



Federal Law Enforcement Strategy to Prevent and Respond to Violence Against American Indians and Alaska Natives, Including to Address Missing or Murdered Indigenous Persons

Report Prepared Pursuant to Sections 2 and 4(d) of Executive Order 14053
Department of Justice | Department of the Interior

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INTRODUCTION

On November 15, 2021, President Biden signed [Executive Order \(E.O.\) 14053](#), titled “Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People.” Heeding concerns that Tribal citizens and grassroots organizations have raised for years, the E.O. recognized that “[g]enerations of Native Americans have experienced violence or mourned a missing or murdered family member or loved one” and that “Native Americans face unacceptably high levels of violence, and are victims of violent crime at a rate much higher than the national average.” This new E.O. acknowledged the Administration’s work underway and its commitment to fully implementing [Savanna’s Act](#) and the [Not Invisible Act of 2019](#),¹ but it also called on federal agencies to identify and develop additional steps to improve public safety.

“We acknowledge that our country has historically failed to meet the crisis of missing or murdered Indigenous people with the urgency and the resources it demands. We also recognize that solving this crisis requires that we work in partnership with one another. The President’s Executive Order will build on and expand our efforts to do exactly that.”
– Attorney General Merrick Garland

This report is being issued pursuant to Section 2 of E.O. 14053, which called on the Department of Justice (DOJ), in coordination with the Department of the Interior (DOI) and other federal agencies, to develop a “coordinated and comprehensive Federal law enforcement strategy to prevent and respond to violence against Native Americans, including to address missing or murdered indigenous people where the federal government has jurisdiction.” The E.O. required that this strategy include a plan for: (i) addressing unresolved cases; (ii) coordinating efforts to address human trafficking with DOI and the Department of Homeland Security (DHS); (iii) expanding AMBER Alert in Tribal communities; (iv) building on and enhancing national training for federal agents and prosecutors; and (v) developing protocols for effective, consistent, and culturally and linguistically appropriate communications with families of victims and their advocates. Section 2 then directed DOJ and DOI to jointly report on this strategy. Consistent with Section 4(d) of E.O. 14053, the strategy also includes using DNA testing and DNA database services to help identify missing or murdered indigenous people and any responsible parties.

“Violence against Indigenous peoples is a crisis that has been underfunded for decades. Far too often, murders and missing persons cases in Indian country go unsolved and unaddressed, leaving families and communities devastated.”
– Secretary of the Interior Deb Haaland

¹ Previously, DOJ, DOI, and the Department of Health and Human Services collaborated on these issues through the Operation Lady Justice Task Force, which sunset in November 2021. For a full summary of Task Force’s activities and accomplishments, see [“Final Report to the President: Activities and Accomplishments of Operation Lady Justice,”](#) April 25, 2022.

Immediately following the announcement of E.O. 14053, DOJ launched the [Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons](#) (Steering Committee). The Steering Committee, which includes representatives from across DOJ, is dedicated to marshaling DOJ's personnel and resources to address the Missing or Murdered Indigenous People (MMIP) crisis. Since it launched, the Steering Committee has made Tribal engagement the cornerstone of its work by convening, including through consultations, Tribal leaders, organizations, advocates, and community members.

At the same time, DOI has employed its recently formed [Missing and Murdered Unit](#) (MMU) within its Office of Justice Services (OJS) to spearhead its response. Established by Secretary of the Interior Deb Haaland in April 2021, the MMU provides resources and leadership to prioritize cases and coordinate resources to hold perpetrators accountable, keep Tribal communities safe, and provide closure for families. Likewise, pursuant to the Not Invisible Act, DOI has designated an official within the Bureau of Indian Affairs' Office of Justice Services (BIA-OJS) to coordinate prevention efforts, grants, and programs across federal agencies related to the trafficking and murder of American Indian and Alaska Native (AI/AN) persons and to missing AI/AN persons.²

In addition to these targeted efforts, Federal agencies regularly coordinate through the [White House Council on Native American Affairs Public Safety & Justice Committee \(WHCNAA\)](#), which is co-led by the White House Domestic Policy Council, DOI, and DOJ. The WHCNAA is an interagency principals-level council that includes leaders from across the Federal government. It was established by Executive Order in June 2013 in response to requests from leaders across Indian country, but until revived by the Biden-Harris Administration in April 2021, it had not met regularly since 2016. This Public Safety & Justice Committee provides a forum within the WHCNAA to discuss a comprehensive approach to solving public safety and justice issues with (AI/AN) communities.

This report is the result of those newly launched and ongoing initiatives, collaborations, and conversations. Consistent with Section 2 of E.O. 14053, it sets forth a law enforcement strategy developed by DOJ, in coordination with DOI and other Federal agencies. Developed in close consultation with Tribal Nations, the strategy identifies pillars that are essential to a comprehensive law enforcement strategy: improving the coordination and commitment of Federal law enforcement agencies operating in Indian country, as well as increasing support for and outreach to Tribal, State, and local law enforcement; victims and their families; and the broader public and community. The report also provides an overview of ongoing and future work in furtherance of each pillar.

Consistent with Section 2, this report focuses on law enforcement efforts, but as the E.O. recognizes, lasting public safety solutions must also address public health and wellness.

² For the purposes of this document, American Indian and Alaska Native people signify the cultural distinction between the Indigenous peoples of the continental U.S. and those of Alaska. The terms are in no way intended to minimize or ignore the great diversity of Indigenous cultures, languages, and nationalities that exist within the U.S. See Appendix A for an explanation of the terminology used throughout this report.

This report will therefore be accompanied or followed by reports and responses that address other key strategies and E.O. deliverables, including a joint report to the President from DOI and the Department of Health and Human Services (HHS) setting forth a Federal strategy focused on prevention and intervention (pursuant to Section 5(a) of the E.O.), and a joint HHS-DOI-DOJ report on data collection, analysis and information sharing (pursuant to Section 4(c) of the E.O.).³ Likewise, consistent with Section 5(c) of the E.O., DOI recognizes that building capacity and increasing support for justice systems is essential to reduce violent crime affecting AI/AN communities, and it has submitted a separate report addressing effective technical assistance and judicial support for Tribes.

Finally, this report is an important—but far from final—step in DOJ’s and DOI’s efforts to better promote public safety in Tribal communities. Their work will continue to be informed by important legislation like Savanna’s Act, the reauthorized Violence Against Women Act of 2022, and the Not Invisible Act. Significantly, DOI and DOJ recently launched the [Not Invisible Act Commission](#), which held its first plenary meetings on June 14-15, 2022. The Commission represents a diverse range of experiences, expertise, and perspectives, and—critically—it includes survivors and families who can speak firsthand to the urgency of the Commission’s work. Following its 18-month period of review, the Commission will issue recommendations to both DOI and DOJ on how to improve intergovernmental coordination, as well as how to identify best practices for Federal, State, local, and Tribal law enforcement when responding to the violence directed at AI/AN. DOJ and DOI look forward to supporting—and learning from—the Commission’s work, as the agencies continue to implement and expand on the initiatives outlined in this report.

³Pursuant to Section 4(e) of E.O. 14053, HHS will submit a separate report addressing adequacy of research and data collection efforts at the Centers for Disease Control and Prevention and the National Institutes of Health in accurately measuring the prevalence and effects of violence against Native Americans.

EXECUTIVE SUMMARY

I. Understanding the Public Safety Challenges, including MMIP, in AI/AN Communities

Creating a comprehensive plan to address public safety in AI/AN communities—including the issues of MMIP—first requires an understanding of why AI/AN people face a disproportionate risk of being murdered or going missing. Part I.A. of the report thus provides a basic overview of the existing research and statistics on these topics. Research shows that AI/AN persons, and especially AI/AN women, face a disproportionate risk of homicide compared to other racial or ethnic groups. Although the circumstances surrounding each homicide are varied and complex, intimate partner violence is an important driver of the homicide rates in AI/AN communities. The number of AI/AN persons who have gone missing also raises serious concerns. Violence against women, families, and children contributes to both voluntary and involuntary missing person cases, and anecdotal reports suggest that drug trafficking may also be a contributing factor. Many AI/AN people also experience vulnerabilities such as poverty, substance abuse, and physical or sexual abuse, that place them at a high risk for exploitation through sex and human trafficking.

Part I.B of the report outlines DOJ's efforts, in coordination with DOI and other agencies, to engage with Tribal leaders, organizations, advocates, and community members to understand the lived experience behind the data outlined in Part I.A. DOJ and DOI leadership have prioritized engagement with Tribal leaders through numerous summits and meetings. Moreover, DOJ and DOI hosted interagency consultations with Tribes, Tribal organizations, urban Indian organizations, and Federal agencies to solicit feedback on how to better promote cross-agency coordination to serve AI/AN communities. DOJ also held additional consultations focused on how it can better meet Tribal public safety and justice needs, as well as listening sessions with families of victims and victim service providers. And DOI has daily contact with Tribal governments, Tribal law enforcement, and Tribal justice systems, which provides invaluable "on the ground" insight on effective best practices to address violence affecting AI/AN people.

These invaluable consultations reiterated several common challenges facing AI/AN communities: Tribes seek better coordination across the Federal government with Tribal, State, and local partners to respond to crime in Indian country, as well as joint training opportunities to improve those cross-jurisdictional relationships. For years, Tribes have requested adequate and more consistent funding from Congress to support coordinated public safety and wellness systems. Tribes also asked Federal agencies to prioritize cultural awareness when communicating with victims and their families. And Tribes continue to urge better outreach and communication on MMIP cases, both in response to specific incidents and in educating the public more generally.

II. Federal Law Enforcement Strategy to Address Public Safety Challenges in AI/AN Communities

Part II describes the comprehensive Federal law enforcement strategy, developed by DOJ in coordination with DOI and other agencies, to address public safety in AI/AN communities. This strategy turns on five pillars, and the ongoing and future work to support each pillar is summarized briefly below and described in more detail in the report.

Pillar 1: Promote Federal Interagency Coordination

Promoting public safety in Indian country requires a whole-of-government response. DOJ and DOI share law-enforcement responsibilities in Indian country, and success thus depends on sustained coordination between the agencies. DOJ and DOI are committed to better coordinating to meet Tribal needs in both prosecutions and investigations. To further these efforts:

- The Federal Bureau of Investigation (FBI) and DOI's Bureau of Indian Affairs Office of Justice Services (BIA-OJS) will finalize a new memorandum of understanding to clarify investigative roles, define best practices, and recommend training for personnel working in Indian country. In addition, the FBI and BIA MMU have agreed to embed an MMU Criminal Investigator and MMU Program Analysts into the FBI headquarters-level unit in charge of Indian country, whose role will include facilitating coordination with MMIP case intakes. The agencies will also expand coordination on MMIP issues through the Safe Trails Task Force Program, which creates partnerships between Federal, State, local, and Tribal law enforcement agencies to target crime in Indian country.
- DOJ and DOI will collaborate to better address unresolved MMIP cases. In particular, the FBI and BIA-OJS's recently created MMU have developed a preliminary strategy to coordinate on unresolved case investigations and will continue conversations to implement that plan. DOJ will also review its DNA database records for AI/AN people to determine whether any further identifying information or familial DNA can be collected, so that DNA testing and DNA database services can be better leveraged to resolve missing person cases.
- DOJ, DHS, and DOI will work to combat human trafficking of AI/AN persons, including human trafficking in Indian country. In January 2022, DOJ released its National Strategy to Combat Human Trafficking, which identifies how Federal agencies will work collaboratively to increase the prevention and identification of human trafficking in AI/AN communities. The DOJ Strategy aligns with the White House's National Action Plan to Combat Human Trafficking, released in December 2021, which calls on Federal agencies to identify interventions to combat human trafficking of AI/AN people and to conduct outreach to Tribal industries to increase awareness of the risks of human trafficking.
- DOJ and DOI will co-chair the Not Invisible Act Commission, which consists of Federal, Tribal, State, and local representatives and is charged with developing

recommendations for Federal agencies to address the disappearance, murder, and trafficking of AI/AN persons.

Pillar 2: Strengthen Federal Investigations and Prosecutions of Indian Country Cases

Consistent with calls from AI/AN leaders and community members, DOJ has made promoting public safety in Indian country, including through its response to MMIP, a priority for its law enforcement components. To further these efforts:

- DOJ will implement a new directive from Deputy Attorney General, which requires United States Attorneys' Offices (USAOs) and DOJ law enforcement agencies operating in Indian country to revise, update, and expand plans for promoting public safety in Indian country.
- DOJ will enhance its investigation and prosecution of MMIP-related cases that fall within Federal jurisdiction, as well as its coordination with interagency and State, local, and Tribal partners in cases that do not implicate Federal jurisdiction. In January 2022, consistent with Savanna's Act, DOJ issued guidance to all USAOs regarding the development and implementation of regionally appropriate guidelines to respond to MMIP cases. In the months that followed, USAOs with Indian country jurisdiction tailored the guidelines to their specific communities after consultation with Tribal governments and law enforcement partners in their districts. Consistent with the Deputy Attorney General's directive, guidelines will be updated annually to ensure they meet the evolving needs of Tribes. Likewise, DOJ's Human Trafficking and Prosecution Unit (HTPU) will continue to collaborate with USAOs and law enforcement partners to combat human trafficking in Indian country.
- Consistent with the Deputy Attorney General's directive, USAOs will work with Tribal leaders to identify emerging public safety issues in each Tribe and identify strategies to address those issues in district-level plans. In addition to unique issues facing each Tribe, those strategies will address challenges that DOJ has repeatedly heard cut across Tribal communities, including violence against women, youth, and children, as well as combatting drug trafficking and treating substance use disorders.
- The agencies will pursue from Congress the hundreds of millions of dollars in funding requested in the President's Fiscal Year (FY) 2023 budget to better promote public safety and justice in AI/AN communities.

Pillar 3: Improve Federal Coordination With and Support for State, Local, and Tribal Partners

Due to the complexities of criminal jurisdiction in Indian country and the cross-jurisdictional nature of MMIP cases, the investigation and prosecution of crimes in Indian

country requires cooperation between and support among Federal, State, local, and Tribal law enforcement partners. To further these efforts:

- Consistent with the Deputy Attorney General's directive, USAOs will set forth procedures in the district-level plans for regular culturally and linguistically appropriate communication with Tribal officials, including procedures for prompt notifications to Tribal law enforcement if it declines to prosecute an alleged violation of federal law in Indian country.
- DOJ, in coordination with DOI and other agencies, will help its State, local, and Tribal partners develop their own guidelines for MMIP cases. This assistance includes partnering with Tribes to develop Tribal Community Response Plans, which are voluntary protocols to address MMIP cases that are developed by and tailored to each Tribe.
- DOJ, in coordination with DOI and other agencies, will support Tribal, State, and local law enforcement partners through the National Indian Country Training Initiative, and through other DOJ programs, establishing victim-centered policing; anti-human-trafficking work; and efforts to address unresolved cases. DOJ and DOI, along with HHS, will also coordinate to address Tribal justice basic infrastructure and provide skilled training and technical assistance to Tribal justice systems.
- DOJ's grantmaking components will make their systems and policies more accessible, flexible, and responsive to AI/AN needs.
- DOJ will expand access to the Tribal Access Program (TAP) for National Crime Information, which provides Tribes the ability to access and exchange data with national crime information databases.
- DOJ will work to improve recognition and enforcement of Tribal court protection orders by non-Tribal jurisdictions—both an important public safety measure and a potential mechanism for preventing MMIP.
- DOJ, in coordination with DOI and other agencies, will build on efforts to empower Tribes to exercise the expanded jurisdiction recognized by the Violence Against Women Act Reauthorization Act of 2022. This includes prioritizing efforts to implement VAWA 2022's critical pilot program allowing participating Alaska Tribes to exercise Special Tribal Criminal Jurisdiction.

Pillar 4: Enhance the Federal Response to Victims, Survivors, and Families

Preventing harm to AI/AN people and bringing justice to victims and their families is the primary purpose of their law enforcement efforts. Tribes have clearly and consistently communicated that DOJ and other Federal agencies must do more to reach AI/AN victims, survivors, and families. To further these efforts:

- DOJ will appoint a new National Native American Outreach Services Liaison to assist in the coordination of these efforts.
- DOJ, DOI, and HHS will develop protocols for Federal law enforcement agencies to use victim-centered, trauma-informed, and culturally and linguistically appropriate methods for handling cases in Indian country. The agencies will provide corresponding training to State, local, and Tribal law enforcement through the National Indian Country Training Initiative (NICTI).
- DOJ will comprehensively update the Attorney General Guidelines for Victim and Witness Assistance to address how law enforcement personnel should interact with Tribal victims, survivors, and their families.

Pillar 5: Increase Federal Agencies' Public Outreach and Awareness Campaigns

Finally, DOJ and DOI will engage with the general public to promote awareness of public safety challenges in Indian country. To further these efforts:

- DOJ and DOI will continue to enhance the public information available about MMIP. In April 2022, DOJ launched a new page on the Tribal Justice and Safety website focused on MMIP, which provides a hub of resources and information about DOJ's efforts in this area. Last winter, DOI also launched a new [website](#) that makes MMIP case profiles easily shareable on social media and facilitates incoming tips, and it is continuing to roll out additional features and functionalities to that website.
- DOJ, in coordination with DOI and other agencies, will work to increase culturally and linguistically appropriate outreach to AI/AN communities. In 2021, the FBI launched a new web page dedicated to persons who have gone missing in Indian country as part of its "Most Wanted" site. FBI will continue to enhance its awareness campaigns by using Indigenous languages. DOJ will also conduct a public awareness campaign about its NamUs database which can be used to help resolve missing person cases.
- DOJ will implement a five-year plan to facilitate the national implementation of AMBER Alert in Indian Country to quickly locate missing children. In addition to those steps to improve AMBER Alert, DOJ will also partner with DHS/Federal Emergency Management Agency (FEMA) to promote its Integrated Public Alert and Warning System (IPAWS), a free internet-based tool that Tribal officials can use to issue public alerts and warnings, such as Missing Person alerts or Health Safety alerts, to their jurisdiction.
- DOJ and DOI will explore ways to build out and centralize their available online resources and tools, including to be more culturally and linguistically accessible.

Through these efforts, the agencies will significantly expand their capacity to address public safety concerns, including MMIP, in coordination with Tribal, State, and local

partners. The agencies will also adapt the plan as necessary, including in response to the Not Invisible Act Commission recommendations, in an effort to ensure that AI/AN people no longer endure disproportionate murder and missing person rates.

I. Understanding the Public Safety Challenges, Including MMIP, in AI/AN Communities

AI/AN people face a disproportionate risk of experiencing violence, including murder, or going missing. Understanding the root causes and factors that contribute to these issues is crucial to identifying and developing meaningful solutions.⁴ MMIP and other public safety challenges in AI/AN communities are not monolithic issues with a single cause or solution. In developing its law enforcement strategy, DOJ, in coordination with DOI and other agencies, thus made it a priority to understand these problems and the unique issues that face each AI/AN community. Part I.A provides a basic overview of existing research and statistics on these topics. Part I.B outlines DOJ's engagement, in coordination with DOI and other agencies, with Tribal leaders, organizations, advocates, and community members to understand the lived experiences behind this data, the challenges that AI/AN face, and how the Federal agencies can work with Tribes to meet their needs.

A. Existing Research and Data Related to MMIP⁵

While the term "MMIP" is now a familiar one, the term encompasses two distinct issues: cases related to missing persons and cases related to murdered persons. Many missing persons either return home or are located, and not all murder victims were previously missing. These are often separate issues, which require different responses. Developing long-term solutions for each problem requires a thorough understanding of the contributing causes and investigative challenges, and this section thus provide background on each issue separately. The causes identified, however, are also necessarily interrelated and overlapping, particularly to the extent that they pose public safety challenges more broadly in these communities.

This part presents a range of research and studies. The data it cites should be viewed with caution, as there exist significant impediments to collecting or acquiring accurate, reliable, and valid data on these issues.⁶ Consistent with Section 4(c) of E.O. 14053,

⁴ Satter DE, et al. [American Indian and Alaska Native Knowledge and Public Health for the Primary Prevention of Missing or Murdered Indigenous Persons](#). Dep Justice J Fed Law Pract. 2021 Mar;69(2):149-188.

⁵ Historically, many Tribal leaders, organizations, and community members have also raised awareness about the issues of missing or murdered Indigenous women (MMIW). Consistent with the Executive Order, this report explores the broader issues of missing or murdered indigenous people (MMIP), but as explained herein, there are significant and important issues unique to AI/AN women and girls, including the disproportionate rates of intimate partner violence they face. See *infra* at 10-11, 16.

⁶ For a more detailed exploration of these statistics, see Andre B. Rosay, "[National Survey Estimates of Violence Against American Indian and Alaska Native People](#)," DOJ Journal of Federal Law and Practice, January 2021.

DOJ, DOI, and HHS are separately issuing a report describing a strategy to improve data collection and analysis concerning MMIP issues and to better understand the causes underlying each problem. In the interim, this report describes the existing data as a starting point for understanding the issues of MMIP.

1. Homicides⁷ of AI/AN People

For too long, far too many AI/AN persons have experienced violence, including murder. In 2020, data from the Centers for Disease Control and Prevention (CDC) National Vital Statistics System showed that homicides were the third leading cause of death among AI/AN women between 10 and 24 years of age and the fifth leading cause of death for AI/AN women between 25 and 34 years of age.⁸ It also found that homicide was the third leading cause of death among AI/AN men 44 years of age or younger.⁹ From 2013-2018, the rate of homicide was three times higher for AI/AN men than for AI/AN women,¹⁰ and the median age of AI/AN homicide victims was 32 years old.

Research reflects that AI/AN persons—and AI/AN women in particular—face a disproportionate risk of homicide compared to most other racial/ethnic groups. For example, one CDC study using data from the National Violent Death Reporting System found that from 2013 to 2014, the age-adjusted homicide rate for AI/AN adult women was 4.3/100,000—more than double the national average and second only to non-Hispanic Black women.¹¹

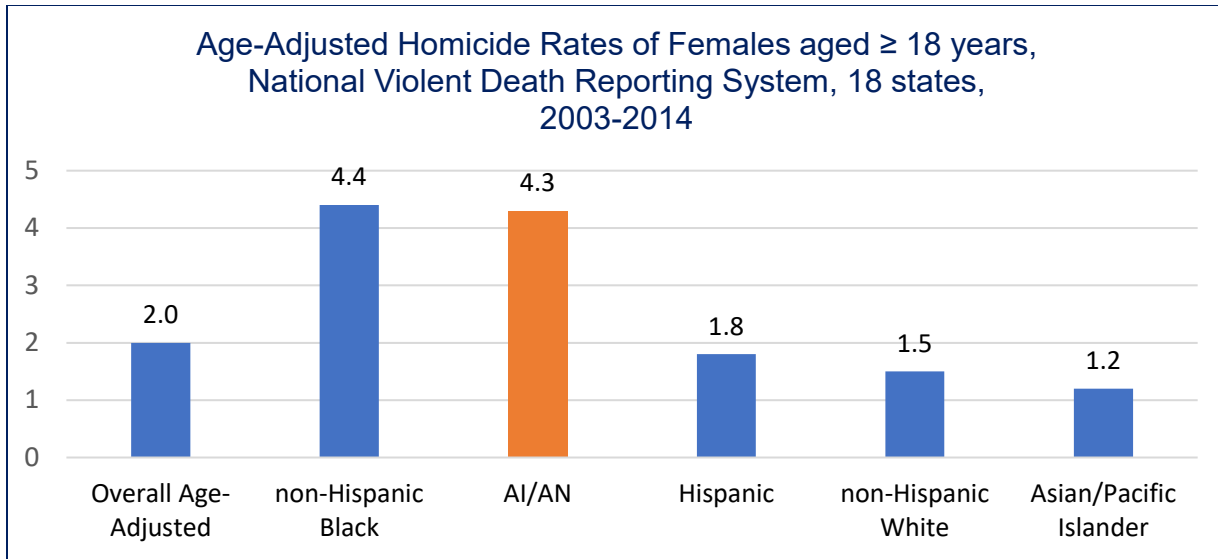
⁷ While E.O. 14053 focuses on the “murder” of AI/AN persons, most data collections capture homicide statistics, not murder statistics. This section therefore provides an overview of research and statistics related to the homicides of AI/AN persons. By way of background, a medical examiner or coroner (ME/C) determines a person’s manner of death. The standard categories used by a ME/C for describing the manner of death include natural or accidental death, suicide, homicide, undetermined, and pending. As [defined](#) in the Uniform Crime Reporting (UCR) program, homicide is “[t]he killing of one human being by another,” intentionally or accidentally, and it is not necessarily a crime. In addition, it is essential to note that not all homicides are murders. Murder is a subset of the category of homicide, which also includes manslaughter and criminally negligent homicide. Murder is “the unlawful killing of a human being with malice aforethought” (18 U.S. Code § 1111).

⁸ Centers for Disease Control and Prevention, “[Web-based Injury Statistics Query and Reporting System \(WISQARS\)](#),” 2021.

⁹ *Id.*

¹⁰ Emiko Petrosky, et al., “[Homicides of American Indians/Alaska Natives — National Violent Death Reporting System, United States, 2003-2018](#),” *MMWR Surveill Summ* 2021;70(No. SS-8):1-19. This study presented findings from analyses conducted using the CDC’s National Violent Death Reporting System (NVDRS), which collected and reviewed data on 2,226 AI/AN homicides in 34 states and the District of Columbia during the period between 2003 and 2018.

¹¹ Emiko Petrosky, et al., “[Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence—United States, 2003-2014](#)” 2017. This study examined homicides of women from 2003 to 2014 and used NVDRS data retrieved from 18 states.



Recent studies from the State of Alaska show an even more pronounced disparity: a survey of homicides in Alaska from 1976 to 2016 found that 29% of homicide victims were AI/AN, even though AI/AN persons represent only 16% of the State population.¹²

As is true for all populations, the causes of homicides of AI/AN people are varied and complex. Existing research, however, establishes that intimate partner violence (IPV) is an important factor, particularly for AI/AN women and girls. AI/AN people experience high rates of IPV during their lifetime. According to NISVS data from 2010-2012, “[a]n estimated 48% of AI/AN women and 41% of AI/AN men experienced sexual violence, physical violence, and/or stalking by an intimate partner,”¹³ frequently at the hands of an interracial partner.¹⁴ Crimes of domestic and sexual violence may escalate to homicides. Indeed, data collected by the CDC’s National Violent Death Reporting System (NVDRS) in 34 States and the District of Columbia from 2003 to 2018 indicate that IPV contributed to nearly half (45%) of homicides among AI/AN women and that rape or sexual assault occurred in almost one-third of all IPV-related homicides.¹⁵ Once again, the data is particularly stark for Native women in Alaska. From 1976 to 2016, roughly 55% of the homicides of AI/AN women were perpetrated by a current or former intimate partner or a family member.¹⁶

¹² Andrew Gonzalez, “[Homicide in Alaska: 1976-2016](#),” Alaska Justice Information Center, University of Alaska Anchorage, 2020.

¹³ Centers for Disease Control and Prevention, “[CDC Works To Address Violence Against American Indian and Alaska Native People](#),” 2020. See *infra* at 14-15 for additional statistics.

¹⁴ Petrosky, 2021.

¹⁵ Petrosky, 2021.

¹⁶ Gonzalez, 2020.

2. Missing AI/AN Persons¹⁷

For years, Tribal nations and advocates across the United States have raised serious concerns about the number of missing AI/AN persons, both reported and unreported. According to the Federal Bureau of Investigation (FBI)'s National Crime Information Center (NCIC), there were roughly 10,000 reports involving AI/AN people in 2021. The chart below illustrates the demographic breakdown of those persons: Missing AI/AN women and girls made up 54% of the total reports, while missing AI/AN men and boys made up 46% of the total reports. In addition, 75% of the females reported missing were under the age of 18, while 64% of the males reported missing were under the age of 18.

¹⁷ For additional background on these issues, see DOJ Journal of Federal Law and Practice, "[Missing or Murdered Indigenous Persons: Law Enforcement & Prevention](#)," Jan. 2021 and "[Missing or Murdered Indigenous Persons: Legal, Prosecution, Advocacy, & Healthcare](#)," March 2021.



2021 Missing American Indian and Alaska Native Persons Data FBI's National Crime Information Center Missing Person File

Missing AI/AN Person Entries in 2021: 9,572
Number of 2021 entries still active as of 06/13/2022: 288

Missing AI/AN End-of-Year Active Records 2021: 1,554
Sex/gender breakdown: 624 missing AI/AN females; 930 missing AI/AN males

About This Data

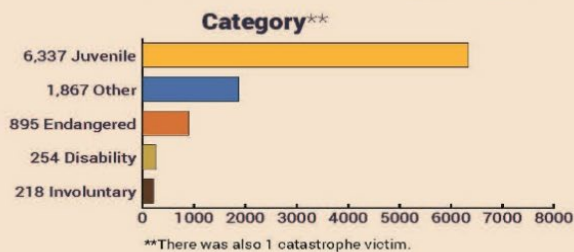
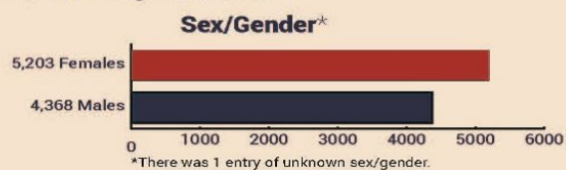
Entries are incidents of a person going missing, not the number of people who went missing. If a person goes missing more than once in a year, they could be entered into NCIC multiple times.

Data on adults may not capture all reports of missing adults. While law enforcement agencies are required to submit incidents of missing persons under age 21 to the NCIC Missing Person file, there is not a similar requirement for adults who go missing.

Records are created from NCIC entries, one record per individual. A record is closed when an individual is found or returns home, or law enforcement determines the record was invalid. The end-of-year active record count is the total number of AI/AN missing persons in the NCIC Missing Person File at the end of a year, regardless of when the information was entered.

Categories describe a person's characteristics or the circumstances around their disappearance. The Juvenile category comprises those under 21 who don't fall into another category; the Other category comprises those 21 and over who don't fall into another category.

Data source: This data is compiled from the FBI's National Crime Information Center's Missing Person and Unidentified Person Statistics for 2021 and from the FBI NCIC Operations and Policy Unit.



www.justice.gov/tribal/mmip
June 2022

Existing data indicates that the vast majority of missing persons reported to NCIC are ultimately located. As the table above illustrates, in 2021, roughly 97% (9,283 of 9,572) of entries in NCIC involving AI/AN missing persons were cleared as of June 13, 2022.¹⁸

¹⁸The NCIC's Missing Persons File is DOJ's official law enforcement database for all missing persons. As discussed below, the National Missing and Unidentified Persons System (NamUs), a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases currently operated by DOJ's National Institute of Justice, is another federal database that collects information on missing AI/AN persons. While there are several limitations to this database (described in the text),

There are, however, important caveats to that data. First, the unresolved cases represent hundreds of missing AI/AN persons, including many children or youth, and it is critical that law enforcement work with families to secure their safe return or provide answers. Moreover, this data may undercount the number of missing AI/AN persons. Data limitations include:

- *Lack of Recording and Reporting by Law Enforcement.* As indicated in the chart, while Federal, State, and local law enforcement agencies must submit incidents of missing persons under age 21 to the NCIC Missing Person file, there is no similar requirement for adults who go missing, unless local, Tribal, or State law requires such entry. Similar limitations exist with the data from the National Missing and Unidentified Persons System (NamUs) database. Although the NamUs database is available to all local, Tribal, and State law enforcement agencies, medical examiners, and coroner offices, its use is not mandated—even for persons under age 21—except in thirteen States.
- *Racial Misclassification.* From criminal justice records, racial misclassification is the incorrect recording of an individual’s race in a data system. Unfortunately, common criminal justice administration and public health data collection practices can lead to racial misclassification (e.g., use of visual verification or name or surname), which underestimate the number of AI/AN cases.¹⁹
- *Lack of Tribal Citizenship or Affiliation Information.* Several Federal databases do not specifically collect Tribal affiliations about missing persons, and as a result, Tribe-specific data is often difficult to ascertain when reviewing national-level data about missing or murdered AI/AN people.
- *Underreporting to Law Enforcement.* In some cases, geographic, technological, or language barriers may prevent timely reporting to law enforcement. In others, mistrust of law enforcement may dissuade family members or friends from reporting a person missing.

a recent NamUs survey determined that 75% of resolved missing person cases involved a person recovered alive. Foul play was suspected in only 13% of active NamUs missing person cases, and 25% of active unidentified person cases in NamUs indicate a manner of death that does not involve foul play (e.g., suicide, accident, or natural causes).

¹⁹ Michele Connolly, et al. “[Identification in a Time of Invisibility for American Indians and Alaska Natives in the United States](#),” NCAI Policy Research Center, January 2019; Malia Villegas, et al., “[Disaggregating American Indian & Alaska Native data: A review of literature](#),” July 2016; Mose A. Herne, “[Homicide Among American Indians/Alaska Natives, 1999-2009: Implications For Public Health Interventions](#),” Public Health Rep, 2016; Jenine Dankovchik, “[Disparities in Life Expectancy of Pacific Northwest American Indians and Alaska Natives: Analysis of Linkage-Corrected Life Tables](#),” Public Health Reports, 2015.; and Melissa A. Jim, et al. “[Racial misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area](#).” Am J Public Health, 2014.

DOJ, DOI, and HHS are working to address these limitations, and as indicated earlier, strategies relating to data collection, analysis, and information sharing will be provided in a separate report.

To reduce the rate at which AI/AN persons go missing, it is critical to understand the underlying causes of these cases. Each missing person case is unique, and there are many reasons why someone may go missing. A person may disappear intentionally or unintentionally. For example, someone experiencing problems at home (e.g., domestic violence) or in their life (e.g., financial issues) may deliberately leave. In contrast, some people disappear unintentionally, and in some cases, the disappearance may be linked to foul play. Some unintentional disappearances, however, could include accidents in remote locations where the person cannot be found or where no one can make an identification.

Of course, regardless of the reason for a disappearance, the family and friends behind each missing person report may experience significant trauma or pain. Often, they must navigate a complex system without guidance to find resources to help report and resolve cases. Most people who report a missing person are concerned for the person's safety and well-being. And, as explained below, regardless of whether a disappearance involves a crime, the reason for the disappearance may stem from an individual's history of trauma, including exposure to violence or other criminal offenses. In particular, research suggests that certain public safety challenges faced by many AI/AN communities—including violence against women, families, and children, substance abuse and drug trafficking, as well as human and sex trafficking—can influence the rates of missing AI/AN persons.²⁰ Each of those public safety challenges is described more fully below.

Violence Against Women, Families, and Children

Research indicates that AI/AN persons experience crime victimization at higher rates than non-AI/AN people and that violence. According to the CDC's National Intimate Partner and Sexual Violence Survey (NISVS) 2016/2017, non-Hispanic American Indian/Alaska Native women report lifetime sexual violence prevalence estimates between 32% and 58.1%. For men the range is between 8% and 29.2%. Over 40% of AI/AN women and over 29% of AI/AN men report being stalked in their lifetime.²¹ The 2010/2012 NISVS survey—the most recent to report on physical violence—found that AI/AN women were

²⁰ As noted in the text, these public safety precursors often stem from underlying public health or wellness concerns. In particular, disproportionate rates of child abuse and foster care placement for AI/AN youth have led researchers to examine the connections between involvement in the foster care system and the disappearance of missing AI/AN youth, including evidence that AI/AN youth are more likely to run away from their placement setting than other groups. See, e.g., [A Descriptive Analysis of Missing and Murdered Native Women and Children in Nebraska, Barriers to Reporting and Investigation, and Recommendations for Improving Access to Justice](#) (University of Nebraska at Omaha).

²¹ Smith, S.G., et al (2022), [The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Stalking](#); Basile, K.C., et al (2022), [The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence](#).

1.6 times as likely as white women to experience physical violence by an intimate partner during their lifetime.²²

These forms of violence, which may trace to historical trauma,²³ can lead to long-lasting consequences. For example, of the AI/AN female victims who indicated experiencing physical violence by intimate partners in their lifetime, 66.5% expressed concern for their safety, 41.3% reported physical injuries, and 40.5% missed days of work or school because of this violence.²⁴ Between 2009 and 2018, the National Center for Missing and Exploited Children (NCMEC) determined that 85% of AI/AN youth reported missing were endangered runaways (discussed below) and 12% were familial abduction cases.²⁵ Eleven percent reported a history of sexual abuse.²⁶ Limited access to education, jobs, and stable housing may also disproportionately affect AI/AN youth who have run away from or aged out of foster care. When combined with other risk factors, including higher rates of sexual abuse and exposure to violence, the circumstances that may lead to MMIP cases among this population are particularly complex.

Drug Trafficking and Substance Use Disorder

Many AI/AN communities report high rates of drug trafficking and substance use disorder within their communities,²⁷ often as a result of stressors such as intergenerational and historical trauma, poverty, and exposure to violence.²⁸ While the specific types of illicit drugs found in Indian country vary by region, AI/AN communities generally experience a disproportionate amount of opioid and methamphetamine use. According to the 2018 National Survey on Drug Use and Health, opioid misuse was almost twice as prevalent among AI/AN people ages 26 and older as compared to the general population, and methamphetamine use was nearly four times higher in AI/AN people as compared to the non-AI/AN population.²⁹ In addition, anecdotal reports from Tribal leaders have suggested that substance or drug use may be linked to disappearances, either intentional or unintentional, in their communities.³⁰

²² Rosay, 2016.

²³ See HHS, Admin. For Children & Families, "[Trauma: What is Historical Trauma?](#)," Jan. 6, 2017.

²⁴ Rosay, 2016.

²⁵ Nat'l Center for Missing and Exploited Children, "[Native American Children Reported Missing to NCMEC](#)," 2020.

²⁶ *Id.*

²⁷ The National Institutes of Health found that AI/AN people had the highest drug-related rates of death per 100,000 between 2013 and 2017, as compared with other U.S. racial/ethnic groups.

²⁸ Drug Enforcement Agency, "[2020 National Drug Threat Assessment](#)," March 2021.

²⁹ Substance Abuse and Mental Health Services Administration (SAMHSA), "[2018 National Survey of Drug Use and Health](#)," 2018.

³⁰ Matthew Sutter, et al., "[LB154 Report: Prevalence of Missing Native American Women and Children in Nebraska: Barriers to Reporting and Investigating; and Opportunities for Partnerships](#)" 4, 26 (May 21, 2020).

Moreover, the Drug Enforcement Administration's (DEA) 2020 National Drug Threat Assessment reported that the "widespread availability and abuse of drugs in Indian country, coupled with drug trafficking groups operating in Indian country, contribute to high rates of crime on reservations," including violent crime.³¹ In particular, drug trafficking organizations "exploit the vast stretches of remote, sparsely populated desert bordering Mexico and the highways that connect the reservation to major metropolitan areas," and many of these organizations "engage in [] crimes to facilitate their operations."³²

Human and Sex Trafficking

Many AI/AN people experience vulnerabilities, including poverty, homelessness, substance dependency use disorder, physical or sexual abuse, limited access to education or a history of being expelled from schools, limited proficiency in English, and contacts with the foster care system, which may place them at particular risk of exploitation through sex trafficking and human trafficking. For example, [a 2016 study found](#) that almost 30% of homeless youth in Anchorage, Alaska, have been trafficked, and, of those, 45% were identified as American Indian, Alaska Natives, or persons indigenous to Canada.³³

While prevalence data for human trafficking is scarce, the available statistics show that approximately 50% of all sex trafficking victims and 20% of all forced labor victims are runaways, homeless, or in foster care.³⁴ Traffickers often lure these vulnerable victims with false promises of love, shelter, and economic security, and then coax their victims to use illicit substances so that they develop addictions. Traffickers then threaten to abandon their victims, throw them out on the street, or withhold drugs in order to compel the victims to provide labor, services, or commercial sex. In 75% of all trafficking cases, the traffickers withheld money in order to exercise control over their victims,³⁵ while in over 60% of cases, traffickers control their victims through violence, including sexual assault, domestic violence, and interpersonal violence.³⁶ In addition, many traffickers coerce their victims to engage in criminal behavior, resulting in the victims' arrest and imprisonment. Once trafficked, these victims are likely to remain missing from their families and communities. Too often, even after escaping their traffickers' control, victims

³¹ SAMHSA, 2018.

³² Amy L. Proctor & Candice McCollum, "[Perceptions of Methamphetamine in Indian Country, Interviews with Service Providers in Ten Western Tribes](#)," Office of Community Oriented Policing Services, 2018 (collecting reports of such violence).

³³ Laura T. Murphy, "[Labor and Sex Trafficking Among Homeless Youth](#)," Loyola University New Orleans, 2016.

³⁴ [Kyleigh Feehs and Alyssa Currier Wheeler, "2020 Federal Human Trafficking Report," Human Trafficking Institute, 2021.](#)

³⁵ Feehs and Wheeler, 2021.

³⁶ Feehs and Wheeler, 2021.

are too ashamed to return to their families and communities because of their substance abuse, the violence they have experienced, or the criminal acts they were compelled to engage in while trafficked.

The Federal government is also committed to better understanding the potential relationship between human trafficking, the extractive industries (oil, natural gas, pipelines, and mining), and MMIP. The Department of State has provided a short global [overview](#) on the link between extractive industries and the risk of sex trafficking, observing that this issue is “increasingly ... of grave concern among governments and advocates alike.” In its FY2023 budget request, DOJ has requested \$2 million to explore this potential relationship further.

B. Engagement

Challenges faced by Tribes are best met by Tribal solutions. Therefore, consistent with Section 6 of E.O. 14053, DOJ, in coordination with DOI and other Federal agencies, has prioritized outreach to Tribes, Tribal organizations, victim services providers, urban Indian organizations, survivors of violent crime, and families of victims during its work to develop the comprehensive [F]ederal law enforcement strategy described in this report. The following strategies and actions are grounded in the feedback conveyed during that outreach. This section briefly summarizes those engagement efforts and describes the key takeaways from those conversations.

1. Consultation

Consistent with the requirements under E.O. 14053 and DOJ’s and DOI’s consultation policies,³⁷ consultation with our Tribal partners was the cornerstone in developing the strategy outlined in this report. Consultation is the formal process through which federal agencies seek Tribal input in developing new or amended policies, regulations, and legislative actions. The principle of consultation is rooted in the unique relationship between the Federal government and the governments of Federally recognized Tribes. This government-to-government relationship has a more than 200-year history and derives from the U.S. Constitution, treaties, legislation, executive action, and judicial rulings.

From March 9 to 11, 2022, DOJ and DOI co-hosted interagency consultations with Tribal Nations focused on the implementation of E.O. 14053. These discussions, which included 275 representatives from Tribes, Tribal organizations, urban Indian organizations, and federal agencies, were designed to solicit comments and recommendations regarding the implementation of interagency strategies and policy directives outlined in the E.O., with a particular focus on how the agencies can better

³⁷ See Office of the Attorney General, “[Memorandum for Heads of Department Components and United States Attorneys](#),” August 2013; Office of the Secretary, “[Department of the Interior Policy on Consultation with Indian Tribes and Alaska Native Corporations](#),” November 2015..

promote cross-agency coordination to serve AI/AN communities. See Appendix C for the framing paper associated with this consultation.

On March 16 and 17, 2022, DOJ held additional consultations with Tribal nations focused specifically on efforts to address the unacceptably high rates of violent crime in AI/AN communities, including MMIP. DOI also participated in these consultations. The DOJ-specific consultations were designed to garner feedback on how DOJ can better meet Tribal public safety and justice needs. These consultations included in-depth discussions with 288 participants from Tribes, Tribal organizations, urban Indian organizations, and Federal agencies on the development of DOJ's response to the E.O.'s requirements. See Appendix D for the framing paper associated with this consultation.

2. Leadership Engagement

In addition to the formal consultation process, DOJ and DOI leadership has also prioritized engagement with Tribal leaders to discuss public safety and justice matters:

- White House Tribal Nations Summit. On November 15, 2021, the Secretary of the Interior and the Attorney General participated alongside the President and other Cabinet secretaries in the White House Tribal Nations Summit. This Summit marked the fulfillment of a campaign commitment to reinstate this annual meeting between Administration and Tribal leaders, which had not been held since 2016. President Biden opened the meeting, Secretary Haaland and Attorney General Garland offered remarks, and Deputy Attorney General Monaco participated with Assistant Secretary of Indian Affairs Bryan Newland in a panel discussion on public safety and justice.
- White House Council on Native American Affairs Tribal Engagement Sessions. During the Summit, Secretary Haaland announced a series of Tribal engagement sessions in response to long-standing requests from Tribal leaders to have meaningful input on the policies and deliverables of the White House Council on Native American Affairs. On January 31, 2022, the Deputy Attorney General joined the Secretaries of the Interior, Health and Human Services, and the Department of Homeland Security in an engagement session with Tribal leaders to discuss promoting public safety in Indian country.

“In spite of seemingly insurmountable odds, we are still here and we have a voice. A parade of voices from around the country speaking to issues that have been spoken of for generations but which so often have been mired by indifference.”

Secretary of the Interior Deb Haaland

“When it comes to building on our nation-to-nation partnership, we understand the importance of open, honest conversations approached with respect, humility and sincerity.”

– Attorney General Merrick Garland

- National Congress of American Indians (NCAI) Winter Meeting. Attorney General Garland met with the NCAI during its annual winter executive session to discuss public safety concerns. In addition to providing remarks, the Attorney General answered questions from NCAI members on DOJ's implementation of E.O. 14503, improving data collection and reporting, support for the Violence Against Women Act Reauthorization of 2022, and outreach to Tribal nations. The Attorney General's full remarks are available at this [link](#).
- Tribal Nations Leadership Council. On May 17 and 18, 2022, DOJ leadership, including the Attorney General and Deputy Attorney General, met with the Tribal Nations Leaders Council (TNLC) for the first time since 2017 to discuss a wide range of public safety issues, including MMIP. DOJ established the TNLC in 2010 to facilitate dialogue between DOJ and Tribal governments and further the government-to-government relationship. This advisory group is one of the first of its kind across the executive branch and provides a unique opportunity for senior DOJ leadership to engage directly with Tribal leaders. The TNLC is comprised of up to twelve Tribal leaders, who have been elected to represent the Tribes in their respective geographical regions. Topics of discussion during this session included MMIP and related legislation; funding; victim services; and the reauthorization of the Violence Against Women Act (VAWA). DOJ's readout of the TNLC is available [here](#).

3. Listening Sessions

To further inform its strategy, DOJ, in coordination with DOI and other agencies as appropriate, held a number of small group meetings and individual discussions focused on public safety, including with the families of victims, victim service providers and advocates, and urban Indian organizations.

- DOJ hosted a discussion with victim service providers and advocates in April 2022 to explore victim service-related issues raised during its consultations with Tribal nations.
- DOJ held additional discussions in May 2022 with representatives from urban Indian organizations. This outreach built on previous discussions under Savanna's Act and has been instrumental in enhancing DOJ's understanding of urban Indian organizations' role in the broader spectrum of care and services available to AI/AN communities.
- DOJ's Office of Tribal Justice (OTJ) held discussions with MMIP victims and their families to discuss their experiences. These conversations were held individually out of respect for those who reached out to discuss their personal experiences.
- Although the pandemic limited most travel, DOI's NIA Team has conducted two field site visits to Oklahoma and Montana, where DOI met with county MMIP Task

Forces, a BIE school, several urban centers, IHS and local clinicians, an OJS field office, and university officials responsible for trauma-informed care. During these site visits, the NIA Team listened to stakeholder needs and documented information relevant to the Not Invisible Act.

4. Key Takeaways

The consultations, outreach, and engagements described above were invaluable to agency leadership and staff, and helped highlight several common themes about challenges facing AI/AN communities:

- **Intergovernmental Coordination.** Tribes and Tribal organizations sought better coordination across the Federal government and with Tribal, State, and local partners to respond to crimes in Indian country. Tribes noted that different Federal agencies address different aspects of public safety challenges but raised concerns about the level of coordination between these agencies. They also noted that Tribal relationships with State governments, including recognition of Tribal court orders in non-Tribal jurisdictions, continue to pose a challenge. At the same time, Tribes stated that they highly value training and technical assistance opportunities and would like to expand cross-jurisdictional joint training opportunities. Tribes reported that joint training opportunities have improved relationships and operations across jurisdictions.
- **Support for Tribes and Tribal Organizations.** Tribes and Tribal organizations repeatedly stressed that the appropriated funding from Congress was inadequate to support robust, coordinated public safety and wellness systems. Appropriated funding levels are not steady from year to year. Moreover, Tribes reported that grant assistance is primarily competitive and administratively burdensome, which makes it difficult to supplement funding for basic services with grant-based resources. Tribes explained that these funding shortfalls impact their agencies' ability to hire and retain public safety and justice professionals and to develop public safety and justice infrastructure.
- **Federal Response to Victims, Survivors, and Families.** Tribes stressed that Federal agencies need to improve cultural awareness and sensitivity and incorporate victim-centered, trauma-informed practices into operational protocols, particularly when responding to reports of violent crime. Tribes also expressed concerns about how Federal law enforcement officers respond to AI/AN members who report missing loved ones, as well as Federal support and services for victims, survivors, and families.
- **Public Awareness and Outreach.** Tribes stressed the need for better outreach and communication on MMIP cases, both in response to specific missing-person cases and in educating the public more broadly. There was significant interest in establishing an alert system in Tribal communities, but Tribes reported that integrating the AMBER Alert system has proved challenging. More broadly, Tribes

stressed that broadband infrastructure is not uniform across the country and urged Federal agencies to better accommodate outreach to very rural communities with limited connectivity.

II. Federal Law Enforcement Strategy To Address Public Safety Challenges in AI/AN Communities

Drawing on the information and feedback described above, DOJ, in coordination with DOI and other agencies as appropriate, has developed a comprehensive Federal law enforcement strategy to prevent and respond to violence against AI/AN people, including to address MMIP where the Federal Government has jurisdiction.³⁸ That strategy is comprised of five components:

- Pillar 1: Promote Federal Interagency Coordination.
- Pillar 2: Strengthen Federal Investigations and Prosecutions of Indian Country Cases.
- Pillar 3: Improve Federal Coordination with and Support for State, Local, and Tribal Partners
- Pillar 4: Enhance Federal Response to Victims, Survivors, and Families
- Pillar 5: Increase Federal Agencies' Public Outreach and Awareness Campaigns

While there is no one-size-fits-all solution to the challenges confronting AI/AN communities, this part of the report explains why these core pillars are essential to any comprehensive law enforcement approach to address MMIP and provides an overview of our ongoing and future work in furtherance of each pillar.

A. Pillar 1: Promote Federal Interagency Coordination

Promoting public safety in Indian country requires a whole-of-government response. On the law enforcement side, DOJ and DOI are critical partners, as they share law-enforcement responsibilities in Indian country, and success thus requires sustained and meaningful coordination. To better facilitate that coordination, the FBI and DOI's Office of Justice Services within the Bureau of Indian Affairs (BIA-OJS) will finalize a new

³⁸ Over the past 18 months, DOJ has developed and submitted to the White House a number of action plans under various Executive Orders and other Presidential directives that intersect with the issues discussed in this report. These include, but are not limited to, efforts to advance racial equity and support for underserved communities (pursuant to E.O. 13985) and strategies to address human trafficking (consistent with the National Action Plan to Combat Human Trafficking and described in more detail in Part II.A.3). DOJ is also finalizing a report to advance gender equity (pursuant to E.O. 13988 and 14020). Moving forward, DOJ is committed to integrating these commitments through a consistent and cohesive approach and to applying an intersectional lens across these efforts.

Memorandum of Understanding (MOU) between the agencies. This partnership is not only forward-looking but also extends to unresolved cases, as they will leverage the resources of both DOI's Missing and Murdered Unit (MMU) and the FBI to better address these cases and communicate with grieving families.

More broadly, DOJ and DOI are committed to working with agencies across the Federal government to promote public safety in Indian Country. In January 2022, DOJ released its [National Strategy to Combat Human Trafficking](#), which identifies how Federal agencies will work collaboratively to increase the prevention and identification of human trafficking in AI/AN communities, including the creation of a webpage to raise awareness of the dangers of human trafficking for AI/AN youth and the development of a victim screening protocol. The DOJ Strategy aligns with the [National Action Plan to Combat Human Trafficking](#), released by the White House in December 2021, and developed in coordination with DOJ and the DOI Office of Law Enforcement and Security and BIA-OJS. The National Action Plan calls on Federal agencies to work collaboratively to identify interventions to combat human trafficking of AI/AN people and to conduct outreach to Tribal industries to increase awareness of the risks of human trafficking.

Moving forward, DOJ and DOI look forward to strengthening that partnership through the Not Invisible Act Commission, which is charged with submitting recommendations to both agencies related to identifying, reporting, and responding to MMIP and human trafficking; tracking data on MMIP and human trafficking; hiring shortages among law enforcement and justice personnel; information sharing; coordinating law enforcement activities; and strengthening murder prosecutions. The makeup of this Commission is unique and brings together a broad spectrum of perspectives, expertise, and experience to consider these issues. As co-chairs of this Commission, DOJ and DOI will continue to work closely to support the Commission's work.

1. Improve Coordination Between DOI BIA-OJS and FBI in Indian Country

While the majority of criminal offenses committed, investigated, and prosecuted in Tribal communities are adjudicated in Tribal justice systems,³⁹ the Federal government plays an important role in promoting public safety, particularly in "non-Public Law 280" jurisdictions.⁴⁰ In particular, the FBI and BIA-OJS share responsibility for investigating

³⁹ As discussed in more detail in Part II.C, Tribal involvement in these and other law enforcement functions is also substantial. Tribal law enforcement agencies enforce Tribal laws against AI/AN offenders, act as first responders to federal law violations, and can enter into agreements with the BIA-OJS to perform federal investigatory and other law enforcement services.

⁴⁰ Through Public Law 83-280, 18 U.S.C. sec. 1162 (known as "PL 280"), Congress required six states to assume jurisdiction over Indian country crimes and divested the Federal government of jurisdiction to prosecute under the Major and Indian Country Crimes Acts in those areas. PL 280 also gave other states the option to assume that jurisdiction. Likewise, Congress has passed a variety of reservation-specific statutes providing for a similar framework of state jurisdiction over crimes in those locations. The Federal government retains concurrent jurisdiction to prosecute Indian country crimes in "optional" states, while Tribes retain concurrent jurisdiction in all areas of Indian country under their jurisdiction. The Federal government also retains jurisdiction to prosecute generally applicable offenses in P.L. 280 areas, including crimes that are designed to protect Indian commerce or Indian lands.

crimes in Indian Country.⁴¹ Given their complementary roles, coordination between these agencies is critical, and the agencies have therefore committed to the following steps to improve their partnership.

Finalize a new FBI-BIA MOU

The FBI and BIA have an MOU governing interagency cooperation signed in 1993, pursuant to which the agencies have cooperated on information sharing, joint investigations, and training. The agencies are in the process of updating the MOU, which will further clarify investigative roles and avenues for collaboration, including in MMIP investigations. This new MOU will specify each agency's primary investigative roles and responsibilities, define best practices, and recommend training for personnel working in Indian Country.

Improve Information Sharing Between FBI and BIA-OJS

The FBI and BIA-OJS will further expand communication and information sharing between the agencies during investigations in Indian country. In particular, the FBI and BIA MMU have agreed to embed an MMU Criminal Investigator and MMU Program Analysts into the FBI Headquarters level unit in charge of Indian country, whose role will include facilitating coordination with MMIP case intakes. Further, each FBI Division that includes Indian country includes established intelligence personnel that can integrate with a BIA component to aid in communication and information sharing, enhance investigations, and generate intelligence products. Intelligence personnel contribute plans of action to understand, mitigate, and neutralize threats as well as provide analysis to assist investigations. At the same time, BIA will also share information, to the extent available to it, related to incarcerated individuals to facilitate timely arrests and interviews of witnesses and subjects.

Expand Coordination through Safe Trails Task Forces

The FBI will look to expand coordination on MMIP-related issues through FBI-BIA collaboration on investigative squads and Safe Trails Task Forces as applicable. The Safe Trails Task Force Program is a partnership between the FBI and other federal, State, local, and Tribal law enforcement that works to combat crime in Indian country. Founded in 1994, Safe Trails Task Forces allow participating agencies to increase investigative coordination in Indian country to target violent crime, drugs, gangs, and gaming violations. In addition, these Task Forces provide an opportunity for further collaboration on MMIP-related offenses.

⁴¹ Field offices, however, have latitude to establish local agreements that designate lead investigative agencies for different crimes.

2. Improve Coordination for Unresolved Cases

In addition to their forward-looking efforts to promote public safety, DOJ and DOI also have an obligation to bring perpetrators to justice in unresolved cases, including MMIP-related cases. This section describes DOJ's and DOI's efforts to improve the Federal response to this challenge.⁴²

Formalize Partnership Between FBI and MMU

The FBI and BIA are crucial partners in the effort to address unresolved cases involving AI/AN persons. In particular:

- The FBI provides subject matter expertise and assistance to law enforcement agencies across the country. Within the FBI, the Criminal Investigative Division, Criminal Justice Information Services, Critical Incident Response Group, Directorate of Intelligence, and the Laboratory Division have the expertise to assist with the review of unresolved cases. In addition, the FBI can offer investigative suggestions, interview strategies, information and intelligence analysis, and search warrant assistance.
- In April 2021, Secretary Haaland established the MMU within BIA-OJS, which focuses on analyzing and solving missing person or homicide murder cases involving AI/AN people within BIA jurisdiction and, when appropriate, in partnership with other jurisdictions. MMU investigators are strategically based in multiple locations nationwide to best provide services to each region and will be expanding its resources by adding an additional 20 MMU Special Agents to investigate missing and murdered cases.

Together, the FBI and the BIA's MMU have developed the following strategy to improve coordination in addressing unresolved cases:

- (1) The MMU will create Unresolved Case Multi-Disciplinary Teams (MDTs). With agents across the country, the MMU is well-positioned to create and lead regional or local multi-agency, multidisciplinary teams to review and investigate unresolved cases involving AI/AN persons in BIA jurisdiction. In the coming year, the MMU will establish Unresolved Case MDTs at three pilot locations. These MDTs will include, as appropriate, representatives from different disciplines across the Federal government as well as representatives from Tribal, State, and local governments representatives. In addition, the MDTs will specifically include victim services representatives to help ensure that the teams operate with a trauma-informed and victim-centered approach.

⁴² Part II.C describes efforts to support State, local, and Tribal governments' efforts to address unresolved cases.

- (2) The MMU will work with Tribes to submit cases to MDTs. The MMU will proactively work with Tribes located in the pilot MDT regions to create effective case submission protocols and ensure effective communication about the work of the MDTs. At least one representative from every Federally recognized Tribe located in the geographic swath covered by an MDT will be included in the MDT itself.
- (3) The MMU will secure relevant training for its investigators. Because the fields of forensic sciences and standards of evidence and criminal procedures continue to evolve rapidly, the MMU will coordinate and deliver training to its law enforcement staff on relevant issues (e.g., including death investigations, missing person investigations, missing child investigations, unresolved case investigations, forensic tools and resources, forensic evidence, victim-centered and trauma-informed approaches, social media and online investigations, case management and major crime investigations). In addition, all MDT participants will receive cultural sensitivity training on working effectively with Tribal governments and community members.
- (4) The FBI will develop a formal process for MMU and Tribal law enforcement agencies to request its assistance for unresolved cases. The FBI assist DOI at the national, district, and regional levels to make progress on unresolved cases, including by providing investigative and analytical assistance upon request, as resources permit. The FBI will also develop a formal process for DOI and Tribal law enforcement agencies to submit requests for assistance on unresolved cases. Once that process is finalized, the FBI will promptly communicate the plan to federal and/or Tribal law enforcement handling investigations in Indian country.
- (5) The FBI and MMU will conduct and publish a detailed analysis of their efforts. In the 18 months following the issuance of this report, DOJ and DOI will complete and publish detailed analyses of the work done in addressing unresolved MMIP cases. The FBI report will describe the details of Tribal outreach, a general description of cases received, and, where possible, the results of those cases. The MMU report will describe the locations of the pilot MDTs, the agencies represented on each MDT, and a detailed description of the work of those teams. Where available, MDT case intake and resolution statistics will also be included.

Leverage DNA Testing and DNA Database Services

Consistent with Section 4(d), DOJ assessed the potential “use of DNA testing and DNA database services,” including the NamUs database and the Combined DNA Index System (CODIS), “to identify missing or murdered indigenous people and any responsible parties.” The FBI uses DNA technology extensively to investigate MMIP cases, and this section describes its process for examining and entering DNA information into federal databases and steps to improve and leverage this data.

The FBI Laboratory has a unit dedicated to addressing violent crime in Indian country, including a DNA Casework Unit. The FBI Lab accepts submissions from FBI personnel, as well as BIA, Tribal, State, and local partners, in any case with an Indian country nexus. DNA examination requests are prioritized as follows: death investigations, child sexual abuse, all other sexual abuse, violent assaults, and all other cases, although priorities can be changed to accommodate court deadlines. Additionally, the FBI has contracts with multiple state laboratories throughout the country to provide DNA examinations. These agreements allow for improved turnaround time, as well as easier travel by lab personnel for court proceedings. Information from these examinations can then be entered into databases, including:

- *NamUs*. NamUs is the nation's public and professional information clearinghouse and resource center for missing, unidentified, and unclaimed person cases. Funded and administered by the National Institute of Justice (NIJ), and managed by a non-profit research institute, all NamUs resources are provided at no cost. The suite of NamUs resources include technology, forensic services, investigative support, and local, regional, and online training programs.
- *CODIS*. The FBI's CODIS is software designed to connect law enforcement through the electronic exchange and comparison of DNA profiles. It blends forensic science and computer technology into a tool for solving violent crimes. The subsets of CODIS include the forensic set (for forensic unknown or mixture samples), the offender set (for convicted offenders or arrestees), and the missing person set (for unidentified human remains, missing persons, or relatives of missing persons). Many States operate their own DNA databases that can work in coordination with CODIS. The FBI, BIA, Tribal, State, and local law enforcement entities can enter DNA information into CODIS for cases involving an Indian country nexus.
- *Other Databases*. Private databases also exist that use DNA technology to assist with investigations. For example, the University of Northern Texas Center for Human Identification Missing Persons Unit provides DNA testing of biological evidence related to identifying missing and unknown persons as well as mitochondrial DNA testing of hair evidence related to Texas criminal investigations.

With support from the Bureau of Justice Assistance (BJA), NIJ has increased its programmatic resources to improve the NamUs database, with a goal to better support investigators in solving long-term missing person cases that database. These resources will create more robust case data to maximize the chances of identifying and resolving missing person and unidentified person cases involving AI/AN persons. That process will include the following:

- (1) Review of AI/AN Records. NIJ is reviewing all NamUs records for AI/AN people to determine if additional forensic testing is needed and to perform that testing if appropriate. For missing persons, this focused undertaking also includes contacting investigating agencies, medical examiner's or coroner's offices, and

family members to collect additional information such as whether missing persons have tattoos, marks, or scars, and whether they had surgeries, as well as identifying dentists and medical facilities that may have dental or skeletal radiographs for AI/AN missing persons. For unidentified decedents, this includes reaching out to medical examiner's and coroner's offices to ensure a complete physical description of the decedent is entered into NamUs, skeletal and dental radiographs are taken, fingerprints are collected, and DNA samples are collected where possible.

- (2) DNA Collection. NamUs Regional Program Specialists will conduct outreach to family members of missing AI/AN persons to collect DNA that can be uploaded into the missing persons' index of the CODIS and compared to remains in unidentified person cases.

DOJ hopes that these endeavors led to more robust case entries and thus a higher resolution rate. The additional data will also improve our understanding of the impact of forensic and analytical services in resolving MMIP cases.

The FBI is also exploring opportunities to increase the use of investigative genealogy in MMIP cases, i.e., law enforcement's use of DNA analysis combined with traditional genealogy research to generate investigative leads for unresolved violent crimes. Forensic genetic genealogical DNA analysis differs from other DNA typing in both the type of technology employed and the nature of the databases utilized. A genetic association means that the donor of the forensic or reference sample may be related to a service user. Law enforcement, however, uses information derived from genetic associations only as an investigative lead. Traditional genealogy research and other investigative work are needed to determine the true nature of any genetic association, but investigative genealogy can serve as a valuable tool in addressing unresolved cases.

3. Improve Coordination Between DOI, DOJ, and DHS on Human Trafficking

As explained above, human trafficking may play a role in missing person cases, and addressing human trafficking calls for a coordinated interagency response. This section describes efforts by DOJ, DOI, and DHS to work together to combat human trafficking of AI/AN persons, including human trafficking in Indian country.

Implement Strategies to Combat Human Trafficking Under New and Existing Structures

On December 3, 2021, the White House released the [National Action Plan to Combat Human Trafficking](#) (NAP). The NAP calls for Federal agencies to enhance coordination of their efforts to prevent human trafficking; prosecute human trafficking cases; and protect human trafficking victims and survivors. The NAP also requires agencies, including DOJ, DHS, and DOI, to take a culturally relevant approach to their anti-trafficking work. For example, the NAP calls on Federal agencies to ensure that all training and awareness materials intended for federal law enforcement and service

providers in tribal communities are tailored to the type of human trafficking that affects Indian country.

On January 31, 2022, DOJ released the [DOJ National Strategy to Combat Human Trafficking](#) (DOJ Strategy), which aligns with the coordinated, whole-of-government approach of the NAP. The DOJ Strategy requires increased coordination between Federal agencies through the adoption of a protocol for referral of human trafficking matters. The DOJ Strategy also requires the development of training, guidance, and identification of leading practices which will further coordination of DOJ, DHS, and DOI's anti-trafficking efforts.

Under this Strategy, DOJ will:

- (1) Develop new human trafficking protocols. DOJ will develop a Human Trafficking Victim Screening protocol for use during all anti-trafficking law enforcement operations in which DHS and DOJ are involved. A similar protocol, which will describe operational steps to support victim identification that is victim-centered, trauma-informed, and culturally responsive, is being developed for non-law enforcement Federal personnel by an Ad Hoc Working Group with active participation from DOJ, DHS, and DOI. Implementing these screening protocols will increase the identification of missing AI/AN people where traffickers have exploited their vulnerabilities to force or coerce them into sex and human trafficking.
- (2) Expand interagency coordination. The DOJ Strategy will also increase coordination of anti-trafficking efforts among Federal agencies through numerous other initiatives, including the development of a cross-training module on combatting human trafficking in Indian country, with a focus on identifying potential human trafficking victims and matters and appropriate referrals for Federal, Tribal, State, local, and territorial participants; the development of trainings for Federal law enforcement on how to prevent the inappropriate arrest of human trafficking victims for unlawful conduct resulting directly from victimization; the development of both best practices and recommendations for establishing human trafficking task forces that fulfill the principles of sustained Tribal, State, local, or territorial law enforcement leadership and comprehensive victim assistance; and the development of human trafficking training modules for drug trafficking investigators that will be made available to Federal law enforcement, including BIA.

In addition, the Federal agencies continue to collaborate on anti-trafficking efforts through numerous coordinating bodies. These include:

- The Federal Enforcement Working Group on Human Trafficking, which meets quarterly to share information and coordinate the participating agencies' human trafficking work; and

- The Anti-Trafficking Coordination Team Initiative, a collaborative effort between the DOJ, DHS, and the Department of Labor, through which interagency teams of Federal agents and Federal prosecutors develop high-impact human trafficking investigations and prosecutions involving forced labor, sex trafficking of adults, and international sex trafficking.

Moving forward, DOJ and DOI will coordinate directly, meeting at least annually, to discuss strategies for detecting human trafficking cases and identifying potential human trafficking victims in or near Indian country. During the inaugural meeting in FY2022, DOJ and BIA-OJS will establish protocols for BIA-OJS to: (1) refer potential human trafficking matters that occur in or near Indian country to DOJ for further criminal investigation by the DOJ and other law enforcement partners, as appropriate; and (2) request training, technical assistance, strategic guidance, expertise, or resources to enhance BIA's response to potential human trafficking occurring in or near Indian country. DOJ also provides subject matter expertise to DOI to assist in developing its anti-trafficking trainings for DOI personnel. For example, in FY2022, DOJ's Human Trafficking Prosecution Unit (HTPU) collaborated with DOI to create an on-demand virtual training to raise awareness about human trafficking among DOI law enforcement personnel. HTPU will continue to work with DOI to assist in further requests for training and resources.

Finally, pursuant to the Not Invisible Act, DOI has designated an official within the Bureau of Indian Affairs' Office of Justice Services (BIA-OJS) to coordinate prevention efforts, grants, and programs across Federal agencies related to, among other things, the trafficking of AI/AN persons. OJS contacted each of these agencies and identified several more executive departments and their agencies that address prevention efforts, grants, and programs related to the Not Invisible Act. DOI has completed an initial assessment of agencies with relevant prevention efforts, grants, and programs, and it will complete assessments of the remaining agencies over the coming year. Thus far, four executive departments and thirty-four of their agencies have responded to DOI's initial outreach. Per the statute, DOI also completed a draft report of the prior year activities, which summarizes the completed requirements and contains recommendations to Congress.

Looking Forward: Launching the Not Invisible Act Commission

DOJ and DOI recognize that they have more work to do to improve interagency coordination in Indian country, and they are committed to learning from Tribal leaders, organizations, advocates, and community members on how best to do so. Consistent with that commitment, DOI and DOJ are co-chairing the Not Invisible Act Commission, which is charged with developing recommendations for Federal agencies to improve our response to and prevention of violence directed at AI/AN people and human trafficking in Tribal communities.

“The rates of missing persons cases and violence against American Indians, Alaska Natives, and Native Hawaiian communities are disproportionate, alarming, and unacceptable. For the first time, the Interior and Justice Department will be guided by an advisory committee composed of law enforcement, Tribal leaders, federal partners, service providers, family members of missing and murdered individuals, and most importantly, survivors. This Commission will ensure that we hear the voices of those who are most impacted by this issue.”

--Secretary Deb Haaland, Remarks for National Missing or Murdered Indigenous Persons Awareness Day.

Signed into law on October 10, 2020, the Not Invisible Act (the Act) called for the creation of a Commission, designed to bring diverse perspectives and expertise together to address public safety challenges facing AI/AN persons. In addition to Federal representatives, the Act calls for representatives from Tribal governments, Tribal law enforcement, Tribal judges, health care and mental health practitioners, urban Indian organizations, survivors of human trafficking, and family members of missing or murdered people.

The Commission is broadly charged with recommending actions that the Federal government can take to help combat violent crime against AI/AN persons. More specifically, the Act identifies six areas of focus for the Commission to consider:

1. identifying, reporting, and responding to instances of missing persons, murder, and human trafficking on Indian lands and of Indians;
2. legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by DOI and DOJ to combat the crisis of missing or murdered Indians and human trafficking on Indian lands and of Indians;
3. tracking and reporting data on instances of missing persons, murder, and human trafficking on Indian lands and of Indian people;
4. addressing staff shortages and open positions within relevant law enforcement agencies, including issues related to the hiring and retention of officers;

5. coordinating Tribal, State, and Federal resources to increase prosecution of murder and human trafficking offenses on Indian lands and of Indian people; and
6. increasing information sharing with Tribal governments on violent crime investigations and prosecutions in Indian lands that were terminated or declined.

On May 5, 2022, Secretary Haaland [announced](#) the non-Federal members of the Commission, and the Commission held its first plenary meeting on June 14, 2022. The Commission is expected to conclude its work by November 2023.

During consultations, Tribal representatives have been widely supportive of the Commission, citing appreciation for the diverse makeup of the Commission and hope that the diversity of perspective will lead to meaningful recommendations for actions across governments. Moving forward, the Departments anticipate that the Commission will play a critical role in shaping their own public-safety responses, including by building on—and expanding—this report’s strategies for improving coordination across the Federal government.

“Today, and every day, the federal government must be committed to working with Tribal nations to address the crisis of missing or murdered indigenous people, and I expect the [Not Invisible Act] Commission to play a major role in doing so. The Department of Justice is eager to support — and learn from — the Commission’s work.”
– Deputy Attorney General Lisa Monaco, Remarks for National Missing or Murdered Indigenous Persons Awareness Day.

B. Pillar 2: Strengthen Federal Investigations and Prosecutions of Indian Country Cases

DOJ has made promoting public safety in Indian country, including its response to MMIP, a priority for its U.S. Attorney’s Offices (USAOs) and law enforcement components, including the Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF), Drug Enforcement Administration (DEA), FBI, and U.S. Marshals Service (USMS).

Consistent with that commitment, DOJ has been dedicated to implementing *Savanna’s Act*. Signed into law in October 2020, [Savanna’s Act](#) is a bipartisan effort to improve the federal response to MMIP, by increasing coordination among federal, Tribal, State, and local law enforcement agencies. Under *Savanna’s Act*, DOJ, in cooperation with DOI, has taken steps to review, revise, and develop protocols to address cases involving missing or murdered AI/AN people, including improving the collection of relevant data and expanding access to relevant databases.

Beyond implementing this legislation, the Deputy Attorney General launched the MMIP Steering Committee, which—in close consultation with Tribal leaders, organizations, advocates, and community members—has also reviewed its relevant guidance, policies, and practices, including to improve the Federal law enforcement response in Indian country. Since 2010, DOJ has required every USAO with Indian country in its district to develop an operational plan for addressing public safety in Indian country. When developing these plans, each USAO must consult annually with Tribes in its district to understand how the USAO can better work with Tribes to reduce violence and meet their public safety needs.

“The Department of Justice plays an integral role in partnering with Tribes to combat crime in Indian country. Although these criminal cases may be challenging, the Department must be undeterred in investigating and prosecuting cases that address the public safety needs of the Tribal communities.”
— Deputy Attorney General Lisa O. Monaco

Following the Steering Committee’s review, the Deputy Attorney General issued a [new directive](#) to USAOs and DOJ law enforcement agencies operating in Indian country requiring that they revise, update, and expand plans for promoting public safety in Indian country. Pursuant to that directive, each USAO will update its operational plans to account for significant legal and legislative developments in the intervening period, including the *Tribal Law and Order Act of 2010* (TLOA), *Savanna’s Act*, *the Not Invisible Act of 2019*, and the 2013 and 2022 reauthorizations of the *Violence Against Women Act* (VAWA). Likewise, law enforcement agencies operating in Indian country, including FBI and USMS, will update their own guidelines, protocols, and plans to ensure they not only address the unique public safety challenges in Indian country but also complement the USAOs’ plans.

To sustain and build on these important changes, however, it is critical that agencies receive the funding requested in the President’s FY2023 budget to better promote public safety in Indian country.

1. Enhance DOJ’s Law Enforcement Response to MMIP

DOJ is committed to improving its response to MMIP. Historically, missing person cases have presented a significant challenge to law enforcement, including Federal law enforcement officers. As explained above, missing person cases are not always the result of criminal activity, and Federal law enforcement officers may therefore face jurisdictional limits in responding to missing person reports. DOJ, however, has taken significant steps to improve its response to missing person cases with a potential connection to a Federal crime and to improve coordination with other Tribal, State, and local partners in responding to missing persons reports that may not implicate Federal criminal jurisdiction.

In January 2022, DOJ issued guidance to each of its 94 USAOs regarding the development and implementation of regionally appropriate guidelines to respond to

MMIP cases. Consistent with *Savanna's Act*, it directed each USAO with Indian country in its jurisdiction to develop regionally appropriate guidelines to respond to MMIP cases, including the following:

- (1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders, that detail the specific responsibilities of each law enforcement agency;
- (2) best practices in conducting searches for missing persons inside and outside of Indian country;
- (3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of AI/AN human remains, including guidance to timely enter appropriate information related to MMIP into applicable databases;
- (4) guidance on which law enforcement agency is responsible for inputting information into appropriate databases if the Tribal law enforcement agency does not have access to those databases;
- (5) guidelines on improving law enforcement response rates and follow-up to MMIP cases; and
- (6) guidelines on ensuring access to culturally appropriate victim services for victims and their families.

DOJ recognized that the guidelines would vary by district, depending upon the presence of Indian country; the relative size of Indian populations, the type of Federal, Tribal, State, and local law enforcement resources within a district; and the proximity to Indian country in other districts. It therefore directed USAOs in Federal judicial districts with Indian country, including those where the State has jurisdiction over crimes committed in Indian country under Public Law 280 or another statute, to create guidelines that are tailored to their districts' specific circumstances.

In the months that followed, USAOs with Indian country in their district tailored these guidelines to their specific communities after consultations with Tribal governments and other relevant partners, including FBI, BIA, Tribal, State, and local law enforcement agencies; medical examiners and coroners; victim service agencies and national, regional, or urban Indian organizations. In addition, DOJ also directed USAOs without Indian country to create a list of key contacts, law enforcement agencies, and available resources to support a missing persons case in the event that an AI/AN person goes missing or is located in their district. Likewise, consistent with Section 5(c)(2) of *Savanna's Act*, DOJ's law enforcement agencies are modifying their own guidelines to incorporate the guidelines adopted by their local USAOs. Pursuant to the Deputy

Attorney General's guidance, USAOs and law enforcement agencies will review and update these guidelines annually, in consultation with Tribal partners, to ensure that the guidelines meet the evolving needs of Tribal communities in their district.

Moving forward, DOJ recognizes the importance of employing a focused team to address MMIP issues across Tribal communities and districts. DOJ has several positions in place, and, as discussed more in Part II.B.3, it has requested additional appropriated funding to expand these efforts. Current positions include:

- Tribal Liaisons. All USAOs with Indian country responsibility have at least one Tribal Liaison to serve as the primary point of contact with Tribes in the district. In addition to their duties as Assistant United States Attorneys (AUSAs), Tribal Liaisons fulfill a number of other functions, including coordinating with and training law enforcement agents, investigating violent crime and sexual abuse cases in Indian country, and working with DOI criminal investigators and Tribal police presenting cases in Federal court.
- Tribal Special Assistant U.S. Attorneys (SAUSAs). Initially developed in response to consultations with Tribes, DOJ's Office on Violence Against Women (OVW) has led, in partnership with USAOs and the Executive Office for U.S. Attorneys (EOUSA), a Tribal SAUSA initiative. Beginning in FY 2012, OVW has awarded funds to participating Federally recognized Tribes to help them work with their local USAOs to hire or retain a mutually agreed upon Tribal prosecutor to be cross-deputized as a SAUSA. These cross-designated prosecutors maintain active violence against women crimes caseloads in Tribal court, Federal court, or both, while also helping to promote higher-quality investigations and better inter-governmental communication. Reported benefits have included successful prosecution of unresolved cases, stronger relationships between Tribes and USAOs, and victims coming forward with confidence that their cases will be taken seriously. Consistent with DOJ's request, it received \$3 million in its FY2022 budget to support this important initiative.
- Law Enforcement Coordinators. The Law Enforcement Coordinator (LEC) program was implemented in 1986 in each USAO to foster cooperative and coordinated Tribal, State, local, and Federal law enforcement efforts in each Federal district. The program helps to develop training on emerging crime issues, conducts strategic planning, and establishes task forces and working groups to address current crime trends. The LEC also coordinates activities to promote citizen awareness, such as providing speakers for community and school groups, and initiatives designed to promote crime reduction and prevention, such as Project Safe Neighborhoods.
- MMIP Coordinators. In 2019, the Department invested an initial \$1.5 million to temporarily hire MMIP coordinators in select USAOs, to assist in outreach and facilitation to develop Tribal Community Response Plans (discussed in Part II.C.2). In certain high-need districts, the MMIP Coordinators have continued to

assist in review and consultation on unresolved cases, as highlighted in the Spotlight. As explained below, the President’s FY 2023 budget requests additional funding that the Department would propose to use to hire permanent positions dedicated to MMIP. The Department is also exploring the possibility of dedicated Indian Country Law Enforcement Coordinators, who can assist with MMIP cases as well as broader public safety concerns in Indian country.

Likewise, DOJ has a specialized unit dedicated to pursuing human trafficking prosecutions—the Human Trafficking Prosecution Unit (HTPU)—that will continue to collaborate with USAOs to investigate and prosecute human trafficking cases involving AI/AN persons. The HTPU is staffed by trial attorneys who have significant experience and expertise in investigating and prosecuting human trafficking cases. HTPU attorneys regularly partner with AUSAs to successfully prosecute human trafficking cases. In addition, and as described in more detail in *supra* Part I.A.3, HTPU attorneys provide advice and guidance to AUSAs and Federal, Tribal, State, and local law enforcement partners legal or strategic questions arise in trafficking cases, including those cases involving AI/AN persons.

2. Prioritize Other Public Safety Challenges in Indian Country—Including Those Underlying MMIP Cases

Each USAO with Indian country, working with appropriate DOJ law enforcement agencies, will identify emerging public safety issues with Tribes in their respective districts and identify a strategy to address these issues in their operational plans, guidelines, policies, or other protocols. Public safety challenges in Indian country are not uniform, and each USAO’s operational plan will address issues unique to individual Tribes within the district. In many cases, this will include tailoring DOJ’s [comprehensive strategy to reduce violent crime](#), as well as its targeted initiatives to reduce gun violence,⁴³ to Tribal communities. Likewise, consistent with the Deputy Attorney General’s directive, USAOs will also address priorities that DOJ has repeatedly heard cut across Tribal communities, including combatting violence against women, youth, and children, as well as addressing the devastating consequences of substance use disorder in Indian country. See *supra* at Parts 1.A.2 & B.

Violence Against Women, Youth, and Children

DOJ continues to prioritize addressing violence against people in Tribal communities. In her directive, the Deputy Attorney General reiterated that DOJ has a duty to investigate and prosecute serious crimes in Indian country, including domestic violence and sexual assault, as well as Federal offenses outside of Indian country that affect Tribal members, such as human trafficking and inter-jurisdictional domestic violence and stalking offenses. In many areas of Indian country, the Federal government has

⁴³ More information about DOJ’s actions to stem the flow of firearms used to commit violent and support local law enforcement partners in efforts to combat gun violence crime is available at <https://www.justice.gov/file/1468221/download>.

jurisdiction to prosecute certain violent crimes committed against Native Americans where the offender is Indian or non-Indian. In these locations, the Federal government can also prosecute crimes committed against non-Indians where the offender is an Indian. In some locations, Tribes are exercising concurrent criminal jurisdiction over non-Indians pursuant to reauthorizations of the Violence Against Women Act (VAWA),⁴⁴ as well as enhanced sentencing authority under the Tribal Law and Order Act of 2010. DOJ believes it is critically important that USAOs work closely with their Tribal partners in support of their exercise of Tribal criminal jurisdiction and sentencing authority, as recognized by these statutes, and coordinate investigative and prosecutorial efforts to pursue justice for Native victims in all appropriate cases. Through the 2013 and 2022 VAWA reauthorizations, Congress recognized the inherent authority of participating Tribes to exercise criminal jurisdiction over non-Indian offenders who commit certain covered crimes in Indian country and Alaska Native villages. Part II.C.7 describes in more detail DOJ's efforts to assist Tribes in exercising this critical authority. This recognition of Tribal sovereignty, however, does not eliminate or diminish any Federal or State jurisdiction in any case. In her directive, the Deputy Attorney General therefore made clear that, "[t]he Department, through its USAOs, has a duty to prosecute serious crimes in Indian country, including domestic violence and sexual assault, as well as Federal offenses outside of Indian country that affect AI/AN persons, including human trafficking and interjurisdictional domestic violence and stalking offenses. Reports of these offenses in Indian country should be investigated wherever credible evidence of a violation of Federal law exists, and offenses should be prosecuted when the Department's *Principles of Federal Prosecution* are met."

The Deputy Attorney General also specified that in updating district-specific operational plans, every U.S. Attorney should pay particular attention to violence against women, youth, and children and work closely with law enforcement to make these crimes a priority, and:

- where possible, integrate Tribal Special Assistant U.S. Attorneys (SAUSAs) into their regular operations;
- consider using a multidisciplinary team (MDT) model to address sexual assault and domestic violence, where all Federal members are trained in working with Tribes and handling such cases;

⁴⁴ The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) recognized and affirmed tribes' inherent power to exercise "special domestic violence criminal jurisdiction," or SDVCJ, over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. See 25 U.S.C. § 1304. The 2022 reauthorization of VAWA amended this statute, effective October 1, 2022, to cover additional crimes, such as sexual violence, child violence, stalking, obstruction of justice, and assaults of tribal justice personnel, among other changes to the jurisdiction.

- make charging decisions expeditiously in high-risk cases, such as domestic violence or sexual assault, to minimize or eliminate those risks, bearing in mind the often shorter statutes of limitations applicable to Tribal prosecutions; and
- work with law enforcement partners to update policies and protocols to help ensure victims receive competent medical forensic exams—in both sexual assault and domestic violence cases—and that evidence is processed effectively and efficiently.

Drug Trafficking / Substance Use Disorder

During consultations, Tribal leaders repeatedly raised concerns about drug-related activity in Indian country. Each district and Tribal community faces unique challenges in addressing substance use disorder and drug trafficking, and these differences call for strategies and responses tailored to the needs of each individual Tribal community and revised regularly.

In light of these concerns, the Deputy Attorney General directed each USAO with Indian country to engage in conversations on substance abuse and specific issues and needs in Tribal communities within their district, including through routine discussions as part of the yearly USAO-Tribal District consultations. These discussions will include assessing charging policies within Indian country, including whether and when targeted prosecutions could have a significant impact on public safety in the community. In their operation plans, USAOs, in consultation with relevant law enforcement agencies, will also include a strategy to combat drug trafficking in Indian country, and DEA and FBI will incorporate the strategy into their operational work in Indian country to ensure consistency with the USAOs.

The FBI's Safe Trails Task Force Program is one effective model for establishing operational partnerships between the FBI and other Federal, Tribal, State, and local law enforcement to combat crime in Indian country. As noted above, Safe Trails Task Forces have allowed participating agencies to increase investigative coordination in Indian country to target violent crime, drugs, gangs, and gaming violations.

In addition, DOJ partners with and supports Tribes in addressing these challenges through a wide range of resources and strategies that focus on prevention and wellness. For example:

- BJA supports Tribes through grant funding, training, and technical assistance for Tribal justice systems; for overdose response and prevention, including through diversion and jail-based programs (e.g., Comprehensive Opioid, Stimulant, and Substance Abuse Program, or COSSAP); and for developing treatment courts

such as Tribal healing to wellness courts, as well as drug courts and veterans treatment courts.

- DOJ, DOI, and HHS also provide resources and technical assistance to support the development of [Tribal Action Plans](#), which assist Tribal communities in proactively addressing alcohol and substance abuse in ways that meet community needs and are culturally responsive. For example, the Oneida Nation has a comprehensive Tribal Action Plan and a staff of three employees dedicated to promoting Oneida culture with a holistic approach to a healthy community.
- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides grant funding and training and technical assistance to Tribal, State, and local systems that addresses youth substance use and alcohol-related crime through the development and implementation of tribal juvenile healing to wellness courts; helps Tribes improve their juvenile justice systems and support prevention, intervention, and treatment approaches that benefit youth; offers diversion, treatment, and recovery support for justice-involved youth with substance use problems or co-occurring mental health disorders (juvenile drug treatment courts); increases collaboration with substance use treatment and child welfare systems to ensure treatment and other services for families that improve child, parent, and family outcomes (family treatment courts); and supports programs and strategies that identify, respond to, treat, and support children, youth, and families impacted by the opioid epidemic (Opioid Affected Youth Initiative).

Likewise, BIA-OJS supports a number of initiatives to address the effects of substance use disorder in Tribal communities:

- BIA-OJS Recidivism Reduction Initiative (RRI) is currently working with multiple Tribes to reduce substance use driven recidivism by helping them build desired outcome-based action plans, intervention options, and workflow protocols. Doing so will provide improved access to comprehensive substance use disorder (SUD)

Spotlight

Tulalip Tribes ODMAP

The Tulalip Tribes' Overdose Detection Mapping Program (ODMAP) is one of the many innovative ways that tribes are using Comprehensive Opioid Stimulant and Substance Abuse Program funding to reduce opioid and substance abuse. ODMAP is a free software/website-based tool that supports the reporting and surveillance of suspected fatal and non-fatal overdoses. It allows the Tulalip Tribes to access near real-time data so that they are able to mobilize faster responses. The Tribes accomplish this goal by connecting their local first responders to the ODMAP tool to enter the overdose data. Additionally, the data allows the Tribes to identify trends and hotspots to appropriately allocate resources. The Tulalip Tribes have shared their program model through presentations and workshops with surrounding indigenous communities.

treatment services. In addition to utilizing evidence-based best practice approaches for treating substance use disorders, Tribes participating in the RRI have created promising culturally focused practice models that are now being shared/networked from Tribe to Tribe.

- BIA-OJS is providing extensive technical assistance to Tribes to help build a Native-specific need and risk screening/assessment instrument, which generates a comprehensive recommendations report to enter the individual into a service cascade, which identifies actual need and risk, a referral for services, engagement in services, retention in service, types and amount of services utilized, preparation for re-entry, and successful outcome tracking of individuals for a minimum of 18 months.
- BIA-OJS has developed one of the largest Native-specific datasets available (15,000+ case records) that is based on individual actual need, risk, and responsiveness.
- BIA-OJS Tribal Justice Support Directorate provides fiscal support to multiple Healing to Wellness Courts throughout Indian country.

Consistent with the Deputy Attorney General's directive, each USAO will become familiar with these programs and to consider addressing in their operational plans opportunities to partner with Tribal drug courts and other programs providing recovery support services.

⁴⁵ On June 29, 2022, the Supreme Court held in *Oklahoma v. Castro Huerta*, No. 21-429, that "the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country." DOJ is working closely with Tribal and Federal partners to analyze and appropriately respond to that decision. The decision, however, will not change its commitment to public safety in Indian Country and Tribal sovereignty, which has been a foundational principle of our government-to-government relationship with Tribes. Federal law enforcement agencies will continue to work diligently in support of public safety in Indian Country.

Looking Forward: President's FY2023 Budget Request to Support Law-Enforcement Operations

In the President's FY 2023 budget, DOJ has requested more than \$113 million in new funding for its law enforcement operations in Indian country. This funding is critically important to address violent crime matters across Indian country, as DOJ's U.S. Attorneys received no enhancements for Indian country prosecutions in fiscal year 2022. That funding shortfall is stark, especially as the Supreme Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), as well as subsequent decisions by the Oklahoma Court of Criminal Appeals, recognized that land throughout much of eastern Oklahoma remains Indian country. As a result, the Federal government has seen a dramatic increase in the number of cases over which it has exclusive or concurrent jurisdiction, requiring it to surge resources that might otherwise be used to serve Indian country in other districts.⁴⁵

If DOJ's Indian country efforts were fully funded as requested for FY 2023, the Department would dedicate new personnel to MMIP. As explained above, DOJ currently contracts with non-attorney personnel to serve as MMIP Coordinators in select USAOs. If fully funded, DOJ would add five to six dedicated prosecutors to complement the National Native American Outreach Services Liaison (described in Part IV.C) and help coordinate outreach regionally on MMIP matters and help resolve MMIP cases. The regional positions would be placed in high-need districts with unresolved MMIP-related cases. Duties could include:

- Expand capacity to engage in meaningful outreach to law enforcement and USAOs on calls received by the National Native American Outreach Services Liaison (discussed in more detail in Part III.D.4);
- Support Tribal communities with development and implementation of Tribal Community Response Plans, or TCRPs (discussed in more detail in Part III.C.2);
- Consult with and provide resources to BIA MMU Agents within the designated region;
- Prosecute unresolved and significant MMIP-related cases in high-need districts;
- Coordinate with the National Indian Country Training Initiative (NICTI) Coordinator to promote training and technical services opportunities;
- Assist in regional training associated with MMIP matters (e.g., NamUs, MMIP Guidelines development);

- Assist USAO Tribal Liaisons with communication to Tribal partners related to MMIP matters; and
- Coordinate with Federal partners on grant opportunities for technical assistance in the development of TCRPs.

The FBI, meanwhile, requested nearly \$30 million in its FY2023 budget to address crimes in Indian country, including \$5.3 million to fund 15 positions (including 10 agents) dedicated to conducting investigations of missing or murdered indigenous persons in the United States. If appropriated, the FBI would use these resources to increase the number of agents available to investigate violence against Indigenous women in Indian country (including homicides, sexual assaults, and acts of domestic violence) and will facilitate training to agents on conducting trauma-informed, culturally appropriate, victim-centered investigations of these crimes.

In its FY23 budget, DOI has requested \$562.1 million overall for Public Safety and Justice (PS&J) operations throughout Indian country, including \$105.7 million in operational funding increases to support expanding Tribal needs in policing, detention, and Tribal courts resulting from the *McGirt* decision. DOI's FY2023 budget also includes \$16.5 million to support MMIP strategies, including more funding to support DOI's MMU, which, as explained above, was established by Secretary Haaland to pursue justice for missing or murdered American Indians and Alaska Natives. The additional funding will add 20 investigative personnel to the MMU in 2023. The new personnel will double the current MMU effort dedicated to addressing new and unsolved cases, responding to investigative challenges, and collection and management of data across jurisdictions.

DOI has also requested funding to support five BIA Regional Evidence Recovery Teams (ERTs), including specialized vehicles and equipment, and supplies. As the ERTs come online, Indian country investigators will receive more rapid access to these crucial crime scene and evidence resources. Funding to expand the OJS training footprint and bring advanced training programs to Tribes in more parts of the United States also supports goals of the MMIP. The advanced training focuses on developing stronger skillsets in Police, Corrections, and Criminal Investigations training opportunities for Tribes in several regions of the country. The increased training capacity will enhance capabilities of frontline personnel with advanced courses such as: Missing Person Investigation, Human Trafficking, Evidence Collection and Processing, and Forensic Analysis.

C. Pillar 3: Improve Federal Coordination with and Support for State, Local, and Tribal Partners

While the Federal government is committed to addressing public safety in Indian country, it is often Tribal, State, and local partners on the frontlines of this effort. In much of Indian country, Tribes hold criminals accountable, protect victims, provide youth prevention and intervention programs, and confront precursors to crime, such as alcohol and substance use disorder. State and local law enforcement officers,

meanwhile, have the primary responsibility for investigating non-Federal crimes that occur outside of Indian country, including for investigating reports of persons who go missing off Tribal lands.

Tribal, State, and local law enforcement officers often act in concert with Federal agencies, and the Federal government must therefore develop strategies for seamless coordination and communication with these interagency partners. Likewise, the Federal government provides technical assistance, training, and—critically—financial assistance to Tribal, State, and local law enforcement efforts. This section sets forth DOJ’s strategy, developed in coordination with DOI and other agencies, to support Tribal and other non-Federal law enforcement efforts to prevent and address violence in AI/AN communities.

1. Improve Federal Coordination with State, Local, and Tribal Partners

The investigation and prosecution of crimes in Indian country often involves multiple law enforcement agencies across different governments. To successfully resolve these cases, DOJ will work cooperatively with Tribal, State, local, and other Federal law enforcement partners and establish clear protocols for how it will work with other agencies to respond to crime in Indian country. Those partnerships will include timely sharing of investigative tools, subject-matter expertise, and information, where not prohibited by court rule or statute. Consistent with the Deputy Attorney General’s directive, these new efforts include:

- USAOs will revise their operational plans to set forth procedures for regular communication with Tribal officials, including—but not limited to—annual consultations.
- Each USAO will use designated Tribal Liaisons, AUSAs, and LECs to develop day-to-day intergovernmental relationships with Tribes.
- Consistent with TLOA, if the USAO “declines to prosecute, or acts to terminate the prosecution of, an alleged violation of Federal criminal law in Indian country,” the USAO will promptly inform Tribal law enforcement and prosecutors of that decision and coordinate the use of evidence relevant to the case.⁴⁶ The same requirements extend to ATF, DEA, FBI, and USMS if they decide against referring an investigation for prosecution.⁴⁷

DOJ, in coordination with DOI and other agencies, is also committed to facilitating coordination with and among Tribal, State, and local law enforcement agencies. For example, as noted in the Spotlight, using BIA-issued Special Law Enforcement Commissions (SLEC) is one effective strategy for increasing the number of authorized investigators in Indian country, as SLEC designation allows officers to enforce Federal criminal statutes and Federal hunting and fishing regulations in Indian country. DOI and

⁴⁶ 25 U.S.C. § 2809(a)(3).

⁴⁷ 25 U.S.C. § 2809(a)(1).

DOJ have collaborated to increase the use of SLEC designations in recent years, and they will continue to look for opportunities to expand this program.

In 2021, the Office of Community Oriented Policing Services (COPS) also funded the Developing Formal Agreements Project, which focused on creating and enhancing formal agreements such as MOUs and cross-deputizations to aid Tribal law enforcement agencies throughout the lifecycle of MMIP cases. The project includes:

- reviewing efforts with Tribal law enforcement partners on the scope and nature of the issues and needs regarding formal agreements to create a digital MMIP library housing various existing resources, including model MOU templates, tools, protocols and procedures, examples, and training that apply to handling new and unresolved MMIP cases;
- developing a scenario-based training model to provide guidance and clarity concerning roles, authorities, and jurisdiction in creating or enhancing formal agreements related to MMIP cases;
- conducting on-site visits to provide technical assistance to Tribal law enforcement agencies who are seeking assistance in creating formal agreements and partnerships to more effectively address MMIP cases; and
- adapting two existing Problem Oriented Policing Guides (Missing Persons and Juvenile Runaways) to provide additional online tools that Tribal and other law enforcement partners can use in addressing MMIP.

2. Support the Development of Tribal, State, and Local Law Enforcement Guidelines

In addition to developing its guidelines for Federal prosecutors and law enforcement agencies to respond to MMIP cases, *see supra* Part II.B.1, DOJ has encouraged Tribal, State, and local law enforcement agencies to adopt their own guidelines for responding to these cases.

Savanna's Act

Under *Savanna's Act*, Tribal, State, or local law enforcement agencies can voluntarily submit to DOJ their guidelines for responding to MMIP cases. By October 30, 2022, DOJ will publish on its "Tribal Justice and Safety" website the name of each Tribal, State, or local law enforcement agency that submits MMIP guidelines. Likewise, DOJ will add those plans, as well as any plans submitted by Tribal governments, to a JusticeConnect site on the Criminal Justice Information Services' (CJIS) Law Enforcement Enterprise Portal, which makes guidelines available as a resource to Federal, Tribal, State, and local law enforcement agencies. Agencies seeking DOJ

review of their guidelines may submit them via email to USAEO.MMIP.LE.Guides@usdoj.gov.

Savanna's Act also allows DOJ to offer grants to Tribal, State, and local governments for the purposes of developing and implementing MMIP protocols and training. Specifically, the Act changed the allowable purposes of two Office on Violence Against Women (OVW) grant programs—the Grants to Indian Tribal Governments Program (Tribal Governments Program) and the Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program (ICJR Program):

- The Tribal Governments Program supports Tribal justice systems, victim services—including transitional housing and legal assistance—and education and prevention strategies, all with the overarching goal of curtailing domestic violence, dating violence, sexual assault, and stalking in Tribal communities. *Savanna's Act* added a new purpose area to this grant program to allow Tribes to use these funds to develop, strengthen, and implement policies, protocols, and training for law enforcement regarding MMIP cases. Beginning in FY2021, Tribal governments have the discretion to apply for these grant funds to support this new purpose area.
- The ICJR Program, which funds Tribal governments, States, local governments, courts, and certain nonprofit organizations to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, began allowing applicants to seek funding for MMIP protocols and training designed to carry out this overarching goal in FY2021.

Learn more about these grant opportunities [here](#).

Tribal Community Response Plans

DOJ is fully committed to helping our Tribal partners develop Tribal Community Response Plans (TCRPs), including through direct assistance to individual Tribes. A TCRP is a voluntary protocol or guidelines document *developed by a Tribe* that is tailored to each Tribal community's needs, resources, and culture to assist its response to missing persons cases. Tribes typically develop TCRPs in collaboration with relevant groups in the community, including law enforcement, prosecutors, elected leaders, and child welfare organizations. The Federal government, including USAOs, FBI, and BIA-OJS, have been active participants in several Tribal communities that have already developed TCRPs. Moving forward, each USAO will use designated Tribal Liaisons, AUSAs, LECs, and other MMIP-related resources, as appropriate, to support Tribes interested in creating a TCRP. DOJ will also support TCRPs through training and technical assistance, including by publishing guidance for TCRPs developed with Tribal input. Likewise, in the fall of 2022, DOJ and DOI will collaborate to host an event focused on writing effective and proper search warrant affidavits for fact patterns common to MMIP cases.

3. Expand Training and Technical Assistance for Tribal, State, and Local Partners

DOJ, in coordination with DOI and other agencies, is committed to supporting Tribal, State, and local law enforcement partners through training and technical assistance. In July 2010, EOUSA launched the National Indian Country Training Initiative (NICTI) to ensure that DOJ personnel, as well as State and Tribal criminal justice and social welfare professionals, receive the training and support needed to address the particular challenges relevant to Indian country investigations and prosecutions. Before the pandemic, the NICTI typically hosted a dozen or more residential training courses at the National Advocacy Center (NAC) in Columbia, South Carolina. Since the pandemic's start, all NICTI training has offered remote participation, and the number of participants has significantly increased. Beyond live classes, the NICTI also prepares and delivers recorded online education products and also authors and disseminates written educational materials. Also, the NICTI Coordinator teaches at dozens of other training events every year. These training events are sponsored by Federal and State agencies and DOJ-funded Tribal training and technical assistance providers.

Since the launch of the NICTI, there have been thousands of criminal justice and social service personnel working in Indian country who have traveled to the NAC for training. These students represent several hundred different Tribes, USAOs, and Federal, State, and Tribal organizations serving Indian country. For example, in calendar year 2021, the NICTI hosted 22 different online trainings, and more than 3,000 over the roughly 7,100 attendees registered as working for a Tribe. Others in attendance included Federal and State employees working with Tribes, academics, medical providers, and State and Federal policy makers. Importantly, DOJ's Office of Legal Education covers travel and lodging costs for Tribal attendees at classes sponsored by the NICTI. This resource allows many Tribal criminal justice and social service professionals to receive cutting-edge training from national experts at no cost to the student or Tribe. In addition, NICTI training calendars are developed with input from relevant DOJ components and from personnel working in and for Tribes.

DOJ offers additional national, regional, and local training for Tribes through DOJ's grantmaking components, including BJA, COPS, NIJ, OVW, OVC, OJJDP, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). Each of these components funds technical assistance (TA) providers with expertise on Indian country issues. Likewise, HTPU regularly offers training on victim-centered and trauma-informed approaches to its law enforcement partners.

Consistent with Section 3(a)(v) of E.O. 14053, DOJ is committed to expanding its work on training and technical assistance by "assist[ing] Tribal, State, and local law enforcement entities' ability to apply linguistically appropriate, trauma-informed, and victim-centered practices when working with victims of crime, and to develop prevention strategies and recognize the indicators of human trafficking affecting Native Americans." As part of its broader efforts to address unresolved cases involving AI/AN persons, see

supra Part III.A.2, DOJ has also prioritized providing training and technical assistance to Tribal, State, and local law enforcement officers on this topic.

Likewise, consistent with Section 5(c) of the E.O., DOI's OJS Tribal Justice Support (TJS) also collaborates closely with BJA in providing a consolidated approach for assistance to Tribal justice systems, including:

- DOJ and DOI fund the development and implementation of healing to wellness courts and address prevention measures, often working with traditional courts such as the village justice systems in Alaska.
- TJS also offers training through BIA's Cooperative Agreement process, which provides Tribes with the opportunity to share their best practices through funding for peer-to-peer training and technical assistance. Since 2019, more than 8,000 Tribal court personnel have been trained through this initiative, on topics including Tribal court trial advocacy skills within the criminal and civil (child dependency) systems; and best practices following recent Supreme Court decisions, including *McGirt v. Oklahoma*.
- Likewise, as detailed below (*supra* at 51-53), DOI TJS also provides Tribes experienced in VAWA and TLOA prosecutions with the opportunity to train and provide technical assistance to their peers within Tribal justice systems.

More details on these efforts are available in DOI's report issued pursuant to Section 5(c) of EO 14053.

Victim-Centered, Trauma-Informed Policing

One of the most important front-line efforts for Tribal, State, and local law enforcement officers is their direct contact with victims, and families of victims both in criminal cases and missing person investigations. Working with victims and their families in a victim-centered, trauma-informed, culturally and linguistically- appropriate manner enhances investigations and any resulting cases. DOJ is thus working with DOI and HHS to prepare training to assist our Tribal, State, and local partners in this regard.

There are several additional efforts in this area. For example:

- As featured in the Spotlight, OVW recently issued updated guidance to Tribal, State, and local law enforcement officers aimed at identifying and preventing gender bias in policing. OVW also funds the National Violence Against Women Law Enforcement Training and Technical Assistance Consortium to serve as a single connection point for all OVW law enforcement grantees and the field (including Tribal law enforcement, prosecutors, and civilian staff) to request training and technical assistance on trauma-informed and victim-centered criminal justice solutions. The consortium’s website, <https://www.lettac.org/>, includes a clearinghouse of resources and a mechanism for requesting training and technical assistance in a wide range of formats.
- The National Indian Country Training Initiative will continue to provide robust training to Federal, Tribal, State, and local law enforcement. Past topics of relevance to MMIP include: Developing Victim Services For Missing Person Cases; Missing Persons, Ambiguous Loss, Reintegration: How it All Fits Together; Achieving Justice at Trial: Direct Examination of Victims of Violent Crimes; Adolescent Development And Compliant Victims; Mitigating Trauma in the Courthouse by Understanding Changes to the Brain; Tribal Justice: Using Custom and Tradition to Promote Healing in Tribal Communities; and Building a Trauma-Informed Response to Violent Crime in Indian Country.

Spotlight

Identifying and Preventing Gender Bias in Policing

In May 2022, DOJ released updated guidance on [Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias](#). This guidance is designed to help law enforcement agencies recognize, mitigate, and prevent gender bias and other bias from compromising the response to, and investigation of, sexual assault, domestic violence, and other forms of gender-based violence. The guidance provides a set of eight basic principles that—if integrated into law enforcement agencies’ policies, trainings, and practices—help ensure gender bias, either intentionally or unintentionally, does not undermine efforts to keep survivors safe and hold offenders accountable. These principles, such as recognizing and addressing biases, assumptions, and stereotypes about victims or treating all victims with respect, also can improve interactions with victims and their families in MMIP situations. More information, including an annotated list of resources, is available [here](#). DOJ’s OVW solicited applications in FY2022 to provide training and technical assistance to support law enforcement agencies in implementing these principles and expects to make an award of \$400,000 for this purpose by September 30, 2022.

Human Trafficking

DOJ, in coordination with DOI and other agencies, is committed to helping Tribal law enforcement and Tribal communities develop prevention strategies for human trafficking via OVC’s [Human Trafficking Capacity Building Center](#) (HTCBC). HTCBC exists to help

organizations and Tribes start, sustain, or grow their anti-trafficking work. HTCBC's free services are intended to provide immediate and sustainable benefits to organizations and Tribal nations with minimal demands on their time. HTCBC is a coaching and development hub that assists organizations and Tribes with: (1) building their capacity to aid all trafficking victims; (2) navigating the broad range of resources available to support their missions; and (3) strengthening human trafficking service networks. The HTCBC website includes a library housing a range of human trafficking resources in easily digestible formats, including tip sheets, one-page overviews, sample documents, and Q&As.

On May 4, 2024, the HTCBC launched a [microsite](#) for professionals who respond to human trafficking in Tribal communities, including for State and local law enforcement seeking resources on trauma-informed and victim-centered responses to MMIW / MMIP. The site will be focused on helping responders learn the signs and potential [indicators of human trafficking](#); understand the facts by challenging [common myths about trafficking](#); access [free, web-based training](#); access tools to share [human trafficking awareness resources](#); and rely on [anti-trafficking organizations](#) as partners.

Unresolved Cases

DOJ has conducted extensive training on the topic of unresolved cases. For example, in June 2021, the NICTI hosted one four-hour training block on death investigations and two four-hour training blocks on Unresolved Case Investigations. This training introduced attendees to the basic concepts, design, and structure of a cold case unit. In addition, the presentations covered issues seen in unresolved case investigations, including cold case rules, victimology, behavioral issues, suspect development, family interactions, utilization of databases, and coordination with other agencies. Many of the processes covered in this training apply to both missing persons and unresolved homicide cases.

The COPS Office recently funded a project focused on providing guidance on unresolved case investigations in Indian country, including developing and implementing protocols related to unresolved cases, for capturing data, and for performing MMIP investigations. The professionals associated with this project bring decades of combined expertise in forensic analyses, unresolved case investigations, system development, curriculum development, and implementation of training programs for law enforcement, medical examiner, coroners, and other allied professionals. In April 2022, the COPS office published the deliverable from this project, [Unresolved Cases: A Review of Protocols and Resources for Supporting Investigations Involving American Indians and Alaska Natives](#), and on-site technical assistance to Tribal law enforcement agencies under the project is ongoing. The first on-site technical assistance was provided to the Gila River Indian Community in March 2022, and DOJ is currently identifying additional sites.

Spotlight

2022 Tribal Justice, Safety, and Wellness Summit

Co-hosted by DOI and DOJ, the 2022 Tribal Justice, Safety, and Wellness Summit was held virtually on June 6-9, 2022. The Summit joined together Federal, Tribal, State, and local law enforcement, prosecutors, advocates, court staff, victim/witness services staff, and Tribal leaders, with more than 1,000 people from across the country registered to attend the training.

FBI Director Christopher Wray and Bryan Newland, the Assistant Secretary of Indian Affairs, opened the Summit with remarks. The Summit featured speakers from Tribal nations, the FBI, the USMS, the NICTI, BIA, OTJ, DHHS, DOJ Civil Rights, U.S. Fish and Wildlife, FEMA, the National Indian Gaming Commission, NamUs, and USAOs. In an effort spearheaded by the NICTI Coordinator, the Summit included 37 individual blocks of instruction, focused on four training tracks taught by nationally recognized subject matter experts:

- Criminal Justice Personnel
- Records Collection and Data Sharing
- Tribal Courts and Corrections
- MMIP

Topics of interest in these sessions included human trafficking, implementation of VAWA 2022, domestic violence fatality reviews, Federal prosecutions in Indian country, MMIP, Using Custom and Tradition to Promote Healing in Tribal Communities, and Mitigating Trauma in the Courthouse by Understanding Changes to the Brain.

4. Promote Grantmaking That Is Accessible, Flexible, and Responsive to Tribal Needs

DOJ's grantmaking components, including the COPS Office, OJP, and OVW provide grants to Tribal communities to address numerous public safety issues. The grants are used to support law enforcement and Tribal justice practices, expand victim services, improve responses to violence against AI/AN women, and sustain crime prevention and intervention efforts throughout Tribal communities. Funding in FY2021 included more than \$73 million under DOJ's Coordinated Tribal Assistance Solicitation (CTAS), more than \$100 million under OVC's Tribal Victim Services Set-Aside Program, and more than \$46 million under OVW's Tribal programs. In addition, DOJ has created a new resource that identifies grant opportunities across DOJ that are available for Tribal communities to address public safety challenges. You can access that new grant directory at <https://www.ojp.gov/tribal-funding-directory>.

Consistent with Section 3(b) of E.O. 14053, DOJ's grantmaking components have "continue[d] to assess their respective grantmaking operations to evaluate whether any changes, consistent with applicable law, are warranted to make that grantmaking more equitable for Tribal applicants seeking support for law enforcement purposes and for the provision of services to victims and survivors." This section describes some of the recent changes that DOJ has implemented to make its grants more accessible, flexible, and responsive to Tribal needs.

Office of Violence Against Women (OVW)

DOJ consults annually, as required by statute (34 U.S.C. § 20126), on the administration of Tribal funds and programs established under the Violence Against Women Act of 1994 and its reauthorizations. Each year, OVW reviews Tribal leaders' recommendations and makes adjustments to its grantmaking policies and practices in response; reports describing the testimony received and changes made are available on OVW's website at <https://www.justice.gov/ovw/tribal-consultation>. In recent years OVW has made several changes in response to Tribal feedback, including:

- simplifying the application process,
- extending award periods,
- reaching out to new Tribal applicants and offering them planning/capacity-building grants; and
- addressing the unique challenges faced by Alaska Tribes.

In FY2022, OVW made further changes to simplify the application process for Tribal grant funding and launched a new project to assist Tribes in accessing OVW grant funding and leveraging it to meet their needs. More information about this new project is available at <https://www.ovwconsultation.org/Leveraging-TAD>.

OVW's next consultation is scheduled for September 21-23, 2022, in Anchorage, Alaska. OVW will issue framing papers with specific questions for Tribal leader input at least 30 days before the consultation, including requests for feedback on proposed or recent changes related to grantmaking.

Office for Victims of Crime (OVC)

In FY2018, Congress created a Tribal victim services set-aside (TVSSA) from the Crime Victims Fund (CVF) available to OVC for grants, consistent with the requirements of the Victims of Crime Act, to Tribes to improve services for victims of crime. Each year since, Congress has authorized between 3 to 5% of the CVF cap for the TVSSA.

OVC holds annual consultations on the TVSSA program to elicit feedback from Tribal leaders about the administration of set-aside funds. In recent years, OVC has introduced new flexibilities into its grantmaking process in response to feedback from Tribal leaders. In FY2020, for example, OVC implemented several improvements based on feedback from Tribal leaders, including:

- Establishing a Tribal Division with staff dedicated to administering the TVSSA Formula grant program, and other Tribal grant programs.
- Implementing a formula for disbursing Tribal set-aside funds after Tribal leaders expressed a strong preference that the Tribal set-aside funding from the CVF be distributed using a formula rather than as a competitive program.
- Providing the services of the Tribal Financial Management Center to provide training, technical assistance, and resources to support AI/AN communities as they successfully manage the financial aspects of their Federal awards.

In FY2021, OVC further expanded these flexibilities by:

- Offering TVSSA Program applicants flexibility to choose an award period between 12 and 60 months, an option that is unique to OVC's discretionary grant programs. This option is designed to address Tribal leaders' concerns that a 36-month award period did not adequately meet the needs of their communities.
- Eliminating the requirement that Tribes submit project abstracts with their grant applications.
- Offering Tribal applicants a choice between developing a project design narrative or simply having a conversation with OVC staff to document their project design plans.

Spotlight

Incorporating Culture into Victim Services: Three Sisters Program Saint Regis Mohawk Tribe, New York

The Three Sisters program, funded since 2018 under the TVSSA Program, offers assistance to individuals and families experiencing domestic violence, sexual assault, dating violence, harassment, stalking, bullying, exploitation, and human trafficking in the St. Regis Mohawk community. In response to clients' requests for information about cultural teachings about violence, Three Sisters incorporated elements such as Mohawk creation storytelling, workshops on the art of ribbon skirt construction, and smudging in their services. In collaboration with another local project, GOOD MINDS, Three Sisters developed affirmation cards with positive messages written in English and Mohawk. These items are used to bring medicine, cleansing, and affirmations to survivors. A medicine man is available to bring healing to the individual and their surroundings. The overall purpose of the program is to provide clients that come to Three Sisters with cultural supports as a way to replenish, and repair their mental, spiritual, and physical well-being.

Three Sisters was able to mentor another first-time OVC TVSSA tribal grantee in their journey to create a victim service program from the ground up. Three Sisters provided program resources, mentoring, and conducted joint community education and awareness activities with the new program to help them establish themselves.

Through consultation, Tribal leaders have also conveyed to OVC that it is imperative that AI/AN communities have flexibility in designing and implementing victim services programs to support victims' families in MMIP cases, especially women and children. In response to the recommendations of Tribal leaders, OVC has broadened the scope of the TVSSA to allow grantees to use their funds to address MMIP. This change creates an opportunity for Tribal communities to direct much-needed funding toward meeting the needs of the families of MMIP, generating awareness of MMIP, and creating systemic change that can help remove barriers to helping victims of MMIP and their families find justice. Starting in FY2022, TVSSA applicants can propose to use their funding to support victim services in circumstances where the individual who is missing is:

- (1) known to be the victim of kidnapping or human trafficking (or was being groomed by a trafficker), including circumstances where adolescents in foster care disappear and are suspected of having been lured or coerced away from home by a trafficker;
- (2) the subject of a law enforcement investigation;
- (3) feared by family members to be a crime victim; or
- (4) known to have a prior history of crime victimization.

Applicants may also propose to use their funds to develop response protocols among a multi-disciplinary, inter-jurisdictional group of agencies and organizations responsible for responding to cases of MMIP and educating the community about what to do when a loved one goes missing. Activities to educate the community about the intersection of MMIP and other crimes by integrating MMIP into existing awareness events (awareness month activities for domestic violence, sexual assault, stalking, and human trafficking), and/or generating awareness about the National Missing and Murdered Indigenous Women's Day are also allowable. This expanded flexibility for TVSSA allowable expenses will also be extended to all existing TVSSA awards.

Coordinated Tribal Assistance Solicitation (CTAS)

The Coordinated Tribal Assistance Solicitation (CTAS) was launched in direct response to concerns raised by Tribal leaders about DOJ's grant process that did not provide the flexibility Tribes needed to address their criminal justice and public safety needs. Through CTAS, Federally recognized Tribes and Tribal consortia were able—the first time ever—to submit a single application for most of DOJ's Tribal grant programs. DOJ designed this comprehensive approach to save time and resources and allow Tribes and DOJ to gain a better understanding of the Tribes' overall public safety needs.

Since 2010, through CTAS, DOJ has awarded over 2,600 grants totaling more than \$1.2 billion to improve public safety, serve victims of crime, combat violence against women, and support youth programs in AI/AN communities. In FY 2021, the awards

included more than \$73 million to 85 Tribes, Alaska Native villages, Tribal consortia, and Tribal designees. Tribes are using these funds to enhance law enforcement; combat domestic violence, dating violence, stalking, and sex trafficking; bolster justice systems; prevent and control juvenile delinquency; strengthen the juvenile justice system; serve sexual assault and elder victims; and support other efforts to address crime.

The CTAS Committee uses a variety of methods to gather input from Tribes, stakeholders, and funding agencies to improve the CTAS process. An assessment is sent annually to Tribal contacts after the open solicitation period ends to gather feedback on the CTAS. In recent years in response to Tribal feedback, the CTAS team has implemented the following changes:

- Eliminated the requirement for a Tribal Authorizing Resolution in order to submit a CTAS application (except in the case of Tribal designees or consortia). This policy change was responsive to feedback from Tribes that the requirement was burdensome and created a barrier to applying.
- Allowed for more time to fully implement projects and build toward sustainability, with project periods for CTAS awards extended to five years.
 - Aligned and streamlined the solicitation templates in order to reduce duplication and simplify the application process.
 - Provided Tribal law enforcement grants through the COPS Office's Tribal Resources Grant Program in CTAS that can assist Tribal law enforcement collaboration and MMIP.
 - Updated the Tribal Justice Systems Purpose Area to clarify that funding for violent crime investigations and MMIP efforts can be funded under this purpose area.

DOJ is committed to simplifying and streamlining the grantmaking process based on Tribal feedback. Accordingly, the CTAS Committee is in the process of gathering feedback input from Tribal leaders and contacts regarding the FY2022 solicitation and will be making improvements for the FY2023 solicitation. Improvements may include updates to the CTAS process within JustGrants, DOJ's grants management system, and other program-specific updates to assist Tribes in addressing public safety challenges through grant funding.

5. Expand the Tribal Access Program

The [Tribal Access Program](#) for National Crime Information (TAP) provides Federally recognized Tribes the ability to access and exchange data with national crime information databases for authorized criminal justice and non-criminal justice purposes. Among other uses, TAP has become an indispensable tool in providing vital law

enforcement information to Tribal police officers and to Tribal court staff, by expanding the ability of Tribal governments to effectively improve public safety in Indian country and across the United States. The program provides training as well as software and biometric/biographic kiosk workstations to process fingerprints and palmprints, take mugshots, and submit information to FBI Criminal Justice Information Services (CJIS) systems. There are currently 108 federally recognized Tribes participating in TAP. In addition, TAP is being deployed to the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) at 41 locations that provide direct law enforcement services for more Tribes.

Using TAP, Tribes have shared information about missing persons; registered convicted sex offenders; entered domestic violence orders of protection for nationwide enforcement; run criminal histories; identified and arrested fugitives; entered bookings and convictions; and completed fingerprint-based record checks for non-criminal justice purposes such as screening employees or volunteers who work with children. DOJ offers TAP services through one of the following two methods:

- TAP-LIGHT: Provides a web-based application that enables full access (both query and entry capabilities) to national crime information databases such as the NCIC, the Interstate Identification Index (III), and the International Justice and Public Safety Network (Nlets) for criminal justice purposes.
- TAP-FULL: In addition to the basic access capabilities of TAP-LIGHT, TAP-FULL provides a kiosk workstation that enables Tribes to submit and query fingerprint-based transactions via the FBI's Next Generation Identification (NGI) system for both criminal justice and non-criminal justice purposes, digitally capture finger and palm prints as well as scan hand-rolled finger and palm print cards and photograph individuals during sex offender registration and verification.

Additional information about TAP and participating tribes, including the requirements for participating Tribes, can be found at <https://www.justice.gov/tribal/tribal-access-program-tap>. Consistent with Section 4(b) of E.O. 14053, DOJ will:

- Pursue permanent funding for TAP. The President's FY2023 budget request includes \$6 million in funding for TAP.
- Explore ways to continue expanding participation. DOJ seeks to expand TAP to all Federally recognized Tribes and Tribal consortia that are eligible and committed to participation. To that end, on July 1, 2022, TAP opened an application period for new participants, which for the first time made intertribal consortia eligible to apply for participation. DOJ expects this new option to significantly increase the number of Tribes that will benefit from TAP, particularly in Alaska.

- Seek to expand coordination with Tribes to respond to their expressed needs for additional technological resources, such as mobile fingerprint devices, in remote areas where access to services and technologies is limited.

6. Improve Recognition and Enforcement of Tribal Protection Orders

Recognition and enforcement of Tribal court protection orders by non-Tribal jurisdictions is both an important public safety measure and a potential mechanism for preventing MMIP. VAWA, codified at 18 U.S.C. § 2265, provides for full faith and credit of those orders, requiring States, Tribes, and territories to enforce a qualifying protection order from outside the enforcing jurisdiction as if that jurisdiction had issued the protection order. The enforcing jurisdiction cannot require registration of the order, or notification of such registration to a respondent, as a prerequisite for enforcement. At annual consultations pursuant to VAWA, Tribes have recommended educating all jurisdictions on the requirements of section 2265 and supporting Tribes in entering their orders into the NCIC protection order file to facilitate enforcement across jurisdictional boundaries.

In response, OVW and the BJA have supported targeted training and technical assistance through the National Center on Protection Orders and Full Faith and Credit and www.TribalProtectionOrder.org, an online resource with tips for drafting orders, a library of resources, and webinars. In addition, the Center provides site-specific support for county/Tribal collaboration to identify and resolve barriers to enforcement of Tribal orders, as well as training on issuance, service, and enforcement of Tribal orders at Tribal and other conferences. Likewise, in addition to other initiatives described at *supra* Part I.C.3, DOI works with Tribes to fund specific training on VAWA protection orders through the BIA Cooperative Agreement.

Moreover, OVW and BJA are currently collaborating on a project focused on the full faith and credit enforcement of Tribal protection orders in Alaska that includes training for State law enforcement, prosecutors, and courts on enforcing Tribal orders and training for Tribes on issuing orders of protection that are entitled to full faith and credit enforcement by the state. Development of training curricula is underway, already improving collaboration between the State and Tribal organizations that are developing the training. OVW and BJA intend not only that this project will make a difference for protection order enforcement in Alaska, but that it also can be a model for addressing the issue of state enforcement of Tribal protection orders in other parts of the country.

To encourage Tribes to enter protection orders entitled to full faith and credit into NCIC, DOJ has been systematically communicating with each Tribe participating in TAP to assess whether and how frequently they are using TAP to enter their protection orders into CJIS systems. These assessments include identifying and addressing barriers to entering orders, including making sure that the correct staff have been trained to enter orders and reviewing Tribal codes and protection order forms, if requested by the participating Tribe. Tribes are offered technical assistance that will help them address the identified barriers and more effectively use TAP to enter their protection orders into NCIC.

Looking Forward: Implementing the Violence Against Women Act Reauthorization Act of 2022

The 2022 Violence Against Women Act Reauthorization Act (VAWA 2022) expanded upon the historic recognition in the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) of Tribes' inherent authority over certain offenses committed by non-Indian offenders. VAWA 2013 recognized Tribal jurisdiction of crimes of domestic violence, dating violence, and violation of certain protection orders. Renaming this jurisdiction as Special Tribal Criminal Jurisdiction (STCJ), VAWA 2022 recognized that this authority extends to crimes of sexual violence, child violence, stalking, sex trafficking, assault of Tribal justice personnel, and obstruction of justice.

DOJ's OVW administers grant funding to support Tribes in exercising the jurisdiction recognized in VAWA 2013 and VAWA 2022. These funds can be used for a broad range of activities, including efforts to strengthen Tribal criminal justice systems, provide indigent criminal defense, conduct jury trials, and provide services and rights to crime victims. In total, OVW has awarded nearly \$18 million to 37 Tribes under this grant program. Of the 35 Tribes with active grant awards under the program, 18 are exercising the VAWA 2013 jurisdiction, and the other 17 are using grant funds to support planning and capacity-building efforts. The FY2022 solicitation for these grants closed in March 2022, and OVW expects to award up to \$5 million by September 30, 2022.

DOJ and DOI also support Tribes' implementation of the VAWA jurisdiction through the Intertribal Technical Assistance Working Group (ITWG), which it established in 2013 for Tribes to exchange views, information, and advice about how best to exercise the jurisdiction, recognize victims' rights and safety needs, and fully protect defendants' rights. Over 50 Tribes have joined the ITWG, where earlier implementing Tribes have discussed challenges and successes with other Tribes and shared best practices, including their revised Tribal codes, court rules, court forms, jury instructions, and other tools developed to implement the jurisdiction. Both DOJ and DOI have consistently heard that sharing these "on the ground" experiences has been effective not only in the implementation of VAWA and the TLOA, but also in implementing basic components of a Tribal justice system more broadly.

VAWA 2022 also recognized the inherent authority of participating Alaska Tribes designed by the Attorney General under a pilot program to exercise STCJ over a defendant for a covered crime that occurs in the participating Tribe's Village. The Attorney General, in consultation with the Secretary of the Interior and affected Tribes, will establish a process to designate participating Alaska Tribes. Likewise, VAWA 2022 directs the Attorney General, in consultation with the Secretary of the Interior, affected Tribes, and the State of Alaska, to establish an Alaska Public Safety Advisory Committee Pilot Program comprised of Federal, Tribal, and State law

enforcement, as well as Tribes and Tribal victim service providers. On July 19 and 20, 2022, and August 3, 2022, DOJ will hold [consultations on the Alaska Pilot Program](#) called for in the 2022 VAWA Reauthorization. These discussions will be focused on the development and implementation of the Pilot Program but will also include discussions about the persistent public safety concerns in Native Alaska communities, including recognition and enforcement of protection orders.

Starting in FY2023, VAWA 2022 also establishes a new program to reimburse Tribal governments for a broad range of expenses incurred in exercising STCJ, including investigations, arrests, prosecutions, detention, supervision, indigent defense counsel, treatment, rehabilitation, and re-entry services. Tribes that are already exercising the VAWA 2013 jurisdiction have recommended this type of program as more responsive to their needs than a traditional grant program. OVW has already begun planning for this new funding stream, which VAWA requires to be implemented through the issuance of regulations after consultation with Tribes. To meet the March 2023 deadline for issuing these regulations, OVW has [scheduled](#) a special consultation on July 28 and 29, and issued a [framing paper](#) with detailed questions for Tribal leaders to consider in providing recommendations for this new program. VAWA 2022 authorized an annual appropriation of \$25 million, from FY2023 through FY2027, for OVW's existing grant program and this new reimbursement program, with no more than 40% of the annual appropriation to be used for reimbursements.

D. Pillar 4: Improve the Federal Response to Victims, Survivors, and Families

As part of its comprehensive Federal law enforcement strategy, DOJ, in coordination with DOI and other agencies, is committed to defending the rights of and providing services to AI/AN victims of crime. For years, victims, their families, and Tribal organizations and representatives have expressed a need for improved communication and response from DOJ's law enforcement components. In response to those calls, DOJ has announced a new National Native American Outreach Services Liaison, who will serve as a central point of contact for individuals, organizations, community groups, and victim services agencies in Tribal communities. DOJ's law enforcement agencies will also implement changes to their protocols, practices, and training programs to better meet the needs of victims, survivors, and their families, including forthcoming revisions to the [Attorney General Guidelines for Victim and Witness Assistance](#).

1. Establish a New National Native American Outreach Services Liaison

DOJ has heard a clear and consistent message that it must do more to reach AI/AN victims, survivors, and families. On May 5, 2022, and consistent with Section 2 of E.O. 14053, DOJ announced the creation of a new position to spearhead DOJ's efforts: a National Native American Outreach Services Liaison (Liaison). The Liaison will be located in EOUSA's Legal Programs Office, and the Liaison will help amplify the voices of victims and their families within DOJ as they navigate all stages of the criminal justice system. In particular, the Liaison's responsibilities will include:

- Providing expert consultative services to Legal Programs leadership on a wide range of management and operational matters involving victim-related issues in Indian country matters, including MMIP cases;
- Assisting USAO, Tribal, State, and local victim services programs to expand existing protocols, provide culturally specific victim-centered practices, and working with Federal, Tribal, and State law enforcement agencies to improve communication with and for crime victims in Indian country;
- Developing, implementing, and providing oversight for a communications plan, including specific strategies and protocols for responding to victim-related inquiries, that will help DOJ communicate with victims, families of victims, and advocates of victims for criminal cases in Indian country in an effective, consistent, and culturally and linguistically appropriate way;
- Planning, analyzing, and evaluating the effectiveness of legal programs, victim-witness staff programs, activities, and resources relating to Indian country and MMIP matters; and
- Providing real-time, continuous improvement of organizational and EOUSA activities and initiatives.

In her directive, the Deputy Attorney General reiterated to all Federal prosecutors and law enforcement agents DOJ's support for this position and required them to adopt the policies and protocols established by the Liaison into their own operating plans.

2. Improve Training and Cultural Competence Among Federal Law Enforcement Agents

As noted above, working effectively with victims and families of victims in both criminal cases and missing person cases is at the heart of every investigation. In so doing, agents and prosecutors must use victim-centered, trauma-informed, and culturally and linguistically appropriate methods, especially in Indian country. Consistent with Section 3(v) of E.O. 14053, DOJ, HHS, and DOI have joined together to tackle this work, and have developed a three-part plan for completing it:

- First, the agencies are in the process of collecting the current protocols in place within Federal law enforcement, as well as the material from current and recent MMIP work, including the TCRPs, USAO draft guidelines, and Operation Lady Justice's Family Resource Guide. In addition, the group is reviewing past consultations and listening sessions where these concerns were raised to ensure that the protocols reflect Tribal concerns and feedback.
- Second, following that review, the agencies will draft specific protocols for Federal law enforcement agencies, which will center on the use of victim-centered, trauma-informed, and culturally and linguistically appropriate methods in working with victims, survivors, and families during all investigations. Once those protocols are finalized, they will be incorporated into the agency policies, and training will be provided.
- Third, using those protocols as a guides, the agencies will work with Tribal, State, and local law enforcement agencies and officers, including by offering training courses for credit and drafting educational materials.

Throughout these efforts, National Indian Country Training Initiative will continue to serve as a critical resource to ensure that DOJ personnel, as well as State and Tribal criminal justice and social welfare professionals, receive the training and support needed to address the challenges relevant to Indian country investigations and prosecutions.

Looking Forward: Implement Revised Attorney Generals' Guidelines

The [Attorney General Guidelines for Victim and Witness Assistance](#) (AG Guidelines) provide guidance to DOJ personnel on how to fulfill their obligations to victims and witnesses to crime under statutory and other authorities. DOJ has not comprehensively updated the AG Guidelines since 2011, but on October 1, 2021, Deputy Attorney General Lisa Monaco reconvened DOJ's Crime Victims Working Group to review the AG Guidelines and propose recommended revisions. DOJ looks forward to issuing the revised AG Guidelines, which will include important updates guiding how DOJ's prosecutors and law enforcement personnel should interact with Tribal victims, survivors, and their families.

E. Pillar 5: Increase Federal Agencies' Public Outreach and Awareness Campaigns

As part of its strategy, DOJ, in coordination with DOI and other agencies, recognizes a responsibility to engage not only with its law enforcement partners, but also with the general public to promote awareness of the public safety challenges facing AI/AN communities and offer resources and lines of communication for support. This section summarizes the federal government's recent efforts to enhance public outreach and awareness.

1. Expand Public Access to Information Regarding MMIP

The public is a critical partner in preventing and responding to MMIP cases, and DOJ has therefore launched several recent initiatives designed to help the public better understand this pressing public safety problem.

Increased Information and Resources Through Digital Platforms

DOJ recognizes the importance of transparency as it implements Savanna's Act, the Not Invisible Act, and the work of the MMIP Steering Committee. In April 2022, DOJ launched a [new page](#) on the Tribal Justice and Safety website dedicated to elevating the issues of MMIP. This new website serves as a hub of resources for families and victims, migrates resources previously housed on the Operation Lady Justice website, and also promotes transparency about DOJ's ongoing law enforcement efforts. It includes:

- Quick Links relevant to reporting and identifying missing persons;
- [Education and resources](#) for victims and families, law enforcement, service providers, and Tribal communities, as well as information on prevention and Federal grant funding;

- [Information](#) on DOJ’s upcoming and past Tribal consultations and listening sessions;
- [Data and research](#) on AI/AN people who have gone missing or been murdered, including links to resources from states and Tribes that collect and analyze this data; and
- [Updates](#) on DOJ’s ongoing work pursuant to Savanna’s Act to improve the Federal response to MMIP.

In December 2021, DOI created a new website dedicated to MMIP issues: bia.gov/mmu. The site is an important tool to help law enforcement, families, and communities share critical information about missing or murdered individuals that can help DOI’s MMU solve cases and give closure to families. The website showcases individual MMIP case profiles that can be quickly shared through social media and other digital media to raise the visibility of victims. It also provides multiple pathways to submit important tips and other case information that may help investigators detect or investigate offenses committed in Indian Country.

Increase Culturally and Linguistically Appropriate Outreach

As explained above, the FBI plays a critical role in investigating and responding to crimes in Indian country, and to succeed in its mission, the FBI relies on engagement with and tips from the public. In May 2021, the FBI launched a new webpage dedicated to cases of missing persons in Indian country, as part of its “Most Wanted” section of FBI.gov.

The FBI recognizes, however, that it is critical to continue to build capacity around culture, traditions, and language needs and the best ways to engage with Indigenous populations. The expansion of Indigenous language programs is an opportunity for communities to see the FBI as potential career path.

Spotlight

Navajo Language Initiative

In March 2020, the FBI field offices in Albuquerque and Phoenix began issuing posters in the Navajo (Diné) language asking for information about more than a dozen unresolved homicide and missing person cases. Last February, the FBI started including audio clips in Navajo with the posters and, in April 2021, it began airing a 90-second radio ad on the Navajo language radio station KTNN in connection with the fatal shooting of Lee Michael Pahe. Pahe was a resident of Ft. Defiance, AZ, and was found fatally shot in Naschitti, NM, on July 26, 2021. The FBI is offering a reward of up to \$5,000 for information leading to the arrest and conviction of whoever was responsible for his killing.

The use of Indigenous languages in the FBI’s work related to MMIP cases speaks directly to the FBI’s forward leaning work to address violence in Indian Country. The FBI recognizes there are other Indigenous language needs besides Navajo and hopes to progress forward in developing other Indigenous language services.

Looking ahead, the FBI will work with DOJ's newly appointed Language Access Coordinator in the Office of Access to Justice to improve and enhance awareness of this campaign, including through the increased use of Indigenous languages in its work. The Spotlight captures one such effort, and DOJ looks forward to expanding this initiative.

Conduct NamUs Awareness Campaign

Sharing missing person information via the NamUs Program assists law enforcement investigations and aids family members in searching for a loved one. As part of NIJ's effort to increase NamUs Program outreach and awareness efforts to Tribal communities and law enforcement agencies, extensive efforts were targeted to Tribal audiences from 2018 through 2020.⁴⁸ Additionally, in support of *Savanna's Act*, the NamUs Program has implemented an enhanced Tribal Communication and Outreach Plan. This plan provides a framework for engagement, education, and reporting opportunities that is geared specifically to Tribes, Tribal organizations, urban Indian organizations, and other AI/AN groups and users. These efforts are expected to help bridge the communication gap among stakeholder communities to foster enhanced information sharing and case support. The plan details objectives with measurable goals which include disseminating detailed demographic reports, educational materials for families of the missing or unidentified, including disseminating detailed demographic reports, educational materials for families of the missing or unidentified families, and outreach to Federal, Tribal, State, local, and national organizations that support AI/AN case resolutions. Recent engagements include trainings and presentations at the Navajo Nation, the International Association of Chiefs of Police Indian Country Law Enforcement Section's Mid-Year Meeting, and DOI's 2022 Tribal Justice, Safety, and Wellness Summit (discussed in the spotlight above).

Stakeholders of the NamUs Program include law enforcement, medical examiners, coroners, allied forensic professionals, victim service providers, and family members of missing persons. To support the sharing of information about how NamUs works, the NICTI and NIJ filmed a new video series consisting of several of training modules on the NamUs Program. These videos will be available on multiple DOJ-sponsored websites free of charge to Federal, Tribal, State, and local criminal justice and social service personnel and Tribal leaders.

2. Improve AMBER Alert in Indian Country

Consistent with Section 2 of EO 14053, DOJ is also committed to expanding AMBER Alert⁴⁹ in AI/AN communities. The AMBER Alert system began in Dallas-Fort Worth, Texas, when broadcasters partnered with local law enforcement to develop an early warning system to help find abducted children. Between its 1996 inception and

⁴⁸ NamUs outreach efforts in 2021 were limited due to COVID travel restrictions and programmatic modifications, which limited available staffing.

⁴⁹ AMBER is a now-familiar acronym for America's Missing: Broadcast Emergency Response.

December 31, 2021, the AMBER Alert system has directly contributed to the recovery of 1,111 missing children. In 2003, Congress enacted the PROTECT Act, which, among other things, codified the national AMBER Alert Coordinator role within OJP. AMBER Alert plans created through the PROTECT Act formed a nationwide plan that allowed law enforcement agencies across the country to alert the public when a child was abducted.

In 2018, AMBER Alert was extended to Tribal communities through the “Ashlynnne Mike AMBER Alert in Indian Country Act,” which was passed in the wake of the tragic murder of Ashlynnne Mike, an 11-year old from the Navajo Nation. The 2018 Act facilitated the integration of Tribal AMBER Alert systems into state and regional systems, and under this legislation, Tribal communities and State programs have the opportunity to collaborate on agreements and resolutions that would provide access to the AMBER Alert system for all Tribes.

To further support the implementation of the Ashlynnne Mike AMBER Alert in Indian Country Act of 2018, OJJDP will work with the AMBER Alert Training and Technical Assistance Program (AATTAP) to implement a five-year plan to facilitate the national implementation of AMBER Alert in all qualified federally recognized tribes. The key components of this five-year project include:

- educating and informing Tribes about AMBER Alert through publications, webinars, National AMBER Alert Symposium, AMBER Alert in Indian Country website, meetings, and regional AMBER Alert liaison meetings;
- conducting an annual assessment of the current status of AMBER Alert plans in Tribal communities and the obstacles to implementation;
- facilitating State/Tribal meetings with stakeholders from the State and regional AMBER Alert programs and representatives from Federally recognized Tribes to assist in the integration of State/Tribal AMBER Alert communication plans; and
- providing training and technical assistance to Tribes and their partners to support the development and implementation of Tribal systems improving capabilities, and facilitating coordination with State and regional AMBER Alert Plans.

Since it began on October 1, 2021, AATTAP has provided much-needed training and resources to the field. These resources include distributing 35 Technology Toolkits intended to allow Tribes to participate virtually in meetings and trainings and to utilize during a child abduction or endangered missing child event. The toolkits include a laptop, which is preloaded with NCMEC resources and the [OJJDP AMBER Alert Best Practices Guide](#) that can be accessed onsite when responding to instances of missing or abducted children. In addition, AATTAP has conducted several webinars and online training sessions, including, but not limited to: the National AMBER Alert and AMBER Alert in Indian Country Symposium (described in the Spotlight above); Missing Child Investigations in Indian Country; Long-Term Missing Children in Indian Country; and

child-abduction response-plan reviews. Finally, additional training classes and outreach are scheduled throughout the summer.

During consultations, Tribal participants expressed interest in establishing an alert system in Tribal communities but reported challenges with integrating the AMBER Alert System, which is limited to reports of missing children. *See supra* Part I.B. For that reason, in addition to the steps to improve AMBER Alert described above, DOJ is also partnering with DHS/FEMA to promote its Integrated Public Alert and Warning System (IPAWS). IPAWS is a free internet-based tool that Tribal officials can use to issue public alerts and warnings, such as Missing Person alerts or Health Safety alerts, to their jurisdiction. IPAWS allows Tribes the capability to deliver a single alert simultaneously through multiple communication pathways. Moreover, IPAWS is scalable, can be linked across Tribes, and alert types can be adapted to meet Tribal parameters, including reports for any age range.

Conclusion

The plan outlined in this report reflects a sustained and coordinated effort to focus the resources of the Federal government's resources to address public safety in AI/AN communities, including the disproportionate rates of murders and missing persons reported in AI/AN communities. These disparities are unacceptable, and together, the agencies will endeavor to address this crisis in a victim-centered, trauma-informed, and culturally and linguistically appropriate way.

Appendix A

These are terms that are mentioned in the E.O. 14053, *Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing and Murdered Indigenous People (MMIP)*

Tribal nation	An American Indian or Alaska Native Tribe, band, nation, Pueblo, village, or community that the Secretary of the Interior acknowledges as a Federally recognized tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131.
Native American / Native	Enrolled members of one or more Tribal nations.
Tribal leader	Elected or appointed government official of a Tribal nation.
Indian country	Defined in 18 U.S.C. § 1151 as (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Includes (1) Federal reservations, whether created by statute or Executive Order, see <i>Donnelly v. United States</i> , 228 U.S. 243 (1913), including fee land, see <i>United States v. John</i> , 437 U.S. 634 (1978); <i>Seymour v. Superintendent</i> , 368 U.S. 351 (1962); (2) dependent Indian communities, see <i>Alaska v. Native Village of Venetie Tribal Government</i> , 522 U.S. 520 (1998) (land that is neither a reservation nor an allotment which has been validly set aside for the use of the Indians as Indian land, and under the superintendence of the government); and (3) Indian allotments to which title has not been extinguished, see <i>United States v. Pelican</i> , 232 U.S. 442 (1914), and <i>United States v. Ramsey</i> , 271 U.S. 467 (1926).
Tribal governments	Federally recognized Tribal nations with sovereign authority and power to govern themselves.
Tribal consultation	Formal, government-to-government dialogue between official representatives of Tribes and Federal agencies to discuss Federal proposals before the Federal agency makes decisions on those proposals.

American Indian/Alaska Native	Enrolled members of one or more Tribal nations.
Indigenous people	Living descendants of pre-invasion inhabitants of lands that are now dominated by others, who reside in communities with an identity that connects them with their past ancestors (excerpted from <i>Indigenous Peoples in International Law</i> , S. James Anaya).
Urban Indian Organization	A nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities, pursuant to 25 U.S.C. 1603(29).

Appendix B



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

FEB - 7 2022

Dear Tribal Leader:

The U.S. Departments of the Interior (DOI) and Justice (DOJ), in coordination with Health and Human Services (HHS), Energy, and Homeland Security (DHS) (together the Agencies), are seeking Tribal and stakeholder input related to the policy directives outlined in Executive Order (E.O.) 14053—Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People.

Among other goals, E.O. 14053 aims to improve federal coordination efforts to prevent and respond to violence against Native Americans and support Tribal governments and other non-federal law enforcement efforts in this endeavor. E.O. 14053 also calls on the Federal Government to improve data collection and information sharing practices and strengthen prevention, early intervention, and victim and survivor services.

The Agencies wish to consult with Tribal governments to solicit comments and recommendations regarding implementation of the E.O.'s interagency strategies and policy directives, with a focus on how Agencies can promote cross-agency coordination to serve Tribal communities. Please note, additional consultations will focus on specific deliverables or subjects covered in the E.O., including DOJ's consultation on public safety and justice scheduled for March 16, 2022 to March 17, 2022, as well as upcoming consultations that will be announced by HHS.

To guide the development of the Agencies' plans in response to the E.O., we are particularly interested in your feedback on the following questions:

- (1) Pursuant to the E.O., the Agencies will develop a strategy to improve cross-agency federal law enforcement efforts to prevent and respond to violent crime, reports of missing persons, and trafficking, as well as interagency efforts to support victims and families. There are numerous ways in which federal agencies cooperate on law enforcement activities in Native communities. For example, a Bureau of Indian Affairs (BIA) officer might refer an investigation to the Federal Bureau of Investigation (FBI); the DOJ might partner with DHS on a human trafficking investigation; or a Tribal member that has been a victim of a crime may interact with both BIA and DOJ victim service specialists. The Agencies invite you to share your experiences with interagency policies or practices, including any gaps or redundancies with these policies or practices in the following categories:
 - a. Investigations and enforcement

- b. Services for victims
 - c. Communications with families or communities
 - d. Prevention and intervention programs or initiatives
- (2) Pursuant to the E.O., the Agencies will work to better support Tribal, local, and relevant State enforcement agencies. To inform our plans in this area we welcome your feedback on the following questions:
- a. What tools, training, or resources do you need? What federal policies or practices impede your ability to carry out effective enforcement or prevention activities?
 - b. What federal policies or practices impede the delivery of services to victims of crime?
- (3) The Agencies have engaged in a number of discussions with Tribal representatives on how to improve data and information sharing. During those discussions, we have heard concerns that data on Tribal victims is not consistently or accurately collected or reported across agencies or jurisdictions; that Tribal agencies and urban Indian organizations would welcome targeted training on making fuller use of current databases; that the number of federal databases is difficult to track; and that Tribal agencies and organizations would benefit from increased information sharing across databases and jurisdictions.
- a. Are there information sharing programs or databases that work well for you? What makes them helpful?
 - b. What data is not being collected by federal agencies but should be?
- (4) The E.O. calls on the Secretary of Health and Human Services, in consultation with the Secretary of the Interior and Tribal Nations and after conferring with other agencies, researchers, and community-based organizations supporting indigenous wellbeing, including Urban Indian Organizations, to develop a comprehensive plan to support prevention efforts that reduce risk factors for victimization of Native Americans and increase protective factors by enhancing the delivery of services to victims, survivors, and their families and advocates.
- a. What are the most critical components of the prevention plan for HHS to consider?
 - b. How can HHS best partner with interested parties in developing this comprehensive plan?

These questions are not intended to limit feedback; the Agencies welcome any feedback. The DOI and DOJ will conduct 3 joint webinar consultation sessions and will accept both oral and written comments. The following table lists dates and times of each consultation and registration information. After registering, you will receive a confirmation email containing information about joining the meeting.

The consultation schedule is as follows:

Date	Time	Location
Wednesday, March 9, 2022	12:00 p.m. - 2:00 p.m. PT Pacific and Alaska Time Zone Tribes	Register in advance for this consultation: https://www.zoomgov.com/meeting/register/vIlsd-mgqTooHG5O16k8FQrFmXDijfW5ASg
Thursday, March 10, 2022	1:00 p.m. - 3:00 p.m. MT Mountain Time Zone Tribes	Register in advance for this consultation: https://www.zoomgov.com/meeting/register/vJitc-GprDkpErqM0RvHYR87Y5k0Z8Lus70
Friday, March 11, 2022	3:00 p.m. - 5:00 p.m. ET Eastern and Central Time Zone Tribes	Register in advance for this consultation: https://www.zoomgov.com/meeting/register/vIlse-qvpjMrErJFSHBZfbFAiU8BdbE A8k

You may provide your written input to consultation@bia.gov by **11:59 p.m. Eastern Time on Friday, March 18, 2022**. We look forward to speaking with you. If you have any questions regarding this effort, please contact Rose Petoskey, Senior Counselor to the Assistant Secretary - Indian Affairs, at rose.petoskey@bia.gov or by phone at (202) 208-7163.

Sincerely,



Bryan Newland
Assistant Secretary - Indian Affairs
U.S. Department of the Interior



Tracy Toulou
Director, Office of Tribal Justice
U.S. Department of Justice

Appendix C

US Department of Justice Consultation on Meeting the Public Safety and Criminal Justice Needs of Native Americans

Framing Paper

The Department of Justice considers it a priority to address the disproportionately high rates of violence experienced by Native Americans, and relatedly, the number of Indigenous persons reported missing.

On November 15, 2021, President Biden signed [Executive Order 14053](#), which is aimed at improving public safety and criminal justice for Native Americans and addressing the issues of missing or murdered Indigenous people. Pursuant to the Executive Order, the Departments of Justice, Interior, Health and Human Services, and Homeland Security will work with “Tribal Nations and Tribal partners to build safe and healthy Tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services.”

In November 2021, the Department of Justice launched a [Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons](#). The Committee, which includes representatives across the Department, will review the Department’s current guidance, policies, and practices; make recommendations to better facilitate the work to address the issues of missing or murdered indigenous persons; and develop a comprehensive plan to strengthen the Department’s work, which will be submitted to the President within 240 days. As the Deputy Attorney General noted in her memorandum establishing the Steering Committee, “challenges faced by Tribes are best met by Tribal solutions.” Outreach and communication with Tribes will therefore be fundamental to the Steering Committee’s efforts.

On January 14, 2022, the Department of Justice invited Tribal Leaders to government-to-government consultations. This consultation is scheduled from March 16 to March 17, 2021. You can find the invitation and the links for registration [here](#). This framing paper is designed to support our discussion.

Please note that in addition to this consultation, the Departments of Justice and Interior will co-host a separate interagency consultation to solicit feedback on implementation of the Executive Orders. That consultation is scheduled for March 7- March 9, 2022. The Department is also in the process of holding separate consultations on its grant programs¹ and appreciates the feedback you have provided on ways to make

¹ For example, the Office on Violence Against Women holds an annual consultation, next [scheduled](#) for September 21-23, 2022, in Anchorage, Alaska. Likewise, the Office for Victims of Crime held a consultation on the Tribal Set-Aside for the Crime Victims Fund for Fiscal Year 2022 from January 13 to January 14, 2022.

those programs more accessible and equitable, which is critical to the assessment of grantmaking operations required by section 3(b) of the Executive Order.

Questions for Discussion

In this consultation, we seek your input on how the Department's work can better serve your public safety and justice needs. Below, we offer some specific questions for consideration in advance of our consultation sessions. These questions are not intended to limit feedback; DOJ welcomes broader input on our activities in support of public safety in Native communities.

I. How can the Department of Justice better meet your public safety needs?

The Department will use feedback during these sessions to review existing policies and practices across the Department of Justice, including guidance to the U.S. Attorney community and law enforcement agencies. In 2010, the Department issued new [guidance](#) to U.S. Attorneys in support of a broader Tribal public safety initiative. This guidance ushered in an era of increased communication and collaboration between Tribal Nations and the Department of Justice. Pursuant to that policy, DOJ now requires that every U.S. Attorney's Office located in a District that serves federally recognized Tribes appoint a Tribal Liaison and establish annual consultations with the Tribes in their Districts.

DOJ seeks to strengthen our nation-to-nation relationship and build on those policies and practices that are beneficial to Tribal communities. With that in mind, we would appreciate your perspective on the following questions:

- Do the Department's operations or programs address the most pressing public safety issues in your community?
 - If not, what issues are not being addressed by DOJ resources, including funding, law enforcement activities, policy, training, or programs?
- Are there ways that DOJ can strengthen partnerships between Tribes and its U.S. Attorney's Offices?
- How can DOJ strengthen its relationship between Tribes and DOJ's other law enforcement components, including FBI and USMS?

II. How can DOJ best implement the President's new Executive Order?

The Department of Justice will also use these discussions, along with the other consultations described above, to develop our response to the new Executive Order. During our March 7-9, 2022 interagency consultation, we will focus on how the federal government can promote cross-agency coordination to serve Tribal communities. During our March 16-17, 2022, consultation, the Department hopes to follow up with more specificity on the following provisions covered in the new Executive Order:

Section 2 of the Executive Order

Section 2 of the Executive order directs the Department of Justice, working with the Department of Interior and other agencies, to build on existing efforts to develop a coordinated and comprehensive Federal law enforcement strategy to prevent and respond to violence against Native Americans, including to address missing or murdered indigenous people where the Federal Government has jurisdiction.

- Among other things, this strategy will include a plan to expand Native American participation in the Amber Alert in Indian Country initiative. OJJDP, through the AMBER Alert Training and Technical Assistance Program (AATTAP), has dedicated funding to support a 5-year plan to facilitate the national implementation of AMBER Alert in all qualified federally recognized tribes ([AMBER Alert in Indian Country initiative](#)). This plan will address State/tribal Amber Alert integration.
 - What are the unique needs of Tribes when it comes to cases of missing children?
 - What should DOJ keep in mind as it works to strengthen the AMBER Alert in Indian Country initiative?
- Since 2010, the Department's National Indian Country Training Initiative has provided specialized training to thousands of Department prosecutors and federal, Tribal, and state criminal justice and social service personnel to address the challenges relevant to Indian Country investigations and prosecutions.
 - How have these services made a difference in your community?
 - Are there additional trainings that the Department should offer to:
 - Federal prosecutors or law enforcement officers?
 - State and local law enforcement officers?
 - First responders or prosecutors in your communities?
 - Pursuant to the Executive Order, the Department's strategy will include protocols for effective, consistent, culturally, and linguistically appropriate communication with families of victims and their advocates, including through the creation of a designated position within the Department of Justice assigned the function of serving as the outreach services liaison for criminal cases where the Federal Government has jurisdiction.
 - Have you or your community members had experience with the Department's victim services? If so, what was that experience like?

- How can the Department, including its law enforcement components, improve its communication with victims and their families in your community?
- Are there additional efforts the Department should prioritize when developing this federal law enforcement strategy?

Section 3 of the Executive Order

Section 3(a)(iii) of the Executive Order directs the Department of Justice to promote coordination of Federal, State, local, and Tribal law enforcement, including, as appropriate, through the development and support of Tribal Community Response Plans (TCRPs). TCRPs, which are led by the Tribes, establish local protocols for handling missing person cases in a way that respects the views of victims and their families.

During the past two years, the Department has worked with more than 20 Tribes to start developing TCRPs.

- Is your Tribe interested in developing and implementing a TCRP?
- How can DOJ help your Tribe develop a TCRP?
 - In June 2013, DOJ established an inter-Tribal working group to support Tribes exercising the special domestic violence criminal jurisdiction described in the 2013 reauthorization of the Violence Against Women Act. The inter-Tribal group continues to meet regularly to discuss challenges, best practices, and technical matters. Would an inter-Tribal working group on community response plans or MMIP-related topics be a good resource for your Tribe? Would your representatives have the time to participate?
 - DOJ plans to publish general guides on developing these community response plans. What additional assistance can DOJ provide to aid you in tailoring this guidance to your community?
- What else can the Department do to better promote coordination among Federal, Tribal, State, and local law enforcement partners?

Section 3(a)(v) of the EO directs DOJ and DOI to assist Tribal, state and local law enforcement entities' ability to apply linguistically appropriate, trauma-informed, and victim-centered practices when working with victims of crime, as well as to help Tribal communities develop prevention strategies and recognize the indicators of human trafficking affecting Native Americans.

- Do any law enforcement agencies within your area, including Tribal law enforcement, utilize trauma-informed, victim-centered practices when working with victims of crime?
- What would you like to see, if anything, changed about how law enforcement

entities work with victims of crime?

- Does your Tribal Community have a human trafficking prevention strategy?
- What does human trafficking look like within your community?

Section 4 of the Executive Order

Section 4 of the Executive Order addresses data collection, information sharing, access to data, and education and outreach around law enforcement databases. The Department held a consultation in June 2021 addressing many of these themes and appreciated the thoughtful feedback provided by Tribal members during those discussions. The Department is implementing changes in response to your feedback and its formal response to comments received during consultation is available [here](#). To follow up on those discussions:

- Has your Tribe experienced barriers to submitting tribal data to federal criminal databases and systems?
 - If so, which systems/databases? What were the barriers?
 - Can you describe any cases or activities impacted by this lack of access?
- Has your Tribe experienced barriers in accessing federal data, including from federal criminal databases and systems?
 - If so, from which systems/databases? What were the barriers?
 - Can you describe any cases or activities impacted by this lack of access?

* * *

DOJ strongly encourages submission of comments in advance of the scheduled discussion. Submission of feedback prior to our discussions will help ensure DOJ representatives are able to address specific concerns and, where possible, ensure the right agency representatives are in attendance to address specific topics of concern. Tribes are welcome to submit multiple times, before and after consultation discussions. Please submit advance feedback via email to OTJ@usdoj.gov. We hope you will be able to participate in these important government-to-government discussions about meeting your public safety needs.

Sincerely,

Tracy Toulou
Director