



Department of Justice

STATEMENT OF

**JOHN C. ANDERSON
UNITED STATES ATTORNEY, DISTRICT OF NEW MEXICO
U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR
INDIGENOUS PEOPLES
OF THE UNITED STATES**

**FOR A HEARING ON
REVIEWING THE TRUMP ADMINISTRATION'S APPROACH TO THE
MMIW CRISIS**

PRESENTED

SEPTEMBER 11, 2019

**Statement of John C. Anderson
United States Attorney, District of New Mexico
U.S. Department of Justice**

**Before the U.S. House of Representatives
Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States**

**At a Hearing entitled
“Reviewing the Trump Administration’s Approach to the MMIW Crisis”**

**Presented on
September 11, 2019**

Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee:

Thank you for the opportunity to provide insight into the Department of Justice’s work in responding to the issue of missing and murdered Indigenous women. We appreciate your attention to this harrowing issue, and your efforts to understand the work at an interagency level.

The heart of the Department of Justice’s work in Indian country, from law enforcement to prosecutions to policy development and program support, is aimed at addressing the unacceptably high rates of violent crime in Indian Country. We are working to better understand how crime rates and the challenging public safety conditions faced by too many Native communities are linked with the rates of missing or murdered Native people, especially Native women. From a legal perspective, missing persons and murder cases are different issues that require different law enforcement responses. Federal law enforcement has the responsibility to investigate all suspected murders in Indian Country. U.S. Attorneys’ Offices around the country work with our law enforcement partners in an attempt to turn those investigations into prosecutable cases. In many ways, cases of missing individuals can be especially challenging for law enforcement in light of the myriad of reasons that someone may go missing. However, we recognize that the term “missing and murdered” goes beyond investigative procedures or legal definitions. “Missing and murdered” has become a call to action to address the crimes and public safety conditions that result in lost loved ones, including domestic violence, sexual assault, substance abuse, and inadequate law enforcement resources. As stated in President Trump’s May 5, 2019 Proclamation on Missing and Murdered American Indian and Alaska Natives Awareness Day, we must work together to correct these injustices. The Department is expanding our efforts to respond to this call to action.

In keeping with the White House’s direction, the Departments of Justice, the Interior,

and Health and Human Services (HHS) are collaborating on a cross-agency effort to address this multifaceted issue. Tribal representatives and your counterparts in the Senate have identified several aspects of missing and murdered cases that require focused attention from federal agencies: unresolved, or “cold,” cases; validating reported data; improving data collection; improving law enforcement protocols and our response to victims and their families; researching a possible correlation between human trafficking and cases of missing or murdered Natives; and addressing the missing and murdered issue in urban communities. The Department of Justice will serve as the lead agency for data-related topics and the improvement of law enforcement protocols.

The U.S. Attorney community has already initiated work to address these areas. Starting in early 2018 with the first meeting of the Attorney General’s Native American Issues Subcommittee for this administration, we identified four priorities related to reducing violent crime in Indian Country, including missing and murdered Indigenous women and violence against women. Since that time, we have addressed missing and murdered Indigenous persons at every meeting: we had a dedicated panel on this topic at the national U.S. Attorneys Conference and supported deeper discussion with agency partners at a breakout session. We also included a training on this issue at the recent Native American Issues Subcommittee meeting at Santa Ana Pueblo, in my home district of New Mexico. Moreover, United States Attorneys with Indian Country or federally recognized Tribes in their district have already begun working with the Federal Bureau of Investigation (FBI) to identify open or outstanding missing and murdered indigenous persons cases for review. The Native American Issues Subcommittee Chair and Vice Chair also met with senior FBI officials to discuss investigative protocols and processes for murdered persons cases arising out of Indian Country.

In addition to our discussions within the Department of Justice, we are also conscious of the need to listen to and heed the voices of those whose lives have been immediately impacted by this issue. Just three weeks ago, along with several of my U.S. Attorney colleagues, I attended a tribal consultation in New Buffalo, Michigan, hosted by the Department’s Office on Violence Against Women. We heard first hand, from tribal leaders and others, about the emotional and psychological toll that the high rate of missing and murdered takes on families and communities, and we are committed to standing beside them to address this issue.

We are working closely with our colleagues at the FBI to better understand how data on reports of missing or murdered persons are collected, how often those numbers are updated, and what protocols are required to resolve reported cases. We have begun a targeted effort to educate Federal prosecutors and law enforcement, with an ultimate goal of establishing improved and more standardized protocols for data collection, reporting, and case management. As we take steps to improve our response to cases of missing or murdered

Indigenous people, the combined Federal team will reach out to our tribal, state and local partners to ensure that the improved practices and protocols reflect input from all of the agencies that contribute to cases of missing or murdered persons.

Ongoing coordination in Montana further illustrates the Department's commitment to a collaborative approach to address the missing and murdered issue. On June 12 of this year, the U.S. Attorney's Office, the Montana Department of Justice, the FBI, and the Bureau of Indian Affairs (BIA) co-sponsored a day-long Missing Persons Training for both law enforcement and the public. Our goal was to inform law enforcement and the public about the problem of missing indigenous persons, and the various missing persons databases and alerts. Law enforcement were also trained on responses to missing persons reports, and victim awareness and support. The public was also trained on what to do when a loved one goes missing and on human trafficking issues. Presenters included the FBI, BIA, National Crime Information Center (NCIC), National Missing and Unidentified Persons System (NamUs), the National Center for Missing and Exploited Children, AMBER Alert, the Criminal Justice Information Network, Montana Department of Justice Missing Persons Clearinghouse and Montana Analysis Technical Information Center. More than 120 people attended, including members of the general public, persons with tribal affiliations, and criminal justice and law enforcement representatives. We will be holding another statewide training this fall in Billings, Montana.

At its request, the U. S. Attorney's Office in Montana has been appointed to the Missing Indigenous Persons Task Force created by the Montana legislature. In addition, earlier this year the U. S. Attorney's Office in Montana coordinated with NamUs to provide training to the tribal council, government officials and MMIW working group of the Confederated Salish and Kootenai Tribes, and to the public on the Northern Cheyenne Indian Reservation. They are also coordinating to provide training to the public on other Montana reservations this fall. To further public awareness, the U. S. Attorney's Office in Montana is also working on a public service announcement on what to do when a loved one goes missing on or off a reservation.

The Department is eager to work with our Federal, State, Tribal, and local partners in any locality to ensure the full weight of our collective efforts make a lasting impact on lowering the rates of missing and murdered people, especially women, in Native communities.

In addition to honing our law enforcement response to reports of missing or murdered people, the Department is advancing our technology to better support law enforcement and families investigating these cases. Our technological advancements include expanded efforts to assist tribes interested in integrating AMBER Alert protocols. Our Office of Justice Programs (OJP) provides funding and technical assistance opportunities to integrate tribal AMBER Alert communication plans with State or regional plans. OJP maintains evaluations of readiness,

training needs, technological challenges, and other obstacles to integrating communication plans. These evaluations help us align our resources with the needs expressed by tribal representatives. AMBER Alerts have become a critical tool in responding quickly to reports of missing persons. Our focus on improving law enforcement information sharing will continue to be an important component of our response to the issue of missing and murdered Indigenous people.

In late July, I presented at the National Amber Alert in Indian Country Symposium at Isleta Pueblo in New Mexico. Funded through OJP's Amber Alert Training and Technical Assistance Program, and designed to further implementation of the Ashlynn Mike Amber Alert in Indian Country Act of 2018, this symposium focused on the logistics of ensuring adequate collaborations between state and local Amber Alert plans and tribal law enforcement. As the Committee is well aware, the goal of extending Amber Alert to our tribal communities, and ensuring appropriate access to Amber Alert by tribal law enforcement was motivated by the unspeakably tragic abduction and murder of 11 year-old Ashlynn Mike on the Navajo Nation in New Mexico. Participants at the symposium got to hear directly from Ashlynn Mike's mother, Pamela Foster. Her moving story about her daughter, and the personal devastation she suffered upon learning of her loss, underscored the critical importance of an effective Amber Alert system for our tribal communities.

Another one of our key systems is the National Institute of Justice's (NIJ) NamUs. NamUs was developed to help identify unidentified remains, locate missing persons, and bring resolution to victims' families. NamUs is a national, centralized, web-based information clearinghouse and resource center for missing, unidentified, and unclaimed person cases. NamUs combines technology, forensic services, and investigative technical assistance from a seasoned staff of subject matter experts to support and assist law enforcement officials, medical examiners and coroners, allied forensic professionals, and families from across the country.

The NamUs database is a permission-based system, meaning it offers both a publicly viewable information and restricted criminal justice-sensitive fields designed to protect privileged information. Cases are only published in NamUs after rigorous vetting with the appropriate local, state, federal, or tribal law enforcement agency in order to secure the privacy and protection of persons reported missing and to ensure quality control over the missing person data. For instance, some missing person reports involve individuals who do not wish for their location to be known to family or associates due to circumstances involving domestic violence and other safety issues. Since the majority of the cases reported to FBI's NCIC are recovered quickly and use of NamUs is not a mandatory part of all law enforcement protocols for missing persons, many are never entered into NamUs. With the support of the Office for Victims of Crime (OVC), NamUs has been expanding to include a Victim Services Division (VSD) to support the families and loved ones of missing and murdered victims with a variety of services and resources for coping with their loss. Although NamUs has been a successful tool for law

enforcement for many years, it will benefit from a stronger emphasis on support for the families and loved ones of the missing and murdered. Survivors often have few formal support systems and often wait years for information about a missing loved one.

NIJ and NamUs staff have launched a targeted outreach campaign to tribal law enforcement, leadership, and community members to ensure Native communities are aware of the NamUs technology and technical assistance, which are available for free to all tribal nations. More online development will occur to reach out to tribes and their law enforcement agencies, more training and public awareness about NamUs among Tribal communities, as well as targeted victim services for the families of missing or murdered indigenous women and girls. NamUs has helped resolve 400 cases and currently has 402 active AI/AN missing persons cases, and we are working to ensure that any Tribal agency wishing to expand the use of NamUs has our full support. NIJ is committed to working with Tribal nations directly to enhance technology and provide training, better support and technical assistance, and investigative and forensic services.

The Department recently announced our fifth expansion of the Tribal Access Program (TAP), which provides federally-recognized tribes with the ability to access and exchange data with the national crime information databases for both criminal justice and non-criminal justice purposes. TAP provides training as well as software and biometric/biographic kiosk workstations to process finger and palm prints. This access to information empowers tribal law enforcement to respond to reports of crime and missing persons in their communities more swiftly and more effectively. Access through TAP also enables tribes to coordinate more effectively with other law enforcement agencies involved in responding to crimes in Native communities.

The Department has been working with your Senate colleagues on several proposed bills that are intended to better equip federal agencies, states, and tribes in responding to reports of missing or murdered persons. We have had a number of conversations on technical aspects of their proposed legislation and believe the outreach has been beneficial. For example, Senate staff have worked with Department of Justice subject matter experts in developing language for S. 227 “Savanna’s Act,” which presents a series of clear and targeted actions that would, in their current draft, improve tribal access to databases, establish guidelines for responding to cases of missing and murdered indigenous people, and create annual reporting requirements. We welcome similar outreach for technical input from you or your staff and would be happy to assist.

The high statistics on crime in Indian country motivate all of us who dedicate our professional lives to partnering with tribes to improve public safety in Native communities. I want to underscore that it is never just about the numbers for us. Many of us working in support of Native communities have relatives and friends in the places we strive to benefit, and we are all mindful of the deeply personal and too-often heartbreaking realities faced by individuals, by

families, by neighbors and friends. Thank you again for the opportunity to discuss this serious issue. If there is continued interest in discussing the Department of Justice's activities in support of Native communities, we would be happy to follow up with you or your staff.