersed and the widely documented public safety crisis.

The AJiC report is a start, however, it raises more questions than it answers. For example, the report includes the average age of the suspects and victims but does not offer this data by victim group. More research and data collection is required to accurately respond to this question.

With respect to whether suspected murders are thoroughly investigated by law enforcement and if perpetrators are brought to justice, ANJC has received reports from community members about cases where there is a lack of response by law enforcement, incomplete investigations, lost evidence, murders being mislabeled as suicides, and police corruption. We do not have the data or analysis to understand the true scope of these issues. However, we do know that a number of public safety challenges in Alaska's rural and hub communities contribute to the lack of justice for victims and their families.

### **3. Challenges in Addressing the Crisis**

The lack of resources to respond to violent crime, including missing and murdered cases, in rural Alaska is well documented. More than a third of Alaska Native villages have no law enforcement of any kind – a problem exacerbated by a lack of infrastructure. In 2018, the Association of Village Council Presidents conducted a study of public safety infrastructure within each of the villages in the Yukon-Kuskokwim region. Most of the region's communities lacked adequate resources to attract and maintain law enforcement personnel. Decades of extremely limited BIA funding directed to P.L. 280 states, including Alaska, for Tribal justice systems and law enforcement have resulted in a dearth of infrastructure to support Tribal justice efforts, law enforcement and public safety.

Such infrastructure and funding is necessary to support Alaska Tribes in responding to missing and murdered cases. Without trained personnel on the ground, investigations are delayed resulting in a loss of critical evidence and potential leads going cold.

In Alaska, anecdotal information alludes to the following issues that suggest racism, bias, and a lack of cultural responsiveness, which do not seem to be dependent upon where they occur, with rural, hub, or urban settings:

- When Alaska Native women and girls go missing, or when there is an unidentified AIAN murder victim, it is more likely that evidence will not be collected or stored properly.
- There are delays in local law enforcement response to reports of missing or murdered cases involving Alaska Native people.

- Authorities fail to communicate in a culturally responsive way with families and community search efforts.
- Tribal, local, state, and federal authorities do not communicate closely enough to ensure a case is thoroughly investigated. Complicated jurisdiction and a lack of education make it difficult to understand who has the authority in a given situation.
- The race of an unidentified victims or missing Alaska Native people is frequently misclassified along with other important information.
- Implicit or explicit racial bias on the part of local law enforcement is attributed to slow responses to reports, incomplete police work such as the “loss” of crucial evidence, and allowing cases to go cold quickly.

This anecdotal information was confirmed through the 2019 Alaska Criminal Justice Commission victim listening sessions in Juneau, Fairbanks, Ketchikan, Bethel, Anchorage, and at the Alaska Federation of Natives (AFN) Convention in Fairbanks. ANJC participated in the AFN listening session and participants shared they had difficulty ascertaining the status of their case, believed that no one followed up on their report of a crime, or felt like they were not being taken seriously. Further, some felt that police or prosecutors did not conduct a thorough enough investigation.<sup>3</sup>

An additional challenge that ANJC regularly hears is the continued lack of information sharing. This happens both between multiple agencies and between agencies and affected families. This leads to an overall lack of coordination and confusion regarding jurisdiction. However, there is a strong response among community members on social media when someone goes missing. ANJC appreciates the efforts of Operation Lady Justice and DOJ’s MMIP Initiative to staff positions on the ground in Alaska. These new offices provide an opportunity to address some of the gaps and we hope these positions will assist with improving interagency coordination, community response plans, and increase the chances that state and federal law enforcement agencies will communicate with the families and communities affected.

#### **4. Solutions and Resources – our vision for making our community safer**

CITC and ANJC put forth five actions that would make our Native communities safer in the near term. These include continued efforts to ensure every community has law enforcement or public safety personnel; supporting the development of community responses; increasing culturally appropriate prevention efforts; educating Alaskans about trafficking of Native people; and an in-depth review of prosecutorial charging, bail and plea or sentencing decisions for sexual assault cases.

Addressing Alaska’s rural public safety crisis is at the forefront of reducing the vulnerability of Alaska Native people throughout Alaska.

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<sup>3</sup> The Alaska Criminal Justice Commission was created by the Alaska Legislature in 2014 to evaluate Alaska’s criminal justice practices and monitor criminal justice data. The ACJC is required to annually report to the Legislature on its proceedings. By statute, the Alaska Native Justice Center appoints a commissioner to the ACJC. The 2020 Annual Report is available: <http://www.ajc.state.ak.us/acjc/>

- A. As a P.L. 280 state, Alaska has been an unreliable public safety partner to Alaska Tribes and has been incapable of establishing and maintaining a public safety presence in much of rural Alaska. In many rural communities, the Tribal Government is the only functioning government with an on the ground presence. Having adequate public safety infrastructure in each village would make it possible to hire and retain law enforcement and public safety personnel. This would transform community responses to the missing and murdered crisis. ANJC applauds DOJ's recent grants that helped put needed infrastructure into place and provided many Tribes with funds to hire law enforcement. Still, more funding is needed to provide for further infrastructure, personnel, and training for responding to and investigating missing person cases. ANJC recommends continued consultation with Alaska Tribes and tribal organizations to review and offer input on funding or implementation strategies to avoid issues such as complicated application processes, overly burdensome reporting or program requirements, and short-term funding.
- B. Another effective strategy for addressing local responses where infrastructure or law enforcement may be lacking is to support the development of local community responses. Many Alaska Tribes are adopting a Coordinated Community Response (CCR) model. CCRs can help increase safety for women and children and hold accountable those who commit domestic and sexual assault, which are factors contributing to the missing and murdered crisis. Such models activate community knowledge and expertise to craft local and culturally appropriate solutions. Tribal courts and justice systems, safe housing and shelter programs, and victim services all play an active role on CCRs. Resources and funding for these kinds of programs are critical in local response and should be protected.
- C. More focus must be placed on preventing individuals from becoming victims of the missing and murdered crisis in the first place. Prevention efforts may not have immediate positive effects, as they involve deconstructing the societal factors that make someone vulnerable to becoming missing or murdered, including economic and housing instability and limited education or development opportunities. ANJC and CITC reviewed the Administration for Children and Families MMNA Framework. In addition to an overall favorable response to the framework, ANJC and CITC made several recommendations, which we would extend to any action plan resulting from the Task Force's efforts. These recommendations include: (1) expanding collaborations and working with Alaska Tribes to understand our unique geographic and legal context; (2) employing flexible and sustained funding strategies; (3) providing greater recognition of Tribal approaches and reciprocal learning; and (4) giving Tribal leaders, service providers, and other proposed collaborative partners ample opportunity to review and respond to implementation plans. Additionally, many of the contemplated efforts and programs related to prevention could find success under models like the Tribal 477 Program, which permits Tribes to consolidate employment and training programs to reach the maximum number of Tribal participants.
- D. Alaska is just starting to understand the scope of human trafficking in our state and how it affects Alaska Native people. We already know that trafficking is tied to the missing and murdered crisis. Education on human trafficking is needed for the public, elected leaders, law enforcement, first responders, and appropriate industries such as airlines. Greater awareness is the first step in solving this issue.

E. In 2018, the Alaska Department of Public Safety reported that 55.6% of Alaska's sexual assault victims are Alaska Native people. The Alaska Criminal Justice Commission's 2020 report shows that between July 1, 2018, and June 30, 2019, statewide law enforcement agencies referred 621 sex offense cases to the Department of Law for prosecution. Of these cases only 302 referrals were accepted for prosecution as a sex offense. These statistics further support the perception that the Alaska criminal justice system allows cases involving Alaska Native victims to go uninvestigated, under-investigated and unprosecuted. ANJC renews our recommendation for an in-depth review of prosecutorial charging, bail and plea or sentencing decisions.

## 5. Recommendations

There are several recommendations made by numerous federally established commissions that also apply to this crisis. Each commission's recommendations were made so as to remove the barriers that currently inhibit the ability of Alaska Tribes to exercise inherent criminal jurisdiction and utilize criminal remedies when confronting the highest rates of violent crime in the country. We encourage the Task Force to support Congressional efforts designed to remove these barriers such as those efforts that:

- affirm the inherent criminal jurisdiction of Alaska Tribes;
- support the development, enhancement, and sustainability of Alaska Tribal courts including full faith and credit for Alaska tribal court acts and decrees;
- enable recognition of Alaska Native communities for public safety purposes.

The most current example of these efforts is the proposed Alaska Tribal Public Safety Empowerment Act, S. 2616, that would affirm and expand Alaska Tribes' jurisdiction over people committing certain violent crimes. Furthermore, prevention strategies designed to intervene before crime occurs are important tools that must not be ignored.

- A. The DOJ and DOI should provide recurring base funding for Alaska Tribes to develop and sustain tribal court systems, assist in the provision of law enforcement and related services, and assist with intergovernmental agreements. The funding should not be lower than the minimum amount identified by the 2015 BIA Report to Congress identified the budgetary needs of tribal courts in P.L. 280 States.<sup>4</sup>
- B. Recent BIA studies have quantified the appropriation necessary to bring tribal justice systems in P.L. 280 states up to par with non-P.L. 280 states. We commend the BIA for this work and urge that the next step be taken – additional Congressional appropriations to address the public safety crisis. The appropriation should be explicit that the funds must be allocated for law enforcement, public safety and courts and direct the distribution formula that the BIA should use. Also, an explicit prohibition that the money cannot be allocated or diverted to Tribes in non-P.L. 280 states and include language that provides that the BIA will allocate the funds to tribes in P.L. 280 states through the Tribes' existing 638 contract or by the Tribe requesting a 638 contract for law enforcement and courts.

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<sup>4</sup> See 160 Cong. Rec. H976405 (Dec. 11, 2014) (Explanatory Statement).

- C. We recommend that the Task Force support Alaska Tribes seeking Special Law Enforcement Commissions from the BIA. These commissions are authorized by the Indian Law Enforcement Reform Act. See 25 U.S.C. §2804(d). This federal recognition is needed because the State of Alaska continues to fail to recognize the inherent authority of Alaska Tribes and will provide much needed public safety services in our most remote and vulnerable communities.

In recent conversations with community partners, we have learned that there are two critical aspects to missing and murdered cases where focused efforts could dramatically change how we understand the crisis and organize our response in Alaska. These include: (1) improving data collection, analysis, and sharing; and (2) improving investigations through training, thoroughness, and transparency. More specifically, these areas of need could be addressed by the following:

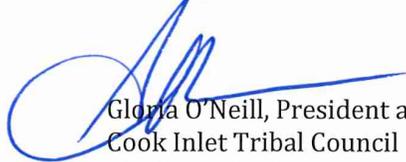
- A. Alaska is fortunate to have one of the 11 new DOJ MMIP Coordinator positions and one of the new BIA Cold Case Offices. Unfortunately, our understanding is that these resources are only currently funded for a limited time. We urge DOJ to make these positions and this new office permanent, and ANJC will be a liaison to assist either office in fulfilling its mission. This would preserve the DOJ's and BIA's on the ground presence so both agencies could continue this critical work without interruption.
- B. It is our understanding that the MMIP coordinators and Cold Case Officers were not specifically directed to collaborate. However, given the reports we have heard from community members, such interagency collaboration could help increase information sharing and bridge jurisdictional gaps.
- C. The MMIP coordinator and the BIA Cold Case Office should work closely with Alaska Native advocacy organizations and other organizations that respond to violence against women. We also recommend meaningful outreach from both of these offices to Tribes and Tribal Organizations and other stakeholders to develop culturally relevant responses and the most accurate missing and murdered data possible. The development of reciprocal relationships will help build trust, facilitating the flow of information to promote swift and thorough responses to cases.

Conclusion:

We appreciate the Task Force's efforts to consult on the MMNA issue. ANJC and CITC are dedicated to providing services to victims, supporting Alaska Tribes in solving the public safety crisis and stand ready, willing and able to partner with the Task Force to further support these efforts and to address the longstanding issues of MMNA.

Thank you for your consideration of our comments. I look forward to working with you in the future, as we support and change the landscape for our Alaska Native and American Indian MMNA.

Sincerely,



Gloria O'Neill, President and CEO  
Cook Inlet Tribal Council  
Alaska Native Justice Center

Cc: Assistant Secretary- Indian Affairs Tara Sweeney  
Commissioner of Administration for Native Americans Jeannie Hovland  
Director of Office of Tribal Justice Tracy Toulou