

# Section 4(c)(2)(C) Response of the Departments of Justice and the Interior to

*Not One More: Findings and Recommendations  
of the Not Invisible Act Commission*

Pursuant to Public Law 116-166

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March 2024



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## Letter from the Secretary of the Interior and the Attorney General to the Not Invisible Act Commission

Dear Members of the Not Invisible Act Commission:

In November 2023, the U.S. Departments of the Interior and Justice received [\*Not One More: Findings & Recommendations of the Not Invisible Act Commission\*](#), the Not Invisible Act Commission's (Commission) recommendations for how the federal government can further prioritize the resolution of the missing or murdered Indigenous people and human trafficking crisis ("MMIP and HT crisis" or collectively "crisis") that continues to disproportionately impact Tribal Nations today.

We take seriously the Commission's recommendations and hope the enclosed response from our Departments addresses the concerns identified in the report and highlights the MMIP and HT priorities we continue to advance at our respective agencies. We agree that more must be done across the federal government to resolve this longstanding crisis and to support healing from the generational traumas that Indigenous peoples have endured throughout the history of the United States.

We commend the Commission for the time, effort, and passion each member voluntarily contributed to the success of this work. Many of you, if not all of you, have deeply personal experiences enduring the hardships brought about by this crisis. We especially thank the survivors and family members of the missing or murdered who served on the Commission. We recognize the weight that receiving public testimony during your cross-country hearings must have placed on your already heavy hearts. For that, we send our deepest gratitude to each of you and your families, and we commend the unwavering strength you displayed to help your communities and our country.

The Commission requests a "Decade of Action and Healing," and a commitment to carry forward the stories and memories of the victims, families, and survivors highlighted in the report who would not have had a voice without your work. We understand the urgency to find resolution to this crisis expressed throughout the report and remain committed to working with Tribal communities to find solutions.

Last, and most important, we want to acknowledge the victims, survivors, families, and those impacted by the crisis. We see you and hear you, and you have our sincerest condolences. No one should have to experience the loss of a loved one—let alone losses across generations—due to a lack of resources, jurisdictional complexities, or unnecessary bureaucracy.

We honor each of you for your contributions on the Commission and for your efforts to help bring national attention to this historically overlooked crisis.

Respectfully,



The Honorable Deb Haaland  
Secretary  
U.S. Department of the Interior



The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice

## Introduction

The [Not Invisible Act](#) (P.L. 116-166) was enacted on October 10, 2020, to increase intergovernmental coordination in identifying and combatting violent crime within Indian lands and against American Indian and Alaska Native (AI/AN) people.<sup>1</sup> The Act was the first piece of legislation in history introduced—and subsequently enacted—by a group of four members of Congress who were each enrolled in federally recognized Tribes. The effort was led by then-Congresswoman Deb Haaland (NM-01) during the 116th United States Congress.

This landmark legislation addresses the pervasive crisis of missing, murdered, and trafficked Indigenous persons (MMIP and HT crisis, or crisis) by charging a cross-jurisdictional joint federal advisory commission to specifically develop recommendations to increase intergovernmental coordination to identify and combat violent crime within Indian lands and against Indians. With this new law, Congress specifically highlighted that over 84% of Native American men and women experience violence in their lifetimes, and nearly 40% of Native American women experience sexual violence in their lifetimes. Congress found equally disturbing the fact that murder is a leading cause of death for AI/AN women in the United States.

In particular, the Not Invisible Act directed the Secretary of the Interior, in coordination with the Attorney General, to establish a joint advisory commission composed of federal officials and non-federal members with “diverse experiences and backgrounds that provide balanced points of view,” including: Tribal leaders, health and mental health care service providers, state and local law enforcement, judges, national and regional Indian organizations, and most importantly, the family members of missing or murdered individuals, and survivors of human trafficking. On May 5, 2022, the Secretary of the Interior, Deb Haaland, and the Deputy Attorney General, Lisa Monaco, announced the 41 members of the Not Invisible Act Commission (Commission). The final composition of the Commission included officials from the U.S. Department of the Interior (DOI) and the U.S. Department of Justice (DOJ), as well as other federal agencies specified under the Act.

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<sup>1</sup> The Not Invisible Act defines “Indian” as “a member of an Indian tribe” and defines “Indian tribe” as “any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” *See* Pub. L. No. 116-166, § 2, 134 Stat. 766 (2020); *see also* 25 U.S.C. §§ 4302(7) and 5304(e). This document also uses the term American Indian and Alaska Native (AI/AN), consistent with these definitions.

As required under Section 4(c)(2)(C) of the Act, Congress tasked the Commission with developing recommendations on actions the federal government can take to combat the disproportionate rates of violent crime, cases of human trafficking (HT), and missing or murdered cases that AI/ANs experience. In particular, the Act identified the following six areas for the Commission to address in its recommendations:

- (i) identifying, reporting, and responding to instances of missing persons, murder, and human trafficking on Indian lands and of Indians;
- (ii) legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by the Department of the Interior and Department of Justice to combat the crisis of missing or murdered Indians and human trafficking on Indian lands and of Indians;
- (iii) tracking and reporting data on instances of missing persons, murder, and human trafficking on Indian lands and of Indians;
- (iv) addressing staff shortages and open positions within relevant law enforcement agencies, including issues related to the hiring and retention of law enforcement officers;
- (v) coordinating Tribal, state, and federal resources to increase prosecution of murder and human trafficking offenses on Indian lands and of Indians; and
- (vi) increasing information sharing with tribal governments on violent crime investigations and prosecutions in Indian lands that were terminated or declined.

The Commission adopted a report structure to address specific topics, which is reflected in the organization of its final recommendations, as listed below:

- Chapter 1: Law Enforcement & Investigative Resources—Identifying/Responding to Missing, Murdered, and Trafficked Persons
- Chapter 2: Policies & Programs—Reporting and Collecting Data on Missing, Murdered, and Trafficked Persons
- Chapter 3: Recruitment & Retention of Tribal & Bureau of Indian Affairs Law Enforcement
- Chapter 4: Coordinating Resources—Criminal Jurisdiction, Prosecution, Information Sharing on Tribal-State-Federal Missing, Murdered, and Trafficked Persons Investigations
- Chapter 5: Victim and Family Resources and Services
- Chapter 6: Other Necessary Legislative & Administrative Changes
- Chapter 7: Alaska History, Issues, and Recommendations

To help shape the Commission’s final recommendations, organized by the priority chapters listed above, it held public hearings across the country between April and August 2023. The Commission held public hearings in seven states and conducted associated site visits in Tribal communities, in addition to hosting a two-day national virtual hearing, to gather public testimony to shape its final recommendations. The hearings provided a forum for the public—including public officials, law enforcement, subject-matter experts, state/Tribal/federal task forces, advocates, survivors, families, Tribal leaders, and others—to offer testimony directly to the Commission. In addition to conducting hearings, the Commissioners went on site visits near each hearing location.

The following is a list of hearing locations and related site visits:

- **Tulsa, Oklahoma:** Site visits included the Osage Nation Law Building, the Muscogee Nation Satellite Office, and the U.S. Attorney’s Office in Tulsa.
- **Anchorage, Alaska:** Site visits included trips to the Cape Fox Lodge in Ketchikan, the Association of Village Council Presidents Family Services and Tundra Women’s Coalition in Bethel, and the Chuloonawick Tribe and the Emmonak Women’s Shelter in Emmonak.
- **Flagstaff, Arizona:** Site visits included the Navajo Nation Judicial Complex and the Hopi Tribal Courthouse.
- **Minneapolis, Minnesota:** Site visits included the Minnesota Indian Women’s Resource Center, the Minnesota Indian Women’s Sexual Assault Coalition, and the Ain Dah Yung Center.
- **Blue Lake, California:** Site visits included the Yurok Tribal Council chambers (Tribal leaders roundtable), Hoopa Valley Tribal Council chambers, Hoopa Valley Domestic Violence and MMIP Prevention Program Office, K’ima:w Medical Center, and the Hoopa Valley Tribal Police Station.
- **Albuquerque, New Mexico:** Site visit included the Isleta Pueblo Tribal Court complex and courtroom.
- **Billings, Montana:** Site visits included the Little Big Horn College in Crow Agency, Crow Tribal courthouse, and the Northern Cheyenne Tribe Littlewolf Capitol Building.
- **Nationwide** (virtual two-day hearing)

Some survivors and family members of missing or murdered people drove more than four hours to participate in several of these hearings. In total, the hearings resulted in the accumulation of approximately 260 oral and written testimonies that helped shape the Commission’s final recommendations and provided direct input from the public about the crisis. The Commission heard staggering testimony from victims, survivors, family members, advocates, law enforcement officers, and other individuals affected by violence in Indian

Country. Their testimony was incorporated into the Commission's final report and recommendations in order to center the report in the lived experiences of Native people, especially survivors and families of those who've gone missing or been murdered.

On November 1, 2023, the Not Invisible Act Commission issued its final report, [\*Not One More: Findings & Recommendations of the Not Invisible Act Commission\*](#). This report was the culmination of over a year's worth of efforts, including national in-person and virtual hearings with testimony from at least 260 witnesses, including survivors, family members, policy experts, service providers, and law enforcement from state, federal, and Tribal levels. The Commission provided recommendations to the United States to resolve problems that have devastated AI/AN individuals and communities for generations.

This document, which addresses findings and recommendation aimed at DOI and DOJ (collectively, the Departments), serves as the Departments' joint written response to the Commission's recommendations, as required under Section 4(c)(2)(C) of the Not Invisible Act. It acknowledges the important work undertaken by the Commission and provides detailed responses to the findings and recommendations specifically directed at the Departments in the Commission's final report.

The Commission's recommendations are organized into seven chapters that collectively address the six areas identified under the Act, as well as Alaska-specific topics separately included by the Commission under Chapter 7. This response document is structured to follow the Commission's chapters.

In addition to providing responses to specific recommendations, this federal response document highlights broader concepts raised in the Commission's final report that are ongoing areas of focus for the Departments. The Departments appreciate the Commission's work to highlight these broader issues and challenges in addition to providing specific recommendations. The following topics are high-level summaries addressing major concepts addressed in the Commission's findings and recommendations.

## **Overarching Concepts**

### **1. Agency Collaboration to Address Violent Crime and Executive Order 14053**

The Commission addressed the importance of coordination throughout the final report, and subcommittees 1, 2, 4 and 5 particularly focused on the need to improve communication and collaboration between DOI and DOJ. The Departments appreciate the focus on the importance of coordination, which is one of the explicit goals of the Act. The Departments work in close partnership on investigations, on prosecutions, in providing services to survivors and the



families of victims of or witnesses to crimes, and in developing policies and practices that govern each Department's daily work. Our partnership and the need to collaborate will continue to be fundamental to the Departments' work going forward.

Improving intergovernmental coordination has been a longstanding goal for both Departments. As directed in Sections 2 and 4(d) of Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, in July 2022, DOI and DOJ published a [joint strategy](#)<sup>2</sup> to prevent and respond to violence against Native Americans, including to address missing or murdered Indigenous persons (MMIP). The five-pillar strategy describes agency actions to improve interagency coordination; strengthen investigations and prosecutions of Indian Country cases; improve federal coordination with partners in other jurisdictions; enhance support for victims, survivors, and families; and increase awareness of federal resources and information. Importantly, the strategy underscores the agencies' support for the work of the Not Invisible Act Commission and a recognition that the Departments' work going forward will be informed by the findings and recommendations of the Commission.<sup>3</sup>

Both Departments rely heavily on successful coordination to meet their missions. In fact, it is essential for the Departments to coordinate not just with each other but also with the Tribes, as well as federal, state, and local partners, to better address the public safety needs on Indian lands. The Commission took care to address the need for improved coordination throughout the report, and both Departments appreciate the Commission's careful recommendations in service of that aim.

## **2. Violent Crime, Missing Persons, and Human Trafficking in Native Communities**

Each of the Commission's subcommittees highlighted that AI/AN people face a disproportionate risk of experiencing violence or murder or going missing, which is supported

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<sup>2</sup> Pursuant to Section 2 of [Executive Order 14053](#), Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People. Previously, DOJ, DOI, and the U.S. 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 the Task Force's activities and accomplishments, see [Final Report to the President: Activities and Accomplishments of Operation Lady Justice](#) (April 25, 2022). The DOI and DOJ joint strategy provides detailed background on the agencies' research and findings on these issues. Research and findings from the strategy document that are relevant to the issues addressed by the Commission are included in this introductory section.

<sup>3</sup> See DOI and DOJ, [Federal Law Enforcement Strategy to Prevent and Respond to Violence Against American Indians and Alaska Natives, Including to Address Missing or Murdered Indigenous Persons](#) (July 2022), 3 and 32.

by currently available federal data. The Departments appreciate that understanding the root causes and factors that contribute to these issues is crucial to identifying and developing meaningful solutions.<sup>4</sup> The Commission’s final report also underscores that MMIP, HT, and other public safety challenges for AI/AN communities are not uniform issues with a single cause or solution.

As noted in the Commission’s report, the specific term “MMIP” encompasses two distinct issues: Indigenous individuals who are reported missing and cases related to murdered persons. These are often separate issues that require different responses. Developing long-term solutions for each of these problems requires a strong understanding of their distinct contributing causes and investigative challenges. Following are short overviews of the major public safety challenges referenced in the Not Invisible Act that the Commission addressed.

### Violent Crime

Research indicates that AI/AN persons experience crime victimization at higher rates than non-AI/AN people and that violence is often involved in AI/AN victimization. According to the Centers for Disease Control and Prevention’s (CDC) National Intimate Partner and Sexual Violence Survey (NISVS) 2016/2017, non-Hispanic AI/AN women report lifetime sexual violence prevalence estimates between 32% and 58.1%. For men, the range is between 8% and 29.2%.<sup>5</sup> Approximately 42% of non-Hispanic AI/AN women and 29% of non-Hispanic AI/AN men report being stalked in their lifetime.<sup>6</sup>

### Murders/Homicides

In 2019, homicide was the sixth leading cause of death for AI/AN males and the seventh leading cause of death for AI/AN females aged 1–54 years.<sup>7</sup> From 2003 to 2018, the rate of homicide

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<sup>4</sup> D.E. Satter et al., “American Indian and Alaska Native Knowledge and Public Health for the Primary Prevention of Missing or Murdered Indigenous Persons,” *Department of Justice Journal of Federal Law and Practice* 69, no. 2 (2021): 149-188

<sup>5</sup> R.W. Leemis et al, [The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence](#) (Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2022).

<sup>6</sup> Andre B. Rosay, “[Violence Against American Indian and Alaska Native Women and Men](#),” *NIJ Journal* 277 (2016): 38-45.

<sup>7</sup> “Web-based Injury Statistics Query and Reporting System (WISQARS™),” Centers for Disease Control and Prevention, <https://www.cdc.gov/injury/wisqars/index.html>.

was three times higher for AI/AN men than for AI/AN women,<sup>8</sup> and the median age of AI/AN homicide victims was 32 years old. Research reflects that AI/AN people—and AI/AN women in particular—face a disproportionate risk of homicide compared to most other racial/ethnic groups. For example, data from the National Vital Statistics System (NVSS) for 2018–2021 found that the age-adjusted homicide rate for AI/AN adult women was 5.7 per 100,000—more than double the national average and second only to non-Hispanic Black women (7.6 per 100,000).<sup>9</sup> 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.<sup>10</sup>

Existing research establishes that intimate partner violence (IPV) is an important factor in the rates of homicide in AI/AN communities, particularly for AI/AN women and girls. AI/AN people experience high rates of IPV during their lifetime. About 58% of AI/AN women and 51% of AI/AN men reported intimate partner violence in their lifetime (contact sexual violence, physical violence, or stalking by an intimate partner).<sup>11</sup> Crimes of domestic and sexual violence may escalate to homicides. Indeed, data collected by the 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 precipitated by another serious crime.<sup>12</sup> The data are particularly stark for

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<sup>8</sup> Emiko Petrosky et al., “[Homicides of American Indians/Alaska Natives—National Violent Death Reporting System, United States, 2003-2018](#),” *Morbidity and Mortality Weekly Report Surveillance Summaries* 70, no. 8 (2021): 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.

<sup>9</sup> Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality 2018-2021 on CDC WONDER Online Database, released in 2021. Data are from the Multiple Cause of Death Files, 2018-2021, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10-expanded.html> on February 2, 2024.

<sup>10</sup> Andrew Gonzalez, *Homicide in Alaska: 1976-2016* (Anchorage, AK: Alaska Justice Information Center, University of Alaska Anchorage, May 2020).

<sup>11</sup> R.W. Leemis et al, [The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence](#) (Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2022).

<sup>12</sup> Petrosky, *supra* note 8.

Native women in Alaska. From 1976 to 2016, roughly 55% of the homicides of AI/AN women in Alaska were perpetrated by a current or former intimate partner or a family member.<sup>13</sup>

### Missing Persons

Both DOI and DOJ have heard serious concerns from Tribal representatives and advocates about the number of missing AI/AN persons, both reported and unreported. Each year, thousands of AI/AN people of all ages are reported missing. And each year, existing data indicate that the vast majority of missing persons reported to the National Crime Information Center (NCIC)<sup>14</sup> are ultimately located.<sup>15</sup> As has been the case for years, the majority of the AI/AN people reported missing are young people. DOJ's Office of Justice Programs/Office of Juvenile Justice and Delinquency Prevention (OJP/OJJDP), [published a fact sheet](#) in May 2023 on missing AI/AN people under the age of 21 that details several statistics and provides information about how to interpret the numbers. Separate research suggests that certain public safety challenges faced by many AI/AN communities—including disproportionate violence against women, families, and children; substance abuse; drug trafficking; and labor and sex trafficking—can influence the rates of missing AI/AN persons.<sup>16</sup> As the Commissioners note in their analysis, under federal law, federal, state, and local law enforcement agencies must submit incidents of missing persons under age 21 to the NCIC Missing Person File, but

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<sup>13</sup> Gonzalez, *supra* note 10.

<sup>14</sup> The NCIC's Missing Persons File is DOJ's official law enforcement database for all missing persons. 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.

<sup>15</sup> Petrosky, *supra* note 8. See also Lori McPherson and Sarah Blazucki, ["Statistics Are Human Beings with the Tears Wiped Away": Utilizing Data to Develop Strategies to Reduce the Number of Native Americans Who Go Missing,](#) *Seattle University Law Review* 47, no. 1 (2023): 119-165.

<sup>16</sup> 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 AI/AN youth, including evidence that AI/AN youth are more likely to run away from their placement setting than are youth from other groups. See, e.g., Tara N. Richards et al., [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](#), Tribal Researcher Partnership NIJ 2019-75-CX-0014 Special Report, (December 2021).

there is no such federal requirement for adults who go missing. Similar limitations exist with the data from the National Missing and Unidentified Persons System (NamUs).<sup>17</sup>

The Departments agree with the Commissioners that these limitations on data collection and analysis inhibit our efforts to assess the scope of this crisis and track improvement as well as specific areas of concern. Another concern to both DOI and DOJ is that data collection practices can lead to racial misclassification (e.g., use of visual verification or name or surname), which underestimates the number of AI/AN cases.<sup>18</sup> DOI and DOJ also note that several federal databases do not specifically collect Tribal affiliation information about missing persons, and as a result, Tribe-specific data is often difficult to identify when reviewing national-level data about missing or murdered AI/AN people. While DOI and DOJ take a data-centric, research-oriented approach to their analyses, the Departments are mindful that data should be viewed with caution, as the Commission rightly points out in its report, because there continue to exist significant impediments to collecting or acquiring accurate, reliable, and valid data on these issues.<sup>19</sup> The agencies appreciate the Commission’s recommendations to address these concerns and limitations.

### Human Trafficking

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<sup>17</sup> Although the NamUs database is available to all local, Tribal, and state law enforcement agencies, medical examiners, and coroner offices, it is not mandated—even for persons under age 21—except in certain states. However, “Billy’s Law” (Pub. L. 117-327, 136 STAT. 4454 (Dec. 27, 2022)) expanded the federal missing person reporting provisions to require that anyone under age 21 who is currently required to be reported to NCIC also must be reported to NamUs. As discussed in the response section, DOJ is working to fulfill requirements under Billy’s Law.

<sup>18</sup> Michele Connolly et al., [“Identification in a time of invisibility for American Indians and Alaska Natives in the United States,”](#) *Statistical Journal of the IAOS* 35, no. 1 (2019): 71-89; Malia Villegas et al., [Disaggregating American Indian & Alaska Native Data: A Review of Literature](#) (Washington, DC: National Congress of American Indians, July 2016); M.A. Herne et al., [“Homicide Among American Indians/Alaska Natives, 1999-2009: Implications for Public Health Interventions,”](#) *Public Health Reports* 131, no. 4 (2016): 597-604; Jenine Dankovchik et al., [Disparities in life expectancy of pacific northwest American Indians and Alaska natives: analysis of linkage-corrected life tables,](#) *Public Health Reports* 130, no. 1 (Jan-Feb 2015): 71-80; and Melissa A. Jim et al., [“Racial misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area,”](#) *American Journal of Public Health* 104, Suppl 3 (June 2014): S295-302.

<sup>19</sup> For a more detailed exploration of these statistics, see Andre B. Rosay, [“National Survey Estimates of Violence Against American Indian and Alaska Native People,”](#) *Department of Justice Journal of Federal Law and Practice* 69, no. 1 (January 2021), 91-102.

Many AI/AN people experience vulnerabilities—including poverty, homelessness, substance use disorder, physical and/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 HT.

The federal government is committed to better understanding the factors that lead to HT, particularly the relationship between HT and extractive industries (oil, natural gas, pipelines, and mining) and MMIP. The U.S. Department of State has provided a short [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.” The United States Advisory Council on Human Trafficking is also focused on trafficking in AI/AN communities, as discussed in its [Annual Report 2023](#).

### **3. Data Collection and Reporting**

Several of the Commission’s subcommittees addressed limitations and concerns related to data collection and reporting as well as information sharing and access to accurate data collections to measure the MMIP and HT crisis. Subcommittee 2 identified these issues as primary areas of focus and conducted a deep analysis of current data collection and the needs of Tribal governments, organizations, and advocates. This issue was further addressed by the public during the cross-country hearings in multiple states.

There is a complex framework of law and policy behind current data collection and repositories as well as data collection practices across all jurisdictions. Importantly, in recognition of the sovereign status of Tribes, information sharing across jurisdictions continues to be mostly voluntary, which can sometimes complicate successful collection and reporting at the federal level. Further, lack of reliable and affordable wireless connectivity in Indian Country and a broad need for access to updated technological equipment further exacerbate this already complicated issue.

Both DOI and DOJ, as well as other federal agencies, have been working to address data-related issues and concerns for several years, especially, in the case of DOI, through its implementation of Tribal self-determination contracts and compacts. Spurred by feedback from Tribes, Tribal

organizations, and advocates, as well as legislative mandates<sup>20</sup> and executive orders,<sup>21</sup> DOI and DOJ have worked to identify shortfalls in federal data collections; better understand data-related needs of Tribal agencies, Tribal organizations, and advocates; and identify and resolve digital connectivity and lack of Tribes' access to spectrum on Tribal lands.

As noted earlier, the Departments have identified several concerns in their work, including appropriate access to federal data collections, information sharing between electronic collection systems and data repositories, demographic misclassification, inconsistent practices in collecting Tribal affiliation, and general underreporting of crime and victimization. These challenges are compounded by unreliable or nonexistent wireless connectivity on Tribal lands, and/or Tribes' lack of unencumbered electromagnetic spectrum access on their lands. The Departments are grateful to the Commission for its work to address data-specific issues, and for the specific recommendations to improve both data relevancy and data access across jurisdictions.

#### **4. Jurisdictional Structure**

DOI's and DOJ's responses to the recommendations are informed by, and must be understood in the context of, existing jurisdictional schemes that impact Tribal communities and AI/AN people. Which government entity bears primary responsibility for public safety and the laws that apply may vary in many respects based on the applicability of certain federal laws, the Indian status of the offender or victim, and the location of the offense. Following is a jurisdictional summary, including descriptions of some of the major laws that impact the way that DOI and DOJ operate in Tribal communities.

##### Indian Country

The parameters of lands that are considered Indian Country for the purpose of this specific jurisdictional scheme are delineated in 18 U.S.C. § 1151.

"Indian Country" is defined at 18 U.S.C. § 1151 as follows:

Except as otherwise provided in law or regulation ... the term "Indian Country"... means

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<sup>20</sup> For example, [Savanna's Act](#) mandated that DOJ consult on the relevance and accessibility of DOJ data collections. Information about DOJ's implementation may be found on the [Tribal Justice and Safety website](#).

<sup>21</sup> For example, Executive Order 14053 (Section 4(c)), *supra* note 2, required DOJ, DOI, and HHS to "develop a strategy for ongoing analysis of data collected on violent crime and missing persons involving Native Americans, including in urban Indian communities, to better understand the extent and causes of this crisis." That strategy was submitted to the White House in July 2022.

- (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.

### Tribal Jurisdiction

Tribes have criminal jurisdiction over all criminal offenses committed by Indians within the Indian Country of the Tribe and within Alaska Native Villages. This jurisdiction is concurrent to federal and/or state jurisdiction. This jurisdiction further extends to nonmember Indians, not just enrolled members of the Tribe asserting jurisdiction. *See U.S. v. Lara*, 541 U.S. 193 (2004); 25 U.S.C. § 1305(a). Significantly, the Violence Against Women Act (VAWA) Reauthorization of 2013, P.L. 113-4, allowed participating Tribes to exercise their inherent power to assert special domestic violence criminal jurisdiction over defendants, including non-Indians, who commit domestic violence or dating violence or violate certain protection orders in Indian Country. *See* 25 U.S.C. § 1304(b) (2014). This provision enabled Tribes to exercise criminal jurisdiction over non-Indian offenders for the first time since the Supreme Court’s 1978 decision in *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). *Oliphant* held that, absent express Congressional authorization, Tribes lack jurisdiction over all crimes committed by non-Indians. In the 2022 VAWA Reauthorization, Congress expanded the list of “covered crimes” for purposes of special Tribal criminal jurisdiction of participating Tribes over non-Indian perpetrators by including crimes of assault of Tribal justice personnel, child violence, sexual assault, stalking, obstruction of justice, and sex trafficking. *See* P.L. No. 117- 103, div. W, § 804, 136 Stat. 840, 898-904.

### Federal Jurisdiction

Federal criminal jurisdiction is both created and limited by federal law. Federal jurisdiction applicable to Indian Country often depends on the Indian status of offenders and victims, the type of crimes, the locations of crimes, and any superseding federal laws that may limit the exercise of this authority in a particular jurisdiction.

Federal jurisdiction includes the crimes described in the General Crimes Act, 18 U.S.C. § 1152, which extends the general criminal laws applicable in federal enclaves to Indian Country. That Act provides, as relevant:



- (a) Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.
- (b) This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

Federal jurisdiction also extends to crimes listed in the Major Crimes Act, 18 U.S.C. § 1153, which governs offenses committed by Indians in Indian Country. The Act describes federal responsibility as follows:

- (a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, a felony assault under section 113, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.
- (b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

In addition to Indian Country-specific federal criminal jurisdiction, also applicable in Indian Country are general federal criminal laws that establish federal jurisdiction over certain crimes regardless of where they are committed or the Indian status of the offender. These include, for instance, laws regarding HT, bank robbery, counterfeiting, sale of drugs, and assault on a federal officer.

### State Jurisdiction

The extent of state jurisdiction within Indian Country varies from state to state. As a general matter, states have exclusive jurisdiction over crimes committed in Indian Country by non-Indians against non-Indians. *United States v. McBratney*, 104 U.S. 621 (1882). In 2022, the Supreme Court held in *Oklahoma v. Castro-Huerta*, 142 S. Ct. 2486 (2022), that states possess concurrent jurisdiction to prosecute crimes involving non-Indian offenders and Indian victims in

Indian Country. Both DOI and DOJ have since issued internal guidance and statements reiterating that the decision in *Castro-Huerta* does not change existing federal jurisdiction or the Departments' commitments to honor treaty and trust responsibilities, promote public safety in Native communities, and respect and support Tribes' authority to exercise their inherent sovereign powers.<sup>22</sup> The *Castro-Huerta* decision also does not displace Tribal jurisdiction.

### Public Law 280

In 1953, Congress passed Public Law 83-280, which is codified at 18 U.S.C. § 1162 and 25 U.S.C. § 1322, transferring federal authority over certain crimes to certain states. Broadly referenced as "Public Law 280," this statute alters the allocation of jurisdiction between the federal government and the states; it does not, however, limit or expand the scope of Tribal jurisdiction. States are divided into two categories under Public Law 280: "Mandatory" and "Optional."

There are six Mandatory Public Law 280 states: Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin.<sup>23</sup> In Mandatory Public Law 280 States, the federal government no longer possesses the authority to prosecute crimes in Indian Country under the General Crimes Act and Major Crimes Act. Jurisdiction in Mandatory states is established at 18 U.S.C. § 1162, which reads as follows:

- (a) Each of the States or Territories listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State or Territory to the same extent that such State or Territory has jurisdiction over offenses committed elsewhere within the State or Territory, and the criminal laws of such State or Territory shall have the same force and effect within such Indian country as they have elsewhere within the State or Territory.

As initially enacted in 1953, Public Law 280 allowed states to optionally assume jurisdiction—without Tribal consent—over crimes involving Indians in Indian Country. Under this authority, several states had assumed partial or full jurisdiction over crimes in Indian Country within their

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<sup>22</sup> For example, DOJ issued a [public statement from the U.S. Attorney's Office for the Eastern District of Oklahoma](#) and a [Statement for the Record](#); DOI [participated in a hearing](#) by the House Committee on Natural Resources Subcommittee for Indigenous Peoples of the United States on this Supreme Court decision.

<sup>23</sup> There are some exceptions to Mandatory Public Law 280 that are established by statute, including the Warm Springs Reservation in Oregon and the Red Lake Reservation in Minnesota.

states, often without Tribal consent. The law was amended in 1968 to require Tribal consent before a state may assume jurisdiction pursuant to Public Law 280.

The federal government maintains concurrent criminal jurisdiction to prosecute crimes under the General Crimes Act and Major Crimes Act in Optional Public Law 280 states.<sup>24</sup> State jurisdiction in Optional states is established at 25 U.S.C. § 1322, which reads as follows:

- (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

The Commission spent considerable time analyzing whether existing laws establishing jurisdiction could be changed to better serve Tribes' needs, particularly in subcommittees 1, 2, 4, 5, and 6.

Both Departments recognize the importance of this line of questioning and appreciate the Commission's attention to the issue. The agencies are limited by existing federal law and will adjust as needed in response to any Congressional action addressing the Commission's recommendations regarding jurisdiction.

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<sup>24</sup> The 1968 amendments to Public Law 280 also allowed states to retrocede "all or any measure of the criminal or civil jurisdiction, or both," previously acquired under the law. 25 U.S.C. § 1323. Through this provision, states may offer to return jurisdiction to the federal government for individual Tribes or for all the Tribes in the state. Retrocession has occurred for individual Tribes in several Mandatory and Optional states. In addition, the Tribal Law and Order Act of 2010 included a provision that allows Tribes to request that the Attorney General reassume concurrent jurisdiction over that Tribe's Indian Country in Mandatory Public Law 280 states if certain conditions are met. 18 U.S.C. § 1321(a)(2). If granted, the federal government may prosecute criminal cases within the Tribe's Indian Country under the General Crimes Act and Major Crimes Act.

## 5. Supporting Survivors of Crime

The Departments appreciate that the Commission included among its members survivors and family members of people who have gone missing or been murdered and issued recommendations focused on crime victims, survivors, and families of those who've gone missing or been murdered. The perspectives of people who bring lived experience to bear in discussions with federal agencies are invaluable.<sup>25</sup> In addition to the Commissioners who brought personal and professional experiences to bear, the Commission dedicated an entire subcommittee to victim and family resources and services. Through the recommendations of the Commission, which reflect the input of survivors alongside other types of expertise, DOI and DOJ have a unique opportunity to improve support for survivors of crime and family members of those who have been a victim of crime or who are missing.

Following is an overview of the Departments' existing programs that support these efforts. The Departments look forward to further discussions about how to improve our support for survivors of violent crimes and the families of those who've gone missing or been murdered.

Currently, DOJ provides services to victims of and witnesses to crimes through each of the 94 U.S. Attorneys' Offices and DOJ law enforcement agencies. Funding for victim and/or witness programs and services largely comes from the Crime Victims Fund (CVF), administered by DOJ's OJP/Office for Victims of Crime (OVC) to various offices within and outside of DOJ. There are over 300 victim and/or witness specialists working directly for DOJ and many more employed by other federal agencies. The provision of services to victims and witnesses is governed by statute as well as the Attorney General Guidelines for Victim and Witness Assistance. Indian Country cases often require a different level of time, attention, and services than most other cases handled by the federal agencies. The most recent [Attorney General Guidelines](#) provide specific guidance to DOJ employees on providing services to AI/AN victims of or witnesses to crime.

DOJ has expanded support to Tribes and Tribal organizations that provide direct services to survivors of crime. OJP/OVC provides noncompetitive grants to Tribes to support community planning, outreach, victim service program development and implementation, and more. OJP/OVC also provides training, technical assistance, and other resources to Tribal professionals.

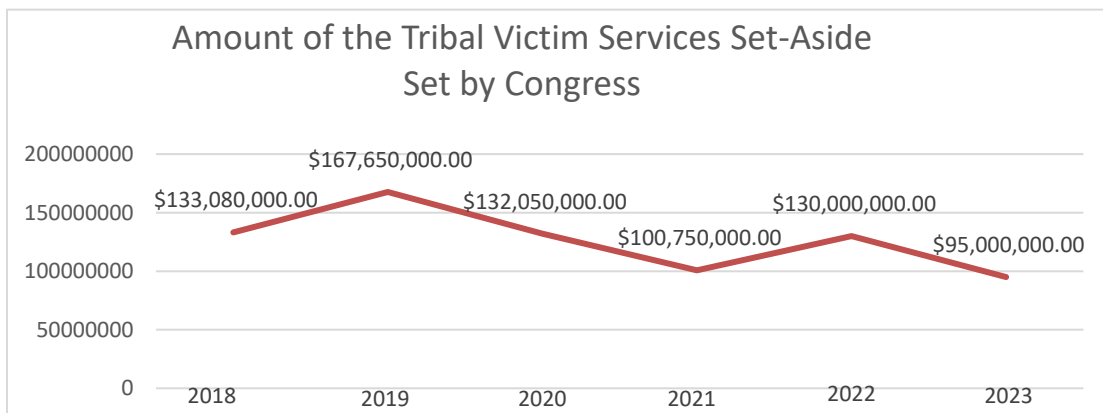
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<sup>25</sup> The United States Advisory Council on Human Trafficking [Annual Report 2023](#) highlights some of the benefits of these perspectives.

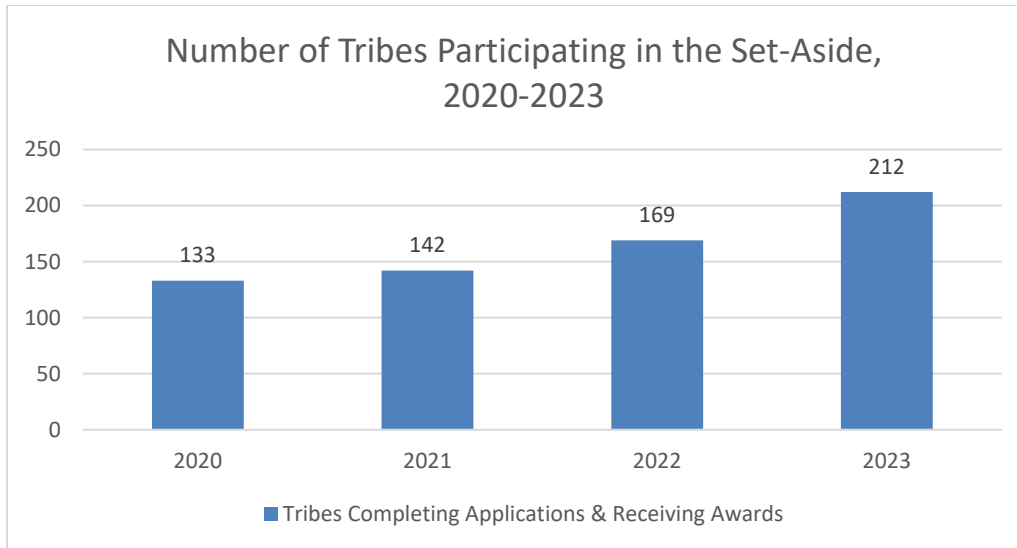
The CVF was established by the Victims of Crime Act (VOCA) of 1984 and is financed by fines and penalties paid by persons convicted in federal cases, not by tax dollars. Each year, Congress authorizes OJP/OVC to use the CVF to support the delivery of victim services through grants made to states, local jurisdictions, nonprofit organizations, and Tribes. The amount of funds authorized to be spent from the CVF is referred to as “the cap.” Since fiscal year (FY) 2018, Congress has authorized a Tribal Victim Services Set-Aside (TVSSA) from the CVF cap to be used for grants and programs for Indian Tribes to improve services for victims of crime. The set-aside is authorized under annual appropriations law, and Congress determines, at its discretion, the annual amount in the set-aside. Thus, the amount of available funding under the set-aside varies from year to year. Regardless of the amount authorized by Congress, the Departments have not wavered in our commitment to supporting crime victims and survivors.

In FY 2018 and FY 2019, the set-aside was administered as a competitive grant program. In FY 2020, in response to Tribal consultations and listening sessions in which 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, OJP/OVC implemented a population-based formula for disbursing Tribal set-aside funds. OJP/OVC consults with Tribes every year on the administration of the set-aside as a formula-based program and has used a formula every year since FY 2020.

The chart on the next page shows how funds authorized by Congress under the TVSSA have fluctuated since FY 2018.



The number of Tribes applying for funding through OJP/OVC’s TVSSA has increased by 59.4% from FY 2020 to FY 2023 (the period during which the formula has been used).



Since the TVSSA program began in FY 2018, OJP/OVC has made hundreds of TVSSA awards, which now provide victim services to thousands of crime victims in hundreds of Tribal communities. TVSSA grantees are using funds to provide services to domestic violence and sexual assault victims, pay the salaries of victim advocates, run supervised visitation programs to allow children to stay connected with their families, provide civil legal assistance to crime victims dealing with the repercussions of their victimization, buy emergency groceries or pay for emergency housing or shelter for victims, amend Tribal codes to include stronger victim protections, lease vehicles to take victims back and forth to appointments, and hold sings and ceremonies to help victims connect back with their communities. These programs are serving victims of arson, assault, burglary, child abuse, dating violence, domestic violence, elder abuse, fraud, identity theft, kidnapping, labor trafficking, rape/sexual assault, robbery, sex trafficking, and stalking.

In addition, DOJ’s Office on Violence Against Women (OVW) provides grant funding under VAWA specifically for Tribes and Tribal organizations to address forms of gender-based violence that are often an underlying cause of MMIP and HT—domestic violence, dating violence, sexual assault, stalking, and sex trafficking. These grant funds can be used for coordinated community responses to the VAWA crimes, including justice system interventions and services and support for survivors. OVW has taken steps to increase Tribal access to grant funds, maximize flexibility for Tribal grantees, and explore ways to support culturally responsive efforts in Tribal communities to address the intersection of MMIP, HT, and gender-based violence in accordance with recommendations from Tribal leaders.

DOI further provides direct monetary support to Tribes through base funding for public safety and justice programs, Tribal courts, victim support specialists, general welfare programs, social

services, Indian child welfare, job placement and training, housing, and other areas. This funding allows Tribes to develop and implement programs to address the causes of the MMIP and HT crisis, and to also provide prevention, intervention, and supportive services to victims and survivors. Additionally, DOI provides technical assistance and training and supports Tribe-to-Tribe mentoring on promising practices to allow Tribes to continue to innovate around supportive services for their citizens.

DOI continues to request additional appropriations each fiscal year for more base funding to Tribes to provide additional support and care services to victims and survivors. The topics discussed by all the subcommittees deal with extraordinarily challenging public safety issues that involve highly personal experiences and, much too often, personal tragedy.

DOI and DOJ wish to especially honor the survivors and families of the missing or murdered who participated as members of the Commission and those who contributed their personal experiences and perspectives during hearings to help shape the Commission's recommendations.

## **6. Public Safety Resources**

Resources were another overarching focus of the Commission, and, to further accentuate the issue of resources as a Commission priority, recommendations regarding resources may be found in every chapter of the report. Funding shortfalls for Tribal law enforcement programs have been documented through the annual Congressionally mandated Tribal Law and Order Act (P.L. 111-211) report on law enforcement resources as well as through third-party analysis such as the U.S. Commission on Civil Rights' 2018 [\*Broken Promises: Continuing Federal Funding Shortfall for Native Americans\*](#), also heavily referenced throughout the Commission's recommendations. DOI and DOJ recognize that additional resources are needed to respond to the MMIP and HT crisis and improve public safety and justice resources across Indian Country. This is reflected in recent submissions of the President's budget in FY 2022, FY 2023, and FY 2024.

DOJ's grants and programs are an important aspect of the Department's public safety partnership with Tribes and are designed to support Tribes in building capacity and developing new capabilities in Tribal public safety programs. DOJ's grant funding is not designed to be a replacement for base funding, but DOJ understands that Tribes have increasingly needed to use grants to supplement base funding. DOJ has been reviewing funding models to determine how they might better meet Tribes' needs; the recommendations of the Commission provide valuable direction for that ongoing analysis.

Significantly, on December 6, 2023, President Biden signed Executive Order (EO) 14112, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, as part of the 2023 White House Tribal Nations Summit. Pursuant to this order, the Executive Branch is required to identify chronic shortfalls in federal funding and support programs for Tribal Nations, including those related to public safety, and make recommendations to the President. The Executive Order also advances Tribal sovereignty by requiring federal agencies to affirmatively ensure that federal funding for Tribes is accessible, flexible, and equitable. Both Departments are actively working to implement the directives of EO 14112.

### **Agency Responses to Commission Recommendations**

As required in the Act, this document sets forth responses by the U.S. Departments of the Interior and Justice to the Commission’s “Not One More” findings and recommendations directed at those Departments. The responses that follow cover a wide range of complex topics, some of which relate to longstanding debates or issues of law and policy. While this response focuses specifically on DOI and DOJ activities and on the findings and recommendations that are aimed at the Departments, the Departments acknowledge that other federal agencies are deeply engaged in efforts to combat violence against AI/AN people and in Indian Country and are committed to addressing the disproportionate rates of violent crime against AI/AN people and on Indian lands. The Departments acknowledge that the programs and actions described herein are complementary to efforts by other federal agencies to further address longstanding unresolved violence against AI/AN people and the disproportionate rates of violence on Indian lands.

Addressing the MMIP and HT crisis requires a cross-jurisdictional approach. The Departments are grateful for the partnership of Tribal, state, and local law enforcement agencies across the nation that are working alongside the Departments to help reduce crime and support AI/AN survivors, victims, families, and those living on Indian lands. Acknowledging the many AI/AN people who have suffered, and continue to suffer, from the pain of a missing loved one or the disproportionate rates of violent crimes on and off reservations serves as an important reminder of the urgency and importance of the federal government’s collective work to address the crisis.

Our Departments remain committed to upholding our federal trust responsibilities and our nation-to-nation relationships with the 574 federally recognized Tribal Nations in the United States as well as advancing the Commission’s call for immediate action and healing. DOI and DOJ will continue to refer to the Commission’s report beyond issuance of this response and look forward to continuing to work with other federal agencies and in consultation with Tribes.



The findings and recommendations of the Commission's final report reflect the expertise, dedication, and compassion of the Commissioners. DOI and DOJ extend sincere thanks and appreciation to the Commissioners, who undertook the extraordinarily difficult charge established in the Act with courage and care.

## Chapter 1: Law Enforcement & Investigative Resources— Identifying/Responding to MMIP and HT

### Subcommittee 1 Charge and Priority Areas

Following is an excerpt from the final report describing the work of Subcommittee 1:

The Not Invisible Act tasked the Commission with addressing issues related to identifying, reporting, and responding to instances of missing persons, murder, and human trafficking on Indian lands and of Indians (i.e., across state-Tribal-federal jurisdictions), including comparing and contrasting available communication tools and general resources at the state and federal levels and the technology updates and platforms needed for BIA/OJS and Tribally operated agencies to support current tools/technologies.

Given this broad charge, the Subcommittee 1 chose three priority areas to organize its work and one important cross-cutting theme. These areas included:

1. How do we improve initial reporting of and responding to missing persons and crimes?
2. How do we improve access to equipment and technology that would aid initial reporting and investigation?
3. What innovations like improved case management, victim advocates and multi-disciplinary teams can be instituted to aid investigations across jurisdictions?
4. Cross-cutting across these priority areas, and in conjunction with the work of Subcommittees Four and Five, how do we improve communication between LE and families?

**COMMISSION FINDING A: There is woefully insufficient funding to support public safety in Indian country and Alaska Native Villages.**

**Commission Recommendation A1:** A cross-agency, federal and non-federal, committee or commission must be involved in review of public safety budgets by all federal agencies in an ongoing and regular manner to inform and advise on the President’s annual budget request and Congressional appropriations. While the Secretary of the Interior’s Tribal Advisory Committee and the Tribal Interior Budget Council do provide this review for DOI, a single entity across BIA,

DOJ, and HHS is needed to fully understand and make recommendations for improvements to federal money flows for public safety across Tribes and Alaska Native Villages.

**Response:** The U.S. Department of the Interior (DOI) and U.S. Department of Justice (DOJ) appreciate the interest in cross-agency coordination on budget development and that this recommendation is intended to institutionalize non-federal input in the federal budget process. The agencies further recognize that this proposal is intended to support Tribes' ability to identify funding priorities and provide input into funding distribution across agencies. In response to this need, President Biden recently signed Executive Order 14112, Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, focused on funding issues that will help usher in a new era of self-determination. As part of this Executive Order, the President directed the White House Council on Native American Affairs, the Office of Management and Budget, and the White House Domestic Policy Council to work across the federal government to measure the chronic funding shortfalls of existing federal funding for Tribes and develop recommendations for what additional funding and programming is necessary. Federal agencies will be required to report annually on their progress in implementing those recommendations.

We note that this recommendation is also directed at the U.S. Department of Health and Human Services (HHS). HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A2:** BIA must permanently establish, make mandatory, and sufficiently fund the BIA MMUs and place MMUs in all regions and include sufficient funding and oversight such that putting MMU staff on details or duties elsewhere does not damage the progress of investigations.

**Response:** DOI appreciates the Commission's advocacy for the Missing and Murdered Unit (MMU) within the Bureau of Indian Affairs/Office of Justice Services (BIA/OJS). The MMU represents DOI's functional arm of the Missing or Murdered Indigenous Persons (MMIP) initiative. The MMU was formed in 2021 to enhance the operation of the criminal justice system and address concerns of American Indian and Alaska Native (AI/AN) communities regarding missing or murdered people. Since its establishment, the MMU has proactively engaged with federal partners, including United States Attorney's Offices (USAOs) and state groups focused on missing or murdered persons cases. The MMU operates from a recurring annual budget of \$14.0 million to support a total of 66 positions nationwide. Currently, 32 of those positions are staffed, and active recruitment to fill the remaining 34 positions is ongoing.

Though MMU personnel are sometimes temporarily reassigned to support other critical public safety needs, we fully expect this trend to decline as more BIA law enforcement vacancies are filled both within and outside of the MMU. As the MMU grows in capacity, leadership within BIA, including MMU and BIA/OJS, will continually reassess the MMU for effectiveness and recommend any change in course as necessary. After several years of building the MMU team and its capabilities, Indian Affairs is now focusing requests for increased funding on additional Tribal law enforcement to address the crisis of MMIP.

Increased funding for public safety and justice programs, including the MMU, remains a priority in DOI budget requests to Congress, which has the ultimate authority over the budget BIA receives to support the work of the MMU.

**Commission Recommendation A3:** Congress must appropriate, and DOJ must then increase the number of Special Assistant U.S. Attorneys (SAUSAs) throughout Indian country and Alaska.

**Response:** DOJ appreciates the Commission's interest in expanding the SAUSA program, which has become an important part of DOJ's work to prosecute crimes in Indian Country. SAUSAs complement the work carried out by Tribal liaisons and Indian Country prosecutors in Indian Country districts. Consistent with Congressional appropriations, DOJ will continue to use SAUSAs in Indian Country whenever possible. DOJ encourages USAOs to integrate Tribal SAUSAs into regular operations to increase the likelihood that every violent offense that is appropriate for prosecution is prosecuted in either federal or Tribal Court. See [Memorandum on Promoting Public Safety in Indian Country from the Deputy Attorney General \(DAG\) to Director, ATF, et al. \(July 13, 2022\)](#). The benefits of integrating Tribal SAUSAs include successful prosecutions of unresolved cases, stronger relationships between Tribes and USAOs, and victims coming forward with confidence that their cases will be seriously considered. SAUSAs, including qualified Tribal prosecutors and other qualified attorneys, may be appointed under 28 U.S.C. § 543 to assist U.S. Attorneys in prosecuting federal offenses committed in Indian Country. Working in collaboration with Tribal partners, U.S. Attorneys may appoint SAUSAs whenever possible. Numerous districts with Indian Country responsibilities leverage reimbursable and non-reimbursable SAUSA appointments, governed by a memorandum of understanding between the USAO and the Tribe.

Further, DOJ's Office of Justice Programs (OJP), in partnership with USAOs and the Executive Office for United States Attorneys (EOUSA), have Tribal SAUSA initiatives. Since fiscal year (FY) 2012, the Office on Violence Against Women (OVW) has awarded funds to 16 federally recognized Tribes to help them work with their local USAOs to hire or retain mutually agreed-

upon Tribal prosecutors to be cross-deputized as SAUSAs. These cross-designated prosecutors maintain active caseloads involving domestic violence, dating violence, sexual assault, stalking, and sex trafficking in Tribal court, federal court, or both, and help promote higher-quality investigations and better inter-governmental communication. As of FY 2023, OVW has five open Tribal SAUSA grant awards and expects to make additional awards in FY 2024.

OJP, through the OJP/Bureau of Justice Assistance (BJA), awards competitive funds to federally recognized Tribes to hire—in consultation with their local USAOs—Tribal SAUSAs to assist with drug and associated violent crimes. Currently, Tribes can seek funding to hire Tribal prosecutors to prosecute serious and violent crimes under DOJ’s Coordinated Tribal Assistance Solicitation (CTAS) Purpose Area 3. OJP/BJA also coordinates closely with OVW on this project. In addition, OJP/BJA has a training and technical assistance provider for Tribes seeking to investigate and prosecute violent crimes, including developing an agreement with USAOs to have these Tribal prosecutors cross-designated as Tribal SAUSAs coordinating with the USAO on these cases.

Finally, working in conjunction with OVW, OJP/BJA has funded the Alaska Department of Law to focus on violent crime prosecutions in Alaska Native Villages, particularly crimes of violence against women, and has funded Alaska-focused training and technical assistance to support these prosecutors, including training specifically provided by Alaska Native experts. These state prosecutors also are cross-designated as SAUSAs, although most of the cases they prosecute are in state court.

**Commission Recommendation A4:** The Federal agencies must make more grants eligible for the 477 programs without a required match. The 477 program has agreements with 12 agencies and is seeking to cut down on the grant administration burden. Furthermore, sister agencies must remove barriers that prevent other agencies from working cooperatively with BIA to administer the program.

**Response:** Consistent with Public Law 102-477, the “Indian Employment, Training and Related Services Act of 1992,” known broadly as “477,” DOJ has and will continue to demonstrate its full commitment to working with DOI in its efforts to improve the effectiveness of Tribal employment, training, and related services, and reduce joblessness in communities for self-determination purposes. As the 477 “lead agency,” DOI has, to date, approved three plans (submitted by two Tribal Nations) seeking to integrate DOJ programs implemented for the purposes of employment, training, and related services into consolidated and coordinated Tribal plans.

DOJ notes that we have not been asked to review or take action on Tribal waiver requests implicating DOJ programs. (See 25 U.S.C. § 3406.) No DOJ Tribal 477 requests have included a waiver request. Regarding “match requirements,” for the two aforementioned Tribal Nation plans approved for 477 program integration that included DOJ programs, neither plan had match requirements.

In accordance with Executive Order (EO) 14112 and as 477 statutory federal partner agencies, DOI and DOJ will work persistently to identify all legally available opportunities to streamline administrative requirements.

Further streamlining—such as expanding the programs eligible for 477 or removing additional statutory limits on federal funding or requirements for federal funding administration—may require legislative and/or regulatory changes. In those instances, DOJ will seek to identify, recommend, or implement such changes, consulting with Tribal Nations to develop the fullest possible understanding of how it may achieve the greatest benefit. In addition to participating in the 477 program, DOI and DOJ will, as part of the work of implementing EO 14112, work to enhance the accessibility and flexibility of federal funding to Tribal Nations to support Tribal law enforcement and public safety.

BIA also notes that a Tribal match requirement should not affect whether a grant is eligible for a Tribe’s 477 Plan integration. If a receiving Tribe can demonstrate the grant is implemented for a purpose under 25 U.S.C. 3404(a)(1)(A) and meets the criteria in 25 U.S.C. 3404(a)(1)(B), the funding may be integrated into the Tribe’s 477 Plan. A Tribal match requirement is not a factor.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING B: In order to improve initial reporting of and responding to missing persons and crimes, including murder and trafficking, records of both victims and perpetrators must be improved.**

**Commission Recommendation B1:** The DOJ Tribal Access Program (TAP) provides support for systems installed and usable at and with Tribes. However, many Tribes and almost all Alaska Native villages do not have such systems. There are numerous challenges. There are multiple databases for different kinds of data.

<b>National Crime Information Center (NCIC)</b>	<b>Next Generation Identification (NGI)</b>	<b>Combined DNA Index System (CODIS)</b>
Maintained by FBI Criminal Justice Information Services (CJIS) Division	Maintained by FBI Criminal Justice Information Services (CJIS) Division	Maintained by FBI Laboratory Division
Gathers information from and is accessed by law enforcement agencies, the National Center for Missing & Exploited Children (limited read-only access), and some medical examiner/coroner offices.	Gathers information from and is accessed by law enforcement agencies and some medical and coroner offices.	Receives physical samples from and is accessed by law enforcement agencies and medical/coroner offices.
Houses criminal justice information (including arrest warrants, missing persons, etc.) and biographical information (name, race, Tribal affiliation, date of birth, etc.).	Houses biometric fingerprint indexed criminal history record information and includes fingerprints, palm prints, iris scans, photographs, as well as scars, marks, and tattoos.	Houses DNA computer software program that operates local, state, and national databases of DNA profiles from convicted offenders, unsolved crime scene evidence, and missing persons.
Is a communication system used by law enforcement agencies.	Is accessed by law enforcement agencies and by non-criminal justice agencies for authorized purposes.	The system has participants and is access by all 50 states, the District of Columbia, federal government, the U.S. Army Criminal Investigation Laboratory, and Puerto Rico.

Participation in FBI CJIS systems is ‘voluntary’, and states often have their own criminal justice databases. Sec 211 of the Tribal Law and Order Act charged DOI/BIA—not DOJ—with providing technical assistance and training to Tribal Law Enforcement (LE) officials to utilize the NCIC and other national crime information databases (such as Next Generation Identification (NGI)) pursuant to 28 USC §534. Training about the use of TAP to access FBI CJIS systems is currently being provided by DOJ TAP staff. Since NCIC and other databases are DOJ-run and managed, agency responsibility has been bifurcated between the system itself and training and operations by Tribes. Furthermore, many Tribes do not have their own detention programs and may rely on MOUs with local or state detention programs. There have also been issues where Tribes should have had access to NCIC and other FBI CJIS systems but were blocked or restricted by some states which limited Tribal access to federal and/or state data. Some state/local jurisdictions do not enforce Tribal arrest warrants. TAP staff works with participating Tribes to

ensure that the system is fully utilized in accordance with federal law and policy and Tribal prerogatives.

*Therefore,*

1. First and foremost, responsibility for both training and management of TAP must reside at DOJ.
2. To ensure TAP and its kiosks are fully utilized and available across Tribes, DOJ must continue to monitor program usage and identify concrete actions to increase regular use of TAP and to address issues and barriers.
3. DOJ must hold Tribal consultations, including funding for travel for Tribal leaders and Tribal subject matter experts to participate, for ensuring the success of the TAP program as part of this DOJ review.
4. DOJ must continue to provide on-going, regular training for TAP users given frequent changeover in Tribal personnel.
5. DOJ must continue to identify Tribes that utilize TAP successfully and develop and disseminate lessons learned and best practices in trainings.
6. Tribal LE with direct access to NCIC should adhere to the same 2-hour mandatory reporting in NCIC as other LE entities for missing persons under the age of 21 as required by the Adam Walsh Act and Suzanne's Law.
7. The TAP system must continue to be used for the Sex Offender Registration and Notification Act (SORNA) and should also be used to include the input of missing persons, as well subject fingerprints.
8. Participating Tribal LEAs should be strongly encouraged to use TAP to conduct background checks on potential LE hires. In support of the National Crime Prevention and Privacy Compact Act of 1998 (34 U.S.C. § 40316), which requires that subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for authorized noncriminal justice purposes; it is recommended that NGI be utilized to conduct background checks on prospective Tribal employees who would have access to children and for prospective foster parents. In today's transient society, national background checks based on fingerprints reduce the risks of associating a person with someone else's criminal history record or failing to find a criminal history record of a person who uses a false name.
9. DOJ must continue to provide training on how to upload fingerprints and other identifiers of arrestees and persons convicted of serious offenses into the NCIC and NGI even when custody of the alleged perpetrator may be transferred to non-Tribal jurisdictions such as counties or municipalities.



10. DOJ must continue to provide DNA kits to Tribes and to assist them through training and technical resources to manage DNA data through CODIS.
11. DOJ must continue to make funding available and inform Tribal criminal justice agencies of that funding to employ and maintain records management and data entry personnel. Understanding that some Tribes may lack the resources (physical, technical, personnel) to receive and maintain TAP access, it is also recommended: the DOJ Office of Tribal Justice (OTJ) in conjunction with the FBI CJIS must explore establishment of an optional regional based model for TAP access for Tribal criminal justice agencies. For Tribal criminal justice agencies opting to use the regional model, DOJ OTJ shall provide funding, compliant facilities, equipment, and staffing for regional CJIS Centers that will serve as 24-hour operations centers for multiple Tribal criminal justice agencies. The operations center will be responsible for entering and receiving information with FBI CJIS systems and will maintain law enforcement records for the participating Tribal criminal justice agencies. The *National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP)* and the *National Criminal History Improvement Program (NCHIP)* grant program Request for Proposals shall be reviewed and revised to meet the records management and data entry personnel needs of Tribal criminal justice agency programs.

**Response:** DOJ provides the following responses to each of the sub-recommendations:

1. Management of TAP has been and will continue to be through DOJ. Training is provided to participating TAP Tribes by DOJ in multiple formats including the following: on-site hands-on training, online webinar training, and one-on-one training for individual users, as well as a library of training materials.
2. TAP, working in conjunction with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division, regularly monitors usage and works with Tribes participating in TAP to increase usage in accordance with Tribal law, policy, priorities, and needs. This includes activities such as monthly reviews of usage metrics and direct follow-up with Tribes as needed to identify reasons for lack of use and to provide follow-up support, such as refresher training and continued mentoring of system users to ensure they are knowledgeable about the benefits of access and understand how to use each system.
3. Funding for travel for in-person Tribal consultations is subject to Congressional appropriations for such activities. At a program level, TAP provides online webinar training for Tribal government leaders interested in exploring whether TAP can help Tribes meet their criminal justice information-sharing needs. These webinars are made available during the annual TAP open application period.

4. TAP provides both onsite and online training opportunities for Tribal TAP user agency staff to encourage system use in accordance with Tribal law, policy, priorities, and needs. This training is provided from the time of initial selection for participation in the program for all participating TAP Tribes and continues on a regular basis to ensure both existing and new Tribal personnel receive the appropriate training.

5. TAP identifies TAP Tribal agencies that utilize TAP in effective ways and actively encourages the sharing of best practices with other participating TAP Tribal agencies. This information is shared through articles in the monthly TAP newsletter and during recurring online webinar presentations. Additionally, some TAP Tribes have developed policies and best practices documents and coordinated through TAP to share this information with other participating Tribes.

6. Tribes, as sovereign governments, decide how best to handle the sharing of missing person information; current law does not require Tribes to adhere to the two-hour mandatory reporting requirement regarding missing children. Such a requirement would require federal legislation. TAP does provide both on-site and online webinar training on entry of Missing Persons into NCIC. TAP also collaborates with representatives from the National Center for Missing and Exploited Children (NCMEC), Team Adam, and Amber Alert in Indian Country to co-host online webinars to share information about important resources regarding missing persons in general and missing children in particular. TAP encourages participating Tribal agencies to develop policies on the entry of Missing Persons into NCIC to include the two-hour reporting time as a best practice.

7. TAP is routinely used by participating Tribes to enter and share data pertinent to sex offender registration as required by SORNA. TAP works in partnership with the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to educate and train participating TAP SORNA Tribes on the entry of the sex offender information in the Territory and Tribal Sex Offender Registry System; the NCIC National Sex Offender Registry; the FBI's Next Generation Identification (NGI), and the National Sex Offender Public Website.

TAP is also routinely used by participating Tribes to enter and share information about missing persons. TAP provides both on-site and online webinar training on entry of missing persons into NCIC. TAP also collaborates with representatives from NCMEC, Team Adam, and Amber Alert in Indian Country to co-host online webinars to share information about important resources regarding missing persons in general and missing children in particular. TAP also acknowledges and understands that it is a Tribal decision to use other access points to federal systems, such as a state CJIS Systems Agency (CSA). While TAP will continue to be used by some Tribes for the purposes of entering information on sex offenders and missing persons in national databases,

other Tribes may decide to use non-TAP solutions to submit this information through state CSAs.

8. TAP is routinely used by participating Tribes to conduct fingerprint-based record checks on prospective Tribal criminal justice agency staff, as well as on prospective Tribal government staff that have access to or control over children, and on prospective foster parents. TAP provides fingerprint training for participating TAP Tribes for both criminal and non-criminal justice purposes. Hands-on training is provided during initial on-site deployments as well as during follow-up visits for refresher training. TAP also hosts remote fingerprint training as needed using a combination of training videos and technology such as teleconferencing software and screen-sharing capabilities. The FBI CJIS Security Policy, Section 5.12, requires all agency personnel in positions that involve unescorted access to Criminal Justice Information (CJI) to undergo a fingerprint-based record check prior to having access to CJI. While this is a system-wide requirement, it is each Tribe's decision whether to conduct those checks through TAP or through another means, such as a state CSA.

DOJ has developed a legislative proposal that would further support Tribes' use of national crime databases for background check purposes, specifically related to the Child Care and Development Block Grant Act (CCDBG), 42 U.S.C. § 9858f. A Congressional member is currently considering whether to introduce this legislative proposal. The proposal would provide language to authorize the FBI to conduct fingerprint-based background checks for Tribal childcare staff members, including prospective staff members, who are licensed, regulated, or registered under Tribal law or who receive assistance provided under CCDBG. This public safety initiative enables Tribes to conduct FBI fingerprint-based background checks on both current and prospective childcare staff members of Tribal childcare providers.

For background, CCDBG requires all state lead agencies receiving Child Care and Development Fund (CCDF) resources to conduct FBI fingerprint checks for current and prospective childcare staff members of childcare providers; however, the Act did not provide Tribes with sufficient legal authority to conduct FBI fingerprint-based background checks.

At present, Tribes utilize several methods to electronically submit fingerprints to the FBI and receive the corresponding criminal history results for authorized purposes. These methods include submission through the state CSA, an FBI-approved channeler, and TAP. In limited instances where other electronic options were not feasible, Tribes have been approved to submit hard-copy fingerprint cards directly to the FBI, and the FBI has returned the corresponding criminal history record information via mail. All of these processes require legal authority to access FBI's CJIS systems, and authority to do CCDBG checks by Tribes is not currently specified in the statute.

This proposed statutory change would close this dangerous loophole and provide Tribes with the necessary statutory authority to conduct FBI fingerprint-based background checks on childcare staff members of Tribal childcare providers, including prospective childcare staff members.

9. TAP provides both on-site and online training opportunities for Tribal TAP user agency personnel regarding the submission of arrest booking and disposition information. TAP regularly confers with Tribes participating in TAP regarding best practices when persons serving sentences issued by Tribal courts are being held by corrections facilities managed by other jurisdictions. As sovereign nations, Tribes decide the crimes for which they will submit arrest booking information to the FBI's NGI, where these arrests and subsequent dispositions will be visible to criminal justice agencies nationwide. TAP also provides training and ongoing support for TAP Tribes on the entry of domestic violence protection orders, conditions of supervised release, and wanted persons into NCIC. The NCIC entries then become both visible to and enforceable by law enforcement nation-wide.

10. The Combined DNA Index System (CODIS) is the software that supports a tiered system of databases. This system is designed to assist law enforcement agencies with the identification of individuals through the exchange and comparison of DNA profiles. CODIS is used to help solve crime from jurisdictions across the United States, including Tribal jurisdictions. In addition, the FBI Laboratory Division currently assists with the forensic analysis of casework submitted from Tribal jurisdictions and will continue to process these cases.

The DOJ SMART Office has taken the lead on working directly with Tribes that have implemented SORNA in their jurisdictions to provide information to Tribes that wish to send DNA samples collected from registered sex offenders pursuant to SORNA directly to the FBI Laboratory's Federal DNA Database Unit (FDDU). Tribal law enforcement may place an order (free of charge) for DNA collection kits by visiting: <https://forms.fbi.gov/buccal-collection-kit-re-order-form>. Once samples are collected, they can be sent to the FBI Laboratory via U.S. Postal Service using the return envelope included in each kit. For more information about the DNA collection process, the FDDU will also provide an instructional DVD upon request. However, in those instances where state laboratories are authorized to receive DNA samples collected from Tribes, DNA kits are not provided by FDDU and instead would be provided by the respective state laboratory.

11. Overall funding levels are dependent on Congressional appropriations. Based on these appropriations, DOJ grant components, such as the Office of Community Oriented Policing Services (COPS Office) and OJP, make funding available for various criminal justice purposes through the annual CTAS. In addition, other programs such as NCHIP and NARIP provide funding

for specific purposes. Intertribal regional consortiums are eligible to apply for participation in TAP.

While the report recommends that Tribal law enforcement agencies submit fingerprints to conduct background checks for potential law enforcement hires, currently any law enforcement agency may conduct an Interstate Identification Index (III) name-based check using the appropriate purpose code for criminal justice employment. A fingerprint-based check provides positive identification, and law enforcement agencies may submit fingerprints to the FBI for this purpose at no cost.

In addition, pursuant to 25 U.S.C. § 3207, Tribes receiving funding under the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. §§ 5301 et seq., or the Tribally Controlled Schools Act, 25 U.S.C. § 2504, may access FBI CJIS systems to conduct criminal history records checks of Tribal government employees who have regular contact with or control over Indian children, as well as background checks by Tribal social services agencies for foster care placements in Tribal court proceedings.

**Commission Recommendation B2:** The DOJ and BIA must encourage, incentivize, and ensure that domestic violence criminal and civilian restraining orders and criminal convictions are entered into NCIC/NGI so that repeat offenders who move through multiple Tribal jurisdictions to evade accountability can be tracked, restrained, and prosecuted, as warranted. Tribes must use NCIC to access information about individuals. Both LE and Tribal courts, including family courts, will require training and support to do so. BIA audits, which are administered for 638 grant programs, include this in their reviews but for self-governing Tribes, court evaluations and other tools will need to be used to monitor compliance. Furthermore, a single entity must lead, track, and follow up to ensure every Tribe has such capabilities, regardless of their kind of LE program. Smaller Tribes will need a central clearinghouse or means to utilize given highly constrained resources. Lastly, with these changes, Tribal data sovereignty must be respected.

**Response:** DOJ ensures access to federal databases across jurisdictions and widely encourages courts and law enforcement agencies to enter domestic violence criminal and civilian restraining orders and criminal convictions into these databases. DOJ encourages submission from Tribal agencies in a centralized manner, primarily through TAP. The purpose of TAP is to enhance the ability of Tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases. TAP enables Tribes to participate in the exchange of critical public safety data while allowing them to determine what information to share.

To encourage Tribes to enter protection orders entitled to full faith and credit into NCIC and thereby provide for nationwide coverage, 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 FBI 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 Tribe. Tribes are offered webinar training and one-on-one technical assistance to help them address the identified barriers and more effectively use TAP to enter their protection orders into NCIC.

These efforts have had measurable results. Since TAP's inception in 2015, there has been a 27% average annual increase in the number of protection orders entered using TAP, with a total of 4,572 orders entered, both temporary and full. Over the years, TAP has also had a 38% average annual increase in use of the NCIC field, indicating that a Tribal protection order serves as a qualifying prohibitor for possessing a firearm under federal law.

DOJ also supports training and technical assistance for Tribal law enforcement and courts, as well as non-Tribal jurisdictions, on issuing and enforcing protection orders entitled to full faith and credit. DOJ's National Indian Country Training Initiative (NICTI) sponsored a webinar on full faith and credit for protection orders issued by Tribal courts in July 2023. In addition, DOJ's OJP/BJA funds the Tribal Law and Policy Institute to provide [training and technical assistance](#) in this area, in addition to the OVW-funded [National Center on Protection Orders and Full Faith & Credit](#). A joint OVW-OJP/BJA award to the Rural Alaska Community Action Program supports collaboration between the State of Alaska and Tribal organizations to develop and provide training on issuance and enforcement of Tribal protection orders. Finally, OVW funds training and technical assistance for the DOJ-created Intertribal Technical-Assistance Working Group on Special Tribal Criminal Jurisdiction (ITWG), a group of Tribal representatives who exchange views, information, and advice about how Tribes may exercise the jurisdiction.

The importance of submitting Tribal court records (including protection orders and domestic violence convictions)—and mechanisms to facilitate that submission—to national databases like NCIC are frequent topics of discussion and training at ITWG meetings. In FY 2023, OVW also began funding a training and technical assistance project to support an Alaska-specific ITWG where similar activities related to the Commission's recommendation are expected to be addressed.

Furthermore, the FBI's Biometric Services Section will continue providing assistance to Tribal agencies with NGI system connectivity and fingerprint transactions to ensure identity history information is maintained and updated on a continual basis.

An integral component to working with TAP is providing Tribal justice systems with the personnel to input and collect information necessary to enter protection orders, Tribal court orders, warrants, and other court-related documents. BIA/OJS Tribal Justice Support (TJS) provides annual funding for these “input” clerk positions, which are absolutely necessary for the effective use of TAP. In addition, TJS provides funding for Tribal peer-to-peer training for these positions, which includes a hands-on training.

**Commission Recommendation B3:** Unlike most LEAs in the United States, many death investigators and ME/Cs around the country do not have access to NCIC and do not upload data into NamUs. To date, states have controlled who has access to NCIC. NCIC and NamUs have demonstrated that they are essential tools for solving missing person, unidentified person, and unclaimed person cases. The lack of access to these systems is a barrier. If the systems put in place are used to their fullest potential, the unidentified stands a much better chance of being resolved. Congress must enact legislation authorizing death investigators and Medical Examiners/Coroners (ME/C) offices to access NCIC. The legislation must also require using NamUs for long-term missing and unidentified cases (over 120 days).

**Response:** While the recommendation is primarily directed at Congress, DOJ wishes to clarify that, based on the CJIS Advisory Policy Board recommendation and approval from the FBI Director, since 1994 medical examiners and coroners have had authorized access to the NCIC Missing Person and Unidentified Person Files.

**Commission Recommendation B4:** The BIA MMU must annually compile, maintain, update, and distribute to the Tribes a listing of all AI/AN individuals known through NamUs, NCIC, and any other sources who are actively missing. It shall also be distributed to Tribally-based and AI/AN-led community organizations, U.S. Attorneys’ Offices, state LE, and others as appropriate. BIA MMU shall provide clear and effective means, in return, for receiving additional information or data from non-governmental sources, such as MMIP and HT chapters. In addition, BIA MMU must explore if, when, and how to do a similar sharing with those who are human trafficked while addressing the need for privacy and protection. Finally, BIA MMU must provide quarterly reports to local Tribes and Tribal agencies, and the local USAO data on the number of victims served, number of open cases and number of closed cases during the quarter, victim demographics, types of victimization, and types of services provided, etc. by creating within 90 days an MMU specific report form similar to the OVC Victim Assistance Formula Grant Program Performance Measures ([OVC Performance Measures](#)).

**Response:** The BIA MMU has established a [comprehensive case reporting system](#) that is accessible to the public; Tribal, state, and federal entities; and non-government partners. This system allows for the reporting of new cases and the submission of information crucial to ongoing investigations. It also allows Tribes to obtain information on cases for their respective areas. If more specific data is needed by the Tribes, a request can be made to MMU and specific data can be generated. These requests will open direct communications with Tribes to share what resources MMU can bring to assist with missing or murdered persons cases. Available reporting channels include the MMU email address, the Tip411 text system, a 1-800 call-in number, and direct reporting to the BIA MMU. This reporting process has been operational since MMU's inception in April 2021. Furthermore, efforts are under way to enhance the accessibility of case statistical data through the MMU website.

Currently, the MMU generates an annual end-of-year report, presenting comprehensive statistical data on cases, including status, dispositions, and the number of cases across U.S. states. This report also highlights cases where outcomes can be shared with the public, prioritizing the protection of individuals' identities.

While the MMU does not have direct access to the total active missing person cases database in NamUs, NCIC, or other sources due to compatibility issues, ongoing discussions focus on data-sharing and the potential for integration efforts. The goal is to identify potential cases within these systems involving missing AI/AN people, where the MMU has jurisdiction or the potential to assist investigating agencies.

In FY 2023, the MMU developed a cloud-based system called Solution Trust Accountability Tracker (STAT). This innovative platform catalogues information on missing persons, murders, and human trafficking cases involving AI/AN people. STAT employs a customized intake form to collect and maintain crucial case details, including incident type, location, victim demographics, jurisdiction, and status. This cloud-based solution enables MMU investigators to track spatial and temporal trends in unresolved cases and facilitates the exchange of information with other BIA offices, Tribal criminal investigation programs, and the FBI. The ultimate goal is to leverage this information for suspect identification and to raise public awareness of the crisis facing Indigenous communities.

**COMMISSION FINDING C: In order to improve initial reporting of and responding to missing persons and crimes, LE and other public safety personnel must achieve cooperative LE through pooling, training, and coordination across jurisdictions and entities.**



**Commission Recommendation C1:** BIA must advance and accelerate the BIA Special Law Enforcement Certification (SLEC) program to ensure greater access to trained staff across state, local, and Tribal LE to help meet the MMIP and HT need and enforce federal law, including across state lines. Alaska Villages must be included in the definition of Indian country more generally (*see Subcommittee 6 recommendations*) and then and therefore SLEC must be expanded to include Alaska Villages and as recommended elsewhere.

**Response:** DOI recognizes the value in using our Special Law Enforcement Commissions (SLECs) to leverage partner resources and strengthen the services provided to Indian Country.

BIA recently made improvements in this area to reduce processing time for SLEC requests. When complete information is provided by the Tribe, BIA generally can process and complete an SLEC application in one week.

The two areas identified in the BIA/OJS application process that contribute most to delays are: (1) background investigation and adjudication verification and (2) satisfactory FBI fingerprint clearance. The BIA requires that Tribes submit a written letter certifying that the applicant has completed a background investigation and an adjudication letter certifying the applicant holds a favorable clearance. Delays result when the Tribe provides neither a completed background investigation nor proof the applicant has a favorable clearance. In this scenario, the BIA/OJS will offer to provide technical assistance in completing the background investigation for the Tribe, or the Tribe must conduct their own investigation and adjudication.

The background and adjudication requirements are a critical protective measure for DOI and the communities we serve. The BIA/OJS is always looking for opportunities to improve our processes. Accordingly, BIA/OJS intends to work with Tribes and the FBI on ways to streamline its SLEC application procedures. Regarding the unique challenges in Alaska, the BIA SLEC authority only applies to Indian Country as defined in 18 U.S.C. § 1151 and the only reservation in Alaska considered Indian Country is the Metlakatla Indian Community.

To broaden BIA/OJS SLEC authority to apply to all Alaska Native Villages, a change in the statute would be required to identify these villages as Indian Country.

**Commission Recommendation C2:** To improve mutual assistance, the BIA must encourage memoranda of understanding between Tribes and non-Tribal jurisdictions (e.g., counties, municipalities), the use of liaisons to connect Tribal and non-Tribal police, engagement in experiential training such as ride-alongs and listening sessions with Tribal police with certification in teaching and instruction to break down barriers.

**Response:** The BIA/OJS understands the benefits and fully supports law enforcement agencies entering into mutual aid or other agreements to enhance public safety in Indian Country. The BIA/OJS will establish an initiative within its Field Operations Division in FY 2024 to promote mutual aid and cross-deputization agreements between Tribal and non-Tribal governments. DOJ USAOs are interested in providing support to BIA/OJS for this initiative. This initiative will include Tribal leadership and USAO engagement, education on building relationships between law enforcement agencies, and best practices in Indian Country. The BIA/OJS District Offices will meet with Tribal leaders to discuss the benefits of their own Tribal law enforcement agency entering into mutual aid or other types of agreements with non-Indian Country law enforcement agencies.

The BIA/OJS has experienced both successes and challenges in working with Tribal, state, and county governments in the establishment of these types of agreements. The BIA/OJS supports Tribal governments that exercise their authority in a manner that finds areas of mutual interest with state and county governments to leverage additional resources that can enhance public safety in their communities. During Tribal engagement opportunities, the BIA/OJS will provide examples of successful cooperative agreements in Indian Country with the intent of strengthening intergovernmental relationships.

**Commission Recommendation C3:** The DOJ, BIA, and DHS must support cooperative LE. One tool to achieve this is cross-deputization across all jurisdictions (local, state, Tribal, federal). Cross-deputization shall be encouraged whenever possible to extend the resources for MMIP and HT cases across jurisdictions while also ensuring such cross-deputization includes responsibilities to as well as rights with signing jurisdictions. Local and state agencies that enter into cross-deputization agreements with Tribes should receive priority with federal grants and funding applications. Another tool to achieve this is engagement with and participation in joint task forces, a force multiplier for addressing MMIP and HT. Joint task forces allow the sharing of resources, relationship building, and joint focus on key issues. Several task force models exist but those that are most successful have dedicated, on-going funding to allow for adequate coordination and participation by both Tribal and local LE officials, such as the Internet Crimes Against Children Task Force.

**Response:** DOJ agrees that close coordination and cooperation is essential in multijurisdictional investigations that often occur in Indian Country. For more than 30 years, task forces have proven to be a highly effective way for federal law enforcement and Tribal, state, and local law enforcement to work together to address specific crime problems and national security threats. In law enforcement, “concurrent jurisdiction” may exist where a crime may simultaneously be a

Tribal, state, and federal violation, which is part of why task forces—which include participants from different jurisdictions—have been such an effective model. DOJ concurs that coordination is essential and will follow the FBI’s requirements for the establishment, administration, and function of FBI task forces set forth in the Joint Task Force Policy guide.

Participating in joint task forces is integral to BIA’s approach in meeting the MMIP epidemic head-on by fostering resource sharing, relationship building, and focused issue resolution. Although a task force model is in the planning stages, insight on successful models emphasizes the need for sustained coordination and dedicated funding. To ensure effectiveness, BIA is carefully considering key elements for successful task forces and evaluating models that clearly delineate roles, responsibilities, and shared goals. Upon eventual implementation, BIA’s aim is to promote seamless cooperation with transparency and efficacy.

Cooperative law enforcement will remain an important strategy to address this crisis, but it must be paired with strengthening the ability of Tribal law enforcement agencies to serve as lead responding agencies within Tribal communities.

The United States Marshals Service (USMS) also supports cooperative law enforcement efforts and currently deputizes (but does not cross-deputize) Tribal and BIA officers who serve on USMS fugitive task forces. Each fugitive task force establishes its own responsibilities. If the USMS sponsors such a deputization, then USMS supervises, controls, and has responsibility for that deputy’s official duties. The term cross-deputization historically, has been used when referring to requests that USMS provide a non-federal law enforcement entity (such as officers in police departments in neighboring counties) the authority to freely work outside their jurisdiction without USMS supervision, control, or responsibility for the convenience of those non-federal agencies. USMS does not cross-deputize in that manner. An emphasis on cross-deputization serves as a crucial strategy to optimize resources and strengthen collaborative ties. Encouraging such partnerships, with a focus on balanced responsibilities and rights, resonates with our mission.

**Commission Recommendation C4:** DOJ must support the expansion of state and local level anti-trafficking task forces to welcome and integrate into the work Tribal MMIP and HT chapters, other community groups, and Tribal LE. DOJ’s OVC must require that funded anti-human trafficking task forces in geographic areas where Tribes are present must invite the participation of MMIP and HT chapters and other Tribal community groups as well as Tribal law enforcement.

**Response:** Included below is a compilation of ongoing efforts related to this recommendation. DOJ's OJP/Office for Victims of Crime (OVC) administers numerous anti-trafficking grant award programs authorized by 22 U.S.C. § 7105(b)(2), including the Enhanced Collaborative Model (ECM) Task Force to Combat Human Trafficking program (ECM program). With each ECM task force, OJP/OVC makes grant awards to two co-lead grantees—one victim services provider, and one state, local, or Tribal government or Tribal organization. The two lead partners use their funding to establish, expand, and enhance multidisciplinary human trafficking task forces and partnerships that focus their efforts on increased identification of victims of sex and labor trafficking and on providing access to comprehensive victim services.

The ECM program requires grantees to develop, implement, or revise a set of written protocols to guide overall task force functions, which include both service delivery and investigative and prosecutorial activities. These protocols are intended to clarify, document, and formalize roles and responsibilities, information sharing, confidentiality procedures, referrals for services, and victims' rights and protections. OJP/OVC recognizes that, in some cases, the disappearance or murders of AI/AN persons may be related to human trafficking. OJP/OVC appreciates the need to include the voices of Tribal community groups and MMIP advocates in relevant committees or initiatives of OJP/OVC-funded anti-trafficking task forces to ensure that efforts to develop a systemic response to human trafficking are culturally responsive and take into consideration important issues impacting Tribal communities, such as this crisis.

OJP/OVC does not have the authority to require Tribal participation but can require that Tribes are invited. Currently, the OJP/OVC's ECM program encourages applications from Tribes and Tribal organizations under two different purpose areas that can support new or expanding task forces (see Purpose Areas 1 and 2). It also requires all task forces to ensure broad membership and engagement with essential agencies and individuals, including survivor leaders/lived experience experts, such as AI/AN survivors, and state-wide or local organizations that focus on MMIP and human trafficking (HT) concerns. In the FY 2024 ECM program solicitation, OJP/OVC will continue to encourage Tribal task force applicants to apply for funding. OJP/OVC will also add language encouraging ECM task force applicants located in areas that include Indian Country to partner with Tribal representatives on their proposed project.

**Commission Recommendation C5:** BIA MMU must build and maintain effective partnerships with local Tribal organizations in their area of jurisdiction and support. This partnership would enhance case investigation and resolution by combining resources of the partner organizations to better address cases, including through data and information sharing. Partner organizations play a vital role in connecting families to LE resources that they may not otherwise have

contacted. Such partnerships benefit not only families but also LE. Furthermore, DOJ and BIA must encourage Tribal, local, state, and federal LEAs to build relationships with Tribally-based organizations, in part, to leverage social media access and distribution of missing persons information.

**Response:** DOJ supports the development of governmental and nongovernmental relationships to leverage social media access to and distribution of missing persons information. Section 5(a) of Savanna’s Act requires the Attorney General to “direct United States Attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians.”<sup>26</sup> Pursuant to that Act, all U.S. Attorneys in federal judicial districts with Tribal land developed guidelines in consultation with Tribes and other relevant partners, including the FBI; DOI; Tribal, state, and local law enforcement agencies; medical examiners; coroners; Tribal, state, and local organizations that provide victim services; and national, regional, or urban Indian organizations with relevant expertise. These guidelines have been in place since the spring of 2022. The development of these guidelines established collaborative relationships with Tribal organizations. As DOJ continues to refine its communication protocols in MMIP and HT-related matters, DOJ will explore the further development of these and other relationships with Tribal organizations to ensure that public information is readily available locally, regionally, and nationally to disseminate via appropriate channels, including social media.

The BIA MMU has begun working with the newly created DOJ MMIP Regional Outreach Program to establish review teams, or multi-disciplinary teams (MDTs), within the five program regions (Northwest, Southwest, Great Plains, Great Lakes and Southeast). The goal of the review teams is to bring together, Tribal, federal, state, and local law enforcement, FBI, DOJ MMIP prosecutors/coordinators in USAOs, MMU, and other selected professional resources. Review teams may conduct assessments for cases for their respective Indian Country jurisdictions, identify priority cases to conduct case solvability assessments, identify a lead investigator, and develop an investigative strategic plan for investigation. The conversations between DOI and DOJ are in the early stages and additional personnel will need to be onboarded to support the implementation of this effort.

**Commission Recommendation C6:** DOJ must create an interstate, interjurisdictional cold case network for the purposes of identifying unidentified, deceased AI/AN peoples and missing

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<sup>26</sup> Public Law 116-165 Section 5(a).

AI/AN peoples wherever the body is found and regardless of where the missing persons' report was filed.

**Response:** The FBI's existing Violent Criminal Apprehension Program (ViCAP) satisfies this recommendation. Established in 1985, ViCAP is the only national level (interstate/interjurisdictional) case linkage database and maintains the largest investigative repository of major violent crime cases in the United States. It is designed to collect and analyze information about homicides, sexual assaults, missing persons, and other violent crimes involving unidentified human remains. ViCAP crime analysts provide free criminal investigative and analytical support to federal, state, local, campus, Tribal, and foreign law enforcement, intelligence, and security agencies. Additionally, ViCAP utilizes automated algorithms to identify potential linkages between cases by comparing relevant similar attributes and generating a list of possible leads. ViCAP crime analysts perform confirmatory analysis on all automated leads. ViCAP has established partnerships with DOJ's Sexual Assault Kit Initiative, NamUs, and NCMEC. ViCAP has the technical capability to incorporate additional cases into the database and perform automated case linkage analysis but would need to expand staffing to provide additional analysis beyond an automated linkage evaluation.

The FBI's Crimes Against Children and Human Trafficking Unit is also devoted to investigating cold case crimes against children and has created a Child Crimes Cold Case Initiative to leverage advances in investigative technology to resolve cold case crimes against children.

Finally, extensive efforts are being made to increase Tribes' awareness of the FBI's Biometric Services Section Deceased Persons Identification (DPI) Services. Outreach occurs through a variety of targeted methods, including direct response to news stories, email inquiries, conferences, and Tribal law enforcement and community support references. There are three Tribal members on the DPI Best Practices Focus Group. In addition to Native law enforcement agencies, federal, state, local, and international partners are working together in some communities to resolve unknown deceased cases. A cold case network does exist, and more Tribes are becoming aware of how to use the network to assist with their cases. Missing person cases are hindered by under-reporting of missing persons by all law enforcement agencies to the National Crime Information Center Missing Person File and the Next Generation Identification System. FBI staff continues to reach out and encourage agencies to submit this information to the national systems, including NamUs.

**Commission Recommendation C7** (see also Subcommittee 4 recommendations): DOJ and DOI must expand training resources to all LE at all levels and provide clear accountability mechanisms for implementation regarding the following:

1. Best practices for conducting [sic] missing persons investigations, including establishing after-action-reports to confer and check in with the families and missing person, if living, and identify lessons learned for continuous improvement of the LE response to such cases.
2. Understanding legal responsibilities toward MMIP and HT, including such matters as timely entry of information into the NCIC and how to take and enter a missing person's report, and other matters.
3. How to handle culturally appropriate notifications of death and be encouraged to partner with victim specialists, MMIP and HT chapters, and others to do so in a sensitive and culturally appropriate way that does not further increase trauma of a traumatic event.
4. What questions to ask and evidence to gather when human remains are identified to increase the chances of identifying the victim later.
5. Cultural and legal awareness and competence training for those who touch Tribal communities including training in Indian law, role of various agencies and programs, and critiques of such including TLOA and Broken Promises Report (and this Commission's final Report).
6. DOJ's NICTI must develop and implement a five-year training plan involving forensic training for federal and Tribal LE, ME/Cs, and death investigators. In addition to substantive information on missing persons, homicides, and trafficking in person, the curriculum must provide information on how to investigate and prosecute these cases effectively.
7. Increase training resources for young people regarding internet safety, stalking, domestic violence, runaways, trafficking, and other matters to help instill self-agency in keeping themselves safer.

**Response:** DOJ is committed to expanding training resources to all law enforcement on MMIP and HT topics, including the areas described in Recommendation C7. Numerous components within DOJ (i.e., COPS Office, NICTI, OJP/Office of Juvenile Justice and Delinquency Prevention (OJJDP), OJP/OVC, OVW, and others) provide training resources to law enforcement, including on MMIP- and HT-specific topics. In response to the Commission's request for a compilation of existing resources, the following is a non-exhaustive list of trainings and resources that DOJ offers that address the specific areas detailed in Recommendation C7.

- The COPS Office funded the University of North Texas and University of Tennessee to develop and deliver technical assistance to Tribal law enforcement on unresolved

missing or murdered Indigenous person cases. The technical assistance involves supporting Tribal law enforcement agencies in developing unresolved case efforts to identify, prioritize, and renew investigations to resolve and prosecute cases involving AI/AN victims and/or occurring on Tribal lands. The project also produced a publication, [Unresolved Cases: A Review of Protocols and Resources for Supporting Investigations Involving American Indians and Alaska Natives](#), which compiles best practices and resource guides to assist Tribal, state, and local law enforcement agencies in reviewing and investigating unresolved (or “cold”) cases. Protocols for communications, record-keeping, and trauma-informed victim services; databases of personal and ballistic information; and physical evidence including DNA, fingerprints, and forensic dentistry are all detailed.

- Under the COPS Office’s Collaborative Reform Initiative Technical Assistance Center (CRI-TAC), a new training program, Volunteer Engagement for American Indian and Alaska Native Missing Person Cases, was recently launched. The course introduces the basic elements and practices for creating a volunteer engagement program to support law enforcement and communities in responding to emergent missing person cases. Every agency, Tribe, and missing person situation will have different needs and challenges. This training will provide Tribal stakeholders with options and considerations while building a volunteer engagement program to meet their unique needs.

This training program includes two components: a 90-minute leadership kick off meeting and an 8-hour training that introduces the practices and strategy for developing, implementing, and maintaining a volunteer engagement program. This training can be delivered in person or virtually. The training was developed for Tribal leadership, Tribal members, Tribal/local/state/federal law enforcement partners, community victim advocates, and other stakeholders who might be involved in emergent missing person cases. It is intended primarily for those who will have a role in developing and managing a volunteer program to be involved in emergent missing person cases.

- The COPS Office, in partnership with Fox Valley Technical College, is in the process of developing a new Public Law 280 training course for law enforcement. Tentatively titled “P.L. 280 and Promising Practices for Effective Multijurisdictional Collaboration,” this training will provide an in-depth understanding of Public Law 280 and promising practices to ensure compliance with the law. The training will cover the history of Public Law 280, its provisions, and its implications for law enforcement agencies in Indian Country. The training will also focus on promising practices to address community



policing, cultural awareness, and collaboration between Tribal and non-Tribal law enforcement agencies.

- The COPS Office, in partnership with Fox Valley Technical College, is in the process of developing a new cultural awareness curriculum for law enforcement. This course will seek to strengthen the relationships between local law enforcement and the Tribal jurisdictions they protect. Through discussion, lecture, and group activities, law enforcement will explore Tribal history and learn to recognize the unique cultures of specific Tribes in their area. With an emphasis on tolerance and anti-bias policing practices, participants will explore interactions between Tribal members and law enforcement and discuss strategies for improved relations. Participants will identify community stakeholders and opportunities for collaborative partnerships between law enforcement and Tribal communities. Case studies and scenarios will be reviewed to identify successful strategies to help eliminate bias and intolerance.
- DOJ also shares training and other resources for law enforcement on MMIP and HT, as well as other topics on the following sites:
  - DOJ MMIP website, [Resource Basket for Law Enforcement](#). This site includes resources to help law enforcement agencies and officers when a person goes missing. Resources cover reporting missing persons, engaging the community and other agencies, finding financial assistance and resources, as well as information for law enforcement officers and law enforcement officer mental health and wellness. These resources provide guidance on alert and reporting systems, how to find examples of Tribal Community Response Plans, how to get technical assistance, opportunities to collaborate with other law enforcement officers, and resources from the FBI, among many other topics. Armed with these resources, law enforcement agencies and officers can enhance their responses to missing person incidents and build trust with their local communities.
  - DOJ's Tribal Justice and Safety website, [Training and Technical Assistance](#). DOJ provides training and technical assistance (TTA) to further practical and specialized knowledge to implement and enhance justice system efforts. DOJ supports training and technical assistance that is both specifically geared toward Tribes and across broader topic areas. On this page, DOJ provides subject matter-based training and technical assistance across topic areas that include law enforcement.
- DOJ's NICTI was launched in July 2010 to ensure that DOJ prosecutors—as well as state and Tribal criminal justice, social service, and health care personnel—receive the

training and support needed to address the challenges relevant to Indian Country investigations and prosecutions. The NICTI is located at the National Advocacy Center (NAC), a nationwide training center operated by DOJ in Columbia, South Carolina. The NAC is the premiere federal training institution for teaching legal and leadership skills to DOJ personnel and the broader government community. The NICTI hosts residential courses at the NAC each year, prepares and delivers distance education products, and authors and disseminates written educational materials. All NICTI training is offered free of charge. In addition, the NICTI coordinator teaches at many Tribal and federal events every year. The NICTI prepares a two-year training calendar; however, the scheduled course list is subject to adjustments due to emerging issues, DOJ priorities, and funding available to host training.

- Since the passage of the Not Invisible Act and Savanna’s Act, both in 2020, the NICTI has invested heavily in providing training to law enforcement and other criminal justice and social service professionals on issues related to missing person cases. For example, the NICTI hosted the following webinars:
  - Strategies for Developing a Coordinated Response to the Issue of Missing or Murdered Indigenous Persons
  - MMIP: Necessity of the Medical Forensic Examination for Survivors
  - Missing Persons, Ambiguous Loss, Reintegration: How It All Fits Together
  - Death Investigations
  - Unresolved (Cold) Case Investigations—Parts I and II
  - Unresolved (Cold) Case Tabletop Exercise
  - Symposium: Missing or Murdered American Indians and Alaska Natives
  - Assessing the Scope of Missing Native Americans in Nebraska: Results From a State-Wide Study and Recommendations
  - Tribal Justice, Safety, and Wellness Summit
  - FBI Albuquerque’s Missing or Murdered Indigenous Persons Initiative
  - The Forensic Evaluation of Strangulation and Gunshot Wound Cases
- The Department of Justice Journal of Federal Law and Practice (DOJ Journal) is published six times a year by EOUSA. Each issue focuses on a legal or technical topic of interest to attorneys at DOJ and to others involved in criminal justice. The January and March 2021 issues of the DOJ Journal were focused on topics related to Missing or Murdered Indigenous Persons. The DOJ Journal is a free publication available to the public.
  - The January 2021 DOJ Journal issue is titled *Missing or Murdered Indigenous Persons: Law Enforcement & Prevention* (<https://www.justice.gov/usao/page/file/1362691/download>).

- The March 2021 issue is titled *Missing or Murdered Indigenous Persons: Legal, Prosecution, Advocacy, & Healthcare* (<https://www.justice.gov/usao/page/file/1383296/download>).
- OJP/OVC-funded the TraffickSTOP program, a human trafficking identification and prevention curriculum for high school students. OJP/OVC grantee, the National White Collar Crime Center, trains school resource officers and other law enforcement representatives to deliver this curriculum in select schools. Facilitators guide students through discussion and activities with support from their school and community. More information and resources are available on the [TraffickSTOP program website](#).
- In 2021 OJP/OVC released [Child Victims and Witnesses Support Materials](#), which offers free creative and interactive materials to assist children and youth, and the caregivers and professionals who help them, as they navigate the judicial system. OJP/OVC supported this resource out of the National Network to End Domestic Violence, although it is not youth-specific. It was originally created from an OJP/OVC grant in 2011 and was updated in 2021 via another 2019 OJP/OVC cooperative agreement.
- OJP/OJJDP's [Internet Crimes Against Children Task Force Program](#) released a [law enforcement guide](#) and a [victim resource sheet](#) for law enforcement and education professionals, child advocacy practitioners, and parents, to share with youth victims of sextortion.
  - [Law enforcement guide for sextortion victims](#)
  - [I am a victim of sextortion, what can I do?](#)
- Developed with funding support from OJP/OJJDP, the [NCMEC Safety Pledge](#) website provides free resources to help parents, educators, and caregivers learn more about the risks that children face online and how to respond safely.
- NCMEC launched a free online tool to support victims of online child sexual exploitation called [Take It Down](#). This platform helps users remove online sexually explicit photos and videos taken of them while under 18 years of age. The tool generates a unique digital fingerprint—a “hash value”—that identifies copies of sexually explicit images or videos. The initiative includes a public service announcement, produced by NCMEC, that will appear on television and online platforms that youth frequently visit. Users may remain anonymous while using the service. NCMEC's website offers additional [resources](#) about digital safety for youth, parents, communities, and educators including:
  - NetSmartz's "[Internet Safety At Home](#)" tip sheet.
  - NetSmartz's "[Into the Cloud](#)" toolkit.
  - The Internet Crimes Against Children (ICAC) Task Force Program's [Sexting Tips and Resources for Parents & Youth](#)

- ICAC's [Sextortion Infographic](#)
- OJP/OJJDP internet safety resources and webinars
  - Model Programs Guide: [Internet/Technology Crime and Safety](#)
  - [NCMEC Launches Tool To Help Remove Explicit Online Images of Youth](#) (March 2023)
  - [OJP/OJJDP Observes Safer Internet Day](#) (February 2023)
  - [Trauma-Informed Approaches to Victims of Technology-Facilitated Crime](#) (October 2022)
  - [Multi-Level Approach to Preventing Child Exploitation](#) (August 2022)
  - [Helping Youth Navigate Dangers in the Digital Age Webinar](#) (February 2022)
  - [Sexting and Sextortion: Keeping Kids Safe Webinar](#) (November 2014)
  - Office of Justice Programs: [Internet Safety Special Feature: Online Safety for Youth](#)
  - Internet Crimes Against Children Task Force Resources:
    - [Internet Safety](#)
    - [#StartTheConversation Teens and Screens](#)
    - [#StartTheConversation Cyberbullying](#)
    - [#StartTheConversation Toddlers Tech](#)
- OJP/OJJDP teen dating resources
  - [Model Programs Guide Literature Review: Teen Dating Violence](#)
  - [Teen Dating Violence: Guidance for Judges Issuing Relief for Teen Victims of Dating Violence](#)
  - [Dating Violence Reported by High School Students, 2019](#)
- NCMEC is one of OJP/OJJDP's largest grantees. NCMEC has provided training resources for children, teens, and their adult caregivers for decades in the areas of internet safety, those who voluntarily go missing, and human trafficking. In addition, through OJP/OJJDP's ICAC Task Force program, significant resources are made available to the public regarding internet and online safety. Those efforts are ongoing and include regular updates to address new technology and threats. Those resources can be found at [www.ojjdp.ojp.gov/programs/missing-and-exploited-children](http://www.ojjdp.ojp.gov/programs/missing-and-exploited-children), <https://www.missingkids.org/home>, and <https://icactaskforce.org/resource/RS00135444>. OJP/OJJDP will work with NCMEC and the ICAC program to determine if there are any issues that could be addressed specifically for Tribal youth.
- OVW funds the National Network to End Domestic Violence's Safety Net project to provide technical assistance and training to grantees to address how technology issues

impact the safety, privacy and accessibility rights of victims of domestic violence, dating violence, sexual assault, and stalking (<https://nnedv.org/content/technology-safety/>). Most recently, the Safety Net project developed resources and tools for teens. Its [Teens and Technology](#) resources include “Uses and Misuses of Popular Apps” and “Five Truths About Dating at a Distance.” OVW also funds the Stalking Prevention, Awareness and Resource Center, which just announced a new project called [Just Tech: Investigation and Prosecution of Online Abuse](#). Just Tech will provide practical, accessible training and technical assistance on the investigation and prosecution of online abuse—including image exploitation. Targeting prosecutors and law enforcement officers, Just Tech aims to increase the likelihood of positive case outcomes and victim experiences, as well as address the disproportionate impact of online abuse experienced by underserved communities.

- The 2022 reauthorization of the Violence Against Women Act included provisions addressing cybercrimes against individuals, including new grant funding for a resource center and law enforcement projects for prevention, enforcement, and prosecution of cybercrimes against individuals. OVW plans to issue solicitations in FY 2024 for both programs, and Tribal governments are eligible for the new law enforcement grants.
- OVW funds the Idaho Coalition Against Sexual and Domestic Violence to implement the Rural Teen Dating Violence Project, which focuses on increasing the capacity of rural victim service providers—including Tribal organizations—to provide services to youth who are at risk of or have experienced teen dating violence. Training and technical assistance under this project addresses teen dating violence prevention and intervention, outreach strategies, and effective youth advocacy in rural communities, including Tribal communities. Training materials can be found at <https://idahocoalition.org/downloads>.
- Separately, BIA/OJS’s United States Indian Police Academy has developed and delivered several advanced courses to support the training needs of MMU/HT across multiple jurisdictions to include federal, state, local, and Tribal. These courses include Basic Search and Rescue, Indian Country Criminal Investigator Training Program, DEC Awareness Human Trafficking, Search and Rescue Level 2, Forensic Handwriting Analysis, Prescriptive Interview & Interrogation, Cold Case Investigation, Law Enforcement BIA Missing Persons Unit, Law Enforcement Missing Person DNA Investigations, Law Enforcement National Center for Missing /Exploited Children, and Law Enforcement Genetic Genealogy & Resources. The total law enforcement trained in the courses listed above for FY 2023 is 233.

DOJ remains committed to ensuring that training opportunities meet Tribes' needs and looks forward to working with Tribes to continually improve these opportunities.

**COMMISSION FINDING D: In order to improve initial reporting of and responding to missing persons and crimes, states must adopt federal Savanna's Act Guidelines.**

**Commission Recommendation D1:** DOJ must incentivize states to abide by DOJ Savanna's Act guidelines, understanding that each U.S. Attorney's Office maintains its own public guidelines. This recommendation aims to induce states to abide by the guidelines Federal and Tribal governments must follow in missing, murdered, and trafficking case investigations. Uniformity of guidelines across jurisdictions will result in more systematic and effective investigations and case resolutions. Furthermore, sufficiently funding MMIP and HT DOJ staff at the district level will help advance this work.

**Response:** On October 10, 2020, Savanna's Act was signed into law to improve the federal government's response to missing or murdered AI/AN people. Section 5(a) of the Act requires the Attorney General to "direct United States Attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians." Such guidelines vary by federal judicial district, as each USAO tailored them to the specific circumstances of the district, including the presence of Indian Country or Tribal land; the relative size of Indian populations; the type of federal, state, local, and Tribal law enforcement resources within a district; and the proximity to Indian Country in other districts.

Pursuant to the Act, USAOs created their individual district's guidelines with input from Tribes and other partners, including the FBI; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); DOI; Tribal, state, and local law enforcement agencies; medical examiners; coroners; Tribal, state, and local organizations that provide victim services; and national, regional, or urban Indian organizations with relevant expertise. All USAOs in federal judicial districts with Tribal lands—including where the state has jurisdiction over crimes committed in Indian Country under Public Law 280 or another statute—have had these guidelines in place since the spring of 2022.

DOJ encourages Tribal, state, and local law enforcement agencies to adopt their own guidelines for responding to MMIP. Section 5(c)(3) of the Act allows Tribal, state, or local law enforcement agencies to voluntarily submit guidelines for responding to MMIP cases to DOJ. In accordance with Section 5(d) of the Act, DOJ will publish on its Tribal Justice and Safety website the name of each Tribal, state, and local law enforcement agency that submits MMIP guidelines for

recognition. Agencies seeking the Department’s review of their guidelines may submit them via email to [USAEO.MMIP.LE.Guides@usdoj.gov](mailto:USAEO.MMIP.LE.Guides@usdoj.gov). Further, DOJ will add those plans, as well as any plans submitted by Tribal governments under Section 5(f), to a JusticeConnect site on the CJIS Law Enforcement Enterprise Portal (LEEP), which makes guidelines available as a resource to federal, state, local, and Tribal law enforcement agencies. More information can be found at <https://www.justice.gov/tribal/mmip/SavannasAct#federalprotocols>.

The newly created MMIP Regional Outreach Program, which is supported by district-level MMIP staffing, is available to help USAOs update and refine Savanna’s Act guidelines in addition to other MMIP-focused work. As part of this effort, the Program may also collaborate with USAOs and the NICTI to provide further training and technical assistance, as needed, to state agencies in an attempt to provide uniformity in guidelines across jurisdictions.

**COMMISSION FINDING E: The lack of clarity on how and when missing person’s reports are filed, in what jurisdiction, and who assumes responsibility creates great confusion for family members and friends and often delays the response to missing persons which in turn increase the missing person’s risk of harm.**

**Commission Recommendation E1:** No law enforcement agency (LEA) should impose jurisdictional restraints for taking a missing person’s report to ensure a response for all, including transient individuals. The process for filing of a missing person’s report and the follow up by LE is highly variable, confusing to families and friends, and often leads to confusion between jurisdictions if not abject failure for a LE entity to assume responsibility. LE shall be accountable for clarifying for community members how the investigation of cases in which the jurisdiction where a missing person was last seen differs from the location where the missing person is from/resides. LE should be communicating consistently with families about where ultimate jurisdiction lands after initial reporting. The onus should be on LE to take a report if there is any possibility that it might touch on their jurisdiction rather than place the burden on the reporter to find the right jurisdiction.

*Therefore*, DOJ, through Savanna’s Act authorities, must develop best practices for local, state, and Tribal LE on how to engage with other jurisdictions and be responsible to missing persons reports wherever they might be filed, wherever the missing person may have been last seen, and whomever the missing person may be (age, race, ethnicity, substance abuse status, past criminal record, and so forth). Furthermore, DOJ must create a process for local LE to reach out to DOJ/FBI on MMIP and HT. Tribal LE shall be treated equally and involved actively in Fusion

Centers to share information, which are owned by the state, designated by a governor, and funded by Department of Homeland Security. (<https://www.dhs.gov/fusion-center-locations-and-contact-information>). DOJ must establish a shared and common protocol such that when someone calls in a missing person, it is on the LEA to do the work on the backend to figure out if any other agencies need to be involved and to contact them – this process must not rest on the victims or their families. This recommendation would help to determine from the outset the agency or agencies to which an individual should report missing persons case by detailing the agency with responsibility for the case, which may lead to improved or quicker initiation of case investigation and overall improved response to missing persons cases. This recommendation is particularly pertinent to cases in Indian country where there is “checkerboard” jurisdiction and to Alaska with numerous remote villages.

**Response:** DOJ encourages collaboration to address the issues of MMIP and HT, and values collaboration with federal, state, local, and Tribal law enforcement, as well as with other partners, to address coordination, which is also discussed in additional detail in the responses to Recommendations C7 and D1. This recommendation anticipates work that may take place under existing DOJ efforts. For example, on October 10, 2020, Savanna’s Act was signed into law to improve the federal government’s response to missing or murdered AI/AN. Section 5(a) of the Act requires the Attorney General to “direct United States Attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians.”

Pursuant to Savanna’s Act, the regionally appropriate guidelines must address six different areas, including guidelines on inter-jurisdictional cooperation among Tribal, federal, state, and local law enforcement agencies and guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing or murdered Indians. Nonetheless, such guidelines vary by federal judicial district, as each USAO tailored them to the specific circumstances of the district, including the presence of Indian Country or Tribal land; the relative size of Indian populations; the type of federal, state, local, and Tribal law enforcement resources within a district; and the proximity to Indian Country in other districts.

Pursuant to the Act, USAOs created their individual district’s guidelines with input from Tribes and other partners, including the FBI; DOI; Tribal, state, and local law enforcement agencies; medical examiners; coroners; Tribal, state, and local organizations that provide victim services; and national, regional, or urban Indian organizations with relevant expertise. All USAOs in federal judicial districts with Tribal lands, including where the state has jurisdiction over crimes committed in Indian Country under Public Law 280 or another statute, have had these guidelines in place since the Spring of 2022.



In addition to USAO guidelines developed in response to Savanna’s Act, several USAOs have assisted Tribes in their districts with the development of Tribal Community Response Plans (TCRPs). A TCRP outlines protocols or guidelines tailored to each Tribal community’s needs, resources, and culture to assist a Tribe’s response to emergent missing person cases. Tribes typically develop TCRPs in collaboration with a variety of community stakeholders, including law enforcement, prosecutors, elected leaders, and child welfare organizations. Federal law enforcement, including USAOs, FBI, and BIA, have been actively involved in the development of TCRPs for several Tribal communities. Pursuant to the President’s Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, USAOs will continue to “promote coordination of Federal, State, local, and Tribal law enforcement, including, as appropriate, through the development and support of Tribal Community Response Plans.”

To that end, the DOJ-authored [Guide to Developing a Tribal Community Response Plan for Missing Person Cases](#) provides guidance for Tribal governments and USAOs, working with other partners, to develop a TCRP. Informed by input from Tribal leaders, Tribal law enforcement, and other community members, the guide includes four sections to help develop specific parts of a community response plan:

- Developing Law Enforcement Agency Response Guidelines
- Developing Victim Services Response Guidelines
- Developing Media and Public Communications Response Guidelines
- Developing Community Outreach Response Guidelines

Additional information about TCRPs can be found at <https://www.justice.gov/tribal/mmip/tribal-community-response-plans>.

Further, to assist Tribes with critical data sharing, DOJ launched TAP in August 2015, and it has expanded TAP yearly to provide Tribal access to national crime information systems for federally authorized criminal justice and non-criminal justice purposes. TAP is formally authorized by Congress “to enhance the ability of Tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases....” 28 U.S.C. § 534(d)(2)(A). TAP allows selected federally recognized Tribes to serve and protect their nation’s citizens by ensuring more effective exchange of critical data across CJIS systems and other national crime information systems. There are currently over 400 Tribal government agencies representing 132 Tribes participating in TAP. More information about DOJ’s TAP program can be found at <https://www.justice.gov/tribal/tribal-access-program-tap>.

Finally, DOJ encourages Tribal, state, and local law enforcement agencies to adopt their own guidelines for responding to MMIP. Section 5(c)(3) of Savanna’s Act allows Tribal, state, or local law enforcement agencies to voluntarily submit guidelines for responding to MMIP cases to DOJ. In accordance with Section 5(d) of Savanna’s Act, DOJ publishes on its Tribal Justice and Safety website the name of each Tribal, state, and local law enforcement agency that submits MMIP guidelines for recognition. In addition, agencies seeking DOJ’s review of their guidelines may submit them via email to [USAEO.MMIP.LE.Guides@usdoj.gov](mailto:USAEO.MMIP.LE.Guides@usdoj.gov). Further, DOJ will add those plans, as well as any plans submitted by Tribal governments under Section 5(f), to a JusticeConnect site on the CJIS LEEP, which makes guidelines available as a resource to Federal, state, local, and Tribal law enforcement agencies. More information can be found at <https://www.justice.gov/tribal/mmip/SavannasAct#federalprotocols>.

DOJ defers to DHS on the references to fusion centers in this recommendation.

**Commission Recommendation E5:** LE has highly constrained abilities to obtain search warrants or subpoenas for internet service providers and telecommunication records for missing person investigations that are not initially or obviously criminal in nature but where there is a concern about risk, threat, or harm for the missing person. Currently, an investigator must show an indication of criminal activity to get a warrant.

*Therefore*, DOJ must undertake a report to determine if there are ways to increase LE’s tools, like warrants or subpoenas to ensure public safety and advance missing persons searches to avoid imminent harm or danger, while protecting Constitutional prerogatives about unwarranted search and seizure. DOJ might explore the Commission on Accreditation for Law Enforcement Agencies’ (CALEA) “imminent danger” standard, which may provide more leeway to interpret to whom and when access to such information shall be granted.

**Response:** The FBI appreciates the recommendation from the Commission. The FBI will continue to investigate all cases within the existing jurisdictional frameworks and work with USAOs to ensure all legal investigative methods are explored.

**COMMISSION FINDING F:** Insufficient resources for search and rescue of missing persons leads many families and communities to “foot the bill” and undertake their own search and rescue with little to no support.

**Commission Recommendation F1:** Congress must increase funding for and flexibility in grants to Indian country and Alaska Villages for search and rescue to improve search and rescue of reported missing or murdered persons. Grants to Tribes and MMIP and HT groups must be flexible to allow for the needs and innovation on the ground from funding Port-a-Potties during searches to flyers and internet ads to many other necessary goods and services essential to address missing persons more robustly. BIA must have the authority and funding to act outside Tribal lands for search and rescue activities. This work needs to build from and integrate extensively the role and work families and community members have and will play in the search for their loved ones. When LE gets involved, there needs to be strong communication back to families, including when various search efforts may be conducted by different entities. Because jurisdictional issues remain off Tribal land, this may require MOUs or MOAs between jurisdictions.

**Response:** Congress is responsible for assessing potential changes to the authorizing language of the Tribal Victim Services Set-Aside (TVSSA) formula grant program. Since the Tribal set-aside program began in 2018, OJP/OVC has made hundreds of TVSSA awards and increased funding flexibilities, which now provide victim services to thousands of crime victims in hundreds of Tribal communities. There is a fact sheet posted on OJP/[OVC's website](#) that describes all the currently allowable uses for this funding.<sup>27</sup> TVSSA grantees use funds to provide services to domestic violence and sexual assault victims, pay the salaries of victim advocates, run supervised visitation programs to allow children to stay connected to their families, provide civil legal assistance to crime victims dealing with the repercussions of their victimization, buy emergency groceries or pay for emergency housing or shelter for victims, amend Tribal codes

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<sup>27</sup> TVSSA funds used for costs related or incidental to searching for a missing person (e.g., physical or virtual searches) are generally unallowable under the TVSSA program, except in the following circumstances, both of which must be present before grantees can expend funds on search activities:

- 1) Exigent circumstances when immediate action is required. Examples include when a missing person is a child or an adult who has dementia or a cognitive or intellectual disability.
- 2) Law enforcement resources are not reasonably available (e.g., delayed by weather or geographic distance).

In these specific circumstances, certain expenses incidental to a physical search are allowable, such as recruiting/training volunteers; purchasing search supplies (sunscreen, bug spray); fuel reimbursement or assistance (gas cards) or light refreshments (water, protein bars) for volunteer searchers; meeting room rental to provide space for families to meet and receive updates from law enforcement during an active search; food and hotel costs for families participating in, or waiting to hear updates during, an active search; and rental of multi-passenger vehicles (e.g., bus, 15-passenger vans) to transport family and search party participants to and from the search site.

to include stronger victim protections, lease vehicles to take victims back and forth to appointments, and hold sings and ceremonies to help victims connect back with their communities. In accordance with EO 14112, agencies will assess additional flexibilities within their federal programs.

Within DOI, the MMU holds the proper authority necessary to investigate missing or murdered person cases in Indian Country as defined under 18 U.S.C. § 1151, and upon request can provide investigative assistance and/or resources to assist other law enforcement authorities, *regardless* of Indian Land Status. The development of task forces for cases involving Tribes and Tribal members is a priority for MMU, and establishing memoranda of understanding and cross-commission efforts with authorities involved are a common practice of the MMU. BIA/OJS does not have grant or funding opportunities specifically for Search and Rescue (SAR). SAR operations are joint operations with federal/state/local partners because of the limited resources in remote areas.

**COMMISSION FINDING G: Tribal LE and courts are hobbled by unfair and restrictive limitations by federal law that treats Tribes and Alaska villages as second-class citizens and ensures unequal treatment and lack of parity across Tribal and non-Tribal jurisdictions.**

**Commission Recommendation G3:** DOJ policy must be changed to require that US Marshals recognize Tribal warrants as they do state, county and local LE warrants to ensure rapid detention of violent suspects.

**Response:** DOJ has developed a legislative proposal that would extend USMS’s existing authority to execute arrest warrants—which includes investigating and executing state and local arrest warrants for serious violent felons—to assist, at the request of a Tribe, in the apprehension of serious violent Tribal felons.

USMS is the federal government’s primary entity responsible for apprehending violent fugitives. It accomplishes this mission through fugitive investigations, carried out by district and regional fugitive task forces composed of Deputy United States Marshals and task force officers drawn from state, local, Tribal, and other federal agency law enforcement. A core mission of USMS task force operations is the adoption and execution of federal, state, and local serious violent felony arrest warrants in cooperation with its state and local law enforcement partners. The authority to conduct these investigations is clearly established in 28 U.S.C. § 566, 34 U.S.C. § 41503, and DOJ policy.

The requested statutory revisions would make clear that USMS may offer Tribal governments the same assistance in executing serious violent felony warrants that USMS has offered state and local governments for decades and supports a consistent government focus on positively impacting these historically underserved communities and promoting safety in Indian Country.

The recent United States Supreme Court decision, *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020)—which held that the Muscogee (Creek) Reservation was never diminished or disestablished and thus constitutes Indian Country for purposes of the Major Crimes Act<sup>28</sup>—has had implications for other reservations in Oklahoma and has generated an increase in the number of requests from Tribal law enforcement for assistance on Tribal violent felony warrants. This increase in requests necessitates this proposed statutory modification to make clear that USMS has the authority to extend the same fugitive apprehension assistance it provides to state and local authorities to our Tribal partners.

Currently, and with the awareness and approval of DOJ’s OTJ, USMS responds on an ad-hoc basis to individual requests from Tribes for assistance with Tribal violent felony warrants. However, with the increasing number of outstanding Tribal felony warrants, this ad-hoc, case-by-case approach to Tribal warrants is unwieldy and over time will not provide meaningful, consistent, and predictable support to the Tribal Nations requiring assistance with their most severe violent felony warrants. From a practical standpoint, public safety and existing working relationships between USMS and Tribal authorities will be harmed if USMS is unable to assist with the execution of a Tribal violent felony warrant where the subject poses an obvious threat to public safety and Tribal resources are insufficient to effectuate a speedy apprehension.

Modification of 28 U.S.C. § 566(e)(1)(B) and (D), and 34 U.S.C. §§ 41503 (a) and (c) to explicitly clarify USMS’s authority to adopt, investigate, and execute Tribal violent felony warrants will provide much-needed support to Tribal law enforcement and enhance public safety. Adding “Tribal” to § 566(e)(1)(B) clarifies that Tribal fugitive matters are included in the fugitive matters to which the Attorney General can direct assistance. Adding “Tribal” to § 566(e)(1)(D) clarifies that Tribes are among the entities that can request USMS assistance with the recovery of missing children. And adding “Tribal” to 34 U.S.C. §§ 41503(a) and (c) clarifies that Tribal law enforcement authorities are among the entities that can participate in fugitive apprehension task forces.

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<sup>28</sup> 18 U.S.C. § 1153.

**Commission Recommendation G4:** Given that non-Tribal courts are not always accessible or friendly to AI/AN peoples, DOJ and BIA must explore more ways that Tribal Courts can be used by victims of domestic violence.

**Response:** The Departments agree with the Commission that supporting Tribal courts is a key part of responding to this crisis.

DOJ's OVW funds the investigation and prosecution of domestic violence cases, including services and support for victims/survivors. DOJ's OJP/BJA will coordinate with OVW to explore existing opportunities for enhanced access to Tribal courts for victims/survivors of domestic violence. OVW offers grant funding that Tribes can use to enhance the capacity of their courts to handle domestic violence cases. The Tribal Governments Program specifically allows grant funds to be used to strengthen Tribal justice interventions—including courts—for domestic violence, dating violence, sexual assault, sex trafficking, and stalking. The Special Tribal Criminal Jurisdiction (STCJ) Grant Program supports Tribes who are interested in exercising—or are already exercising—criminal jurisdiction over non-Indians for domestic violence offenses, among other STCJ-covered crimes. Tribes exercising STCJ are also eligible for reimbursement of expenses incurred, through OVW's new [STCJ Reimbursement Program](#), including court-related costs, in exercising STCJ. Finally, OVW funds training and technical assistance in support of Tribal courts, including peer-to-peer learning opportunities for Tribes interested in implementing STCJ and intensive training for laypersons to become Tribal Court Legal Advocates through the National Tribal Trial College and the University of Wisconsin Law School.

OJP/OVC's TVSSA is used to help support survivors who are interacting with both Tribal and non-Tribal court systems. For example, TVSSA funds help provide civil legal assistance to crime victims dealing with the repercussions of their victimization; these funds can be used to cover emergency food or housing expenses, and to lease vehicles to transport victims between appointments.

OJP/BJA likewise [provides a variety of funding options](#) to build Tribal court capacity, including funding that may support traditional justice systems or practices.

Additionally, DOI provides funding, training, and technical assistance to Tribal courts in their effort to respond to domestic violence (DV) cases, not only through the criminal aspects of a case but through child welfare and family cases that protect victims of DV. To that end, DOI funds Tribes to host conferences focusing on Tribal court best practices, including traditional and cultural practices. Further, DOI hosts Tribal roundtables on DV and Violence Against Women Act (VAWA) implementation, both of which highlight best practices to address DV. DOI also recognizes that not all Tribal justice systems are VAWA ready, so DOI provides funding for

Tribal court personnel (e.g., defenders, prosecutors, probation officers) to establish DV court components, as well as trainings and technical assistance to address challenges such as issuance of protective orders, entry of orders into NCIC, and technical assistance for other types of databases.

**Commission Recommendation G5:** DOJ must provide funding to Tribes for the purpose of updating their Tribal law and order codes to ensure that they can do their part in fulfilling the spirit and intent of these recommendations.

**Response:** Tribes can seek funding to create or update their Tribal codes under CTAS Purpose Area 3, which provides broad funding to develop, support, and enhance adult and juvenile Tribal justice systems and for the prevention of violent crime and crime related to opioid, alcohol, and other substance abuse. Additionally, under the OJP/OJJDP Tribal Youth Program, funding can be used to update Tribal codes related to youth victimization and justice issues. OJP/OJJDP also funds the Tribal Law and Policy Institute (TLPI), which recently released an updated [Guide for Drafting Tribal Juvenile Delinquency and Status Offense Laws](#).

Further, OJP/BJA administers a training and technical assistance program for Tribal courts, offering specialized technical assistance and support to the InterTribal Working Group, which assists Tribes implementing special jurisdiction and enhanced sentencing authorities.

Funding under OVW's Tribal Governments Program and STCJ Grant Program (Tribal Jurisdiction Program) can be used to update Tribal codes related to domestic violence, dating violence, sexual assault, sex trafficking, and stalking, as well as other STCJ-covered crimes. OVW does not have funding that is statutorily available to assist with broader code revisions related to MMIP matters.

**COMMISSION FINDING H: Tribes and Alaska Native Villages lack sufficient access to equipment, technologies, and broadband to support initial reporting and investigation of crimes and missing persons.**

**Commission Recommendation H1:** Congress must fund and DOJ must undertake a six-month study to determine the value and impact of a new national notification system for missing AI/AN persons (legally defined as a political classification not racial under [Morton v. Mancari](#)) and/or those specific improvements to the AMBER Alert or Ashanti Alert Systems to amplify state-Federal- Tribal response times and the equitable treatment of AI/AN persons. The study should

consider the challenges of maintaining and using multiple alert systems, the challenges of “alert” fatigue by first responders and the public, and the ability of any existing or new system to operate across state lines given missing person often travel across multiple jurisdictions.

**Response:** On April 30, 2003, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act became law and codified existing AMBER Alert efforts at DOJ. The AMBER Alert system began in 1996 when Dallas-Fort Worth broadcasters teamed with local police to develop an early warning system to help find abducted children. AMBER stands for America’s Missing: Broadcast Emergency Response and was created as a legacy to nine-year-old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, Texas, and then brutally murdered. Once law enforcement has determined that a child has been abducted and the abduction meets AMBER Alert criteria, law enforcement notifies broadcasters and state transportation officials.

On December 31, 2018, the Ashanti Alert Act of 2018 (Public Law 115-401) became law. Named in honor of Ashanti Billie, a 19-year-old woman who was abducted and killed in Virginia in 2017, the law establishes a voluntary nationwide communication network to aid in the search and recovery of missing persons over the age of 17 who fall outside the scope of AMBER Alerts and Silver Alerts (when an elderly or developmentally or cognitively impaired person goes missing). Ashanti Alerts, once implemented, can provide for rapid dissemination of information to law enforcement agencies, media, and the public about adults who have been reported missing, along with suspect information in cases of suspected abduction. Ashanti Alerts could be transmitted via wireless devices and through the Emergency Alert System. If Congress elects to fund a study, DOJ, through its research offices at OJP, stands ready to examine gaps in existing notification systems and assess the potential value and impact of a new national notification system for missing AI/AN persons.

Additionally, in November 2023, President Biden signed a new [Presidential Memorandum](#) on Modernizing U.S. Spectrum Policy and Establishing a [National Spectrum Strategy](#), which includes language honoring the trust relationship with Tribal Nations. The new Memorandum and Strategy promote efficient and electromagnetic spectrum use for wireless communications and acknowledge Tribal sovereignty in the digital era. This provides an opportunity to help shape federal spectrum policy for the first time and further highlight ongoing public safety issues on Tribal lands so that Tribes can self-manage digital networks and develop reliable alert systems that are easily accessible off-reservation.



**Commission Recommendation H2:** Timely information sharing to the public is critical in recovering missing persons. The state/territory Missing Child/Person Clearinghouses (<https://www.missingkids.org/gethelpnow/clearinghouses>) vary throughout the country. As such, the Commission recommends the following to standardize the Clearinghouses:

1. Expanded from "Missing Child" to "Missing Person" Clearinghouses to share information on missing persons of all ages.
2. The public facing state Clearinghouse access must be dynamic to include searchable fields for race, age, sex, name, city/county, and investigating agency. See Montana's Missing Persons Clearinghouse for an example, <https://app.doj.mt.gov/apps/missingPersonDatabase/search/search.php>.
3. DOJ must fund a one-time grant to Clearinghouses to update their systems as recommended above.
4. DOJ (and its subagencies) in concert with the National Center for Missing and Exploited Children will collectively build an advertisement campaign to increase the understanding and use of the Clearinghouses.

**Response:** As each state and territory has its own legislation that governs its clearinghouses, it is beyond DOJ's authority to require a state or territory to make changes to its current systems to either expand them to all missing persons or to change its website functions.

OJP/OJJDP's grantee NCMEC maintains a liaison with each missing child clearinghouse and helps ensure they are familiar with the many resources available through NCMEC. NCMEC provides missing child clearinghouses with training, technical assistance, vital information, and other resources to help them with missing child cases. NCMEC and missing child clearinghouses work closely together to provide resources for a comprehensive approach to child protection. While there is no discretionary funding available to put toward advertising the 53 active clearinghouses, OJP/OJJDP is exploring opportunities with its Tribal TTA partners to promote public awareness.

In addition, through OJP/OJJDP's AMBER Alert TTA program, OJP/OJJDP funds a TTA provider that works toward supporting the AMBER Alert coordinators based within the missing children's clearinghouses. This includes working with the clearinghouses to improve their AMBER Alert plans and their responses to instances of missing children, as well as working to increase capacity within AI/AN communities to respond to incidents of endangered, missing, and abducted children cases. This work is done through OJP/OJJDP's [AMBER Alert in Indian Country Initiative](#).

**Commission Recommendation H4:** DOJ and DOI must provide training, support and assistance to Tribes and Tribal LE to better use non-Tribal outlets and social media approaches to identify missing persons. Such approaches include but are not limited to:

1. Using Tribally based organizations and their social media presence to amplify cases, needs, and information sharing;
2. Establishing regional text message systems to notify of missing persons while focusing the messages to the appropriate catchment area to avoid alert fatigue;
3. Utilize schools' notification mechanisms where available that already notify parents of various issues;
4. Provide listing of MMIP and HT chapter contacts, MMU contacts, and others to help contact and then distribute flyers or other information on missing persons; and,
5. Collaborate with the Corporation for Public Broadcasting (CPB) on announcements regarding MMIP and HT cases and assist with outreach of grants supporting access to CPB.

**Response:** DOJ's programs regularly incorporate examples of different online resources for spreading the word about missing persons in Indian Country. Additional information may be found in the responses to Recommendations C5 and C7. For example, the FBI, which has investigative responsibilities for federal crimes committed on nearly 200 Indian reservations, maintains a public-facing website to seek public assistance and information on cases involving missing or murdered victims in Indian Country (<https://www.fbi.gov/wanted/indian-country>). Similarly, BIA's Missing MMU also has a website that seeks tips from the public about active cases (<https://www.bia.gov/service/mmu/missing-murdered-cases>).

In its training on media and press releases, NICTI has addressed the need to ensure any information released to the public will not jeopardize or compromise an investigation.

USAOs also play an important role in disseminating information to the public. That said, there are some limits on sharing case information. USAOs must follow DOJ policy governing the protection and release of information that DOJ personnel obtain in the course of their work. This policy balances four primary interests: (1) an individual's right to a fair trial or adjudicative proceeding; (2) an individual's interest in privacy; (3) the government's ability to administer justice and promote public safety; and (4) the right of the public to have access to information about DOJ (see [Justice Manual 1-7.001](#)). Further, DOJ employees must consider victims' rights when releasing information, ensuring that information released does not violate victims' rights to be treated with fairness and with respect for the victim's dignity and privacy. 18 U.S.C. § 3771(a)(8).

DOJ's OJP/OJJDP and NCMEC routinely use the media, including social media, in missing children and youth cases, and have published <https://www.missingkids.org/content/dam/missingkids/pdfs/ncmec-utilizing-the-media.pdf>. In addition, this topic of training is covered through DOJ's AMBER Alert in Indian Country Initiative.

**Commission Recommendation H5:** DHS must expand its attention to and focus on MMIP and HT. DOJ and DOI shall work with DHS on their existing programs and how they can benefit the MMIP and HT crisis:

1. regarding their Operation Stone Gardens and LPR systems (License Plate), identify cameras and placement to expand to Tribes more uniformly, especially for those located in border states;
2. identify Vigilant Solutions to disseminate through the reservations; and,
3. broaden the scope of Savanna's Act for data collection and reporting to include DHS.

**Response:** DOI and DOJ commit to working with DHS to better understand DHS's existing programs that can address MMIP-related matters. DOJ, through the MMIP Regional Outreach Program and USAOs with Indian Country responsibilities, will engage with DHS personnel over the next 12 months to collaborate on ways in which DOJ and DHS can work together. Similarly, BIA/OJS will be working with DOJ and DHS through the USAO MMIP Outreach Program to consider this recommendation.

**COMMISSION FINDING I: Innovations like improved LE case management, victim advocates, and multi-disciplinary teams must be instituted to aid investigations across jurisdictions and support families from initial report on through investigation and prosecution.**

**Commission Recommendation I1:** There are currently many limitations to ensuring adequate victim specialists are available to families in coordinated and continuous fashion across the life of a case. There is insufficient funding and budgets across agencies and a lack of clarity on who can and does assist when multiple jurisdictions are involved. Grant resources are lacking, including in their award amount and their competitive nature. Smaller LEAs are seeking to fill basic patrol positions and cannot afford victim specialists. Victim specialists are often tied to specific crimes, such as domestic violence, making it more difficult for them to broaden their scope of work to include MMIP and HT.

*Therefore, DOJ must support through whatever means possible all LEAs to create policies that employ and provide victim specialists or embedded social workers. Following a report of MMIP and HT, the victim specialist shall contact the victim's family and guide the family through the investigative process and facilitate access to available resources. If jurisdiction changes throughout the investigation, the victim specialist must ensure that the family is aware of the changes and is introduced to the new agency's victim specialist. DOJ and DOI must also improve coordination across victim advocates and specialists among Tribal, state, DOJ, FBI, and others through joint task forces, conferences, work groups, and other means to ensure clear roles, support of families and survivors across the life of their case in judicial systems. The agencies must also explore assigning a missing persons advocate, like how domestic violence advocates are assigned.*

**Response:** Every victim, survivor, and family that interacts with DOJ deserves to be treated in a victim-centered, trauma-informed, survivor-informed, and culturally responsive manner. The Attorney General Guidelines for Victim and Witness Assistance (“Attorney General Guidelines”) provide guidance to the Department on how to fulfill its statutory obligations to victims and witnesses pursuant to the Victims’ Rights and Restitution Act, 34 U.S.C. § 20141, and the Crime Victims’ Rights Act, 18 U.S.C. § 3771.

On October 21, 2022, DOJ announced [updated Attorney General Guidelines](#) that specifically reinforce how federal prosecutors and law enforcement agencies should engage with AI/AN victims, their families, and witnesses. The revised guidelines contain a comprehensive section dedicated to the investigation of crimes in Indian Country and best practices for providing culturally appropriate assistance to AI/AN victims. The Attorney General Guidelines became effective in spring 2023, and USAOs and law enforcement agencies have been working to implement these new guidelines.

To support their implementation, in October 2022, EOUSA required every USAO to designate a criminal Assistant United States Attorney (AUSA) to serve as its Victims’ Rights Coordinator and work with existing USAO personnel working with victims and witnesses to further support, promote, and advance victims’ rights and issues. Additionally, all USAO and DOJ law enforcement personnel “whose primary job responsibilities affect crime victims and witnesses or who in the course of their duties are expected to come into contact with victim and witnesses” were required to complete training on the revised guidelines. See Attorney General Guidelines, Art. II.E. In 2023, FBI implemented and completed mandatory training for all relevant employees on the updated guidelines. To aid in communication, coordination, and Tribal outreach efforts, the NITCI Coordinator has provided information about the revised

guidelines, specifically on the new section focused on AI/AN victims, as part of the numerous training classes it conducts for Tribal partners.

To facilitate the provision of victims' rights and services in USAOs to all victims, including AI/AN victims and Tribal communities, each USAO has a Victim Witness (VW) Unit staffed with VW coordinators and specialists. In addition, there are Tribal Victim Assistance Specialists in certain USAOs whose work is solely dedicated to working with victims of crime in Indian Country. To enhance their efforts, USAO VW professionals collaborate closely with FBI and BIA victim specialists, along with local victim advocates, to respond immediately when a crime has been committed. If there is a change in jurisdiction, or a case moves from investigation to prosecution, transition between victim advocates is coordinated as seamlessly as possible to support victims and minimize duplication of efforts.

USAO VW professionals assist victims in a variety of ways throughout the criminal justice process, including court accompaniment; crisis intervention; court preparation; referrals for social, mental health, and housing services; and assistance with victim impact statements. VW professionals develop a rapport with victims and witnesses, which enables them to effectively offer emotional support, encourage meaningful victim participation, and assist victims in comprehending the criminal justice process. In order to accomplish this, VW professionals evaluate the needs of each victim individually and suggest the most suitable service for each situation. Due to the wide range of crimes that USAOs prosecute, VW professionals must be familiar with local resources and services available to help people with their particular needs, such as specialized services for victims of violent crime in Indian Country and for victims of human trafficking.

Furthermore, VW professionals participate in MDT meetings. MDTs consist of representatives from local, Tribal, state, and federal agencies who meet regularly to discuss case status updates and cross-agency coordination of victim assistance. In the areas that have MMIP task forces, DOJ victim assistance personnel meet with these task forces and MMIP coordinators to discuss coordination of victim services.

USMS is currently in the process of reconstituting its Victim Witness assistance program, to include a policy designed to address the needs of victims. Pursuant to the Attorney General Guidelines, this policy includes the requirement that communication with victims and/or families be a priority throughout the investigation or litigation of the case. USMS is committed to ensuring that, where applicable, victims receive services for matters investigated by USMS. Where USMS encounters potential victims for matters that could potentially be investigated by other agencies, USMS will ensure that information related to potential victims is provided to those law enforcement agencies so that services can be promptly provided.

DOJ recognizes the need for families and the public to be supported when a person goes missing. Although missing persons should be promptly reported to local law enforcement as an important first step, members of the public may also contact the National Native American Outreach Services Liaison for additional MMIP-related inquiries. The liaison, who is part of the EOUSA staff, represents DOJ in efforts to amplify the voices of AI/AN victims and their families as they navigate all stages of the criminal justice system. This position helps incorporate Indigenous traditions and cultural practices into DOJ policy and promotes collaboration among federal agencies with jurisdiction in Indian Country.

In addition to these efforts, each year, OJP/OVC distributes funds to the FBI and BIA to support victim specialist positions in Indian Country and Alaska. OJP/OVC also works to increase the supply of victim specialists in AI/AN communities through its Developing Future Victim Specialists Program (DFVS). In FY 2023, OJP/OVC awarded \$5M to 10 Tribes and Tribal-serving organizations to identify and train individuals who have potential to become victim services professionals in Tribal communities where positions are hard to fill. There are currently 10 funded programs, and DVFS-funded interns currently work or will work in 12 states in FY 2024.

The BIA MMU has victim specialists that provide victim-centered, trauma-informed services. The victim specialists' responses are culturally sensitive, and they work to provide services in a timely manner. The BIA MMU victim specialists coordinate with Tribal advocates, and in the absence of a Tribal advocate, work with the local victim service provider, which includes the FBI and USAO victim specialists. The MMU victim specialists attend and participate in local conferences and working groups to provide training and technical assistance on their roles within the BIA MMU and how their work with victims and families is completed during the life of a case. BIA MMU victim specialists provide information and guidance during the investigative process and provide information on available resources, working to ensure that a victim's family is aware of their options. In the event that the jurisdiction of the matter changes, families are included in the meeting with a new victim service provider agency, thus ensuring that the families always have a point of contact.

<p><b>Commission Recommendation 12:</b> The DOJ OVC and the HHS OTIP must support, offer, and ensure culturally appropriate services are available to survivors of human trafficking.</p>
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**Response:** OJP/OVC is committed to funding human trafficking programs that are victim-centered, trauma-informed, survivor-informed, and culturally responsive. In FY 2016, OJP/OVC launched Project Beacon: Increasing Access to Services for Urban American Indian and Alaska Native Victims of Human Trafficking (Project Beacon). Project Beacon is unique among

OJP/OVC’s grant award programs in its focus on the needs of urban Native Americans and on the specific and unique needs of Native victims of trafficking. OJP/OVC currently funds five urban Indian centers that are working to increase their capacity to provide comprehensive services to Native victims through strategic collaborative partnerships with both Tribal and non-Tribal organizations and agencies. OJP/OVC’s Human Trafficking Division also administers a diverse portfolio of discretionary grant award programs to support anti-trafficking efforts funded by the federal Trafficking Victims Protection Act.

Moreover, since the inception of OJP’s anti-trafficking programs, funded grantees are required to adhere to federal civil rights laws, which protect the civil rights of program participants and staff. Beginning in FY 2022, OJP/OVC requires all of its anti-trafficking grantees to develop policies and procedures that document how they will remove barriers to victim access to services and respect victim autonomy.

Additionally, in March 2022, OJP/OVC and HHS’s Office on Trafficking in Persons (OTIP) announced a joint initiative to fund a project to develop standards of care for anti-trafficking service providers. The initiative reflects both program offices’ shared values around ensuring that its grantees consistently provide the same standard of culturally responsive care to all human trafficking victims. Freedom Network USA received competitive funding to work with OJP/OVC and OTIP to draft the standards of care and has formed a diverse technical advisory working group—which includes Tribal representation—to aid in the development of the standards. Notably, one of the guiding principles for the development of the standards calls for the project to integrate diversity, equity, inclusion, and accessibility throughout the initiative.

We note that this recommendation is also directed at HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation I3:** DOJ and DOI must harness the power, expertise, and commitment of non-governmental MMIP and HT chapters across numerous states to be a “force multiplier” for working with families and addressing missing and murdered cases by the following.

1. DOJ and DOJ (sic) must utilize MMIP and HT chapters, and others to not only notify families of the murdered, but to support them in culturally appropriate funeral planning including interfacing with coroners and others who may not have cultural knowledge to tend to the dead appropriately.
2. DOI and DOJ must accelerate grant programs, cross-chapter sharing, and resources to MMIP and HT chapters across Indian country as MMIP and HT chapters and organizations are key

and highly motivated partners who bring powerful networks, data, expertise, cultural sensitivity, and powerful advocacy.

**Response:** DOJ’s TVSSA is designed to support Tribes in determining what services will best serve their communities. We recognize that nongovernmental MMIP and HT chapters may be valuable partners for Tribes and provide important services and support families. Through victim specialists within the BIA MMU, DOI can work to improve communication and coordination with local advocates who have familiarity with communities and family members.

**Commission Recommendation I4:** DOJ and DOI must work to ensure all law enforcement agencies identify and implement strategies and practices to improve communication and transparency with family members in MMIP and HT cases. This must include that LE entities:

1. At all levels comply with legal requirements about communication with victims and their family members.
2. Take complete and detailed reports including relevant information regarding the missing person and speak to family members to ensure accurate demographic information is collected.
3. Facilitate requests from family members to correct racial classification information in missing persons reports or law enforcement databases.
4. Communicate regularly and consistently with families and advocates, including providing the name and details of their role in the investigation and when there are changes in personnel or in the status of the investigation.
5. Require that all personnel complete cultural competency training.
6. Communicate, collaborate, and consult with the missing person’s Tribal leadership and LE, when requested; and,
7. Embed behavioral health officers in police forces to both assist LE personnel and individuals the law enforcement unit may encounter. As an example, the Choctaw Nation implemented this approach to change the mindset and reduce the stigma of mental health issues within public safety.

**Response:** The provisions in this recommendation encompass much of what Savanna’s Act, a law designed to improve the federal government’s response to missing or murdered AI/AN, mandates. Section 5(a) of the Act requires the Attorney General to “direct United States Attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians.”



The Act mandates that guidelines include the following provisions, which address much of what is outlined in this recommendation:

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 and detailing specific responsibilities of each law enforcement agency;
2. Best practices in conducting searches for missing persons on and off Indian land;
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 human remains identified as Indian, including guidance stating that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases;
4. Guidance on which law enforcement agency is responsible for inputting information into appropriate databases under paragraph (3) if the Tribal law enforcement agency does not have access to those appropriate databases;
5. Guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing or murdered Indians; and
6. Guidelines on ensuring access to culturally appropriate victim services for victims and their families.

The requirements and creation of such guidelines are discussed in additional detail in the responses to Recommendations D1 and E1. The FBI confirms that it complies with all legal and constitutional requirements related to FBI investigations, including through obtaining, documenting, and retaining true and accurate case details, investigative actions, and victim demographics within internal FBI case management systems and CJIS-managed information databases (such as NCIC). Where possible, the FBI relies on, and offers, victim resources to families through the Victim Services Division to provide trauma-informed and culturally sensitive crisis intervention and timely victim-sensitive notification and case updates. The FBI can share case updates with Tribal law enforcement partners but is limited in what can be shared to Tribal councils or advocacy groups due to the sensitivity of on-going investigations. The FBI has also taken care to provide cultural competency training for all Indian Country personnel and provides wellness and resiliency resources to all agents working in Indian Country.

## **Chapter 2: Policies & Programs—Reporting and Collecting Data on Missing, Murdered, and Trafficked Persons**

### **Subcommittee 2 Charge and Priority Areas**

Following is an excerpt from the final report describing the work of Subcommittee 2:

The Commission’s Policies and Programs Subcommittee (Subcommittee 2) was created to study and make recommendations regarding the reporting and collecting of data on missing, murdered, and trafficked AI/AN persons. The Subcommittee organized these efforts by first separating these three priority areas – missing, murdered, and trafficked persons.

Given this broad charge, Subcommittee 2 chose the following priority areas to organize its work. These areas included:

1. What changes are needed in the current federal data systems to support data collection better and reporting missing AI/AN persons?
2. What data on missing AI/AN persons exists, where are the gaps, and how can those gaps be addressed?
3. What are the state, federal, and Tribal policies and programs for data collection and reporting on missing AI/AN persons?
4. What policy or programmatic changes are needed to support better data collection and reporting of missing AI/AN persons?
5. What changes are needed in the current federal data systems that will better support data collection and reporting on violent deaths and homicides of AI/AN persons?
6. What data on violent deaths, homicides, and murders of AI/AN persons exists, where are the gaps, and how can those gaps be addressed?
7. What are the state, federal, and Tribal policies and programs for data collection and reporting on violent deaths, homicides, and murders of AI/AN persons?
8. What policy or programmatic changes are needed to support data collection and reporting on violent deaths, homicides, and murders of AI/AN persons?
9. What changes are needed in the current federal data systems to support data collection better and reporting on the trafficking of AI/AN persons?
10. What data on trafficking of AI/AN persons exists, where are the gaps, and how can those gaps be addressed?
11. What are the state, federal, and Tribal policies and programs for data collection and reporting on trafficking of AI/AN persons?

12. What policy or programmatic changes are needed to support data collection and reporting on the trafficking of AI/AN persons?

**COMMISSION FINDING A:** Accurate data on Native Americans are necessary for federal, state, local, and Tribal governments to monitor conditions and make informed policy and spending decisions. Unfortunately, there is a lack of available data at all levels of government but especially at the national level to ascertain the extent of the problem of (1) missing AI/AN persons, (2) homicides and violent deaths of AI/AN people, and (3) AI/AN individuals who are trafficked. Understanding these issues and determining how best to address them requires accurate accounting that can inform the development and implementation of solutions and the appropriate allocation of resources.

**Commission Recommendation A1:** The [Indian Law and Order Commission](#) (ILOC) recommended that the federal government generate accurate crime reports for Indian country, especially in Tribal areas subject to P.L. 83-280. The Commission concurs with this recommendation.

**Response:** The U.S. Department of Justice (DOJ) has been making steady improvements in crime reporting since the Indian Law and Order Commission (ILOC) released its recommendations. Since 2016, when the FBI's Uniform Crime Reporting (UCR) Program began its transition to National Incident-Based Reporting System (NIBRS)-only reporting, the FBI has collaborated with the Bureau of Indian Affairs (BIA) to encourage and assist Tribal agencies to report NIBRS data. To assist Tribal and federal agencies, the FBI's UCR Program developed the NIBRS Collection Application (NCA), which is available on the Law Enforcement Enterprise Portal, to provide a no-cost solution for Tribal and federal agency users to submit NIBRS data to the FBI's UCR Program. Today, there are 182 Tribal agencies reporting their crime data to the FBI's UCR Program using the NCA, via the respective state UCR program, or directly to the FBI via the agency's records management system. The FBI's UCR Program continues to engage Tribal agencies and the BIA and encourages non-transitioned agencies to report their crime data to NIBRS, including by providing resources such as data integration support, technical assistance, and no-cost training.

**Commission Recommendation A3:** DOJ must encourage and/or incentivize all LEAs (state, county, municipal, and Tribal) to upload their crime data into the National Incident-Based Reporting System (NIBRS). These data requirements must also encompass federal law enforcement (e.g., Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF], BIA, Customs and

Border Protection [CBP], Drug Enforcement Administration [DEA], DHS, FBI, Immigration and Customs Enforcement [ICE], Marshals Service [USMS], and United States Park Police).

**Response:** DOJ has devoted significant resources to encourage law enforcement agencies to upload crime data to NIBRS, and we will continue to do so. Since 2016, DOJ has provided over \$120 million in grants through the FBI and DOJ's Office of Justice Programs/Bureau of Justice Statistics (OJP/BJS) to assist agencies transitioning to NIBRS. From 2016 to 2022, the FBI trained nearly 20,000 participants from over 11,500 agencies in support of the NIBRS transition. In addition, the FBI's UCR Program developed the NCA to ensure ease of data entry for law enforcement agencies. The FBI's UCR Program engages with the BIA regularly to promote use of the NCA and discuss the importance of submitting NIBRS data.

**Commission Recommendation A4:** DOI's MMU must produce an annual report containing aggregate data on AI/AN missing person active and resolved cases and case outcomes (e.g., referred for prosecution), if available.

**Response:** The BIA Missing and Murdered Unit (MMU) strives to be as transparent as possible while also recognizing the privacy policies we must adhere to. The MMU generates an end of the year report highlighting case MMU statistical data, which include case status, case dispositions, and number of cases across states within the United States. The end of the year report also provides success highlights for some cases where outcomes may be shared with the public, while protecting the identity of the individuals involved.

**Commission Recommendation A5:** DOJ must implement, as intended, the [Death in Custody Reporting Act of 2013](#) (DCRA) to include developing and executing a plan to determine states' compliance (see [GAO-22-106033](#) report).

**Response:** The Death in Custody Reporting Act (DCRA) addresses a profoundly important issue, which is of great consequence to the legitimacy and integrity of the criminal and juvenile justice systems, to the lives of the people who come into contact with those systems, and to the family members and loved ones of those who have died in custody. DOJ recognizes the importance of collecting complete and accurate data to inform strategies for reducing deaths in custody. Such data are essential for producing appropriate findings and drawing meaningful conclusions about factors that may contribute to deaths in custody and promising practices and policies that may reduce deaths in custody. DOJ is working urgently to fulfill its obligations and further the aims of DCRA.

The Bureau of Justice Assistance (BJA), part of DOJ's Office of Justice Programs (OJP), has increased staffing resources dedicated to DCRA by adding a senior-level coordinator and two new full-time research associates. OJP/BJA also established a dedicated training and technical assistance center to provide information and support to state administering agencies that collect and report DCRA data. OJP/BJA and the new training and technical assistance center have already worked with the state agencies to identify and confirm hundreds of previously unreported arrest-related deaths.

OJP/BJA has also developed an implementation plan outlining how OJP will determine state-level compliance with the reporting requirements of DCRA. The plan focuses on multiple elements, including timely, comprehensive, complete, and accurate data submission by states with performance targets that states must achieve in terms of the completeness and quality of their data. OJP/BJA has hired staff and funded a training and technical assistance provider to work with and support states in their data collection and reporting efforts. Further, starting in FY 2023, OJP/BJA required states to provide DCRA state implementation plans as part of their Edward Byrne Memorial Justice Assistance Grant applications. The state implementation plans must address states' data collection infrastructure, data collection methods, and data reporting methods.

The FBI's Biometric Services Section has also reviewed and considered this recommendation and notes that death notifications are under-reported by all law enforcement agencies to the Next Generation Identification System. The submission of known deceased identification requests—and when possible, the Interstate Identification Index (III) Deceased (DEC) Message Key (MKE)—to update identities as deceased is encouraged, and the FBI will continue to encourage submission.

**Commission Recommendation A6:** DOJ must fulfill the Executive Order on *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* ([EO 14074](#), May 25, 2022) by developing, deploying, and maintaining the National Law Enforcement Accountability Database (NLEAD). Moreover, the database structure must include the capability to capture AI/AN identity and Tribal citizenship data (Tribal nation affiliation/enrollment). The Commission further recommends that the NLEAD be publicly accessible for ease of public access, research, and advocacy, with documents and information about all AI/AN deaths in federal custody and federal officer-involved cases. The Commission further recommends that the EO 14074 mandated report include aggregate data on the race of victims and decedents with specific analyses (if possible) involving AI/AN and Tribal citizenship cases. Moreover, the Commission recommends that the DOJ must encourage and incentivize federal, state, local, and

Tribal LE agencies to voluntarily submit similar documentation of cases within their jurisdictions to NLEAD.

**Response:** On May 25, 2022, in Section 5 of Executive Order (EO) 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, President Biden directed DOJ to establish the National Law Enforcement Accountability Database (NLEAD) as a “centralized repository of official records documenting instances of law enforcement officer misconduct, as well as commendations and awards.”

Section 5 further directed, in relevant part, that DOJ: 1) include in the NLEAD “all available information that the Attorney General deems necessary, appropriate, and consistent with law and with considerations of victim confidentiality, concerning misconduct by federal law enforcement officers relevant to carrying out their official duties”; 2) assess the “feasibility of” and manner in which the records from the NLEAD “may be accessible to the public ... taking into account the critical need for public trust, transparency, and accountability”; 3) “publish on at least an annual basis public records that contain anonymized data from” the NLEAD “aggregated by law enforcement agency and by any other factor determined appropriate by the Attorney General”; and 4) “encourage State, Tribal, local, and territorial LEAs [law enforcement agencies] to contribute to and use” the NLEAD.

In December 2023, DOJ launched the NLEAD, and the database includes records for DOJ’s law enforcement officers. In early 2024, other executive branch federal law enforcement agencies will report data for their law enforcement officers to the NLEAD. The database will include records of instances of misconduct by current and former federal law enforcement officers that occurred over the past seven years.

To support similar law enforcement officer accountability efforts at the state and local levels, DOJ has also partnered with the International Association of Directors of Law Enforcement Standards and Training (IADLEST). IADLEST’s National Decertification Index (NDI) is a national registry of law enforcement decertification and revocation actions relating to officer misconduct that is currently used by all 50 states and the District of Columbia. The Department is working with IADLEST to expand the NDI to include additional categories of information required by the Executive Order. The Department is also awarding discretionary grants in a manner that supports and promotes the adoption of the Executive Order’s policies by state and local agencies, including language outlining priority consideration for applicants who use the NDI as part of their hiring and vetting of new officers.

DOJ recognizes the important role that police officer accountability plays in accomplishing President Biden’s goal to “make policing safer and more effective by strengthening trust

between law enforcement officers and the communities they serve,” and DOJ will continue to implement the NLEAD to achieve the full objectives of EO 14074, Section 5.

**Commission Recommendation A7:** DOJ’s [MMIP Regional Outreach Program](#) must produce an annual report on the program that includes information/data on case outcomes and patterns, survivor/family feedback, tracking status of implementation of [Savanna’s Act](#) Guidelines in each district within regions, ongoing evaluation that determines program, and operational need.

**Response:** DOJ’s Executive Office for U.S. Attorneys (EOUSA) has designated a program coordinator to assist in the development and implementation of the program and monitor the program’s progress. EOUSA will periodically assess the program to determine whether it is meeting its goals, which include being responsive to Tribal community needs. The program’s coordinator and regional personnel will provide updates on the program’s successes and efforts as appropriate.

**Commission Recommendation A8:** Federal science agencies that direct or support national victimization studies must ensure the inclusion and representativeness of AI/AN peoples to include special studies (e.g., AI/AN oversamples, reservation-level victimization data) appended to ongoing national data collection efforts (e.g., Bureau of Justice Statistics’ (BJS) National Crime Victimization Survey [NCVS], CDC’s National Intimate Partner and Sexual Violence Survey [NISVS], National Institute of Justice’s (NIJ) National Baseline Study [NBS]), including question(s) regarding murdered, missing, unidentified, and trafficked persons, families of such, if such case were resolved, and other pertinent questions.

**Response:** The National Crime Victimization Survey (NCVS) is the nation’s primary source of information on criminal victimization, including incidents both reported and not reported to the police. The NCVS collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated assault, simple assault, and personal larceny) and household property crimes (burglary or trespassing, motor vehicle theft, and other types of theft). Homicide is not included because the NCVS is based on interviews with living victims. Missing and unidentified persons are also not included because they cannot be interviewed. Each year, data are obtained from a nationally representative sample of about 240,000 persons in about 150,000 U.S. households. Persons are interviewed on the frequency, characteristics, and consequences of their experiences with criminal victimization. Household-based surveys like the NCVS select samples at an address level and thus are not well situated to collect data from victims of crime who are not located at that household, including people who are institutionalized, missing, or

trafficked. Given that these persons may be transient and not have a permanent address, it would be difficult to provide reliable and/or nationally representative statistical estimates.

Demographic information, including race and Hispanic origin, is collected from NCVS respondents. American Indian or Alaska Native (AI/AN) is one of the five racial categories collected per the Office of Management and Budget's Statistical Policy Directive No. 15.<sup>29</sup> Additionally, the NCVS captures whether the household is located on an American Indian Reservation or on American Indian Lands. OJP/BJS has been investigating options for producing additional victimization estimates for the AI/AN population, which include aggregating multiple years of data in order to produce stable victimization estimates for the AI/AN population. Changing the NCVS sample design and adding a reservation-level sample in order to produce reliable victimization estimates for this population would not be feasible due to resource constraints.

The National Baseline Study (NBS) is a forthcoming OJP/National Institute of Justice (NIJ) study of the health, wellness, and safety of AI/AN women living in Indian Country and AN communities. The information from this study is expected to educate and inform policymakers and the public about the public health and safety issues affecting AI/AN women as well as inform prevention and intervention efforts focused on Native people by identifying barriers to and possible solutions for dealing with these significant matters.

The study will aim to survey a random selection of volunteer Tribal households to gain a deeper understanding of the health and safety issues faced by AI/AN women living in AI/AN communities. While it has not commenced yet, the survey will be designed to help address gaps in health and legal services, particularly for those living on Tribal lands. Every precaution will be taken to ensure the privacy and rights of the Tribal Nations and individual respondents who volunteer to participate in the NBS.

DOJ defers to the Centers for Disease Control and Prevention (CDC) on questions regarding the National Intimate Partner and Sexual Violence Survey.

**Commission Recommendation A9:** Primary data collection studies (e.g., protective, risk, and safety factors) and secondary data analyses on missing AI/AN persons, death investigations and

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<sup>29</sup> "History of Statistical Policy Directive No. 15," U.S. Office of Management and Budget Interagency Technical Working Group on Race and Ethnicity Standards, <https://spd15revision.gov>.



homicides of AI/AN peoples, and on HT of AI/AN individuals must be conducted in an ethical, culturally relevant manner and led by subject matter experts with lived experience.

**Response:** DOJ’s OJP/NIJ is committed to conducting ethical research and protecting the rights and welfare of all human subject research participants. All research conducted at OJP/NIJ or supported with OJP/NIJ funds must comply with all federal, DOJ, and OJP/NIJ regulations and policies concerning the protection of human subjects and DOJ confidentiality requirements. More information about OJP/NIJ’s human subjects and privacy protections can be found at <https://nij.ojp.gov/funding/human-subjects-and-privacy-protection>.

In addition, OJP/NIJ strives to fund research that demonstrates culturally relevant methodologies, with special consideration given to proposals with methods that include meaningful engagement with the people closest to the subject of study, including practitioners, those with lived experiences, community members representing crime victims, people under criminal justice supervision, and members of high-crime communities. Further, OJP/NIJ gives specific consideration to applicants that demonstrate that their proposed project(s) serve communities that have been historically underserved, marginalized, adversely affected by inequality, and/or disproportionately impacted by crime, violence, and victimization. OJP/NIJ also takes into account whether projects will be enhanced by their affiliation with a population-specific organization—a nonprofit, nongovernmental, or Tribal organization that primarily serves members of a specific underserved population and that has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

**COMMISSION FINDING B:** The HHS Office of Inspector General (OIG) surveyed state-level foster care systems to determine how many children in foster care went missing over an 18-month period. The survey found that during that period, out of 1,016,895 total children in foster care, 43,679 had been reported missing at some point. The average time a child was missing before they were found was 34 days. This is an informative study to guide future research about the nature of the problem of AI/AN children missing from care.

**Commission Recommendation B2:** DOJ must conduct a study examining the context of AI/AN missing children person cases, including the scope and context of cases that are connected to criminal circumstances (e.g., domestic violence, homicide, human trafficking) to understand better how these issues intersect with going missing – either intentionally or unintentionally. The study should consider the context of missing AI/AN youth and whether or not system-involved youth go missing “slip through the cracks” due to policies or decisions by case workers

or probation officers regarding reporting them as missing. The report should identify where reporting gaps exist and identify areas to develop or improve reporting and training for staff.

**Response:** DOJ agrees that understanding the context of missing AI/AN youth and what role case workers or probation officers play in missing AI/AN youth is critical. DOJ will discuss this recommendation further with our U.S. Department of Health and Human Services (HHS) colleagues, as the recommendation is based on an HHS-generated report regarding an area of HHS expertise. Additional funding would likely be required to meet this recommendation, however. First, understanding the context of missing AI/AN youth would likely require interviews or surveys of multiple stakeholders across a diverse sampling of missing AI/AN youth. Second, databases with information on AI/AN youth may not have all the information necessary to conduct a reporting gaps analysis on the roles that case workers and probation officers play in missing system-involved AI/AN youth.

**Commission Recommendation B3:** NCMEC should conduct a study on the barriers and challenges of (1) engaging with Tribal governments and citizens regarding the use of NCMEC and (2) getting social services staff to report cases to NCMEC (e.g., laws that impede the use of or reporting of missing children) and what states are and are not compliant with federal reporting laws. The study should include a strategic plan to address these barriers/challenges.

**Response:** DOJ's OJP/NIJ is the research arm best equipped to handle studies of this nature. DOJ appreciates the Commission's recommendation and will continue to explore the possibility of a study on the barriers and challenges regarding the use of the National Center for Missing & Exploited Children (NCMEC).

**COMMISSION FINDING C:** There is a commonly held belief that violent crimes and the deaths that result from them are notoriously underreported among AI/AN people. Underreporting and misclassifying crimes and people contribute extensively to the lack of available data on this topic. A better understanding of mortality rates and homicides that occur in Indian country and Alaska is needed to get an accurate number of AI/AN deaths. Acquiring accurate and up-to-date analyses of homicides and mortality data will be essential for determining and implementing resources moving forward.

**Commission Recommendation C1:** NIJ, in coordination with BJS and CDC, must conduct a study examining the frequency, nature, and causes of homicide and violent deaths of AI/AN peoples

that are focused on in-depth contextual characteristics of these cases (e.g., type of homicide [femicide, firearm, gender-related, intimate partner homicide, suicide], demographic information about the individuals involved, incident characteristics, and situational contexts associated with these cases). Of particular importance are analyses that provide the distribution on a demographic and geographic basis (e.g., Native vs. non-Native, national, state, regional, county, reservation/non-reservation). Separate analyses should be conducted on AI/AN death investigations where the causes of death are classified as “Undetermined.” These analyses must also provide in-depth contextual characteristics of these cases (e.g., demographic information about the individuals involved, incident characteristics, and situational contexts associated with these cases).

**Response:** OJP/NIJ will explore the feasibility of conducting a study in coordination with OJP/BJS and CDC examining the frequency, nature, and circumstances of violent deaths of AI/AN peoples to the extent that existing data sources, including the National Violent Death Reporting System and NIBRS, support reliable measurement of in-depth contextual characteristics of violent deaths.

We note that this recommendation also concerns the HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING D: HIPAA, the Health Insurance Portability and Accountability Act, is a U.S. federal law enacted in 1996 to address various aspects of healthcare, including health insurance coverage, medical privacy, and security of protected health information (PHI). While there are exceptions to HIPAA that allow for disclosure in situations involving public health, safety, and emergency circumstances, such as missing person cases, it is unclear if the Act is impeding the reporting of missing person cases (i.e., Jane/John Doe patients).**

**Commission Recommendation D2:** DOJ must assess LE acceptance of missing person reports from healthcare providers and other entities handling PHI regarding admitted Jane/John Doe cases and if those cases are entered into NCIC, NamUs, and other databases.

**Response:** DOJ’s OJP/BJS will assess the feasibility of collecting such data. This is a particularly challenging task, as it involves information on a specific type of case, who reported the incident, and the ability to track the outcome of these reports in noncriminal databases, and OJP/BJS is unsure of the capacity of the nation’s 18,000 law enforcement agencies to track and report such data. OJP/BJS’s surveys typically capture information on agency processes and procedures

and do not focus on specific types of events or how these events are handled. However, OJP/BJA appreciates the recommendation and will explore this idea further.

**COMMISSION FINDING E: NCIC and NamUs are first and foremost operational databases. They are dynamic and not historical databases. Their primary purpose will always be to assist users (i.e., LEA, ME/C offices, forensic scientists) in managing and resolving cases. Also, interoperability of systems is key in addressing intergovernmental coordination. Considerations should be given to structuring data to be compatible with one another, which will expedite the sharing of data related to active cases. Analyses of information on data import capabilities are important to address interoperability and assist with mapping key investigative fields.**

**Commission Recommendation E1:** The Attorney General (DOJ), in consultation with the OMB, must analyze budgetary and operational deployment considerations to achieve interoperability of NCIC and NamUs, making seamless data sharing possible to improve justice system response and resolve cases. The analysis must be provided to Congress for consideration regarding appropriations to support this compatibility of systems.

**Response:** In 2022, Congress passed the Help Find the Missing Act, Public Law 117-327, also known as “Billy’s Law.” Section 3 of Billy’s Law, Information Sharing, requires the exchange of missing and unidentified persons data between NCIC and the National Missing & Unidentified Persons System (NamUs). The FBI’s Criminal Justice Information Services (CJIS) National Crime Information Center (NCIC) Operations and Policy Unit (NOPU) and NamUs are currently working on implementation of this electronic data exchange to meet that requirement.

**Commission Recommendation E2:** The FBI Criminal Justice Information Services (CJIS) Division must update its NCIC Terms and Conditions to ensure users are notified about data-sharing activities (e.g., NamUs).

**Response:** There are currently no formally written NCIC Terms and Conditions, so DOJ will work with Commission members to address this recommendation regarding data sharing.

**COMMISSION FINDING F: Section 10 of the Native American Graves Protection and Repatriation Act (NAGPRA) authorizes the Secretary of the Interior to make grants to**

**museums, Indian Tribes, and Native Hawaiian organizations to assist in consultation, documentation, and repatriation of Native American cultural items,” including human remains, funerary objects, sacred objects, and objects of cultural patrimony.**

**Commission Recommendation F1:** DOI’s NAGPRA office must actively engage with Tribes and the DOJ’s NamUs program staff to identify unclaimed Tribal members to repatriate these persons to their Tribal communities.

**Response:** NamUs is a national, centralized repository and resource center for missing, unidentified, and unclaimed person cases across the United States. Unclaimed person cases involve decedents who have been identified by name but whose next of kin have not been located in order to make death notifications and/or have the decedent’s remains claimed for burial or others disposition. DOI’s Native American Graves Protection and Repatriation Act (NAGPRA) office will actively engage with DOJ’s NamUs program staff to support repatriation of unclaimed Tribal members to their Tribal communities. DOI’s NAGPRA office already actively engages with Tribes as well as some medical examiner/coroner (ME/C) offices on repatriation of unclaimed remains of Tribal members. DOI’s NAGPRA office is willing to actively engage with other federal agencies as well as with state, local, and Tribal governments on the requirements under NAGPRA that relate to other recommendations in this report, especially on training and best practices.

In addition, as NAGPRA does not define “human remains,” DOI has made a concerted effort in revising the implementing regulations to address how NAGPRA may apply to ME/C offices (see 43 CFR §10.2, human remains). The regulatory definition of human remains is intentionally broad and does not include a requirement for human remains to be from an archeological context or of a certain age. The definition does not exclude human anatomical collections used by medical schools or biological samples, soft tissue, or any other biological remnants. DOI has always interpreted biological samples (including DNA) to be subject to NAGPRA and the implementing regulations. In 1993, DOI included as an example clause in the definition of human remains “including, but not limited to, bones, teeth, hair, ashes, or mummified or otherwise preserved soft tissues of a person of Native American ancestry” (58 FR 31126, May 28, 1993). Identification of human remains are subject to NAGPRA, and the regulations require a case-by-case assessment in consultation with lineal descendants, Indian Tribes, and Native Hawaiian Organizations (NHOs). The regulatory definition includes only one exception: where an entity can prove it has a right of possession to Native American human remains.

In line with applicable common law in the United States, in NAGPRA, Congress stated that the original acquisition of Native American human remains which were exhumed, removed, or

otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate Indian Tribe or NHO is deemed to give right of possession to those human remains. DOI interprets “full knowledge and consent” considering the history of Indian Country and recognizes that “full knowledge and consent” does not include consent given under duress or because of bribery, blackmail, fraud, misrepresentation, or duplicity on the part of the recipient. As such, consent must be shown to have been fully free, prior, and informed consent.

For example, when any individual, regardless of ancestry, dies, local or state law generally requires consent by the next of kin prior to any other action by the local or state authorities. When the deceased individual is Native American and when no next of kin is ascertainable, the local or state authorities may be required to treat the individual as human remains under NAGPRA and these regulations, unless the local or state authorities obtain the full knowledge and consent of the official governing body of the appropriate Indian Tribe or NHO. Coroners, medical examiners, and other local or state agencies should consider their requirements under the Act and these regulations for any Native American human remains, including biological samples (*see* 88 FR 86474, December 12, 2023).

**Commission Recommendation F2:** DOI must actively work with Tribes who have unclaimed Tribal members to obtain funding (grants) to cover costs associated with transferring Native American human remains to their Tribal community. Grant funds should be used to support repatriations.

**Response:** DOI provides direct assistance to Tribes on the costs associated with transferring Native American human remains to their Tribal communities, provided the human remains are subject to NAGPRA. Repatriation grants are provided annually, depending on appropriations, on a rolling basis to any eligible Indian Tribe that submits a complete application. In FY 2024, DOI lengthened the application period for repatriation grants from six months to one year and six months to provide additional opportunities for funding repatriations. In addition, in FY 2024, DOI increased the amount of funding available for each award from \$15,000 to \$25,000 (*see* <https://www.nps.gov/subjects/nagpra/repatriation-grants.htm>).

**COMMISSION FINDING H:** Federal statute prohibits data exchange between NCIC – the United States’ central database for tracking crime-related information – and the DOJ’s NamUs. “Billy’s law,” also known as the “Help Find the Missing Act,” is federal legislation that aims to close loopholes in United States missing person systems. While Billy’s Law requires data sharing, it

**does not address the legal entanglements of sharing law enforcement-sensitive data and technology, data validation, and data ownership challenges.**

**Commission Recommendation H1:** Congress must enact legislation deeming NamUs an official LE database such that the FBI's CJIS program can issue DOJ's NIJ an originating agency identifier (ORI) so NamUs Program staff can access and exchange data.

**Response:** The FBI CJIS NOPU has reviewed and considered this recommendation. As a result of the passing of Billy's Law, also discussed in the response to Recommendation E1 (Chapter 2), NamUs will be assigned an Originating Agency Identifier (ORI) for access to the NCIC Missing Person and Unidentified Person Files for the purpose of reviewing missing and unidentified person records in the NCIC for case validation and NamUs data reconciliation.

**COMMISSION FINDING I: Collecting data on AI/AN using race and ethnicity questions is problematic. Predominantly, race and ethnicity are social constructs typically based on physical traits and cultural backgrounds, which do not account for the political and legal status of federally-recognized Tribal (FRT) citizens and affiliates. The Supreme Court has held that members of FRTs must be considered political rather than racial groups if the law or action is based on longstanding legal responsibilities toward Native American interests and promotes Tribal self-governance. Since Tribal Sovereigns deem who is and is not Indian, capturing Tribal enrollment is the most appropriate means for capturing AI/AN citizen information. Because of the Federal Government's trust responsibility and its legally enforceable fiduciary obligations (i.e., providing essential basic social, medical, and educational services for Tribal members), the Federal Government must have accurate data on Tribal citizens.**

**Commission Recommendation I1:** DOI and DOJ must consult with the Chief Statistician of the United States regarding the formal review to revise OMB's Statistical Policy Directive No. 15 (*Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*). Directive No. 15 provides minimum standards that ensure the ability to compare information and data across federal agencies and understand how well federal programs serve their citizens. The Commission recommends separating AI/AN identity from Tribal citizenship.

**Response:** OJP/BJS, a principal federal statistical agency housed in DOJ, is participating in the Interagency Technical Working Group responsible for drafting proposed changes to Statistical

Policy Directive 15. That Working Group is overseen by the chief statistician of the United States. The status of the revisions is updated regularly at [spd15revision.gov](http://spd15revision.gov).

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation I2:** DOI and DOJ must consult Tribes about engaging with the Census Bureau regarding the data collection of AI/AN Tribal citizenship and other data regarding MMIP and trafficking for the upcoming 2030 Census as well as the American Community Survey (ACS), including potential question(s) regarding murdered, missing, unidentified, and trafficked persons, families of MMIP, unidentified and trafficked persons, if such case were resolved, and other pertinent questions.

**Response:** The Departments understand that to adequately address the root causes of the disproportionate rates of missing or murdered Indigenous persons (MMIP) and human trafficking of AI/AN individuals, it is essential to have access to complete and accurate data that have been procured and maintained according to applicable law and with respect for Tribal sovereignty. To address the importance of obtaining complete and accurate data, DOI stood up the “Indian Country Data Working Group.” The working group coordinates across many federal agencies, including the Census Bureau, to address priority data issues. BIA hosted a consultation with the Census Bureau and other federal agencies to seek input from Tribal leaders on data priorities.

Moreover, the Census Bureau held Tribal consultations for the 2020 Census in 2015 and 2016, during which the issue of whether to include a Tribal enrollment question in the 2020 Census was addressed. More information on that consultation can be found here: <https://www2.census.gov/library/publications/decennial/2020/tribal-program/2020-tribal-consultations-federally-recognized-tribes.pdf>. DOI and DOJ can make the Census Bureau aware of the request for additional questions regarding Tribal citizenship and MMIP for the 2030 Census, and both Departments are available to participate in those discussions, where appropriate.

**Commission Recommendation I3:** Standalone Tribal citizenship question on all federally authorized data collection efforts, especially for data collection efforts requiring the approval of



the OMB (i.e., Paperwork Reduction Act [PRA] Information Collection Reviews [ICR]) must be included.

**Response:** The Departments understand the critical distinction between the ethnological term “Indian” and the political and legal status that flows from an individual’s affiliation with a federally recognized Tribe. As a general matter, each Tribe decides its own citizenship criteria and maintains its own enrollment records and records of past membership.

Federal data collection efforts vary in many ways, including by size, scope, purpose, and federal agency involved. As such, whether Tribal citizenship should be included in any particular federally authorized data collection effort would depend on a number of factors that may need to be assessed on a case-by-case basis, including with input from Tribes or through government-to-government Tribal consultations. Should the Office of Management and Budget (OMB) pursue this recommendation, the Departments are prepared to fully participate in those discussions.

**Commission Recommendation I4:** DOJ TAP must conduct a data-gathering activity that involves surveying all Tribal LEAs to determine their willingness to participate in the TAP and their eligibility status, as well as those Tribal LEAs eligible but who are not willing to participate in the TAP. For the latter group, the TAP program must gather information about their data exchange/information sharing needs and document the challenges or barriers of not participating in TAP and what alternate resources may be needed.

**Response:** DOJ’s Tribal Access Program (TAP) has made information about the program available to all Tribal law enforcement agencies each year since the program’s launch in 2015. Tribes as sovereign governments self-select whether they would like to seek participation. Tribes that are willing to participate apply and their eligibility is reviewed. New Tribes are admitted to the program every year subject to funding availability; there are currently 132 Tribes participating in TAP. As noted in the DOJ OJP technical report entitled “Tribal Crime Data Collection Activities, 2023” (available online at: [Tribal Crime Data Collection Activities, 2023 technical report](#)), DOJ has authorized a new Census of Tribal Law Enforcement Agencies to collect and document data regarding Tribal law enforcement agencies. TAP will continue to coordinate with OJP as needed to obtain the most current information on Tribal law enforcement agencies.

**COMMISSION FINDING M: Few tools support the investigation of missing and unidentified persons on Tribal lands. Helping Tribes become aware of tools and support takes a focused effort. The NCMEC is a free tool but involves building trust and understanding with families of the missing and investigating agencies. Similarly, NamUs is a free tool, and it has added new data fields to provide context and help describe active AI/AN case information.**

**Commission Recommendation M1:** Upon appropriations, the Federal government must ensure NCMEC has a permanent, dedicated NCMEC position to assist with AI/AN case processing, including building trust with Tribal LE and AI/AN families and loved ones.

**Response:** As noted earlier, NCMEC has a Tribal Fellowship program in place to provide better outreach to Tribes. In addition, DOJ's Office of Justice Programs/Office of Juvenile Justice and Delinquency Prevention (OJP/OJJDP) has been in discussions with NCMEC about its current Tribal work and outreach and will include discussion about this recommended position.

**Commission Recommendation M2:** Upon appropriations, the Federal government must ensure NamUs has a permanent, dedicated NamUs position to assist with AI/AN case processing, including building trust with Tribal LE and AI/AN families and loved ones.

**Response:** OJP/NIJ's NamUs program currently supports two nonfederal positions that specifically focus on Tribal-related NamUs casework (tribal case specialist and associate tribal case specialist). OJP/NIJ understands that additional Tribal support may be necessary, especially for Tribes in states that have remote jurisdictions, limited access to law enforcement, and challenging geographies, like the state of Alaska.

**COMMISSION FINDING N: The current need for forensic analysis within Indian country outpaces the capacity of forensic science service providers (FSSP). Delays in analyzing evidence impact criminal investigations, putting community safety at risk. Investing in the workforce pipeline and training and resources for FSSPs can assist with the current and growing crime lab backlog. The 2019 Report to Congress, *Needs Assessment of Forensic Laboratories and ME/C Offices*, noted the following needs:**

- 1. Further systems-based assessments of the forensic evidence collection and testing needs of Tribal communities and a roadmap for forensic evidence analysis.**
- 2. Increased training and resources for investigative and forensic needs.**

**Commission Recommendation N1:** NIJ must conduct a systems-based review to understand the forensic evidence collection and testing needs of Tribal communities.

**Response:** While the feasibility of any systems-based review is dependent on available resources, OJP/NIJ concurs with this recommendation and has recognized additional recommendations and challenges associated with forensic analysis and Tribal communities. OJP/NIJ's 2019 Report to Congress [Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices](#) identified the following needs: further systems-based assessments of the forensic evidence collection and testing needs of Tribal communities and a roadmap for forensic evidence analysis; enhanced federal, state, local, and Tribal cross-component communication regarding investigations and prosecutions for more efficient testing focus; increased training and resources for investigative and forensic needs; increased guidance for testing prioritization strategies; and investigative and forensic partnerships between Tribal communities and local, state, and federal agencies to maximize resources and serve as workforce multipliers in a systems-based approach.

The report also addressed the following challenges: lack of information on the criminal justice system's forensics interactions with Tribal communities; lack of information on the provision, pathways, and policies for forensic services in Tribal cases, as well as the current or projected amount of all types of forensic evidence; reliance on external entities to provide forensic services; and backlogs in forensic laboratories' requests for analysis and, in some cases, lengthy turnaround times.

While resource dependent, OJP/NIJ recently reinvigorated and expanded the scope of its forensic science portfolio to solicit proposals that can provide much-needed system-based assessments and evaluations of the evidence collection and testing needs of Tribal communities.

**Commission Recommendation N2:** The Federal science enterprise must develop programs and initiatives that are pathways (e.g., internship, mentorship, and sponsorship programs) for AI/AN teens and young adults to learn about career opportunities in public health and safety and the forensic sciences that could ultimately address critical staff shortages.

**Response:** DOJ appreciates this feedback from the Commission regarding the importance of these types of programs. The FBI actively provides information to teens and young adults, including Native Americans and Alaska Natives, about career opportunities in the FBI. The FBI has formed a Diversity Recruitment Advisory Committee to ensure that recruitment efforts

align and account for the perspectives of diverse employees in furtherance of the FBI's mission to increase diversity through strategic engagement. This committee is composed of representatives of each of the FBI's Diversity Advisory Committees and Employee Resource Groups representing underrepresented communities, including the FBI's AI/AN Native Advisory Council. The FBI has supported a number of events including the Society for the Advancement of Chicanos/Hispanics and Native Americans in Science, the Gathering of Nations, the American Indian Science and Engineering Society, and the Haskell Indian Nations University Job Fair. In FY 2023, the FBI attended more than 20 recruitment events in Native American communities. The FBI also developed several social media posts to generate interest in special agent, victim specialist, and tech/cyber roles at the FBI, including a Navajo language translation of the social media post.

Historically, OJP/NIJ's AI/AN Student Travel Scholarship supported students interested in attending criminal justice-related conferences. Students explored how their educational backgrounds applied to issues of crime and justice and met researchers and practitioners engaged in similar work. Conferences, which can include topics in forensic science and related STEM fields, expose students to innovative and evidence-based scientific and technological solutions to justice issues. Due to funding constraints, this program is currently on hold; however, this feedback will be particularly helpful when the program is considered for reactivation.

**COMMISSION Finding P: The Commission heard from several witnesses who voiced concerns about actual or perceived racially biased policing within law enforcement agencies towards Indians. While there are individual city or state reports, there is little to no aggregated federal data regarding racially biased policing in or around Indian country. It is clear, however, that there is significant mistrust of law enforcement among Tribal communities and this undermines reporting and investigations of missing persons and crime.**

**Commission Recommendation P1:** DOJ's Community Relations Service (CRS) must conduct more outreach to Indian country and AI/AN communities regarding their services in responding to race-based tension and conflict, including addressing allegations of racial bias and racialized violence in policing, and barriers to accurate data collection. The federal government should develop and establish a means to track and aggregate data regarding racially biased policing in and around Indian country, of Indians in urban areas, and in Alaska.

**Response:** DOJ's Community Relations Service (CRS) agrees that additional outreach to Indian Country and AI/AN communities is extremely important and an area of continued growth for CRS. CRS aims to address this through our workforce development by seeking out new conciliation specialists with experience working with and within those communities. CRS also aims to hire and place conciliators in previously underserved regions with high populations of AI/AN individuals. Through this work CRS will also encourage outreach and technical assistance to local Indian Country law enforcement and increase partnerships with those communities. CRS will encourage accountability of our workforce by internally tracking AI/AN outreach and identifying service gaps. CRS will plan to train our entire workforce on best practices for working with AI/AN communities and how to best collaborate moving forward.

DOJ will work with other agencies as appropriate to further explore the recommendation regarding tracking and aggregating racially biased policing in and around Indian Country, of Indians in urban areas, and in Alaska.

## Chapter 3: Recruitment & Retention of Tribal & BIA Law Enforcement

### Subcommittee 3 Charge and Priority Areas

Following is an excerpt from the final report describing the work of Subcommittee 3:

The charge for Subcommittee 3 was to “address staff shortages and open positions within relevant [Tribal/BIA] law enforcement agencies, including issues related to the hiring and retention of law enforcement officers.” The charge included a comparison of federal/state LE pay scale, benefits, caseloads and other factors with BIA/Tribal programs.

1. Given this broad charge, Subcommittee 3 chose the following three priority areas to organize its work. These three specific priorities included: Comparing federal and state LE programs with BIA and Tribal LE programs to identify factors contributing to retention:
  - a. Compare caseloads and staffing resources.
  - b. Compare officers per population, per square miles, for violent crime caseloads, average homicide and rate of violent crimes.
  - c. Compare recruitment and retention levels and resources dedicated to recruitment and/or retention.
  - d. Compare experience and training, including specialized training for MMIP.
  - e. Compare the hiring processes.
  - f. Compare benefits, retirement, salary and incentive programs.
  - g. Compare support services for retaining LE.

**Note:** Through research and SME presentations, the subcommittee found little relevant data to compare federal and state LE programs with BIA and Tribal LE programs. They relied on the rich testimony from SME presentations and many witnesses at the eight field hearings, as well as the experiences of commissioners. This testimony validated the need for changes in policy, programs and legislation to bring BIA and Tribal LE to parity with federal and state LE.

2. Recruitment: What statutory and regulatory changes and federal resources are needed to support recruitment and retention of BIA and Tribal LE?
  - a. What can expedite the hiring process?
  - b. What benefits/incentive programs can support Tribal LE?
  - c. What wellness/retention programs can support BIA/Tribal LE?
3. Retention: How to provide BIA/Tribal law enforcement officers needed support and education to deal with the stress and trauma in their work?

- a. What appropriate resources, information and training in mental, spiritual and physical health need to be accessible and funded for BIA/Tribal LEO?
- b. How can bridges be built among services providers, including IHS, Tribes, and federal and state agencies, to integrate social services, mental health support, nutrition and physical well-being for law enforcement?

**COMMISSION FINDING A: Two of the most critical inequities between Tribal LE and their federal counterparts are: 1) pay scales; and 2) the lack of an adequate benefits package and retirement plan. Tribal LE often leave Tribal agencies for state or federal agencies because of these inequities. To recruit and retain Tribal LE, this inequity must be rectified. LE and other court staff deserve equal pay and benefits, as well as the respect and recognition of value that this equity brings.**

**Commission Recommendation A1:** The BIA must conduct a study on the impacts of Indian Preference hiring law have on LE recruitment and retention efforts.

**Response:** The Bureau of Indian Affairs (BIA) is constantly assessing new strategies to improve recruitment and retention. For example, this has included ensuring it is recruiting as broadly as possible within Indian Country and Alaska to engage as many potential Indian Preference (IP) candidates as possible. BIA's efforts have also included recruitment process reviews to ensure policies are implemented consistently. For example, some cases were found where a recruitment action was closed after there were no qualified Indian Preference candidates on the hiring certification, and then the hiring manager would start the recruitment process over and lose valuable time. BIA has targeted additional training for human resources staff and hiring managers so they clearly know that if there are no qualified Indian Preference candidates, then hiring managers can move on to interview non-IP candidates to fill positions. If funding levels allow, BIA could consider supporting a more in-depth review of the impacts of Indian Preference hiring on law enforcement recruitment and retention.

The more consistent challenges to recruitment and retention are the remote location of our job sites; housing availability; and the competition with other federal, state, and local law enforcement entities over salary and benefit incentives.

**Commission Recommendation A5:** Failing inclusion in the Federal system with pay and benefits comparable to BIA and Federal LE, reliable funding must be provided to pay for pay increases

and retirement plans, through inclusion in the mandatory funding for public safety and justice or other programs. Grants with time limited funding (3 years, 5 years, etc.) are unacceptable, leaving the burden on the Tribe to support.

**Response:** The U.S. Department of the Interior (DOI) continues to support Congressional efforts intended to help Tribes stay competitive and retain critical public safety personnel. DOI particularly appreciates Congressional efforts to lower administrative barriers and give Tribal law enforcement officers increased access to the same federal benefits, including retirement benefits, as other federal law enforcement officers. Though Tribes have the authority to set their pay levels as they wish, DOI continues to pursue additional public safety resources that would enable more Tribal law enforcement agencies to offer competitive wages and salaries. Accordingly, the BIA fiscal year (FY) 2024 budget request includes \$641.8 million for BIA public safety programs, which is an additional \$62.1 million, or 11%, above the 2023 enacted level. The requested funding increases include anticipated Tribal pay-related cost increases, as well as additional funding to support other expanding Tribal needs for reliable annual base funding in policing, detention, and Tribal courts.

**COMMISSION FINDING B: The impacts of untreated trauma, unresolved grief, physical, mental and spiritual deterioration are devastating not only to the individual officer but to his family and his community. With programs that acknowledge these challenges and offer support and healing, each officer can regain resiliency and pride in their role as a protector of the community and as a valuable human being. Addressing the physical, mental and spiritual needs of BIA and Tribal LE will lead to better retention of officers, as well as more stable, productive departments. Healthy officers, practicing self-care, can be models for their communities.**

**Commission Recommendation B1:** Tribal LE departments, with support from federal, state, and local health agencies and organizations, should develop and adopt holistic health programs that include physical, mental, and spiritual health and offer individual, group and peer support sessions for officers in need. Programs and training to establish those programs need to be developed with input from officers and Tribal spiritual leaders, working with existing programs (like the peer support program mentioned above) that have proved effective around the country. These programs should be based on successes and lessons learned from efforts and reports to date such as *The National Tribal Behavioral Health Agenda*. Federal agencies need to provide funding for the development of these models as well as training for staff and providers.



**Response:** The Departments are committed to advancing holistic health programs for Tribal law enforcement agencies and further supporting law enforcement officer health and wellness because healthy officers are critical to building healthy and safe communities. The U.S. Department of Justice (DOJ) currently offers support for Tribal law enforcement agencies to develop holistic health programs that include physical, mental, and spiritual health and peer support through several components and methods. Below are examples of the types of programs and trainings DOJ has supported on this topic:

- The Office of Community Oriented Policing Services (COPS Office) provides support to law enforcement on this topic through the Law Enforcement Mental Health and Wellness Act (LEMHWA) (P.L. 115–113) program. LEMHWA program funds are used to improve the delivery of and access to mental health and wellness services for law enforcement through the implementation of peer support, training, family resources, suicide prevention, and other promising practices for wellness programs. Tribal law enforcement agencies are eligible for this program and have received awards, including the Muscogee (Creek) Nation in 2020. The Muscogee (Creek) Nation Lighthouse Police Department (LHP) project to support the Nation’s peer support team was recently [highlighted](#) in the COPS Office’s e-newsletter, the COPS Dispatch.
- Establishing peer support can be a valuable first step in an officer wellness strategy. During difficult times, an officer may be more comfortable approaching a peer who understands the context and has experienced the same stressors. However, the challenges of establishing peer support services may seem daunting in small and rural agencies with fewer officers, smaller budgets, and expansive geography. Nevertheless, a recent COPS-funded pilot project demonstrates ways to address these challenges, putting peer support services within reach regardless of an agency’s size or location. A new guidebook, “[Implementing Peer Support Services in Small and Rural Law Enforcement Agencies](#),” compiles best practices from this pilot project. The International Association of Chiefs of Police (IACP), in partnership with Cop2Cop/Rutgers University Behavioral Health Care also provided training and technical assistance (TTA) to 10 small and rural law enforcement agencies.
- DOJ hosts an [Officer Safety and Wellness Resources](#) site that assembles several dozen articles, podcasts, infographics, trainings, webinars, and other publications dealing with all aspects of law enforcement officer and family wellness, including financial literacy, substance use disorders, and preventing or recovering from the suicide death of a colleague. These publications were produced mainly by the COPS Office and the Office of Justice Programs (OJP)/Bureau of Justice Assistance (BJA). It is hoped that these

resources will help law enforcement agencies assemble or enrich their wellness-focused programming.

- OJP/BJA offers the [Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability \(VALOR\) Initiative](#). VALOR is an effort to improve the immediate and long-term safety, wellness, and resilience of the nation's law enforcement officers. Through a multifaceted approach that includes delivering no-cost training (professional education), conducting research, developing and providing resources, and establishing partnerships that benefit law enforcement officers, the VALOR Initiative seeks to provide law enforcement with innovative, useful, and valuable resources and skills.
- In FY 2023, OJP/BJA made a new TTA award for the purpose of assisting Tribal law enforcement with wellness and related needs. OJP/BJA is currently working to leverage this new award, along with existing resources for officer wellness, under OJP/BJA's VALOR program to push these resources out to Tribal law enforcement. In addition, OJP/BJA is sponsoring a Tribal law enforcement safety and wellness listening session in Oklahoma City in December 2023 to learn more about needs.
- The Office on Violence Against Women (OVW) does not have funding to develop holistic health programs for officer wellness, but some OVW grants, including Tribal-specific funding, can be used to pay for officer salary and benefits for time dedicated to responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking. Such benefits may include holistic health programs, as long as both federally funded and non-federally funded staff are eligible for them. OVW will share the resources described above and in the Not Invisible Act Commission (NIAC) report with Tribal grantees. Officer resiliency and retention are both important elements of providing effective, trauma-informed law enforcement responses to the crimes covered by OVW's grant programs.
- BIA's Office of Justice Services (OJS) is committed to providing Wellness Services to our employees. BIA/OJS is an active user of the Employee Assistance Program (EAP). DOI's EAP offers professional, confidential counseling and consultation that can help employees resolve life challenges. Services are available at no cost to DOI employees or members of their families. DOI has contracted with [Espyr, Inc.](#) to provide comprehensive EAP services. Espyr offers assessment, short-term counseling, and referral services for a wide range of personal problems, as well as a variety of work/life issues.

- Espyr professionals can help identify and clarify concerns, look at all options, and develop a plan of action to create solutions that work. If additional assistance is needed, employees will be referred to the most appropriate and affordable resources.
- As an expansion to the EAP in FY 2023, BIA/OJS hosted a virtual program in collaboration between the BIA/OJS and Project ECHO. The BIA/OJS Resiliency ECHO program was utilized to address topics such as self-care, relationships, job difficulties, administrative stress, and burnout prevention. The program was co-facilitated by experts in psychology, psychiatry, chronic pain, social work, nursing, and wellness coaching. Attendees were able to gain valuable knowledge and practiced resilience skills through the Community Resiliency Model (CRM). This program was directed to BIA/OJS employees. In FY 2024, with a commencement date of January 9, 2024, BIA/OJS will expand this program to our Tribal law enforcement and corrections partners.

The Departments are committed to ensuring that opportunities align with Tribes' needs and welcome Tribes' feedback to help us focus our efforts.

**Commission Recommendation B2:** Federal agencies, including BIA, DOJ, IHS, and others must focus funding and expertise to create a Task Force or other entity mandated to 1) develop a model Holistic Health Program for BIA and Tribal LE departments through collaboration with successful existing programs, Tribal spiritual leadership, Tribal Behavioral Health Departments and with officers themselves; 2) disseminate this model with training and support for establishing a program that is appropriate culturally to each Tribal community that needs it; 3) Monitor and evaluate the success of each program, making adjustments as needed.

Elements of this model program can include:

- A peer support program where officers at all stages in their careers come together for mutual support and healing. With help from counselors, spiritual leaders, and fellow LE, an officer in need can receive trauma support, grief counseling, and healing in an environment that is supportive and builds good health and resiliency in officers.
- Education to understand and deal with stress, depression and anger (your own and others)
- Development of cultural sensitivity and emotional intelligence, including the stages of cultural competency ending with proficiency
- Resources for officers to use on their own, such as tool kits and online apps for officer wellbeing
- Opportunities for honest conversation among participants about challenges and strategies for self-care

- Mentoring where older help younger mature, develop good judgement, deal with stress.
- Sessions where officers share painful experiences, debrief incidents, in a supportive setting.

**Response:** DOI and DOJ appreciate the recommendation to create a Task Force or other entity to develop and provide training on a holistic wellness model for law enforcement.

In FY 2023, OJP/BJA made a new TTA award for the purpose of assisting Tribal law enforcement with wellness and related needs. OJP/BJA is currently working to leverage this new award along with existing resources for officer wellness under OJP/BJA's VALOR program to push these resources out to Tribal law enforcement.

DOJ will work with BIA, the Indian Health Service (IHS), and others in FY 2024 to explore the creation of a Task Force or other entity to facilitate delivery of wellness resources to Tribal law enforcement. The creation of this entity may require consultation by DOJ based on the potential impact on Tribes and Tribal law enforcement.

At DOI, Secretary Deb Haaland announced the establishment of the DOI Law Enforcement Task Force (LETF) in July 2021. The LETF was tasked with examining ways to strengthen public trust in DOI's law enforcement programs; ensure appropriate policy and oversight is implemented; and ensure supportive resources are available for officer mental health, wellness, and safety.

Following significant public outreach and extensive research on national best practices and standards, the LETF issued its report in October 2023. The report makes several recommendations and offers prescriptive strategies for improving law enforcement services offered by DOI programs, including BIA/OJS. As the LETF transitions into the implementation phase of its mandate, it will continue to work with BIA/OJS to find ways to tackle these issues and improve upon the law enforcement services provided to the Tribal communities they serve. The LETF and BIA/OJS will also continue stakeholder engagement and Tribal outreach to share lessons learned and best practices with Tribal law enforcement programs.

One of the LETF's recommendations focused on establishing a law enforcement wellness program. This program would proactively support the mental and physical health of their law enforcement officers from recruitment to retirement. A collaborative, first-responder approach to employee wellness should be implemented at DOI and Bureau levels to leverage resources to provide beneficial support services, education, health monitoring, and wellness data management. Healthy law enforcement officers have effective interactions with the public and make sound operational decisions in the performance of their duties, which positively impacts the public's view of DOI law enforcement.

Additionally, in FY 2023, BIA/OJS actively worked to enhance its wellness service capabilities. Along with the Employee Assistance Program, BIA/OJS partnered with the University of New

Mexico and initiated Project ECHO, which is an Officer Resiliency Program available to all BIA/OJS staff members with an emphasis on police, corrections, and investigative personnel. This program was delivered via three eight-hour cohorts spread over eight weeks. In FY 2024, BIA/OJS is expanding this program to include our Tribal Partners.

BIA/OJS is further in the development phase of a BIA/OJS Wellness Coordinator position to lead BIA/OJS's progression with employee wellness and assistance programs. This position will oversee and support the organization with services related to Peer Support, Chaplain, additional employee assistance resources, and Wellness Policy Development to improve BIA/OJS services.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation B3:** Successful models can offer training to Tribal behavioral health departments to develop and adopt programs, including peer support programming, mentorship and retiree participation. With dissemination of these models and trainings, LE departments in all jurisdictions can utilize best practices for supporting and treating BIA and Tribal LE (at all levels) who are dealing with trauma and other stress-related health issues exacerbated by their work demands and experiences. There are also successful models for coordination between LE and other professionals (social workers, mental health providers, counselors, local cultural healers) who are better equipped to deal with certain crises that LE face.

**Response:** Addressing and supporting the mental health needs of our public safety employees is an important priority for BIA/OJS and DOI agrees with the Commission that it should lead to better retention of our officers. DOI is certain that efforts in this area will have a positive impact on BIA/OJS, Indian Country, and Alaska overall.

As part of DOI's efforts, BIA/OJS is developing a Mental Health and Wellness Coordinator position to oversee Critical Incident Stress Management and Peer-to-Peer Support programs established in FY 2023 in response to DOI's Law Enforcement Task Force recommendations. These programs focus on law enforcement and correctional officer resiliency within BIA. The interactive function trains law enforcement and correctional officers on effective ways to manage trauma, stress, burnout, substance abuse, and other issues that often arise in the line of duty. The current model is designed to reduce health disparities and increase access to best-practice health care for rural and underserved populations. By leveraging technology to connect

local providers serving those populations with specialists at academic and other medical centers, we will support ongoing virtual training and tele-mentoring sessions.

DOJ provides a variety of models and trainings to support Tribal behavioral health departments as part of holistic health programs for Tribal law enforcement. DOJ currently offers support for Tribal law enforcement departments to develop holistic health programs that include physical, mental, and spiritual health and peer support through several components and methods. Please see the response to Recommendation B1 for a sample list of the ways in which DOJ supports these programs.

**Commission Recommendation B4:** Support legislation (as identified in HR 1292 BADGES Act for Native Communities Act, March 2023) calling for BIA and Tribal Law Enforcement Officer Counseling Resources Interdepartmental Coordination. Specifically, HHS and DOJ must coordinate with BIA to ensure Federal training materials and culturally appropriate mental health and wellness programs are locally or regionally available to LEO working for BIA or Tribal LE and who are experiencing occupational stress. The bill also calls for determination of eligibility of these officers to receive services under the Law Enforcement Assistance Program of Federal Occupational Health of HHS, or any other LE assistance programs targeted to meet the needs of LEOs working for federal or Tribal agencies.

**Response:** DOI and DOJ are committed to advancing mental health and wellness for officers responding to violent crime in Tribal communities. In May 2022, the White House issued Executive Order (EO) 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. As part of the EO, DOJ was tasked with preparing the following two reports:

1. Evidence-based wellness practices, including existing and needed resources; and
2. Recommendations on improvements to suicide prevention, including improvements in data collection.

Consequently, DOJ conducted outreach to advance DOJ's implementation of the EO's Section 4, "Supporting Officer Wellness," through meetings with DOI's law enforcement components, Sycuan Tribal Police Department, the Federal Law Enforcement Training Center (FLETC), the Center for the Study of Traumatic Stress, the Department of Defense's Suicide Prevention Office, the Department of Veterans Affairs, the Law Enforcement Suicide Data Collection (LESDC) Program Task Force, and the International Employee Assistance Professionals Association.

DOJ has publicized DOJ training and funding opportunities to Tribal, state, and federal law enforcement. Examples of such opportunities include:

- The Law Enforcement Mental Health and Wellness Act (LEMHWA) Program - Implementation Projects (COPS Office) (<https://cops.usdoj.gov/lemhwa>). The 2023 solicitation aimed to support local, state, Tribal, and territorial law enforcement agencies seeking to implement new or enhance existing programs that offer training and/or services for officer mental health, peer mentoring, suicide prevention, stress reduction, and police officer family support.
- VALOR Officer Safety and Wellness Initiative (DOJ/BJA) (<https://bjaojp.gov/program/valor/overview>). The Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability Initiative is an effort to improve the immediate and long-term safety, wellness, and resilience of the nation's law enforcement officers. Through a multifaceted approach that includes delivering no-cost training (professional education), conducting research, developing and providing resources, and establishing partnerships that benefit law enforcement officers, the VALOR Initiative seeks to provide law enforcement with innovative, useful, and valuable resources and skills.
- DOJ/BJA is dedicated to helping law enforcement officers and the communities they serve stay safe and well. Because officer safety and community safety are intrinsically bound, requiring a strong and positive partnership, the VALOR Initiative provides a comprehensive approach to addressing law enforcement officers' needs and building strong and positive partnerships with the communities they serve.

The VALOR Initiative supports law enforcement through its programs that address the following topics:

- Comprehensive Officer Safety and Wellness
- Law Enforcement Resilience
- Law Enforcement Suicide Prevention
- Roadway Safety for Law Enforcement
- Officer Safety and Wellness Research
- Strengthening Partnerships

In addition, the National Indian Country Training Initiative (NICTI) used a VALOR officer as faculty at the National Advocacy Center. The officer provided a powerful presentation about how to access mental health resources and how to maintain emotional and mental health, based on his personal experience of being shot while on duty and missing out on future opportunities in his law enforcement career due to catastrophic injuries.

As an addition to the Employee Assistance Program, BIA/OJS partnered with the University of New Mexico and initiated Project ECHO—An Officer Resiliency Program available to all BIA/OJS staff members with an emphasis on police, corrections, and investigative personnel. This program was delivered via three eight-hour cohorts spread over eight weeks. In FY 2024, BIA/OJS is expanding this program to include its Tribal Partners.

BIA/OJS is further in the development phase of a BIA/OJS Wellness Coordinator position to lead BIA/OJS’s progression with employee wellness and assistance programs. This position will oversee and support the organization with services related to Peer Support, Chaplin, additional employee assistance resources, and Wellness Policy Development to improve BIA/OJS services.

We note that this recommendation is also directed at HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation B5:** The creation of family-focused care for Tribal LE, holistic support services do not just benefit the officer, the community they serve, and the department they work in. These services foster a healthy family environment for the officer. Based upon the *Family Matters* report from the International Association of Chiefs of Police, it is the recommendation of this subcommittee to focus a branch of holistic care on Tribal LE families. This branch should focus on the creation or expansion of key items such as, but not limited to implementing childcare, maternal and paternal care, and private rooms for nursing for female LE. Other areas of focus for Tribal LE families would be access to mental health and trauma services, support specialists, and other family support programs. All of this family-focused care should be done with cultural context and created with consultation from Tribal leaders, Tribal communities, and Tribal LE as a united effort to create an all-encompassing system that takes care of everyone. As stated in the prior report, “Agencies that promote family-inclusive wellness resources may be more appealing to potential recruits and make them more likely to stay with an agency as their families grow and they evolve throughout their career.”

**Response:** Dedicated to officer safety and wellness, OJP/BJA’s VALOR Program is a comprehensive effort that includes in-person and virtual training, dynamic resources, and customized assistance for law enforcement officers and their agencies. The goal of the program is to provide law enforcement personnel with the necessary tools to return home safe and well after every shift. The VALOR Program offers training and resources for every level of law enforcement, from agency executives to mid-level supervisors and line officers. In addition to its extensive suite of training offerings, VALOR’s newest training, Safer Together, emphasizes



and strengthens the link between officer safety and wellness, community trust, and crime reduction. While OJP/BJA officer safety and wellness (OSW) resources are focused on sworn law enforcement members, there are aspects of OJP/BJA OSW resources that have indirect benefits for law enforcement families, such as training on financial fitness for law enforcement, increasing resilience, mitigating stress, and physical health. If available resources allow, OJP/BJA would explore developing additional resources specifically for law enforcement families.

**COMMISSION FINDING C: As new recruits enter the workforce, they are offered training, which in too many cases fails to prepare them for the challenges of their new career, as well as introduce them to the opportunity to become a valuable, respected member of the community. Lacking the skills, knowledge and understanding needed to perform daily duties, relate to the community and handle crises, the new hire may resign, or transfer to another agency, leaving a vacancy in the BIA or Tribal LE department. The testimony from field hearings emphasized the harm caused communities by the rapid turnover of LE officers in tribal communities. Policy and operational changes are needed to ensure orientation and training is comprehensive and appropriate for the needs of the modern BIA and Tribal LEO.**

**Commission Recommendation C1:** Federal LEAs and training academies should revise and reinvent training programs for recruits as well as established LEOs. Below are suggested components for training a more skilled, resilient, and healthy LE workforce:

- Invite sharing of the wealth of experience and expertise in the room, including telling the story of an operation, what went right and what went wrong, and how LE can react in the most beneficial way.
- Train to support a healthy, non-toxic work environment that fosters a culture of recognition, respect, trust and value, between LE and community.
- Teach trainees to understand the laws we are all bound by, including Tribal laws, codes and ordinances, and Tribal sovereignty issues in their particular area.
- Show trainees how to present themselves in the community, how to be disciplined, fair, effective, and keep the balance between strong and compassionate.
- Include mentoring and peer support, throughout training and orientation.
- Train on de-escalation techniques to defuse a potentially violent situation.
- Instruct in the use of NARCAN.

- Show how coordination with other professionals, like social workers, counselors, local healers can result in a better outcome for the victim, officer, community and even perpetrator.
- Include training to respect fellow officers, male and female and LGBTQ, and provide processes for addressing abuses, to ensure that all feel safe.
- Make training accessible to all, using online courses for remote areas and providing free training where needed.

**Response:** The BIA United States Indian Police Academy (IPA) instructor positions are filled with both Indian and non-Indian personnel with significant experience working in Indian Country and Alaska. In covering the training requirements, instructors consistently integrate personal experiences, including successes and failures, into the course to enrich the content and engage students. Currently the Academy uses a student feedback model when teaching and engaging with students. The model consists of assessing what the student understood about the specific training both before and after the activity being taught, the student's reaction, and how the student's response could be improved through instructor coaching and mentoring.

To support a healthy work environment that fosters a culture of recognition, respect, trust, and value between law enforcement personnel and the community, the IPA basic training includes a 16-hour block of instruction termed Blue Courage. Blue Courage was established in 2013 as part of the 21st Century Policing Task Force and is funded by DOJ/BJA. The initiative was designed to educate officers on principles and practices of human effectiveness, purpose-driven work, resilience, positive attitude, and sound judgment.

Another consistent theme reinforced throughout IPA courses is the sovereign nature of Tribes and how that is reflected in their laws, codes, and ordinances. Though the IPA provides 108 hours of constitutional criminal law instruction, it is not feasible to cover the hundreds of unique sets of Tribal criminal codes. To address the peer support needs of students, the IPA ensures on-the-spot mentoring throughout the training cycle. We assign administrative staff (not instructors) who are certified to provide peer support to all in need. In addition, the IPA has partnered with the Federal Law Enforcement Training Center to provide peer support if the individual prefers someone outside of IPA.

The IPA also ensures six hours of training on de-escalation techniques. The student learns to apply conflict management strategies to include de-escalation, communication, and mitigation techniques to better manage difficult situations and prevent harm to the officer and others. Four hours of instruction are provided with a first responder's approach to an opioid-related overdose. The student learns to identify the signs and symptoms of an opioid overdose and apply life-saving techniques that will increase the survivability to the patient. These include

rescue breaths, basic first aid, and administration of Naloxone (a prescription opioid antagonist).

The IPA also provides a five-hour block of instruction for Indian Country Victim Services where the student learns to identify the individual as a victim of crime, employ psychological first aid techniques, provide the mandatory services of the victim, and contact Victim Services.

Further, the IPA has established the Advanced Training Center (ATC) located in North Dakota. The ATC is staffed with one criminal investigator, three police officer instructors, and two correctional officer instructors. Last fiscal year, the ATC provided six training sessions throughout Indian Country, a total of 44 Advanced courses, and six virtual trainings including four virtual dispatch certifications. A total of 957 students were trained by the ATC in FY 2023. Currently, the IPA is not funded to provide widespread direct online training throughout Indian Country or Alaska. With additional appropriations, a plan to establish this capability could be developed.

DOJ also agrees with the need for training in line with this recommendation and has taken steps to integrate these models into DOJ training academies. For example, the Federal Bureau of Investigation (FBI) incorporates training in diversity and resiliency as a matter of practice and focus. The FBI provides its Indian Country agents with more specific training on cultural sensitivities and considerations, including working with outside agencies like victim services, social services, and community organizations. The FBI also provides a robust mental wellness program for its Indian Country agents and incorporates those concepts in its continuing education programs.

The Drug Enforcement Administration (DEA) has also updated training opportunities and is developing training partnerships to better support Tribal agencies and communities. DEA uses Division Training Coordinators around the country to provide training to BIA and Tribal law enforcement. For example, the DEA Seattle Field Division hosts a two-week Basic Narcotics Investigator School every year. BIA typically sends newer agents to attend this training. The New England Field Division hosts a similar training twice a year and actively advertises the training to Tribal law enforcement in the New England area.

Additionally, DEA Headquarters hosts a yearly seminar for BIA and Tribal law enforcement. This comprehensive training includes presentations by the DEA; the U.S. Attorneys' Office; the FBI; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Homeland Security Investigations (HSI); and HHS. During this seminar, BIA and Tribal law enforcement are trained on a variety of topics, including DEA capabilities, Naloxone, prosecution in Native American Country, virtual currency, diversion, FBI interview and interrogation, gangs, fentanyl trafficking, firearms investigations, and community outreach. The DEA is currently working with BIA to

incorporate DEA training materials into the BIA training academy curriculum. Furthermore, the DEA Victim/Witness program mandates training that includes responding to American Indian/Alaska Native (AI/AN) victims.

**Commission Recommendation C2:** Conduct a study for the feasibility of a federal certification program for BIA and Tribal LE designed to promote a healthy, balanced, positive, self-aware officer capable of handling the particular stresses of today’s world, with awareness and sensitivity to the unique needs of each situation.

**Response:** In FY 2023, the Indian Affairs Public Health and Safety Team worked with BIA/OJS to develop and implement a Resiliency ECHO program which focuses on coping with stress; managing anxiety; self-care; psychological first aid; relationship issues; and how to identify substance use disorder, depression, and post-traumatic stress disorder. This effort includes training webinars on Post-Traumatic Growth, the Self-Care Interactive Online Network (SCION), and Stress Management with BIA/OJS Leadership. There were 222 cumulative registrants for three eight-week cohorts, including Sleep and Self-Care, Coping with Stress, Historical Trauma in American Indian Populations, Peer Support, and PTSD. Classes concluded at the end of August, followed by an evaluation and reporting period.

There was a positive response to the program, and BIA/OJS will continue the initiative in FY 2024 to maximize employee potential, retention, and morale. To build on these efforts, BIA/OJS could benchmark with other federal law enforcement agencies and collaborate with DOJ in creating a baseline with the parameters they are using presently to vet their law enforcement and law enforcement officers to provide recommendations. BIA hopes to collaborate with other agencies in the future, such as IHS or external entities like health care organizations, to enhance sustainability of the law enforcement workforce to address health and emotional fitness.

**Commission Recommendation C3:** Promote and facilitate universal and cross-jurisdictional training across LEAs. Universal training of Tribal and state LEOs brings together peace officers with a common foundation of skills and operational understanding. It can also offer a shared certification as peace officers. Not only do trainees gain the same skills and knowledge, but they develop relationships and a level of comfort with each other that will benefit future cross-deputizations. It will be important to ensure that Tribal LEOs also receive cultural components of training at the BIA Training Centers. Many states, including New Mexico and California, recognize Tribal LE through the discretion of local LE. Training together will promote coordination and cross-deputization as LEOs share certification.

**Response:** Through its ATC in collaboration with the North Dakota National Guard, the IPA provides cross-jurisdictional training to all law enforcement agencies. The ATC is located in Devils Lake, ND, at Camp Grafton. To date, the ATC has provided more than 42 different advanced courses, enrolled more than 1,200 students, and graduated a total of 868. Classes were provided in the areas of Missing or Murdered individuals, Cold Cases, Interviewing, Search and Rescue, and Crime Scene Processing. In just a few years of operation, the ATC has reached its current funded capacity and DOI is researching other means to deliver additional training throughout Indian Country.

**Commission Recommendation C4:** Promote and facilitate co-training with advocacy groups to ensure mutual understanding and respect for the contributions of all to addressing community problems. These trainings can be co-located and co-led to demonstrate the partnership between LEOs and community advocates, and can cover a wide variety of topics including mental health, substance use, MMIP and HT.

**Response:** The IPA and ATC are coordinating planning efforts with the BIA Victim Assistance Program on ways to develop a capacity for co-training sessions that involve law enforcement personnel and community advocacy groups to meet broader community partnership needs such as mental health, substance abuse, missing or murdered Indigenous persons (MMIP) and human trafficking (HT) challenges.

**COMMISSION FINDING D:** Distrust and tension between LE and communities is a significant barrier to recruitment and retention of officers. Applications for LE positions are significantly lower than a decade ago, and they continue to drop. BIA and Tribal LE departments need to be able to send a message that is positive, that offers a position of value and respect. A core change in community-police relations has the potential to change this negative narrative over time. Community-based policing has proved successful in large and small cities around the country and can be adapted to Indian country.

**Commission Recommendation D1:** Develop a national outreach strategy in coordination with BIA and Tribal LE, Tribal nations and communities, and federal agencies to recruit and retain BIA/Tribal LE. This outreach should target both potential candidates and communities and should emphasize the principles of community-based policing.

Key messages are:

- BIA and Tribal LE are committed to keeping communities safe and healthy, while building trust and relationships with those communities.
- The problems they face every day are problems that we all share and that we can all tackle together.
- A career in BIA and Tribal LE is challenging, like the military, but offers deep satisfaction, and is worthy of respect.
- A LEO is a member of the community, committed to understanding and supporting the community needs wherever possible.
- Every effort will be made to support and retain local LEOs who choose to work in their own communities.

**Response:** BIA's Central Office of Human Resources has taken a proactive measure by implementing a concept that uses in-person recruiting and educational events to connect and engage directly with communities and potential applicants, which include but are not limited to Indian Preference candidates, veterans, military spouses, federal employees, individuals with disabilities. The office also conducts outreach to community veterans' service organizations, students, and recent graduates.

The BIA is also actively working towards standardizing recruitment outreach to increase awareness of the Agency's mission and attract candidates for entry- and mid-level positions by engaging with DOI's Bureau of Indian Education, and Bureau of Trust Funds Administration to target communication venues and channels, including social media spotlighting and social engagement activities. The Office of Human Capital Management (OHCM) is also actively engaged in efforts to expand utilization of the Pathways and Presidential Management Fellows (PMF) Programs to include Indian Affairs positions.

**Commission Recommendation D2:** Develop outreach programs to Tribal communities where LE can tell their stories, why they joined, what the experience has been like, what are the challenges and rewards. Development of the strategies for outreach and recruitment will be in the hands of a collaboration of BIA and Tribal LE, Federal agencies, Tribal Nations, and communities.

Some guidance and examples are below:

- Preparing potential recruits: Educating, sharing experiences, offering ride-alongs all can give interested candidates, including at the high school level, a realistic and positive picture of what to expect, both the challenges and the rewards. Paid internships can be offered for serious candidates who want to experience Tribal LE firsthand. Candidates from the

community will be encouraged and supported in the decision to serve as LEO within their community.

- Giving a positive image: Stories that highlight officers from Tribal nations who are proud of their roles and are bringing honor to the LE career can inspire potential candidates.
- Engaging local communities: Community-based policing can begin with small steps, such as community conversations about the role of BIA and Tribal LE, with the goal of increasing understanding about the challenges and benefits, hearing community concerns, and beginning to build trust. Other activities can connect with advocates, taking them on ride-alongs, modeling how they treat people, and help them see that this is not just an LE problem, but a community and society problem that we can all address in our own ways.
- Public relations and outreach: Increased and updated posting on social media and job websites, targeted recruitment and advertising, and outreach to Tribal colleges and universities can show positive LE roles and tell stories to change attitudes. Tribal communications departments can help develop tool kits and resources with data, key information, benefits and challenges of a LE career. Outreach can also happen at non-traditional events where interested candidates might be found.

**Response:** The implementation of the community-oriented policing philosophy is the first step in a BIA/OJS law enforcement program establishing police and community engagement opportunities that will support recruitment and retention efforts. The effort to build a partnership with the Tribal government and community is the responsibility of the police department and their local officers. A partnership that works together to implement problem solving strategies to address crime, fear of crime, and improve the quality of life in Tribal communities is critical. Once the partnership is developed, then outreach programs or local events with local high schools, Tribal colleges, and local job fairs can be coordinated and planned by the local officers and community stakeholders to educate the community on the benefits and rewards of being a law enforcement officer in Indian Country.

Additionally, BIA/OJS will work to partner with the Indian Higher Education Consortium, Tribal college and university leadership, and Native American associations to coordinate and plan opportunities for BIA law enforcement personnel to discuss Indian Country law enforcement professions and opportunities and answer questions about the profession.

**Commission Recommendation D3:** Support and fund the replication of the BIA Tribal Youth Police Program and other successful models throughout Indian country as a way of educating and recruiting potential LE candidates.

**Response:** BIA/OJS supports this recommendation. In June 2023, the BIA/OJS conducted a youth outreach program pilot in partnership with the Bureau of Indian Education Riverside Indian School to present the Youth Indian Police Academy. More than 20 high-school-aged youth from around the country were selected by application and recommendation for their participation in the two-week event. The youth were engaged in all aspects of law enforcement that occur in Indian Country at the federal, state, and Tribal levels. The curriculum included uniformed patrol, criminal investigations, K-9 use, missing or murdered investigations, corrections, dispatch, administration, and first responder training. BIA/OJS is currently developing plans to replicate the successful event at other locations.

**COMMISSION FINDING E: Women in law enforcement often bring a balanced approach to their work, whether dealing with victims at crime scenes, or engaging with the community, or handling workplace conflicts. Only 12% of US LEOs are female, and only 3% are in leadership positions. Increasing the number of women and other diverse groups brings skills, life experience and perspectives that are critical in serving the community. BIA and Tribal LE agencies and departments have difficulty attracting female LE candidates for a variety of reasons, many related to the competing needs of family responsibilities. Addressing those reasons will result in increased recruitment and retention rates. The recommendations below address several of the changes that need to be made to attract and retain female and other diverse groups to a career in LE.**

**Commission Recommendation E1:** Support and fund the recommendations in National Institute of Justice *30x30 Initiative to Advance Women in Policing*. The *30x30 Initiative* is a coalition of police leaders, researchers, and professional organizations who have joined together to advance the representation and experiences of women in policing agencies across the United States. The goal is to increase the representation of women in police recruit classes to 30% by 2030, and to ensure police policies and culture intentionally support the success of qualified women officers throughout their careers.

**Response:** In FY 2023, OJP/BJA made an award under the FY 2023 Advancing Women Officers in State and Local Law Enforcement: Technical Assistance and Microgrant Program providing funding to support the implementation of the 30x30 Initiative to advance women in policing in state, local, and Tribal law enforcement agencies, provide technical assistance to law enforcement agencies participating in the 30x30 Pledge, and administer a competitive microgrant program to these agencies.



**Commission Recommendation E2:** Seek applicants in related fields, like social work, nursing, counseling, mental health, substance use treatment.

**Response:** DOI's Department of Indian Affairs will continue to expand recruitment events and strategies to reach women and a diverse population with a broader set of skills. A key factor in this will be peer engagement focused on a communication strategy that revolves around key communicators, such as female BIA/OJS officers leading engagement and outreach. BIA/OJS will also consult with IHS Scholarship Programs on how to create a pipeline to reach social and healthcare professionals and engage with educational institutions. It will also work to partner with other federal government agencies, Tribes, or states with similar programs.

**Commission Recommendation E3:** Provide specific support needed for female officers, such as day care, private rooms for nursing and breast milk pumping, maternity leave, and paternity leave as well, and shift scheduling to accommodate the needs of LEOs with families.

**Response:** Federal civilian employees (including BIA/OJS employees) are afforded paid parental leave when coverage meets the criteria established within 5 U.S.C § 6382 and 5 CFR part 630, subparts L and Q. BIA/OJS will conduct research to identify any areas throughout the organization where female law enforcement officers may not be receiving adequate support. The research will include gathering and reviewing data compiled from female and male law enforcement officers, as well as program managers, about the current agency and district resources available to female law enforcement personnel. Based on the findings, the BIA/OJS will develop strategies to assist BIA/OJS Management in determining what updates may be needed to existing applicable policies and procedures. Upon completion of any policy updates, the BIA/OJS will share policies with Tribal law enforcement agencies.

**COMMISSION FINDING F:** Recruitment of BIA and Tribal LE has suffered in recent years, with many if not most Tribes seriously understaffed. This is bad for morale, mental and physical health of officers, and it contributes to the perception in communities that LE is either not available or does not care, or both. The reputation and the productivity of these LE agencies suffer from a lack of quality recruits, as older officers retire or move to other positions with less stress and more benefits.

**Commission Recommendation F1:** The Federal government must create a Federal undergraduate LE scholarship program that provides tuition benefits enabling individuals committing to a BIA or Tribal LE career to obtain a college degree.

**Response:** The Departments are supportive of enabling individuals committing to a BIA or Tribal law enforcement career to obtain a college degree. BIA/OJS will also consult with IHS Scholarship Programs, other federal government agencies, Tribes, or state programs with similar programs to determine if this is feasible for BIA/OJS to undertake.

**Commission Recommendation F2:** The Federal government should establish an education assistance program for BIA and Tribal LEOs that could include a scholarship or loan forgiveness option to enable officers to pursue undergraduate, advanced degrees, or continuing education programs to help their career and perform their LE obligations more effectively.

**Response:** There are existing loan repayment programs for federal employees. Indian Affairs makes efforts to ensure all law enforcement management and staff understand the opportunities for loan repayment and explore options to augment these efforts. BIA/OJS will also consult with other federal agencies with similar programs to determine the feasibility of implementing additional programs but defers to Congress on developing new programs.

**Commission Recommendation F3:** The Federal government must establish a loan forgiveness program specifically for BIA and Tribal LE to offer loan forgiveness options for individuals who have already completed undergraduate degrees and carry student loan debt when they enter LE. The model for this proposal can be found in the Department of Education's Public Service Loan Forgiveness (PSLF) program.

**Response:** Please see the response to F2.

**Commission Recommendation F4:** The Federal government must consider modifying PSLF's requirements for LE or establishing a specific loan forgiveness program for LE so officers can qualify starting on the first day of their job for loan forgiveness options.

**Response:** The Departments are supportive of finding ways to reduce student loan burdens on law enforcement officers but will need to coordinate with colleagues at other agencies to determine the feasibility of such a program and assess whether Congressional action would be necessary.

**COMMISSION FINDING G: There are administrative, statutory, and operational barriers that prohibit or discourage Tribal LE departments from applying for badly needed grants.**

**Commission Recommendation G1:** This Subcommittee recommends a process to address barriers to Tribal LE programs.

- This includes a thorough review of all LE grant programs to identify barriers that prevent or discourage Tribal LE programs from applying such as the ability to retain officers after a 3-year grant period is over for example.
- Pursue ways to remedy these barriers through revision and reform of grants programs to increase access and success for Tribal LE departments and agencies.

A Note Regarding Advocates: This Subcommittee would like to note for Recommendation G1 that any increase of funding related to Tribal or BIA LE programs should not come at the cost of victim advocates and other associated victim support programs. It is a finding of this subcommittee that Tribal communities need LE, victim advocates, and victim support programs to coordinate and work together as well as be properly funded to do their work.

**Response:** DOJ has integrated feedback mechanisms to identify and remove barriers and create more accessibility to Tribal law enforcement grant programs. The Coordinated Tribal Assistance Solicitation (CTAS) team reviews the annual Coordinated Tribal Assistance Solicitation Assessment and applicant webinar feedback evaluations, conducts Tribal listening sessions and Tribal consultations, and gathers feedback from senior leadership and administrators to guide the development of future CTAS solicitations. Feedback collected has helped draft future solicitations and identified areas where additional support could be provided to future applicants of the solicitation, such as applicant webinars and training and technical assistance provided to applicants. Specific efforts to reduce barriers have included the following:

- Streamlined application questions, provided user-friendly templates, provided sample templates (i.e., sample timeline templates), and provided successful application materials packet.
- Reduced and consolidated questions on application-required documents, provided templates in Microsoft Word to help applicants enter text, reduced required documents for the CTAS solicitation (three documents to pass Basic Minimum Review), and provided all application materials on the DOJ Tribal Justice and Safety website and the respective DOJ/CTAS component websites. This includes demographic questions or

other survey questions that are completed in JustGrants. Applicants can preview the questions prior to entering information on JustGrants.

- Eliminated the “Tribal Authority to Apply” document as a required document, except in the case of a Tribal designee that is applying on behalf of a Tribe in those Purpose Areas that allow it or for Tribal Consortiums of two or more Tribes.
- Provided an application checklist within the solicitation itself to help applicants. All solicitation materials are also online. Additionally, CTAS has a frequently asked questions document that is updated throughout the application season, and individual Purpose Area fact sheets that provide a quick snapshot of the Purpose Area.
- CTAS hosts more than 10 applicant webinars during the solicitation open period, including specific Purpose Area webinars, a JustGrants webinar, an Alaska and other rural communities webinar, a budget webinar, and an Overview and Final “office hours” Q&A webinar.
- A CTAS-specific JustGrants applicant webinar was created for the applicant webinar season.
- CTAS also provided an applicant webinar targeting specifically Alaska and other rural communities on how to apply for the CTAS solicitation in JustGrants.
- CTAS hosts accessing grants workshops (specifically inviting unsuccessful applicants). These workshops provide an overview of the solicitation, including the mechanics of formatting a grant narrative and addressing all of the application components, creating a budget, and common mistakes to avoid when writing CTAS applications.
- For the COPS Office Tribal Resources Grant Program (TRGP), which is Purpose Area 1 in CTAS, the following actions have been taken:
  - Moving TRGP Hiring and most of CTAS Purpose Areas to five years of funding instead of 3 to increase impact longevity of grants.
  - Allowing start-ups to be eligible applicants in FY 2020.
  - Based on Tribal law enforcement needs, the COPS Office is striving to maintain maximum flexibility on allowable costs under the program.
  - The COPS Office has hosted a COPS-specific listening session to receive feedback on Purpose Area 1.
- The COPS Office also made an addendum to its Retention Policy: When a TRGP-Hire grantee is not able to retain its grant-funded position(s), the TRGP-Hire grantee may apply for a retention exemption and the COPS Office will conduct a standard compliance review of the retention requirement. If the TRGP-Hire grantee is exempted from the retention requirement, they will be notified of the opportunity to apply for continuation funding for the exempted grant position(s) through the next TRGP in CTAS.

OVW grant programs support coordinated community responses to domestic violence, dating violence, sexual assault, stalking, and for some Tribal-specific programs, sex trafficking. Under these programs, law enforcement, victim advocates, and others work together to enhance victim safety and offender accountability. OVW has worked to reduce barriers Tribes face in accessing grant funding in response to feedback from Tribal leaders and grantees. For all grant programs, OVW offers live and recorded pre-application webinars to go over application requirements in detail and answer questions about the application process.

OVW's Tribal Affairs Division (TAD) also provides weekly office hours during open solicitation periods for applicants to have direct access to program staff and ask questions about the application requirements. In FY 2022, TAD [launched a series of videos](#) to help potential grantees plan for, develop, and submit their applications. In FY 2023, TAD began offering a one-day workshop for Tribes not currently receiving OVW funding on how to plan a fundable project under OVW's Tribal-specific programs. TAD's Project Implementation Workshop for Tribal grantees, begun in Alaska in 2017 and recently expanded to the lower 48, provides hands-on assistance from OVW staff and technical assistance providers with both programmatic and financial management of OVW grants, which has improved Tribes' access to OVW funding. Finally, TAD has reduced application requirements, postponed submission of required documents so that only those selected for funding need to submit them and created simplified application paths for new applicants.

Some Tribes may find the requirement that OVW-funded officer time be devoted to domestic violence, dating violence, sexual assault, stalking, and sex trafficking difficult to meet, but the officer position may be prorated so that the officer may handle other types of crime with time funded by other sources. Dedicated officer time to these crimes, whether full or part-time, may result in increasing survivors' access to safety and justice and thereby preventing MMIP and HT incidents.

DOJ continues to review additional flexibilities, such as reducing reporting burdens under grant programs, which is also in keeping with EO 14112. DOJ commits to continue seeking feedback from Tribes for recommendations on application processes through consultations, listening sessions, and CTAS assessments.

BIA does not administer law enforcement grants. BIA provides funding to Tribes for law enforcement through direct funding and agreements under ISDEAA, P.L. 93-638.

## Chapter 4: Coordinating Resources—Criminal Jurisdiction, Prosecution, Information Sharing (Tribal-State-Federal MMIP and HT investigations)

### Subcommittee 4 Charge and Priority Areas

Following is an excerpt from the final report describing the work of Subcommittee 4:

Coordination of resource allocations and information sharing between Tribal, state, and federal MMIP and HT investigations to increase: 1) MMIP and HT case resolution; 2) prosecution of murder and human trafficking offenses on Indian lands and of Indians; and 3) information sharing with Tribal governments on violent crime investigation and prosecutions in Indian lands that were terminated or declined. The overriding purpose of this section of the Act is to improve the coordination of resources and information across jurisdictions to better support investigations and prosecutions.

**Note:** It is relevant to make recommendations to Tribes located in states where PL-280 and similar laws have conferred Indian country jurisdiction on the state and in places where federal Indian country jurisdiction applies.

Subcommittee 4 chose the following three priority areas to organize its work. These priorities included:

1. Increasing Coordination of Cross-Jurisdictional Investigatory Resources
2. Criminal Justice Information Sharing, Cross Training and Multi-Jurisdictional Task Forces
  - [2.1] Tribal Nations Community Response Plan (TCRP)
  - [2.2] Office on Violence Against Women (OVW)
  - [2.3] Training Across the Board
  - [2.4] Accountability
3. Victim Advocacy/Information Sharing Checklist
  - [3.1] Regarding autopsies
  - [3.2] Jurisdiction and Communication

**COMMISSION FINDING A: In too many documented instances, investigations conducted by Tribal, state, and federal agencies following receipt of a missing person report have been**

**impeded by intolerable lag times resulting from a lack of expertise, coordination, cooperation, planning, and forensic follow-through, negatively impacting the success of the rescue operation as well as the interim provision of services to missing persons' families.**

**Commission Recommendation A1:** The persistent and unacceptable lack of close training (and trust) among Tribal, BIA, FBI, and State first-responder agencies (and other Tribal officials) in MMIP/Violent Crime matters must be addressed through mandatory protocols with (if necessary) funding and equipment incentives attached. DOI/DOJ, through the offices of BIA/OJS and FBI, respectively, must take the lead in bringing Tribes and states together through listening conferences, joint executive sessions, cross-jurisdictional training, and funding incentives. We recommend this training be regional in order to bring together widely dispersed communities. Training for trainers can be completed at the National Advocacy Center, through the auspices of the National Indian Country Training Initiative, and a 5-year curriculum should be constructed. We also recommend that in carrying out this effort, the parties reach out to Tribal colleges to assess their ability to lend services pertinent to the effort.

**Response:** The Federal Bureau of Investigation (FBI) agrees that close coordination and cooperation is essential in multijurisdictional investigations that often occur in Indian Country. The FBI has for years participated in joint Indian Country training with Bureau of Indian Affairs/Office of Justice Services (BIA/OJS) and Tribal law enforcement agencies. The FBI, through the National Indian Country Training Initiative (NICTI), is in the process of implementing additional joint training for new investigators and prosecutors in Indian Country. Additionally, the BIA/OJS scheduled several cross-jurisdictional training events for FY 2024. Through the United States Indian Police Academy (USIPA), the BIA/OJS has provided Indian Country Criminal Investigation Course. Costs are shared between both BIA and FBI. USIPA is now looking at restructuring the class to fulfill the training needs for partner organizations including Tribal, state, local, and BIA.

**Commission Recommendation A2:** DOI/DOJ must mandate the coordination of all aspects of multi-jurisdictional investigations and prosecutions of MMIP and Violent Crime in Indian country, annual audits of Tribal, federal, and state prosecutions in Indian country, and tighter oversight of Tribal law enforcement agencies.

**Response:** Promoting public safety in Indian Country and addressing missing or murdered Indigenous persons (MMIP)-related investigations and prosecutions requires coordination and

collaboration between federal, Tribal, state, and local law enforcement partners. The U.S. Department of Justice (DOJ) recognizes that its federal partners are critical to the success of investigations and ensuring services are provided to victims and victims' families. In November 2022, the FBI and BIA finalized a new memorandum of understanding that establishes guidelines regarding the respective jurisdictions in certain investigative matters and provides for the effective and efficient administration of criminal investigations in Indian Country. This FBI-BIA memorandum of understanding extends to unresolved cases, as both law enforcement agencies will leverage the resources of their respective agencies to better address unresolved cases and communicate with grieving families.

DOJ has also charged United States Attorney's Office (USAO) with establishing clear protocols for how they will work with relevant federal, Tribal, state, and local law enforcement partners to efficiently respond to crime in Indian Country. See [Memorandum on Promoting Public Safety in Indian Country from the Deputy Attorney General \(DAG\) to Director, ATF, et al. \(July 13, 2022\)](#). All USAOs with Indian Country responsibilities updated their operational plans in November 2022, and will continue to do so annually after consultation with Tribal partners.

In addition, on October 10, 2020, Savanna's Act was signed into law to improve the federal government's response to missing or murdered American Indian/Alaska Native (AI/AN). Section 5(a) of the Act requires the Attorney General to "direct United States Attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians." As required by statute, the guidelines must address inter-jurisdictional cooperation among law enforcement agencies at the Tribal, federal, state, and local levels, including inter-jurisdictional enforcement of protection orders, and set forth the specific responsibilities of each law enforcement agency. The U.S. Attorney as the chief federal law enforcement officer in each federal judicial district can convene all law enforcement agencies to develop and implement district-wide Section 5(a) guidelines. All relevant USAOs have had these guidelines in place since the spring of 2022. USAO personnel, such as Tribal Liaisons and MMIP Regional Outreach Program personnel, will continue to engage with Tribes and law enforcement agencies working in Indian Country to ensure the guidelines are being followed.

Each year, the Executive Office for United States Attorneys (EOUSA) prepares a statutorily mandated report entitled, [United States Department of Justice Indian Country Investigations and Prosecutions Report](#). This report details the FBI's investigative efforts and the disposition of matters received by USAOs with Indian Country responsibilities. Because DOJ does not have data on state or Tribal prosecutions in Indian Country, the report is limited to federal investigations and prosecutions.



Although DOJ does not have direct oversight of Tribal or state law enforcement agencies, DOJ will continue to refine its communication, collaboration, and coordination protocols through its operational plans, with the goal of expeditiously investigating and prosecuting MMIP-related matters to bring justice to grieving family members.

**Commission Recommendation A3:** Initiatives to address these deficiencies must be implemented between 1 and 18 months from the start date.

**Response:** Please see response for recommendation A2.

**Commission Recommendation A4:** The Secretary of the Interior must establish a board of family advisors to provide ongoing oversight and guidance related to the implementation of NIAC recommendations.

**Response:** The Departments appreciate the Commission’s recommendation regarding on-going oversight and guidance related to the implementation of the Commission’s recommendations. There is no statutory language under the Act expanding the duties of the Secretary to establish or fund a board; however, the agencies will take your recommendation into further consideration.

**Commission Recommendation A5:** DOJ Civil Rights Division (CRT) must prioritize and must conduct investigations and provide appropriate remedies for state, county, Tribal, and local police pattern or practice failures to adequately respond to and investigate deaths of AI/AN persons occurring in their jurisdictions. This process must prioritize jurisdictions with the highest per capita MMIP cases, deaths and HT, particularly in reservation border towns.

**Response:** The recommendation is within the Civil Rights Division’s (CRT) mandate to the extent that it applies to state, county, and local law enforcement agencies (LEAs). However, CRT does not have authority to investigate Tribal law enforcement agencies. CRT has the authority investigate and file suit to eliminate patterns or practices of unconstitutional or unlawful conduct by state and local law enforcement agencies, including discrimination against AI/AN people. For example, in June 2023, CRT and the USAO for Minnesota (Civil) issued [findings](#) that the Minneapolis Police Department unlawfully discriminates against Native American people when enforcing the law.

With approximately 18,000 law enforcement agencies across the country, CRT weighs many factors in deciding whether to investigate a jurisdiction. This discretion is vital as the Division seeks to combat patterns or practices of unconstitutional or unlawful conduct across the country. CRT will continue to consider any discrimination, including failure to respond to crimes experienced by AI/AN persons, and will exercise our discretion, as appropriate under our statutory authorities. CRT will also work to assist the DOJ MMIP Steering Committee, which supports information sharing across DOJ offices, to determine if DOJ is able to identify jurisdictions with the highest “per capita MMIP cases, deaths and HT” based on data available to participating offices.

**COMMISSION FINDING B: Notwithstanding previous efforts to increase collaboration and coordination between Tribal, federal, and state investigatory entities, there still exists gaps in training, expertise, resources, and meaningful collaboration that impacts investigations and services to victims’ families in the areas of violent crime against women, MMIP, and human trafficking. Alaska Native communities suffer exponentially from a lack of basic infrastructure seen elsewhere throughout Tribal communities in varying degrees. These and other recommendations must be modified to address these uniquely vexing issues. Tribes must obtain wider access to state/federal search & rescue teams, crime scene investigators, forensic laboratories, and victim services professionals.**

**Commission Recommendation B1:** Increase the use of federal, Tribal, state, county, and municipal laboratories and other investigatory resources (including for Tribes not located in PL-280 states) for forensic and other tools in all MMIP and Violent Crime cases. Funding for increased Tribal access to federal, Tribal, state, county, and municipal laboratories should be made available directly to Tribes prepared to work with such laboratories. Tribes need funding for training on the appropriate collection, packaging, and shipping of critical evidence to labs. The BIA/OJS, FBI Indian country Unit, and U.S. Attorneys’ Offices must lead outreach to Indian nations, states, counties, and municipalities citing various collaborative efforts such as those in South Dakota in which state forensic labs are assisting interested Tribes in examining Tribal criminal case evidence.

**Response:** The FBI Laboratory regularly processes evidence obtained in FBI investigations in Indian Country. The FBI Laboratory also offers a variety of specialized services to federal, state, local, and Tribal law enforcement, many of which are detailed here: <https://le.fbi.gov/science-and-lab/forensics>. Local FBI agents may also be able to help facilitate non-federal evidence

processing on a case-by-case basis for Tribal law enforcement agencies. Additionally, as noted in the recommendation, the FBI may also provide funding to state laboratories to conduct examinations in Indian Country cases. The FBI has limited resources for these services so any expansion would be limited by available funding.

The FBI Laboratory Division currently assists with the forensic analysis of casework submitted from Tribal jurisdictions and will continue to help process these cases. In addition, for the past year, the Missing and Murdered Unit (MMU) has maintained a contract with a private contracting lab to test DNA and Genealogy for MMU cases. This laboratory resource is also available to tribal law enforcement departments who are investigating missing or murdered cases where MMU may be assisting or providing this resource to aid in their investigations. MMU has an avenue to vet these Tribal requests to allow for testing.

**Commission Recommendation B3:** Recommendations made by the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States should be implemented, pursuant to the Strengthening Families and Preventing Sex Trafficking Act.

**Response:** DOJ appreciates the Commission resurfacing these recommendations and will review the recommendations and the federal government’s prior responses to determine whether any of the barriers to addressing the recommendations have been removed.

**Commission Recommendation B4:** Provide process for re-investigation (not review) and/or transfer of investigation of deaths occurring in Indian country under jurisdiction of FBI.

**Response:** While the basis for this recommendation is well-taken, unfortunately, it would not be feasible to implement the recommendation. In most locations within Indian Country where the FBI has jurisdiction, no other entity has jurisdiction to investigate homicides. Additionally, an unnecessary reinvestigation could harm the existing investigation. Finally, the Homicide Victims’ Families’ Rights Act provides a mechanism by which an eligible family member of a homicide victim, whose case was investigated by federal law enforcement, can request a review of the case.

**COMMISSION FINDING C:** Tribal, Federal, and, where applicable, state social service/law enforcement infrastructure devoted to responding to reports of missing Native persons and violent crime lack sufficient coordination and collaboration. There are many jurisdictions and

agencies within the same area professing commitment to the issue but with too little fusing of resources and too little collaboration.

- This deficiency in alliance of assets and expertise occurs at every stage of a missing person or violent crime report in, and out of, Tribal communities beginning with immediate notice and alert, through the investigation stage, and, finally, with prosecution or other conclusion of the case. This situation carries with it the potential for devastating impact on the sanctity of the investigation and the ultimate result.
- In some communities, this near absence of concerted teamwork also impacts cold missing person/violent crime matters leading to years-long anguish suffered by families “left behind” without resolution of the case.
- On many reservations, the lack of formal, written, and expert-vetted protocols for the response to a missing person report leads to intolerable delays in response times hampering investigators who later engage, but also leaving families “in the dark” as to the whereabouts of their loved ones.
- We do not ascribe blame to any one jurisdiction or agency; rather, our view is everyone involved in the missing persons/criminal justice system carries some responsibility for the unacceptable lack of coordination and collaboration.
- At all levels of the ostensible, multi-jurisdictional responsive framework, there lacks a system of accountability for the funding, mandates, and operational success of efforts targeted at the phenomena of missing persons and violent crime.

**Commission Recommendation C1:** Over the next 1-18 months, all Tribal communities (urban and rural) should codify, adopt, and be adequately funded to utilize and sustain a TCRP. We understand that DOJ recently established a regional MMIP outreach program comprised of Assistant United States Attorneys (AUSA) and support staff; nonetheless, Tribes require support to address public safety concerns within their communities beyond the scope of currently supported programs. Additional recommendations related to TCRPs are discussed by Subcommittees 1 and 6.

**Response:** The Departments support the development of Tribal Community Response Plans (TCRPs) and are already assisting Tribes in developing TCRPs in the following ways.

In addition to USAO guidelines developed in response to Savanna’s Act, several USAOs have assisted Tribes in their districts with the development of TCRPs. A TCRP outlines protocols or guidelines tailored to each Tribal community’s needs, resources, and culture to assist a Tribe’s

response to emergent missing person cases. Tribes typically develop TCRPs in collaboration with a variety of community stakeholders, including law enforcement, prosecutors, elected leaders, and child welfare organizations. Federal law enforcement, including USAOs, FBI, and BIA, have been active participants in several Tribal communities that have already developed TCRPs. Pursuant to the Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, USAOs will continue to “promote coordination of federal, state, local, and Tribal law enforcement, including, as appropriate, through the development and support of Tribal Community Response Plans.”

To that end, the DOJ-authored [Guide to Developing a Tribal Community Response Plan for Missing Person Cases](#) provides guidance to Tribal governments and USAOs, working with other partners, who are developing TCRPs. Informed by input from Tribal leaders, Tribal law enforcement, and other community members, this guide includes four documents to help develop specific parts of a community response plan:

- Developing Law Enforcement Agency Response Guidelines
- Developing Victim Services Response Guidelines
- Developing Media and Public Communications Response Guidelines
- Developing Community Outreach Response Guidelines

The National Indian Country Training Initiative (NICTI) has provided training to Tribes on TCRP development and is committed to providing additional training within the next 12 months. Further, MMIP Regional Outreach Coordinators and AUSAs can assist Tribes in developing TCRPs. Additional information about TCRPs can be found at <https://www.justice.gov/tribal/mmip/tribal-community-response-plans>.

Further, in FY 2023, the Office of Community Oriented Policing Services (COPS Office) funded a project with the National Criminal Justice Training Center (NCJTC) to support community-led TCRPs to address missing Indigenous persons cases. The project includes: (1) developing and implementing a training and technical assistance strategy to assist Tribal law enforcement in creating and implementing TCRPs to address MMIP cases working with the appropriate Tribal and national partners; (2) assisting agencies in developing and improving law enforcement policies and procedures related to MMIP cases; (3) delivering training and technical assistance to Tribal and nontribal law enforcement agencies to facilitate the implementation of TCRPs; (4) collaborating with the AMBER Alert training and technical assistance program and other DOJ training and technical assistance programs to compliment the community efforts under way with implementation, bridging resources/connections, and incorporating training curriculum as

appropriate; and (5) ensuring widespread dissemination of tools and materials to aid in the development of TCRPs.

**Commission Recommendation C2:** DOI/DOJ must encourage (if not mandate as a function of certain funding) each Tribe not already acting under the aegis of a TCRP to connect with the BIA, FBI, and state clearinghouses to obtain contacts, identify resources, and begin the formal process of assembling and constructing the terms of a TCRP which best suits the Tribes' unique, individual circumstances and needs. Part and parcel of any TCRP plan must be a set of protocols governing effective communication with family members of persons reported missing for whom a full-scale investigation pursuant to the plan has commenced. We view this outreach as a vital piece of the response protocol.

**Response:** DOI and DOJ agree that effective communication is a cornerstone in any response plan or protocol. DOJ encourages Tribes to develop a TCRP with MMIP Regional Outreach Coordinators and AUSAs who can assist interested Tribes. DOJ also provides training to Tribes on TCRP development and is committed to providing additional training and technical assistance within the next 12 months. DOJ encourages communication when asked to assist in the development of TCRPs. To help facilitate effective communication with family members, Regional MMIP coordinators can work with Tribes to tailor communication protocols specific to the Tribe's needs through development of a TCRP. Further, Regional MMIP Coordinators and the National Native American Outreach Services Liaison (OSL) can directly assist family members and Tribal victim organizations with effective communication across law enforcement agencies.

**Commission Recommendation C3:** Tribes should contact the NCMEC and/or the NamUs for assistance and guidance in formulating protocols addressing their unique perspectives. NamUs must be fully funded to allow for widespread intelligence sharing between it, Tribal entities, coroners' offices, and medical examiners' offices.

**Response:** According to the National Center for Missing and Exploited Children (NCMEC), it has various protocols and policies available for use by Tribes and is available to assist Tribes in this area: [www.missingkids.org/content/dam/missingkids/pdfs/NCMEC-LE-Model-Policy.pdf](http://www.missingkids.org/content/dam/missingkids/pdfs/NCMEC-LE-Model-Policy.pdf).

**Commission Recommendation C4:** DOI must fund Tribal nations' response plan liaisons to ensure equity in representation taking into account the work of grassroots organizations.

**Response:** Currently there is no technical assistance program to support developing response plans or funding for response plan liaisons at DOI. The BIA/OJS will evaluate developing a technical assistance program or a model protocol Tribes can access to establish Tribal-specific protocols that define the procedural response to missing persons reports. DOJ would welcome an opportunity to partner with BIA/OJS to develop model protocols or technical assistance.

**Commission Recommendation C5:** We heard repeatedly of an unacceptable lag time between receipt of reports of missing persons and first contact with the BIA/OJS and/or the FBI. Having a contact or “response” matrix detailing which agency will exercise jurisdiction in any given scenario will help alleviate time lags for responsive action.

**Response:** The FBI lacks the federal legal jurisdiction to investigate missing persons absent the reasonable suspicion of federal crime (i.e., murder in Indian Country or other special jurisdiction, kidnapping, etc.). Oftentimes, the FBI is able to provide certain investigative assets to assist state, local, Tribal, and other federal law enforcement agencies who themselves have the appropriate legal jurisdiction to investigate reports of missing persons. The FBI can collaborate with BIA/OJS to provide a jurisdictional matrix as detailed in the recommendation. This may also be addressed within each USAO Indian Country Operational Plan. BIA/OJS will partner with other federal/state/local Search and Rescue (SAR) programs to increase communication to improve response times and get assets on the ground.

**Commission Recommendation C6:** DOI/DOJ must consider offering incentives to Tribal, federal, and state entities to improve their responsiveness to reports of missing persons and penalties to those which do not improve.

**Response:** DOI and DOJ appreciate the Commission’s recognition of the importance of data related to reports of missing persons. The Departments do not currently have the authority to compel non-DOJ or non-DOI entities to make improvements or implement penalties related to responsiveness rates.

**Commission Recommendation C7:** Even short of the launching of an investigation under the auspices of a Tribe’s TCRP, BIA/OJS and the FBI must markedly improve their outreach to family members seeking assistance locating missing relatives.

**Response:** As noted earlier, the FBI lacks the federal legal jurisdiction to investigate missing persons absent the reasonable suspicion of a federal crime. Oftentimes, the FBI is able provide

certain investigative assets to assist state, local, Tribal, and other federal law enforcement agencies who themselves have the appropriate legal jurisdiction to investigate reports of missing persons; outreach to family would generally occur through those agencies. If a family member makes an inquiry to the FBI about a matter outside the FBI's legal jurisdiction, the FBI will refer the family to the appropriate investigative agency.

BIA/OJS will work to improve its coordination with federal/state/local/Tribal partners in search and rescue; and BIA/OJS will work to improve outreach and communication with family/community regarding efforts to locate missing relatives.

**Commission Recommendation C9:** An opt-in database/platform should be created to provide for information sharing of individuals banned from Tribal communities (Tribes would provide information on banned individuals.) The database could be accessed by surrounding Tribes in state/region.

**Response:** Due to the unique legal nature of banishment orders, these orders are not able to be uploaded to Tribal Access Program kiosks. BIA/OJS has no mechanism to develop such a database as recommended as these orders are considered civil, not criminal, and BIA/OJS lacks jurisdiction over enforcement of banishment orders. BIA/OJS will follow up with the BIA regional offices to determine if there are additional steps that can be taken to ensure other Tribes and localities have notice of banishment orders since the regions oversee Tribal court contracts and operations.

**Commission Recommendation C10:** DOI must develop an organizational flow chart of everyone involved in MMIP cases, indicating various jurisdictions, such as the FBI, BIA, state, federal, and Tribal nations.

**Response:** The MMU is currently redesigning its case tracking log used to document all referrals made to the unit. As part of the referral data collected to maintain this tracking log, the lead investigating agency is identified in addition to the agencies who are assisting. An actual flow chart would vary significantly based on the individual case details to include investigative and prosecutorial jurisdictions. Various jurisdictions could have very different agencies or resources involved, thus differing flow chart elements. Creating a "one size fits all" flow chart to capture all possible scenarios is not feasible given these challenges.



**COMMISSION FINDING D: In many cases and in many jurisdictions, the mandates and requirements of Savanna’s Act are not being implemented.**

**Commission Recommendation D1:** A progress report of the implementation of Savanna’s Act should be provided to Savanna Greywind’s parents, Congress, DOI, and DOJ.

**Response:** Public Law No. 116-165, Savanna’s Act, was a critical piece of legislation to clarify law enforcement responsibilities in responding to cases of missing or murdered AI/AN individuals, to increase coordination and communication across jurisdictions when responding to these cases, to empower Tribal governments with resources and information necessary to respond to these cases, and to increase the collection and sharing of data relevant to these cases. DOJ strongly supported the legislation and remains committed to honoring the requirements and intent of the Act. It is the DOJ’s position that information regarding implementation of the Act should be disseminated as widely as possible, so DOJ developed [a section of its website](#) to publicly offer insight into the Department’s implementation. DOJ welcomes additional discussion with any of the parties listed in the recommendation. Anyone interested in additional discussion may reach out to [OTJ@usdoj.gov](mailto:OTJ@usdoj.gov).

**Commission Recommendation D3:** Provide Savanna’s Act cross-jurisdictional training mandating federal, Tribal, and state participation. States can be incentivized to participate by tying participation to the receipt of public safety block grants. Training needs to be universally available and *ongoing* to accommodate new officers and agents as well as family service agencies, probation offices, victim specialists, prosecutors, and other Tribal officials. U.S. Attorney’s Offices should be mandated to lead this effort by reaching out to Tribal nations, assessing their individual needs, helping interested Tribes to fashion appropriate protocols, and seeing the process through until Savanna’s Act protocols are firmly in place on each reservation.

**Response:** Savanna’s Act, which addresses training and technical assistance (*see* 25 U.S.C. § 5704(e)), requires NICTI to provide training and technical assistance to Tribes and law enforcement agencies on implementing the Act’s guidelines and use of NamUs to assist with AI/AN MMIP cases. NICTI has conducted webinars for the USAO community on Savanna’s Act implementation, and NICTI’s Coordinator has served as a subject matter expert and trainer for several trainings hosted by DOJ-funded training and technical assistance providers. These trainings specifically addressed the Act’s implementation and the need for a multidisciplinary, cross-jurisdictional response to AI/AN MMIP cases.

NICTI has hosted many trainings on MMIP issues. State, Tribal, and federal law enforcement officers were invited to attend these free trainings, many of which were conducted virtually to minimizing work schedule disruptions and incentivize attendance. Examples of these free, virtual trainings include the following summits, all of which incorporated training on the National Missing & Unidentified Persons System (NamUs):

- Strategies for Developing a Coordinated Response to the Issue of Missing or Murdered Indigenous Persons (February 10-11, 2021)
- Symposium: Missing or Murdered American Indians and Alaska Natives (September 14-16, 2021)
- DOJ/DOI Tribal Justice, Safety, and Wellness Summit (June 6-9, 2022)

Such training programs are ongoing and another joint DOJ/DOI summit is planned for the first half of 2024.

NICTI remains ready to partner with federal agencies, the MMIP Regional Outreach Program, USAOs, and state and Tribal law enforcement partners on training related to Savanna's Act and MMIP issues.

**COMMISSION FINDING E: The Commission heard testimony from many family members expressing their frustration and pain that their loved one's disappearance was ignored by the media. This failure on the part of the media to give equal attention to MMIP makes these cases more likely to be ignored or go unsolved.**

**Commission Recommendation E1:** DOJ and DOI must convene a roundtable to discuss the issue of media coverage of missing persons cases that should result in a set of guidelines and best practices for family members, Tribal governments, victim advocates, and journalists. The guidelines and best practices must be widely disseminated to advocates, Tribal nations, and media associations and organizations.

**Response:** In early 2024, DOI and DOJ will work cooperatively to convene one or more roundtable discussions with various groups, including but not limited to MMIP coordinators in the field, Tribal advocates, and members of the media to help develop guidelines and best practices to promote accurate and complete coverage of MMIP and HT cases in the media and to raise the level of public awareness and strengthen reporting.

**COMMISSION FINDING F:** We believe there is a dearth of knowledge in Tribal communities concerning the services and opportunities offered by OVW and OVC. We recommend OVW and OVC provide new, updated guidance to Tribal prosecutors on the panoply of services offered by the agencies; the benefits of the Tribal Law & Order Act; statutes which directly impact the quality and diversity of services available to Native victims of crime; and funding allowance opportunities directed toward enhanced delivery of Tribal law enforcement and victim/witness services.

**Commission Recommendation F1:** There should be new education and outreach programs geared to the definition, scope, and breath of new or existing statutes directed toward missing person matters and violence against women and children.

**Response:** The Office on Violence Against Women (OVW) has a robust outreach effort planned for FY 2024 to help ensure that Tribes are aware of the opportunity to apply for OVW grant funding—as well as reimbursement under the Violence Against Women Act (VAWA) 2022’s new Tribal Reimbursement Program—to support Tribes in implementing special Tribal criminal jurisdiction (STCJ), including Alaska Tribes interested in the Alaska Pilot Program. STCJ specifically covers several crimes related to violence against women and children, including domestic violence, dating violence, sexual violence, sex trafficking, stalking, and child violence. OVW also funds technical assistance projects that conduct outreach and education for Tribes that might be interested in this new, broader authority recognized in VAWA 2022. Finally, one of the allowable purposes of OVW’s Tribal Governments Program, should Tribes choose to apply for a grant, is to develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered AI/AN individuals, as described in Savanna’s Act.

NICTI provides a tremendous amount of training every year on combating violent crime committed in Tribal communities, including violence against women and children and MMIP-related issues. All NICTI trainings include instruction on relevant new and existing statutes, including any amendments, addressing MMIP and violence against women and children. Examples of such trainings in FY 2023 include:

- Operation 922: Reducing Gun Violence by Targeting Domestic Violence
- First Responder Curriculum Development Working Group Meeting
- FBI Albuquerque’s Missing or Murdered Indigenous Persons Initiative
- Criminal Jurisdiction in Indian Country Seminar
- The Basics of Indian Country Jurisdiction

- The Forensic Evaluation of Strangulation and Gunshot Wound Cases
- A SANE Approach to Human Trafficking Cases
- Introduction to Tools and Techniques Using Crime Gun Intelligence
- Prosecuting Juveniles in Federal Court
- Criminal Jurisdiction in Indian Country Seminar
- Investigating and Prosecuting Human Trafficking in Tribal Communities
- Culture as Prevention
- Investigating and Prosecuting Federal Sexual Assault Cases
- Getting Away With Murder
- Forensic Evidence in the Courtroom
- Justice Systems From the Kid's Perspective
- Federal Full Faith and Credit for Protection Orders Issued by Tribal Courts
- Operation Not Forgotten: Investigating Domestic Violence and Sexual Assault in Indian Country
- Criminal Jurisdiction in Indian Country Seminar
- What Every Tribal Liaison or Indian Country AUSA Needs To Know
- Tribal Liaisons: Advancing DOJ's Mission in Indian Country
- Culture as Prevention: Indigenous Knowledge and Tribal-Based Practices
- DOJ's Civil Rights Division Efforts Concerning Native Americans
- First Responders to Violent Crime Training
- Drafting, Reviewing, and Executing a Defensible Search Warrant

The list of training offered through NICTI expands based on feedback from federal, Tribal, and state law enforcement partners who attend trainings. All NICTI training is offered free of charge to federal, state, and Tribal criminal justice, social service, medical providers, and Tribal leaders.

Through the Office of Justice Programs/Office for Victims of Crime (OJP/OVC) Tribal Victim Services Set-Aside Formula Grant Program (TVSSA), Tribes determine what services to provide in their communities—education and outreach to persons at risk of violence would be allowable expenses under the TVSSA.

In FY 2022, OJP/OVC clarified allowable uses of TVSSA grant funds for MMIP activities: Tribes can use TVSSA grants to support many expenses related to MMIP cases. There is a fact sheet posted on OJP/OVC's website that describes these allowable expenses and the circumstances in which they can be used. For example, TVSSA grantees may use their funding to support the following activities related to missing persons:

- Provide financial assistance and support to the families of missing persons.

- Conduct outreach events and other activities to educate the community about MMIP issues.
- Produce billboards, flyers, placards, etc. to generate awareness about individual missing person's cases, and, in limited circumstances, support costs incidental to a private search.
- Work with a multidisciplinary, interjurisdictional group of Tribal, federal, and state and local stakeholders to create MMIP response protocols.

OJP/Office of Juvenile Justice and Delinquency Prevention (OJJDP) and its cooperative agreement recipients (National Center for Missing and Exploited Children [NCMEC] and the AMBER Alert Training and Technical Assistance Program) have historically provided significant education and outreach in these areas across the country around missing children issues. Those efforts continue today.

**Commission Recommendation F2:** There should be enhanced outreach and guidance directed toward the acquisition of grants and information sharing. Too often, rather arduous work lies ahead for small, grassroots, non-profit victim advocacy organizations for whom grant monies are critical to survival but for whom the paperwork, given their tiny staff numbers, is simply far too burdensome.

**Response:** DOJ is committed to making the application process as efficient and simple as possible for all applicants and providing high-quality user support, both during the application process and throughout the grants management lifecycle. To that end, OJP's strategies include—

- increasing awareness through targeted marketing to advertise solicitations and webinars to a wide variety of prospective applicants;
- offering weekly training sessions on the application process;
- providing a variety of solicitation-specific applicant trainings and question and answer sessions;
- posting and updating a thorough OJP Grant Application Resource Guide, which addresses a variety of policies, statutes, and regulations that apply to OJP program applicants;
- undertaking a comprehensive annual review of applicant inquiries to identify areas of potential streamlining and improved clarity for the following fiscal year;

- improving the use of plain language in solicitation and application guidance; and
- offering late submission procedures for applicants experiencing technical issues with government systems.

Tribes with TVSSA grants may access OJP/OVC training and technical assistance supports, such as the Tribal Financial Management Center, to improve community partner agencies' capacity to manage federal grants.

Many OVW grantees are small nonprofit organizations providing life-saving services to victims. OVW has instituted extensive outreach to these kinds of organizations, offers planning grants and special solicitations tailored to their circumstances, and intensive training and technical assistance to help with project implementation, grant administration, and progress report completion.

OJP/BJA routinely conducts outreach to Tribal entities eligible for formula grant awards to encourage applications and use of funds and is currently exploring ways to reduce barriers for Tribes to access OJP/Bureau of Justice Assistance (BJA) funds.

DOJ will additionally, as part of the work of implementing Executive Order (EO) 14112, work to enhance the accessibility and flexibility of federal funding to Tribal Nations to support Tribal law enforcement and public safety.

**Commission Recommendation F3:** Either OVW and OVC must streamline their application process for smaller grants or provide greater technical assistance to small-staffed advocacy organizations. User-friendly, virtual tutorials may be the key to enhancing the application experience and will accommodate the diverse circumstances in Tribal and urban Indian communities (including communities lacking access to broadband).

**Response:** DOJ's OVW offers live and recorded pre-application webinars to go over application requirements in detail and answer questions about the application process. In FY 2023, OVW's Tribal Affairs Division (TAD) implemented a grant proposal planning session for non-grantees to provide hands on information about TAD funding opportunities. TAD also offers weekly office hours during open solicitation periods for applicants to have direct access to program staff and ask questions about the application requirements. Significant staffing increases in TAD—from 4 to 14 over several years—along with the hiring of 2 program specialists based in Alaska with significant experience working with Alaska Tribes, have enabled TAD to provide enhanced support to Tribal applicants and grantees of all sizes. Finally, TAD has reduced application requirements, postponed submission of required documents so that only those selected for

funding need submit them and created simplified application paths for new applicants. All OVW solicitations include instructions for submitting the application outside of DOJ's online application system in cases of technical difficulties beyond the applicant's control, including lack of broadband.

In FY 2021, OVW began offering a simplified option for new applicants to the Office on Violence Against Women's Tribal Governments Program (TGP), a capacity-building project with less narrative content required to apply. These capacity-building grantees are still eligible for the five total years of funding available to standard applicants, but they receive specialized technical assistance to help them develop and implement their projects. In FY 2024, these applicants will have a separate solicitation and application process from other TGP applicants, the Strengthening Tribal Advocacy Responses Track (START), with enhanced outreach and support for potential applicants. OVW's TAD also has been offering longer awards or the option to apply for non-competitive continuation grants to make funding more predictable, including for smaller grantees that may face challenges in having to compete for continuation funding every three years.

OJP/OVC has taken the following steps to simplify and streamline the TVSSA application process in response to feedback from Tribal leaders received during Consultations, listening sessions, and from Federal Advisory Committees:

- Implemented a formula for disbursing Tribal Set-Aside funds, in response to past Tribal consultations, Federal Advisory Committee hearings, and listening sessions, where Tribal leaders expressed a strong preference that the Tribal Set-Aside funding from the Crime Victims Fund be distributed using a formula, rather than as a competitive program.
- Simplified the TVSSA program application process by providing an electronic form to streamline the submission of the Population Certificate.
- Offered applicants the choice between developing a project narrative, completing a checklist, or participating in an interview with OJP/OVC staff to document their project plans.
- Conducted onsite, in-person interviews in Alaska to support those applicants with the application development, as well as submission.
- Hosted two days of office hours to provide guidance and technical assistance on the TVSSA application requirements and submission process.
- Created a questionnaire to assist applicants in articulating their plans for construction projects with the goal to expedite referrals for specialized technical assistance and the approval process to begin renovation or construction activities.

OJP/OVC will continue to develop regional in-person, peer-to-peer, small cohort, and one-on-one technical assistance for TVSSA applicants and use those contacts with OJP/OVC grantees to ask what kinds of technical assistance are most needed/most useful. To enhance the TVSSA application process and provide applicants with additional support, in FY 2024, OJP/OVC will—

- host pre-application webinars to provide additional guidance on the TVSSA application process and how funds can be used;
- conduct a post-application survey to gain a better understanding of the challenges faced by applicants and determine the types of technical assistance that are most needed and useful to them;
- offer a manual “paper” application process to allow applicants experiencing technical difficulties beyond their control to email their attachments; and
- utilize data collected and analyzed from annual needs assessments, work plans, and training opportunities to guide the development of new resources and tools to enhance user experience.

OJP/OVC has provided these training resources to support Tribes in applying for and managing CTAS grants:

- Accessing Grants To Strengthen Tribal Justice System Capacity (two-day in-person training)
- JustGrants and submitting an application
- Budget development and worksheet completion workshop
- Tips for Successful Application for AK and Rural Communities
- Application checklist and final Q&A

OJP/OVC began a practice of following up with TVSSA grantees who started but did not submit completed applications in 2021. Each year, OJP/OVC contacts those potential applicants to ask about the challenges they faced in preparing their applications and the factors that influenced their decision not to submit ultimately. For example, in FY 2023, 55 Tribes either withdrew or did not complete the FY 2023 applications, and a few Tribes requested less funding than their formula allocation. Tribes expressed varied reasons for not applying for TVSSA funding. Some of the Tribes realized new funding was not needed to continue their victim service programs in FY 2024, and others opted to apply as a member of a Consortium. Some Tribes indicated turnover in staff or Tribal leadership, insufficient time to complete the application, or lack of communication or confusion about the application process as other reasons for not requesting an award. OJP has plans to conduct one on one interviews with potential applicants who began but did not complete applications in FY 2023.



## General Application Streamlining Additional Action Items

Additionally, in November 2023, the Associate Attorney General directed the Department's three grantmaking offices to examine existing grant processes and requirements and consider whether there are ways DOJ can be responsive to requests to streamline the grant process and reduce burdens for Tribal applicants and awardees. That work is under way.

One initial outcome of that assessment is a working group that OJP, the COPS Office, and OVW have established to identify and implement additional solutions within DOJ's online grants management system (JustGrants) to streamline and reduce the burden for Tribal applicants (and more broadly, as possible and permissible). The purpose of the working group is to examine ways to standardize certain application steps across OJP, the COPS Office, and OVW, such as expanding the use of entity-level documents to reduce the need to resubmit the same document for multiple applications. In general, the strategies will be implemented at the start of fiscal years to reduce confusion that would likely occur if changes were implemented mid-application season.

**Commission Recommendation F4:** OVW and OVC must enhance their outreach to Tribal nations to ensure grant monies are not left over each fiscal year having not been applied for. OVW and OVC are also encouraged to consider appointing Tribal nations' personnel to be grant reviewers for grassroots organizations working within their Tribal lands.

**Response:** DOJ's OVW has consulted with Tribes about how to spend "carry forward" funds and how to ensure that funds for Tribal grant programs do not remain at the end of the fiscal year. In response to Tribes' recommendations, OVW has expanded outreach to increase awareness of grant funding available to Tribes and Tribal organizations and developed the strategies described elsewhere in these responses to make it easier for Tribal applicants to access OVW grant funding. Further, OVW is intentional in identifying qualified peer reviewers with recent field experience specific to working with and for Tribal governments and Tribal communities. OVW's Peer Review Workgroup has created an outreach subcommittee that is working on expanding recruitment of diverse peer reviewers to ensure representation across all OVW grant programs' peer review panels. More information on becoming an OVW peer reviewer is available at: <https://www.justice.gov/ovw/peer-review>.

OJP/OVC will continue to provide technical assistance to TVSSA grantees to support them in (1) getting project budgets cleared and grant funds released timely; and (2) implementing their projects successfully during the project period so that grant funds are expended expeditiously.

OJP/OVC welcomes persons with experience living in and serving Tribal populations as peer reviewers for its competitive grant programs. OJP/OVC encourages anyone interested in serving in this (paid) role to submit their information at: <https://ovc.ojp.gov/funding/apply-to-be-peer-reviewer>. For grant programs open only to Tribes or Tribal-serving organizations, OJP/OVC exclusively uses peer reviewers with experience living in or working in Tribal communities.

**Commission Recommendation F6:** DOI must create and fund an educational campaign regarding MMIP for the larger population, showing data, the investigative process, and the many challenges faced by Tribal people. Information could include content such as an overview of what to expect in an investigation:

- Who is the point of contact?
- Timeline of expected communication
- What to do if expectations are not met

**Response:** To aid in providing greater transparency, the BIA MMU will develop an educational brochure describing Indian Country and Alaska Jurisdiction and the duties and responsibilities of the MMU. The information will also include the case reporting process, case tips, and when communication can be expected. A resolution process will be provided as well on how to file a complaint to the MMU for dissatisfaction during the case referral process for solvability and/or case investigation. This information is expected to be linked to the MMU website where it can be downloaded for public distribution.

**Commission Recommendation F7:** DOI/DOJ must develop and fund Native-led support systems for children growing up without their parent/caregiver toward general and financial well-being.

**Response:** BIA Human Services provides direct services and funding to Tribes through compacts and contracts for social services to improve the quality of life for eligible Indians and their families that live on or near Indian reservations, and to protect the children and disabled from abuse and neglect. Support systems include, but are not limited to, protective services; assistance in solving issues related to family function and interpersonal relationships; and referral to appropriate resources for issues related to illness, physical or mental handicaps, drug abuse, alcoholism, and violation of the law. Child Assistance services provide financial assistance payments on behalf of an Indian child requiring placement in a foster home, private, or tribal group day care homes, or in residential settings designed to provide special care. In addition, assistance includes services to a child in need of adoption or guardianship. Indian

Child Welfare Act (ICWA) services provide funding to Tribes to support their Indian child and family service programs.

BIA also administers the Tiwahe Program which is comprised of seven programmatic areas that support individual, family, and Tribal community well-being. These areas are Social Services, ICWA, Housing Improvement, Job Placement and Training, Pathways to Wellness/Recidivism Reduction, and Tribal Justice Support. Nearly 400 Tribes and Tribal Organizations receive increased Social Services and ICWA funding through Tiwahe. In addition, 10 demonstration sites receive increased base funding as part of the Tiwahe Demonstration Project to design and implement cultural and traditional programs to improve the circumstances of all Tribal members and their families.

While DOJ does not provide specific funding to support Native-led support systems for children growing up without a parent/caregiver toward general and financial wellbeing, under OJP/Office of Juvenile Justice and Delinquency Prevention (OJJDP) Coordinated Tribal Assistance Solicitation (CTAS) Purpose Area 9 program, grantees can use grant funds to support programs and services in these areas.

**COMMISSION FINDING G: Training is an ongoing issue for Tribal prosecutors, clerks of court, and judges. Budgetary constraints are too often an obstacle to professional advancement and access to educational opportunities.**

**Commission Recommendation G1:** The federal government must provide adequate funding for a variety of federal Indian law courses to be held, if practicable, at the National Advocacy Center in Columbia, South Carolina.

**Response:** In July 2010, EOUSA launched the NICTI to ensure that Department 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. Training is provided via residential classes, webinars, written products, and the production of training videos. From 2020 to 2023, the NICTI offered over 70 training modules. The NICTI will continue to find ways to increase the provision of quality training using multiple training mechanisms, including in-person and virtual training.

**Commission Recommendation G2:** One set of courses should be centered on continuing education for Tribal court practitioners much the way the DOJ provides ongoing training for

career Federal prosecutors and the Federal Judicial Center (FJC) provides for Federal and magistrate judges. We also recommend an orientation class for newly minted Tribal prosecutors and judges much the way DOJ provides for Federal prosecutors and the FJC for judges.

**Response:** NICTI provides training to Tribal court practitioners comparable to the training provided to federal prosecutors. For example, NICTI hosts skill building training that allows Tribal prosecutors to participate in mock courtroom exercises. These trainings allow Tribal prosecutors to get feedback and suggestions for improvement from experienced Tribal and federal prosecutors and judges. Examples of such courses include Indian Country Criminal Trial Advocacy (March 4-8, 2024) and Sexual Assault Nurse Examiner Expert Witness (April 29-May 2, 2024), which are scheduled for early 2024. For the last several years, Tribal prosecutors and the Tribal Special Assistant United States Attorney (SAUSA) have been invited to attend some of the same classes as those offered to federal prosecutors. Examples include Federal Criminal and Grand Jury Practice, Federal Sentencing Guidelines Seminar, and Discovery Boot Camp for New Prosecutors. In addition to receiving free training alongside their federal counterparts, Tribal prosecutors and SAUSAs, like other attendees, typically receive Continuing Legal Education (CLE) credit for these courses.

BIA Tribal Justice Support (TJS) provides training to judges and other court personnel, through virtual roundtables, and on-site technical assistance by providing opportunities for tribal judges to mentor their fellow judges, and finally by providing funding for Tribes to conduct peer-to-peer training sessions specifically for judges.

**Commission Recommendation G3:** We recognize the best practice for facilitating this training may be to provide it on site in Tribal communities led by traveling SMEs culled from federal and Tribal ranks. If this is indeed deemed the more advisable practice, we encourage its immediate initiation. On-site training will also increase exponentially the learning, listening, partnership building, and relationship developing opportunities that go hand-in-hand with face-to-face engagement in Tribal communities. Open lines of communication, recognizing inherent Native cultural, and practical knowledge and lived experience are indispensable to building, maintaining, and perfecting collaborative relationships.

**Response:** NICTI is housed at the National Advocacy Center (NAC) in Columbia, South Carolina, where residential training is provided. Importantly, DOJ pays for all travel-related expenses for NICTI residential course attendees, including personnel from Tribal communities. The NICTI Coordinator provides training for USAOs, federal agencies (including BIA), Tribes, Tribal coalitions, and Tribal training and technical assistance providers. NICTI coordinator-facilitated

training for these agencies or entities is typically provided in a Tribal community and, when funding permits, NICTI hosts training in Indian Country. NICTI will explore opportunities to partner with USAOs to hold future training in or near Tribal communities.

**Commission Recommendation G4:** Along these same lines, we recognize the indisputable value of cultural competency and encourage non-Tribal professionals to undertake efforts to increase their own proficiency in Native history, culture, practices, and more.

**Response:** DOJ agrees that it should encourage cultural competency amongst its employees working on AI/AN matters. For example, in 2022, DOJ released the updated [Attorney General Guidelines for Victim and Witness Assistance](#). For the first time, these guidelines include a section specifically dedicated to working with AI/AN communities. The Attorney General Guidelines direct DOJ personnel to use a victim-centered, trauma-informed, and culturally sensitive approach during the investigation and prosecution of crimes committed in Indian Country. They encourage DOJ personnel to participate in Tribal community and cultural events to establish trust and rapport with a Tribe and its members. The guidelines also state that DOJ personnel should build collaborative partnerships between federal, Tribal, state, and local law enforcement to foster information sharing.

In addition, the Deputy Attorney General's July 13, 2022, [memorandum](#) states that "it is critical that federal prosecutors and law enforcement officers in Indian Country remain familiar with the history, culture, and unique needs of the Tribal communities they serve." The memorandum directed DOJ's NICTI to develop and provide, on at least an annual basis, cultural competency training regarding investigations and prosecutions in Indian Country and to include training on the new and revised provisions of the Attorney General Guidelines related to AI/AN victims. This training, which is currently in development, is mandatory for federal prosecutors and law enforcement officers who handle cases in Indian Country.

Similarly, the BIA TJS, provides on-site training for all tribal court personnel on individual subject matter issues, such as trial court practices and working to properly prosecute and defend cases. EO 14053 report recommends that these types of trainings take place at a local level as it benefits the courts to have relevant Tribal court issues presented in a tribal court setting.

**Commission Recommendation G5:** DOJ must fund training and technical assistance, including the development of a best practices guide to explain the need for increased access to records and provide guidance and technical assistance about how to draft state and Tribal public records laws, victims' rights codes, policies, and practices to increase access to records.

**Response:** DOJ BJA's website, [Walking on Common Ground](#), supports court based intergovernmental collaboration (IGC) agreements between Tribes and states and can support technical assistance related development of Tribal codes and IGC agreements to increase access to records. OJP/BJA will explore whether this need should be addressed under the Tribal Action Program.

**Commission Recommendation G6:** Jurisdiction issues are sometimes used as a reason to not take action. A new model of training should be instituted such as the model developed by the Pasqua Yaqui Tribe in AZ. The training should also include a visual and/or chart that provides visual of various jurisdictions and how to navigate each jurisdictional issue (for example, Attorney General Alfred Urbina, Pascua Yaqui Tribe, developed a model to help to train other Tribes and Tribal support offices, in a peer-to-peer learning environment). Conduct culturally appropriate collaborative training among Tribes, supported by BIA.

**Response:** The NICTI Coordinator has contacted Attorney General Urbina to learn about their model and explore whether it can be leveraged in NICTI training. BIA TJS funded the jurisdictional, child welfare, and Tribal court personnel trainings at Pascua Yaqui. These training agendas are created by the Tribe based on their expertise, with discussions with BIA TJS on overall issues relevant to Tribal justice systems in general. BIA TJS will fund Tribes to attend these trainings as well as provide the funding for the trainings. BIA TJS has worked with Pascua Yaqui on international border jurisdictional issues and has funded Pascua Yaqui in their endeavor to work across international borders. Further, BIA TJS is willing to work collaboratively with DOJ to further expand opportunities for Tribes and other interested parties to attend these trainings.

**Commission Recommendation G7:** Agencies/departments must develop policies and programs to address compassion fatigue among their staff. When professionals are too stressed or burned out, their performance will impact how well they are able to do their jobs and whether families receive effective outcomes.

**Response:** It takes courage to help child and adult victims of sexual abuse, assist survivors of acts of terrorism and mass violence, and respond to shootings and other crimes. It takes commitment to do this work despite the personal, physical, emotional, and mental impact it can have. DOJ recognizes that the efforts of our law enforcement investigators, correctional officers, line prosecutors, and support personnel to safeguard the American public can impact those officials' physical and mental health in significant ways. DOJ believes that through intentional practices focused on resilience and healing the negative impact can be mitigated and staff can remain engaged and productive in their roles.

On May 25, 2022, as part of the Administration's efforts to advance accountable policing and public safety, President Biden issued Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety, which directed DOJ along with HHS to develop and publish a report on best practices to address law enforcement officer wellness, including support for officers experiencing substance use disorders, mental health issues, or trauma related symptoms. In doing so, the President publicly recognized the importance of the psychological health and well-being of law enforcement agency personnel, and their significance to public safety. Pursuant to the Executive Order, in May 2023, DOJ issued a [report](#) on best practices to address law enforcement officer wellness. The report found that prioritizing workplace strategies and practices that foster a culture of wellness within a law enforcement agency and among the workforce can help prevent, reduce, and mitigate the effects of stress and exposure to trauma. Because research demonstrates that law enforcement occupations can contribute to diminished psychological health and well-being that can have negative effects on personnel (and their families) and public safety, the report highlights specific stressors, occupational factors, and barriers that are known to contribute to negative mental, physical, and behavioral health outcomes among law enforcement agency personnel and strategies to address them. Additionally, in September 2023, DOJ released [recommendations](#) regarding the prevention of death by suicide of law enforcement officers. These recommendations emphasized the importance of the psychological health and well-being of law enforcement officers in achieving the goals of accountable policing and public safety and addressed the occupational factors such as chronic stress, fatigue, compassion fatigue, burnout, and depression that can lead to negative physical, mental, interpersonal, and behavioral outcomes.

To support all trauma exposed professionals, including DOJ personnel, DOJ's OJP/OVC developed the *Vicarious Trauma Toolkit* (VTT) premised on the belief that exposure to the traumatic experiences of other people—known as vicarious trauma—is an inevitable occupational challenge for the fields of victim services, emergency medical services, fire services, law enforcement, and other allied professional services. The VTT is intended to

mitigate the potentially negative effects of trauma exposure by helping the individuals in these roles to become vicarious trauma informed. OJP/OVC also has a pilot program in place to provide support for staff experiencing secondary trauma and/or compassion fatigue from their work with OJP/OVC grantees including grantees serving Tribal communities and AI/AN victims. Through this program, OJP/OVC staff may sign up for sessions intended to be a safe space to explore their personal responses and reactions to the work in a confidential and private setting. These sessions are not designed to take the place of individual therapy or address ongoing serious or persistent mental illness, but rather the focus is on the impact of these individuals' work. The OJP/OVC staff member will be able to process experiences and reactions, receive individualized psychoeducation, as well as identify coping mechanisms to help them navigate this difficult time. OJP/OVC will evaluate the outcomes of the pilot to determine if the pilot should be expanded and assess whether there are other approaches OJP/OVC can take to support staff working with Tribes.

The [Law Enforcement Mental Health and Wellness Act](#) of 2017 was signed into law in January 2018, recognizing that law enforcement agencies need and deserve support in their ongoing efforts to protect the mental health and well-being of their employees. Good mental and psychological health is just as essential as good physical health for law enforcement officers to be effective in keeping our country and our communities safe from crime and violence. The health and safety of all law enforcement officers, including their mental health and wellness, are important priorities of DOJ. In 2011, the COPS Office and OJP/BJA formed the national Officer Safety and Wellness (OSW) Group to bring attention to the safety and wellness needs of law enforcement officers. The OSW Group convenes regularly and brings together law enforcement practitioners, researchers, and subject matter experts to help amplify new and existing efforts to improve officer safety and wellness in the field. OJP/BJA also operates the Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative, which is a collection of programs providing training, research, partnerships, and other resources to benefit law enforcement officers' short- and long-term safety, wellness, and resilience.

DOJ also maintains several programs aimed at addressing the mental health needs of its employees. For example, the FBI provides wellness and resiliency resources to employees. Additionally, the Employee Assistance Program (EAP) has experienced counselors that provide professional and confidential short-term counseling, information, support groups, management consultations, referrals, and many more services to DOJ employees and their families. Counselors are located in Washington, D.C. and throughout the United States. Communication between the EAP and an employee is confidential, and this understanding is the backbone of



the EAP. Participation in the EAP will not, in and of itself, jeopardize an employee's job security or promotional opportunities.

**COMMISSION FINDING H:** Victims and family members are rarely receiving trauma informed care from any of the system actors they encounter, regardless of the jurisdiction. They are routinely re-traumatized by the justice and health systems. Systems-based and community-based victim advocates are critically important to support victims and families as they navigate the justice system. They can help begin to address the historic mistrust of LE that exists for many AI/AN people. Too few agencies have systems-based advocates and there is also a need for more community-based advocates.

**Commission Recommendation H1:** All relevant LEAs and other justice system actors must recognize and adhere to families' rights. OVC should develop and conduct training for justice system actors on the rights of family members in homicide cases.

**Response:** OJP/OVC currently provides both customized and online training on victims' rights to attorneys and to crime victim advocates through its OJP/OVC Training and Technical Assistance Center (TTAC).

**Commission Recommendation H3:** There exists an unacceptable lack of communication among agencies, providers, and advocates. In equitable partnership with Tribes and MMIP and HT survivors, DOI and DOJ must collaboratively create a process that is centered around survivors, families, and people who are directly impacted by violence to provide information, updates, timelines, etc. to all involved, especially to families. Prosecutors and victim advocates must meet with families on an ongoing basis; provide families with a flow chart that shows process of what victim advocates and other supports are doing within the investigation; and maintain ongoing interagency communication so agencies are keeping each other informed.

**Response:** Crime victims and their families are best served when there is communication among all the federal, state, Tribal, and community organizations that are part of the response and when there is clear and supportive communication between responders and families and victims. Establishing protocols for cooperation and communication may require resources: for example, funds to support coordination efforts, reliable broadband/wireless communications, and staff time. Through OJP/OVC's TVSSA, Tribes determine what services to provide in their communities. Tribes may use TVSSA funds to establish communication policies and protocols

for local agencies working with crime victims. Also, as noted in a response to an earlier recommendation, DOJ has charged USAOs with establishing clear protocols for how they will work with relevant federal, Tribal, state, and local law enforcement partners to efficiently respond to crime in Indian Country. See [Memorandum on Promoting Public Safety in Indian Country from the Deputy Attorney General \(DAG\) to Director, ATF, et al. \(July 13, 2022\)](#). All USAOs with Indian Country responsibilities updated their operational plans in November 2022, and will continue to do so annually after consultation with Tribal partners.

In addition, on October 10, 2020, Savanna’s Act was signed into law to improve the federal government’s response to missing or murdered AI/AN. As discussed in additional detail in the response to Recommendation A2, all USAOs with Indian Country responsibilities have had these required guidelines in place since spring 2022, and they will continue to work with Tribes and law enforcement agencies working in Indian Country to ensure the guidelines are being followed.

The DOJ also established the National Native American Outreach Services Liaison (OSL) in 2022, to address some of the same concerns expressed in the recommendation. The OSL serves as DOJ’s point of contact for families that have questions regarding criminal cases where the federal government has jurisdiction. Further, the OSL will assist DOJ in developing effective, consistent, and culturally and linguistically appropriate communication with families of victims and their advocates. The OSL’s contact information is available to the public on [DOJ’s website](#).

**COMMISSION FINDING I: The Federal government prioritizes the relationship with Tribes over the Tribal members experiencing MMIP loss. Family members are advocating for justice and systematic change often without the assistance of their Tribes. Family members and survivors should be empowered and supported to continue their justice efforts.**

**Commission Recommendation I1:** Within 90 days, BIA and the FBI must review existing policies and practices to make sure that family members and victims are easily able to access police reports, understanding that some information may be redacted in a released report. Federal LEAs must also develop guidelines to ensure that the process for requesting police reports, autopsy reports, and other similar records is clearly communicated to victims and families in writing. State, local, and Tribal LE should similarly prioritize making these types of records more easily accessible to victims and surviving family members.

**Response:** Both the BIA and the FBI intend to always be sensitive to the needs of a victim's family. The bureaus are also aware that many circumstances may prohibit the release of available documentation in a case, especially during an ongoing investigation. As it relates to FBI materials, existing policies and procedures for the release of information are governed by Freedom of Information Act laws and the FBI complies within the confines of those laws. As it relates to police reports, autopsy reports and other locally held documents, the FBI must defer to the organization maintaining those records. The same is true for the BIA.

**COMMISSION FINDING J: Enormous stress is imposed on families by lengthy delays in obtaining autopsy reports and findings. Families are often kept waiting, not knowing if the person identified is their family member or not knowing the cause and circumstances of death nor how the body of their family member was handled. While recognizing the sensitive nature of autopsies, families desire to have access to this critical information. Families are often traumatized by how their deceased relative's remains and possessions are handled and returned. There is little respect for cultural practices in these processes. Tribal community cemeteries in many places have filled past capacity and require planned expansions. Family members have to maintain and often prepare gravesites. Family members and victims who shared their stories with the Commission repeatedly expressed their anger and frustration at being unable to access police reports generated by federal or Tribal entities and autopsy reports. They also described their pain when their loved one's body or possessions were not handled with respect. This is something that must be addressed. A core objective of Executive Order 14053 was to identify and "encourage culturally and linguistically appropriate, trauma-informed, and victim-centered service delivery to Native Americans." Many of the recommendations in this section address how this principle applies regarding the treatment and handling of human remains. Recommendations should be addressed no later than 18 months from the date of Report publication.**

**Commission Recommendation J1:** The Commission recognizes the sensitive nature of autopsies for criminal investigations, and at the same time, families desire to have access to this critical report. At the point in time when federal LE authorities, and where possible, state authorities, determine that a criminal investigation will be discontinued in connection with the death of the deceased, the surviving family must have access to the autopsy report.

**Response:** DOJ seeks to provide culturally and linguistically appropriate, trauma-informed, and victim-centered services to family members. As DOJ continues to refine its communication

protocols on releasing information to family members once a criminal investigation is discontinued, DOJ will explore what information may be disclosed and what assistance may be provided to family members to ensure access to information. It is important to note that while DOJ provides support for forensic activities and forensic pathology practitioners, it does not have authority to compel law enforcement authorities to provide autopsy reports to families. Although DOJ may be unable to directly release an autopsy report to family members, DOJ, through assigned law enforcement, prosecutors, and victim witness coordinators, will coordinate with medical examiners and coroners to try to ensure that family members have access to and understand the information contained in an autopsy report.

**Commission Recommendation J2:** DOJ/DOI must develop an identification report to be made available to the families of homicide victims, which would include descriptions of height, weight, & clothing, summary of manner of death. The identification report must be accessible to family members when no criminal investigation will take place within 30 days, otherwise within 60 days.

**Response:** DOJ and BIA seek to provide culturally and linguistically appropriate, trauma-informed, and victim-centered service to family members. Although an identification report is not a standardized report utilized by law enforcement, both agencies will examine their communication protocols to ensure that family members are notified in a timely manner of the circumstances surrounding the victim’s death. It is important to reiterate that while DOJ provides support for forensic activities and forensic pathology practitioners it does not have authority to compel coroners, medical examiners, or law enforcement agencies to provide autopsy reports to families.

**Commission Recommendation J3:** OVC and BIA must develop and provide resources to assist families with interpretation of autopsy results. This should include identifying pathologists willing to explain autopsy reports, findings, forensic evidence, and processes. Receiving a second, independent review of the autopsy report and explanation would be welcomed by family members.

**Response:** OJP/OVC will include this topic for discussion in a listening session in 2024 to gather input from Tribes about what kinds of assistance options would be useful to support families in understanding autopsy reports. In addition, OJP/OVC will consult with the OJP/Centers for Disease Control and Prevention (CDC) Medicolegal Death Investigation Federal Interagency

Working Group to explore what existing federal resources may be available to support families with the interpretation of autopsy results or information relevant to an independent review.

While OJP/OVC does not currently offer such services, there are resources available through non-federal sources that might benefit the families of homicide victims. For example, according to the National Organization of Parents of Murdered Children's Second Opinion Services (S.O.S.), it offers [technical guidance for survivors of homicide](#) when a criminal investigation is unsolved or has grown cold. A group of independent S.O.S. volunteers, including medical, law enforcement, and investigation subject matter experts, can review a case, consult with additional experts as needed, and offer information, answers, and guidance to survivors of homicide who are struggling to understand what happened to their loved ones.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation J5:** Legislation must also mandate respectful return of human remains from autopsy (and as ashes) and person's belongings. Policies should require that bodies be transported and delivered with appropriate covering to the Tribal community. Families must also have access to their deceased relative's personal items if the items are not determined to be needed in the investigation process. All relevant LEAs should receive training on the identification report and the importance of communicating this information to family members.

**Response:** As noted in responses to Recommendations J1 and J2, above, the Departments are committed to providing culturally and linguistically appropriate, trauma-informed, and victim-centered service to family members and providing training on doing so to federal, state, Tribal, and local partners. Please see responses to Recommendations J1 and J2 for additional information.

**Commission Recommendation J6:** DOI and DOJ must provide for inclusive eligibility for MMIP family resources. Deaths that are classified as exposure, suicide, accidental, self-defense, undetermined etc. – anything other than homicide but considered suspicious by family and are recognized as falling under the MMIP crisis should be eligible to receive resources recommended in this report.

**Response:** In FY 2022, OJP/OVC clarified allowable uses of TVSSA grant funds for MMIP activities: Tribes can use TVSSA grants to support many expenses related to MMIP cases, including “when an individual is feared by family members or loved ones to be missing as a result of any form of criminal victimization.” There is a [fact sheet posted on OJP/OVC's website](#) that describes these allowable expenses and the circumstances in which they can be used. For example, TVSSA grantees may use their funding to support the following activities related to missing persons:

- Provide financial assistance and support to the families of missing persons.
- Conduct outreach events and other activities to educate the community about MMIP issues.
- Produce billboards, flyers, placards, etc. to generate awareness about individual missing person’s cases, and, in limited circumstances, support costs incidental to a private search.
- Work with a multidisciplinary, interjurisdictional group of Tribal, federal, and state and local stakeholders to create MMIP response protocols.

**Commission Recommendation J7:** Tribes and homicide survivors should be informed of their right to an independent forensic medical examination upon declination and/or to obtain a second opinion after an examination has been performed.

**Response:** The [Attorney General Guidelines for Victim and Witness Assistance](#) provide guidance to DOJ personnel to ensure that crime victims are afforded their rights pursuant to the Crime Victims’ Rights Act, 18 U.S.C. § 3771, and the Victims’ Rights and Restitution Act, 34 U.S.C. § 20141. For the first time, the 2022 Attorney General Guidelines provide information specific to working with AI/AN communities. Covered DOJ personnel have received mandatory training on the Attorney General Guidelines.

While victim advocates or law enforcement personnel may discuss an independent forensic medical examination or a second opinion with Tribes or family members if the issue arises, there is no legal right to an independent forensic medical examination or a second opinion. That said, victim advocates may maintain a list of resources for victims and victims’ families.

**Commission Recommendation J8:** Costs of an independent autopsy should be reimbursable by victim compensation funds and compensable through restitution in criminal and civil cases.

**Response:** DOJ's OJP/OVC administers the Crime Victims Fund and distributes Victims of Crime Act (VOCA) Victim Assistance and Compensation funds pursuant to a statutory formula to states and territories. The VOCA Victim Compensation program supplements state funding to offer eligible applicants reimbursement for certain expenses incurred as a result of the underlying criminal act. Because compensation programs are state-managed and operated programs, OJP/OVC has limited ability to require state administrators to engage in specific activities. As discussed further below, while OJP/OVC may not have the authority to compel states and territories to execute as specifically provided in this recommendation, OJP/OVC is taking action to address feedback OJP/OVC has received from the field that aligns with the objectives of this recommendation.

Since 2022, OJP/OVC has engaged in numerous discussion sessions regarding the current federal compensation program and the VOCA Compensation Guidelines, which provide the federal parameters for managing compensation programs. These efforts included four different discussions with survivors, advocates, and others who identify as and/or work with AI/AN survivors, including an in-person discussion at the 2022 Indian Nations Conference to solicit feedback about the challenges that AI/AN survivors experience when trying to access compensation. As a result of those discussions, OJP/OVC has proposed programmatic enhancements that will encourage states and territories to collaborate with federally recognized Tribes and make application processes more accessible.

Currently, DOJ is in the process of revising the 2001 Compensation Guidelines and expects that the new compensation rule will include language that addresses the intent of this recommendation.

In the draft VOCA Victim Compensation rule, OJP/OVC has proposed that states and territories with one or more federally recognized AI/AN Tribe must have a written policy regarding how the state/territory will engage with AI/AN Tribal members for the purposes of compensation. The policy must include a plan for conducting outreach efforts to inform Tribal communities about compensation and provide compensation for culturally appropriate expenses and services.

In the draft rule, OJP/OVC proposes to clarify that states/territories have flexibility to address victim expenses more comprehensively such as allowing reimbursement for healing practices that may include culturally appropriate practices, including AI/AN healing practices.

Under the draft rule and supplemental support from OJP/OVC, OJP/OVC proposes to ease and streamline the application process for compensation by removing any notary requirements; making applications publicly accessible on the state's website; and educating local service providers about the compensation application process.

**Commission Recommendation J9:** DOI/DOJ must support creation of MMIP memorials in Tribal communities. Congress should pass legislation creating a national memorial for MMIP.

**Response:** Through the TVSSA, Tribes determine what services to provide in their communities. Tribes may use TVSSA funds to establish community-focused resources to commemorate victims and survivors. The Departments defer to Congress on the recommendation regarding establishment of a national memorial.



## Chapter 5: Victim and Family Resources and Services

### Subcommittee 5 Charge and Priority Areas

The following is an excerpt from the final report describing the work of Subcommittee 5:

The charge of this Subcommittee was to address the critical need for MMIP and HT victim and family resources and services. The overriding purpose of this section is to address the lack of victim resources for AI/AN in urban areas and on Tribal lands and create new avenues for families to access case information for missing family members.

Given this broad charge, Subcommittee 5 chose to address their priority areas in each of the Commission findings individually, as listed below:

**COMMISSION FINDING A:** There has been a historical lack of services for AI/AN victims and families of MMIP and HT that are Native-led, culturally specific, and trauma-informed. Often there are barrier to accessing the services that are available, such as distance, conditions for care, and racist or biased care environments. In extremely rural areas, such as Alaska and Montana, AI/AN victims and families of MMIP and HT face additional barriers to access to due the vast and remote territories to navigate and lack of basic infrastructure. Urban areas bear the burden of providing culturally-relevant resources to an extremely diverse population: 70 % of AI/AN people live in urban areas. Further, the system actors with whom urban Indian organizations interact are less likely to have any training or competence in providing culturally relevant services.

This further exacerbates the trauma experienced within AI/AN communities. The needs of MMIP and HT survivors and their families are diverse and complex which means there must be access to multiple pathways of healing, services, and care. Additionally, immediate and extended families of persons who are missing / murdered/trafficked may need emotional, spiritual, mental health support and advocacy following the victimization of a loved one.

**Commission Recommendation A1:** To build holistic and wrap-around services, Tribal communities require federal funding that is noncompetitive, unrestricted and flexible for emergency and ongoing supportive, wrap around services that MMIP and HT survivors and families need. Every federal agency funding MMIP and HT programming must adopt this model.

**Response:** While the scope and purpose of many U.S. Department of Justice (DOJ) grants either require or are best carried out using competitive funding mechanisms, DOJ has taken this and

similar feedback into account as the Department works to improve access to and administration of funding, training, and technical assistance. There are several areas in which funding for missing or murdered Indigenous persons (MMIP), human trafficking (HT), and other Tribal programs have been adjusted to ease accessibility and flexibility. For instance, in FY 2020, the Office of Justice Programs/Office for Victims of Crime (OJP/OVC) implemented a formula for disbursing Tribal Set-Aside funds in response to past Tribal consultations, Federal Advisory Committee hearings, and listening sessions where Tribal leaders expressed a strong preference that the Tribal Set-Aside funding from the Crime Victims Fund be distributed using a formula, rather than as a competitive program.

In addition, the majority of OJP/Office of Juvenile Justice and Delinquency Prevention (OJJDP) funding comes designated by Congress for specific activities, which also carries restrictions on the ability of the agency to be flexible, as requested. Funds provided via the Coordinated Tribal Assistance Solicitation, Purpose Area 9 (CTAS PA 9) (Tribal Youth Program) can be used for this activity, but these are competitive funds. OJP/OJJDP does not have access to noncompetitive funds beyond our formula grant program for states and territories.

The Office on Violence Against Women (OVW) provides several funding opportunities that address domestic violence, dating violence, sexual assault, sex trafficking, and stalking against American Indian/Alaska Native (AI/AN) women, including at the intersection between these crimes and MMIP issues. OVW's Tribal Governments Program (TGP) allows Tribes to use grant funds to provide services to survivors of domestic violence, dating violence, sexual assault, stalking, and sex trafficking, with the discretion to build and implement programs that best suit their communities and service needs. In their progress reports to OVW, these grantees have reported the significant need for these services, including services addressing stalking and strangulation, both of which can lead to murder. OVW issued a framing paper in preparation for its annual Tribal consultation in 2023 to address Tribal requests for noncompetitive funding and has made adjustments to OVW's Tribal-specific grant programs to make the application process easier and less competitive, including noncompetitive supplemental funding so that grantees can count on five years of funding instead of three.

DOJ had an in-depth discussion about its public safety funding with its Tribal Nations Leadership Council in October 2023, and the Council provided similar feedback. As a result of those discussions, feedback from the Commission, and other feedback from Tribal leaders directly to the Attorney General and Associate Attorney General, the Associate Attorney General formed a working group to review current funding authorities and policies to identify further improvements DOJ can make to the way it provides public safety funding, including evaluating other funding models, such as the compacting model for health-care services in Alaska.

As noted in Chapter 4, Response F7, the Bureau of Indian Affairs (BIA) administers the Tiwahe Program, a pilot program that provides significant base funding to 10 demonstration sites, supporting 65 Tribes, to develop and implement Tribally led, culturally and traditionally based, holistic wrap-around services to Tribal communities. A primary feature of this funding is that it remains flexible in its use, so Tribes can determine how best to utilize the funding in their own communities to support individuals and families' cultural needs. The FY 2023 budget for the Tiwahe Program was approximately \$44.5 million. In FY 2024, BIA requested an additional \$33.5 million to support the expansion of the demonstration to an additional 10 sites, as well as to provide for increases to eligible Tribal Indian Child Welfare Act (ICWA) and social services programs. BIA has routinely sought additional funding from Congress in recent years to support continued expansion of the program.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A2:** Services should be provided through an integrated care model utilizing a public health and safety approach, and include Native-led, culturally specific practices and care. Baseline funding to implement, strengthen, and seek TTA to provide continuum of care models for survivors and families of MMIP and HT, such as, First Nations Mental Wellness Continuum Framework, must be provided to AI/AN Tribal nations, Indigenous-led Community Based Organizations (CBO) and urban Indigenous organizations.

**Response:** The programs and services designed by Tribes in the BIA Tiwahe Program adhere to a Tribally created outcomes framework, which is rooted in culture and tradition, like the [First Nations Mental Wellness Continuum Framework](#). The Tiwahe outcomes framework is an Indigenous approach to thinking about well-being within a system, with the well-being of individuals, communities, Tribes, and the natural environment working in an interlinked and interdependent way that can be used by other federal agencies, Tribal Nations, Indigenous-led community-based organizations, and urban Indigenous organizations.

Although only Congress can provide base funding for these needs, DOJ offers programs and grant funding to assist where possible. Through OVC's Tribal Victim Services Set-Aside Formula Grant Program (TVSSA) and other OJP/OVC funding opportunities, OJP/OVC provides funding to support comprehensive, culturally appropriate, trauma-informed, victim-sensitive services to both urban AI/AN crime victims and to those living in Tribal communities. As established in the

statute, only Tribes, or their designees, are eligible for TVSSA awards, and Tribes determine which services to fund under that program.

Pursuant to statute, only Tribes and Tribal organizations (or in some cases their designees) are eligible for OVW's Tribal-specific grant funding, which can be used to address the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking with MMIP issues. Urban Indian organizations are eligible for funding under other OVW grant programs, including those supporting culturally specific services for survivors of domestic violence, dating violence, sexual assault, and stalking. The allowable uses of these grant funds vary by program, but OVW provides as much flexibility as possible, within the confines of program statutes, to allow funds to be used to provide comprehensive, culturally appropriate services to survivors.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A3:** Services should be available to families and survivors as long they are needed, provided on the basis of family/survivor disclosure and not on the basis of case investigation status, be made available both in-person and through tele-health options, and be culturally relevant. Assistance in accessing services (e.g., technology and transportation) must be included in this programming.

**Response:** OJP/OVC encourages Tribes to consider providing transportation and tele-health services to meet community needs under the TVSSA and other OJP/OVC funding opportunities.

For BIA's response, please see the Tiwahe Program details provided above under Recommendation A2.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A4:** Financial support for families must be available for both searching costs and costs of replacing lost income. Searches are expensive, and families may devote all their available financial resources to flyers, billboards, and costs of living for children or others left behind. This may leave other needs to be met including (but not limited to) food, medicine, transportation, housing (including, the original residence and housing where the search effort takes them), childcare, clothing, and household supplies. There must be financial

and logistical resources available to family members including elders who raise children who are victims of MMIP and HT. Support required is more than standard foster care support and must meet other special needs for example (but not limited to) medical and dental care and behavioral health services.

**Response:** Tribes can use TVSSA grants to support many expenses related to MMIP cases. A [fact sheet posted on](#) posted on OJP/OVC’s website describes these allowable expenses and the circumstances in which they can be used. For example, TVSSA grantees may use their funding to support the following activities related to missing persons:

- Provide financial assistance and support to the families of missing persons.
- Conduct outreach events and other activities to educate the community about MMIP issues.
- Produce billboards, flyers, placards, etc., to generate awareness about individual missing person’s cases and, in limited circumstances, support costs incidental to a private search.
- Work with a multidisciplinary, interjurisdictional group of Tribal, federal, and state and local stakeholders to create MMIP response protocols.

Additionally, DOI provides Tribes with flexible federal funding for culturally appropriate community services via the Tiwahe Program. Through BIA’s Tiwahe Program, nearly 400 Tribes received an increase to their Tribal ICWA and social services programs (see funding details in the Tiwahe Congressional Report, appendix 8). Similarly, BIA also recently hired a national coordinator to provide technical assistance to the regions, agencies, and Tribes on how this funding can further support Tribal programs.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A5:** There must be federally funded training and technical assistance for advocates to coach families and communities on how to use the media, including social media, to publicize both cases that would benefit from public engagement, attention and also instances of system failures which have harmed families and communities.

**Response:** OJP/OVC will include these topics in a listening session in 2024 to gather input from Tribes about what kinds of media/social media coaching would be most useful to support

families and communities. OJP/OJJDP funds both the National Center for Missing and Exploited Children (NCMEC) and the Amber Alert in Indian Country Programs that have TTA and other resources available to assist in media outreach efforts for families.

**COMMISSION FINDING B: There is an alarming deficiency in available transitional, long-term, and emergency housing and safe shelter/s for MMIP families and AI/AN trafficking survivor. In order to access pathways to healing and growth, MMIP families and AI/AN trafficking survivors must first have access to safe, sustainable housing.**

**Commission Recommendation B2:** The Commission supports the following recommendations in the National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender- Based Violence: Lessons Learned.

- Fully fund Indian Housing Block Grants at least to the levels recommended in HUD Office of Native American Programs (ONAP) 2017 report; in 2023 dollars.
- Fund research on ways that states, and territories creatively use and layer Victims of Crime Act funding to support housing stability for gender-based violence survivors.
- Support and fund training and technical assistance efforts to educate service providers, Tribal governments, Tribal HUD authorities, and other stakeholders on domestic violence and other forms of gender-based violence.
- Increase Tribal Family Violence and Prevention Services Act (FVPSA) funding and statutorily include funding for Alaska Native Womens' Resource Center (AKNWRC), the StrongHearts Native Helpline, and for Tribal coalitions who provide lifesaving services to gender-based violence survivors in Tribal communities. These statutorily created organizations either do not have their own funding allocation or are completely shut out (in the instance of Tribal coalitions) from accessing lifesaving FVPSA dollars.

**Response:** This recommendation is largely directed to the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS), and to the Departments that defer to those agencies, accordingly. DOJ does, however, administer grant funding to help meet the housing needs of survivors of gender-based violence. OVW's Tribal Governments Program (TGP) allows grant funds to be used for transitional housing assistance, including related support services, to victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking. Many of these grantees use their grant funds for this purpose. OVW also has a Transitional Housing Program (the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program),

for which Tribes and Tribal organizations (among others) are eligible applicants. And while OJP/OVC is not statutorily authorized to fund research on housing, or on any other topic, its Tribal Victim Services Set-Aside grants can be and are used by Tribes to support short- and medium-term housing stability for crime victims.

With regard to training and technical assistance, OVW and OJP/OVC are part of an [interagency consortium](#) focused on collaboration between housing service providers and victim services providers to ensure all stakeholders are educated on responding appropriately to the housing needs of survivors. The consortium involves several technical assistance partners, including the [STTARS Indigenous Safe Housing Center](#) run by the National Indigenous Women’s Resource Center, which produced the report cited in this recommendation.

Finally, the OJP/Bureau of Justice Assistance CTAS Purpose Area 4 supports a limited number of awards each year to support renovation or expansion, prefabricated or permanent modular buildings, and associated costs for Tribal criminal justice purposes, including transitional living facilities (halfway houses).

**Commission Recommendation B3:** All federally funded programs serving MMIP families and AI/AN survivors of trafficking must seek and use community-based feedback and culturally relevant program evaluation to inform services. The information collected should be implemented within 3 years to make program improvements, and further evaluation should continue on a rolling basis.

**Response:** DOJ appreciates the Commission’s recommendation and will explore how community-based feedback and culturally relevant program evaluation can be used to inform services. OJP/OVC will include this topic in a listening session in 2024 to gather input from Tribes about how community feedback can be gathered and used to inform DOJ programming. OVW consults annually on the administration of Tribal programs under the Violence Against Women Act and uses feedback from Tribal leaders or their designees to make program improvements. To obtain further community feedback, OVW will participate in the OJP/OVC listening session and prepare a framing paper for its 2024 Tribal Consultation on supporting grantees in obtaining this type of feedback on their grant-funded projects.

The BIA Tiwahe Program can be used as a model for federally funded programs that this recommendation is referring to. The Tiwahe Program is led by the Tribal demonstration sites with support from BIA. The demonstration sites individually determine how the funding will be used to support Tribal well-being, ensuring that the voices of their Tribal community are heard and incorporated into the Tiwahe Plan. The Tiwahe Plan outlines the Tribe’s needs, priorities,

programmatic goals, and outcomes. The Tiwahe Program was [evaluated in 2020](#), and further evaluations are forthcoming.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING C: Legal support services are needed for victims, survivors, and families of MMIP and HT. There are a few attorneys who have experience with MMIP and HT, or will take MMIP and HT cases, or take them pro bono, and those who may not be barred in the state where the case is taking place.**

**Commission Recommendation C1:** DOJ must provide grant funding to support MMIP and HT legal aid programming available to families and survivors, regardless of case investigation status. Legal services should include both civil and criminal cases. We ask Congress to direct the DOJ to create a workforce development program to provide incentives for law students in the form of tuition re-imbursement with the condition they must serve a minimum of 5 years providing services to and within Indian country, using a similar model in the model IHS utilizes to recruit clinicians to serve within IHS clinics (IHS Workforce Development programs; and NativeForward Bureau of Indian Education (BIE) STEM career loan-for-service programs). We further ask Congress to direct DOJ to fully fund a Tribal justice workforce development model in which Tribal nations can partner with universities and colleges to develop future lawyers, prosecutors, and judicial staff from within their own communities.

**Response:** As the recommendation recognizes, the creation of a workforce development program of this nature would require Congressional action. However, DOJ does provide grant funding to support legal aid programming. For instance, Tribes can use OJP/OVC TVSSA grants to provide civil legal assistance to survivors and to crime victims' families, if they choose to.

In general, OJP/OVC grant funding cannot be used to provide legal representation to crime victims who are being prosecuted for a criminal offense. However, OJP/OVC's TVSSA program permits grantees to use their funding to offer victims, including human trafficking victims, civil legal assistance in family law cases involving family law matters, as well as cases involving landlord-tenant and employment issues, among other matters. Additionally, grantees who have awards funded under OJP/OVC's Trafficking Victims Protection Act grant programs can use their funds to provide a range of legal remedies for trafficking survivors including legal support with



immigration assistance; repatriation; public benefits law; victims' rights representation; civil legal assistance; and criminal record relief (expungement and vacatur). Historically, OJP/OVC has also directed its discretionary funding to support other programs and initiatives to increase crime victims' access to civil legal assistance.

OJP/OVC's most recent effort to expand victim access to legal advice and representation was the FY 2022 Legal Fellowship Program to Bridge Inequities in Legal Services and Victims' Rights Enforcement for Underserved Communities Program. The grant was awarded to Equal Justice Works, which will use the funds to support 21 attorneys in completing two-year fellowships at nonprofit legal services agencies nationwide. The attorney fellows will expand the capacity of participating agencies to provide civil legal assistance to victims of crime in underserved Black, Indigenous, and Other People of Color (BIPOC) communities. The attorney fellows are assisting victims of crime with victims' rights enforcement as well as supporting them in civil legal matters related to the victimization (e.g., civil protection orders, financial crimes, family law, juvenile justice). In addition, the program will mobilize 21 summer law student fellows who will support the work of attorney fellows and be trained to join the pipeline of victims' rights attorneys. This project has expanded access to civil legal assistance to Indigenous victims of crime. For example, Michigan Indian Legal Services has hired a former Tribal court judge as an attorney fellow and has partnered with Michigan's Tribal domestic violence and sexual assault coalition, Uniting Three Fires, to provide easily accessible, high quality, victim-sensitive, and trauma-informed civil legal services to AI/AN victims of crime. The project plans to expand the number of attorney fellows available to assist Native victims of crime in FY 2024 to include fellows in Montana and Washington State.

OJP/OVC will explore the feasibility of increasing the number of fellowships for attorneys and law students focused on assisting crime victims in Indian Country in FY 2025.

OVW's Tribal Governments Program and Legal Assistance for Victims Program both can be used to provide legal representation to MMIP and HT survivors who are also victims of domestic violence, dating violence, sexual assault, stalking, and, in the case of the Tribal Governments Program, sex trafficking. Legal assistance under the program statutes must be in matters arising out of the victimization and may include a wide range of civil matters, as well as representation of victims' interests in criminal matters. Under an amendment made by the 2022 reauthorization of the Violence Against Women Act, grantees providing legal assistance under any OVW grant program may represent victims in post-conviction relief proceedings in state, local, Tribal, or territorial court with respect to a conviction relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking of the victim.

**COMMISSION FINDING E:** There is a lack of coordination of services to MMIP and HT victims, survivors, and families at the local level. It is often community-based organizations and urban Indian organizations that have extensive experience providing services to MMIP and HT victims and their families, and their presence in the community is often the only thing ensuring that long-term services will be available in the aftermath of an MMIP and HT case.

**Commission Recommendation E1:** Fully fund the creation, training, and sustainability of Healing and Response Teams (HRT) that will be available to all Indigenous-led CBO's, Indian Tribes and urban Indian organizations, including Alaska Native Village Statistical Areas and Indian Tribes located in the State of Maine and not limited by jurisdictional boundaries. HRT will provide victim-centered source of support, advocacy, resource liaison, healing pathways, and systems navigation using an Indigenous integrated care model, in MMIP and HT cases. Funding from DOI, DOJ, and/or HHS must be substantially increased to support Community-based organizations and urban Indian organizations that provide healing, prevention, and responsive services to MMIP and HT victims and their families. Funding must be consistent across jurisdictions but flexible to meet diverse local needs (i.e., Montana and Alaska). Financial support for HRTs in Tribal nations should come from base funding from DOI, DOJ, and/or HHS. Urban Indian organizations should be supported through discretionary grant programs operated by DOI or DOJ. When TCRPs are fully funded, TCRP funding should be expanded to support Healing and Response Teams in Indian Nations.

**Response:** Although base funding for these efforts would require congressional action, DOJ recognizes the value of the multidisciplinary approach to meeting the needs of crime victims and provides resources that can be used for these purposes. Tribes can use OJP/OVC's TVSSA grants to support the work of coordinated community responses, multidisciplinary teams, or any other collaborative response model that a Tribe chooses to adopt. OVW's grant funds, including its Tribal Governments Program, support coordinated community responses to domestic violence, dating violence, sexual assault, and stalking. Funds from the Tribal Governments Program may also be used for community responses to sex trafficking. These forms of gender-based violence are often underlying causes of MMIP, and OVW continues to explore ways to support culturally responsive efforts in Tribal communities to address the intersection of MMIP and gender-based violence in accordance with this and other recommendations of the Commission.

We note that this recommendation also concerns HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation E2:** There must be federal funding for ongoing TTA for HRTs to ensure they are delivering Native-led, culturally appropriate, victim-centered, trauma-informed responses must be provided. HRT’s need to be trained to help families and survivors navigate the systems involved in MMIP and HT cases. Federal funds must be provided to support training determined necessary by the Tribe where the HRT is serving.

**Response:** OJP/OVC provides training and technical assistance (TTA) to support Tribes in designing and implementing victim services programs. Tribes can access OJP/OVC TTA to address training for HRT and system navigators. Although OVW does not have broad MMIP funding, all of OVW’s TTA on improving responses to violence against AI/AN women (often an underlying issue in instances of MMIP) emphasizes Native-led, culturally appropriate, victim- and survivor-centered, and trauma-informed approaches.

**Commission Recommendation E3:** All entities receiving funding to provide services to MMIP and HT families and survivors should be permitted to provide cash assistance as a necessary service.

**Response:** OJP has determined that the Victims of Crime Act prohibits cash payments to victims, including compensation for lost wages. Should Congress change the authorizing language for the TVSSA to permit cash assistance to victims’ families, OJP/OVC would consult with Tribes on the best way to operationalize that policy change. TVSSA funds can be used, however, to provide emergency supplies for victims and their families, such as groceries, clothing, baby supplies, gas, etc.

OVW’s grant funding—although generally limited to situations involving domestic violence, dating violence, sexual assault, stalking, and sex trafficking—also can be used for these types of emergency supplies. In addition, after consultation with Tribal leaders, OVW is working on launching a financial assistance pilot program for survivors of these crimes in Tribal communities.

The BIA Victim Services Program receives a small portion of this funding to provide assistance to victims and families as well, but the same statutory limitations apply and preclude direct payments to Tribes for this purpose.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING F:** There is a lack of funding and resources to support MMIP and HT families to return familial remains or bury the bodies of their loved ones when they are recovered. There must be financial assistance for transportation of family members, transportation of remains and burial costs, carrying out funerary rites, and funeral expenses in MMIP and HT cases.

**Commission Recommendation F1:** The BIA Burial Assistance Program must be expanded, both in terms of financial resources, accessibility of funds, and outreach to families so they know it is available. Expanded funding will include expenses pertaining to traditional burial practices, transporting remains as needed, and costs of providing advocates to families that can assist with transportation of remains and funeral planning. Additional funding will be made available via DOJ grants to urban Indian organizations to disburse to urban MMIP families as needed.

**Response:** The BIA Burial Assistance Payment Standard, set by regulation, is only \$2,500 per burial and has been at this level for over 23 years. BIA will work with the regions and agencies to bring more awareness to families regarding this funding source.

**Commission Recommendation F2:** Financial resources must be available even in cases where there is no clear cause of death or the official cause of death is ruled as undetermined, suicide or accident, but criminal action is suspected by family.

**Response:** The finding underlying this recommendation is about funding and resources for returning familial remains and burial and funeral costs in MMIP and HT cases. Much of the information in the response to Recommendation E3 is relevant here as well. Although proof of criminal activity is not required for victims to receive services under OVW's grant programs, the program statutes do not encompass services for surviving family members if a victim dies. However, Tribes can use OJP/OVC's TVSSA grants to pay for funeral expenses where victim compensation funds are not available as a support to crime victims' families if they choose to. For example, if the remains of a missing person have been identified and the autopsy concludes that the cause of death was homicide or if the cause of death cannot be determined, TVSSA funds can be used for—

- Exhumation, if necessary;
- Transportation of the remains for burial;
- Burial costs; and

- Costs associated with funeral ceremonies.

TVSSA grantees should make reasonable efforts (time permitting) to use other existing resources (e.g., insurance, victim compensation) before using grant funds to cover gaps in services.

**Commission Recommendation F3:** MMIP and HT service providers receiving Federal funding for their services should be permitted to utilize funds to provide cash assistance to MMIP families for funerals and related expenses.

**Response:** While cash assistance is not generally allowable under federal grant programs, Tribes can use OJP/OVC’s TVSSA grants to pay for funeral expenses where victim compensation funds are not available as a support to crime victims’ families if they choose to. For example, if the remains of a missing person have been identified and the autopsy concludes that the cause of death was homicide or if the cause of death cannot be determined, TVSSA funds can be used for the costs enumerated in DOJ’s response to Recommendation F2.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation F4:** State Administering Agencies of Victims of Crime Act Victim Compensation programs must conduct outreach to all federally-recognized Tribes and urban Indian organizations annually to ensure that information about State Victim Compensation programs is available in Tribal communities, and that the application process for Tribal members is accessible.

**Response:** In the draft VOCA Victim Compensation Rule, OJP/OVC has proposed that states and territories with one or more federally recognized AI/AN Tribes must have a written policy regarding how the state/territory will engage with AI/AN Tribal members for the purposes of compensation. The policy must include a plan for conducting outreach efforts to inform Tribal communities about compensation and provide compensation for culturally appropriate expenses and services.

**COMMISSION FINDING G:** There are opportunistic actors who take advantage of searching and/or grieving MMIP and HT families. There should be protection for families from

**predatory practices such as mediums, psychics, untrained advocates, fraudulent medicine people, private investigators, or anyone practicing or acting with malice.**

**Commission Recommendation G1:** Federal TTA must be provided to train advocates to educate families how to recognize predatory or unethical practices from service providers related to MMIP and HT cases. Use federal and state consumer protections agency remedies when appropriate. DOJ should advise Tribes working on TCRPs to include this issue. Operation Rainbow Bridge in Arizona provides a model for addressing this issue.

**Response:** DOJ will explore whether it can address this issue through its support of Tribes developing TCRPs. DOJ will also review the [Guide to Developing a Tribal Community Response Plans for Missing Person Cases](#) for potential inclusion of this issue as appropriate. Further, any Tribe that is a recipient of TVSSA grant funds is eligible for assistance from OJP/OVC's Tribally focused TTA programs. To date, no Tribe has sought this kind of assistance, but if it were sought, the TTA provider would develop a response to meet the community's needs.

**Commission Recommendation G2:** Federal agencies, policy makers, and agencies receiving federal funding for MMIP and HT programs must use established best practices for protecting the confidentiality and agency of MMIP and HT families and never exploit the families' stories for gain (e.g., to raise funds without the family's permission).

**Response:** DOJ does not use family stories or testimonies without appropriate consent and collaboration with the family as to the purpose and reasonableness of the use. Similarly, the U.S. Department of the Interior (DOI) is dedicated to abiding by applicable federal laws, regulations, and policies for protecting the integrity of its investigations and, where applicable, the confidentiality and stories of victims, witnesses, and other stakeholders. We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING H: MMIP and HT cases are difficult to investigate and face additionally unique challenges and barriers in remote, and rural areas. Often special equipment such boats, skis, satellite tracking phones, and fuel for search equipment are unable to be funded. When persons become missing, murdered or trafficked from or through extremely remote and rural areas there may be few or no LE and search and rescue resources available to**

**respond adequately and safely. These communities have unmet public health and safety needs and limited ability to use existing resources more readily available in urban areas.**

**Commission Recommendation H1:** Baseline public health and safety improvement funds from DOI, DOJ, and HHS must be made available for AI/AN Tribal nations and urban Indian organizations to develop, sustain, and implement the following: search and rescue teams with allowance for purchasing of major equipment, supplies, and search tools/technology needed to navigate rural, remote, and urban areas; and Village Public Safety Officers to provide basic public health and safety in rural Alaska.

**Response:** DOI and DOJ appreciate the recommendation to make baseline public health and safety improvement funds available for Tribal Nations. While new funding of this nature would require congressional action, within BIA law enforcement funding provided to Tribes, most of the costs related to search and rescue equipment used by law enforcement personnel are considered eligible uses of the funding. BIA looks to Tribes to fund their highest priorities within the amounts allocated.

Several of DOJ's Tribal-specific grant programs, including those offered under CTAS, can be used to support search and rescue, equipment, officers, and related activities. This includes the Tribal Resources Grant Program (TRGP) within the Office of Community Oriented Policing Services (COPS Office), which is offered through CTAS Purpose Area 1: Public Safety and Community Policing. Purpose Area 1 is designed to expand the implementation of community policing and meet the most serious needs of law enforcement in Tribal Nations through a broadened comprehensive program. The funding can be used to hire or rehire full-time career law enforcement officers, village/Tribal police officers, village public safety officers, and school resource officers, as well as to procure basic equipment, technology, and training to assist in the initiation or enhancement of Tribal community policing efforts. The program has a broad and flexible list of allowable costs, which are posted in conjunction with the [solicitation](#) on the DOJ's [Tribal Justice and Safety website](#).

In addition, a new training program, Volunteer Engagement for AI/AN Missing Person Cases, was recently launched under the COPS Office's Collaborative Reform Initiative Technical Assistance Center (CRI-TAC). The course prepares and introduces the basic elements and practices for creating a volunteer engagement program to support law enforcement and communities in responding to emergent missing person cases. Every agency, Tribe, and missing person situation will have different needs and challenges. This training will provide Tribal stakeholders with options and considerations while building a volunteer engagement program

to meet their unique needs. It includes two components: (1) a 90-minute leadership kickoff meeting and (2) an 8-hour training that introduces the practices and strategy for developing, implementing, and maintaining a volunteer engagement program. This training can be delivered in person or virtually. The training was developed for Tribal leadership, Tribal members, Tribal/local/state/federal law enforcement partners, community victim advocates, and other stakeholders who might be involved in emergent missing person cases. It is intended primarily for those who will have a role in developing and managing a volunteer program to be involved in emergent missing person cases.

Under various OJP/BJA grant programs, including the Edward Byrne Memorial Justice Assistance Grant (JAG), it may be allowable to use funding to support the identified items. There are restrictions on the use of federal funds for certain types of equipment that are “prohibited” or “controlled” under Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. Separately, the JAG statute, at 34 U.S.C. § 10152, prohibits the use of JAG funds for certain items, and prohibits the use of JAG funds for other items unless OJP/BJA grants a waiver as detailed in the publication *JAG Prohibited and Controlled Equipment Guidance for Awards Made During or After (federal) Fiscal Year 2023*. The use of OJP/BJA grant funds for unmanned aircraft systems, including unmanned aircraft vehicles, and all accompanying accessories to support this equipment remains unallowable.

We note that this recommendation is also directed at HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING I: Undetermined findings on cause of death, and deaths ruled accident or suicide that are suspected to be homicide impede MMIP and HT families’ abilities to pursue their cases.**

**Commission Recommendation I1:** There needs to be a cause of death determination that is “contested status” to indicate the family, or the evidence, or some part of the system does not agree with the official determination.

**Response:** The federal government does not have the ability to require state and local medical examiners to create a “contested status” cause of death. Cause of death is a legal determination made at the state or local level.



**Commission Recommendation I2:** There needs to be a process for challenging incorrect Cause of Death determinations, and processes to support families in challenging the cause of death. There needs to be some process or body of oversight who could review the ME/C’s findings of “undetermined” or “suicide” when the evidence shows otherwise. This is critical because for some families receiving MMIP and HT services and resources is contingent on the officially determined cause of death.

**Response:** As noted above, the cause of death determination is a legal determination made at the state or local level. Any challenges must be made through the civil court or administrative process at the state or local level. The federal government has no ability to require state or local governments or medical examiners to create a process that challenges the cause of death determination.

**COMMISSION FINDING L: Survivors of trafficking have experienced trauma that is compounded when system actors and victim service providers are not knowledgeable about how to support them and there are systemic barriers on their pathway to healing and justice.**

**Commission Recommendation L1:** All Federal programs addressing MMIP and HT must require grantees and program beneficiaries to create policies to decriminalize persons coerced or forced into criminal acts by their traffickers.

**Response:** Neither DOJ, nor its grantees, including state and local law enforcement, have authority to “decriminalize” persons; changes to criminal law must be made by legislatures through processes set out under state law.

While DOJ grant funds cannot be used to support lobbying activities, OJP/OVC currently offers priority consideration to Enhanced Collaborative Model Task Force applicants who explicitly attest that task force funds will be used to “... take reasonable, affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization.” See the FY 2023 OJP/OVC Enhanced Collaborative Model to Combat Human Trafficking Program solicitation. Further, through OJP/OVC-funded training and technical assistance, these task forces receive training on issues related to coercion and forced criminality in HT cases, which helps ensure that HT survivors are identified as victims of a crime.

OJP/OVC has also funded efforts to support jurisdictions in developing alternatives to the arrest, detention, and confinement of minor victims of human trafficking. For example, in FY 2022, OJP/OVC issued its Field-Generated Strategies to Address the Criminalization of Minor

Victims of Sex Trafficking solicitation. The grantees funded under this solicitation are developing, expanding, or strengthening victim service programs to support victim-centered, trauma-informed, developmentally appropriate, evidence-based responses for minor victims of sex trafficking. Using a combination of community-based, short-term, long-term, and cross-sector interventions, the grantees are working to provide minor victims with services and support and, in doing so, decrease the likelihood that minor victims will move from the juvenile justice system to the adult criminal justice system. With training and technical assistance from the National Council of Juvenile and Family Court Judges (NCJFCJ), the program sites receive training, resource development, and peer-to-peer learning opportunities to support their efforts to end the criminalization of minor victims of sex trafficking.

In addition, DOJ's Civil Rights Division's Human Trafficking Prosecution Unit and its national human trafficking coordinator are actively engaged in delivering trainings, guiding interagency policy discussions, and developing law enforcement protocols aimed at preventing inappropriate arrest, detention, or punishment of victims. Examples include—

- Presentations to the United Nations Transnational Organized Crime Convention's Working Group on Trafficking in Persons and International Association of Human Trafficking Investigators;
- Participating in an interagency working group convened pursuant to the National Action Plan To Combat Human Trafficking to formulate policy recommendations aimed at protecting victims from inappropriate punishment; and
- Working with DOJ components and external partners, in accordance with the DOJ National Strategy to Combat Human Trafficking, to incorporate protections against inappropriate arrest and punishment into relevant training programs and law enforcement operational protocols.

DOJ notes that this recommendation is also directed at other departments. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation L2:** All Federal programs addressing MMIP and HT must offer resources and TTA to expunge records for criminalized victims.

**Response:** DOJ will convene an interagency working group and collaborate with federal law enforcement agencies to implement priority actions under the [National Action Plan To Combat Human Trafficking](#) aimed at preventing inappropriate punishment of trafficking victims,

including through vacatur, expungement, and other forms of criminal record relief. For the past several years, OJP/OVC's anti-trafficking program has made increasing access to legal advice and representation for HT survivors a priority. The legal assistance OJP/OVC supports includes funding legal services to assist with vacatur and expungement for HT victims who have prior criminal convictions related to their victimization. Additionally, since 2016, OJP/OVC has funded specialized legal training and technical assistance for legal service providers assisting survivors of HT, including building the providers' capacity to address a range of legal needs, including criminal record relief. Finally, and most recently, in FY 2023 OJP/OVC funded the Survivor Reentry Project to provide a nationwide specialized services model to ensure that survivors of both labor and sex trafficking across the country have equal access to remedies for their criminal records.

In addition, OVW's TGP and Legal Assistance for Victims Program can both be used to provide legal representation to MMIP and HT survivors who are also victims of domestic violence, dating violence, sexual assault, stalking, and, in the case of TGP, sex trafficking. Under an amendment made by the Violence Against Women Act 2022 (VAWA 2022), grantees providing legal assistance under these and other OVW grant programs may represent victims in post-conviction relief proceedings in state, local, Tribal, or territorial court with respect to a conviction of a victim relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking of the victim. Finally, in FY 2023, OVW funded a new technical assistance project, the Post-Conviction Assistance for Criminalized Survivors Project, to increase awareness of the VAWA 2022 provision on post-conviction relief and provide training for grantees on representing survivors in such matters.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation L3:** DOJ must ensure Federal LEOs are appropriately trained to work with trafficking victims.

**Response:** Consistent with this recommendation, in January 2022, DOJ issued its [National Strategy To Combat Human Trafficking](#). This National Strategy requires cross-jurisdictional collaboration and coordination among federal, state, local, Tribal, and territorial law enforcement partners. It also requires a multidisciplinary, trauma-informed approach that unites investigators, prosecutors, victim assistance specialists, and nongovernmental service providers.

To satisfy one of the Indian Country training requirements in the National Strategy, DOJ's National Indian Country Training Initiative (NICTI), together with the Civil Rights Division's Human Trafficking Prosecution Unit (HTPU), hosted a three-day webinar series on "Investigating and Prosecuting Human Trafficking in Tribal Communities" that was made available to HT task forces and others working with USAOs in relevant regions. The virtual training was held in April 2023, and attendees included criminal justice and social service personnel, medical providers, Tribal leaders, and other community stakeholders. The training served to enhance understanding of legal definitions, elements of federal offenses, and current issues and challenges concerning HT enforcement, including both labor trafficking and sex trafficking. Presentations addressed effective strategies for identifying, investigating, and prosecuting HT cases, including prosecutors' roles in planning successful enforcement operations; strategies for developing victim testimony; pretrial litigation strategies; effective trial presentation in HT prosecutions; and sentencing issues.

In addition, the Executive Office for United States Attorneys (EOUSA) provided joint training with HTPU on HT and made recordings of these trainings available on demand to United States Attorney's Office (USAO) personnel.

**COMMISSION FINDING M: Children and youth in foster care, child welfare, and juvenile justice systems face increased risk for being trafficked.**

**Commission Recommendation M1:** The DOJ must fund a pilot program to recruit, train, and pay specialty attorneys and advocates for trafficked foster kids in Tribal communities.

**Response:** OJP/OVC's anti-human trafficking programs "Improving Outcomes for Child and Youth Victims of Human Trafficking," "Preventing Trafficking of Girls," and "Integrated Services for Minor Victims of Human Trafficking" support community-based approaches to respond to young victims, potentially including children involved in the foster care system.

**Commission Recommendation M2:** The DOJ must: (1) convene agencies that have equities in this issue and create policy to address decriminalization of runaway behavior; and (2) leverage formula and discretionary funding for state juvenile justice systems to encourage those systems to decriminalize runaway behavior.

**Response:** OJP/OJJDP has worked for years in the area of decriminalizing status offenses, which are offenses that are illegal solely due to the child's age (e.g., alcohol use). Behavior in which a

person under the age of 18 voluntarily goes missing (in the report called “runaway behavior”) is one such type of status offense.

OJP/OJJDP currently works with states, territories, and the District of Columbia in its Title II program to help ensure that children and youth charged with status offenses are not incarcerated.

OJP/OJJDP will consider appropriate opportunities to convene a roundtable to discuss children and youth who voluntarily go missing with states, territories, the District of Columbia, and Tribes to better understand what is currently happening in the field and discuss possible solutions for issues that arise.

**Commission Recommendation M6:** DOJ, HHS, and DOI must develop policy and technical assistance for state and Tribal Courts interested in developing alternative court programs for runaway Tribal Youth. This could include providing grant funding for states and Tribes as well as Tribal code review and updates to develop a legal framework to address status offenses committed by Tribal youth.

**Response:** OJP/OJJDP works with its grantee, the Tribal Law and Policy Institute (TLPI), on Tribal youth-related issues. The institute recently released an updated Guide for Drafting or Revising Tribal Juvenile Delinquency and Status Offense Laws, which can be found at <https://ojjdp.ojp.gov/publications/2022-guide-tribal-juvenile-delinquency-status-offense-laws.pdf>.

We note that this recommendation is also directed at HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING O: Persons providing services (including both victim services and TTA) do not always have the training and expertise to provide appropriate services in Tribal communities.**

**Commission Recommendation O1:** DOI, HHS, HUD and DOJ and any other applicable agency must ensure employees and contractors are properly trained and equipped and have appropriate supervision to effectively work with MMIP and HT victims, survivors, and families. Those agencies, including DOI, HHS, HUD and DOJ must create effective methods of oversight through their performance management systems for employees and contractors interacting

with MMIP and HT victims, survivors, and families, and hold those actors accountable for successfully performing their jobs. Employees that perform at unacceptable levels as defined by their performance management systems must be removed, and not transferred to other assignments.

**Response:** DOJ supports efforts to train its personnel on working with MMIP and HT victims, survivors, and families. For example, from May 30 to June 1, 2023, DOJ's NICTI hosted a training titled "Investigating and Prosecuting Federal Sexual Assault Cases: Boats, Planes, Prisons, Parks, and Indian Country." It included instruction on the following topics: trauma-informed sexual assault investigations; the importance of victim advocacy in sexual assault cases; the sexual assault forensic exam; toxicology for prosecutors and investigators; and federal jurisdiction over sexual misconduct by government actors. DOI, HHS, HUD, and DOJ personnel attended. NICTI will continue to invite all federal agencies to attend appropriate trainings.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation O2:** Each agency that has MMIP funding, including HHS, HUD, DOI and DOJ, must establish an ombudsman where persons harmed by the system or not served can report, and from which the cognizant agency will act. The ombudsman will be advertised to the public on an outward-facing webpage by each agency. The ombudsman's web page will describe actions citizens can take to document unsatisfactory interactions with federal actors. All ombudsman's offices will develop pamphlets for electronic and paper distribution that describe citizens' avenues to report their concerns.

**Response:** Consistent with Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, and as noted earlier, DOJ created the position of the National Native American Outreach Services Liaison (OSL) in 2022. The OSL serves as DOJ's point of contact for families that have questions regarding criminal cases where the federal government has jurisdiction. Further, the OSL will assist DOJ in developing effective, consistent, and culturally and linguistically appropriate communication with families of victims and their advocates. The OSL's contact information is available to the public on DOJ's [Tribal Justice Safety MMIP website](#). Although not an ombudsman, the OSL will help families navigate the federal criminal justice system and coordinate with DOJ victim assistance and law enforcement personnel.

Further, DOJ has an [Office of the Victims' Rights Ombuds](#), which receives and investigates complaints against DOJ employees who violate or fail to provide one or more rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771. Information regarding how to document a complaint is available on the [Ombuds webpage](#).

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation O3:** All federal agencies and state and Tribal governments must require annual Implicit Bias training for staff and contractors who work on MMIP and HT victims, survivors, and families.

**Response:** In May 2023, the Attorney General issued [Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity, and Disability](#), which, among other things, prohibits the use of generalized assumptions or stereotypes about individuals or groups based on demographic characteristics as a basis for law enforcement decision making. The updated guidance sets forth a single clear standard for when federal law enforcement may consider a protected characteristic; adds disability as a protected characteristic; expands application of the guidance beyond federal law enforcement officers to include analysts, attorneys, paralegals, contractors, and other federal law enforcement personnel engaged in or supporting federal law enforcement activities; and sets benchmarks and timelines for the development and implementation of training, data collection, and accountability provisions. DOJ is currently providing training on the new guidance to all current personnel engaged in and directly supporting law enforcement activity and all state, local, territorial, and Tribal law enforcement officers participating in federal law enforcement task forces and joint operations.

As this guidance and related training apply to law enforcement decision making, they do not apply to non-law enforcement staff at DOJ who may interact with victims, survivors, or families in other contexts, such as grant making. However, these staff receive other types of training responsive to this recommendation. For example, OVW staff have received both basic implicit bias awareness training and more in-depth training on mitigating implicit bias. The training has not been held on an annual basis, but OVW plans to offer similar training again, as well as other types of specialized training addressing bias.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING P: Body Worn Cameras (BWC) show promise as a tool for ensuring accountability in LE interaction with individuals.**

**Commission Recommendation P1:** BIA, in consultation with Tribes, including families and survivors, must develop and release a BWC policy to direct the use of BWC by BIA agents and create a policy to govern the release of BWC footage when requested by the family.

**Response:** In October 2022, DOI announced a series of new law enforcement policies to advance transparent and accountable policing practices as part of the continuing implementation of Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety.

Chapter 41 of DOI’s Manual Part 446 (446 DM 41) establishes policy governing the use of body-worn cameras (BWCs) and vehicle-mounted cameras (VMCs) by DOI law enforcement officers. The chapter reads, in part, “The Department will strive to expedite the public release of BWC and VMC video footage following incidents involving serious bodily injury or death to promote transparency and accountability. The public release of such video footage also must be consistent with applicable law, including the Privacy Act of 1974, and shall take into account the duty to protect the privacy rights of the persons depicted in the footage and any need to protect ongoing law enforcement operations.” The manual further states, “Bureaus must establish policy governing the release of BWC and VMC video footage that is consistent with this Chapter.” In the coming months, BIA will consult with Tribes on the development of a bureau policy, consistent with DOI’s policy and the President’s Executive Order. BIA is committed to transparent policing and strengthening the public’s trust in its law enforcement program.

**COMMISSION FINDING Q: Recruitment and retention of MMIP and HT advocates, victim navigators and other direct service providers is low due to high burn out rates. Systems and community-based care/ service providers who work on MMIP and HT cases experience burnout, compassion fatigue, and experience vicarious trauma.**



**Commission Recommendation Q2:** DOI, DOJ, HUD and HHS (or any federal agency providing MMIP and HT programming) must provide appropriate, standards-based training, support, and clinical supervision for MMIP and HT service providers whose salaries are paid through federal funds (i.e., grant funding, contract funding, direct funding, or other funding).

**Response:** With respect to DOJ, Tribes can choose to use OJP/OVC TVSSA grants to not only pay the salaries of victim services professionals, but also pay for professional development for these employees and for their supervision. Additionally, in March 2022, OJP/OVC and HHS OTIP announced a joint initiative to fund a project to develop standards of care for anti-trafficking service providers. The initiative reflects both program offices' shared values around ensuring that their grantees consistently provide the same standard of culturally responsive care to all human trafficking victims. Freedom Network USA received competitive funding to work with OJP/OVC and OTIP to draft the standards of care and has formed a diverse technical advisory working group to aid in the development of the standards. Notably, one of the guiding principles for the development of the standards calls for the project to integrate diversity, equity, inclusion, and accessibility throughout the initiative.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING R: Systems and community-based care / service providers who work on MMIP and HT cases need expertise and training in order to ensure that they have the appropriate skills and trauma-informed approach for the victim / survivor / family who needs care. Complex trauma response requires more intensive training and more supervision.**

**Commission Recommendation R1:** DOJ OVC must establish regional training centers, with non-Victims of Crime Act, permanent funding appropriated by Congress, to support practitioners working on MMIP and HT cases. Trainers must leverage expertise existing in Tribal communities and be available to go out to Tribal communities to provide training on-site.

**Response:** If Congress moves forward with this proposal, OJP/OVC will welcome the opportunity to work with Tribes to undertake this initiative.

**COMMISSION FINDING S:** Impermanent, under-funded efforts to serve victims / survivors / families do more harm than good. The federal government has a history of rolling out MMIP and HT programs that have been under-funded and temporary, and their impermanence has caused harm. Federal funding to serve MMIP and HT victims, survivors and families' needs to be sustainable and permanent. Current programs stretch their staff too thin across regions too large for staff capacity.

**Commission Recommendation S1:** DOJ must create a framework for exploring the efficacy and impact of state and MMIP task forces. This framework must be submitted to Congress within 24 months of final Report publication.

**Response:** DOJ currently tracks state and MMIP task force efforts and includes links to many on the [MMIP Data and Research](#) page on the Tribal Justice and Safety website. Although DOJ does not have direct oversight of state MMIP task forces, it will continue to refine its communication, collaboration, and coordination with these task forces, through the MMIP Regional Outreach Program and district Tribal liaisons, with the goal of helping to improve the efficacy and impact of all federal, Tribal, and state MMIP-related programs.

**Commission Recommendation S2:** Mandatory funding for the 2023 MMIP Regional Outreach Program through EOUSA must be sustained in perpetuity and substantially increased to meet the needs for additional personnel and program needs to be able to effectively serve MMIP and HT to include:

- More than one dedicated coordinator and AUSA to serve Alaska, uniquely;
- A minimum of three (3) system navigators; and, for every hundred cases in any given region, create one (1) additional systems navigator position;
- A second Attorney Advisor to oversee the program;
- Set number of staff per region based on cases under investigation;
- Making support for victims and families the priority of program staff; and
- Conducting ongoing outreach and TA to inform Tribal nations, Urban Indian Organizations, and CBO's about the program's resources, roles, and services provided.

**Response:** DOJ is committed to improving the federal response to MMIP. To advance its commitment, and consistent with Executive Order 14053, Improving Public Safety and Criminal

Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, DOJ announced the creation of the MMIP Regional Outreach Program in June 2023.

The program endeavors to aid in the prevention and response to MMIP through the permanent placement of five MMIP Assistant United States Attorneys (AUSAs) and five coordinators in five designated regions across the United States. The program provides experienced and specialized support to USAOs within each designated region to address and combat MMIP issues, including unresolved cases and MMIP-related crimes. Further, the program promotes communication, coordination, and collaboration among federal, Tribal, local, and state partners on MMIP issues. The program will also complement the work of the National Native American Outreach Services Liaison (OSL) to ensure that victims and families are supported as they navigate the federal criminal justice system.

To help facilitate a regional and national impact, programmatic support is being coordinated and provided by a national MMIP regional program coordinator located within the DOJ's EOUSA. Notably, the program complements the work of already existing Tribal liaisons and prosecutors in USAOs with Indian Country responsibility. Moreover, these efforts are further supported by EOUSA's OSL and the NICTI coordinator, and Native American issues coordinator.

As program regions are fully staffed, the regional AUSAs and coordinators will begin regional outreach to federal, Tribal, state, and local law enforcement, victim and MMIP-related governmental and nongovernmental organizations, and urban Indian organizations to provide information about the program's resources, roles, and services and develop a regional resource list. The AUSAs and coordinators, in collaboration with local USAOs and their Tribal liaisons, will develop relationships with Tribal Nations, established governmental and nongovernmental victim-related organizations, MMIP state task forces and offices, and MMIP families to ensure that the development and growth of the program aligns with the needs of victims, victims' families, and federal, Tribal, state, and local partners. DOJ will continue to evaluate the program and assess, based on need and available resources, whether and how to expand the number of coordinators and other staff as recommended.

The NICTI coordinator and EOUSA's MMIP program coordinator have discussed mandatory training for all hires serving a role in the program. Once the positions are staffed, all program personnel will be expected to participate in mandatory training to ensure a consistent victim-centered and trauma-informed response to MMIP-related issues across the regions.

EOUSA's program coordinator will help develop and monitor the program's progress. EOUSA will periodically assess the program to determine whether it is meeting its goals, including being responsive to Tribal community needs. The program coordinator and regional personnel will provide updates on the program's successes and efforts, as appropriate.

The program will work in concert with USAOs and federal, Tribal, state, and local partners to respond to the MMIP-related issues in each region and across regions, and to evaluate the efficacy and any needed improvements for the program. The program, including its regional AUSAs and coordinators and program coordinator, will serve as conduits for information to pass freely from jurisdiction to jurisdiction to aid MMIP victims and families in receiving prompt information and resources.

**Commission Recommendation S3:** Ongoing consultations for the roles, expectations, and plans of coordinated efforts and communication related to the 2023 MMIP Regional Outreach Program must be held with Tribal nations, established grassroots agencies, MMIP State Task Forces and Offices, and MMIP families and survivors and address the following:

- Referral process and point of contact clearly defined.
- Communications mapping and case coordination protocols.
- Examination of and implementation of effective coordinated efforts established within said regions.
- Establish database of MMIP resources to reduce response times in referrals and resource liaison.

**Response:** Please see response for Recommendation S2.

**Commission Recommendation S4:** All 2023 MMIP Regional Outreach Program positions must receive mandatory Indian country jurisdiction training, and mandatory training on the Tribes within their region which includes on site and in community time served.

**Response:** Please see response for Recommendation S2.

**Commission Recommendation S5:** The MMIP Regional Outreach Program must be required to provide annual data on the program that includes: Case outcomes and patterns; survivor/family feedback; tracking status of implementation of Savanna’s Act Guidelines in each district within regions; ongoing evaluation that determines program; and operational needs.

**Response:** Please see responses for Recommendations A7 (Chapter 2) and S2 (above).

**Commission Recommendation S6:** MMIP Regional Coordinators must act as a resource and liaison for all MMIP and HT families and victims, including providing referrals and information on services that are not dependent upon prosecution or geography.

**Response:** Please see responses for Recommendations A7 (Chapter 2) and S2 (above).

**COMMISSION FINDING T: All government personnel who interact with MMIP and HT victims and families should prioritize educating people about their rights.**

**Commission Recommendation T1:** LE, victim services personnel, and others who interact with victims and their immediate and extended families should be trained to provide information to victims about these rights. MMIP and HT survivors and their surviving family members may have guaranteed federal rights.

**Response:** DOJ and BIA already require that all personnel who may come into contact with crime victims be trained in the Crime Victims' Rights Act, the Victims' Rights and Restitution Act, the Sexual Assault Survivors' Bill of Rights Act, and the Attorney General Guidelines for Victim and Witness Assistance. EOUSA and NICTI provide training on federal crime victims' rights to USAOs, DOJ components, and federal, state, and Tribal law enforcement, advocates, and social service providers. Instruction on the Attorney General Guidelines on this issue includes specific information on working with AI/AN victims of crime. While it is important that victims be informed of their rights, it is imperative that this information be delivered in a victim-centered, trauma-informed manner. Therefore, training includes information on the effects of trauma on the brain and how best to communicate with individuals who have experienced a traumatic event. OJP/OVC is supporting a new trainer at the National Advocacy Center to provide victims' rights training to federal prosecutors and advocates.

Further, OJP/OVC will include this topic in a listening session in 2024 to gather input from Tribes about what supports and resources would be useful to help crime victims understand their rights. OJP/OVC has resources available currently on this topic:

- Enforcing Victims' Rights Training
- Introduction to Victims' Rights for Attorneys
- Introduction to Victims' Rights for Advocates

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING U: The BIA MMU needs the authority and resources to effectively carry out assigned duties.**

**Commission Recommendation U1:** MMU needs increased authority and resources to effectively carry out their assigned duties: Ability to investigate in PL-280 states and especially in non-cooperative jurisdictions; increased operational supports to screen referrals; increased number of agents with skill and training to work in within Indigenous communities; and ability to release use the press/media in real time to facilitate cases.

**Response:** The MMU holds the authority necessary to investigate missing or murdered persons cases in Indian Country as defined under United States Code 1151. Upon request, the MMU can provide investigative assistance and resources to assist other law enforcement authorities, regardless of Indian land status. The development of task forces for cases involving Tribal members is a priority for the MMU, and establishing memoranda of understanding and cross commission efforts with authorities involved are a common practice of the MMU.

## Chapter 6: Other Necessary Legislative & Administrative Changes

### Subcommittee 6 Charge and Priority Areas

Following is an excerpt from the final report describing the work of Subcommittee 6:

The Not Invisible Act charged the Commission with developing recommendations for “legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by the Department of the Interior and Department of Justice to combat the crisis of missing or murdered Indians and human trafficking on Indian lands and of Indians.” The overriding purpose of this section of the Act is to identify any issues not captured in the previously discussed categories. Subcommittee 6 was created to focus on this section of the Commission’s mandate, as well as to address overarching recommendations like funding and jurisdictional reforms.

Given this broad charge, the Subcommittee 6 chose to address their priority areas in each of their findings.

**COMMISSION FINDING C: Federal funding for criminal justice and victim services as it is currently administered is wholly unsuitable to address the MMIP and HT crisis. The reliance on unreliable, discretionary funding streams undermines Tribes’ ability to prevent and respond to MMIP and HT and meet the needs of victims.**

**Commission Recommendation C1:** To bring much needed stability, funding for Tribal governments must be made mandatory rather than discretionary and should transition away from competitive grants in favor of more flexible, and reliable formula funding. Competing with other Tribes for MMIP and HT (public safety and needed justice infrastructure) grant funds does not align with Tribal values of sharing available resources. The administration of Tribal funds by the Office for Victims of Crime is one model of how a previously competitive grant program can be made more equitable and accessible.

**Response:** The Departments look forward to working with Tribes to further discuss their funding models. With respect to the U.S. Department of the Interior’s (DOI) funding, DOI agrees with the importance of providing stable and predictable funding sources for Tribal programs, including law enforcement, and will work with DOI’s [Tribal-Interior Budget Council \(TIBC\)](#). The President’s fiscal year (FY) 2024 budget included proposals for Congressional action to redesignate Contract Support Costs and 105(l) Tribal lease funding from discretionary to

mandatory funding. Providing mandatory funding for these programs—both of which support law enforcement priorities—would benefit public safety and justice programs.

Regarding additional actions, on December 6, 2023, President Biden signed Executive Order (EO) 14112, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, as part of the 2023 White House Tribal Nations Summit. Pursuant to this order, the Executive Branch is required to identify chronic shortfalls in federal funding and support programs for Tribal Nations, including those related to public safety, and make recommendations to the President. It also advances Tribal sovereignty by requiring federal agencies to affirmatively ensure that federal funding for Tribes is accessible, flexible, and equitable.

With respect to the U.S. Department of Justice’s (DOJ) funding, as noted in the response to Recommendation A1 in Chapter 5, DOJ had an in-depth discussion about DOJ’s public safety funding with the Attorney General’s Tribal Nations Leadership Council in October 2023, and at the direction of the Attorney General, DOJ is reviewing current funding authorities and policies to identify further improvements the Department can make to better provide public safety funding. As noted earlier, DOJ’s grants and programs are an important aspect of the Department’s public safety partnership with Tribes and are designed to support Tribes in building capacity and developing new capabilities in their public safety programs. DOJ’s grant funding is not currently designed to be a replacement for base funding, but DOJ understands that Tribes have increasingly needed to use grants to supplement base funding.

**Commission Recommendation C2:** Over the next 12 months, OMB, DOJ, and DOI must hold meaningful and robust combined consultation with Tribes and Alaska Native Villages regarding where and how public safety funds should be administered, including the role of DOJ, DOI/BIA, and HHS. Included in this consultation should be:

- An examination of promising practices including BIA’s Tiwahe initiative and OVC’s reforms to the distribution of Tribal Crime Victim Services program;
- Exploration of self-governance compacting/contracting authority for DOJ and HHS programs in addition to IHS;
- Options for bundling Tribal funding streams similar to the 477-program authority for workforce development; and
- What changes to organizational structure need to be made at the relevant agencies.



The consultation must result in a concrete proposal that can be included in the President’s Budget Request for FY 2026. If DOJ and DOI fail to initiate such a consultation, Congress must enact legislation requiring them to do so.

As discussed above, the Commission believes strongly that the federal funding process for public safety and justice matters in Tribal communities needs to be overhauled. Incremental changes and improvements within the existing system are unlikely to bring about the transformative change that is needed. We understand, however, that mustering the political will for the type of change we envision is not always quick or easy. Therefore, we have also developed a series of recommendations for improvements that could and should be made within the existing funding framework to begin addressing disparities and inefficiencies. To be clear, we do not think the recommendations below will be sufficient to truly address the MMIP and HT crisis, and we hope that the Administration takes seriously our proposal to consult on large-scale reforms to the way Tribal criminal justice and public safety programs are funded. At the same time, however, the current funding situation is untenable. The important recommendations outlined below, many of which are compatible with the larger-scale funding reform we envision, should be implemented without delay.

**Response:** DOI and DOJ welcome the recommendation to jointly consult on these funding issues. DOJ has begun discussions on funding issues internally and with the Attorney General’s Tribal Nations Leadership Council—the Department’s Tribal advisory group—in advance of broader consultation.

DOI’s Bureau of Indian Affairs (BIA) conducts at least three consultations a year on budget priorities and other key budget issues through the [TIBC](#). This input is a critical component to the development of annual appropriations requests to Congress. In addition, TIBC has a Public Safety and Justice Subcommittee which focuses on program budgets for missing or murdered Indigenous persons (MMIP) and other public safety topics.

BIA’s [Tiwahe Program](#) reported on the efficacy and success of the program to Congress in 2021. The Tiwahe Program shows that when Tribes are adequately funded and given the flexibility to design programs that are culturally and traditionally rooted, Tribes are capable of drastically improving individual, family, and community well-being. The Tiwahe Program Congressional report provides information that other agencies as well as outside stakeholders can use to implement similar approaches to support Tribal self-determination.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**COMMISSION FINDING D: Federal grants as they are currently structured and administered are inefficient, lack coordination among agencies, and often are either inaccessible or ineffective.**

**Commission Recommendation D2:** The Administration must create an inventory and single clearinghouse of information regarding MMIP and HT (public safety and needed infrastructure) grants and other kinds of funding, including state pass throughs, across all federal agencies. There should be an analysis of the gaps and disjunctions among grant programs in the creation of the inventory. The inventory, preferably available through an easily searchable single portal, will provide clarity as to the range of MMIP and HT (public safety and needed infrastructure) grant programs available to whom, under what conditions, at what amounts, for what purposes, including those for law enforcement. One goal of the analysis called for is to highlight the multiple grant platforms, reporting requirements, restrictions, audit processes and other grant program requirements that make grant management inconsistent among agencies and difficult for Tribes, especially the smaller ones who have limited resources and really depend on grant programs, to apply for and manage. The Not Invisible Act stipulates in Section 3 that the Secretary of the Interior will designate an MMIP Coordinator within the BIA, Office of Justice Services who will coordinate grants addressing MMIP and HT across federal agencies. The Commission recommends that the clearing house described above falls within the purview of this Coordinator, and that the outcomes of that grant coordination be included in the annual report to Congress also required by the Act.

**Response:** The Commission’s recommendations submitted to Congress, DOI, and DOJ on November 1, 2023, satisfied a statutory requirement under Section 4 of the Not Invisible Act. Separately, Section 3 of the Act requires a “Section 3 NIA Coordinator” to coordinate a report on prevention efforts, grants, and programs related to MMIP issues across federal agencies. Because the Act’s statutory language under Section 3 does not include the establishment of a federal clearinghouse, the creation of a separate portal and analysis for its establishment would fall outside the Act’s requirements. The current language identified in Section 3 (a)(3) highlights the efforts, grants, and programs that provide victim-centered and culturally relevant training on how to identify, respond to, and report MMIP and human trafficking (HT). The establishment of a new clearinghouse would first require identifying the costs to operate, maintain, update, and build upon the portal. However, DOI and DOJ will review the Commission’s request to determine whether the extension of the existing duties is feasible and whether existing federal appropriations could support this new request.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation D4:** Federal agencies must redesign grant programs for small Tribes and Alaska Native Villages so that the application process timeline is longer, can be completed on paper and does not require access to various e-portals, does not require monthly or quarterly reporting, is simple in language, recognizes limits of “modern” communication in remote areas in Alaska and in the lower-48, and includes Tribal liaisons to assist with various program applications. Grant systems that require internet connectivity may make grant opportunities inaccessible in rural areas, including Alaska, where some Tribes are still relying on fax for communications.

**Response:** DOJ is cognizant of the difficulties that small and remote Tribes may have in applying for and reporting on grant funding and is committed to working with Tribes to make appropriate and permissible improvements to these processes. Included below is a compilation of ongoing efforts related to this recommendation.

The Office of Justice Programs (OJP), via the Office for Victims of Crime (OVC), consulted with Tribal Leaders on January 17–18, 2024, on the administration of the Tribal Victim Services Set-Aside (TVSSA) from the Crime Victims Fund. OJP/OVC hopes to gather input from small Tribes and Alaska Native Villages about how the TVSSA application process could be modified to be more responsive to their needs during the Consultation.

In 2023, OJP/OVC piloted a new approach to alleviate the struggle some remotely located Tribes have experienced with the human and technological resources required to submit grant applications through government systems. This pilot was implemented in direct response to requests from Alaska Native Villages for in-person support with grant applications. Grant managers from the Tribal Division deployed to Alaska to meet with Alaska Village grant applicants to assist with such tasks as creating program designs and project budgeting. This pilot involved 4 Tribal Division staff spending a combined 32 days on the ground in Alaska, meeting with 25 grantees in 4 cities to provide hands-on technical assistance.

The Coordinated Tribal Assistance Solicitation (CTAS) is open for approximately 90 days each year, longer than the typical 60-day open solicitation period. The CTAS team reviews feedback from the annual Coordinated Tribal Assistance Solicitation Assessment, applicant webinar feedback evaluations, Tribal listening sessions, Tribal consultations, and grant applicants’ senior leadership and administration officials to guide the development of future CTAS solicitations. As

also discussed earlier in the response to Recommendation G1 (Chapter 3), specific efforts to reduce barriers have included:

- Streamlined application questions, provided user-friendly templates, provided sample templates (i.e., templates that include a timeline), and provided successful application materials packet examples.
- Reduced and consolidated questions on application-required documents, provided templates in Microsoft Word to help applicants enter text, reduced required documents for the CTAS solicitation (three documents to pass Basic Minimum Review), and provided all application materials on the DOJ Tribal Justice and Safety website and the respective DOJ/CTAS component websites. This includes demographic questions or other survey questions that are completed in JustGrants. Applicants can preview the questions prior to entering JustGrants.
- Eliminated the “Tribal Authority to Apply” document as a required document, except in the case of a Tribal designee that is applying on behalf of a Tribe in those Purpose Areas that allow it or for Tribal consortiums of two or more Tribes.
- Provided an application checklist within the solicitation itself to help applicants. All solicitation materials are also online. Additionally, CTAS has a frequently asked questions document that is updated throughout the application season, and individual Purpose Area fact sheets that provide a quick snapshot of the Purpose Area.
- CTAS hosts more than 10 applicant webinars during the solicitation open period, including specific Purpose Area webinars, a JustGrants webinar, an Alaska and other rural communities webinar, a budget webinar, and an Overview and Final “office hours” Q&A webinar.
- A CTAS-specific JustGrants applicant webinar was created for the applicant webinar season.
- CTAS also provided an applicant webinar targeting specifically Alaska and other rural communities on how to apply for the CTAS solicitation in JustGrants.
- CTAS hosts accessing grants workshops (specifically inviting unsuccessful applicants). These workshops provide an overview of the solicitation, including the mechanics of formatting a grant narrative and addressing all of the application components, creating a budget, and common mistakes to avoid when writing CTAS applications.

DOJ also has a policy for extenuating technical issues beyond the control of the applicant that prevent the applicant from submitting an application through Grants.gov or JustGrants. The

manual, “paper” application process allows the applicant to email the attachments and undergo the review steps outside of the systems. For any paper applications approved for funding, DOJ then works with the applicant to initiate an application in the systems for awarding purposes. For any non-funded paper applications, the attachments and supporting documentation are uploaded into JustGrants by an internal user.

The Office on Violence Against Women (OVW) consults annually with Tribes as required by the Violence Against Women Act (VAWA) and has redesigned Tribal-specific grant programs in response to recommendations from Tribal leaders. Several of these changes accommodate the needs of small Tribes and Alaska Native Villages as described in this recommendation, such as keeping solicitations open longer and creating a simplified application for new applicants with specialized technical assistance to help them develop and implement their projects. In addition to pre-application information sessions available for all OVW programs, OVW’s Tribal Affairs Division (TAD) has instituted weekly office hours while the Tribal Governments Program solicitation is open during which current and potential grantees can speak directly with staff about the application process. TAD also began offering a one-day workshop in FY 2023 for Tribes not currently receiving OVW funding, in conjunction with a three-day summit of training and technical assistance (TTA) for Tribes that non-grantees also may attend on how to plan a fundable project under OVW’s Tribal-specific programs. Finally, all OVW solicitations allow submission of applications outside of the Grants.gov and JustGrants systems in cases of technical difficulties beyond the applicant’s control, as described above.

Regarding administration of grants, OVW does not require monthly reporting under any grant programs; performance reports must be submitted every six months, and financial reports are quarterly, in keeping with DOJ-wide policy. OVW’s TAD offers a Project Implementation Workshop for Tribal grantees, begun in Alaska in 2017 and recently expanded to the lower 48, where grantees receive hands-on assistance from OVW staff and technical assistance providers with both programmatic and financial management of their grants. OVW also has increased staffing across its divisions to provide better customer service to all grantees, including Tribal and smaller or remotely located grantees. TAD has grown from four to 14 staff members and now has two staff members located in Alaska to address the challenges described in this recommendation. OVW continues to develop new approaches such as those described here to make it easier for Tribes and Tribal organizations to access and administer grant funding.

Regarding additional actions, on December 6, 2023, President Biden signed Executive Order (EO) 14112, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, as part of the

2023 White House Tribal Nations Summit. Consistent with this order, DOJ will continue to solicit and review feedback each year in an effort to continue improving DOJ's grant models.

We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation D5:** For programs where this flexibility does not already exist, Tribal grant funding must be appropriated as “no-year” money so that the administering agencies have the flexibility to engage in consultation, as necessary, and design application timelines that make sense for Tribal communities. DOJ and DOI should develop a list of Tribal programs that would benefit from being appropriated as “no-year” money.

**Response:** DOI's Indian Affairs has a number limited grant or competitive award programs, but there are no public safety and justice-related grant programs at the BIA. The majority of BIA funding is awarded through ISDEAA, P.L. 93-638 contracts and compacts. All of the grant and competitive award programs included in BIA's Operations of Indian Programs account and BIE's Operations of Indian Education Programs account—both of which are two-year funding, A list of the Indian Affairs grant and competitive award programs can be provided to the Commission.

Most DOJ grant-specific appropriations are “no-year” money except for funding appropriated under the Crime Victims Fund which includes the OJP/OVC TVSSA program. For example, OVW appropriations are “no-year” funds, meaning that they do not expire, which allows OVW to offer extended application and implementation timelines to all grantees that need it, including Tribal grantees.

**Commission Recommendation D6:** The Attorney General and Secretary of the Interior must adopt policies to ensure that Congressionally mandated rescissions are not applied to Tribal funding streams.

**Response:** Federal agencies cannot unilaterally exempt funding from Congressionally mandated rescissions. The Departments continue to strongly advocate for resources to support the needs of state, local, and Tribal jurisdictions. The President's FY 2024 Budget includes a Tribal Set-Aside of up to 5% from the Crime Victims Fund obligation limit. The percentage available from this Set-Aside is not affected by rescissions.

**Commission Recommendation D7:** To increase transparency, the BIA must develop and circulate widely a document explaining its base funding allocation, how Tribes' needs are assessed by the BIA, the allocation formula, how such monies are in actuality spent in Indian country, and how specifically the funding falls short of projected needs, including in jurisdictions where PL-280 or similar laws confer jurisdiction on the states. In addition, the DOI should audit the BIA/OJS to obtain an accurate assessment of their compliance with funding appropriations and should make those audit findings public.

**Response:** To highlight DOI's transparency in the allocation of BIA funding, the [bia.gov](http://bia.gov) public website has links to Indian Affairs Manual attachments that describe funding distribution methodologies for all BIA programs that distribute funding to Tribes: [\(26 IAM 3\) Public Safety & Justice Distribution Templates](#). The linked documents contain narrative descriptions of each distribution methodology with eligibility criteria. Additionally, DOI's annual budget justification to the Congress lists base funding amounts per Tribe or location annually for the law enforcement and corrections programs in the [U.S. Department of the Interior BIA FY 2024 Budget Justifications](#) ("Greenbook" appendices 1, 5, and 6).

Similarly, required by the Tribal Law and Order Act (TLOA), DOI's annual Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country also provides an explanation of DOI's funding allocation methodology. Other components of the report identify estimated public safety program funding and personnel needs throughout Indian Country, including P.L. 280 states, along with how those needs are estimated, as well as actual appropriated funding spent by the BIA for comparison.

**Commission Recommendation D8:** Recognizing that numerous Federal programs support overall criminal justice system functions and facilities (including construction of courts and jails; operation of programs serving victims, youth, and formerly incarcerated individuals; funding for law enforcement, criminal defense, prosecution, and courts), appropriate and sufficient portions of these funds must be set aside for Tribal governments and Alaska Native Villages. Where statutory set-asides do not exist, they must be created by the Administration so that Tribes do not have to compete with state and local jurisdictions for funding. Furthermore, to the extent funds are made available for construction, staffing funding must be made available commensurate with construction so that facilities do not sit empty or unused due to insufficient operational funds. Details on how to better administer these capital funds should involve consultation with Tribes on how such funds are directed toward Tribal communities, what formulas are used, and how such programs can be improved.

**Response:** While it is not possible for all Department-administered funds, DOJ has established numerous set-asides for Tribes within grant programs. For instance, OJP, via the Bureau of Justice Assistance (BJA), continues to provide funding through its Tribal Justice Systems, Tribal Justice System Infrastructure, and Tribal Systems Strategic Planning programs to federally recognized Tribes to engage in comprehensive, justice system-wide strategic planning to improve Tribal justice and safety; develop, support, and enhance adult Tribal justice systems and prevent crime, including violent crime and crime related to opioid, alcohol, stimulant, and other substance use disorders; and strengthen Tribal justice system capacity by addressing physical infrastructure needs.

For several OJP/BJA programs that do not have statutory set-asides for Tribes, OJP/BJA provides Tribal-specific application webinars, application peer reviewers with Tribal justice experience, and Tribal-specific training and technical assistance to support program implementation efforts. In previous years, some OJP/BJA programs that did not have statutory set-asides for Tribes included a separate application category for Tribes. However, these separate categories were discontinued due to low or nonexistent participation from Tribes. OJP/BJA is concerned about the low Tribal participation in non-Tribal specific programs. In response, BJA will be examining ways to improve access to OJP/BJA funding sources for Tribes.

The BIA provides limited base-level funding to support Tribal programs. Given the limited availability of base-level funding, OJP/BJA requires that Tribal Justice System Infrastructure Program (TSIP) applicants provide assurances that there are existing resources to support facility operations and staffing for proposed infrastructure projects. If funding for the new staff members is not in place at the time of application submission, the Tribe must provide a Tribal resolution or legal equivalent indicating the source of funding that will be used to support the new staff members and the time frame for when the Tribe expects to have funding in place to support the new staff members. If Tribes rely on federal funding (i.e., BIA, OJP/BJA, etc.) to meet current facility staffing, operations, and maintenance needs, they are required to discuss the nature and type of funding received to support facility operational needs.

As a result of required assurances and program policies pertaining to operational needs, all TSIP projects using funds awarded by OJP/BJA since 2009 have demonstrated the ability to support facility operational needs. OJP/BJA has not awarded any projects that have remained unused due to insufficient operational funds since 2009.

OVW's TGP is funded through set asides from other OVW grant programs; however, these grant funds cannot be used for construction.



We note that this recommendation is also directed at departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation D9:** Grant programs, if used as a funding mechanism for Tribal justice matters, must have indefinite project periods so that they can be used to build sustainable infrastructure.

**Response:** DOJ is limited in its ability to create indefinite project periods as the recommendation suggests but takes seriously the need to provide grants on a timeline that allows for effective implementation. OJP/OVC will include this topic in a listening session in 2024 to gather input from Tribes about what length of project periods would work best for their purposes, and how best to monitor an award over an extended period. OVW generally offers five-year project periods for Tribal-specific programs (in some cases as three-year initial awards with the possibility of two additional years of noncompetitive funding), as well as assistance with project implementation as described in response to Recommendation D4 and no-cost extensions for grantees that need additional time to meet the goals and objectives of their awards. OVW will also continue to seek feedback from Tribes, though both formal consultation and informal communication with grantees, on whether these and other improvements to grants administration are meeting their needs.

The majority of DOI's Indian Affairs Public Safety related funding for Tribes is awarded through the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), P.L. 93-638 contracts, and compacts. ISDEAA allows flexibility for Tribes and federal awarding officials to negotiate terms and timelines as may be appropriate to accommodate completion of projects and programs. ISDEAA also authorizes funds awarded under ISDEAA to be valid until expended and thereby granting flexibility for programs and projects with timelines that may need to be extended.

**Commission Recommendation D10:** Grant programs related to addressing MMIP and HT must permit the use of funding for critical infrastructure (e.g., LE, courts, victim services, and prevention efforts) that are inherent in serving victims. Restrictions, such as those in the Victims of Crime Act (VOCA), for example, are a poor fit for the needs of Tribal communities and create an artificial distinction between justice system infrastructure and victim services. A victim does not receive full services if there is no mechanism for holding the perpetrator accountable, or no one to answer the phone when she calls 911.

Specifically, we recommend that the appropriations language that creates the VOCA Tribal set-aside be changed to read “5 percent shall be available to the Office for Victims of Crime for grants to Indian Tribes to improve justice system infrastructure and victim services, including but not limited to intergenerational and historical trauma.”

**Response:** As this recommendation recognizes, expanding allowable uses of TVSSA funding beyond expenses associated with victim services would require a change to the language of the Victims of Crime Act. OVW’s Tribal Governments Program (TGP), by statute, allows funds to be used for law enforcement courts, victim services, and prevention efforts, but funds must be used to address domestic violence, dating violence, sexual assault, stalking, and sex trafficking. OVW’s Special Tribal Criminal Jurisdiction Grant Program (Tribal Jurisdiction Program) and new Tribal Reimbursement Program may be used for implementation of criminal jurisdiction over non-Indians who commit covered crimes, which include obstruction of justice, assault of Tribal justice personnel, and child violence in addition to those listed above. Although OVW funds cannot be used for construction, both TGP and the Tribal Jurisdiction Grant Program allow funds to be used for minor renovations to repurpose an existing facility for an allowable purpose under these grant programs.

**Commission Recommendation D11:** OVC and OVW must develop a plan to assist Tribes in more strategically making use of VOCA and VAWA grants to support needs related to criminal justice and victim services.

**Response:** In 2024, OVW and OJP/OVC will collaborate on a joint outreach and education effort for Tribal applicants to describe options for structuring their grant project designs and budgeting to allow OVW and OJP/OVC funds to complement and leverage each other for better outcomes.

**Commission Recommendation D12:** DOI and DOJ must ensure that grants for victim services programs serving American Indians and Alaska Natives go to Tribal governments or community-based Tribal organizations that have demonstrated cultural competency, are Native-led, and have the trust and confidence of community members.

**Response:** DOI’s Indian Affairs funding is only awarded to federally recognized Tribes and Tribal Organizations. Due to nature of how BIA’s Office of Justice Services (OJS) funding appropriations work, BIA/OJS does not administer any grant programs.

However, many DOJ grant programs are limited to federally recognized Tribes or Tribal organizations. For example, only federally recognized Tribes or their designees are eligible for funds under the TVSSA. For other OJP/OVC grant programs, applicants proposing to serve Tribal populations are required to submit Tribal Resolutions or legal equivalents to ensure the Tribes involved are supportive of the application. Only federally recognized Tribes, Tribal organizations, and Tribal designees are eligible for OVW's Tribal-specific grant programs.

**Commission Recommendation D13:** DOJ and DOI must increase grantmaking for creating and maintaining TCRPs and additional grants to fund the needs identified in those plans. Congress should appropriate additional funds for these purposes as needed.

**Response:** DOJ offers numerous grant programs that can support the creation and maintenance of Tribal Community Response Plans (TCRPs) and the needs identified in those plans. The grant programs are all included in the [Directory of Department of Justice Tribal Grants](#). DOJ created this directory of grant resources to support the President's charge in [Executive Order 14053](#), Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, to make "grantmaking more equitable for Tribal applicants seeking support for law enforcement purposes and for the provision of services to victims and survivors." Administered by the Office of Community Oriented Policing Services (COPS Office), OJP, and OVW, the initiatives described below include discretionary and formula grant programs for which Tribes are eligible. They support a range of effective criminal justice, prevention, intervention, reentry, and victim services activities. Funding opportunities can be found on [Grants.gov](#) and are announced as they become available on the [OJP](#), [OVW](#), and [COPS Office](#) websites.

For example, under CTAS, DOJ offers funding through Purpose Area 1: Public Safety and Community Policing that can support the development and implementation of the law enforcement portions of TCRPs. Purpose Area 1 is designed to expand the implementation of community policing and meet the most pressing needs of law enforcement in Tribal Nations through a broadened comprehensive program. The funding can be used to hire or rehire full-time career law enforcement officers and village public safety officers as well as procure basic equipment and training to assist in the initiation or enhancement of Tribal community policing efforts.

For the victim services portions of TCRPs, DOJ offers funding through OJP/OVC's TVSSA. Funds may be used for any purpose related to serving victims of crime: community needs assessment and strategic planning, victim service programs, community outreach and education, and other

activities needed to address the needs of a wide variety of crime victims in Tribal communities, including MMIP. More information is available at <https://ovc.ojp.gov/program/tribal/overview>.

In addition to grant opportunities, DOJ developed the [Guide to Developing a Tribal Community Response Plan for Missing Person Cases](#). The Guide provides a set of guidance documents for Tribal governments and United States Attorney's Offices (USAOs) working with other partners to develop a Tribal community response plan to respond to missing person cases that are tailored to the specific needs, resources, and culture of a specific Tribal community. The Guide, existing TCRPs, and other information about TCRPs is available on DOJ's [TCRP webpage](#).

In FY 2023, the COPS Office funded a project with the National Criminal Justice Training Center (NCJTC) to support community-led TCRPs to address missing Indigenous persons cases. The project includes: 1) developing and implementing a training and technical assistance strategy to assist Tribal law enforcement in creating and implementing TCRPs to address MMIP cases working with the appropriate Tribal and national partners; 2) assisting agencies in developing and improving law enforcement policies and procedures related to MMIP cases; 3) delivering training and technical assistance to Tribal and non-Tribal law enforcement agencies to facilitate the implementation of TCRPs; 4) collaborating with the America's Missing: Broadcast Emergency Response (AMBER) Alert training and technical assistance program and other DOJ training and technical assistance programs to compliment any community efforts under way with implementation, bridging resources and connections, and incorporating training curriculum as appropriate; and 5) ensuring widespread dissemination of tools and materials to aid in the development of TCRPs.

Finally, DOJ commits to implement and administer any appropriations that are enacted for creating and maintaining TCRPs and the needs identified in those plans.

DOI supports DOJ's efforts in administering TCRP development and implementation. DOI does not administer grants nor provide technical assistance in the development and implementation of TCRPs.

**COMMISSION FINDING H: A lack of coordination and oversight contributes to the insufficiency and ineffectiveness of the federal government's response to the MMIP and HT crisis. When federal agencies fail to coordinate, Tribes lose.**

**Commission Recommendation H1:** The federal government must declare a Decade of Action and Healing dedicated to addressing the MMIP and HT crisis effectively. This Decade of Action

and Healing should involve partnership with Tribal communities, Tribal governments, and relevant organizations, focusing on improving safety, justice, prevention, support services, and healing for AI/AN communities through increased funding, policy reform, action-oriented programs, and training and technical assistance.

**Response:** DOI and DOJ acknowledge the Commission’s overriding request in its recommendations for the federal government to declare a “Decade of Action and Healing” dedicated to addressing the MMIP and HT crisis and other historic traumas at the national level. The Departments support ongoing partnership between the federal government, Tribal communities, Tribal governments, and relevant organizations, especially those focused on improving safety, justice, prevention, support services, and healing for American Indian/Alaska Native (AI/AN) communities.

The Departments continue to address the historical traumas endured by AI/AN people over the country’s history. However, the agencies lack the authority to unilaterally make this designation, and thus defer to the White House on convening a broader Administration discussion on a federal government-wide designation of a Decade of Action and Healing. DOJ commits to marshalling its resources to confront the MMIP and HT crisis that has devastated the lives of victims, their families, and entire Tribal communities. Addressing this crisis requires a whole-of-government approach, and DOJ is grateful for the partnership of Tribal and other law enforcement agencies across the nation that are working alongside DOJ and other federal agencies to help reduce crime and support AI/AN victims and communities. Acknowledging the many AI/AN people who have suffered, and continue to suffer, from the pain of a missing loved one or of violent crime serves as an important reminder of the urgency and importance of DOJ’s work. DOJ remains steadfast in its pledge now and in the future to work as partners with Tribal governments in preventing and responding to the violence that has disproportionately harmed Tribal communities. The Departments collectively pledge to continue action in service of AI/AN communities and individuals and to uphold trust and treaty obligations to advance the goal of healing.

We note that other federal departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation H2:** DOI and DOJ must arrange an opportunity for members of the NIAC to meet with the Secretary’s Tribal Advisory Committee (STAC) at DOI and the Tribal Nations Leadership Council (TNLC) at DOJ to brief them on the NIAC’s recommendations within three months of this Report’s submittal.

**Response:** The Attorney General’s Tribal Nations Leadership Council (TNLC), established in 2010, is comprised of a group of Tribal leaders selected by Tribal governments from each of twelve regions across the country. The TNLC is charged with providing the Attorney General with advice and perspective on emergent and ongoing issues facing Indian Country as well as providing feedback on DOJ activities in support of Tribes in each region. DOJ convened an [in-person meeting of the TNLC in October 2023](#), where members of the TNLC had the opportunity to meet with the Attorney General, Deputy Attorney General, Associate Attorney General, and leadership from many of DOJ’s components whose work intersects with Indian country. Public safety, law enforcement, funding and resources, and DOJ’s response to the MMIP crisis were top line items discussed during the meeting.

Regarding DOI, the Interior’s first [Secretary's Tribal Advisory Committee \(STAC\)](#) was established under Secretary Deb Haaland in 2022 in furtherance of our government-to-government relationship with the 574 federally recognized Tribal Nations in the United States. Since the Department’s formal establishment of STAC, it has created a permanent forum to facilitate intergovernmental discussions between the Secretary, high-level Department officials, and elected Tribal representatives. This effort is in furtherance of the federal trust responsibility to advance a regular, meaningful, and consistent government-to-government relationship with elected Tribal representatives to strengthen the Department’s efforts to share information, exchange ideas, provide recommendations, and facilitate robust discussions and interactions regarding intergovernmental responsibilities, administration of the Department’s programs, and development of policies. STAC is organized by (2) appointed Tribal members from each of the 12 [Bureau of Indian Affairs \(BIA\) Regions](#): 1) Alaska Region, 2) Eastern Region, 3) Eastern Oklahoma Region, 4) Great Plains Region, 5) Midwest Region, 6) Navajo Region, 7) Northwest Region, 8) Pacific Region, 9) Rocky Mountain Region, 10) Southern Plains Region, 11) Southwest Region, and 12) Western Region.

Most recently, STAC convened its last in-person meeting with the Secretary and high-level Department leadership on December 4 and December 5, 2023, in Washington, D.C. during a two-day meeting where it covered a variety of topics, including public safety and MMIP issues.

DOI and DOJ are committed to supporting their respective government-to-government relationships between the TNLC and STAC, respectively. Both the TNLC and STAC, as groups of Tribal Leaders established by charters, are the entities responsible for deciding whether they would like a briefing from members of the Commission. DOI and DOJ are available to assist and facilitate should the TNLC and/or STAC request such a meeting.

**Commission Recommendation H3:** In addition to the initial agency response to this Commission’s report within 90 days, DOI and DOJ must provide annually, a publicly available and disseminated update to the STAC and TNLC on actions taken and not taken regarding progress toward implementation of the Commission’s recommendations, including specifically the total number of Commission recommendations that have been met, partially met, or not met.

**Response:** DOI and DOJ regularly provide their respective TNLC and STAC leadership with updates on Department activities that impact Tribes, including on the Departments’ response to the crisis and public safety as well as legislative, litigation, funding, and programmatic updates. DOI and DOJ are currently assessing how best to track implementation of the Commission’s recommendations going forward and appreciate the recommendation to engage with the TNLC and STAC specifically on these efforts.

**Commission Recommendation H5:** The Secretary of the Interior must provide adequate staffing resources to fulfill the responsibilities outlined in Sec. 3(a) of the Not Invisible Act. While the Act requires the Secretary to designate an official within the BIA Office of Justice Services who shall coordinate prevention efforts, grants, and programs related to MMIP and HT across federal agencies, the Commission believes that one full-time employee is not sufficient to carry out the requirements specified in the Act.

**Response:** As noted in the response to Recommendation D2 (Chapter 6), the Commission’s recommendations submitted on November 1, 2023, were statutorily mandated under Section 4 of the Act. However, this recommendation references the Act’s Section 3 requirements, which are distinct and fall outside of the Section 4 requirements. Section 3 requires a “Section 3 NIA Coordinator” to compile a *separate* Section 3 federal report on prevention efforts, grants, and programs related to MMIP issues across federal agencies. The Commission’s request identifies additional duties that would expand the existing statutorily mandated “Section 3 Coordinator” duties under the Act. The Departments will need to assess whether extension of the existing Section 3 duties is feasible.

**Commission Recommendation H6:** DOJ must designate a point person for Tribal matters in either the Attorney General or Deputy Attorney General’s Office who has experience working on justice issues with Tribal nations. Relying on components with no formal authority to coordinate across an agency with a hierarchical culture has not historically worked. When DOJ has made significant strides in improving its work with Tribal communities, it has been because

the political leadership has prioritized the issue and have assigned staff in their offices, with experience working with Tribal nations, to work with the Office of Tribal Justice and other key components to get things done across DOJ.

**Response:** DOJ's Office of Tribal Justice (OTJ) was initially formed in 1995 in response to similar requests from Tribal leaders for a dedicated point of contact for Indian Country-specific legal and policy matters. OTJ leadership continues to serve as DOJ's "point person" for Tribal matters. The office was made permanent on July 29, 2010, with the passage of the Tribal Law and Order Act (TLOA).<sup>30</sup> OTJ's responsibilities are established in 28 CFR 0.134 Subpart W-1 and include the following:

1. Serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian Tribes;
2. Serve as the Department's initial and ongoing point of contact, and as the Department's principal liaison, for Federally recognized Tribal governments and Tribal organizations;
3. Coordinate the Department's activities, policies, and positions relating to Indian Tribes, including the treaty and trust relationship between the United States and Indian Tribes;
4. Ensure that the Department and its components work with Indian Tribes on a government-to-government basis;
5. Collaborate with Federal and other government agencies to promote consistent, informed government-wide policies, operations, and initiatives related to Indian Tribes; and
6. Serve as a clearinghouse for coordination among the various components of the Department on Federal Indian law issues, and with other Federal agencies on the development of policy or Federal litigation positions involving Indians and Indian Tribes; etc.

OTJ will continue to serve in this capacity, coordinating directly with DOJ leadership offices, component leadership, and other agencies as necessary. DOJ leadership offices also commit to continue frequent and direct engagement with OTJ and to ensure specific attention to Tribal matters.

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<sup>30</sup> 25 U.S.C. § 3665a (2010).



**Commission Recommendation H7:** Congress must create in statute a new Assistant Attorney General for AI/AN Affairs tasked with public safety for AI/AN. This position will answer to the Deputy Attorney General and will have the following broad responsibilities:

- Serve as an ombudsman for AI/AN MMIP families and victims desiring information about the status of the investigation and or prosecution of their case;
- Have oversight responsibility for the recruitment, training, assignment and performance of DOJ personnel, including FBI and U.S. Attorneys Offices, serving AI/AN communities;
- Have oversight over the DOJ Civil Rights Division regarding complaints by AI/AN MMIP families and victims regarding alleged civil rights violations by municipal, county and state officials during investigations (or lack of Investigations) of MMIP cases under state, county, or municipal jurisdiction. If these investigations result in findings of civil rights violations, the AAG, where allowed by law, may direct that at a minimum all DOJ funding may be withdrawn from the offending jurisdiction and may result in prosecution; and
- Monitoring implementation of Savanna’s Act and other relevant legislation across the Department.

**Response:** This recommendation requires action by Congress, but DOJ provides the following additional information. As to the recommendation that this Assistant Attorney General (AAG) be “an ombudsman for AI/AN MMIP families and victims desiring information about the status of the investigation and or prosecution of their case,” DOJ has an existing Office of the Victims’ Rights Ombuds to address alleged violations of crime victims’ rights, including rights to notification regarding relevant developments in investigations and prosecutions. As to the recommendation to create a new AAG to “have oversight over the DOJ Civil Rights Division regarding complaints by AI/AN MMIP families and victims regarding alleged civil rights violations by municipal, county and state officials during investigations (or lack of Investigations) of MMIP cases under state, county, or municipal jurisdiction,” the Civil Rights Division AAG already has oversight over the Civil Rights Division regarding such complaints. The AAG and Office of Assistant Attorney General (OAAG) staff regularly engage with, and are committed to continuing to engage with, stakeholders including Tribal communities and AI/AN families and victims regarding the civil rights of missing, murdered, and trafficked Indigenous persons. The Civil Rights Division’s Indian Working Group is also committed to continuing to engage with stakeholders and working in close collaboration with the OTJ on civil rights concerns.

**Commission Recommendation H9:** When either the federal and state courts are exercising jurisdiction over an Indian defendant for conduct on Tribal lands, they should be required: 1) to inform the relevant Tribal government when a Tribal citizen is convicted for a crime in Indian country and Alaska Native Villages; 2) to collaborate, if the Tribal government so chooses, in choices involving corrections placement or community supervision; and 3) to inform the Tribal government when that offender is slated for return to the community.

**Response:** With respect to federal courts, DOJ, through the USAOs, will continue to communicate with appropriate Tribal officials when a Tribal citizen is convicted of a federal crime in Indian Country or in an Alaska Native Village. USAOs will also notify appropriate Tribal officials on the process for communicating placement preferences to the Federal Bureau of Prisons (BOP) and the United States Probation Officer (USPO). The USAOs will also continue to communicate with appropriate Tribal officials, the BOP, and the USPO on release-related notifications.

Federal defendants are not in the custody of the BOP until sentenced. Convicted persons may either be released to the community or committed to the custody of the United States Marshals Service (USMS) prior to sentencing. Some pretrial detainees are housed by USMS in BOP facilities. Whether housed with the BOP or not, the BOP is unable to communicate with Tribal governments about the conviction status for persons not yet serving a BOP term. The U.S. Probation and Pretrial Services Office, which is part of the judicial branch of the federal government, may be in the best position to make such notifications.

The BOP has plenary authority under 18 U.S.C. § 3621(b) to choose the place of confinement during an individual's term of incarceration. This includes any time in community placement or a residential reentry center (halfway house). In choosing the place of confinement, the BOP relies upon the court's presentence investigation report (PSR) prepared by the USPO. Classification factors include distance to the individual's home, judicial recommendations, severity of the offense, duration of the term, and criminal history. After security classification, designation is primarily informed by the individual's medical needs. An appropriate opportunity for a Tribal government to influence corrections placement or community supervision is by offering feedback during the completion of the PSR. Outside of the PSR, there is no avenue for the BOP to permissibly accept and weigh input from Tribal officials. Tribal governments may coordinate directly with the USPO to ensure their input is properly reflected in the PSR. BOP will consider such input along with other contents of the PSR, and any recommendations made by the sentencing court.

In addition, many individuals serve a supervised release term immediately following the term of incarceration. Persons on supervised release are no longer in the custody of the BOP and shift

to the supervision of the USPO. As early as a year prior to release from custody, the BOP will contact the appropriate USPO in the individual's district of release to ensure the offender's smooth reentry to the community. Both agencies work with the individual being released to secure identification documents, child support information, community medical care, drug treatment options, mental health resources, and more. As BOP does not directly coordinate with the Tribal government as part of reentry, USPO may be in the best position to facilitate such contact.

Under 18 U.S.C. §§ 3563(b) and 3583(d), the sentencing court imposes supervised release conditions per its discretion in a manner customized to the needs and circumstances of each individual offender. The USPO manages the court's tailored supervised release regime for each person under its supervision. Engaging the Tribal government during the reentry stage would fall under the USPO's statutory authority.

In certain cases, the BOP will directly contact Tribal officials if an individual is released to home residence that is in Indian Country. Title 18 U.S.C. § 4042(b) requires the BOP to notify state, Tribal, and local law enforcement officials at least five calendar days prior to releasing to supervised release, probation, or parole prisoners who have been convicted of a "drug trafficking crime" or a "crime of violence." Title 18 U.S.C. § 4042(c) requires that the Bureau provide release and specified registration information to state, Tribal, and local law enforcement and registration officials at least five calendar days prior to release of individuals who are released from prison and required to register under the Sex Offender Registration and Notification Act (SORNA). In the event of an immediate release for a SORNA registrant, the BOP will immediately make the notification, no later than the next business day. When special-notification offenders under 18 U.S.C. § 4042(b)-(c) are released to residences outside Indian Country, the BOP will still make notifications to the chief local law enforcement official in the release jurisdiction.

<p><b>Commission Recommendation H12:</b> Congress must authorize and fund on a recurring basis required training for new Federal staff whose jobs require them to interact with Tribes to complete training entitled, "Working Effectively with Tribal Governments."</p>
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**Response:** While the recommendation requests that Congress must authorize and fund the type of widespread mandatory training it calls for, the Not Invisible Act "Section 3 Coordinator" has independently acquired the "Working Effectively with Tribal Governments" online federal training program from the Office of Personnel Management (OPM) in FY 2020. BIA/OJS is in the

process of finalizing the program to make it available to the public. Please see the response to Recommendation H5 for additional information on the Act's "Section 3 Coordinator."

**COMMISSION FINDING I: Development projects, including extractive industries, that create "man camps" or attract outside workers on or near Tribal lands are significant contributing factors to MMIP and HT.**

**Commission Recommendation I1:** Federal leasing procedures must require background checks of all workers hired to work in or near Indian country and Alaska Native Villages for protection orders, sexual offender lists, violent crimes, and exclusion from other Tribal communities and should alert nearby communities and Tribes of dangerous individuals.

**Response:** DOI supports Tribal efforts to ensure that any person working near a Native community is safe and will not bring harm to the community. However, BIA does not have the ability to require that those who lease land or facilities near these communities pass a background check. Adopting this recommendation would require a change to existing statutory law and is outside DOI's existing legal authorities.

**Commission Recommendation I2:** Federal leasing procedures must require that a portion of revenue from such leasing go to the surrounding area for public safety purposes to provide local LE and justice agencies with funds to offset the impacts of these types of industries.

**Response:** While DOI understands the recommendation, the proceeds from Tribally owned or individual Indian-owned minerals are the sole property of the lessor, and the proceeds may only go to the lessor or the BIA as trustee for the lessor. With respect to leases issued by Bureau of Land Management (BLM), Congress directs disposition of such revenue and would have to change the law to authorize distribution in this manner. Adopting this recommendation would require a change to existing statutory law and is outside DOI's existing legal authorities.

**Commission Recommendation I3:** Environmental Impact Statements issued for any federal and Tribal leases must be required to address impacts on local Tribal communities, including public safety impacts.

**Response:** DOI complies with the requirements of the National Environmental Policy Act (NEPA) and implements its regulations, including, when appropriate, conducting an analysis of socio-economic impacts of agency actions.

**COMMISSION FINDING J: Alaska Natives are at extreme risk and have long been neglected in efforts to improve public safety for Native people. The unique legal, historical, geographic, and cultural context in Alaska requires tailored solutions and resources to address the MMIP and HT crisis.**

**Commission Recommendation J1:** DOJ and the DOI must — within one year — conduct an equity assessment of law enforcement, court, and related governmental services for every Alaska Tribe.

**Response:** An equity assessment is a complex undertaking that will require high levels of resources and sufficient data to complete. DOJ's OJP, via the National Institute of Justice (NIJ), in coordination and partnership with DOI, will assess whether there are sufficient data and resources to conduct an equity assessment of law enforcement, court, and related governmental services for Alaska Tribes.

**Commission Recommendation J2:** Congress must appropriate, and DOJ/DOI must provide, recurring base funding for Alaska Tribes to develop and sustain both civil and criminal Tribal court systems, including but not limited to requirements tied to the Alaska pilot program authorized in VAWA 2022, assist in the provision of LE and related services, and assist with intergovernmental agreements. Funds must be appropriated to DOI so that Tribes may enter into self-governance compacts to execute the new authority and funding should they wish. DOI and DOJ must begin funding Alaska Tribes on a pilot basis (such as the 477 and Tiwahe programs) until base funding is made permanent. Funding must include costs for public defenders and lay advocates. Compacting is a proven method of delivering high-quality programs and services in Indian country. One such example is Tribal healthcare in Alaska. Under the Alaska Tribal Health Compact, Alaska's Tribal health organizations provide nationally recognized high-quality health care to Tribal members across the state, including in rural Alaska. These healthcare services are delivered at the village level, sub-regional hubs, regional hubs, and from Anchorage. Similar success can be achieved in protecting Tribal communities and addressing the epidemic of MMIP in rural Alaska by giving Tribes equitable and flexible

funding to design public safety services delivered both at the individual community level as well as from regional and state-wide hubs.

**Response:** The Departments support additional funding for Public Safety and Justice activities in Alaska. It is important to note that providing funding for public safety in Alaska has sometimes been complicated by the requirements of P.L. 280, which inhibits the ability of Tribes to respond to law enforcement events because of reliance on other state and local law enforcement—even if the Tribes have funding on hand to increase their capacity. The Departments support engagement and consultation among Tribes, federal agencies, Congress, and state and local law enforcement to identify strategies to improve public safety implementation in Alaska under current law and to explore potential reforms of P.L. 280 to ensure the law is consistent with the current and future era of self-determination.

BIA/OJS’s Tribal Courts program currently provides funding to 196 Tribal courts under P.L. 93-638 contracts and self-governance compacts. However, through the BIA Tribal Court Assessment program, more than 400 Tribes have received one-time funding for Tribal court-related positions, as well as training and technical assistance to support those courts. In Alaska, DOI has funded more than 180 tribal courts since 2016 with one-time annual funding based on the individual Tribe’s request and identified need.

DOJ currently provides public safety funding to Tribes in Alaska and has done so for many years. DOJ awarded more than \$127 million to Alaska Native entities and programs between 2020-2023. Information on awards may be found on DOJ’s [Tribal Justice and Safety website](#) and on [OVW’s website](#). Currently, DOJ grant funding is provided by Congress as discretionary funding.

In August 2023, Attorney General Garland traveled to Galena, Alaska, where he met with Alaska Native community leaders from several villages, and to Anchorage, Alaska, where he participated in a roundtable with representatives of Native Tribal organizations to discuss public safety issues in Alaskan Native Villages. In response, the Attorney General directed OTJ to work with the Department’s grantmaking components to examine all options—including recommending legislation to Congress—for improving funding opportunities for Alaska Native communities to address the significant public safety challenges in Alaska. At the direction of the Attorney General, DOJ is reviewing current funding authorities and policies to identify further improvements the Department can make to better provide public safety funding for Alaska Native communities, including improving access to and administration of funding, training, and technical assistance, and convening a working group to address these issues further.

DOJ is in the process of exploring how the healthcare system that is being delivered under the Alaska Tribal Health Compact may serve as a model for delivering public safety services and

programs. DOJ looks forward to working with Tribes as the Department considers possible legal reforms or programs that might enable similar success in advancing public safety.

**Commission Recommendation J5:** Going forward, all statutory and administrative language in Public Safety and Justice related grant programs must expand the definition of “Indian country” to include the definition of “Village” used in VAWA 2022. In VAWA 2022 Congress recognized and affirmed the inherent authority of any Alaska Tribe occupying a Village to exercise criminal and civil jurisdiction over all Native people present in the Village. New statutes and administrative language should recognize this reaffirmation and territorial component as defined. Further, current statutes and administrative language, such as the Indian Law Enforcement Reform Act, must also be reviewed and evaluated for amendment. The enabling acts for the Not Invisible Act and Savanna’s Act both used definitions of “Indian” and “Indian Tribe” that are intentionally broad to account for the Alaska specific experience. Future legislation about Alaska must also use these definitions.

**Response:** DOJ’s interpretation of “Indian Country” is consistent with the relevant applicable statutory language. Current practices for DOJ grant programs, with regard to the applicable definitions of “Indian” and “Indian Tribe,” include Alaska Natives and Alaska Native Villages. As a general matter, DOJ grant programs are open to federally recognized Tribal governments; program materials do not generally reference or include a definition of “Indian Country.” For example, OVW grants are not limited to Indian Country and by statute specifically include Alaska Native Villages within all Tribal eligibility categories. The VAWA 2022 language cited in this recommendation specifically pertains to the Alaska Tribal Public Safety Empowerment subtitle, which is not a grant program statute. However, it does govern the Alaska Pilot Program for implementation of Special Tribal Criminal Jurisdiction by Alaska Tribes, which DOJ launched in 2023 and in which all three DOJ grantmaking components are participating.

**Commission Recommendation J9:** The position in the Alaska U.S. Attorney’s office charged with implementation of *Savanna’s Act*, must be made permanent.

**Response:** Currently, the USAO in Alaska employs a contract MMIP Coordinator that assists in the implementation of Savanna’s Act guidelines. The newly created MMIP Regional Outreach Program, in coordination with USAOs and their Tribal Liaisons, will assist in updating and refining Savanna’s Act guidelines. The USAO in Alaska will host one of the permanently funded MMIP Regional Coordinators, who will devote a significant amount of work to Alaska and will continue to update and refine the USAO’s Savanna’s Act guidelines in coordination with

Alaska's Tribal Liaison. The MMIP Regional Coordinator will also be available to assist and share information with other regional coordinators.

**Commission Recommendation J10:** The Federal government must work with Alaska Tribes and the State of Alaska to improve coordination and collaboration on a broad range of public safety measures that includes a 5-year and 10-year plan for building needed infrastructure that can address Alaska Native children and adult exposure to high rates of violence.

**Response:** DOJ, in coordination with the USAO in Alaska, is exploring ways to improve public safety issues throughout Alaska. The USAO has reestablished the Alaska Public Safety Advisory Committee, which meets regularly to discuss ways to improve crime prevention and victim services, as well as increase coordination and communication among federal, Tribal, state, and local law enforcement agencies. The Committee is currently discussing the Alaska Pilot Program, established by VAWA 2022, which enables Alaska Tribes designated by the Attorney General to exercise special criminal jurisdiction over persons who are not citizens of an Indian Tribe. The Committee will continue to coordinate and collaborate among federal, Tribal, state, and local partners to address public safety measures to curb violence against Alaska Natives.

**Commission Recommendation J11:** BIA and DOJ must undertake efforts to support Alaska Tribes seeking Federal cross-deputization to accelerate Alaska Tribes' ability to implement the VAWA 2022 pilot project.

**Response:** A significant challenge in investigating cases in Tribal communities is the limited number of law enforcement personnel and frequent turnover in Tribal police department staffing. While BIA has permitted students from Alaska to take the CJIS class, federal law and regulations limit the Special Law Enforcement Commission (SLEC) program to only officers from "Indian Country," e.g., Metlakatla Indian Community.

Notwithstanding these challenges, DOJ is committed to helping Alaska Native Villages implement VAWA 2022. In October 2023, DOJ announced the launch of a [pilot program](#) under VAWA 2022 that will allow Alaska Native Tribes to seek to exercise special Tribal criminal jurisdiction (STCJ) over non-Indian offenders for certain crimes, including crimes of sexual and domestic violence. DOJ's tiered implementation plan provides opportunities for Alaska Native communities to access technical assistance and other resources to build the capacity of their criminal justice systems and strengthen public safety.



This framework will permit any Tribe in Alaska to take part in the program, without requiring any commitment to ultimately seek Attorney General designation to exercise STCJ.

**Commission Recommendation J13:** DOJ’s Civil Rights Division must investigate the State of Alaska’s record for investigating suspicious deaths, murders, and homicides.

**Response:** As noted earlier, with approximately 18,000 law enforcement agencies across the country, DOJ’s Civil Rights Division (CRT) weighs many factors when deciding whether to investigate a jurisdiction. CRT will take this recommendation under further consideration and thanks the Commission for raising the concern.

**Other Legislative and Administrative Commission Recommendations: The Subcommittee discussed several other recommendations that require legislative action but do not fit neatly into the categories above. These are important and are included below.**

**Commission Recommendation K3:** DOJ and DOI must initiate a process, led by Tribes and other Training and Technical Assistance (TTA) recipients, to develop standards for the creation of effective TTA for Tribes and Native people.

**Response:** DOJ’s OJP/OVC will include this topic in a listening session in 2024 to gather input from Tribes about what standards for TTA for Tribes and Native people should look like. The results of the listening session will inform a collaboration between DOI and DOJ about how such standards should be developed and applied.

DOJ’s OJP/BJA has established expectations for its TTA providers, which include assessing the needs of each grantee, developing training and technical assistance that is responsive to these needs, and offering coaching through this process and translating these lessons to other Tribes. OJP/BJA also assesses the expertise of the TTA providers in providing assistance specifically to Tribal justice systems, including cultural expertise and the hiring of staff who reflect those they serve. These expectations are part of the criteria to select both the providers and who serves as the peer reviewer for these applications. The overall expectations for Tribal TTA providers are also coordinated across the CTAS team to ensure coordinated services and consistent expertise for providers. OJP/BJA will continue to work with Tribes and TTA recipients to ensure these standards continue to meet the needs of Tribes and Native people.

OVW's Tribal Affairs Division has been working for years to develop an effective TTA strategy and continues to build TTA projects to meet the needs of Tribal grantees. OVW's annual Tribal Consultation is a critical government-to-government event, which provides the necessary consultation to create change specifically to support Tribal governments. OVW will continue to consult at this event on additional ways to improve TTA for Tribes and Native people.

**Commission Recommendation K14:** The Administration must develop a data hub that pulls and shares ICWA- related data between DOI, HHS, and DOJ to monitor ICWA implementation across agencies.

**Response:** DOI and DOJ appreciate the need for federal agencies to share Indian Child Welfare Act (ICWA)-related data in support of ICWA's implementation. DOI and DOJ will continue to work closely with HHS on all issues related to preserving, protecting, and implementing ICWA through the ICWA Interagency Workgroup process, which includes a sub-workgroup on data interoperability and sharing.

We note that this recommendation also concerns HHS. HHS may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation K20:** Building on Executive Order 13985, federal agencies should conduct equity audits on a regular basis to identify and address systemic inequities and biases in their policies and practices. DOJ and DOI should establish clear guidelines and training programs to ensure that equity audits are conducted regularly, effectively, and consistently." Furthermore, the results of such equity audits should include clear steps and prescriptions for improving and resolving those inequities identified in the audits. Equity audits and assessments are an important tool that can be used to ensure that an agency's policies and practices are fair, inclusive, culturally responsive, accessible, trauma-informed, and equitable. Comprehensive equity audits can help identify and address systemic inequities and biases, with a strong focus on centering the voices and experiences of individuals with lived experiences and those directly impacted. Regular equity audits, reporting, and staff training are integral components of efforts to promote transparency, accountability, and continuous improvement and can ultimately lead to more effective and just policies. Furthermore, the Equitable Data Working Group named in the EO should receive and take up the recommendations from this Subcommittee regarding data.

**Response:** Since January 20, 2021, DOJ has taken many notable steps to assess and address barriers to equity within DOJ programs and advance equity for historically marginalized and underserved communities. The Department reinvigorated its Office for Access to Justice, which is dedicated to assessing and identifying opportunities to increase equitable access to Department programs and services. In addition, pursuant to Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, DOJ published its first-ever [Equity Action Plan](#) in April 2022 and has made significant progress implementing its equity priorities by improving grant-making and solicitation processes, increasing opportunities for disadvantaged small businesses located in Historically Underutilized Business Zones, strengthening mechanisms for community engagement, and improving language access across the Department for individuals with limited English proficiency.

Pursuant to Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, DOJ has continued to pursue ambitious goals to build a fair and inclusive workforce, invest in communities where federal policies have historically impeded equal opportunity, deliver environmental justice, ensure equitable procurement practices, and improve the criminal justice system to end unjust disparities, strengthen public safety, and ensure equal justice under law. In furtherance of these goals, DOJ will continue to identify opportunities to collect the data necessary to ascertain whether these priorities and strategic initiatives are effective in identifying, addressing, and removing barriers for historically marginalized and underserved communities and those disproportionately impacted by crime, violence, and victimization.

## Chapter 7, Alaska: History, Issues, and Recommendations

As noted earlier, Chapter 7 was not a specific charge required under Section 4 of the Not Invisible Act. However, the Commission chose to include an additional chapter in their recommendations to address Alaska-specific issues. Following is an excerpt from the final report describing the way the Commission addressed unique Alaska-specific concerns:

The issues facing Alaska Natives regarding MMIP and HT are distinctive and compelling, warranting a dedicated section within any comprehensive report on this topic. It is intended that the history detailed in this section will provide context for creating solutions. This section is not intended to elevate Alaska issues above the issues of other Tribes, but to highlight the unique challenges faced in Alaska by Alaska Native communities that require unique responses. Nor is the intent of this section to create competition among Alaska Villages and Tribes for resources that should be equitably distributed or to compare the suffering between Alaska Villages and other Tribes.

**The Alaska-specific findings frame some of the unique considerations identified by the Commission, as described below.**

***ALASKA—CHILD WELFARE, EXTRACTION, INTERNATIONAL, DISPROPORTIONATE PRISON RATE, HIGHEST MURDER AND MISSING RATES, CHILD WELFARE RATES AND INTERCONNECTION OF THEM ALL.***

Alaska Natives are disproportionately represented in all categories. Alaska’s unique history, vast and remote landscapes, extreme weather conditions, and isolated communities present unique challenges for both prevention and response efforts. Alaska’s legal landscape, characterized by the intricate interplay of federal, state, and Tribal sovereignty, significantly impacts how cases are investigated and prosecuted. Access to appropriate and timely resources, including law enforcement, is often cited as a huge contributing factor as more than one-third of Alaska Native Villages lack any law enforcement whatsoever and have to rely on officers stationed in a hub community that can be hours, days and sometimes weeks away given the weather factors. The state has created a Village Public Safety Officer (VPSO) program that provides some law enforcement in the villages. However, this program has ongoing challenges as VPSOs often are not authorized to carry weapons, have limited or no in-village backup, are often on rotation in and out of the village, and are challenging to recruit and retain due to housing shortages, lack of living wage, and other issues resulting in high demand but low numbers of staffing.

Alaska Native men and women also are imprisoned by the state at disproportionate rates. We know that many leave the system to become homeless, leading them to increased vulnerability to violence and trafficking. The extractive industries are suspected to play a large role in the disproportionate rate of human trafficking in Alaska, with high rates of women and children

being targeted. Finally, child welfare issues continue to be at disproportionate rates compared to non-Native populations, with many children aging out of care. State dependent Native children are targets for trafficking, particularly children who are removed from remote villages and placed on the road system and subsequently run away or attempt to return home. All of these factors combined have had profound implications for jurisdiction, law enforcement coordination, and the pursuit of justice in cases of MMIP and trafficking victims in Alaska.

Alaska Tribes have been locked out of regular predictable DOI compact funding for base governmental services such as public safety and judicial functions. Infrastructure development for these essential governmental services is significantly behind that which has been available to the lower 48 Tribes because of DOI policies of prioritizing their limited funding to Tribes located in non-PL-280 jurisdictions. This has shut out Alaska Native Tribes from developing these aspects of their governments for decades. Some Tribes have been able to fund public safety and justice programs through competitive grant programs, but funding from one grant cycle to the next is tenuous.

None of this, however, in any way diminishes the inherent authority of Tribes in Alaska over internal issues. Recently, Subtitle B of VAWA 2022 has taken steps to address public safety in Alaska Native villages and does five primary things:

1. Clarifies the territory within which Alaska Tribes can assert their inherent authority by defining the geographical area covered by the term “Village” with reference to the Tribal Statistical Area maps of the U.S. Census Bureau;
2. Reaffirms the inherent authority of Alaska Tribes to exercise civil and criminal jurisdiction over all Indians in their Villages;
3. States that Indian Tribes in Alaska shall have full civil jurisdiction to issue and enforce protection orders over all persons— Indian and non-Indian— for matters arising in their Village or otherwise within their authority;
4. Creates a pilot project for Alaska Native Tribes to exercise criminal jurisdiction over non-Indians in Alaska Native Villages for certain crimes; and
5. Mandates the creation of an Alaska Tribal Public Safety Advisory Committee.

The staggering rates of missing and murdered Indigenous individuals in Alaska, when compared to the national average, underscore the urgency of addressing this issue in a way that acknowledges its distinctiveness and provides tailored solutions.

**The following recommendations and Responses address the Alaska-specific issues identified by the Commission.**

**Commission Recommendation A1:** DOJ and the DOI must—within one year—conduct an equity assessment of law enforcement, court, and related governmental services for every Alaska Tribe.

**Response:** This recommendation is initially listed as Recommendation J1 in Chapter 6. As noted in the earlier response, an equity assessment is a complex undertaking that will require high levels of resources and sufficient data to complete. The Office of Justice Programs/National Institute of Justice (OJP/NIJ), in coordination and partnership with the U.S. Department of the Interior (DOI), will assess whether there are sufficient data and resources to conduct an equity assessment of law enforcement, court, and related governmental services for Alaska Tribes.

**Commission Recommendation A2:** Congress must appropriate, and DOJ/DOI must provide, annual non-competitive base funding for Alaska Tribes to develop and sustain both civil and criminal tribal court systems, including but not limited to requirements tied to the Alaska pilot program authorized in VAWA 2022, assist in the provision of LE and related services, and assist with intergovernmental agreements. Funds must be appropriated to DOI so that Tribes may enter into self-governance compacts to execute the new authority and funding should they wish. DOI and DOJ should begin funding Alaska Tribes on a pilot basis (such as the 477 and Tiwahe programs) until base funding is made permanent. Funding must include costs for public defenders and lay advocates. Compacting is a proven method of delivering high-quality programs and services in Indian country. One such example is Tribal healthcare in Alaska. Under the Alaska Tribal Health Compact, Alaska’s Tribal health organizations provide nationally recognized high-quality health care to Tribal members across the state, including in rural Alaska. These healthcare services are delivered at the village level, sub-regional hubs, regional hubs, and from Anchorage. Similar success can be achieved in protecting Tribal communities and addressing the epidemic of MMIP in rural Alaska by giving Tribes equitable and flexible funding to design public safety services delivered both at the individual community level as well as from regional and state-wide hubs.

**Response:** This recommendation is initially listed as Recommendation J2 in Chapter 6. As noted in the earlier response, the U.S. Department of Justice (DOJ) and DOI support additional funding for public safety and justice activities in Alaska. It is important to note that providing funding for public safety in Alaska is complicated by the requirements of P.L. 280, which inhibits the ability of Tribes to respond to law enforcement events because of reliance on state and local law

enforcement—even if the Tribes have funding on hand to increase their capacity. The Departments support engagement and consultation among Tribes, federal agencies, Congress, and state and local law enforcement to identify strategies to improve public safety implementation in Alaska under current law, and to explore potential reforms of P.L. 280 needed to ensure the law is consistent with the current and future era of self-determination.

DOJ currently provides public safety funding to Tribes in Alaska and has done for many years. DOJ awarded more than \$127 million to Alaska Native entities and programs between 2020 and 2023. Information on awards may be found on DOJ’s Tribal Justice and Safety website and on the website of the Office on Violence Against Women (OVW). Currently, DOJ grant funding is provided by Congress as discretionary funding.

In August 2023, Attorney General Garland traveled to Galena, Alaska, where he met with Alaska Native community leaders from several villages, and to Anchorage, where he participated in a roundtable with representatives of Native Tribal organizations to discuss public safety issues in Alaska Native Villages. In response, the Attorney General directed the Office of Tribal Justice to work with the Department’s grantmaking components to examine all options—including recommending legislation to Congress—for improving funding opportunities for Alaska Native communities to address the significant public safety challenges in Alaska. At the direction of the Attorney General, DOJ is reviewing current funding authorities and policies to identify further improvements the Department can make to better provide public safety funding for Alaska Native communities, including improving access to and administration of funding, training, and technical assistance, and convening a working group to address these issues further.

DOJ is in the process of exploring how the health care system that is being delivered under the Alaska Tribal Health Compact may serve as a model for delivering public safety services and programs. We look forward to working with Tribes as we consider the possibilities.

The Bureau of Indian Affairs (BIA), through the Tiwahe Program, has funded the Association of Village Council Presidents (AVCP) as a demonstration site since 2015. The Tiwahe funding to AVCP was transferred to base in 2021 and AVCP has designed and implemented a number of programs to address missing or murdered Indigenous persons (MMIP) and human trafficking (HT), including publishing the [Missing & Murdered Indigenous People Service Delivery Guide](#). In addition to funding AVCP, the Tiwahe Program provided \$200,000 each to Tanana Chiefs Conference and Cook Inlet Tribal Council to support development of a Tiwahe plan. The Tiwahe Program also provided the first across-the-board increases in social services and Indian Child Welfare Act (ICWA) funding since 1994 to nearly 400 Tribes and Tribal organizations, many in Alaska. BIA continues to request additional funding from Congress to support expansion of the Tiwahe Program to more Tribes, including those in Alaska.

BIA Tribal Justice Support (TJS) provides funding, training, and technical assistance to Tribal courts in Alaska. DOI has worked with over 180 Tribal courts in Alaska and worked to create new tribal courts. For instance, in 2015, the AVCP Region had 52 tribes with fewer than 15 Tribal courts; within an 8- to 9-year span and based on DOI funding, training, and technical assistance opportunities, the region now has over 40 Tribal courts, which are highly functional and have the capacity to accept transfer cases from state courts.

In addition, through Public Law 102-477, which was developed “to improve the effectiveness of Tribal employment, training, and related services, and reduce joblessness in communities for self-determination purposes,”<sup>31</sup> BIA facilitates the transfer of funding from 7 of 12 participating federal agencies to Alaska Tribes and Tribal Organizations. In FY 2023, BIA facilitated the transfer of \$316 million from the U.S. Departments of Commerce, Education, Health and Human Services, Housing and Urban Development, the Interior, Labor, and Justice to 78 participating Tribes and Tribal Organizations. Nineteen of the 78 are Alaska Native Tribes and Tribal organizations: Aleutian Pribilof Island Association, Association of Village Council Presidents, Bristol Bay Native Association, Central Council of Tlingit and Haida Indian Tribes, Chickaloon Native Village, Chilkat Indian Village, Chugachmuit, Cook Inlet Tribal Council, Inc., Copper River Native Association, Native Village of Eyak, Kawerak, Inc., Knik Tribe, Kodiak Area Native Association, Maniilaq Association, Metlakatla Indian Community, Orutsaramiut Traditional Native Council, Sun’aq Tribe of Kodiak, Tanana Chiefs Conference, and Yakutat Tlingit Tribe. The participating Alaska Native Tribes and Tribal organizations represent 80% of the 228 federally recognized Tribes in the state of Alaska. BIA looks forward to supporting other Alaska Tribes as they contemplate integration of funding streams or grants into Tribal plans under Public Law 102-477.

**Commission Recommendation A5:** Moving forward, all statutory and administrative language in Public Safety and Justice related grant programs must expand the definition of “Indian country” to include the definition of “Village” used in VAWA 2022. In VAWA 2022 Congress recognized and affirmed the inherent authority of any Alaska Tribe occupying a Village to exercise criminal and civil jurisdiction over all Native people present in the Village. New statutes and administrative language should recognize this reaffirmation and territorial component as defined. Further, current statutes and administrative language, such as the Indian Law Enforcement Reform Act, must also be reviewed and evaluated for amendment. The enabling

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31 Public Law 102-477 Section 2.



acts for the Not Invisible Act and Savana’s Act both used definitions of “Indian” and “Indian Tribe” that are intentionally broad to account for the Alaska specific experience. Future legislation about Alaska should also use these definitions.

**Response:** This recommendation is initially listed as Recommendation J5 in Chapter 6. As noted in the earlier response, this is consistent with current practices for DOJ grant programs with regard to the applicable definitions of “Indian” and “Indian Tribe.” As a general matter, DOJ grant programs are open to federally recognized Tribal governments; program materials do not generally reference or include a definition of “Indian Country.” For example, OVW grants are not limited to Indian Country and by statute specifically include Alaska Native Villages within all Tribal eligibility categories. The Violence Against Women Act (VAWA) 2022 language cited in this recommendation specifically pertains to the Alaska Tribal Public Safety Empowerment subtitle, which is not a grant program statute. However, it does govern the Alaska Pilot Program for implementation of Special Tribal Criminal Jurisdiction by Alaska Tribes, which the DOJ launched in 2023 and in which all three DOJ grantmaking components are participating.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

**Commission Recommendation A9:** The position in the Alaska U.S. Attorney’s office charged with implementation of *Savanna’s Act*, must be made permanent.

**Response:** This recommendation is initially listed as Recommendation J9 in Chapter 6. As noted in the earlier response, the MMIP Regional Outreach Program, in coordination with United States Attorney’s Offices (USAOs) and their Tribal Liaisons, will assist in updating and refining Savanna’s Act guidelines. The USAO in Alaska will host one of the MMIP regional coordinators, who will build on the work of the existing MMIP coordinator in Alaska, devote a significant amount of work to Alaska, and continue to update and refine the USAO’s Savanna’s Act guidelines in coordination with Alaska’s Tribal Liaison. The MMIP regional coordinator will also be available to assist and share information with other regional coordinators.

**Commission Recommendation A10:** The federal government must work with Alaska Tribes and the state of Alaska to improve coordination and collaboration on a broad range of public safety measures that include a 5-year and 10-year plan for building needed infrastructure that can address Alaska Native children and adult exposure to high rates of violence.

**Response:** This recommendation is initially listed as Recommendation J10 in Chapter 6. As noted in the earlier response, DOJ, led by the USAO in Alaska, is exploring ways to improve public safety issues throughout Alaska. The USAO has re-established the Alaska Public Safety Advisory Committee, which meets regularly to discuss ways to improve crime prevention and victim’s services, as well as increase coordination and communication among federal, Tribal, state, and local law enforcement agencies. The Committee is currently discussing the Alaska Pilot Program, established by VAWA 2022, which enables Alaska Tribes designated by the Attorney General to exercise special criminal jurisdiction over persons who are not citizens of an Indian Tribe regarding certain offenses. The Committee will continue to coordinate and collaborate among federal, Tribal, state, and local partners to address public safety measures to curb violence against Alaska Natives.

DOI provides significant support to Alaska Tribal courts to build capacity to address issues related to children. BIA TJS provides funding for courts, judges, and attorneys to hear family law and child welfare cases. BIA TJS provides funding to the Alaska Native Justice Center, which provides representation to Tribes in ICWA matters in state court, case management and referrals to victims of domestic violence and/or human trafficking, as well as advocacy throughout the state to address the MMIP and HT crisis and the crisis’s unique impact on Alaska Native children and youth. DOI will continue to work with Alaska Tribes to address the prevention and intervention needs of their communities.

We note that this recommendation also concerns departments other than DOI and DOJ. Other departments may have additional feedback to provide under separate cover with respect to this recommendation.

<p><b>Commission Recommendation A11:</b> BIA and DOJ must undertake efforts to support Alaska Tribes seeking federal cross-deputization to accelerate Alaska Tribes’ ability to implement the VAWA 2022 pilot project.</p>
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**Response:** This recommendation is initially listed as Recommendation J11 in Chapter 6. As noted in the earlier response, one challenge in investigating cases in Tribal communities is the limited number of law enforcement personnel and frequent turnover in Tribal police department staffing. While BIA has permitted students from Alaska to take the Criminal Justice Information Services (CJIS) class, only officers from Metlakatla may receive a Special Law Enforcement Commission (SLEC). This is because federal law and regulations concerning the SLEC program specifically include the term “Indian Country.” Metlakatla is the only place in Alaska that meets the federal definition of Indian Country.

Notwithstanding these challenges, DOJ is committed to helping Alaska Native villages implement VAWA 2022. In October 2023, DOJ announced the launch of a pilot program under VAWA 2022 that will allow Alaska Native Tribes to seek to exercise special Tribal criminal jurisdiction (STCJ) over non-Indian offenders for certain crimes, including crimes of sexual and domestic violence. DOJ's implementation plan provides opportunities for Alaska Native communities to access technical assistance and other resources to help build the capacity of their criminal justice systems and strengthen public safety.

DOJ's approach to the pilot program includes a three-track process. Under Track One, all Alaska Tribes are invited to join an Alaska-specific Inter-Tribal Technical Assistance Working Group (ITWG) on STCJ to receive technical assistance and peer-to-peer support. This Alaska-specific ITWG will be supported by an OVW technical assistance award to the Alaska Native Justice Center and its partners.

Under Track Two, any Alaska Tribe may opt to become a Preliminary Pilot Program Tribe by completing a questionnaire to assess their readiness to exercise STCJ and identify any gaps in meeting the statutory requirements for exercising STCJ. Each Tribe that completes a questionnaire will be assigned a federal liaison, who will work alongside the Alaska Technical Assistance Provider to assist the Tribe in addressing unmet requirements and further building their criminal justice system capacity.

Under Track Three, an Alaska Tribe may seek Attorney General designation as a Participating Pilot Program Tribe by completing the same questionnaire used for Track Two. DOJ staff who review the questionnaire will either recommend Attorney General designation or invite the Tribe to participate (or continue to participate) in readiness activities under Track Two.

This framework will permit any Tribe in Alaska to take part in the Pilot Program, without requiring any commitment to ultimately seeking Attorney General designation to exercise STCJ. Importantly, it provides a mechanism for Alaska Tribes to receive federal guidance and technical assistance to develop their criminal justice capacity.

<p><b>Commission Recommendation A13:</b> DOJ's Civil Rights Division must investigate the state of Alaska's record for investigating suspicious deaths, murders and homicides.</p>
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**Response:** This recommendation is initially listed as Recommendation J13 in Chapter 6. As noted in the earlier response, with approximately 18,000 law enforcement agencies across the country, DOJ's Civil Rights Division (CRT) weighs many factors in deciding whether to investigate a jurisdiction. CRT will take this recommendation under further consideration and thanks the Commission for raising the concern.

**Commission Recommendation A15:** The BIA SLEC Program must be expanded to include Alaska Village Statistical Areas.

**Response:** This recommendation is initially listed as Recommendation C1 in Chapter 1. As noted in the earlier response, DOI would be supportive of this if we held proper jurisdictional authority to carry out such a task. Expansion of the SLEC to Alaska Village Statistical Areas is not currently possible, as SLEC is for federal jurisdiction on lands held in trust for Indian tribes. Expansion of the SLEC Program would require Congress to amend the program to explicitly include Alaska Village Statistical Areas, or to define them as Indian Country for this purpose.

**Commission Recommendation A16:** The MMIP Regional Outreach Program through EOUSA must be expanded to include more than one coordinator and AUSA to serve Alaska.

**Response:** This recommendation is initially listed as Recommendation S2 in Chapter 5. As noted in the earlier response, DOJ is committed to improving the federal response to MMIP. To advance its commitment, and consistent with Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, DOJ announced the creation of the MMIP Regional Outreach Program in June 2023.

The program endeavors to aid in the prevention and response to MMIP through the permanent placement of five MMIP Assistant U.S. Attorneys (AUSAs) and five coordinators in five designated regions across the United States. The program provides experienced and specialized support to USAOs within each designated region to address and combat these issues, including unresolved cases and MMIP-related crimes. Further, the program promotes communication, coordination, and collaboration among federal, Tribal, local, and state partners on MMIP issues. The program will also complement the work of the National Native American Outreach Services Liaison (OSL) to ensure that victims and families are supported as they navigate the federal criminal justice system.

To help facilitate a regional and national impact, programmatic support is being coordinated and provided by a national MMIP regional program coordinator located within DOJ's Executive Office for United States Attorneys (EOUSA). Notably, the program complements the work of already existing Tribal liaisons and Indian Country prosecutors in USAOs with Indian Country responsibility. Moreover, these efforts are further supported by the OSL, National Indian Country Training Initiative (NICTI) coordinator, and Native American issues coordinator.

As program regions are fully staffed, the regional AUSAs and coordinators will begin regional outreach to federal, Tribal, state, and local law enforcement; victim- and MMIP-related governmental and nongovernmental organizations; and urban Indian organizations to provide information about the program's resources, roles, and services provided and develop a regional resource list. The AUSAs and coordinators, in collaboration with local USAOs and their Tribal liaisons, will develop relationships with Tribal nations, established governmental and nongovernmental victim-related organizations, MMIP state task forces and offices, and MMIP families to ensure the development and growth of the program aligns with the needs of victims, victims' families, and federal, Tribal, state, and local partners.

The NICTI coordinator and EOUSA's MMIP program coordinator have discussed mandatory training for all hires serving a role in the program. Once the positions are staffed, all program personnel will be expected to participate in mandatory training to ensure a consistent victim-centered and trauma-informed response to MMIP-related issues across the regions.

EOUSA's program coordinator will help develop and monitor the program's progress. EOUSA will periodically assess the program to determine whether it is meeting its goals, including being responsive to Tribal community needs. The program coordinator and regional personnel will provide updates on the program's successes and efforts, as appropriate.

The program will work in concert with USAOs and federal, Tribal, state, and local partners to respond to the MMIP-related issues in each region and across regions. The program, including its regional AUSAs, coordinators, and program coordinator, will serve as conduits for information to pass freely from jurisdiction to jurisdiction to aid MMIP victims and families in receiving prompt information and resources.

In addition to the MMIP Regional Outreach Program, the USAO in Alaska has recently hired three AUSAs who will be dedicated to prosecuting cases in rural Alaska, training and outreach on MMIP and VAWA issues, and assisting Tribes with implementation of the Alaska Pilot Project.

## Conclusion

The Commission engaged in an extraordinary effort and applied a wide variety of expertise and experience to some of the most difficult and persistent public safety issues for AI/AN people and Tribal communities centering around the MMIP and HT crisis. Secretary Deb Haaland and Attorney General Merrick B. Garland are incredibly grateful for the Not Invisible Act Section 4 recommendations provided by the Commission. They supply invaluable feedback on steps that Congress, agencies, lawmakers, and law enforcement professionals can take to improve communication, coordination, and efficacy in our efforts to address the ongoing crisis and other public safety challenges impacting Tribal governments and AI/AN citizens in our country. The Commission's final "Not One More" report highlights the ways in which the federal government must work together to fulfill our obligations to Tribal Nations. U.S. Department of the Interior (DOI) and U.S. Department of Justice (DOJ) work to improve public safety and justice in Indian Country is ongoing, and the Commission's efforts provide needed guidance. DOI's and DOJ's work to fulfill the commitments included in this response will be rooted in consultation and coordination with Tribal governments. DOI and DOJ will schedule government-to-government consultations and listening sessions with Tribes, working with other agencies as appropriate, to ensure that future efforts are responsive to the needs of Tribal governments.

DOI and DOJ again wish to thank the federal and non-federal Commissioners, especially for their tireless dedication to host numerous public hearings across the United States to gather direct input from the public and those who have personally dealt with the impacts of the crisis. We again thank the hundreds of survivors and families of those who have gone missing or been murdered who came forward during the field hearings to share highly personal experiences in support of safer communities. The shared goal of improved public safety and the insights, recommendations, and testimony of the Commission and hearing participants will guide the work of the United States as we continue to uphold our federal trust responsibility. Indian Country is not alone in the fight to resolve the MMIP and HT crisis.

## **Appendix A: Recommendations for Other Agencies and Branches of Government**

This response document addresses recommendations directed at the U.S. Department of the Interior (DOI) and U.S. Department of Justice (DOJ). Numerous recommendations were directed at other federal agencies or branches of government. The table below lists recommendations that were not directed at DOI or DOJ. DOI and DOJ provided notification of these recommendations to relevant agencies and branches of government, except for Congress. As required in the Act, the Commission provided its recommendations directly to Congress.

RECOMMENDATION	RESPONDING GOV. BODY
<b>Chapter 1</b>	
A1	White House/OMB
B3	Congress
C8	White House/OMB
E2	Congress
E3	HHS
E4	Congress
F1	Congress
G1	Congress
G2	DOT
G6	Executive Office for U.S. Courts
H3	Congress
H6	White House OSTP/OMB
H7	Congress
<b>Chapter 2</b>	
A2	White House DPC/OMB
A10	Congress
A11	Congress
A12	Congress
A13	Congress
A14	State, Tribal, Local gov'ts
B1	HHS
C2	HHS
D1	HHS
G1	HHS
H1	Congress
H2	Congress

H3	Congress
H4	State, Tribal, Local gov'ts
J1	Congress
K1	Congress
L1	Congress
L2	Congress
L3	Tribes
L4	Medical Examiners/Coroners
M3	Congress
M4	Congress
M5	State, Tribal, Local gov'ts
O1	HHS
O2	HHS
O3	Medical Examiners/Coroners
O4	Congress
O5	State, Tribal, Local gov'ts
P2	State, Tribal, Local gov'ts
Chapter 3	
A2	Congress
A3	OPM
A4	Tribes
F4	Dept of Ed
Chapter 4	
B2	Congress
C8	Tribes
D2	Tribes
F4	States
F5	Tribes
H2	Tribes
H4	Congress
H5	Congress
J4	Congress
J10	State gov't
Chapter 5	
B1	HUD
B4	HHS
B5	HHS
D1	HHS
J1	HHS



K1	HHS
K2	Congress
K3	Congress
K4	Congress
K5	Congress
K6	Congress
K7	Congress
M3	HHS
M4	HHS
M5	HHS
N1	HHS
Q1	Congress
Chapter 6	
A1	White House/OMB
A2	White House/OMB
A3	Congress
A4	Congress
B1	White House/OMB
D1	White House/OMB
D3	White House/OMB
E1	Congress
F1	Congress
G1	Congress
H4	White House/OMB
H7	Congress
H8	White House/OMB
H10	Congress
H11	Congress
H12	Congress
J2	Congress
J3	Congress
J4	Congress
J5	Congress
J6	Congress
J7	Congress
J8	States
J12	HHS
J14	Congress
K1	Congress

K2	Congress
K4	Congress
K5	Congress
K6	Congress
K7	Congress
K8	Congress
K9	Congress
K10	Congress
K11	Congress
K12	Congress
K13	HHS
K15	Congress
K16	Congress
K17	Congress
K18	Congress
K19	HHS
Chapter 7	
A2 (Ch6, Rec J2)	Congress
A3 (Ch6, Rec J3)	Congress
A4 (Ch6, Rec J4)	Congress
A5 (Ch6, Rec J5)	Congress
A6 (Ch6, Rec J6)	Congress
A7 (Ch6, Rec J7)	Congress
A8 (Ch6, Rec J8)	States
A14 (Ch6, Rec J14)	Congress

## Appendix B: Acronyms

AAG	Assistant Attorney General
AG	Attorney General
AI/AN	American Indian/Alaska Native
AKNWRC	Alaska Native Women's Resource Center
AMBER	America's Missing: Broadcast Emergency Response
AUSA	Assistant United States Attorney
ATC	Advanced Training Center
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
AVCP	Association of Village Council Presidents
BIA	Bureau of Indian Affairs
BIPOC	Black, Indigenous, and Other People of Color
BJA	Bureau of Justice Assistance
BJS	Bureau of Justice Statistics
BLM	Bureau of Land Management
BMR	Basic Minimum Review
BOP	Bureau of Prisons
CCDBGGA	Child Care and Development Block Grant Act
CCDF	Child Care and Development Fund
CDC	Centers for Disease Control and Prevention
CJI	Criminal Justice Information
CJIS	Criminal Justice Information Services
CODIS	Combined DNA Index System
COPS Office	Office of Community Oriented Policing Services
CRI-TAC	Collaborative Reform Initiative Technical Assistance Center
CRM	Community Resiliency Model
CRS	Community Relations Service
CRT	Civil Rights Division
CSA	CJIS Systems Agency
CTAS	Coordinated Tribal Assistance Solicitation
CVF	Crime Victims Fund
DCRA	Death in Custody Reporting Act
DEA	Drug Enforcement Administration
DFVS	Developing Future Victim Specialists Program
DHS	U.S. Department of Homeland Security
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DPS	U.S. Department of Public Safety
DV	domestic violence
ECM	Enhanced Collaborative Model
ECM program	ECM Task Force to Combat Human Trafficking

EO	Executive Order
EOUSA	Executive Office for United States Attorneys
FBI	Federal Bureau of Investigation
FDDU	Federal DNA Database Unit
FLETC	Federal Law Enforcement Training Center
FVPSA	Family Violence Prevention and Services Act
FY	fiscal year
HHS	U.S. Department of Health and Human Services
HRT	Healing and Response Teams
HSI	Homeland Security Investigations
HT	human trafficking
HTPU	Human Trafficking Prosecution Unit
HUD	U.S. Department of Housing and Urban Development
IADLEST	International Association of Directors of Law Enforcement Standards and Training
IACP	International Association of Chiefs of Police
ICAC	Internet Crimes Against Children Task Force Program
ICW	Indian Child Welfare (often used as a generic term for the child protection unit in a Tribe)
ICWA	Indian Child Welfare Act
IHS	Indian Health Service
III	Interstate Identification Index
III DEC MKE	Interstate Identification Index Deceased Message Key
ILOC	Indian Law and Order Commission
IP	Indian Preference
IPA	United States Indian Police Academy
IPV	Intimate Partner Violence
ISDEAA	Indian Self-Determination and Education Assistance Act
ITWG	Inter-Tribal Technical-Assistance Working Group on Special Tribal Criminal Jurisdiction
LE	law enforcement
LEA	law enforcement agency
LEEP	Law Enforcement Enterprise Portal
LEMHWA	Law Enforcement Mental Health and Wellness Act
LEO	law enforcement officer
LESDC	Law Enforcement Suicide Data Collection
LETF	Law Enforcement Task Force
LHP	Muscogee (Creek) Nation Lighthouse Police Department
MCA	Major Crimes Act
MDT	multi-disciplinary team
ME	medical examiner
ME/C	medical examiner/coroner

MMIP	missing or murdered Indigenous persons
MMU	Missing and Murdered Unit (within BIA)
MOA	memorandum/memoranda of agreement
MOU	memorandum/memoranda of understanding
NAC	National Advocacy Center
NAGPRA	Native American Graves Protection and Repatriation Act
NamUs	National Missing & Unidentified Persons System
NARIP	NICS Act Record Improvement Program
NBS	National Baseline Study (National Institute of Justice)
NCA	NIBRS Collection Application
NCAI	National Congress of American Indians
NCHIP	National Criminal History Improvement Program
NCIC	National Crime Information Center
NCMEC	National Center for Missing and Exploited Children
NCVS	National Crime Victimization Survey (Bureau of Justice Statistics)
NEPA	National Environmental Policy Act
NGI	FBI's Next Generation Identification
NHO	Native Hawaiian Organization
NIA	Not Invisible Act of 2019
NIAC	Not Invisible Act Commission
NIBRS	National Incident-based Reporting System
NICS	National Instant Criminal Background Check System
NICTI	National Indian Country Training Initiative
NIJ	National Institute of Justice
NISVS	National Intimate Partner and Sexual Violence Survey
NLEAD	National Law Enforcement Accountability Database
NOPU	NCIC Operations and Policy Unit
NVDRS	National Violent Death Reporting System
NVSS	National Vital Statistics System
NOPU	NCIC Operations and Policy Unit
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OJS	Office of Justice Services
OMB	Office of Management and Budget
OPA	Office of Public Affairs
OPM	Office of Personnel Management
OSL	National Native American Outreach Services Liaison
OSW	officer safety and wellness
ORI	Originating Agency Identifier
OTIP	Office on Trafficking in Persons
OTJ	Office of Tribal Justice
OVC	Office for Victims of Crime

OVW	Office on Violence Against Women
PD	police department
PHI	protected health information
PMF	Presidential Management Fellows
PSR	presentence investigation report
SAR	search and rescue
SAUSA	Special Assistant United States Attorney
SCION	Self-Care Interactive Online Network
Secretary	Secretary of the U.S. Department of the Interior
SLEC	Special Law Enforcement Commission
SME	subject matter expert
SMART	Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking
SORNA	Sex Offender Registration and Notification Act
S.O.S.	Second Opinion Services (National Organization of Parents of Murdered Children)
STAC	Secretary's Tribal Advisory Committee (Interior)
STAT	Solution Trust Accountability Tracker
STCJ	Special Tribal Criminal Jurisdiction
TAD	Tribal Affairs Division
TAP	Tribal Access Program
TBIC	Tribal Interior Budget Council
TCRP	Tribal Community Response Plan
TGP	Tribal Governments Program (Office on Violence Against Women)
TJS	Tribal Justice Support
TRGP	Tribal Resources Grant Program (COPS Office)
TLOA	Tribal Law and Order Act
TLPI	Tribal Law and Policy Institute
TNLC	Tribal Nations Leadership Council
TSIP	Tribal Justice System Infrastructure Program
TTA	training and technical assistance
TVPA	Trafficking Victims Protection Act
TVSSA	Office for Victims of Crime Tribal Victim Services Set-Aside (formula grant program)
UCR	Uniform Crime Reporting
USA	United States Attorney
USAO	United States Attorney's Office
USC	United States Code
USMS	United States Marshals Service
USPO	United States Probation Officer
VA	U.S. Department of Veterans Affairs

VALOR	Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability Initiative
VAWA	Violence Against Women Act
ViCAP	Violent Criminal Apprehension Program
VOCA	Victims of Crime Act
VW	Victim Witness (as in VW Unit or Specialist)
WHCNAA	White House Council on Native American Affairs