

Report: 20% of U.S. Attorneys' Offices With Indian Country Oversight Are Noncompliant With Landmark Missing and Murdered Indigenous Peoples Law

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A new report by the DOJ shows 10 U.S. Attorneys' Offices Districts are non-compliant with key components of Savanna's Act.

A new report from the Department of Justice Office of the Inspector General reveals that a fifth of U.S. Attorneys' Offices required to implement a law aimed at improving outcomes for Missing and Murdered Indigenous People (MMIP) are noncompliant.

After passing the House and Senate unanimously, Savanna's Act was signed into law in October 2020. The law is named for 22-year-old Savanna LaFontaine-Greywind, a citizen of the Spirit Lake Nation whose brutal murder when she was eight months

pregnant swept through national media outlets and shined a spotlight on the MMIP crisis.

Native people are murdered at a rate 10 times the national average. Homicide is one of the leading causes of death for Native women ages 10 to 34. Advocates and lawmakers have identified multiple drivers of the MMIP crisis: underfunded tribal law enforcement; jurisdictional confusion among tribal, local, and state police and the Bureau of Indian Affairs; exclusion of Indigenous people in data; and inadequate media coverage.

As of June 2023, Native people accounted for more than 3.5% of reported missing persons cases in the National Missing and Unidentified Persons System (NamUs) despite making up only 1.1% of the U.S. population, according to 2020 census data.

Guideline Failures

Savanna's Act is intended to identify which law enforcement agencies are responsible for MMIP cases and improve coordination among Tribal, federal, state, and local law enforcement; provide Tribal governments with MMIP resources; and improve data collection and sharing.

It also requires U.S. Attorneys' Offices to develop guidelines specific to their region for cooperation between law enforcement agencies; best practices for conducting searches for MMIP on and off Indian lands; standards for collecting, reporting and analyzing data on missing persons and unidentified human remains; and culturally appropriate handling of Native human remains; identifying which law enforcement agency is responsible for inputting MMIP information into appropriate databases; improving agency response rates and follow-up to MMIP cases; and ensuring access to culturally appropriate victims' services.

The noncompliant districts include: Northern Illinois, Minnesota, Western Louisiana, Eastern New York, Northern New York, Western New York, Rhode Island, Western Texas, Eastern Virginia and Western Virginia.

What Tribes Are Saying

The OIG interviewed Tribal leadership and community members about the guidelines, and reviews were mixed. Some didn't know the guidelines existed or found them ineffective, while others said they helped bridge the gap in communication between state and local law enforcement and tribes, and still others said the guidelines formalized processes that were already in place.

Staffing Woes

While not required by Savanna's Act, the DOJ launched the MMIP Regional Outreach program in 2023, creating 10 staff positions — five assistant U.S. attorneys and five coordinators — to handle MMIP cases across five regions. But in three years, the program has never been fully staffed, and today has a vacancy rate of 40%. The longest vacancy is in the southeast region, which has never filled its coordinator position. According to the OIG report, the vacancies have “hindered the program's growth and momentum,” yet there are no plans to address the empty positions.

While empty offices plague the Outreach program, there are no standardized metrics to determine whether the program is working.

The report also notes that the DOJ has no official definition of MMIP; various U.S. Attorneys' Office personnel reported differing ideas about what constitutes an MMIP case. While some believed only cases involving unsolved homicide and missing persons should fall under the umbrella, others said MMIP cases should also include domestic violence, sexual abuse, and human trafficking.

The OIG offered three recommendations to the Executive Office for United States Attorneys to address the shortcomings that could continue to exacerbate the MMIP crisis:

Fix the guidelines in the 10 noncompliant districts.

Address vacancies in the MMIP Regional Outreach program.

Establish formal expectations for participating U.S. Attorneys' Offices, including a standardized definition of MMIP work and performance metrics.