



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

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

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

Background

During prior Tribal consultations and listening sessions, Tribal leaders, advocates, law enforcement, community members, and others raised concerns about the disappearance or murder of American Indian and Alaska Native people across the United States. A grassroots movement across the nation focused attention on these issues, commonly referred to as “MMIW” or Missing or Murdered Indigenous Women.

Tribes are taking concerted action to address MMIW issues. For example, the Yakama Nation in southern Washington began accessing the state’s major violent crime database to track the disappearance of tribal members. On the Navajo Nation, the Missing and Murdered Diné Relatives working group is tackling issues like sex trafficking and child abductions in the nation’s largest Tribal jurisdiction. In Montana, the Confederated Salish and Kootenai Tribes are working with state officials to prioritize cases of missing or murdered Tribal citizens.

States have also recognized MMIW concerns and taken action through legislation, state-level task forces, and tribally-based field hearings. Individual Federal agencies have also responded, with the Department of Justice (DOJ), Department of the Interior (DOI), and Department of Health and Human Services (HHS) all involved.

The Task Force

Recognizing that there is great strength in collaboration, on November 26, 2019, the President issued Executive Order (EO) 13898, forming the Task Force on Missing and Murdered American Indians and Alaska Natives, also known as Operation Lady Justice (OLJ). The Task Force aims to enhance the operation of the criminal justice system and address the legitimate



OperationLadyJustice.usdoj.gov
OperationLadyJustice@usdoj.gov



**OPERATION
LADY JUSTICE**

concerns of American Indian and Alaska Native communities regarding missing or murdered people – particularly missing or murdered women and girls. Throughout our consultations and listening sessions, Tribal leaders and advocates urged the task force to remember and include the missing or murdered Native American male population. As a result of this request, the Task Force has adopted the terminology Missing and Murdered Native Americans or “MMNA” to include American Indian and Alaska Natives of all genders and age groups.

The Task Force, composed of Federal officials representing the DOJ, DOI, and HHS, is charged with conducting “appropriate consultations with tribal governments on the scope and nature of the issues regarding missing and murdered American Indians and Alaska Natives.”¹ The purpose of the Task Force is to accomplish certain identified projects and provide reports to the President.

Tribal Listening Sessions and Consultations

Pursuant to EO 13175 and the combined consultation policies of the three involved agencies, this paper is intended to help frame discussions at the Tribal listening sessions and consultations that are and will be scheduled for locations throughout the United States.

Prior to the curtailing of activities accompanying the COVID-19 pandemic, the Task Force held five listening sessions with Tribal leaders and others in the following locations:

- National Congress of American Indians’ Executive Council Winter Session, on February 12, 2020, in Washington, D.C.;
- HHS Administration for Children and Families (ACF)’s Grantee Meeting on February 13, 2020, in Washington, D.C.;
- DOJ’s Tribal Nations Leadership Council (TNLC) on February 25, 2020, via conference call;
- HHS ACF’s Tribal Advisory Committee (TAC) on March 2, 2020, in Washington, D.C.; and
- DOI’s Tribal Interior Budget Committee (TIBC) on March 12, 2020 both in Washington D.C, and virtually.

Four listening sessions were held by webinar from May 27, 2020, through June 3, 2020, with over 1,000 participants. The Task Force also held a listening session on June 24, 2020 with Native American youth who participate in the Administration for Native Americans’ Initiative for Leadership, Empowerment, and Development projects.

Twelve Tribal listening sessions and consultations scheduled from March 2020 through July 2020 were postponed due to the COVID-19 pandemic.

¹ EO 13898, Section 4(a)(i).



The Task Force has scheduled virtual consultations by BIA Region between mid-August and the end of September, 2020. As Tribal nations reopen their communities, the Task Force will consider including in-person consultations and listening sessions.

Specific Task Force Deliverables

In addition to requiring the Task Force to consult with Tribes on the scope and nature of the issues regarding missing or murdered American Indians and Alaska Natives, EO 13898 sets forth the following specific deliverables for the Task Force to accomplish:

- ▶ Develop model protocols and procedures to apply to new or unsolved cases of missing or murdered persons in American Indian and Alaska Native communities, including best practices for:
 - Law enforcement investigators' and prosecutors' response to the high volume of MMIW cases, and to the investigative challenges that might be presented with cases involving female victims;
 - Data collecting and sharing among multiple jurisdictions and law enforcement agencies; and
 - Use of existing criminal databases, such as the National Missing and Unidentified Persons System (NamUs), the National Crime Information Center (NCIC), and the Combined DNA Index System (CODIS) including the National DNA Index System (NDIS).
- ▶ Establish a multi-disciplinary, multi-jurisdictional team including representatives from Tribal law enforcement and the DOJ and DOI to review cold cases involving missing or murdered American Indians and Alaska Natives.
- ▶ Address the need for greater clarity concerning roles, authorities, and jurisdiction throughout the lifecycle of cases involving missing or murdered American Indians and Alaska Natives by:
 - Developing and publishing best-practices guidance for federal, state, local, and tribal law enforcement in cases involving missing or murdered American Indians and Alaska Natives, to include best practices related to communication with affected families from initiation of an investigation through case resolution or closure;
 - Facilitating formal agreements or arrangements among federal, state, local and tribal law enforcement to promote maximally cooperative, trauma-informed responses to cases involving missing or murdered American Indians and Alaska Natives;
 - Developing and executing an education and outreach campaign for communities that are most affected by crime against American Indians and Alaska Natives to identify and reduce such crime; and



OperationLadyJustice.usdoj.gov
OperationLadyJustice@usdoj.gov



**OPERATION
LADY JUSTICE**

- Developing, in partnership with NamUs, a public-awareness campaign to educate both rural and urban communities about the needs of affected families and resources that are available and inaccessible.
- ▶ Submit a report to the President at the halfway mark on November 26, 2020, detailing:
- The activities and accomplishments of the Task Force;
 - The status of projects the Task Force has not yet completed; and
 - Specific recommendations for future action of the Task Force.
- ▶ Submit a final report on November 26, 2021, detailing the final activities and accomplishments of the Task Force.

Additional Relevant Background Information

Operation Lady Justice is tasked with work in two very different areas: missing person cases and murder cases. The two issues are often discussed together as one movement, but the underlying data, potential root causes, and community and law enforcement responses are very different. Becoming a missing person is not a crime, unless their disappearance is the result of criminal activity. Most reported missing persons return home or are located, and consequently those cases are not murder cases. Likewise, many murder cases do not first present as a missing person case.

In addition, the data reported by law enforcement to the official FBI Criminal Justice Information System (CJIS) Missing Persons database indicate that American Indian and Alaska Native men and boys are reported missing more often than American Indian and Alaska Native women and girls. The underlying reasons that men and boys go missing may vary from the underlying reasons why women and girls go missing, and responses may need to be adjusted to fit the underlying reasons. Finally, it is likely that not all persons who are missing are reported to law enforcement and thus are not reported to the Missing Persons database.

CONSULTATION QUESTIONS: These questions are intended to be answered from your perspective of what happens in your community.

SCOPE:

1. From your experience, when people go missing in your community:
 - a. What are typically the gender and age of those persons?
 - b. Are there any common community factors which may contribute?
 - c. Are there any external factors outside of the community which may contribute?
 - d. Do persons from your community generally go missing most from the community or while away from your community?



- e. Are missing persons typically reported to law enforcement immediately after their disappearance is recognized?
 - f. If not, are there specific reasons why a report might be delayed or not officially made?
 - g. Is there a standard law enforcement process for responding to missing persons reports in your community?
 - h. Are there additional community responses beyond law enforcement which assist in responding to missing persons reports?
 - i. Do you believe that missing persons information in your community is being entered into official federal databases that currently track missing persons?
 - j. Are law enforcement officials typically notified when someone returns or is found if law enforcement is not involved in the recovery?
2. From your experience, when there is a suspected murder in your community:
- a. Is there a more typical gender/age of the victim?
 - b. Is there a more typical gender/age of the perpetrator?
 - c. Is there typically a relationship between the victim and the perpetrator?
 - d. Which characteristics are common among perpetrators?
 - e. Which types of community factors, if any, might contribute to the suspected murders?
 - f. Are there common external factors to the Tribe that might contribute to the suspected murders? If so, what are they?
 - g. Are cases involving a suspected murder thoroughly investigated by law enforcement?
 - h. Are perpetrators generally identified and prosecuted?

CHALLENGES: What are the major problems or challenges your community faces in missing persons instances?

The following is the type of information that would be helpful:

- *Prioritization and assessment* – Is there a protocol? Who does intake, what factors are typically considered in the assessment, and who determines the response?
- *Resources* - How are resources implemented or coordinated by your tribe? How are resources typically mobilized especially in rural areas? Are there gaps in resources or delays in accessing them?
- *Coordination* - What agencies are involved? How do they collaborate? What does the coordination typically look like with community members and volunteers?
- *Information sharing* – How is information typically collected and disseminated? By whom? What is the impact of social media?
- *Racism/Bias/Lack of understanding or regard* – Do these factors affect responses by law enforcement? If so, what strategies have been effective in overcoming these factors?



What are the major problems or challenges your community faces in suspected murder cases?

The following is the type of information that would be helpful:

- *Prioritization and assessment* – Is there a protocol? Who does intake, what factors are typically considered in the assessment, and who determines the response?
- *Resources* - How are resources implemented or coordinated by your tribe? How are resources typically mobilized especially in rural areas? Are there gaps in resources or delays in accessing them?
- *Coordination* - What agencies are involved? How do they collaborate? What does the coordination typically look like with community members and volunteers?
- *Information sharing* – How is information typically collected and disseminated? By whom? What is the impact of social media?
- *Racism/Bias/Lack of understanding or regard* – Do these factors affect responses by law enforcement? If so, what strategies have been effective in overcoming these factors?

SOLUTIONS/RESOURCES: What is your vision for how to make your community and people safer?

The following is the type of information that would be helpful:

- What could reduce vulnerability of your tribal members?
- What prevention efforts can be implemented?
- What services do you have available for individuals who may be experiencing domestic violence, dating violence, sex trafficking, child abuse or neglect, or other forms of violence that may contribute to individuals going missing or being murdered?
- How is substance abuse in your community being addressed?
- What type of education is needed for professionals, leaders, community members, and children in your community?
- Do you utilize Multi-Disciplinary Teams (MDTs) to address problems like intimate partner violence and homicide?
- Do your emergency operation plans include plans for missing persons?
- How do you support families and crime victims when something happens?
- What are the major strengths and assets of your community and can you share any of that expertise with other communities, including policies, protocols etc.?

RECOMMENDATIONS:

- What other specific recommendations does your tribe have for the Task Force to consider to address or curtail the incidence of missing persons within American Indian and Alaska Native communities?



- What other specific recommendations do you have for the Task Force to consider to address or curtail murder of Native Americans within American Indian and Alaska Native communities?



OperationLadyJustice.usdoj.gov
OperationLadyJustice@usdoj.gov



**OPERATION
LADY JUSTICE**