

MMIW Systems Subcommittee

Initial Priorities

This summary provides a prioritized list of systems identified by members of the subcommittee during initial meetings. Challenges or problems within each system are bulleted with additional considerations from the initial literature.

A) Tribal-County or Tribal-State Intergovernmental Relations

- Coordination between tribes and counties
- Standards for communication, data sharing and reporting
- Coordinated care for victims
- Need for increased and permanent funding for tribal governments (Indian Law & Order Commission, 2013)
- Lack of government-to-government training to educate on unique relationship tribes have with state and federal government (Echo-Hawk et al., 2019)
- Federal or state authorities don't notify relevant Tribal government when they arrest Tribal citizens in Indian country. All three should provide written notice regarding Tribal citizens reentering Tribal lands from jail or prison (Indian Law & Order Commission, 2013).

B) Health Care Systems Response

- Health care responders understanding prevention and intervention strategies
- Increase health care responders' awareness of community-based resources
- Native women and children are sometimes met with barriers to health care such as not having health insurance or living in rural areas and experiencing relative isolation from services. It can be difficult, for example, to find a qualified nurse and a rape kit in a timely manner in rural communities (Bachman et al., 2008, National Congress of American Indians, 2018).
- Some Native women avoid seeking health care in order to maintain anonymity in situations like domestic violence because some hospitals may report to police (Bachman et al., 2008).
- Inadequate federal government funds Native health services (IHS facilities, for example). (Bachman et al., 2008)
- Health care professionals untrained at talking to patients about domestic violence or sexual exploitation (Bachman et al., 2008)

C) Foster Care/Child Welfare Systems Response

- Missing and runaway children handled inconsistently, sometimes not investigated
- Agency-to-agency communication is lacking
- Foster parents may need greater monitoring
- Children need safer and varied methods to report violence or abuse
- Need to help children understand legal rights and resources
- Lack of funding for wrap-around services and medical exams for child victims (U.S. Department of Justice, 2019)
- Improve access to Amber alerts in Indian country (Brown, 2018)

Wilder Research®

Information. Insight. Impact.

451 Lexington Parkway North
Saint Paul, Minnesota 55104
651-280-2700
www.wilderresearch.org

D) Criminal Justice Systems Response

1. General

- Lack of awareness or clarity on which jurisdiction investigates and prosecutes
- Need for better communication between investigators, DA's, judges, etc.
- Lack of resources for tribal courts and programming (i.e. drug courts, wellness courts, residential treatment programs, etc.) (Indian Law & Order Commission, 2013)
- States must do due diligence to prevent human rights violations and can be held responsible for any such violations (National Congress of American Indians, 2018).
- Policies denying or limited Native women access to justice and denying legal recourse, including:
 - Major Crimes Act of 1885 and the Assimilative Crimes Act: Federal jurisdiction over felony crimes
 - Indian Reorganization Act: Put an end to allotment-based jurisdictional policies, encouraged tribes to create formal constitutions using unfamiliar democratic-republic systems
 - Indian Civil Rights Act of 1968: Imposed one year per offense sentencing limitations (increased to three years by the Tribal Law and Order Act of 2010)
 - *Oliphant vs. Suquamish* (Supreme Court, 1978): Removed tribal jurisdiction over non-Native perpetrators without obligating federal government to prosecute non-Natives (VAWA amendments allow tribes to prosecute some domestic and dating violence cases)
 - Public Law 280: Transferred criminal jurisdictions to states without providing states with the resources to take over these cases (National Congress of American Indians, 2018; Finn et al., 2016)

2. Investigating and Enforcing

- Law enforcement indifference or resistance; law enforcement bias
- Indian nations regularly issue civil protective orders, however many states don't recognize or enforce tribal protection orders (National Congress of American Indians, 2018)
- There have been very few federal investigations and prosecutions of human trafficking in Indian country (U.S. Government Accountability Office, 2017)
- Law enforcement agencies don't have standard protocols for investigating missing and murdered Native women (U.S. Department of Justice, 2019)
- Decisions to decline investigation are not well documented (Mending the Sacred Hoop, 2009)

3. Prosecuting

- Policy changes for addressing domestic violence (i.e. greater legal recourse to prosecute serious injury caused by weapon, history of escalating violence, etc.); non-negotiable mandatory sentences
- Prohibit use of plea deals in sex trafficking/exploitation cases
- States must do due diligence to prevent human rights violations and can be held responsible for any such violations (Human rights).

Other Systems to Consider:

A. Education/Schools; Education in middle and high schools on MMIW and sex trafficking including a) how to identify grooming behaviors, b) what to report, c) mobilizing searches, etc.

B. Interstate/Transportation Systems; Coordinated prevention efforts at high-risk trafficking locations along borders and major transportation routes.

C. Industries Response; certain industries (i.e. hotels, casinos, man camps) are complicit and/or profit from violence and sex-trafficking.

Wilder Research®

Information. Insight. Impact.

451 Lexington Parkway North
Saint Paul, Minnesota 55104
651-280-2700
www.wilderresearch.org