

# ALASKA NATIVE WOMEN'S RESOURCE CENTER



Honorable Ruben Gallego, Chairman  
Subcommittee for Indigenous Peoples of the US  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, D.C. 20515

March 27, 2019

Attn: Mr. Victor Lopez-Carmen

Re: Follow-up questions to MMIW Hearing.

Dear Representative, Gallego:

Thank you for the invitation to testify on this very important and misunderstood crisis. The following is a response to your letter of March 20, 2019, requesting a response to additional questions of the committee.

**Representative Deb Haaland:** *1. In your "Recommendation" in your written testimony, you suggested that victim services are needed for family and community members of MMIW. How do you see the after effects of these crimes impacting the community and especially children? What could we do to help the community heal?*

**Answer:** We need resources and a jurisdictional fix to the Indian Country issue in Alaska. We need sustainable, predictable funding to create and maintain the necessary programs within our communities. As mentioned, we need a jurisdictional fix in Alaska, so once and for all, we aren't fighting to be included in programs and policies with our limited resources. The Tribal Law and Order Commission identified in Chapter 2 of their report, that our communities continue to be vulnerable to heightened levels of violence, including disturbed individuals who prey on Native women, unless more resources and jurisdictional issues are addressed.

Many of our tribal communities are small and many of our relations, both within the community and those that live outside of the community, are impacted by the trauma of not knowing what may have happened to a love one when they go missing, as well as if a person is taken suddenly and violently through murder or an unexplained death. At this point in Alaska, trauma-informed care is difficult to access particularly in small isolated Tribal communities. Lack of access to adequate resources impacts the families directly in their ability to heal particularly from a person who has been taken suddenly through murder. Sadly, law enforcement frequently do not help the situation, as they don't maintain contact with the family to keep them informed of the investigation and as a result, our families suffer. The questions, feelings and lack of justice for



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that person and family have a negative lingering effect with the family and directly impacts the surviving children. The fear and trauma experienced will continue to have long term impacts as verified in many studies such as the Adverse Childhood Effects as well as the fear of it happening to them; especially if no one has been held accountable for the murder or the death is unexplained.

When a family member goes missing, many issues come up—blame, guilt, confusion, sadness along with the inability and unwillingness to give up the search. All of these factors can lead to many health, mental health and addictive types of concerns that need attention and culturally based resources. We all process trauma differently. Unfortunately, many of the services that are possibly available are in larger cities and are difficult to access for rural Alaskans.

The resources to our rural areas are often scarce but needed. The services mentioned above, law enforcement, justice systems, victim services, all require resources, money, services and training to provide the necessary support. The State of Alaska, as a PL 280 state, has been tasked with providing these services but over the years these services have not been forthcoming. The State's actions demonstrate it does not understand the needs of rural communities, or worse yet, that these communities and citizens are not a priority. The current budget crisis in Alaska continues to decrease the resources allocated to our villages. One example is that if a village judicial officer retires, the state may not fill that position to save costs. When the magistrate retired in Kake, the state closed the court there. This story is not unique. The state also withdrew funding for law enforcement there. Right now, in Kake, while Village Public Safety officers (VPSOs) can respond to some emergencies, 911 services are off site, and sometimes citizens are only able to leave a message. Law enforcement, except for the limited services a VPSO can provide, is also offsite, and as a result, their response is often delayed, jeopardizing even the possibility of access to justice because a crime scene goes stale or the chain of custody is lost. Many other villages lack even a VPSO. Our villages need resources to address the same criminal justice needs that urban citizens face. Fortunately, the Tribes stand by, ready to partner with the state and fill the need, not only for its tribal citizens, but all rural citizens. However, without adequate resources this solution is not viable at the present time.

Our urban populations, meanwhile, have access to other resources, as individuals who reside where the federal government and states provides services, but their access to justice can be similarly impaired. At a recent meeting in Washington State, Central Council of Tlingit and Haida Indian Tribes of Alaska held a joint meeting with the Washington State Patrol to help with identifying resources for MMIW cases. Tlingit & Haida has more than 6,000 tribal citizens in the Seattle area. They heard story after story from Alaska Native indigenous women and their families who have been mistreated by law enforcement in urban areas and how this mistreatment is its own trauma that imprints within them. In some places, law enforcement asked victims if the abuse they suffered was not typical "for their people". In other places, the families of missing women have been told the women have a right to disappear, even when there is evidence



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of a crime or violence thus evidencing a lack of understanding of what our people face and very little sympathy and compassion to finding a solution. What?! That view is shocking and lacks any understanding of the epidemic that we are facing. The families are brushed aside, with the same sentiment, 'this reality is typical for your people.' The unspoken message sent when time and energy are not allocated to these incidents is that the treatment is typical, and acceptable. Our communities thus shun the law enforcement as meaningless and possibly causing more damage and pain than helping with any situation.

*Chairman Grijalva: I. Ms. Jerue. We've heard mention of the NamUs database, which is an entirely volunteer system for tracking missing people and the fact that it doesn't even coordinate with the FBI Criminal Justice Information Service's missing person file.*

*a. What are the other shortcomings of this current tracking system, and how do those effect getting accurate data on MMIW?*

**Answer:** NamUs has been very helpful in getting information to a broader amount of people when searching for information on a loved one who has gone missing as well as identifying whether that person may be an indigenous person. That being said because of its volunteer status, it may not, and probably is not, accessed regularly by law enforcement over many jurisdictions. However, in Alaska, where there is law enforcement, there may be limited access to FBI Criminal Databases due to remote locations and lack of consistent access to quality internet or cellular service, which creates another layer of information not readily available to help in searching for MMIW issues.

As you may know, NamUs was originally set up to try to match remains found with people who were missing. It is voluntary, and literally, anyone can access it. All they have to do is set up an account and enter the information they want to enter about a missing person. The NamUs staff then take that information and confirm with law enforcement before the information can go out publicly. There are fewer missing Native persons in NamUs than there are in FBI Criminal Justice Information Services (CJIS) missing persons file. The FBI CJIS database is also voluntary, except for entry of missing persons under age 18 which is mandatory, though a few states have mandatory missing person reports to CJIS by their law enforcement. NamUs and CJIS are separate systems, which cannot currently talk to each other. When this point is raised with federal officials, they look at us like we have a third eye—they don't acknowledge the value of having one streamlined data base and process.

Tribes and the general public could have access to NamUs, the challenge, however, is that the most Tribes lack the resources and infrastructure to track the type of information that needs be entered and assign someone to enter such information.



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b. *How does this greatly affect on the ground issues you see in Alaska?*

**Answer:** One main issue is that 40 % of our tribal communities have no law enforcement and have to depend on offsite law enforcement such as the Alaska State Troopers based in other areas, so often a search will be started by a local people. The other impact is that there are circumstances that missing indigenous women living out of their communities in Alaska cities may not be as high a priority as other situations because of how they may be living. Our victims are not perfect, and their lifestyle may be a barrier to getting help. The databases, beside NamUs, require law enforcement to access them to even enter the information if a missing person designation has even been given. The Tribal Access Program, as it currently exists will not be available to the 228 out of the 229 tribes of Alaska because the criteria for involvement requires a tribal law enforcement agency. Very few of our communities have this, and none probably have the 24-hour law enforcement that can be required for participation.

2. *How can agencies like the FBI and BIA shift their protocols to better work with tribes to protect Native women and girls, and solve MMIW cases?*

**Answer:** Resources need to be available for all tribes regardless of where they are located, whether a PL 280 state, non-PL 280 state, checkboard jurisdiction, etc. The FBI-CJIS has policies and procedures that are not tribal friendly and they, the FBI and CJIS in particular, need to be challenged to add users to their systems who may not have the necessary infrastructure to work with their existing models. CJIS should be further challenged to develop programs that address the needs of tribal communities in this area. There is a trust responsibility that they are not being reminded of and how their role could help track the real numbers of MMIW, the circumstances, the success and failure rate of solving these cases and the number of unsolved cases and what if any, common factors exist that inhibit solving the case.

The BIA is better about working with tribes and understanding tribal needs, but unless you are within their limited service definition for direct services, you will not have access to a BIA Victim Service specialist. I believe there may be only 10 or so in the country. How can that be possible with over 560 tribes nationwide? The Tribal Justice Support, Office of Justice Services has made a big impact in helping with funding for victim services, however, the funding is year to year based on appropriations and cannot be rolled into our compacts or self-governance agreements. In Alaska, we need to open up compact negotiations to include court and law enforcement as those were previously unavailable to us.

3. *Where should the priorities be in providing funding to address this violence?*

a. *Which federal agency should be tasked with leading MMIW cases?*

**Answer:** This is a very difficult question to answer because currently many agencies—DOI, HHS, DOJ—OVW, OVC,OJJP, etc.—have programs that relate to many of these issues, but do



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not collaborate with each other to provide comprehensive services, thus tribes have to pick and choose who they have the capacity to work with because of their limited resources. DOI has the ability to work with tribes directly, but most of the other agencies fund programs through competitive grants. We need consistent funding that provides the resources to all tribes that want to collaborate and coordinate. The competitive grant program should not be considered for funding these important issues. NIJ should be tasked with establishing a protocol for researching the cost of crimes and law enforcement to address these issues, and formulas should be created to determine how best to fund programs to combat these very serious issues. We need funding programs for fatality review commissions to study the issues, and fully understand what lead to these fatalities, and develop solutions to address the cultural needs to stop these issues and provide culturally relevant healing and resources for services.

Alaska Tribal governments are unique among indigenous American tribes in their lack of access to the same type of government revenues available to nearly every other sovereign entity in the country, thus their resources are highly dependent on the federal government. If you would like further information, feel free to contact me or Michelle Demmert at

[REDACTED]. We thank the Members of the House Subcommittee for Indigenous Peoples of the US Committee for their interest in our testimony at the hearing 'Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women(MMIW). We respectfully urge you to consider these recommendations.

[REDACTED]