

**MISSING AND MURDERED: CONFRONTING THE
SILENT CRISIS IN INDIAN COUNTRY**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

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MISSING AND MURDERED: CONFRONTING THE SILENT CRISIS IN INDIAN COUNTRY

WEDNESDAY, DECEMBER 12, 2018

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:49 p.m. in room 628, Dirksen Senate Office Building, Hon. John Hoeven, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN HOEVEN, U.S. SENATOR FROM NORTH DAKOTA

The CHAIRMAN. Good afternoon. We will call the hearing to order. Thank you for coming today.

Today, the Committee will hold its last oversight hearing this Congress on the very important topic of missing and murdered individuals in Indian Country. This matter involves Indian children, youth, men and women, and affects tribal communities across the Country.

The Departments of Justice and the Interior are required to investigate and prosecute homicides committed against or by Indians on tribal lands. However, it is less clear who has the responsibility for investigating cases of missing indigenous individuals. This lack of clarity has left tribes and families unsure of who to call for help, and has contributed to a lack of knowledge on the scope of the problem. Families want justice and closure and tribal leaders want answers and support.

During this Congress, the Committee has held oversight and legislative hearings related to the issue of public safety, law enforcement, victim services and human trafficking in Indian Country. The Committee has also worked to enhance public safety through initiatives such as the Ashlynnne Mike Amber Alert in Indian Country Act, which is now public law; S. 1953, the Tribal Law and Order Act Reauthorization; S. 1870, the Securing Urgent Resources Vital to Indian Victim Empowerment, or SURVIVE Act; S. 1942, Savanna's Act; S. Resolution 401, National Day of Awareness for Missing and Murdered Native Women and Girls; and the Commissioning of GAO Oversight on Human Trafficking of Native Americans.

This Committee has made it a priority to improve public safety in Indian Country. There are many other initiatives that we can discuss. However, there is much more work to be done.

From the data received from the Department of Justice, American Indian and Alaska Natives experience some of the highest victimization rates when compared to other population groups. It is past time that we understand the scope of the problem and work toward viable solutions.

Today we will hear from multiple Federal agencies on how they are working to better handle cases of missing and murdered individuals. I look forward to hearing from our witnesses today. I want to thank each of them for being here, especially those joining us from the Department of Justice, FBI, National Institute of Justice, Department of Interior and others. It is important for Indian Country to hear from you.

Before we turn to their testimony, I want to ask Vice Chairman Udall for his opening statement.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you so much, Chairman Hoeven, for holding this oversight hearing on missing and murdered indigenous people. Today's hearing is an important step toward fully understand the scope and working to address the crisis in Indian Country.

To begin with, I would like to extend a special welcome to one of our witnesses, Navajo National Council Delegate, Amber Crotty. Delegate Crotty has been and continues to be a great advocate for the Navajo Nation and for Native women. Thanks to you and each of the witnesses for joining us on such an important discussion.

I would also like to acknowledge Deb Haaland of New Mexico's Laguna Pueblo, who also happens to be Representative-Elect for New Mexico's First Congressional District, and who was just appointed to the House Democratic Steering Committee. I know Deb will bring her commitment to ending violence against Native women with her to D.C. next Congress, and I look forward to working with Deb and other members of the New Mexico delegation on ending the MMIW crisis and making Indian Country safer. They are both sitting there right in the front row. Deb is on the front row and Amber is right next to her there.

In the 115th Congress, this Committee has held a number of oversight hearings on Federal law enforcement efforts and crime responses in Indian Country, including human trafficking and juvenile justice. We have also received testimony on legislation, including Senator Hoeven's SURVIVE Act, and Senator Heitkamp's Savanna's Act, both of which would go a long way toward providing tribes the tools necessary to improve tribal-State-Federal law enforcement coordination.

We learned from these hearings that three core issues, poor coordination, limited data and insufficient resources are slowing progress in all aspects of improving tribal public safety. For the MMIW crisis in particular, these issues are unfortunately no different. Poor coordination strains the resources of already over-extended law enforcement agencies. Under-resourced MMIW responses, in turn, have a negative effect on coordination efforts and the ability to gather accurate data. Limited-to-zero data reporting

means communities won't know where to target resources, and lack of coordination will continue unabated.

All three issues pose barriers and lead to fewer answers, fewer solved cases and fewer Native families seeing justice served. And most notably, all three hinder the Federal Government's obligation to meet its trust and treaty obligations to tribes.

It is absolutely crucial we address these gaps for missing and murdered indigenous women, and improve Federal policies to make better progress. Today's hearing will be the Committee's last of the 115th Congress. It is an opportunity to refocus on an area that has drawn much of the Committee's attention over the last two years, public safety and violence against Native women.

With three hearings, a listening session and numerous bills on these topics, we have seen this Committee's dedication to making every member of every Native community safer. Despite this work, and this should not be a surprise to anyone, we will hear the witnesses today calling on the Committee to do more. No ifs, ands, but about it, we must do more.

Our work this Congress has been important. But we need to redouble our efforts and our commitment to all the tribal leaders and stakeholders here today and listening in. Thank you for your work and advocacy on these very important issues. Congress needs to hear directly from those undertaking the daily work at the grass roots level to combat violence against Native women. We must continue to have MMIW a front and center issue. Your contributions here today help strengthen the call to do just that.

And Mr. Chairman, thank you once again for holding this hearing.

The CHAIRMAN. Thank you, Vice Chairman Udall. Senator Barrasso.

**STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman, for an opportunity to say a few words before we hear from our witnesses today. I appreciate very much your holding a hearing on this very important topic.

Mr. Chairman, all of us on this Committee are painfully aware of the impact that violence has in tribal communities all across the Country. In 2016, the Department of Justice issued a report that said that four out of five American Indian and Alaska Native men and women have experienced violence at least once.

Last September, this Committee held a hearing on two GAO reports on human trafficking of Native Americans. Senator Tester and I requested the reports when we were chairman and vice chairman of this Committee, because there was a complete lack of information related to human trafficking impacts in Indian Country. That GAO report showed that of 6,100 investigations, and 1,000 prosecutions of human trafficking in the United States during the years 2013 to 2016, only 14 of the investigations and only two of the Federal prosecutions involved an American Indian or Alaska Native individual.

As I said during that hearing last September, the fact that there were so few cases involving Indian Country didn't tell me that

human trafficking was not a problem. Instead, it seemed obvious to me that the crimes are significantly under-reported, under-investigated and under-prosecuted. Seems the same as the case here.

Ms. Loring-Heavy Runner, I appreciate your being with us here today to share your story, which is your sister's story. I am so sorry for the pain you have had to endure as you continue to search for your sister. Stories like Ashley's are all too common. The missing and murdered are sisters, fathers, mothers, sons; the losses are horrific. That they are not represented in the data is also horrific.

This Committee has undertaken a number of efforts to ensure tribes have access to Federal data bases and are able to coordinate with Federal officials. As recent cases have shown us, often we do not have the data to understand the scope of the effect that violent crime has in Indian Country because the data does not paint a clear or accurate picture of tribal affiliation.

Understanding the scope of the problem is just the first step. As a Committee and as a community, we must have this information so we can accurately identify risk factors that exacerbate violent crime in tribal communities.

Not long ago, this Committee discussed opioid addiction and addiction prevention measures. In that hearing, I raised the need to work together as communities to address addiction. I think the same applies when discussing violent crime. Commitment at the community level is key to successful coordination of Federal, State and tribal tools.

I look forward to hearing from you, Ms. Alexander, about your experience in Alaska, and how your work can help us here today.

Mr. Chairman, no family should have to wonder whether their loved one will ever be found. And in the horrible cases where a loved one becomes a victim of violent crime, they should be represented in the statistics and data sets that will help shape policy to help prevent future losses.

I want to thank each of our witnesses today for their commitment to public safety in Indian Country and their work to provide answers to so many families. I look forward to hearing the suggestions in how we can work better together.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester.

**STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Mr. Chairman. I want to thank you and the ranking member for holding this hearing today on the MMIW. It is critically important.

I want to also thank Senator Heitkamp for bringing this issue up early in this Congress, and our leadership here is very, very much appreciated.

We are here today because we have an epidemic on our hands. Native Americans in Montana and across this Country are dealing with violence at a much higher rate than the rest of the population. Too much violence has gone unreported, and when that violence has been reported, it has gone unchallenged, with no resolution. This must change. It deserves this Committee's full attention. I think it deserves Congress' full attention.

I met with folks in Missoula earlier this year. One of those folks is Briana Lamb, a strong local advocate. She is with us here today. They told me that since the first of the year, almost two dozen Native Americans have gone missing in Montana alone. At that time, only one had been found. There is more than that has been missing now at this date. I think only two have been found. One has passed, one had been killed and the other was found alive.

You cannot step foot in Indian Country without hearing a heart-breaking story about this growing problem. That is why we are here today. We need to know exactly what is happening and exactly what can happen to solve this problem. Because these are people, these are families, these are communities that our law enforcement agencies need to look out for.

Ms. Loring-Heavy Runner, you have been talked about all day today. Thank you for being here. I appreciate your advocacy and hopefully the issue with your sister can be resolved in a very, very positive way. But the fact is right now, there are way too many unknowns in that particular case. You know that better than anybody.

We have legislation to pass, and we can do that to help with this epidemic. But really, this first panel's going to be critically important. Because number one, I want to know if you think there is a problem, number two, what can we do to solve the problem. Because I am telling you, 24 doesn't sound like a lot, but in a State of a million people, if you put that out to the population, that would be a ton of folks. We have to find a solution to this. It simply cannot go on as it has gone on for the last number of years.

The CHAIRMAN. Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman and Vice Chairman Udall. Thank you for scheduling this very, very important hearing to address the issue of missing and murdered American Indians and Alaska Natives. To Senator Heitkamp, I know that this is probably your last hearing before this great Committee. I want to thank you for your work on the Committee, but more importantly, for the work that you have done in leading all of on this very important issue of how we do better by our Native women.

The threats to their safety, the threats to their families, and then knowing when some awful, awful tragedy befalls them that oftentimes the effort to bring perpetrators to justice, or to even find out what happened in the matter is just left unattended. So it is tragedy compounded on tragedy. So thank you for raising the awareness. You know that your work is not done, you know that we will all be working with you as we pay attention to these critical, critical issues.

I want to acknowledge all those who are with us on both panels. I want to particularly welcome our witness from Alaska, Patricia Alexander. She is Tlingit, she is from Sitka, Alaska. She is co-chair of the Violence Against Women Task Force of the Central Council of Tlingit & Haida Indian Tribes of Alaska. As Pat will probably share in her testimony, Tlingit Haida is a federally-recognized tribal government in Alaska. It has over, I think it is about 30,000 citi-

zens within. You serve 20 villages and communities. And this is spread out over an area of 43,000 miles. This is roughly the size of the State of Louisiana.

So it is big, it is difficult to get around. There are no roads between the communities. You are either there by boat or by airplane. The reality is, when there is an emergency, it really is the State troopers that may be miles and miles away, but those are air miles, those are boat miles. And the ability to respond in these emergency situations is very, very limited.

I am reminded of the tragic death of young woman by the name of Mackenzie Howard. Mackenzie was found murdered in the small community, southeastern community of Kake. Kake has about 500 people in it right now. Mackenzie was 13 years old when she was found murdered in the church doorway, the church doorway there of the village. Kake did not have law enforcement presence at the time, so the Kake tribal president, without any badge, without any real jurisdiction, had to post volunteers to guard the body, because it was a crime scene. Guard the body until the State troopers came.

The State troopers came the following day. For 16 hours, in a small village, to have to stand guard over the body of a 13-year old girl who has been murdered, this shocks a community. It shocks a people. But that was what was necessary in order to collect the body and the evidence, so that there could be a case made going forward.

In Alaska, we have what we call VPSOs, village public safety officers. They are often the first and really the only responder in the communities. The harsh reality is that in communities like Kake all over the State, we have numerous rural communities that are hundreds of miles away from the nearest community with a VPSO or a member of law enforcement.

You compound that with the fact that many of these communities don't have a 911 service to speak of. In the event that you do, if you call 911 or local law enforcement, you are likely to get an answering machine if you get anything at all. So these are some things that we take for granted back here in a city, in our larger communities. But that is not the reality of far too many in a state that I represent.

I was in the community of Kotzebue, a large Native community up in northwest Alaska. I was there in the fall to be at a memorial service for a ten-year old girl, Ashley Johnson-Barr, who had been abducted and murdered. Her remains were found just outside of the community of Kotzebue. But it was a multi-day community search to find her. Being there for her funeral was just a very stark reminder to me that these incidents, these are not statistics. These are children, these are young women, these are friends, these are sisters, daughters, neighbors. You are right, Senator Tester, we have to be doing more. We all know that.

So the effort to shine the light on this is important. But we kind of know that it is bad out there. So let's figure out how we stop the bad and take action. Because too many children are those that are among the missing.

Thank you, Mr. Chairman. I appreciate it.

The CHAIRMAN. Senator Heitkamp.

**STATEMENT OF HON. HEIDI HEITKAMP,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HEITKAMP. Lisa is absolutely right. This is not to discover if we have a problem, but to discover the extent of the problem, which as we know from a lot of evidence and a lot of discussion with people in Indian Country, when on Standing Rock, two friends can sit down and come up with 25 names. When you talk to the victim service people at Mandan Hidatsa and Arikara Nation and she knows just within 18 months five women who were killed and murdered, within 18 months. I would just suggest to you, that is a population of about 2,400 women. Think about the percentage homicide rate.

So we know we have a problem. The question is, are we willing to stand up and do something about it? Savanna's Act, as we said during the markup, when we advanced it, is only that first step. It is only as good as you guys. It is only as good as your commitment to solving this problem, which is why we are in this hearing.

I want to say just frankly, I just did a Skype with an amazing 12th grade senior class, well, that high school. And a young woman said, "How is it going with Savanna's Act?" Young women and Indian people across the Country are watching us. They want to know that we are listening, that we are going to do something.

So the purpose of this hearing is not to talk about whether we have a problem. It is to talk about what you are going to do about it. Because it has been ignored too long, and please, don't say you share our concern, because we need to see action. We need to see commitment. We need to see that this is going to be your top priority.

I have said this over and over again, and I will make this my last comment. You are the cop on the beat for major crimes in my State and Indian Country. You are the cop on the beat. When these crimes go uninvestigated, when they go unsolved for long, long periods of time or ignored for long, long periods of time, that is your failure. It is not the community's failure, it is your failure.

And no cop and no law enforcement official wants to have unsolved cases. Just because people have been marginalized historically does not mean that we are going to tolerate this going forward.

So I want to thank the chairman and the vice chairman for making this priority. I know many of you, and I know what is in your heart. But you need to tell us if you need more resources. You need to tell us. Because you are the point of accountability.

So I look forward to working with all of you in some other capacity as we move this forward. I again thank everyone for the attention.

But I will tell you, there is a lot of people in this room that the eyes of Indian men and women in Indian Country are on you. And they are on us to do something about this problem.

The CHAIRMAN. Senator Daines.

**STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman.

When we think about Indian Country in Montana, we think about the beauty, the vibrant culture, and tragically the challenge of missing and murdered Native and indigenous women that we will talk about here today. That is why I requested this hearing several weeks ago.

I have recommended we hear directly from Montanans like Kimberly Loring-Heavy Runner about the tragedy they are facing. Kimberly is sitting right here, in fact, next to her cousin, Alyssa, as well. They were in my office yesterday. Thank you for the discussion that we had yesterday, talking about specifically the case and frankly, a lot of dropped balls in the investigation.

Native American women face murder rates more than ten times the national average murder rates. If these numbers were seen in any other community, there would be far greater public outcry. For too long, the stories of these women and girls has gone unheard. We are going to hear about it today.

Today, we are going to hear first-hand accounts on the widespread effect this epidemic is having on our tribal communities and as mentioned, a first-hand account from Kimberly Loring-Heavy Runner about her sister, Ashley, still missing from June of 2017. Her case is still unresolved despite multiple leads and evidence.

This year, we passed a resolution—I introduce it every year—to make May 5th a national day of awareness of missing and murdered Native women and girls. Why May 5th? It is May 5th because that is the birthday of Hanna Harris from the Northern Cheyenne Reservation, northern Cheyenne Tribe. Hanna was 21 years old with a 10-month old baby when she was murdered. May 5th is her birthday.

I remember when we launched this, I was in Lame Deer on the Northern Cheyenne Reservation, marching with Hanna Harris' mom. Nobody should have to bury a daughter. Nobody should have to have a little grandbaby to raise because their mother was murdered.

In this Congress, we have also passed the reauthorization of the Tribal Law and Order Act and the SURVIVE Act. Both bills will help expand access to data and programs in Indian Country to help take on this issue. I also introduced the Mitigating Meth Act to help fight the substance abuse problems we see in Indian Country. One of the contributing factors, I was chatting with Kimberly and her cousin Alyssa yesterday. There is no doubt drugs, perhaps meth, plays a contributing factor in this tragedy. Many of these crimes are drug-related. Meth is driving violent crime across this Country, and we see it as a very great problem in Indian Country.

We must put a stop to these trends. We do all we can to foster a safe, thriving Native American community.

I want to thank the Chairman and the Vice Chairman for holding this hearing. I look forward to today's discussion.

The CHAIRMAN. Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. I know that there is a vote on, and I will try to be brief so we can get to the witnesses. I thank my colleagues for their impassioned discussion already about this. I certainly want to thank Senator Heitkamp for her leadership. Clearly, her leadership on this Committee, particularly with Savanna's Act and many other issues related to Indian Country, will sorely be missed. I want to thank her for all of that leadership.

We know that one in every five women will experience sexual assault in their lifetime in Indian Country. But that isn't often highlighted. Native women face many barriers that can prevent the perpetrators from being convicted. The Seattle Indian Health Board recently released a report that showed just how serious this issue is. The report found that nationwide, there are 506 cases of murdered or missing Native American women. The report found that City of Seattle is the highest in the Nation with the total number of missing individuals. But Tacoma was not far down the list.

So this is an issue that the State of Washington, along with my colleagues who have already spoken, show that this is an issue across the west that many, many people want to see serious action to address. It is one of the reasons that not only am I proud to sponsor the Savanna's Act with my colleagues, that will help us in improving the reporting, but we need to do something, Mr. Chairman, now, to get this over the goal line in this session.

I hope that we will make this a priority, and I look forward to working with my colleagues on many aspects of this problem, and listening to our witnesses today. Thank you.

The CHAIRMAN. Senator Cortez Masto, did you have anything?

Senator CORTEZ MASTO. No, thank you, Mr. Chairman.

The CHAIRMAN. We will proceed with our witnesses, then. Our witnesses today are Mr. Charles Addington, Deputy Associate Director, Bureau of Indian Affairs, office of Justice Services, Washington, D.C. Thank you. Mr. Robert Johnson, Assistant Director of the Criminal Investigative Division, Federal Bureau of Investigations, Pittsburgh, Pennsylvania. Welcome. Mr. Gerald LaPorte, Director, Office of Investigative and Forensic Sciences, National Institute of Justice, Washington, D.C.

We have a vote on right now, so members will be coming and going a little bit. But if you would please proceed with your opening statements, starting with Mr. Addington.

**STATEMENT OF CHARLES ADDINGTON, DIRECTOR, OFFICE OF
JUSTICE SERVICES, BUREAU OF INDIAN AFFAIRS, U.S.
DEPARTMENT OF THE INTERIOR**

Mr. ADDINGTON. Good afternoon, Chairman Hoeven, Vice Chairman Udall and members of the Committee.

My name is Charles Addington. I am the Director of the Bureau of Indian Affairs Office of Justice Services, at the Department of the Interior. Thank you for the opportunity to provide a statement before this Committee on the crisis of missing persons and murdered victims in Indian Country. More than half of Native Amer-

ican women have been sexually assaulted, including over a third have been raped during their lifetime, a rate of rape nearly two and a half times higher than white women, according to the 2016 National Institute of Justice study.

With indigenous women and girls facing alarming levels of violence across the Country, more can be done to support meaningful efforts to address the high rates of violence in Indian Country. Although the Violence Against Women and the Tribal Law and Order Act have helped bring attention to the high rate of violence and have begun to address gaps in law enforcement for tribes and Federal authorities, there remain gaps in data that exacerbate the crisis of missing and murdered indigenous women. These challenges are present across multiple sectors. They are particularly problematic in the context of criminal justice in which Federal, State, tribal and local governments share responsibilities.

It is important to continue efforts to build accurate data and provide Congress, the public and most importantly, the tribes, with the information needed to identify and analyze the criminal justice needs in Indian Country. These data gaps impact how law enforcement officials handle or follow up on these cases, predominantly due to under-reporting, racial misclassification, potential gender or racial bias, and a lack of law enforcement resources required to follow through and close out cases appropriately.

In 2017, Urban Indian Health Institute surveyed 71 cities across the U.S. to collect data on murdered and missing indigenous women and girls in urban settings. The Institute's survey and analysis of the collected data culminated in their 2018 report, Missing and Murdered Indigenous Women and Girls, which highlights some of the challenges of data collection with respect to American Indian and Alaska Natives in urban populations.

For Indian Country, BIA collects monthly crime statistics from tribal and BIA law enforcement programs and submits the information to the Federal Bureau of Information each quarter. The information collected is specific to the data required for the FBI Uniform Crime Report, which currently does not track missing persons or domestic violence statistics.

In light of these significant data collection challenges facing missing and murdered indigenous persons, BIA has partnered with the DOJ's Missing and Unidentified Persons system, a program of the National Institute of Justice to create new data fields in their system to specifically capture tribal affiliation data. The new fields are expected to be operational after January 1st, 2019. This will assist law enforcement agencies across the jurisdictions with tracking and investigating missing persons throughout the Country.

Moving forward, better interagency coordination and cooperation is needed to improve the integrity of data collection. While it widely believe that there may be a correlation between opioid and other narcotic abuse and human trafficking, domestic violence and missing and murdered indigenous women, without sufficient data it is difficult to draw solid conclusions. Federal agencies must develop concrete solutions to improve agency data collection to ensure these crimes are being tracked and investigated appropriately, so that any trends can be properly identified and addressed.

For example, adding these types of incidents to the data collection by DOJ and BIA in making the data submissions mandatory from all law enforcement agencies. This would be a great start to addressing the data collecting problem.

BIA has also begun efforts to raise awareness and provide training to Indian Country law enforcement personnel. In January 2018, the BIA–Indian Police Academy began discussions with the National Criminal Justice Training Center on collaborating to create joint training programs for cold case investigations, long-term missing investigations and child abduction investigations for use throughout Indian Country.

To specifically address the missing person aspect of this issue, earlier this year, BIA–Indian Police Academy launched human trafficking courses in the Indian Country Police Officer training program, the Basic Police Officer Bridge Training Program and the Indian Country Criminal Investigative Program. In February, 2018, the National Criminal Justice Training Center and the BIA–Police Academy identified dates and locations for three pilot training programs on advance cold cases, long-term missing investigations in Montana and North Dakota. The three training programs were held at the Blackfeet Tribe in Montana and Three Affiliated Tribes in New Town, North Dakota. The three training programs were held at Blackfeet, Montana and New Town, North Dakota. A total of 117 personnel were trained in these programs.

The BIA–Indian Police Academy is also scheduled to participate in the assessment of a National Criminal Justice Training Center project to create a web/mobile-capable investigative guide for tribal first responders on endangered missing and abducted persons.

As I have outlined here today, BIA Office of Justice Services has taken numerous steps this year to create a number of solutions to address the crisis of missing persons and murder victims in Indian Country. We look forward to working with our other Federal and tribal partners to collaborate on sound solutions to protect and serve our Native men, women, and children.

Again, thank you for the opportunity to provide a statement and my written testimony will be provided for the record. I am happy to answer any questions the Committee may have.

[The prepared statement of Mr. Addington follows:]

PREPARED STATEMENT OF CHARLES ADDINGTON, DIRECTOR, OFFICE OF JUSTICE SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon, Chairman Hoeven, Vice Chairman Udall, and members of the Committee. My name is Charles Addington and I am the Director of the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) at the Department of the Interior (Department). Thank you for the opportunity to provide a statement before this Committee on the crisis of missing persons and murder victims in Indian Country.

More than half of Native American women have been sexually assaulted, including over a third who have been raped during their lifetime—a rate of rape nearly 2.5 times higher than for white women, according to a 2016 National Institute of Justice study.¹ With indigenous women and girls facing alarming levels of violence across the country, more can be done to support meaningful efforts to address the high rates of violence in Indian Country.

Although the Violence Against Women Act (VAWA) and the Tribal Law and Order Act (TLOA) have helped bring attention to this high rate of violence and have begun

¹National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men*.

to address gaps in law enforcement for tribes and federal authorities, there remain gaps in data that exacerbate the crisis of missing and murdered indigenous women. These challenges are present across multiple sectors, but are particularly problematic in the context of criminal justice, in which Federal, state, tribal, and local governments share responsibilities. It is important to continue efforts to build accurate data and provide Congress, the public, and, most importantly, the tribes, with the information needed to identify and analyze the criminal justice needs in Indian Country.

These data gaps impact how law enforcement officials handle or follow up on these cases, predominantly due to underreporting, racial misclassification, potential gender or racial bias and a lack of law enforcement resources required to follow through and close out cases appropriately.

In 2017, the Urban Indian Health Institute surveyed 71 cities across the U.S. to collect data on murdered and missing indigenous women and girls in urban settings. The Institute's survey and analysis of the collected data culminated in their 2018 report, *Missing and Murdered Indigenous Women and Girls*, which highlights some of the challenges of data collection with respect to American Indian and Alaska Native populations in urban populations.

For Indian Country, BIA collects monthly crime statistics from Tribal and BIA law enforcement programs and submits the information to the Federal Bureau of Investigation (FBI) each quarter. The information collected is specific to the data required for the FBI Uniform Crime Report (UCR), which currently does not track missing persons or domestic violence statistics.

In light of these significant data collection challenges facing missing and murdered indigenous persons, BIA has partnered with DOJ's Missing and Unidentified Persons System (NamUs), a program of the National Institute of Justice to create new data fields in their system to specifically capture tribal affiliation data. The new fields are expected to be operational after January 1, 2019. This will assist law enforcement agencies across jurisdictions with tracking and investigating missing persons throughout the country.

Going forward, better inter-agency coordination and cooperation is needed to improve the integrity of the data collected. While it is widely believed that there may be a correlation between opioid and other narcotics abuse, human trafficking, and domestic violence and missing and murdered indigenous women, without sufficient data, it is difficult to draw solid conclusions. Federal agencies must develop concrete solutions to improve agency data collection to ensure these crimes are being tracked and investigated appropriately so that any trends can be properly identified and addressed. For example, adding these types of incidents to the data collected by DOJ and BIA and making the data submissions mandatory from all law enforcement agencies would be a great start to addressing the data collection problem.

BIA has also began efforts to raise awareness and provide training to Indian Country law enforcement personnel. In January 2018, the BIA Indian Police Academy began discussions with the National Criminal Justice Training Center (NCJTC) on collaborating to create joint training programs for cold case investigations, long-term missing investigations, and child abduction investigations for use throughout Indian Country.

To specifically address the missing persons aspect of this issue, earlier this year the BIA-Indian Police Academy launched human trafficking courses in the Indian Country Police Officer Training Program; the Basic Police Officer Bridge Training Program; and the Indian Country Criminal Investigator Training Program (a joint FBI, BIA, and Tribal attended program).

In February 2018, the NCJTC and BIA-Indian Police Academy identified dates and locations for three pilot training programs on Advanced Cold Case Long Term Missing Investigations in Montana and North Dakota. The three training programs were held at Blackfeet, Montana and New Town, North Dakota. A total of 117 personnel were trained in these programs.

The BIA-Indian Police Academy is also scheduled to participate in the assessment of an NCJTC project to create a web/mobile-capable investigative guide for tribal first responders on endangered missing and abducted persons.

As identified above, BIA OJS has taken numerous steps this year to create a number of solutions to address the crisis of missing persons and murder victims in Indian Country. We look forward to working with our other federal and tribal partners to collaborate on sound solutions to protect and serve our Native men, women, and children.

Again, thank you for the opportunity to provide a statement and my written testimony will be provided for the record. I am happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you, Mr. Addington.
Mr. Johnson, I understand you have laryngitis, so we appreciate your being here in spite of that.

**STATEMENT OF ROBERT JOHNSON, ASSISTANT DIRECTOR,
CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF
INVESTIGATIONS, U.S. DEPARTMENT OF JUSTICE**

Mr. JOHNSON. Thank you, sir. Good afternoon, Chairman Hoeven, Vice Chairman Udall and all the members of the Committee. I am Bob Johnson, Assistant Director of the FBI's Criminal Investigative Division.

With the Committee's approval, I would like to give a shortened version of my opening statement, to save my voice for the question and answer. Thank you, sir.

I appreciate the opportunity to appear before you today to discuss the FBI's ongoing efforts to support our partners in Federal, State, local and tribal enforcement in resolving missing persons cases. The FBI and its dedicated Special Agent and Victim Specialists of the FBI's Indian Country Program work hard to partner with tribal communities across the United States to deliver quality law enforcement service.

Our program includes over 140 Special Agents and 40 Victim Specialists in 36 Field Offices. Indeed, 33 percent of the FBI's Victim Specialists and 50 percent of the FBI's Child and Adolescent Forensic Interviewers work directly with victims and families in Indian Country. We have 17 Safe Trails task forces that are staffed with 90 full-time task force officers.

We will continue this important work and appreciate the support of this Committee. I look forward to answering your questions.

[The prepared statement of Mr. Johnson follows:]

**PREPARED STATEMENT OF ROBERT JOHNSON, ASSISTANT DIRECTOR, CRIMINAL
INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATIONS, U.S.
DEPARTMENT OF JUSTICE**

Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. I appreciate the opportunity to appear before you today to discuss the FBI's ongoing efforts to support our partners in Federal, state, local and Tribal law enforcement in resolving missing person cases.

The FBI and its dedicated Special Agent and Victim Specialists of the FBI's Indian Country Program work hard to partner with Tribal communities across the United States to deliver quality law enforcement service. We remain fully committed to our unique role in Indian Country and to our partnerships with other Federal, state, local, and Tribal law enforcement agencies.

There are 573 federally recognized Indian Tribes in the United States and approximately 326 Indian reservations with over one million Native American residents on or near reservation lands. The FBI shares federal law enforcement responsibility with the Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) on more than 200 of those Indian reservations not in PL-280 areas, and has federal criminal jurisdiction over acts directly related to Indian gaming regardless of jurisdiction status.

The FBI's Indian Country Program includes over 140 Special Agents (SA) and 40 Victim Specialists (VS) in 36 Field Offices. Indeed, 33 percent of the FBI's Victim Specialists and 50 percent of the FBI's Child and Adolescent Forensic Interviewers (CACIs) work directly with victims and families in Indian Country.

Our highest priorities in Indian Country focus on the most serious crimes of violence, including murder, child sexual and physical abuse, sexual abuse of adults, and violent assault. FBI investigations in these priority categories comprise over 75 percent of all FBI investigations in Indian Country. In addition, crime related to gangs and drugs is increasing in Indian country, and the FBI investigates allega-

tions of financial corruption. The FBI in Indian Country simultaneously addresses many different aspects of crime and remains fully committed and engaged with our Tribal partners

The FBI often responds to crime scenes within Indian Country after receiving notification from our Tribal and BIA–OJS partners. They work hand in hand to process the crime scene, collect evidence, ensure victim safety, conduct interviews and locate suspects. The cooperation between the FBI, BIA–OJS and Tribal law enforcement is paramount to solving crime and protecting Tribal communities.

The Tribal Law and Order Act of 2010 (TLOA) requires that the Attorney General submit an annual report to Congress detailing investigative efforts by the FBI and dispositions of matters received by United States Attorney’s Offices (USAOs) with Indian country responsibility. The majority of criminal offenses committed, investigated, and prosecuted in Tribal communities are adjudicated in Tribal justice systems. In much of Indian country, Tribal law enforcement and Tribal justice systems hold criminals accountable, protect victims, provide youth prevention and intervention programs, and confront precursors to crime such as alcohol and substance abuse. These efforts are often in partnership with federal agencies or accomplished with support from federal programs and federal funding opportunities.

Specifically, the FBI’s statistics for Calendar Year (CY) 2017 show a total of 2,210 closed investigations—a 12.5 percent increase in total closed investigations compared to the previous year. Of those, approximately 68 percent—or 1,511 out of 2,210—of Indian country criminal investigations opened by the FBI were referred for prosecution.

Importantly, of the nearly 700 Indian country investigations the FBI closed administratively without referral for prosecution, the primary reason for closing (approximately 21 percent) was that the case did not meet statutory definitions of a crime or USAO prosecution guidelines. In addition, analysis of CY 2017 data indicates that 15 percent of investigations closed administratively were closed due to unsupported allegations, meaning no evidence of criminal activity was uncovered during the investigations. Another reason for non-referral (20 percent) was that the deaths under investigation were determined to be the result of accident, suicide, or natural causes (i.e., non-homicides). In short, though not a first responder, the FBI remains committed to resolving crime in Indian Country and works closely with our partners to ensure cases are adjudicated fully through the court system.

With regard to crimes against Native American women in Indian Country, the status of the victim and subject as Indian or non-Indian is generally initially based on information reported to law enforcement. Tribal police, BIA, and FBI subsequently receive documentation from tribal government authorities to confirm the tribal membership status of individuals.

At the end of 2017, individuals entered into the National Crime Information Center (NCIC) as “Indian” made up 1.8 percent of active missing person records. The racial category of “Indian” is formally classified in the NCIC as “American Indian” and is defined as a person having origins in any of the original peoples of the Americas and maintaining cultural identification through tribal affiliations or community recognition. The determination of whether a person is listed as “Indian” would be decided by the entering agency, which could be Federal, state, local or Tribal. Importantly, at the end of 2017, Native American (“Indian”) females accounted for 0.7 percent of the active missing person cases—633 in all. The FBI’s Missing Person and Unidentified Person statistics are updated annually and available publicly on-line.

Due to the high volume of violent crimes within Indian Country to include death investigations, our partnerships with the Bureau of Indian Affairs, Office of Justice Services (BIA–OJS), 17 Safe Trails Task Forces (STTF), and tribal law enforcement are critical. Our partners provide invaluable assistance and intelligence related to the location of the crime scenes, identification of suspects/victims, and location of suspects.

The 17 FBI STTFs are a significant force multiplier focusing on violent crime to include death investigations with approximately 90 full time Task Force Officers spread across Indian Country. STTF full time officers are made up of state, local, and tribal police officers. This important program has expanded in the last year and the FBI plans to add new STTFs in FY 2019 to combat the levels of violent crimes and narcotic trafficking in Indian Country.

The FBI also partners with local and Tribal police to assist when requested in missing persons cases. FBI Agents and STTFs provide assistance and, when full play is believed to have occurred, an FBI case is opened and an investigation undertaken. The FBI and the STTFs continue to work closely with the respective Tribal Police Department, BIA–OJS, and surrounding state and local departments.

Further, the FBI remains committed to expanding access to the National Instant Criminal Background Check System (NICS) to our Tribal partners. Earlier this

year, the Department of Justice announced a significant expansion of the Tribal Access Program (TAP), a program providing federally recognized Tribes an additional method to access and exchange data with the national crime information databases maintained by the FBI Criminal Justice Information Services (CJIS) Division for both civil and criminal purposes. In this way, TAP supports tribal governments in their efforts to access, utilize, and report critical criminal justice information, including NICS relevant data, to the FBI in order to protect tribal communities from violent crime.

Under TAP, Tribes have already entered information directly into the federal databases, resulting in nearly 600 sex offender registrations and over 550 sex offender check-ins, nearly 250 instances of data entry that would prohibit someone from being able to purchase a firearm, over 700 orders of protection entered and nearly 5,000 finger-print based record checks of individuals seeking employment in positions with contact with or control over children or tribal housing placements. To date, TAP has been deployed to 47 federally recognized tribes with over 200 tribal criminal justice and tribal civil agencies.

The FBI's CJIS Uniform Crime Reporting (UCR) Program also coordinates with BIA-OJS to increase the number of Tribes that report crime statistics. This has been accomplished primarily through liaison efforts and presentations to increase awareness at Tribal law enforcement conferences. This increases the number of Tribes that are eligible to receive funding under the DOJ Justice Assistance Grants (JAG) program. Since Tribal jurisdiction UCR data is publicly accessible, it increases available information about the incident of Indian country crime and assists Tribal government leaders to make effective decisions about strategies to fight crime and efficient allocation of tribal law enforcement resources.

The FBI remains committed to preparing our Agents in Indian Country with the knowledge and skills required to address the important cases they will investigate. All FBI Agents attend and graduate from the FBI Academy with the skills to investigate any crime over which the FBI has jurisdiction. All FBI Agents assigned to Indian Country are given additional training to ensure they are prepared to effectively investigate crimes that occur within Indian Country.

Our Indian Country Crimes Unit (ICCU) provides a comprehensive training program to include intermediate and advanced classes on various topics related to the investigation of crimes in Indian Country. Many of these trainings are open to Tribal law enforcement officers, Safe Trails Task Force Officers and BIA-OJS officers and agents. The mission of ICCU is to support Indian Country Agents in the field and to develop and implement strategies to address the most egregious crimes committed in Indian Country. The FBI has partnered with DOJ's National Indian Country Training Initiative (NICTI) to develop and deliver courses for Federal agents, Tribal law enforcement officers and Federal and Tribal prosecutors. Just in the last several years, the partnership has hosted over 15 courses specific to Indian Country crime.

Beginning in 2016, FBI ICCU and BIA-OJS partnered to pilot a two week intensive training course for FBI and BIA Agents, which is now offered on a regular basis at BIA's training facility in Artesia, New Mexico. Each class accommodates 24 students which include FBI Agents, Tribal Criminal Investigators, and BIA-OJS Criminal Investigators. The course provides detailed investigative tools and procedures specific to Indian Country.

In summary, the FBI remains fully committed to working with its partners at all levels on the issues raised in this hearing today, including missing persons and murder victims. It is imperative that we work together to make certain that all missing persons are entered into the appropriate databases, that cases are being fully investigated, and that persons responsible for criminal activity in Indian country are brought to justice. We look forward to continuing this important work and appreciate the support of this committee. Thank you for the opportunity to appear before you today. I am now happy to answer any questions.

Senator UDALL. [Presiding.] Mr. LaPorte, please, proceed.

STATEMENT OF GERALD LAPORTE, DIRECTOR, OFFICE OF INVESTIGATIVE AND FORENSIC SCIENCES, NATIONAL INSTITUTE OF JUSTICE, U.S. DEPARTMENT OF JUSTICE

Mr. LAPORTE. Chairman Hoeven, Vice Chairman Udall, members of the Committee, I am honored to appear before you today.

My name is Gerry LaPorte, and I am the Director of the Office of Investigative and Forensic Sciences in the National Institute of

Justice. NIJ is the resource development and evaluation arm of the Department of Justice, and my office is the Federal Government's lead agency to help State, local and tribal agencies improve their capacity to collect and analyze forensic evidence. We also support the development of innovative technologies, information exchange and research to ensure forensic test methods are reliable and responsive to the needs of the criminal justice field.

One of our greatest challenges and high priorities is addressing violence in Indian Country, especially the silent crisis of the missing and murdered. Our research bears out, and many of you know already, that American Indian and Alaska Native people experience violence at rates well above those encountered by any other group in America.

According to an NIJ study released in 2016, more than four in five Native adults have experienced some form of violence in their lifetime. Hundreds of Native Americans in communities across the Country have simply vanished, leaving almost no trace of themselves. Their families endure years, sometimes decades of uncertainty and agony, waiting for answers. We know we can do better.

These families are among the tens of thousands across the Country coping with the mysterious loss of a loved one, trying to make sense of the senseless, and navigating through a process that offers few guideposts. It is a response to what we termed many years ago as the silent mass disaster that NIJ developed the National Missing and Unidentified Persons system, commonly known as NamUs. NamUs is a national, centralized web-based clearinghouse and resource center for unidentified deceased persons and missing persons.

We launched NamUs in 2007 and envisioned a system that could crowd-source information provided by medical examiners and coroners, law enforcement investigators and those with loved ones that had gone missing. NamUs has evolved into a unique and powerful investigative tool and has been used to resolve more than 16,000 missing persons cases and over 3,500 cases of unidentified persons, ultimately, bringing resolution victims' families and loved ones.

NamUs operates on a secure Department of Justice information technology platform with a publicly-accessible component in a restricted criminal justice sensitive environment. It allows agencies to collect, share and compare information across jurisdictions. NamUs also provides forensic services, such as DNA testing and fingerprint and dental examinations. We also have a boots-on-the-ground team to provide training, technical assistance and case support to aid investigations.

We recently upgraded the system to NamUs 2.0, so that allows stakeholders to better collect, search, analyze and manage case information. We recognize that American Indian and Alaska Native cases were under-represented, and therefore we launched an outreach campaign to increase NamUs awareness.

In the past 12 months alone, NamUs and NIJ staff have concentrated efforts to provide training and outreach to the American Indian and Alaska Native community through 22 events in 13 States. In July of 2018, we saw over a 100 percent increase in reported missing persons cases, when compared to monthly reports submitted in the previous 18 months.

NamUs has helped resolve 282 American Indian and Alaska Native missing persons cases. Currently, it has 223 active cases from 32 States. NamUs is also supporting 182 cases involving unidentified remains, 61 of which have been deemed either homicides or deaths of undetermined causes.

Additionally, in fiscal year 2018, the department's grant-making agencies awarded more than \$113 million to 125 separate tribes under a consolidated tribal assistance solicitation, which covers a range of public safety activities. These grant programs support the department's overall strategy to reduce crime and improve safety in Indian Country, to which we in NIJ remain deeply committed.

Through these programs, the department will continue giving our tribal partners the technology and other resources they need to safeguard their communities. We will work with them to help them solve crimes that in too many cases have left families in Indian Country without answers they deserve.

Again, NamUs is ready to be part of that effort. We know we must continue raising awareness among tribal public safety officials and tribal members in order to ensure that NamUs fulfills its potential as a case-solving tool in Indian Country and brings resolution to families searching for missing loved ones.

We are proud of the work we are doing and we are eager to build on our progress. On behalf of our Director, Dr. David Mullhausen, and the entire staff of NIJ, I am grateful for your time today and for the support we receive from this Committee. Thank you, and I look forward to answering any questions you may have.

[The prepared statement of Mr. LaPorte follows:]

PREPARED STATEMENT OF GERALD LAPORTE, DIRECTOR, OFFICE OF INVESTIGATIVE AND FORENSIC SCIENCES, NATIONAL INSTITUTE OF JUSTICE, U.S. DEPARTMENT OF JUSTICE

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, thank you for this opportunity to discuss the ongoing commitment by the U.S. Department of Justice to work alongside our Tribal partners to help gather data and provide a resource for investigations into cases involving missing persons. My name is Gerry LaPorte, and I am the Director of the Office of Investigative and Forensic Sciences (OIFS) at the National Institute of Justice (NIJ) in the Department of Justice's Office of Justice Programs (OJP).

Within NIJ, OIFS is the Federal Government's lead agency for forensic science. OIFS's mission is to improve the quality and practice of forensic science through research and development, testing and evaluation, technology, information exchange, and the development of resources for the criminal justice community. NIJ's programs also support the Department of Justice's three forensic science priorities: (1) improve capacity; (2) increase coordination and collaboration with state, local, and Tribal entities; and (3) advance the reliability and sensitivity of forensic science testing. We provide objective and independent knowledge and tools to inform the decisionmaking of the criminal justice community as it works to reduce crime and advance justice, particularly at the state, local, and Tribal levels. We work with other Department of Justice components and also alongside other Federal agencies, like the Bureau of Indian Affairs.

Much has been said about the levels of crime and violence in Indian country and the Alaska Native villages and the numbers of missing persons and murder victims within the American Indian and Alaska Native (AI/AN) communities. The NIJ-supported study, "Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey," released in 2016, provides staggering estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners. It also provides estimates of interracial and intraracial victimization and briefly examines the impact of violence on the victims. This study was important because it provided the first set of estimates from a national large-scale survey of victimiza-

tion among self-identified AI/AN women and men on psychological aggression, coercive control and entrapment, physical violence, stalking, and sexual violence, using detailed behaviorally specific questions.

This research provides the most comprehensive, reliable, and valid estimates on the victimization experiences of AI/AN women and men. It found that more than four in five AI/AN adults (83 percent) have experienced some form of violence in their lifetime. That's almost 3 million people who have experienced stalking, sexual violence, or psychological aggression or physical violence by intimate partners.

As part of the Reauthorization of the Violence Against Women Act (VAWA) of 2005 (and as amended in 2013), NIJ is mandated, in consultation with the Justice Department's Office on Violence Against Women (OVW), to conduct analysis and research on violence against Indian women (VAIW) living in Indian country and in Alaska Native villages. Consonant with those provisions, NIJ has developed a comprehensive research program consisting of multiple projects that are being accomplished over an extended period of time. The primary goal of the program is to document the prevalence and nature of violence against Native women living on sovereign tribal lands. The research program also is designed to evaluate the effectiveness of federal, state, Tribal, and local responses to violence against AI/AN women and propose recommendations to improve the effectiveness of such responses.

Ultimately, this program of research is expected to improve our understanding of the programmatic, service, and policy needs of victims, and help educate and inform practitioners, policymakers, and the public about the threat to the safety, health, and well-being of Native women. This effort will hopefully be a big step toward reducing the incidence of violent crimes against Native women and ensuring perpetrators of these violent crimes are held accountable.

The epidemic of sexual violence in Indian country is compounded by another, silent crisis: an unknown number of Native Americans have simply vanished, leaving no trace of their whereabouts or of the crimes to which they may have fallen victim. Fortunately, not every missing person is a victim of a violent crime, and while others have gone missing for deliberate reasons, we remain focused on those who have gone missing unintentionally.

Every night across the nation, tens of thousands of families sit down to their dinner tables and face an empty chair that should be occupied by a loved one. Those affected by the disappearance of a family member face an agonizing wait for answers, sometimes for decades. The sense of loss when a loved one disappears is magnified by feelings of helplessness and isolation as these families puzzle through a process that offers few guideposts.

It was in response to this "national silent mass disaster" that NIJ developed the National Missing and Unidentified Persons System (NamUs) to help identify unidentified remains, locate missing persons, and bring resolution to victims' families. NamUs is a national, centralized, web-based information clearinghouse and resource center for missing, unidentified, and unclaimed person cases. NamUs combines technology, forensic services, and investigative technical assistance from a seasoned staff of subject matter experts to support and assist stakeholders with cases from across the country.

Since the system was launched in 2007, more than 45,000 cases have been reported to NamUs and over 16,000 missing person cases and over 3,500 unidentified person cases reported to NamUs have been resolved. Many of these resolutions were made possible by storing, sharing, and comparing case information in a centralized, online system that is accessible to all.

It is important to note that cases are only published in NamUs after rigorous vetting with the appropriate local, state, federal, or Tribal law enforcement agency in order to secure the privacy and protection of persons reported missing and to ensure quality control over the missing person data. For instance, some missing person reports involve individuals who do not wish for their location to be known to family or associates due to circumstances involving domestic violence and other safety issues.

NIJ's NamUs provides law enforcement officials, medical examiners and coroners, allied forensic professionals, and families with lost loved ones the tools and support they need to investigate and solve some of the most complex cold cases. NamUs is a permission-based system, meaning it offers both a publicly viewable area and a restricted criminal justice-sensitive environment designed to protect privileged information while enlisting the support of the general public. With diverse users in all 50 states and across many Tribes and U.S. territories, NamUs is a collaborative system that bridges the communication gap among stakeholders in different geographical regions, enabling better information sharing and providing technical assistance and investigative case support critical to resolving these cases.

For clarity, I must note some distinctions between the data entered into NamUs and the data entered into the FBI's National Crime Information Center (NCIC). With the exception of states like New York, Michigan, and Tennessee that have passed mandatory reporting laws, NamUs is a voluntary program that has traditionally been used by criminal justice agencies to investigate long-term missing and unidentified person cases or cases where all investigative leads have been exhausted. Since the majority of missing persons reported to NCIC are mandated by law and many are recovered quickly, most are never entered into NamUs. However, NamUs poses no restrictions on the amount of time a person must be missing prior to entry into the database or for access to investigative or forensic services.

We realized that AI/AN cases were underrepresented in NamUs, so over the last two years NIJ and NamUs staff have made significant and targeted efforts to increase awareness. We have launched an outreach campaign to Tribal law enforcement, leadership, and community members to ensure the communities are aware of the technology and technical assistance, which is available free to all Tribal nations. Also, a recent technology upgrade, NamUs 2.0, contains enhancements that allow all criminal justice users to better collect, search, analyze, and manage case information.

NamUs has helped resolve 279 cases and currently has 324 active AI/AN missing persons cases, but it remains seriously underutilized by this community of stakeholders. The number of missing persons cases is believed to be far more. NIJ continues its outreach and technical assistance activities nationwide.

There are also 102 active unidentified remains cases being supported, 61 of which have been deemed either homicides or deaths of undetermined causes. NIJ is committed to working with the Tribal nations directly to enhance technology and provide training, better support and technical assistance, and investigative and forensic services. By bringing information, people, and forensic science together, NamUs can help resolve cases. We know the loss, trauma, and need for answers span generations. NamUs even received DNA from the grandchild of a man who went missing in 1902. The oldest missing persons case resolved by NamUs was from 1934 and the oldest unidentified persons case was from 1957.

In FY 2018 OJP, along with our partners at the Justice Department's other grant-making offices—the Office of Community Oriented Policing Services (COPS Office) and OVW—awarded 225 grants totaling more than \$113 million to 125 separate Tribes under our Coordinated Tribal Assistance Solicitation (CTAS). Since FY 2010, the Justice Department has awarded more than 2,000 grants for applications submitted through CTAS, totaling more than \$940 million to hundreds of AI/AN communities. Through CTAS, applicants apply for multiple tribal grant programs under one solicitation, which allows Tribes to plan comprehensively and strategically allocate resources.

With CTAS, Tribes can search grant opportunities by purpose area—whether it's serving sexual assault survivors, implementing a coordinated community response to violence against Native women, helping Tribal youth, or any of the other general purpose areas, including a new one this year that focuses on addressing violence and a re-tooled emphasis on victim services.

In FY 2018, for the first time, OJP received a three percent set-aside (totaling \$133 million) of the Crime Victims Fund specifically allocated to meet the needs of AI/AN victims. We expect to finish awarding these grants by mid-April 2019, and once awarded, they will substantially expand the number of Tribes providing victim services.

These awards will support child and elder victims, domestic violence and sexual assault survivors, victims of human trafficking, families of homicide victims, and people who have been victimized as a result of the opioid crisis. The FY 2019 President's Budget request proposes a comparable percentage of set-aside funds to help solidify the long-term sustainability of Tribal victim assistance programs.

OJP, along with the COPS Office, also supports the Tribal Access Program (TAP), which enables Tribal officials to enter protection orders in federal databases and register sex offenders with the National Sex Offender Registry. TAP can be a key element in ensuring the safety of certain victims. It also allows Tribes to access critical data from FBI databases. Nearly 50 tribes are currently part of the program, and an additional 25 tribes have been selected to participate in this fiscal year.

At annual government-to-government consultations with tribes held by OVW, tribal leaders have testified about the need for robust responses to the disappearance, trafficking, and murder of Native women and youth. In response, OVW has funded training and technical assistance for interdisciplinary teams from tribal communities on identifying cases of sex trafficking and ensuring that victims receive needed services. In FY 2018, OVW renewed funding for Tribal Special Assistant United States Attorneys, cross-deputized tribal prosecutors who are able to bring violence-

against-women cases in both tribal and federal courts, including prosecuting habitual domestic violence offenders before their crimes result in murder. OVW also provides funding and other support to tribes exploring and implementing special domestic violence criminal jurisdiction under the 2013 reauthorization of VAWA to help ensure prosecution of certain non-Indian domestic violence offenders. Finally, through the Trilateral Working Group on Violence Against Indigenous Women and Girls, OVW and other DOJ components are fostering cross-border collaboration with Canada and Mexico to combat the disappearance and murder of Native women and youth.

As the Committee is well aware, the majority of American Indians and Alaska Natives in our country do not live on Tribal lands. Many of them, in fact, live in urban areas, where they face a different set of challenges from those we see in Indian country. One of those challenges is a disproportionate vulnerability to sex trafficking. Victims of trafficking likely also contribute to the missing Indian person numbers discussed at this hearing. Indian women and girls are sometimes moved off reservations and forced into trafficking activities in the city. In addition to the horrific trauma that this kind of exploitation causes, it also means that they are often dragged into the criminal justice system by virtue of being arrested.

OJP's Office for Victims of Crime has made three awards to urban organizations to address this urgent problem under a program called Project Beacon. Grantees in Albuquerque, Seattle, and Chicago are developing community partnerships to meet the needs of American Indian victims. The grants support a range of services, from emergency shelter and housing to crisis counseling and treatment. These victims have, in many cases, been violently displaced, uprooted and separated from their families and support networks. Our goal through these grants is to return them to safety, return them to their families, and to help them begin the process of recovery and healing.

As noted, OJP works closely with other DOJ components. The Department's Office of Tribal Justice and the network of Tribal Liaisons in the United States Attorneys' offices and specialists throughout the country collaborate with tribes to improve law enforcement functions and reduce crime. These offices each have a tribal liaison to link efforts between the Department and tribal leadership. The Executive Office for U.S. Attorneys also trains federal, state, local, and Tribal attorneys and law enforcement staff on law enforcement issues in Indian country.

As the Department continues to enhance its public safety efforts in Indian country, we remain committed to working with our Tribal partners to improve the tools they need to protect citizens, safeguard communities, and solve crimes that, in too many cases, have left loved ones without the answers that they need and deserve. We will continue to work hard on their behalf. Thank you, and I look forward to addressing your questions.

Senator UDALL. Thank you to all the witnesses for your testimony.

Mr. LaPorte, you notified my staff last week that five additional data fields to track information on Native missing persons will be added to NamUs in January 2019. I welcome including these additional fields and appreciate that they were developed by tribal input. But I want to make sure they are purposefully utilized for you and the National Institute of Justice.

Can you tell us more about what these new fields will cover?

Mr. LAPORTE. Thank you for your question, Senator. Yes, we did work in collaboration with some of the tribal communities. My colleague to my right here, Mr. Addington, was instrumental in helping us develop those fields.

So just for information, I will try to quickly go through what those fields will include. The first will be, was the missing person last seen on tribal land under the jurisdiction of the United States. We will also have a field about whether the missing person's primary residence was located on tribal land. A third field we will be adding is, was the missing person enrolled or affiliated with a State or federally-recognized tribe. And then if they check yes on that, there will be a pick list of the tribe to identify with.

I believe this is mentioned in Savanna's Act, so we are a little ahead of Savanna's Act.

One of the fields will be, were the remains of the unidentified decedent found on tribal land under the jurisdiction of the United States; does the tribal agency participate in the tribal access program.

So those fields, and I am happy to announce that it was supposed to launch on January 2nd, and believe or not, we are actually ahead of schedule. We are going to launch that on December 18th.

Senator UDALL. That is great. We are very, very encouraged to hear that.

What training is your office planning to provide to NamUs users to ensure that they understand how to populate those fields with accurate data?

Mr. LAPORTE. We have been working in conjunction with BIA. We have provided some training to their analysts as well. We also have a suite of individuals that work throughout the Nation. They are called NamUs regional program specialists, or RPSs. We have nine regions that each of those RPSs take control over, or head up.

So we will be doing some training with RPSs, then we are going to try as much as possible to certainly engage the tribal community and let them know that we are open to providing more training if needed.

Senator UDALL. Are these RPSs going to be reaching out to tribes?

Mr. LAPORTE. I believe that we can, we will be working with RPSs to do those kinds of notifications, yes.

Senator UDALL. Mr. Johnson, given that the FBI runs its own data bases, is the Bureau currently planning to improve its systems to track things like Native status of missing persons?

Mr. JOHNSON. Yes, sir. Under our NCIC third generation development, CJIS went out and surveyed law enforcement agencies, including tribal agencies, for additional input that they want in those fields. Some of those responders requested new clothing description fields, scars, marks, tattoos, along with new race and sex codes. But of significance, it was a new name search algorithm which will enhance the ability to search Native American names in this new system that we are going to deploy within the next year or so.

Senator UDALL. Mr. Johnson, the Department's most recent Indian Country Declinations Report shows that the number of FBI closed cases increased by 12.5 percent in 2017. However, the report doesn't show a similar increase in the number of prosecutions undertaken by the U.S. Attorneys' offices. In fact, it shows that nearly 71 percent of the Department's prosecution declinations fell under the category of insufficient evidence.

I know that the FBI can't speak to the Executive Office of the U.S. Attorneys' data, but to me it is alarming that the cause for most declinations is insufficient evidence, an issue that would appear to fall directly into the Bureau's wheelhouse.

Is the Bureau aware of this apparent disconnect? How can the bureau explain that it is closing more cases than ever, but the declination rate remains the same due to insufficient evidence?

Mr. JOHNSON. Yes, sir. We can only provide the evidence that we find in the investigation. I will tell you the prosecutorial letters are

sent to the U.S. Attorney's office and they make the determination if they are going to drop the case or not.

Senator UDALL. Senator Tester.

Senator TESTER. Thank you, Ranking Member Udall. I want to thank the panel for being here today. I know fully well that the people sitting at this panel right now are critically important if we are going to get this solved. So the first question is, do you guys believe that there is a problem with missing and murdered indigenous women? A simple yes or no answer will work.

Mr. ADDINGTON. Yes, I believe there is a problem.

Mr. JOHNSON. Yes, sir, I do.

Mr. LAPORTE. Absolutely yes.

Senator TESTER. So we are going to have a panel come up and talk about what is going on on the ground. But when it comes to doing the investigation, doing it in a timely manner, getting the information, where is the problem? Is it with the BIA? Is it with the FBI? Is it with tribal law enforcement? Where is the problem?

Because if it is a problem, and you agree that it is a problem, where is the problem? Because if this was going on any other place in the Country, daresay there would be incredible hearings in this body. So where is the problem, so we know where to focus our efforts? Is it with the BIA?

Mr. ADDINGTON. Well, the problem we have right now is there is not a data collection -

Senator TESTER. Let me back up a little bit. Let's take the issue of Ashley Loring-Heavy Runner. She gets reported missing. It has been God knows how long, and there are 25 or 30 other missing women. Data base or no data base, why haven't we found more of them? What is the problem?

Mr. ADDINGTON. I think there needs to be more coordination at the beginning.

Senator TESTER. Coordination between who?

Mr. ADDINGTON. Coordination between the search and rescue group, the law enforcement, everybody that's involved. When we have someone that's reported missing, a lot of times it just comes in that they come up missing, and then there's a search and rescue group that usually goes out and starts searching an area.

Senator TESTER. So that is true with Indian Country, the law enforcement doesn't happen?

Mr. ADDINGTON. Well, law enforcement is involved into that. But it could be like a search and rescue group with the tribe or somebody that we bring in that is working with us.

Senator TESTER. When do you guys enter into the equation, the BIA?

Mr. ADDINGTON. As soon as we are notified.

Senator TESTER. As soon as you are notified. And how about the FBI?

Mr. JOHNSON. Exactly the same, sir. As soon as we are notified, we actually bring assets to the table.

Senator TESTER. So in many of these cases, and I think in Ashley Loring-Heavy Runner's case, it was the BIA had it then the BIA turned it over to the FBI. Is that what normally happens?

Mr. ADDINGTON. Not necessarily. There is your tribal police department there on the reservation. So they operate the uniform po-

lice program. The BIA does the criminal investigations there. So it could be, it depends upon the reservation. It could be uniform police get the call immediately.

Senator TESTER. I know, but at what point in time is it turned over to the FBI? Because I am not sure the FBI is in on it at the very beginning. That is not what I am being made aware of.

Mr. ADDINGTON. Yes, sir. It depends, if a BIA investigator is involved in it, normally we coordinate with the FBI. Normally we work joint investigations on most of it.

Senator TESTER. So what you're saying is when a missing and murdered indigenous woman is reported, you have tribal police, BIA and FBI that are working to find that person?

Mr. ADDINGTON. It could be, depending in the area and where it is reported at. The BIA may be the lead investigative agency or the FBI may be the lead investigative agency.

Senator TESTER. So what determines that?

Mr. ADDINGTON. It depends on the agents that are available, it depends on what is reported. The uniform police department could be doing searches, it depends on what is reported. It could be somebody that has been reported and -

Senator TESTER. So why are we not finding these people?

Mr. ADDINGTON. The evidence. We have to have tips, we follow up on all the tips that come in. And you have to do an investigation. Sometimes you don't get leads that come into the investigation.

Senator TESTER. I don't mean to beat this thing to death, but in Montana, if these numbers are correct, and I believe they are even larger than this, in July, middle of July there were 30 missing and murdered, missing women. One of them had been found. These are Native Americans. We have 70,000 Native Americans in Montana. That seems a bit excessive to me, to not be able to find a few of them.

And I know there are overlapping jurisdictions with tribal police and BIA and potentially FBI. But there has to be a reason for this. It isn't a data base. I am telling you that if you have people on the ground that are following up, and I am not a law enforcement person, I am a farmer. But the quicker you can get on it, the better chance you have of finding what is going on.

Are we really putting the kind of resources we need, is the BIA putting the kind of resources, does the FBI have the kind of resources to be able to get into Indian Country and do the investigation, helping tribal police? But actually, you guys are the lead dogs here, truthfully. Do you have the resources to do it? Do you have the manpower to do it? Because it is not getting done. And if it is not that, it has to be something else.

Mr. ADDINGTON. Some of those cases are not Indian Country cases. We find that some of them are in urban areas.

Senator TESTER. That is true, but they are Native American women.

Mr. ADDINGTON. Correct. Which the BIA doesn't have jurisdiction off the reservation. So we do investigate the missing person claims that are on the reservation and we do try to work with the tribal police, if the tribal police are running the uniform police program.

As soon as we are notified, we send the resources in there to try to get started.

But sometimes a search and rescue crew or someone gets started, and if they find evidence or search an area and they haven't been, everybody hadn't got together and they have a plan before they start doing those things -

Senator TESTER. I got it.

Mr. ADDINGTON. We could destroy evidence or not find something because of that issue.

Senator TESTER. Something is not happening here, though. I can keep going down this, but we are not getting anywhere. Something is not happening that needs to happen, that is happening in other places in the Country. But it's not happening when it is applied to indigenous women.

And I don't know what it is. We are going to have to find out. I don't know if it is manpower, I don't know if it is money, I don't know what it is. Maybe it is lack of cooperation between the entities. But my time is long past, thank you very much.

Senator UDALL. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. I am going to have to go back. We have your written testimony, but I want to be able to understand what you have shared with my colleagues here. This is one of the problems about being in the Senate and having votes while we are trying to gain information.

You all know the situation in Alaska, in that we don't deal with tribal citizenship through Indian Country that the majority of the tribes exercise jurisdiction through tribal citizenship. So you heard my concern about the situation in Kake, you don't have local law enforcement. And it is not just down in the area that Pat is from, it is all over the State.

So much of what we have learned is, we can't follow through with any of these cases, because we don't have anybody that was on the ground that could even look, well, there may have been evidence that we could have followed, people that we could have talked with, just the initial work.

So the question that I have, and I will direct it to all of you, is whether or not we have any specific training for tribal government representatives outside of law enforcement departments. What I am trying to figure out is, if we have folks on the ground and they are capable but they are not trained, they don't know how to deal with whether it is a chain of custody or not. What is being done, if anything at all, to provide for any level of training for more of these local resources? Is there anything, either through the BIA or through DOJ?

Mr. ADDINGTON. There is not any formal training that I am aware of for non-law enforcement staff. What we are doing, though, with the State of Alaska, we went down and sat down with the Alaska State Troopers and the VPSO coordinator, in trying to figure out ways that we can help them, either by training up there or help them with resources, that if they have any types of cases that are going on and they don't have the resources, is there something that we have available for them to do.

And they bring in training to those villages as well.

Senator MURKOWSKI. Bringing in the training. I think we are seeing examples in other areas where we are doing just this. When it comes to gathering the evidence that we need if a woman has been raped, and we just don't have the SART nurses, we just don't have them out there.

So what has happened is a woman has been raped, and she is told, don't shower, don't change your clothes, get on an airplane, get yourself to Anchorage and we will collect the evidence there. So you can be sitting for 24 hours.

So what we are now doing is we are figuring out ways to train the local community health providers, the community health aides, to at least collect the evidence. I am thinking about other models that we might be able to use to just help us collect some of the evidence, so we might be to better track the offenders of those who are taking these women.

Anything from DOJ that you guys have been thinking about?

Mr. LAPORTE. Senator, thank you for your question. So NIJ has been working in collaboration with the Office of Violence, the Office of Victims of Crime, OVC. And we have created what we call a telemedicine program for exactly what you just discussed.

So that issue that you discussed obviously I think it is on a much larger scale in Alaska, because of the land mass. So there are many urban areas around the Country where there is not a SANE or a SART that is present. So what we have been doing is, we have been doing some research and we have a couple of other locations set up.

But basically, you would have a nurse that may not be an experienced SART or an experienced SANE. And he or she would be at a specific location. Then through a teleconference type system, we would have a very experienced SANE or SAR that is somewhere else, that works cases all the time, and then brings them through that.

One of the things we are trying to work through that system is the effects on the victim of potentially having a, if you will, a teleconference and all of this invasive medical exam taking place.

Senator MURKOWSKI. But putting it in perspective, you can have the invasiveness of having this anonymous person on the other end walking your local health aide through this process, or think about the horror of sitting in those same clothes and that, without being able to shower, without being able to wash your hands for 24 hours, 48 hours, as you go through three different airports to get to Anchorage.

So I know telemedicine is not perfect. But this is one of those situations where, if we don't start thinking outside the box, the box is going to do people in.

Mr. LAPORTE. Yes, I completely agree with you. What we are finding, though, is that in these cases, the victims are generally amendable. It is like anything, we have to communicate with the victim, we have to let them know what is going on. We have to let them explain the circumstances. And like you said, it is an outside of the box solution.

But it appears to be, we are seeing some promising results.

Senator MURKOWSKI. Good. Thank you, Mr. Chairman.

Senator UDALL. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you. Let me just again thank the chair and ranking member for this important hearing today.

Maybe, Mr. Johnson, you can help me, because I want to touch back on this idea of jurisdiction. What I have found is it is very confusing, right? It is set by Federal statute. You have different players that are involved when it comes to the investigation of a crime, whether it is the FBI or the BIA or a State or local jurisdiction.

I know there are Federal statutes out there, there are MOUs, those and other things. I was a State attorney general, so I know working with the U.S. Attorney's office, many of the U.S. Attorneys across the Country, hoping we have put together guidelines and protocols on how, as we pursue that investigation, who has what jurisdiction.

Is that correct? Each U.S. Attorney's office is responsible, across the Country, for identifying the jurisdiction within their realm to make sure that everybody is working together when it comes to these issues that are happening in Indian Country? Is that correct?

Mr. JOHNSON. Yes, Senator.

Senator CORTEZ MASTO. Okay. So with that said, why is the confusion still there? Why do we still have, even though there is a direct delineation of who has jurisdiction over this crime, and the U.S. Attorneys' office have identified that for their jurisdiction, why are we still having these problems?

Mr. JOHNSON. I think what I would say is that a lot of those problems, we work very closely with the BIA. The 17 Safe Trails task forces that we have, they are staffed with task force officers from the BIA, FBI agents. We have State and local.

These cases are worked jointly, jointly at the exact same time. And again, it is to impart any knowledge that we have off to the tribal investigators. At the same time, jurisdiction is taken by the whole task force itself.

Senator CORTEZ MASTO. So if that is the case, I am looking at, we have Ms. Loring-Heavy Runner here, and her sister. And BIA started that investigation. The FBI was not involved, but then eventually the FBI was asked to get involved with that investigation. What happened there?

Mr. JOHNSON. We were involved from the get-go. We were providing them assistance. But they had the lead, because it was a missing person at the time. And then once the body was found in August is when it became a homicide investigation. At that time, the FBI took the lead.

Senator CORTEZ MASTO. So as we sit here, I don't have enough time, but as we sit here, you are hearing this, and you know, from being on the front lines, I am going to ask both Mr. Johnson and Mr. Addington, what should we be doing? What do we need to do in Congress to address this issue to make sure that the actions that are taken are immediate, they are responsive, there is definite protocols and guidelines in every jurisdiction, so that nobody has to wonder who has control and what is happening?

What is it we need to know? What should we be doing at the Federal level? Is there anything that comes to mind that both of you think we should be addressing?

Mr. ADDINGTON. Thank you for the question. I think the biggest thing is we have start from the very beginning. When someone makes a claim of someone missing, the coordination has to start right then.

Senator CORTEZ MASTO. But what I just heard, it is. It is already defined how the coordination is supposed to happen. Why is it not occurring?

Mr. ADDINGTON. Well, when a missing persons report may come in, it may be how it is reported. It may not start immediately because how it is reported. It may be reported that someone went to someone's house, they haven't come home, we haven't found them. It may just be reported that they are out somewhere and we can't find them. So the initial response from the first responders, may be, okay, we are going to go try to find the person, because someone last saw them here.

So there may be a day or two go by before it actually gets up to an investigative level.

Senator CORTEZ MASTO. So are you saying there should be better coordination, better training for those that are initially first responders that are responding? Better training to identify what is going on so immediately there is that coordination?

Mr. ADDINGTON. Yes, I think we have to have more teaching immediately. When someone reports someone missing, regardless of what the circumstances are, until we determine there was a crime, sometimes there is a little lag in there. We have to be immediate in a response and the coordination, so everyone is on board, everyone is in the loop. So regardless of which way the investigation goes, everyone is already involved.

Now, it may not be the BIA or the FBI actually leading that investigation immediately because of the information that comes in. But everyone has to be at least notified and involved, and it should work that way. I think we have to do a lot better job of educating those folks on the ground, the first responders, that this is the way it has to work.

We have to get everybody involved and then we have to have a commitment from every agency that we get in there and do something and try to get to the bottom of, if it is a person that is just missing and we can locate them, there are resources that we can check to determine whether they have used credit cards or financial assistance or those kinds of things. I think we have to do that more immediate, so we can determine, is there actually a problem here, or was it just someone that has run away from home and someone knows where they are at, and we can get that person located immediately.

Senator CORTEZ MASTO. Thank you. I know my time is up, thank you very much.

Senator UDALL. Senator Daines.

Senator DAINES. Thank you, Ranking Member Udall.

I will focus my first questions here on Ashley Loring-Heavy Runner's case. We have her sister, who is here, she will be testifying on the next panel. We have her cousin here as well. Sometimes

they are just names in a report. But we have a face for this family here today.

Mr. Addington, it has been brought to my attention that in cases involving missing indigenous women, the Bureau of Indian Affairs does not act quickly enough. Here is an example. Ashley Loring-Heavy Runner of the Blackfeet Tribe was missing, it is my understanding, for two months before the Blackfeet police and the BIA started investigating the case as a missing person.

I can tell you, my hometown, if that was going on in our neighborhood, there would not have been a two-month lag to begin an investigation as a missing person. My question, what is the protocol the BIA uses when a report first comes in?

Mr. ADDINGTON. Thank you for the question, Senator. The very first thing is, it depends on who is operating the program. It is a little bit different answer depending on if the tribe is running the tribal police department, or the BIA is running a direct service program. But the protocol should be the same. Whoever gets the report, if it's the uniform police program, we should immediately notify the investigate unit, whoever that would be. If it is BIA or the FBI, there should be immediate action and protocol.

Senator DAINES. Do you have a lot of detail in this case? I really hear a lot of cases. Do you have any detail in this case?

Mr. ADDINGTON. The case is an ongoing investigation.

Senator DAINES. Does it seem like protocol is being followed when there was a two-month lag time between when she went missing and when the case began investigation as a missing person? Two months? Because we have something in Montana called winter.

Mr. ADDINGTON. Right.

Senator DAINES. If you have evidence that occurred during summer months, where the Blackfeet Tribe is not part of our State, we get a lot of snow and very harsh winters and a lot of wind. Is two months a reasonable time? Is that the protocol you follows?

Mr. ADDINGTON. No. And I think there has to be a lot better coordination at the beginning. Most of these cases that I am familiar with, it just seems like we have to have every agency having better coordination in the beginning of these things. If you have a search and rescue crew, like I mentioned earlier, there could be people out doing searches that is outside of law enforcement as well. So you have to pull all of those resources together.

Senator DAINES. And there has been a lot of search going on by family, a lot of those efforts in the community there.

Let me just go a little further here in this case. In Ashley's case, there was evidence presented to the BIA. One was a sweater a witness saw her wearing the day she went missing. The other was a pair of boots. Both of these leads were presented to the BIA. And now the family is trying to find out what is going on. It is not being made clear what is happening there. Leads don't seem to be followed up on. And Ashley is still missing.

This lack of communication to law enforcement and the family of the victims is tragic. I spent over a half hour chatting with the family yesterday on this. Every time I asked a question, more questions arose.

How do you think Ashley's case could have been handled differently or better?

Mr. ADDINGTON. First, we have a victim service program that should be meeting with the family and making sure that they are up to speed on the things they can release to them. The BIA has a program, the FBI has a victim witness program and the U.S. Attorney's office has a victim witness program that does a phenomenal job with the family. So that should be occurring; if it is not, it should be, to make sure that the families are up to speed on what is going on and what they can release.

Like I say, with any of these investigations that I am familiar with, it just seems like we have to have better coordination in the beginning of them. Because there are so many agencies.

Senator DAINES. Thank you for that comment. That is the understatement of the day. I mean, two months, two months. We are talking about fresh evidence that is out there that actually was collected by civilians, not by law enforcement, their investigators. These are just folks finding these leads. And now the family can't get evidence to where is the evidence.

So I just ask for your help in this case, to personally intervene and find out what in the world is going on. There are a lot of questions.

Mr. Chairman, Mr. Ranking Member, I am going to yield back. There is a lot more to be asked, but I am about out of time here.

Senator UDALL. Thank you, Senator Daines. Senator Heitkamp?

Senator HEITKAMP. Thank you, Senator Udall.

You know, you guys talk a big story. But those of us who, as Senator Daines just explained, or Olivia Lone Bear, it just doesn't match with what happens on the ground. Mr. Johnson, you are suggesting that the FBI, once notified for assistance, will immediately jump to the task on a missing person. That is not true. You wait until there is evidence of some wrongdoing, and then you get involved. At least that is what is implemented on the ground.

You aren't part of that protocol of trying to find missing people. That is just not what we can expect from the FBI. You state here that you have 140 special agents and 40 victim service specialists. How many of them actually line in Indian Country? How many actually work in Indian Country?

Mr. JOHNSON. All those individuals work -

Senator HEITKAMP. I meant, actually have an office in Indian Country.

Mr. JOHNSON. Because they have multiple reservations, ma'am, they live in a central part. They show up to the office, and then at that point, they go out to the reservations.

Senator HEITKAMP. And you don't think there is enough work on every reservation in North Dakota to locate some FBI agents?

Mr. JOHNSON. They are close to the reservations as they can physically be, ma'am.

Senator HEITKAMP. Well, I am telling you, there is a major of the FBI that there is no cop on the beat. And you guys aren't there. And how many hours, and I visited your FBI agents. How many hours do you think they are working a week?

Mr. JOHNSON. How many hours do they work?

Senator HEITKAMP. Yes.

Mr. JOHNSON. I couldn't tell you off the top of my head. I know they are supposed to be working at least 80 hours. Because they have to work double time for their overtime pay.

Senator HEITKAMP. You know, your agents are working over 100 hours a week, 24-7.

Mr. JOHNSON. I wouldn't doubt it.

Senator HEITKAMP. Do you think that is fair to the agents? Do you think that is fair to the cases that go unattended because they are overworked?

Mr. JOHNSON. Ma'am, almost all of our agents are overworked right now.

Senator HEITKAMP. Well, I am just telling you, that if I ran your agency and if I ran the Bureau of Criminal Investigation, I would figure out a way to do it better, especially when we are dealing with you. There are many cases you get involved in where there is dual jurisdiction. This is one of the lanes that you have sole jurisdiction over major crimes in my State, along with BIA.

Now, have you ever, as Senator Udall outlined, declinations. I get it, you guys send the evidence on, the U.S. Attorney makes a decision. Have you ever gone back and said, why do we have this level of declinations - and this goes to BIA. Who did the investigation? Why wasn't there enough evidence? We know a crime was committed. Why is that happening? Why is there this heavy rate of declined cases in Indian Country?

Mr. JOHNSON. Ma'am, we cannot make up the evidence. The evidence is exactly what it is, and we provide it in the prosecutorial report. And that is what's given forward. We are not withholding any evidence.

Senator HEITKAMP. I am not suggesting you are withholding evidence. I am suggesting because you are not there and there isn't a response immediately, the evidence is unavailable. And that there is a better way to do this. And if you are serious about this, you need to pull up all these cases, including the cold cases, and try and figure out where there were missed steps that led to a high rate of declination and even a lower rate of opportunity to resolve who in fact was the victim.

We are not even talking about the cases that never get referred, the cases where there is never a suspect identified, a case where there is never someone who you would seek indictment on. Those cases happen all the time, they are in files across Indian Country and in the FBI. And those aren't even reflected in this data.

And so, this is a problem. And you are not the first FBI official that I have had this conversation with in this room or over at Homeland Security. This is not new. This problem is not new.

I would suggest that if you want to come here and offer solutions, maybe the best way would have been to pull a couple of case files and say, what went wrong? And I would suggest that you look at Olivia Lone Bear. And I would suggest that you spend time with your agents in the field and find out what they need. They need more agents. They need more help. These are violent crimes that are being committed against Indian people. It is going unattended to.

So I just can't say enough that this is your problem. When cases are declined because there have been missteps on evidence and you

are the primary investigator, this is your problem. You two need to figure out how to work together to make sure that the evidence is ready to actually pursue prosecution. Because when you don't have prosecution, guess what? You have absolutely no deterrence, and it is open season on people who live in Indian Country.

So it is a crisis. It is a problem. You guys have all admitted to Senator Tester this is a problem. But what I see in this testimony today is a lot of things that aren't reflected in the reality on the ground. Because I have spent a lot of time on the ground.

So I would say, after Savanna's Act passes, we should be able to get protocols. You guys can start protocols now. I applaud the Office of Justice information for the work that you are doing to already implement it. But I am not going to be here to be part of the oversight. But I can tell you from the testimony that you are hearing today, there are a lot of people on this dais who are incredibly upset that there doesn't seem to be clearer and better answers. We are going to start with the FBI.

So thank you, Jon, for taking this over.

Senator TESTER. [Presiding.] I do not know who is next. So whoever is next, go. Senator Smith.

**STATEMENT OF HON. TINA SMITH,
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you very much. Senator Heitkamp, before you go, I just want to say it has been such a joy to serve on this Committee with you. Even when you are raising hell—

Senator HEITKAMP. As I get on my broomstick and fly around the room.

[Laughter.]

Senator SMITH. Even when you are raising Cain, as my mother used to say, I appreciate serving with you on this panel. So go, vote. Heidi shows us that it is okay to get upset once in a while.

I would like to ask a couple of questions. I would like to start with Mr. LaPorte, if I could. Eighty-four percent of American Indian and Alaska Native women have experienced violence in their lifetimes. This is a number that comes from a National Institute of Justice study, and a number that we have been talking about.

Mr. LaPorte, I am wondering, does this percentage change when we are looking at Native Americans living in urban areas, where approximately 71 percent of American Indian and Alaska Native people live?

Mr. LAPORTE. I am not aware of any research that can specifically tell you for sure whether the numbers vary in those specific areas.

Senator SMITH. So when cases occur in urban areas, these typically don't fall under Federal jurisdiction, right?

Mr. LAPORTE. Correct. It is my understanding that they would fall under the State or local jurisdiction.

Senator SMITH. All right. So that means that everything that happens in urban areas doesn't get counted in our efforts to address this crisis. I think that is something that bears focusing on for a little bit.

Mr. LaPorte, can you state what research has the Department of Justice done on violence against Native populations in urban areas?

Mr. LAPORTE. We have a range of research. I think probably the best way to answer, I don't want to avoid your question. But because we have a pretty broad portfolio in the number of agencies at DOJ, I could be happy to provide a little more information if your staff wants to contact us afterwards. Then we can give you more specifics on the different types of research that are going on.

Senator SMITH. I think that is a good thing for us all to focus on. What I am concerned about is that there isn't any specific look at this. I understand that the Urban Indian Health Institute completed your study, the study that you did in about a year. The data collected in that study identified a lot of gaps in data collection and cases that have been missed by law enforcement.

I think that shows that there are groups out there who understand what is happening with violence in Native communities, who understand this trauma that is occurring, understand the culture and the resilience of Native communities. I think we should be funding these efforts. I think that the DOJ should be studying what is happening here.

So is there a way that we can continue this conversation about violence in urban communities amongst Native people?

Mr. LAPORTE. Yes, absolutely. I can tell you, especially at NIJ, we are certainly committed to getting more answers and doing a little more research to understand these. And as I said, there are other agencies within the department, OVC, OIW, that are interested in these types of things as well.

Senator SMITH. We will follow up on that, because I think this is really, really important.

Mr. Johnson, a recent report by the Urban Indian Health Institute found more than 150 cases of, I think 153, to be exact, of missing and murdered Native women and girls that the police completely missed. They are not in the record of law enforcement. And that was just in 71 cities that were examined.

Can you help me understand, how is it that law enforcement just misses cases like these?

Mr. JOHNSON. It is left up to the responding agency to put whatever information they have into the record when that individual is identified. It is voluntary. So the issue becomes, are they fully filling out those forms so that we can positively identify exactly who the individual is, and are they connected to a tribe or not.

But that is all done out in the urban areas. That is not done on the reservations themselves.

Senator SMITH. But why do you think this happens?

Mr. JOHNSON. Because they fail to fully identify the individual and put the information into the different systems.

Senator SMITH. But why particularly this group of people?

Mr. JOHNSON. I wouldn't say it was specifically this group of people, ma'am. I would say it is straight across the board for all groups of people.

Then the issue becomes is trying to identify the individual, if they are Indian or non-Indian. Usually what happens, that has to go back to the tribe. And that is usually how we find out, we, the

FBI, find out that an individual out in an urban area has been killed, and has tribal affiliation. It is when we get those leads back that we have to go out and interview the family members back on the reservation. Then that is how we connect them back to this urban area.

Senator SMITH. Okay. Well, in my State, there has been a recent GAO trafficking report, confirmed that in Minneapolis, when Minneapolis police make a concerted effort, as they have, and which they did do starting in 2012, to meet with tribal leaders and service providers who worked with Native American communities to really demonstrate their willingness to investigate trafficking crimes, they found that with that coordination that they were able to make real headway. So I think this is a model that we ought to be looking at, as we try to figure out better ways to have better coordination.

Mr. JOHNSON. Yes, ma'am.

Senator SMITH. I think I am out of town - town and time, Mr. Chair.

[Laughter.]

Senator TESTER. Since you are the last one, you can keep going if you want. But I think we will move on to the next panel, even though I am not the chair or ranking member.

Senator SMITH. [Presiding] I think, yes, that is right. Vice Chair Udall has handed the chair responsibilities over to me, is that right? So I want to thank this panel very much, first panel, for testifying. We will now turn to our second panel.

Senator TESTER. Madam Vice Chairman, I would just insert one thing in closing.

Senator SMITH. Oh, yes, please.

Senator TESTER. So we have had issues in Indian Country. We have issues of poverty, we have issues of drugs. I think we have issues in those areas, and with adequate manpower with tribal law enforcement. We have to find solutions.

By the way, if I am wrong on any of those, prove me wrong. But we have to find a solution to this. We have to. I would encourage you all to stay and listen to the next panel. Because they are going to tell you their frustrations from their end, which is on the ground, of a missing person.

So thank you, and thank you, Ms. Vice Chair.

Senator SMITH. Thank you very much. And thank you to our first panel.

I would like to welcome our second panel to the table.

The CHAIRMAN. [Presiding] All right, we will begin our second panel. And as you know, we have votes going on. Those of us that are here now have voted twice, I think we are good for the time being. Others are now going back for the second vote and will rejoin us. But we will go ahead and begin with our second panel. Again, I want to thank you for being here today and testifying.

For our second panel today, we have three witnesses. The Honorable Amber Crotty, Delegate, Navajo Nation Council, Window Rock, Arizona. Thank you for being here. Ms. Patricia Alexander, Co-Chair of Violence Against Women Task Force, Central Council, of Tlingit & Haida Indian Tribes of Alaska, Juneau, Alaska. Thank you for being here.

And Ms. Kimberly Loring-Heavy Runner, Missoula, Montana, and I am going to turn to Senator Daines for an introduction for you.

Senator DAINES. Thank you, Mr. Chairman. Welcome, Kimberly. Kimberly is a member of the Blackfeet Tribe, the highlight of Montana. Kimberly is a sister of Ashley Loring-Heavy Runner, a missing indigenous woman who disappeared in June of 2017. After nine months of no information, the FBI finally stepped in to help the investigation in March of this year.

Ashley was planning to transfer to the University of Montana with Kimberly to study environmental science, so she could help take care of her homeland. Kimberly has been working diligently to find her sister and raise awareness in Montana and around the Nation about her case. Kimberly has logged more than 40, 40 searches for her sister. She has hiked mountains, she has hiked fields. She has been in the snow, she has been in the rain while avoiding grizzly bears, literally, to chase any rumor that may help find her sister.

I am thankful that Kimberly has agreed to share her story with this Committee today, a story unfortunately that is all too familiar.

The CHAIRMAN. With that, we will proceed to our witnesses. We will begin with Ms. Crotty.

**STATEMENT OF HON. AMBER CROTTY, DELEGATE, NAVAJO
NATION COUNCIL**

Ms. CROTTY. Thank you, Chairman Hoeven. Amber Kanazbah Crotty, [greeting in Native tongue.] I am the Navajo Nation Council delegate and chairwoman of our sexual assault subcommittee on the Navajo Nation.

To Chairman Hoeven, Ranking Member Udall and Committee members, [greeting in Native tongue], I thank you for your commitment to prioritize public safety for Indian Country as it pertains to missing and murdered indigenous women. And to our Federal partners, while I appreciate some of the testimony and your asking them to remain in the room, it is quite clear on their departure and how that reflects in terms of their commitment and their relationship to Indian Country, to Navajo Nation and to our family members who are on the ground.

Senator TESTER. For the record, Charles Addington, the BIA man, stayed in the room, and I want to recognize that. But you are right, the other two left. Thank you.

Ms. CROTTY. I appreciate that, Senator Tester.

We recognize and appreciate your tireless efforts on working on behalf of Indian Country. I would like to take this opportunity to thank this Committee for holding this hearing regarding this critical issue.

I am here today on behalf of the Navajo Nation to implore this Committee to intervene to stop the alarming rates of our tribal members who turn up missing or murdered. Our nation continues to observe first-hand the outcomes that stem from the lack of resources that exist to maintain data bases on indigenous missing persons, or the failure to cross multiple jurisdictions, State, tribal, county, Federal, to effectively communicate with nations, with our

nation, to coordinate efforts to reduce the loss of our women, our children and our community members.

I wear this yellow scarf in honor of our baby girl, Ashley Mike, who was taken from us in 2016, when her and her brother Ian were abducted and ultimately, we found her, murdered in our community. Then later on that year, in 2017, we lost Ariel Begay. She went missing and her remains were ultimately found, and her case is still under investigation. It took the medical examiner nearly ten months to try to identify her cause of death. But yet her family still mourns for her and there are still unanswered questions.

Recently we discovered another Navajo woman, Marena Holiday, who was murdered in Comb Ridge, Utah, in November 2015 by her neighbor, was shot and then dragged to her death. Not only are Navajo women being victimized, but there is an alarming rate of missing and murdered transgendered Navajo women.

In 2005 and 2009, there were three Navajo transgendered women who were missing in Albuquerque, and later found murdered, all within a block of one another. As you can see, this epidemic of violence against our women is not just limited to Indian Country, Navajo Nation Dine ʼTa, but it also is prevalent in urban areas. I appreciate the effort of Senator Heitkamp in looking at how, and asking the tough questions, and making sure that our Federal partners are accountable and on the ground, know what is happening and the struggle in terms of not only the time and place it takes our Federal partners to address these issues, but then to look at what additional resources need to be called in. We consider this not only a public health crisis, but a crisis against our future generation.

We have complications in determining criminal jurisdiction on tribal lands. A primary issue is determining who has the legal authority between tribal police, State law enforcement and Federal agents.

Baby girl Ashlynn Mike's case is a primary example of jurisdictional complications resulting in a delay of response time in rendering not only an Amber alert system, but then ultimately looking and coordinating the tribal, State, Federal search and rescue team for her. These same jurisdictional complications result in law enforcement officials at the State and local level not enforcing protection orders, restraining orders and valid orders outside of the Navajo Nation jurisdiction.

As I end, I want to say we need help for victim advocates. On Navajo we have only about five BIA agents, in a State the size of West Virginia, and only six advocates to help them in the work that they are doing. We need to be able to move in and help these victims with funding to help them with relief, to help them find their loved one and then to help them to the journey narrative.

Thank you very much. I appreciate this time, Chairman Hoeven. I know I went past, and I do have more recommendations. So I look forward, and [phrase in Native tongue.]

[The prepared statement of Ms. Crotty follows:]

PREPARED STATEMENT OF HON. AMBER CROTTY, DELEGATE, NAVAJO NATION
COUNCIL

Introduction

Chairman Hoeven, Ranking Member Udall, Members of the Committee, thank you for this opportunity to testify on behalf of the Navajo Nation to address missing and murdered people in Indian Country. I am Navajo Nation Council Delegate Amber Kanazbah Crotty and I thank you for your commitment to prioritize public safety for Indian Country as it pertains to missing and murdered indigenous people. We recognize and appreciate your tireless efforts working on behalf of Tribes and would like to take this opportunity to thank this Committee for holding this hearing.

The Navajo Nation urgently appeals to this Committee to intervene to stop the increasing alarming rates of missing or murdered tribal members throughout Indian Country. Our Tribe continues to observe firsthand the disastrous outcome from the lack of resources that exist for states to maintain databases on indigenous missing persons or the failure across jurisdictions to effectively communicate to coordinate efforts to reduce the loss of Native American lives.

Background

The Navajo Nation is the largest land-based Tribe in the United States that spans over 27,427 square-miles across three states (Arizona, New Mexico, and Utah) with over 350,000 enrolled members. The Nation is comprised of 110 Chapters, also known as communities or local governments within the Navajo Nation. In New Mexico, there are an additional 80,000 enrolled members that reside in dependent Navajo communities, allotments, and border towns. Today, the Nation suffers from unemployment rates at about 42 percent and the median annual household income is approximately \$20,000.¹ Across the Navajo Nation, 61-percent of homes do not have electricity, 22-percent of households have telephones, and only 15-percent of households have computers.² Further complicating access to victim services, only 24-percent of residents over the age of 18 have access to a vehicle and the closest available victim services are generally hours away. Annual reporting to the FBI indicates violent crime rates have fallen by 48-percent over the past 25 years, and this same data indicates that violent crime is on the rise on the Nation. From 2010–2016, over 44.1-percent of calls to the Navajo Department of Public Safety (NDPS) involved violence, and alcohol underlies almost all of this violent crime.

The Navajo Nation is currently far from having sufficient public safety resources to adequately respond to reported crimes. Significantly, there are fewer than 200 Navajo police officers and 30 Criminal Investigators for the entire Navajo reservation. Given the on-reservation population, there are 0.85 officers per every 1,000 individuals, which is less than 1/3 of the national average of 3 officers per every 1,000 individuals. The Navajo Nation Police Department's most recent annual crime reports illustrate the increase of violent crimes on the Nation—particularly homicides. Navajo Criminal Investigations responds to approximately 30–50 homicides per year within the Nation's boundaries, which represents a homicide rate well above the national average (20–33 homicides per 100,000 people compared to 6–13 per 100,000 nationally). Based on the most recent census data, the homicide rate on the Navajo Nation is four times the national average. The Navajo Police Department averaged 226,450 total calls for service over the past four years:

Navajo Police Department-Annual Reported Calls for Service

Offense	2017	2016	2015	2014
Homicide	32	24	20	3
Rape	264	319	294	316
Robbery	40	26	23	22
Aggravated Assault	417	417	492	152
Burglary	893	738	728	895
Larceny	904	896	690	1,036
Motor Vehicle Theft	1,270	1,077	730	744
Arson	352	349	292	338
Assaults	472	417	442	464
Weapons	701	687	661	773

¹ <https://navajobusiness.com/fastFacts/Overview.htm>

² <https://transition.fcc.gov/cgb/rural/presentations/ONSAT2OverviewofNNHeadStartTechnologyPlan.pdf>

Navajo Police Department-Annual Reported Calls for Service—Continued

Offense	2017	2016	2015	2014
Sex Offenses	2,023	1,705	1,499	1,754
Child Abuse	917	1,092	1,167	1,058
Domestic Violence	5,351	5,119	4,628	4,658
Total	13,636	12,866	11,666	12,213
Grand Total of Calls for Service	234,137	218,810	213,692	239,161

These alarming statistics help illustrate why the Federal Bureau of Investigation (FBI) reported that Navajo Nation has one of the most violent crimes in Indian Country with 2,524 violent crimes; 2,311 aggravated assaults; and 160 rapes reported to law enforcement in 2017.³ Thus, violent crimes and crimes against women such as rape is comparable to major metropolitan areas such as Detroit and San Diego, proportionate to population.⁴

Violence Against Navajo Women

Gender-biased violence on the Navajo Nation is a multi-generational and culturally pervasive phenomenon. Similarly to our national counterparts, the true rates of violence against women are not accurately reflected in data since many victims of domestic violence (DV) or dating violence fail to report their abuser due to fear for their safety (i.e. retaliation), shame over their situation, or involvement of alcohol or drugs at the time of the incident. Administration of targeted victim services for DV, dating violence, and sexual assault has likely led to increased reporting of DV and sex offenses in recent years. Women who have been victimized are starting to trust that they will be supported, heard, and believed due to program implementation like Am Dęę Alchõnõ Bõghan, Inc. (ADABI) on the Nation. For example, ADABI has had positive impacts on our community in the Chinle Agency over the past years. In this community, reporting of sexual assault incidents have increased by 75 percent from 3 total reports during 2010–2012, to 12 total reports during 2014–2015. We believe this increase is a result of the efforts of ADABI to increase community awareness, build knowledge and skills among community partners about how to effectively respond to domestic violence and sexual assault.

Poverty, low educational attainment, addiction, unresolved trauma, and the emergence of gang culture, all contribute to the perpetuation of the culture of violence against women and girls within the Navajo Nation. Notably, if more victims are now coming forward, then violent crime rates are even worse than currently reported. This information is extremely concerning because it illustrates the battle that the Navajo Nation is currently engaging in to combat domestic violence and violent crimes across the reservation, but also demonstrates a need to ensure protections for children and law enforcement, as well.

Missing and Murdered Navajo Nation Members

Generally, victim services on the Navajo Nation consist of a “patchwork” of extremely limited support services that cannot meet the high demand for services. The Navajo Nation currently does not have the ability to provide comprehensive victim services to all victims of crime, as its sole funding source is strictly limited to services for intimate-partner violence. Consequently, the few existing services are almost exclusively for victims of domestic violence (DV), dating violence, and sexual assault. There are no on-reservation services for victims of violent crimes, crimes against children, etc. In reality, many simply go without support. Overall, initial crisis intervention and safety planning is performed by an array of critically under-resourced service providers whom are limited in scope and availability of resources. To further complicate matters, victims face significant barriers to access, including: extremely limited phone and Internet access; Navajo-to-English language barriers; long-distance travel; and lack of transportation.⁵

³ <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-11/table-11-state-cuts/arizona.xls>

⁴ Laurel Morales, “Navajo Nation, Feds Take on Overwhelming Violent Crimes” Fronteras: The Changing America Desk (March 01, 2013). Accessed at: <http://kj.org/content/6821/navajo-nation-feds-take-overwhelming-violent-crime>

⁵ Note: Native victims are often unwilling to travel off-reservation for services for a variety of reasons, including long distances from family and jobs, lack of culturally appropriate training/programs, and language barriers.

Provided below are only a couple incidents of missing and murdered enrolled members of the Navajo Nation. Although the ages of each individual, geographical location, and date the persons were reported missing vastly differs in each case. The significant shortcomings in each case remains the same: law enforcements' delayed response and jurisdictional complications.

- *11-year-old Ashlynnne Mike* was kidnapped with her 9-year-old brother in Shiprock, New Mexico in May 2016. After a couple found Ashlynnne's 9-year-old brother scared and walking on the side of the road, he was taken to the Navajo Nation Police Department in Shiprock where they proceeded to coordinate with local law enforcement. Hours later, when the Farmington Police Department was notified of the missing child, it was clear no information had been shared. Eight hours after Ashlynnne went missing, an AMBER Alert mass notification was finally issued at 2:30 A.M.
- *26-year-old Amber Webster*, a married mother-of-three, was murdered in Florence, Kentucky on December 2018. Amber was employed as a construction worker that had traveled out of state to provide income to her family on the Navajo Nation. 32-year-old Jesse James brutally stabbed her to death while staying at the same hotel as her. The two had no prior interactions with one another prior to the incident.
- *26-year-old Katczinzki Ariel Begay* went missing in July 2017 on the eastern edge of the Navajo Nation reservation in Arizona. Ariel was picked up from her residence by her boyfriend and never came back home. Efforts were been made by law enforcement and a search ensued on the Navajo Nation, New Mexico, and Arizona. However, sadly, her remains were found in October 2017 in Querino Canyon, Arizona. Her case remains unsolved today.
- *23-year-old Ryan Shey Hoskie*, 42-year-old Teri Benally, and 32-year old Fredrick Watson were three transgender Navajo Nation members who were found beaten to death in Albuquerque, New Mexico in January 2005, July 2009, and June 2009 respectively. All three victims' bodies were found in the South-eastern-side town within a block of one another laying in the street or allies. The details of each of their deaths remain unknown and no suspects were detained for their slayings.
- *63-year-old Marena Holiday*, mother of three and grandmother, was murdered in Comb Ridge, Utah on December 2015. Marena was killed within the boundaries of the Navajo Nation after she was beaten then shot in the head by a neighbor. In disposing of the body, the perpetrator tied a rope around Holiday's ankles to the back of his truck and dragged her body to hide under a tree. She was found the next day and the perpetrator was later indicted by a federal grand jury for first-degree murder and sentenced to just 22 years in prison.

Jurisdictional Complexities

Complications in determining criminal jurisdiction on tribal land is a primary issue in determining who has legal authority between tribal police, state law enforcement, and federal agents. Ashlynnne Mike's case is a primary example of jurisdictional complications and a delayed response time in rendering an AMBER Alert for a missing persons' notification through tribal-statefederal responses.⁶ Additionally, in cases where Native Americans represent only 1.6 percent of the state's population, geographical complexities are magnetized since many reservations are located in extremely rural locations within state boundaries.

Due to the Nation's expansive geographical distances across three separate states and limited police force, it takes Navajo law enforcement hours to respond to criminal activity because it can exceed the capacity and resources of current law enforcement. This includes a vital problem of the Navajo Nation to facilitate active relationships with law enforcement between federal, state, local municipalities to effectively share information exists as a persistent issue. Currently, there is no mode of communication that exists between the Nation and law enforcement outside of the reservation boundaries, which leads to a continued loss of lives by way of jurisdictional miscommunication.

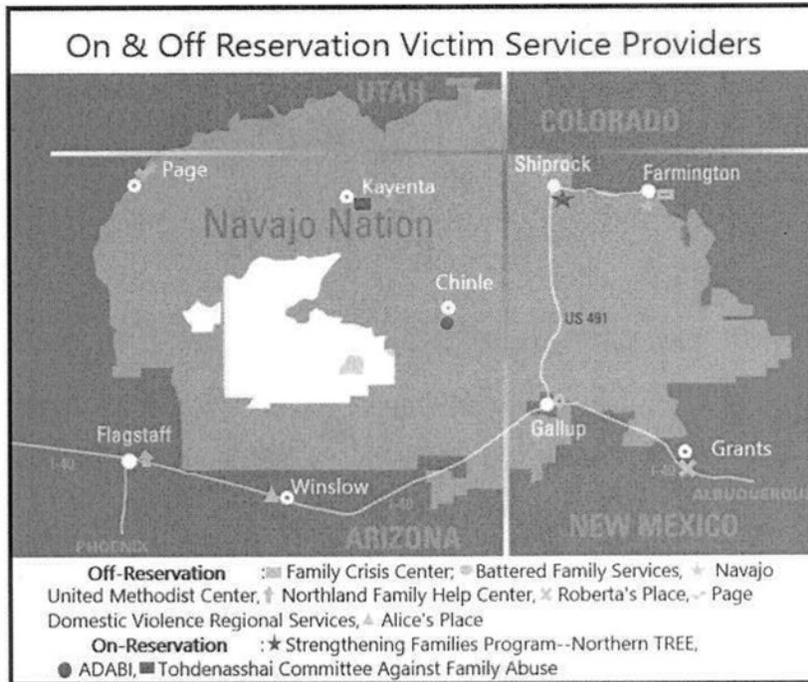
These same jurisdictional complications result in law enforcement officials at the local and state level to not enforcing restraining or protection orders issued through the Nation's courts as valid orders of protection outside the boundaries of the reservation. These circumstances leave victims feeling ignored and with the false im-

⁶Note: In child abduction cases, 76-percent of those kidnapped are killed within 3 hours of abduction denoting the need for expedient state-tribal collaboration on searches and issuance of information to save lives.

pression that the police and court system do not care about them, as well as contributes to the now prevailing culture of impunity among criminal offenders. The establishment of a State-Tribal Intergovernmental Task Force and/or Intergovernmental Agreement (IGA) for crossjurisdictional coordination is vital to reduce wasted time and communication amongst law enforcement. The Navajo Nation also estimates that the one-time funding allocation of \$5 million for upgrading and integrating all public safety partners to facilitate communication systems across jurisdictional boundaries for faster response times in locating missing persons.

Lack of Victim Advocates and Supportive Family Services

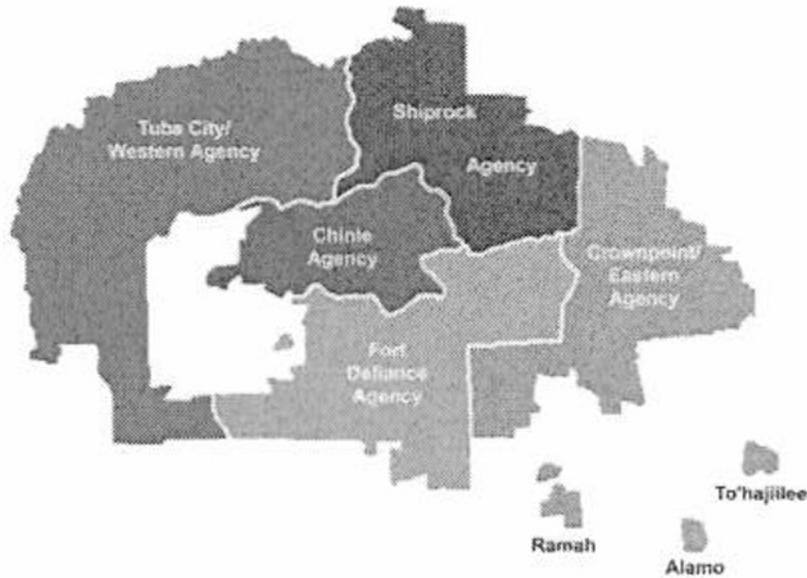
All available victim services on the Nation are specifically for domestic/dating violence and sexual assault. The Navajo Nation currently does not have the ability to provide comprehensive victim services to all victims of crime, as its sole funding source is strictly limited to services for intimate-partner violence. Currently, non-Indians generally have to go off reservation to receive victim services. Due to limited internal resources, the Navajo Nation must rely on third-party service providers to “fill the gaps” to provide additional on-reservation services, including emergency shelter and advocates. The available on-reservation victim services are administered by three providers: (1) Navajo Nation Division of Social Services’ Strengthening Families Program (SFP); (2) Amá Dóó Alchíní Bøghan, Inc. (ADABI) in Chinle; (3) and Tohdenasshai Committee Against Family Abuse in Kayenta, which are both non-profit organizations. More information on these programs is provided below:



Collectively, *ADABI and Tohdenasshai Committee Against Family Abuse* provide two short-term, emergency shelters and one “safe home” on the Navajo Nation for victims of domestic/dating violence, and sexual assault. In total, there are less than 30 available beds and the “safe home” has a maximum 5–7 night stay in a motel. These non-profit service providers receive referrals from the ER, law enforcement, Navajo Social Services, and other local service providers. They are critical partners who provide transportation, safety planning, court support, and help filing protection orders. For example, ADABI received and responded to 648 requests for service in 2017, which accounts for 8.5 percent of the total number of DV calls to 911 on the Nation. In 2017, ADABI advocates logged 241 transportation hours in 2017, which equates to six weeks of non-stop driving for a service provider.

Navajo Nation Division of Social Services ensures social services are available to needy families living on or near the reservation to reduce and alleviate hardships to ensure self-sufficiency.⁷ Out of the eight programs that the Division offers to meet this purpose, the *Strengthening Families Program (SFP)*⁸ is the only Navajo-administered victim-service provider on the reservation. It provides culturally holistic advocacy, supporting services, prevention education and safe shelters.⁹ However, this program has budgetary limitations that has resulted in the inability for the Nation to provide victim advocates to children and families that are negatively impacted by domestic violence and missing and murdered people. In May 2018, SFP opened a 24/7 residential emergency shelter in Shiprock, NM called the Northern T.R.E.E (Teaching Responsibilities, Empowerment and Equality) House. This is the only emergency shelter directly administered by the Navajo Nation. The shelter has been at capacity since its opening with only four beds and staffed by five advocates where two advocates work at a time and they rotate split shifts to provide 24/7 services. While on duty, the two advocates must simultaneously answer calls to the 24/7 Crisis Line, intake new victims, and provide the full spectrum of support services, including responding to crisis calls both in the field and at the shelter, crisis intervention, safety planning, referrals, transportation, court support, and help filing temporary protection orders. Typically, one advocate will be transporting a victim, leaving only one advocate to run the shelter. If a crisis situation arises, no one is available to respond to the victim until the advocate providing transportation returns.

The Nation also employs 5 *Mobile Victim Witness Advocates (VWA)* who are responsible for assisting victims within the Navajo Nation with SFP-program services, including crisis intervention, safety planning, shelter placement, transportation (transport to shelter, counseling, court, SANE exams etc.), court support, referrals, home visits, and filing temporary protection orders. If there is a federal criminal case, VWAs may coordinate with Navajo Criminal Investigations, FBI, and U.S. Attorney's Offices. There is one VWA for each Region of the Navajo Reservation (see map below), meaning each advocate's coverage area is approximately 5,485 square miles.



Given current crime rates, population size, and land base, SFP estimates it would need a minimum of 4–6 VWAs per Region to provide adequate, comprehensive serv-

⁷ <http://www.nndss.navajo-nsn.gov/Home.aspx>

⁸ Established in October 2016.

⁹ <http://www.nndss.navajo-nsn.gov/DSSPrograms/StrengtheningFamiliesProgram/SFPHome.aspx>

ices across the Navajo Nation. Presently, each VWA's coverage area is more than 20 Chapters and advocates may travel hundreds of miles daily. On average, an advocate spends at least half a day with a victim for intervention and safety planning, while shelter transports take all day and average 400-miles roundtrip.

Mobile advocates' individual capacity to respond is further limited as there is only one tribal vehicle for all five of the VWAs. VWAs currently share office space with staff in another Navajo department, which makes ensuring client confidentiality very difficult as the advocates gather information and conduct interviews. Because there are not enough VWAs or resources to respond to the overall need, VWAs must "triage" and prioritize their case load. In practice, this means that VWAs are sometimes not able to provide requested support within a reasonable period of time, if at all.¹⁰ Despite this overwhelmingly burdened system, out of 13,636 calls for service for violent offenses, SFP received and responded to 5,670 DV-related service calls, which demonstrates the Navajo government provided some form of direct victim services and support to at least 41.6 percent of victims of violent crime on the reservation.

In reality, many victim services are only available off-Reservation, including services for victims of violent crime, crimes against children, and human trafficking. The Navajo Nation currently subcontracts with multiple off-reservation service providers to provide additional victim services. Providing victim services off-reservation poses additional challenges, especially because many Native victims will not use off-reservation services for a variety of reasons, including long distances from family and jobs, lack of culturally appropriate programming, and language barriers. Ultimately, many crime victims on Navajo do not get the help or support they deserve and need.

Historically, *victim advocate funding* has only temporarily been funded through grants. When the grants run out the advocate leaves and the victims are unable to build a stable point of contact, it diminishes the effectiveness of support services and sustainability of the program. Previously, the Nation requested a 3- year grant in the amount of \$14 million to implement a comprehensive victim advocate system, but only received \$2 million. This funding assists the Nation in being proactive in preventing domestic violence and providing housing and program options for families through educational and departmental programs offered to our citizens like the Home for Women and Children in Shiprock, New Mexico and the Gentle Ironhawk Shelter in Blanding, Utah purchased by the Navajo Nation.¹¹ The current estimate for victim services on Navajo Nation are currently \$4.6 million dollars per year.

Lastly, another unresolved issue exists to increase critical access and supportive services to families with missing family members and those whom are experiencing the after-effects of domestic violence or intimate partner abuse. There are no resources available for Native American families to gain access to in locating their missing family members and navigating through the complexities of the tribal-state-federal law enforcement systems and databases is problematic even at agencies.

Navajo Nation Courts, Prosecutors, and Public Defenders

Navajo Nation Courts domestic violence cases amount to 12 percent of the entire caseload on the Navajo Nation, which is a 4 percent increase since 2010. Only 14 prosecutors handle criminal court cases in eleven different judicial districts. From January 1, 2018 to December 7, 2018, the Navajo Nation prosecutors received 1,575 cases to review for domestic violence charges alone and filed 999 cases. This is an increase from the 2017 calendar during which prosecutors received 1,180 DV cases for review and filed 848.¹²

Based on this excessive criminal caseload in the Nation's courts, our Tribe has not implemented the Violence Against Women Act (VAWA) that would allow us to prosecute non-Indian offenders involved in domestic violence incidents within the boundaries of the reservation. The implementation of VAWA highlights a fundamental issue in tribal courts across the nation: the lack of funding and resources available in tribal public safety and court systems to adequately protect our citizens. For example, the estimate of additional caseload initiated through VAWA implementation would cost the Navajo Nation up to \$10 million/year. The increased costs of implementation would go towards hiring additional personnel, attorneys/judges, employee training, programmatic restructuring, facility upgrades, and technological up-

¹⁰Note: Further, the scope and available access to services of these providers varies depending on location and the daily capacity of mobile advocates and shelter services. Typically, any requests for mobile support services usually take many hours or even days before they get to the victim.

¹¹<https://nativenewsonline.net/currents/navajo-nation-president-begaye-signs-closing-documents-to-purchase-gentle-ironhawkdomestic-violence-shelter/>

¹²See—"Navajo Nation Reponse to Request for Additional Information Regarding Needs for the Office of the Prosecutor," dated November 13, 2018.

dates for our outdated equipment. \$1.6 million is needed to expand prosecutorial resources and provide victim advocate services that are currently unavailable.

Database Development

Navajo Nation organizes police data through the Navajo Police Department Information Management Section. Current data study requests from outside law enforcement agencies are exceedingly difficult to provide because the Nation's current data tracking system is incompatible with the requested type of data search information. Additionally, due to the lack of available resources, the Nation's paper filing system is cumbersome to hand count and subject to human error. These issues directly contribute to the difficulties in identifying missing persons and updating information for public safety departments outside Navajo Nation's jurisdiction. The cost of updating our system into one Record Management Server would cost the Nation approximately \$5 million dollars. Further, supplementary funding to include 11 employees to conduct crime analysis within the Information Management Section of the Navajo Police Department plus support equipment costs would cost close to \$1 million. The additional personnel would provide insight as to how law enforcement and investigations can be more proactive in addressing current crime trends within the Navajo Nation.

The National Crime Information Center, a crime database for law enforcement that includes missing persons; and the National Missing and Unidentified Persons System are two national databases that compile information of missing and murdered indigenous people. However, due to the inaccuracy of these systems, the collection of this data falls on the efforts of activist and advocacy groups. Currently, the United States does not have a reliable database or methodology of obtaining statistics on the number of missing and murdered indigenous people. Although the U.S. Department of Justice (DOJ) operates the public National Missing and Unidentified Persons System (NamUs) database, the data it receives is provided on a volunteer basis throughout inconsistent jurisdictions. NamUs is the closest platform that the federal government has established to collect and centralize data of Native Americans and Alaskan Natives, but remains inefficient and inaccurate due to the reporting and jurisdictional issues discussed above. Further, state databases that voluntarily track this information on a voluntary basis are inaccurate, as well. Six out of 10 state databases are not updated. This issue is further complicated by jurisdictional complications determining who is responsible for data collection and adequate identification of Native American heritage.

Tribal Access Program (TAP) Development

The U.S. Department of Justice (DOJ) launched the Tribal Access Program (TAP) pilot project for National Crime Information in August 2015 to provide Tribes with access to national crime information systems for both criminal and civil purposes. This allows Tribes to exchange data to protect their citizens through data exchange via the Criminal Justice Information Services (CJIS) system (federal component) and via state databases in which they are connected. Out of 55 Tribes that applied for funding through the DOJ for this program, DOJ selected the Navajo Nation to receive 2 kiosk systems in November 2017. Currently, the Navajo Nation has these two Tribal Access Program (TAP) kiosks installed on the reservation at: 1) Division of Social Services in Window Rock, AZ; and 2) Judicial building in Chinle, AZ. The possibility of expanding the number of databases to track this information on the Navajo Nation are taking place to add 5 to 7 more kiosks.

The upcoming expansion of the TAP program on the Navajo Nation presents an opportunity for congressional leaders to expand the program to develop a database to adequately track missing Navajo citizens and compile information to share across jurisdictional boundaries. The issue that arises in this instance is that Navajo Nation law enforcement has a responsibility of entering the voluminous amount of data of tribal court convictions. The inclusion of a database to track missing and murdered citizens would require a dedicated funding stream for our severely underfunded public safety program to operate and meet CJIS security requirements. Further, a DOJ tribal technical assistance program and annual update program is needed to educate on the already existing gaps in TAP.

ADDITIONAL SERVICE GAPS TO CONSIDER

1 Navajo Department of Medical Examiners

The Nation does not have an Office of the Medical Investigator (OMI). Deceased individuals have to be transported approximately 4 hours to a state facility for autopsy and, if there is no foul play involved in the case and the FBI pays for the autopsy, then there are only limited funds in which Navajo Criminal Investigations works with the families to get answers as to the nature of how their loved ones

passed away. In order to establish an OMI within the Navajo Nation, the projection is \$4 million start up and thereafter have an annual operating budget of \$1.5 million. Contracting with the area state OMI offices is not feasible or practical.¹³

Federal Crime Data Analysis

The Navajo Nation can request services from the FBI to analyze the evidence of a federal crime at a crime lab. However, if the prosecution of the crime remains within the jurisdiction of the Navajo Nation, no funding exists to analyze the data. Further, the Nation does not have any crime labs to conduct the analysis. The Navajo Nation estimates that approximately \$1 million in additional funding for criminal data analysis is needed.

Another key aspect of a fully functional Navajo OMI would allow us to also sift through missing persons cases on our Nation that could potentially be of use to outside agencies who are searching for missing persons, and vice versa. For instance, NamUS allows participating agencies to utilize their program to go through data of missing persons and Jane/John Doe's, thus increasing the chances of finding missing loved ones who may be deceased.

Conclusion

The problem of missing and murdered people in Indian country continues to grow every year. Congress and the federal government, along with Indian tribes, need to address this now in order to curb the problem. In light of my testimony, we suggest the following:

1. Provide intergovernmental resources or establish State-Tribal task forces to increase communication between Tribes and states/local municipality law enforcement to determine jurisdictional reporting responsibilities.
2. Increase critical access and create effective federal systems that provide resources and information sharing for families who are in the process of locating their missing family members.
3. Increase access and funding for support services for the families of missing and murdered people and safe house shelters for domestic violence survivors.
4. Significantly increase funding for tribal courts to expand prosecutorial resources and provide victim advocate services that are currently unavailable.
5. Significantly increase funding for a dedicated funding stream for the Tribal Access Program (TAP) for Indian tribes to expand data sharing across jurisdictional boundaries to comprehensively operate and meet CJIS security requirements.

Thank you for providing me the opportunity to testify before the committee. Ahéheé Thank you.

The CHAIRMAN. That is fine, and you will have an opportunity to present more, as well, with the questions and answers.

Now we will turn to Ms. Patricia Alexander, co-chair of the Violence Against Women Task Force. Ms. Alexander.

STATEMENT OF PATRICIA ALEXANDER, CO-CHAIR, VIOLENCE AGAINST WOMEN TASK FORCE, CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Ms. ALEXANDER. Thank you. Greetings from Alaska. My name is Patricia Alexander. I am the co-chair of the Violence Against Women Task Force of the Central Council of Tlingit & Haida Indian Tribes of Alaska. I appreciate the opportunity to testify today.

Our president, Richard Peterson, asked me to convey his thanks to Senator Murkowski and to Chairman Hoeven, and the other members of the Committee for working toward meaningful solutions that promote the well-being of Native women. I join him in thanking Senator Heitkamp for her leadership in Savanna's Act. It

¹³ See, Navajo Nation Legis. 0321-18 establishing Department of Medical Examiners enacted October 2018.

is a privilege to meet you in person. That bill is an important first step in addressing missing and murdered Native women.

While violence against Native women occurs at higher rates than any other ethnic group in the United States, it is at its worst in Alaska. A full 50 percent of Alaska Native women have experienced physical or sexual violence in their lifetime. I am one.

Tlingit & Haida is all too familiar with the corrosive effect that this violence has on our community, our culture, our way of life. It has been more than a year since the unsolved death of 19-year old Jade Williams of Kake; nearly a year since the unsolved death of 37-year old Francile Turpin of Klawock; two and a half years since the murder of 28-year old Judylee Guthrie in Klawock. The future of Indian Country depends on whether all of us work together to ensure that Native women live in environments that are free of such rampant, unaccountable violence.

As co-chair of the Task Force, I have begun conducting research to find out how missing and murdered indigenous women are identified and cases tracked. To my surprise, I have learned that law enforcement in Alaska does not track the ethnic backgrounds of victims of violence. I further learned that there is no data sharing between law enforcement and a victim's tribe where P.L. 280 states that we don't have tribal law enforcement.

Moreover, despite the efforts of some domestic violence shelters to share ethnic and tribal data that they have compiled, the State has yet to effectively use that data to better focus its services for Native victims. It is not a priority for the State of Alaska.

The police agencies tell us that they only collect data on violence against women if they make an arrest, and open a case. That means that there is no data, no record, in many cases of domestic violence and sexual assault in Native communities where there is little or no law enforcement presence. Victims are not being treated, and repeat violence is not being deterred. This is shocking; it is unacceptable. Just because a perpetrator cannot be identified and arrested does not mean a victim cannot be identified and served. The rights of victims should not be denied because law enforcement fails to apprehend perpetrators. Law enforcement must track this information.

The geographical remoteness of Alaska is another factor in making data collection difficult. Tlingit & Haida serves 20 villages and communities spread over 43,000 square miles within southeast Alaska. Our service population is among the largest, most isolated, most geographically dispersed tribal population in Indian Country. Because of this, there is no 911 to call; there are no Amber alerts if a child goes missing. Native villages rely heavily on village public safety officers and community members who are the first, and in some cases, the only, responders to incidents of domestic violence and sexual assault.

However, not every community has a VPSO. This limits data collection. The failure to collect victim data makes it difficult to tailor our treatment programs and services to proactively provide Alaska Native women with resources that can save their lives.

So in conclusion, I ask this Committee, along with the recommendations in my written testimony, that you work with the Appropriations Committee to provide targeted funding to tribal

governments like Tlingit & Haida to conduct research, collect data, coordinate reporting between tribal governments and law enforcement agencies, establish a pilot for at least one Alaska tribe to exercise special domestic violence jurisdiction, where upon conclusion of the planning phase, the tribe would seek certification from the Department of Justice. Work closely with the Alaska delegation and the Alaska Native Women's Resource Center to ensure that any jurisdictional fix addresses the unique needs of Alaska Native communities. Finally, law enforcement needs to be held to the best practices for data collection.

I want to say that Alaska has the dubious distinction of being the worst. And I think that is important to remember at budget time. Don't treat us like everyone else. We are the worst. We have the worst problems in terms of being on islands and landlocked, only available by boat or plane, affected by weather. The tribes and the VPSOs are trying, they are doing what they can. But they don't have resources to do what they must do.

I believe that in Anchorage, the police there were very helpful in the data collection that was done by the Seattle Urban Center. I believe that local authorities will cooperate with us if we can have the resources to address the problem.

Thank you.

[The prepared statement of Ms. Alexander follows:]

PREPARED STATEMENT OF PATRICIA ALEXANDER, CO-CHAIR, VIOLENCE AGAINST WOMEN TASK FORCE, CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

GREETINGS FROM ALASKA! My name is Patricia Alexander. I am the Co-Chair of the Violence Against Women Task Force (VAWTF) of the Central Council of Tlingit and Haida Indian Tribes of Alaska ("Tlingit & Haida" or "Tribe"). Thank you for inviting me to testify on behalf of my Tribe. Our President, the Honorable Richard J. Peterson, sends you his greetings and gratitude for the attention this Committee has placed on this topic of such vital importance to the future wellbeing of our Tribe.

Tlingit & Haida is a federally-recognized tribal government with over 30,000 citizens worldwide, and has an active, government to government relationship with the United States. The Tribe serves 18 villages and communities spread over 43,000 square miles within Southeast Alaska. More than 7,000 tribal citizens reside in Juneau, with several thousand more located in Anchorage. Beyond that, the vast majority of tribal citizens reside in Washington State, and smaller numbers stretch into Oregon and the rest of the world. Tlingit & Haida tribal citizens are among the largest, most isolated, and most geographically dispersed tribal populations nationwide. In Southeast Alaska, where the Tribe provides the majority of its services, most communities have no roads in or out, and must rely on planes and boats for both day-to-day needs and emergencies.

I have dedicated much of my professional work life to providing much-needed health and social services to our tribal citizens. I have worked in tribal social service programs for Tlingit & Haida as well as for the Sitka Tribe. I have also served in a tribal treatment center in Arizona, and have engaged in hospital administration for the Southeast Alaska Regional Health Consortium.

Tlingit & Haida wishes to commend our own Senator Lisa Murkowski, along with Chairman John Hoeven, Vice Chairman Tom Udall and other members of this Committee for continuing to work in partnership with Tlingit & Haida and others in Indian Country to identify meaningful solutions that promote the well-being of Native women and children. I would also like to thank Senator Heidi Heitkamp for her leadership on S. 1942, Savanna's Act, and to all those on this Committee for working so hard to pass this measure in the Senate last week. This bill is an important first step in assisting federal, state, local, and tribal law enforcement to apply the appropriate justice protocols needed to address missing and murdered Native Americans and Alaska Natives throughout Indian Country

Tlingit & Haida Efforts to Prevent Missing and Murdered Women in Alaska

While violence against Native American women occurs at higher rates than in any other ethnic group in the United States, it is even worse in Alaska. According to the Alaska Native Tribal Health Consortium, 50 percent of Alaska Native women experience physical or sexual violence in their lifetime. The Violence Policy Center reports that the homicide rate against Alaska Native women and children is three times the national average, identifying that in twelve murders, eight will be American Indian or Alaska Native. Even more troubling, the Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men and is the most violent state, with Anchorage as the most violent city within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives with 52 active cases.

Tlingit & Haida is all too familiar with the corrosive effect that this violence against our women and children has had on our communities. It has been more than a year since the unsolved death of 19-year-old Jade Williams of Kake and nearly a year since the unsolved death of 37-year-old Francile Turpin of Klawock. The alleged murder of Judy Lee Guthrie, 28 of Klawock, Alaska, has yet to be prosecuted nearly two and a half years later. Earlier this year, Tlingit & Haida held a memorial in solidarity with our northern relatives after ten year old Ashley Johnson Barr of Kotzebue was found dead, sexually assaulted and strangled, after being missing for days. Fortunately, the perpetrator is being held accountable for this heinous crime.

Because we believe the future of Indian Country rests in the secure status of women living in environments that are free of violence, Tlingit & Haida has committed its resources and staff to working towards bringing an end to these threats to our women and children. At our 2018 annual Tribal Assembly, Tlingit & Haida passed resolution TA18–27 calling for the increased investigation of Missing and Murdered Indigenous Women and asking the Department of Justice to report on their steps to reduce the disproportionate numbers of victims who are Native women.¹

In addition, Tlingit & Haida adopted Resolution TA 18–37 establishing a Violence Against Women Task Force (“Task Force”) to fight against violence destroying the lives of our women. The work of the Task Force, in fact, is what brought me in front of you all today.

The Task Force is a community-driven response to end domestic violence and to address cases of missing Alaska Native women. It is charged with studying, analyzing, reporting, and providing recommendations on how to:

- Improve criminal justice system to better serve and protect Alaska Native women;
- Increase criminal justice protective and investigative resources for reporting and identifying murdered and missing Alaska Native women;
- Identify rates of violence against women and reduce incidences through continuing efforts to connect state, tribal and federal resources;
- Address issues relating to public safety and law enforcement that create barriers for responding timely to violent crimes against Indigenous women in rural Alaska communities;
- Identify effective tribal justice methods used to reduce violence against Alaska Native women; and
- Create partnerships with local, state and national organizations for resource development (i.e. Alaska Native Women’s Resource Center, National Indigenous Women’s Resource Center and NCAI’s VAW Task Force).

The Task Force is a continuation of Tribe’s increasing attention to violence against women. In 2012, Tlingit & Haida advocated for fully including Alaska Native Tribes within the purview of the Violence Against Women Act.² Since then, we

¹“BE IT FINALLY RESOLVED, that the Tlingit & Haida petition the US Department of Justice to evaluation and report on progress by federal and state law enforcement agencies in investigating and reducing the incidence of missing and murdered indigenous women no later than December 31, 2019 from the states of Alaska and Washington, and US Department of Justice.”

²Tlingit Haida Resolution TA/12–58, Opposition to Any Language Excluding Alaska Native Tribes from the Violence Against Women Act (April 18–21, 2012), <http://www.ccthita.org/info/press/releases/2012releases/Resolution%20TA%2012-58%20Opposition%20to%20Any%20Language%20Excluding%20AK%20Native%20Tribes%20from%20the%20VAWA.pdf>; Tlingit Haida Press Release, Tribe Strongly Opposes Exclusion from Violence Against Women Act (April

have repeatedly met with the U.S. Department of Justice (DOJ) to advocate for resources that meets the needs of Alaska Native women and children. We have also supported National Congress of American Indians (NCAI) resolutions which advocate for the safety of Alaska Native women residing in tribal and village communities.

In 2014, when the unduly-limiting Section 910 of the Violence Against Women Act was repealed, Tlingit & Haida took active steps as a tribal government to increase protections for Alaska Native women. The Tlingit & Haida Tribal Court, began issuing civil protection orders for domestic violence committed by intimate partners and family members.³ Our orders addressed a range of domestic violence offenses, including threats, assault, and sexual assault. We issue emergency protection orders, ex parte, for up to 20-day periods upon a showing of probable cause. Permanent protection orders are issued from one to five years after a hearing is held.

The protection orders are served on the Respondent by the Juneau Police Department or Alaska State Troopers or Village Public Safety Officers based on the location of the Respondent. Service of process is more challenging in our remote villages without law enforcement. For violations of the Tribal Court Protection Order that occur in Juneau, the City Prosecutor files criminal charges for violation of the tribally-issued protection order. The Tribe is exploring how to encourage the state of Alaska to better prosecute violations that occur outside of Juneau. In an effort to maximize protection and increase safety for Native Women, the Tribal Court makes every effort to collaborate with state and local law enforcement and prosecutors in serving and enforcing protection orders. However, many of our communities lack any first responders to enforce a protection order, which leaves those in such villages more vulnerable.

Since the Task Force's establishment, we have participated with the Alaska Native Women's Resource Center's annual Unity meeting held prior to the Alaska Federation of Native's Annual meeting, the Office of Violence Against Women's 2018 Annual Consultation, and most recently the Office of Victims of Crime ("OVC") Listening Session in Palm Springs. We further plan to evaluate whether to establish a DOJ Office of Violence Against Women-funded Southeast Alaska Native Women's Coalition. We successfully applied for Phase I of the Victims of Crime Act ("VOCA") 2018 Tribal Set-aside program, although our application's budget was cut ' by OVC, who may not understand the logistical challenges we face in Alaska including the lack of available housing and actual costs of resources and services in our remote village communities.

To continue improving services and protection for our women, Tlingit & Haida's Chief Justice Michelle Demmert also participated in the Third Meeting of the North American Trilateral Working Group on Violence Against Indigenous Women and Girls in Mexico City held this year to explore how to better improve collaboration, information sharing, and leverage resources to respond to violent crimes against

Alaska Native women.⁴ Indigenous representatives from the United States, Canada and Mexico discussed common themes including, high rates of suicide among their youth and the housing crisis that their communities face and the impact this crisis has on women attempting to leave the violence. Canadian participants discussed the high rate of missing and murdered indigenous women and girls, and how their government is attempting to address these issues including a national inquiry and apology, as well improved protocols among law enforcement. We can learn much from our northern neighbors as we look for ways to improve the protocols for American Indian and Alaska Native women and girls.

This past year, more than 200 tribal, state, regional, and national organizations, including Tlingit & Haida, joined the National Indigenous Women's Resource Center in support of the Senate resolution recognizing a 2nd National Day of Awareness for Missing and Murdered Native Women and Girls.⁵ The first national day of awareness in 2017 reached millions of people across the United States and the world through social media platforms. The social media networking and mobilization this year surpassed the 2017 efforts. Tlingit & Haida held a Rally, March and Awareness event in Juneau that had over 200 citizens in attendance. The response

23. 2012), <http://www.ccthita.org/info/press/releases/2012releasesNR%2004232012%20/TribeStronglyOpposesExclusionFromVAWA.pdf>

³Tlingit Haida, Tribal Update (December 18, 2018), http://www.ccthita.org/government/president/updates/TribalUpdate_Dec2014.pdf

⁴Tlingit & Haida Chief Justice to Attend Trilateral Work Group Meeting on Violence Against Indigenous Women and Girls (September 7, 2018), <https://myemail.constantcontact.com/FOR-IMMEDIATE-RELEASE-Chief-Justice-to-Attend-Trilateral-Meeting-on-Violence-Against-Indigenous-Women-and-Girls.html?oid=1124597381696&aid=nmPvEYNC6-A>

⁵See TA18-34.

to the public call for increased awareness is indicative of the extent of the reality that Native women go missing daily often without any response by law enforcement.

Challenges Facing Alaska Native Communities

There are many barriers that make it difficult for Tlingit & Haida to adequately protect our Alaska Native women residing in what are often remote communities. These include extreme weather, limited police and public safety protection, lack of access to necessary resources and limited counseling and support services. This situation is compounded by insufficient federal funding opportunities that do not even begin to meet the needs of Alaska Natives. We suffer from inadequate data reporting that makes it difficult to tailor programs to the needs of our women. We face a challenging lack of coordination between state and tribal officials, and a lack of training and resources in villages where neighbors are often the first, and only, responders who lack training beyond their compassionate hearts. In the rest of my testimony, I will provide greater detail on each of these barriers.

A. Remote Location, Extreme Weather, Lack of Transportation

The geographical remoteness, extreme weather, and the lack of adequate transportation present serious challenges in responding to crime in Alaska Native villages and in accessing state judicial systems in a timely matter. Tlingit & Haida serves 20 villages and communities spread over 43,000 square miles within Southeast Alaska. Our service population is among the largest, most isolated, and most geographically dispersed tribal population in Indian Country. While we are proud to maintain our lives in our original homeland, our struggle to protect our women and children is made more challenging by our geophysical realities. Most of our Southeast Alaska communities are connected only by ferry boats or small planes. There are very few road connections. With only three secure women's shelters in Juneau, Ketchikan, and Sitka in our region, if female victims in other communities seek to leave for safety purposes, doing so requires very public and often delayed travel by plane or ferry. Additionally, if a domestic violence incident occurs in any of the other outlying communities or villages, the victim's safety is at great risk because our limited police and Village Public Safety Officers (VPSO) cover huge territories and often are not present for days and weeks in some communities. Consequently, victims often have trouble getting help in time to collect evidence and in some instances, to save their lives.

B. Village Public Safety Officers are the First Responders

Village Public Safety Officers (VPSOs) are crucial resources for Alaskan villages. Women and children also go missing and are murdered in these communities too. VPSOs are often the first, and in some cases, the only official responders to incidents of domestic violence and sexual assault in remote areas of Alaska. While VPSOs do their best, they are hampered by more limited training than other law enforcement officers receive, more limited resources and authority and lower compensation.

These challenges contribute to turnover in the VPSO program. Turnover, which can be the result of burnout, from being on call, for all practical purposes, 24 hours a day, leaves communities with gaps in their law enforcement coverage, as a new officer is sent to training for months and there is no current officer. It is also not infrequent that the VPSO program trains officers, who too quickly depart for higher paying law enforcement positions, serving for a municipal force or moving down south.

The VPSO program needs additional resources and authority for training and responses because the officers, in spite of all the challenges, do amazing work to keep our families and communities safe. Our communities have learned that the presence of a VPSO increases reporting of crime and violence. So while statistics rise when a VPSO is present, it is only because there is finally someone to report to, a local person, with whom the community has a relationship and where there is trust. For those communities with no law enforcement, VPSO or otherwise, crime is under-reported. It is yet another area where statistical evidence for our Alaskan communities is lacking or misleading.

C. Funding Barriers

While U.S. DOJ has attempted to direct funding towards domestic violence and sexual assault, many federal grant programs do not allow us to spend money on prevention, enforcement, or policing and few programs are available to help us provide counseling services to victims of domestic violence and child witnesses. While Tlingit & Haida is encouraged by the 2018 VOCA Tribal Set -Aside, it is clear from our reduced application award in the Phase I process, that OVC does not understand the true costs of crimes in Alaska and the Resources needed. We need a permanent

set aside for VOCA, and grant awards that truly build capacity and program sustainability.

In 2015 DOJ announced the Tribal Access Program (TAP) for the National Crime Information Center (NCIC), which provides eligible tribes with access to the Criminal Justice Information Services systems. There are now 30 tribes participating in TAP, which will greatly facilitate their ability to enter protection orders and criminal history into the federal databases. Because DOJ is using existing funding for the TAP program, eligibility is currently limited to tribes with a sex offender registry or with a full-time tribal law enforcement agency. Tlingit & Haida is one of many tribes, particularly in Public Law 83-280 jurisdictions like California and Alaska, who cannot meet this DOJ criteria but who do have tribal courts that issue protection orders. For our protection orders to be effective and protect victims, an issuing tribe like Tlingit & Haida needs to be able to enter them into the protection order file of NCIC. A dedicated funding stream should be created for expanding the TAP program and making it available to all interested tribes who meet the requirement. All tribes should have the ability to access federal databases not only for obtaining criminal history information for criminal or civil law purposes, but also for entering protection orders, missing person's reports, and other relevant information, including National Instant Criminal Background Check System disqualifying events, into the databases.

D. Inadequate Data Collection

Perhaps even more challenging is the lack of enough data on domestic violence, sexual assault, sex trafficking, and violence against children, which is needed to build sound legal infrastructure and provide appropriate services to ensure our women and children are not living in danger. Tlingit & Haida commends this Committee for persuading the Senate to pass Savanna's Act to address this exact problem.

Following my appointment, I initiated research, at the local level, to find out how missing and murdered indigenous women are identified and their cases tracked. To my surprise, I learned that tracking the racial background of victims is not done by the Sitka Police, nor by the State of Alaska. I further learned that there is no communication between a tribe and law enforcement when a victim is a tribal citizen. Moreover, despite domestic violence shelters compiling data and sharing it with the state of Alaska, the state finds it difficult to interpret and successfully use this data to focus on the unique needs of Native women and children.

Additionally police have informed us that they are only collecting data if there is an arrest. But, how can there be an arrest without law enforcement within 75 of Alaska communities?⁶ This means that many, if not most, instances of domestic violence, sexual assault, sex trafficking, and missing women are not being documented or accounted for. This is shocking. Just because a perpetrator cannot be identified and arrested does not mean a victim cannot be identified and served. The rights of victims can no longer be denied just because law enforcement fails to apprehend perpetrators.

When data is not kept, there is no ability to track our women. Our voices, our stories, the realities that we live, continue to be marginalized because they remain anecdotal evidence. The failure of data collection is not only making it difficult to tailor our programs and services and partner with local and state law enforcement to protect Alaska Native women, but more importantly, it is preventing our Tribe from being able to proactively provide Alaska Native women with resources that could save their lives and the lives of their children. Law enforcement must track this information. Not only do I believe adequate data will lead to valuable information, but that information can then be a basis for advocating for increased resources. I also believe there is inherent value in validating the reality that Alaska Native women face.

Recommendations for Protecting Alaska Native Women and Children

In response to our experience with these barriers, Tlingit & Haida provides the following recommendations to the Committee to consider as it continues to advance measures to protect our women and children.

1. DOJ funding should be dramatically increased and should be focused on violence prevention, enforcement, and policing.
2. DOJ VOCA grant funding should be dramatically increased and made permanent or it will remain ineffective. The SURVIVE Act S. 1870 would address this

⁶See TLOC Report, supra 39.

issue and should include victim compensation and services as defined by the tribal government.

3. Data reporting models in Alaska should be required to include data collected from VPSOs and tribal governments without tribal law enforcement or VPSO's . Funding should be provided to meet this requirement.
4. VPSO programs should be provided with dramatically increased funding—
 - a. Especially for training VPSOs in data collection in cases involving violence against women and children;
 - b. For training VPSOs in responding to domestic violence, sexual assault, sex trafficking, and trauma;
 - c. To ensure that there is a VPSO officer in every Alaska Native community, including the most remote of villages.
5. Provide dramatically increased funding resources for broader community training on domestic violence, sexual assault, sex trafficking, and trauma and best practices for prevention.
6. Provide increased support for dramatically increased funding resources for tribal courts and tribal law enforcement in Alaska.
7. Provide increased victim services to the families and community members of the disappeared or murdered Native women, such as counseling for the children of the disappeared, burial assistance, and community walks, healing and other tribal-specific ceremonies. Passage of the SURVIVE Act S. 1870 would address this issue
8. Fully implement the VAWA 2005 program of research and specifically provide Indian tribes information regarding the disappearance and murder of Native women. We need a baseline study for Alaska as our situation may be different than what the National Institute of Justice reported in their Violence Against American Indians and Alaska Native Women and Men.
9. Upon enactment of Savanna's Act, provide targeted funding for tribal governments like Tlingit & Haida, perhaps on a pilot program basis, to ensure full participation in and coordination of efforts across federal departments to conduct research and collect data to better improve tribal government responses to the disappearance or murder of Native women and girls.

I, along with all of us at Tlingit & Haida, look forward to working further with Senator Murkowski and the rest of this Committee on ways we can heal this life and death filled trauma for many women and children in our Native communities. Together, we must ensure the safety of our tribal citizens. Thank you for this opportunity to join the Committee in sounding a call to arms.

Gunalchéesh! Háw'aa! Thank You!

The CHAIRMAN. Thank you, Ms. Alexander. Ms. Loring-Heavy Runner.

**STATEMENT OF KIMBERLY LORING HEAVY RUNNER,
MISSOULA, MT**

Ms. LORING-HEAVY RUNNER. Thank you for allowing me to speak for my sister, Ashley.

So Ashley went missing on June 12th, 2017. That is exactly 18 months ago. That is exactly 18 months ago since the last time that I got to see my sister, spoke with her, to be around her.

During that time, when she went missing, the first tip that we got for Ashley was stating that Ashley was running on Highway 89 on the Blackfeet Reservation, alongside the Rocky Mountain front, from this, she was running from this vehicle. And since that tip that we got, we met with BIA and the tribal police. And they searched for three days, they searched for three days to look for Ashley. And after those three days, they stopped.

They had this task force that they formed when Ashley first went missing, and they had one time where they spoke with each other. Then after that first meeting, they had never come back to speak of what they found about Ashley.

And during that time when Ashley was missing, it was two months after she went missing, the BIA was still stating that Ashley is of age, and is able to leave whenever she wants to. That is not a proper response when dealing with a woman that has been missing for two months, and despite the fact that we found a sweater, with an eyewitness saying that that was the sweater that Ashley was wearing during the time that she went missing.

And one of the leads that we received during that time was that my sister was hurt in the mountains on the Flathead Reservation, in this place in the mountains, at a place in the mountains. That is just ridiculous. This place in the mountains.

And though there are leads saying that she was wearing the sweater, and she was placed in a barrel, in an oil barrel. And where we found this sweater, there was nothing but oil barrels everywhere, and the sweater was stained with oil and stained with red marks that did look like blood.

When we switched over the sweater, over to, at the time we were working with the BIA, it was after two weeks that we called to speak with them about this sweater, they lost it. They called us and told us that, we do not know where this sweater is at. We also found boots that was the same size as Ashley's, and the same style. When we turned over the boots, somehow these boots turned from, or these boots went from Ashley's size to a little child's size, which I do not understand how that happened.

Working with the law enforcement at the Blackfeet Reservation and BIA, we went weeks without even speaking with them. They did not call and they did not give us any information. One time I spoke with this officer, he was a family friend, but he was an officer. He stopped me and talked to me, and said, these guys are not taking Ashley's case seriously. They are putting her as she is of age and she can leave when she wants to. That is not a proper response when you deal with missing and murdered indigenous girls, that are missing.

One more thing, in working with these law enforcement officers, there was this officer that was the head of Ashley's case. He was leaking information to one of the prime suspects. And he was having a relation with the suspect. This was not based on rumors or stories; this was fact. Because I was there when this person was speaking with the officer on the telephone. It was the officer. And I later spoke with this officer, and he did say yes, that was me, and I was speaking with her.

I believe that if the law enforcement would have searched for my sister when she first went missing, if they would have taken her case seriously, we would have my sister. And we wouldn't have to search for 18 months through the rain and three feet of snow, being chased by grizzly bears, wondering, is my sister in the mountains? Knowing that there are grizzly bears all over the Rocky Mountains, is my sister up there?

If they would have taken her seriously as a person, because we are important, I believe that my sister would have been here, or we would have closure. That is why I am here today, is to stress to you that I believe that the law enforcement did not take Ashley's case seriously, as well as other girls that have gone missing and murdered in Indian Country.

I think that is all I have to say for now, thank you. I went way over.

[The prepared statement of Ms. Loring-Heavy Runner follows:]

PREPARED STATEMENT OF KIMBERLY LORING-HEAVY RUNNER, MISSOULA, MT

My name is Kimberly Loring-Heavy Runner, and I am here today to share my sister Ashley Loring-Heavy Runner's story, and to shed light on the mistreatment of Missing and Murdered Indigenous Women cases handled by multiple levels of Law Enforcement in Montana, and across the United States.

Ashley's Story

Ashley Loring-Heavy Runner is a 22 year old Blackfeet woman that went missing June 12, 2017 on the Blackfeet Reservation in Montana, at the age of 20, over one and half years ago. Ashley's life is valued and cannot be explained in the five minutes that I am being allowed. Please forgive me if I go slightly over the requested timeframe.

Failure of Law Enforcement

The first information in regards to Ashley's disappearance was received on June 25, 2017 stating that Ashley was running from a males' vehicle on US Highway 89, alongside the Rocky Mountain Front on the Blackfeet reservation.

In the beginning stages of the investigation, a sweater was found on the Blackfeet Reservation on June 28, 2017 and placed into evidence with Blackfeet Tribal Law Enforcement (BLES). The sweater was identified by an eye-witness stating that Ashley was wearing the exact same sweater when she went missing. When the sweater, which was stained with 'red spots' and holes was turned over by Blackfeet Law Enforcement (BLES) to the BIA, the agent stated multiple times that he sent the sweater to the crime lab, when we questioned the results of the testing of the sweater he then changed the story and said he couldn't send out due to testing reasons after eight (8) months of being in evidence with the BIA. We later found out the sweater has never been sent, and is still currently sitting in BIA evidence. The Blackfeet Law Enforcement (BLES) informed us they did a search on the location where the sweater was found on July 28, 2017. We searched that location for two weeks after the sweater was found and never seen either agency BLES or BIA during our searches. We later spoke with a BLES officer that was working on Ashley's case and she had no recollection of a search ever being conducted in that location. We were then told Blackfeet Law Enforcement (BLES) was no longer taking any tips concerning Ashley's case and we instructed to contact the BIA agent assigned to our area in Montana. Several attempts have been made by the family with no response from the BIA agent to date. During the course of the investigation with the Blackfeet Law Enforcement (BLES) we became aware that a Blackfeet law enforcement officer working on Ashley's case was having relations with, and giving information to a prime suspect.

For over the course of nine (9) months that the BIA has taken over the case most leads and information given to BIA have not been followed up on, nor documented. Blackfeet Tribal Law Enforcement (BLES) as well as the Bureau of Indian Affairs have not take Ashley's case seriously.

After two months of being reported missing the BIA Agent responded to our calls by stating "Ashley is of age and can leave whenever she wants to." Despite the fact all the leads coming in were stating that Ashley was in danger, or was hurt and placed in the mountains. From the very beginning, both Blackfeet Tribal Law Enforcement (BLES) and the BIA have ignored the dire situation that Ashley is in and have allowed this investigation to be handled in a dysfunctional manner. This isn't just a reality for our family but a reality for many MMIW families. We all share the same experience when working with law enforcement.

In closing, think of how each of you would feel if the response you are given about your wife, sister, daughters missing persons case was. . . .

"she is of age and can leave when she wants to."

Ashley is loved and cherished, I will continue to search for my sister.

I am asking you to recognize that Indigenous women matter, and the way our missing and murdered women cases are handled needs to be corrected.

We are going missing, we are being murdered. We are not being taken seriously. I am here to stress to you we are important and we are loved and we are missed. We will no longer be the invisible people in the United States of America, we have worth.

The CHAIRMAN. Thank you, Ms. Loring-Heavy Runner.

We will begin five-minute rounds of questions. I would like to begin with Ms. Crotty.

According to your written testimony, the Navajo Nation does not have an office of the medical investigator. The closest State facility that delivers medical examinations is four hours away from the tribe's land.

First, how would having your own office of the medical investigator help the tribe resolve missing person cases? And second, can you talk about the Navajo Nation's process for keeping track of and locating missing and unidentified tribal members, both on and off the reservation?

Ms. CROTTY. Thank you, Chairman. I appreciate the question. I think you hit a critical area for Navajo in terms of medical examiners. As I talked about Ariel, when we found her remains, they were sent to the medical examiner who was located in Albuquerque, which was nearly three and a half, four hours away.

Currently on Navajo Nation, because we do not have a medical examiner's office located on our nation, our criminal investigators, our Navajo Nation criminal investigators, not only have to play the role of medical examiner for naturally-occurring cases, but they also then have to spend their time away from investigating some of these major crimes. We are talking about missing persons, homicides and other violent crimes that are committed against our women, our children and community members. This plays a huge part in terms of burnout for the investigators on the ground, and also in terms of how we prioritize what investigations will take priority and what are the next steps when having to travel back and forth between cities like Albuquerque from some of our more rural areas on Navajo Nation.

It also then plays a role in how, and the ability of our Navajo criminal investigators to work with victims themselves and family members who are searching for those family members. As a family member of an individual who has been missing and ultimately murdered, it is, and I want to say that I felt your testimony, Kimberly, when they talked in terms of who they prioritized and making it seem that your sister left on her own accord, and dismissing the violence that potentially happened to her.

That is my concern, Chairman, is when we have a system that is on the brink of implosion, then what happens to the cases and how we prioritize them?

To our Federal partners, that is why these stories are so critical. On the ground, as chairwoman, we talk to all of our three States, Arizona, Utah, and New Mexico, different FBI offices. And they are segregated, and they have their own way of doing things, and sometimes their own ways of collecting data.

But what happens is, I am not sure if the story then comes to our Federal partners here who are making the decisions. That is my concern, and that is the reason for my comment. Because FBI on the ground are trying to do the best that they can, but only having six victim advocates? Imagine how that feels in terms of family and those who need additional support services.

I then want to say in terms of how Navajo Nation tracks and locates, I can't tell this Committee right now how many missing Nav-

ajo relatives are out there. Why can't I tell you that? Because of the different jurisdictions and how they are reported.

So on Navajo Nation, what we looked at and how we track is very different from what we will see from our Federal partners. So we are trying to come together to gauge what exactly is the number out there, why is the data different, why are we not having active communication. That is why I am looking to this oversight, is to assist us, help us to keep people accountable, keep the different Federal players accountable.

What would help us also in terms of tracking or locating is if we could look at, that was suggested from Representative-Elect Debra Haaland, some type of hot line, where tips can be sent in. Because I do want to tell you, there is a trust issue in Navajo Nation when it comes to law enforcement. So we are trying to regain the trust of not only the community members and the relatives to come forward and be part of the solution, but when they become part of the solution, how we can support them. So I appreciate the Committee looking into this.

Other areas that we are looking at is how can we look at the tribal access program, which is a Federal data base. And looing at if they can start the data base on missing and murdered victims on Navajo Nation and in Indian Country. Thank you, Chairman.

The CHAIRMAN. Thank you. Vice Chairman Udall?

Senator UDALL. Thank you, Chairman.

It is clear that States have a role in ensuring Native Americans are not overlooked in the criminal justice system. For example, New Mexico was the first State to enact a robust tribal identification law for juvenile justice cases. More recently, the State of Washington enacted legislation to connect State, tribal and Federal resources to address the ongoing MMIW crisis.

Delegate Crotty, what difference, if any, has the Navajo Nation seen in the willingness of State agencies in New Mexico, Arizona and Utah to work with the tribe on MMIW cases?

Ms. CROTTY. Thank you, Senator Udall. I appreciate the question. I think in terms of what we have seen on the ground in working with collaboration, we have now seen State agencies come to the table and be willing to work with us and understand what type of data that we can work together on.

In terms of the juvenile cases, I will have to defer back to our chief of police and get that exact information to your office. I appreciate that question, because it is critical that we know all of the different nuances and how we can continue to work with our State agency. So I appreciate the question, Chairman.

Senator UDALL. Thank you very much. We look forward to getting that information, working with you on it.

Ms. Loring-Heavy Runner and Ms. Alexander, can either of you speak to how the States of Montana and Alaska are with coordinating with your tribes on MMIW?

Ms. ALEXANDER. Thank you, Senator Udall. There is no coordination that I am aware of. I would like to get back to you about the VPSO program and what their experience has been as far as coordination.

But we are here because there is none, almost as if the State is absolved of all responsibility because they don't have the resources. Thank you.

Senator UDALL. Thank you.

Ms. LORING-HEAVY RUNNER. Thank you, Mr. Udall.

So just like she just said, we are here for a new protocol, because, what do we do, what is law enforcement supposed to do when missing and murdered girls go missing, and women. Because it seems like they don't know, either. Because they don't, they are not communicating with us.

I believe that we need a new protocol, when it comes to missing and murdered indigenous women. I think that is about it.

Senator UDALL. Thank you very much, to all of you, for those answers.

One of the privacy protection features of NamUs is the cases are only published in the data base after rigorous vetting with appropriate local, State and Federal or tribal law enforcement agencies. I understand the importance of this safeguard, but I also know that many Native communities face a troubling shortage of law enforcement presence and law enforcement officers.

So Ms. Loring-Heavy Runner, do you know if your sister's case is listed in NamUs or any other Federal data bases that track missing people?

Ms. LORING-HEAVY RUNNER. When Ashley first went missing, we were told that it took two to three months for her name to even appear on any of those. So it took a really long time for Ashley's name.

Senator UDALL. But you believe it is in the data bases?

Ms. LORING-HEAVY RUNNER. I believe it is in a few of them, it is not in all of them. Yes.

Senator UDALL. Thank you.

Ms. LORING-HEAVY RUNNER. Excuse me, it is in the ones that don't matter. So I believe that we need to get her into the data bases that do matter in that respect.

Senator UDALL. Okay. If we can help with that, I hope you will let us know.

Delegate Crotty and Ms. Alexander, do you know if your tribes have access to the NamUs system, and are you aware of any difficulties they are having with it?

Ms. ALEXANDER. I am sorry, I do not have the answer to that question.

Senator UDALL. Okay, thank you.

Ms. CROTTY. Thank you, Senator Udall, for the question. Currently, Navajo Nation does have access to the NamUs data base. What we have found was there is just not enough training, so that individuals, certain individuals have access. Because of the magnitude of the Navajo Nation in terms of geographic locations, we want training and education so individuals understand how to put that information into the data base.

What we have found on Navajo was we had volunteers and community members then becoming experts. That is how myself, as a policy maker on Navajo Nation, found out about NamUs. So there was a gap in terms of information about what is available out there and some of the Federal programs.

So again, it is connecting back to Indian Country, connecting back to the tribal communities, so they understand what is available and what they could have access to.

Senator UDALL. Yes. The NIJ here, the previous witness and they have also announced, the agency itself says they have nine regional program specialists available to work with NamUs users and assist with reporting missing person cases. Do any of you know if your tribes have received assistance from these specialists?

Ms. CROTTY. Thank you, Senator, for the question. Right now, Navajo, I don't have any type of evidence that we have participated or been part of some of the discussions with the regional specialist to assist. But we are more than willing to engage in that opportunity.

I know that they have provided some, they had talked about earlier some of the data sets that they were going to include. I think what is important, if those are data sets that they want to include, to also engage with communities how best we can use that information for policy solutions. I think that is something that I would continue to ask that we have opportunities to enter into some of those tribal consultations with them. Thank you, Senator.

Senator UDALL. The important thing about this hearing, now, I think is now that every tribal entity should know that these resources exist, that you can use them. And if you have problems, I think this Committee would like to know because they are saying they are there, they are willing to train, they are willing to work out. I don't know if there are additional responses from Ms. Alexander or Ms. Loring-Heavy Runner on the question I asked her.

Ms. ALEXANDER. I attended a conference in Palm Springs last week. And the Department of Justice, OVC, presented a fresh report that they had on these topics. And there was a complete absence of data for the 229 tribes in Alaska. No map of Alaska, not a single data set on Alaska. I said, why is that? It is too hard.

Ms. LORING-HEAVY RUNNER. Thank you, Mr. Udall. If you could please repeat that, that would be very nice of you.

Senator UDALL. The question was, on these regional people that are supposed to reach out and train on the data bases and train on the services, do you know of your tribe having any contact with them?

Ms. LORING-HEAVY RUNNER. No, sir. I'm not too sure about that.

Senator UDALL. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. I want to thank all of you for being here today, for your testimony, for your very personal testimony, Kimberly, and all that you are doing on behalf of so many. Pat, I thank you for the work that you are doing on the Tlingit-Haida Central Council and your leadership on the VAWA Task Force.

One of the things that we learned when that Seattle Urban Institute report came out was that this was not a study that had been conducted by the BIA or by the Department of Justice. It was two women who felt compelled to dig into some of these stories, and to try to understand the scope and the extent of murdered and missing indigenous women.

I found it very interesting, in talking with both of them afterwards, that the ability to collect this information and this data depended on where you went. You mentioned, Pat, that in the municipality of Anchorage, the Anchorage police department was a willing participant in getting this information. They felt it was important to collect that information, and when to share that, so that we can better understand.

You have said here today that when you started to collect the data, the Sitka police, the State of Alaska don't track the racial background of the victims, and there is no communication between the tribe and law enforcement when it involves a tribal citizen. So one of the things that I think is going to be important for us in determining what it is that we do next is, again, understanding exactly the extent of the problem that we are talking about.

So as you have looked into this, are you aware, Pat, whether or not there are barriers to either the City of Sitka, or State of Alaska, to provide for, to collect, first, and then provide for this information? Have you asked at the local level how they can be more helpful? Because this is something that I think, whether it is the State of Alaska or whether it is Montana or North Dakota, I think our States need to help prioritize this. Tell me what you have learned.

Ms. ALEXANDER. Thank you, Senator, for the question.

In speaking with the local law enforcement, I learned that there are a number of police officers that they have, and the number that they need, there is a mismatch. They are not quite down 50 percent. But it is, they are not able to recruit the officers that they could before. Municipalities are competing for officers once they are trained. So you could send someone and train them, and then they are going to be somewhere and earn some good money, but they might not come back to you.

When the force is down that far, in terms of people that can respond to emergency situations, then they are having to prioritize even what they do right now on a daily basis. I believe it is that way in Anchorage as well. I believe Juneau probably has similar problems.

Senator MURKOWSKI. Yes, it is a resourcing issue, but it is also, as I understand, within the Anchorage police department, there was one individual that really took this matter very, very seriously and kind of spearheaded that. So in many ways, it is leadership, it is prioritization. So how we can work together to communicate that understanding the scope and extent of this, and identifying it and naming it needs to be a priority.

Ms. ALEXANDER. May I be very frank?

Senator MURKOWSKI. Please.

Ms. ALEXANDER. The mentality that comes out of the trooper's academy is, the bent is toward protection of fish and wildlife. It is not about protection of human beings. Their training manuals are 40 years old. They update every two years. But don't you think in a decade there has been enough change to rewrite the whole thing, and maybe change the attitude at the top so they care more about people?

Senator MURKOWSKI. I hear your message. I hear your message. In fact, I was sharing with someone this morning, I saw a news-

paper article that an individual who had been convicted of poaching a moose received a \$100,000 fine and a jail sentence. We don't want to be violating our fish and game laws, but you are absolutely right. When you can get a higher fine, a higher penalty for poaching a moose than you can for violating a woman, that is a problem. We have a lot of work to do.

Thank you, Patricia.

Ms. ALEXANDER. May I say one more thing? I think tone at the top is important. People lead by example. If the tone is wrong, it needs to be fixed however it can be fixed. It might not, everyone may not survive the transition, but that is how life is sometimes. Sometimes you must break a few eggs to make an omelet. Thank you.

Senator MURKOWSKI. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. [Presiding.] Senator Heitkamp.

Senator HEITKAMP. Thank you, Mr. Chairman. I want to personally thank each one of you, Ms. Crotty, Ms. Alexander, it is an honor to meet you. And Ms. Loring-Heavy Runner, thank you so much for coming here and speaking truth, and speaking for so many victims whose families can't be in this room.

I know that Senator Tester, before the last panel left, invited the FBI to stay and listen. Unfortunate. And it makes us all question the real commitment to this issue, and that is tragic.

I want to point out one particular thing about Savanna's Act, if we can get it finished here, at the end of this Congress. It will require that the Department of Justice consult on all the data bases with tribal entities and do consultation. So hopefully some of the gaps and some of the concerns that you have about the Federal data bases will be addressed as a result of that legislation.

But again, the intent of that legislation is to begin the dialogue. We know that you can write a lot of laws, but if people aren't taking them seriously or resourcing these laws directly, in adequate measure, that law doesn't really matter. We have had the Tribal Law and Order Act, which was a subject of conversation when I first got on this Committee six years ago. I don't think we have ever realized the promise of the Tribal Law and Order Act. That is why we are here again today.

So I think there is a real opportunity to amplify and to extend the message. But I couldn't agree with you more, Ms. Alexander, that this really is about leadership and leading by example. Not that I am picking on your State, but as you were talking, at least as you were talking about the situation with the game and fish violation, I remember a recent Alaska story where a young woman was abducted. It was a stranger abduction. And the judge didn't give the abductor, who committed heinous crime, any jail time.

So these are the things that frustrate people. These are the things that make us all wonder where we are.

I think one of the questions that I have for you, Ms. Loring-Heavy Runner, is you heard the discussion that the Department of Justice had here and the discussion that the FBI had about, what is the protocol, and what is the structure. In your sister's case, do you think any of that was actually done? Do you think that dialogue reflected at all what happened in your sister's case?

Ms. LORING-HEAVY RUNNER. Yes, exactly. I don't think any of the stuff that they spoke in here today, they did not do that with Ashley's case. They did not take her seriously. They just waited way too long. I believe that is what ruined Ashley's case.

Senator HEITKAMP. So when they say that the FBI was engaged, when the one requested to come and work on the investigation, at what point did the FBI get involved in your sister's case?

Ms. LORING-HEAVY RUNNER. They got involved eight to nine months after she went missing. So that would be in March of this year.

Senator HEITKAMP. Can you tell me whether at any point there was a request, either from BIA or from tribal police, to the FBI to ask them to get involved that went unresponded to?

Ms. LORING-HEAVY RUNNER. We were told by the BIA agent that was the head of Ashley's case, he said that if Ashley's case was switched over to the FBI, Ashley would never be found. And that is the only response that we received from the BIA when we were asking if the FBI was going to get involved.

Senator HEITKAMP. That doesn't sound like a great deal of collaboration and communication and cooperation, does it?

Ms. LORING-HEAVY RUNNER. No. They failed Ashley.

Senator HEITKAMP. And I have a similar case in my State. Fortunately, the family has had closure, and Olivia's been found, unfortunately not alive. But I can only imagine the terror and the heartbreak of your family. I want to extend my personal condolences for what you have been through.

Ms. CROTTY, I don't know the Navajo as well as I know many of the other Plains Tribes here. But I understand the remoteness problem. It is probably not as great as what we see in Alaska. But can you describe to me the challenges that you have in getting a response from the FBI or from BIA, given the remoteness of the Navajo Nation?

Ms. CROTTY. Thank you, Senator, for the question. I think in terms of the response time, our law enforcement, what we are looking and thinking about is, we have first three different State jurisdictions. It is interesting, because we are talking about a Federal program to provide protection services. And each of the States have different nuances in how they approach some of their investigations.

For example, like the State of Utah, the FBI that are out of the State of Utah. They have a different system in how they investigate crimes. And they then before, in some cases make an immediate arrest, have to go back to a judge. So the individual investigating the crime will investigate a crime in the Utah area, then have to travel one to two hours to go to St. George to talk to a judge to get an arrest warrant.

So we find this with not only sexual assault cases, but how does that play a part? Because what we're talking about is the commitment or the amount of hours that each agent is on the ground working some of these cases. So when they have the remoteness and geographic factors, it just compounds the issue.

When I want to really stress is also the need for advocates to be part of the system. We have five FBI agents on all of Navajo Nation, six advocates to a system. But that is not nearly enough indi-

viduals there to help the families and to help the victims and the survivors to process this very complicated system that is not designed as a victim-centered solution. It is a criminal justice system that at sometimes just does not provide justice for the missing and the murdered in Indian Country.

That is what we keep seeing time and time again. And the community members are so frustrated, and they say, we tell the story, we tell them, this person told us this information. Find out about it. There is really no accountability for the family to know, was that investigated, was every rock unturned.

So it is a complicated balancing act, because I mentioned, criminal investigators also act as medical examiners. So they are playing these dual roles. I see that in Indian Country in particular with our FBI agents. They have to play many roles. What we need them to focus in on is get that evidence as soon as possible, take this seriously.

What I wanted to hear from your first panel is, what is the commitment they are going to make to Indian Country to get people on the ground, to make sure that we are not just looking at it from a logistic point of view, one agent will serve different communities. What is the ultimate goal, if our major partners in the Major Crimes Act, if they are the only ones who can fully investigate and prosecute, then the buck stops here.

That is why we are asking our lawmakers, hear our story and our challenges, and then help us with this issue. Because we do not have jurisdiction to deal with this matter. We do not have the funding to do it. We are bound by Federal law that has taken this authority away from us.

So if we are not ready to give that back to us and to hand on, then we are here at your mercy asking for your help. And why, as Senator Tester said, what is the issue? Why is this not happening? That is exactly what we are saying. Our life, we are human here, we breathe, we care, our tears are real, our families are suffering. And now, if I do say that we lost another Navajo woman in the State of Kentucky, because she was a traveling worker. We have now three Navajo children that do not have a mother.

So we know mental health plays a part into it. We know that all of these jurisdictions play a part into it. But it should not be open season on Native women and children and community members. We should have a system in place that will fully investigate, fully prosecute and then put them away so that our communities are safe, and that we change the statistics of what is happening. We can only do that with your help. So I appreciate the Committee for helping us.

The CHAIRMAN. Senator Daines.

Senator DAINES. Ms. Crotty, it is tough to build on that. Thank you for sharing those thoughts.

I think it raises a fundamental question as a Nation about what value we place on human life and what value we place on Native American indigenous women across this Country. It is pretty clear to me that they are being devalued. When you see murder rates, the murder rates of Native American women, it is ten times the national average. Anywhere else, that would be getting a whole lot

of attention, a lot of focus and a lot of law enforcement looking at it. There would be public outcry.

I am struck, Ms. Loring-Heavy Runner, the fact that it was two months from the time that Ashley went missing until some kind of investigation began, correct?

Ms. LORING-HEAVY RUNNER. Yes, Senator Daines, that is correct.

Senator DAINES. And then there was nine months of virtually no information, updates to the victim in this case, to the family. Is that correct? From law enforcement.

Ms. LORING-HEAVY RUNNER. From law enforcement, well, we went, I think the longest that we went without speaking with law enforcement was about three months, yes.

Senator DAINES. And how many searches have you conducted?

Ms. LORING-HEAVY RUNNER. Over 120 searches.

Senator DAINES. A hundred and twenty searches. I would imagine, for a moment, you said you have encountered grizzly bears?

Ms. LORING-HEAVY RUNNER. Yes, we have run into two in one day at the same time.

Senator DAINES. So, Senator Murkowski alluded to this, in Alaska, Ms. Alexander, about the fact that a moose is getting better protections in Alaska than a Native American woman or an indigenous woman. Similarly, I just wonder, if you would have had to kill a grizzly bear in self-defense, would there have been a more rigorous investigation of that incident than investigating Ashley's appearance?

Ms. LORING-HEAVY RUNNER. Well, for example, back in Montana, in Browning, there was a poached deer. They found fingerprints all over some stuff around the deer, and that exact same day they sent it all to the crime lab. Which we are still waiting for the sweater and the boots to be sent to the crime lab. I believe that the deer is sad, it was treated more seriously than us humans were, yes.

Senator DAINES. A poached deer got a more thorough investigation than your sister?

Ms. LORING-HEAVY RUNNER. Yes, either a deer or an elk, yes.

Senator DAINES. I think this just comes back to the importance of why these issues need to be elevated to this Committee, to this Nation's capitol. This is a fundamental question of how we value some of human life and those who are the most vulnerable. You can be a voice for those who don't have a voice here today. I hope that message is received strongly by law enforcement, by members of Congress, so that we can conduct investigations and find out what happened to Ashley. And if the victims' families could be updated around what's happening.

If there is one or two things you want us to take away, Kimberly, what would be the one or two things you would ask of us that we can do?

Ms. LORING-HEAVY RUNNER. I would ask for you to please look into the law enforcement, look into the BIA and all the other law enforcements that do deal with missing and murdered indigenous women. Because they are doing something wrong. This isn't just from Ashley's case. We spoke with a lot of other families, and they had the exact same stories as what we went through.

And this is not just from this year or the year when Ashley went missing. In 1980, this little girl went missing in Browning, she was

about eight years old. They told the parents, it was the middle of winter, they told her that Monica just went out to hang with friends, in the middle of the night of a big storm. They told her that.

So even back then, they were not doing their job. There is something seriously wrong here, because our girls, our people and our men, are important. That is why I am here today to stress to you that we shouldn't have to be here and plead to make us important, because we are important. We are people. We are important. That is all I have to say.

Just look into it and let them change. Hopefully in the future, that we wouldn't have to worry about any more missing and murdered indigenous women. That is what I think. I could go on and on. I could be here all night. Thank you, Senator Daines.

Senator DAINES. Thank you.

The CHAIRMAN. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman. I want to thank you and Vice Chair Udall for holding this hearing. It has been going on for about two hours and 40 minutes, maybe the longest hearing we have had this year in Indian Affairs. I think it was a hearing that we were past due to have, and I am very, very happy that under your leadership, Chairman Hoeven, and Vice Chair Udall, that we had this.

I want to thank the folks on this panel for testifying. I know it is not easy, it cannot be easy.

And to Senator Heitkamp, and the people you represent, the communities you represent, I very much appreciate it.

I also want to recognize Charles Addington from the Bureau of Indian Affairs, because he did stick around. Oftentimes we have hearings, and I get the impression, over the last 12 years that I have been here, that sometimes folks from the Administration come to check the box and walk out the door.

Mr. Addington, your sitting here and listening to this, I know you had other things you could be doing. But I think it represents the fact that you are going to take this issue seriously, and I appreciate that. I think the proof will be in the pudding when we get done with all of this. If we can figure out a way for tribal law enforcement and BIA and FBI, and whoever else is in the equation, to be able to work better together, there are a lot of things that have been said today, as I have listened to the testimony of the second panel in particular, our votes have stopped, so I could listen to them all. They were very disturbing.

One of the ladies said there is a trust issue. It might have been you, Amber. And if there is a lack of trust, we have major problems right off the top and we need to figure out how to solve that problem in and of itself. The truth is that are our first responders, whether they are in Indian Country or anywhere else. They are an incredible asset to us, and we ought to be trusting of them to do the job that they were hired to do.

I would also say that there are some issues around evidence that are very, very disturbing. But I do want to start with you, Kimberly, and just kind of go down the line. You said that your sister was missing on June 12th of 2017. Were the tribal police the first

ones who started the investigation, or was it somebody else? Was it a search and rescue team, or who was it? Who started?

Ms. LORING-HEAVY RUNNER. The first people who we spoke with were the tribal police, and the BIA at the same time.

Senator TESTER. At the same time. And that was on June 12th, when your sister turned up missing?

Ms. LORING-HEAVY RUNNER. No, the problem with that is that the first lead that they got was on June 25th, and that is when they started the three-day search.

Senator TESTER. Okay, so did you know she was missing before the 25th of June and did you report it?

Ms. LORING-HEAVY RUNNER. So we were told that Ashley was hanging out with a family friend. And this family friend, he was in a very rural place. So it was fine for that. And then when we actually got to see this family friend, he stated that he hasn't seen Ashley for two weeks.

Senator TESTER. Okay, I got you. So then you knew there was big-time trouble at that moment in time.

Ms. LORING-HEAVY RUNNER. Yes.

Senator TESTER. And the FBI came in like, if my math is right, nearly ten months later. And that FBI was brought in at the request of who? At the request of you or the BIA, or the tribal police, or do you know?

Ms. LORING-HEAVY RUNNER. We were told that they were brought in by the request of the BIA.

Senator TESTER. Okay. And you were told that if the FBI was brought in, that Ashley would never be found, is that correct?

Ms. LORING-HEAVY RUNNER. Exactly. That was from the head of the BIA agent that was on her case, he is the main guy. He quoted that if the FBI was to get on Ashley's case, Ashley will never be found. Because he worked his hardest, and the FBI will not look for Ashley.

Senator TESTER. Okay. And as far as the evidence with the sweater and the boots, is that still in tribal police hands, or BIA hands, or whose hands?

Ms. LORING-HEAVY RUNNER. I did call them last week and I am still waiting for a call back to see where the sweater is at.

Senator TESTER. We have work to do. There is no doubt about that. We have to figure this out. I am not sure we got any answers today, I mean, you guys gave us answers. You gave us answers, your experience. But I'm not sure we have answers on what needs to happen, other than better communication up and down the line. That is pretty obvious.

Mr. Chairman, I don't think this should be our last hearing on this. I will just tell you that. I think we should, once again, bring in the respective law agencies and maybe even bring in some of the tribal folks on the ground that are in law enforcement this next Congress, and try to figure out what is going on here.

Because I will go back to where I started, and that is, would we have a different reaction if this was non-Native? I am just telling you, it would be a different reaction. These folks, it was pointed out, they love and they live and they cry. We are not living up to any of our responsibilities here, trust or otherwise. Every missing person is important.

The communities they impact and the families they impact, it can literally rip the heart out of you. Hopefully we can work together. I believe you two are going to be chairman and ranking member again, is that correct? Congratulations. Hopefully you guys can work together this next Congress to follow up on this, so that we can get some answers as to what the problem is.

I would just finish by this. Mr. Addington, you are here, you are going to be writing up a budget pretty soon. If it is a budgetary problem, we really do need to know the facts. And if we need, and many of us here are appropriators, in fact, I think all three of us are appropriators, and there are some others on this Committee that are appropriators, if it is a situation that we need more tribal law enforcement, or we need more BIA law enforcement, I can tell you, I believe we need more FBI law enforcement, and the FBI isn't here. We have problems all over the Country with not enough manpower in the FBI.

Thank you very much for being here. I want to thank the witnesses on both panels. I want to thank the chairman and ranking member one more time, and tell you that I don't think we give up on this today. I think we continue to work. You guys keep your voices heard. And I will keep my ears open.

Thank you. God bless you all.

The CHAIRMAN. Thank you, Senator Tester. To pick up on a couple of those themes, clearly, we have to find ways to strengthen and improve the coordination and all the work that is being done by BIA, DOJ and FBI. That came out in the first panel, certainly came out in this panel, is we have to get them together working with you, better data, and make sure that it is more effective.

To that, also in terms of following up on a comment Senator Tester made, for example, an act that I have put forward and the vice chairman has co-sponsored, I think we have good bipartisan support from the entire Committee. I am hopeful if we can't get it this year, we will get it next, and that is the SURVIVE Act. The SURVIVE Act stands for Securing Urgent Resources Vital to Indian Victim Empowerment, the SURVIVE Act.

What it would do is there is a national crime victims fund. It is \$3 billion a year. This was set aside 5 percent, or \$150 million a year, to help with this very issue that we are talking about, to help with law enforcement and to help with missing and murdered indigenous women and children. And that would make a real difference. That is a multi-year bill, so we know that that \$150 million would be there year after year.

As Senator Tester pointed out, all three of us are on Appropriations. This year we were able to secure \$132 million, and that is for fiscal year 2018. For fiscal year 2019, we are working on \$220 million to help with this issue.

But the nice thing, if we could get our SURVIVE Act passed, that is a five-year bill. So we know we would have it for five years. Whereas right now, we are working on it year to year.

So that is an effort to be directly responsive to what you are talking about. Your testimony was very powerful today, we knew it would be, and it was. We thank you for being here. And we all acknowledge we have to do more with law enforcement, whether it

is FBI, DOJ, BIA, on-reservation, off, to get then working and to be responsive. It is a very, very important issue.

Again, I thank you for being here, and we will turn to Vice Chairman Udall for his closing remarks.

Senator UDALL. Chairman Hoeven, thank you very much for your comments and your commitment to this issue. I think there is a reason this is one of our longest hearings, because I think we needed that time and attention to this issue, no doubt about it.

One of the issues, and I will put questions to the record to all the law enforcement people that appeared here, and first just thank all of you for the passionate, moving testimony. I think you really highlight in a very significant way why we are here.

To me, one of the biggest issues here is the resource issue. Do we have adequate law enforcement officers to do the job? At one level, you are only as good as the people you have working on the problem. So numbers are really important here.

I have numbers that are not totally, you don't see the total spread, total broad brush. But it gives you a little bit of an idea. The best practices in law enforcement are to have about three officers for a thousand people. That is what most of our cities and counties and State police, that kind of situation, three officers per 1,000 people.

Indian Country is over 87,000 square miles, or nearly one people live on or near reservations. Yet the FBI only has 140 FBI agents assigned to investigate Indian Country crimes. So let's take that out to the three and compare. There is only 0.14 agents per 1,000 reservation residents. So we are talking there about a small fraction of what is needed; 0.14 is a fraction, a very small fraction of one officer, not the three officers, which are the best standard.

BIA, tribal, State law enforcement also provide public safety services on tribal lands. But they experience similar officer understaffing issues. For example, the Navajo Nation estimates there are 0.85 officers per every 1,000 individuals. So that is closer to one, Council Delegate Crotty, but it still is not even the one. So you are well below the three.

So the testimony here, and especially, Kimberly, yours, said law enforcement failed your sister. And you noted other failures that you have heard about. If we don't even have the minimum number of law enforcement officers needed, we are going to have more of those failures. There is no doubt about it. We see that, and we have heard that.

So in my opinion, this is totally unacceptable. I would just say, FBI and BIA, please take note here. I hope that you are putting in the requests. A lot of times, we have a very hard time with witnesses coming from the Executive Branch telling us what they are actually requesting, because they have to defend the overall budget document.

But I would just urge the FBI and the BIA, put in the request and ask for the adequate numbers of law enforcement officers that are needed for this situation. Now, there is a lot more than just numbers, and you all have elucidated that. But I just wanted to, in my closing, talk a little bit about where we are in terms of numbers. If this was occurring in a county some place, and you had

those numbers that low, the elected officials would immediately raise the numbers and say, we have to get after this.

Same thing is true of a State, or, we had a big crime problem in our big city of Albuquerque recently. The mayor immediately came out and said, I want 300 more officers on the streets. And he is in the process of hiring those.

So I think we need to focus on that adequacy. But once again, let me thank the witnesses in terms of you have highlighted the kinds of things that we need to be doing. I think this is really, as Senator Tester and the chairman have said, I think we are going to continue to look into this. He has the SURVIVE Act. We have Savanna's Act. And based on this hearing, we may have more things that we have to put in in terms of legislation. We obviously have our work to do on Appropriations.

So thank you again, very much. We really appreciate it.

The CHAIRMAN. Thank you, Vice Chairman Udall.

If there are no more questions from the members, you do have the opportunity to submit follow-up questions. So there may be follow-up questions that you would get for the record. We would ask that you try to respond, and the record stays open for two weeks. We would ask that you respond to those questions.

I want to thank the witnesses again for your time and for your testimony. We truly appreciate it.

With that, we are adjourned.

[Whereupon, at 5:26 p.m., the hearing was concluded.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO KIMBERLY LORING-HEAVY RUNNER

Question 1. 1. What can Congress do to improve coordination efforts among federal, state, local and tribal Lea's?

Answer. I believe law enforcement's poor coordination efforts and lack of communication with family was the result of poorly trained Law enforcement officers. The proper training and education on mmiw will help benefit the outcome of these women's cases. Law enforcement agencies have been dealing with mmiw cases for decades with little to no success. These numbers of unsolved cases should have been enough evidence to prove that the protocol they are using is not working, and desperately needs to be changed. All Officers need to go through enhanced training when working with missing and murdered indigenous people cases and obtain all the proper tools to end this silent crisis.

Question 2. What more can congress do to increase NamUs usefulness in finding missing and murdered indigenous women?

Answer. To be honest I never heard about NamUs till the day of the MMIW hearing. On December 12th 2019, 17 months after Ashley went missing. I was never educated on the usefulness of NamUs. I believe congress should push for NamUs to be required by law that all law enforcement agencies be required to use NamUs as well as update NamUs.

Question 3. What do you think would be the most helpful when it comes to investigating missing and murdered indigenous women?

Answer. The law enforcement need to take every MMIW case seriously as they do every other case. Ashley case was mistreated and mishandled by law enforcement which resulted with Ashley case going on unsolved for almost 2 years. I believe coming up with a well organized protocol that allows law enforcement to be well trained with dealing with MMIW cases. Forming a special task force just is designed to work only with MMIW. I believe this would work for law enforcement as well with families of MMIW. The biggest down fall with law enforcement is communication. By forming a special task force for MMIW, it will improve communication as well as hopefully solve more cases.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO PATRICIA ALEXANDER

Question 1. While many of your tribal members are spread out across vast rural areas, you also have many members living in urban centers. This means that some of your members face very different circumstances and issues than others, and both situations present their own challenges when it comes to addressing the crisis of missing and murdered indigenous women and girls. How do you think about the divide—when it comes to resources, law enforcement jurisdiction, and the threats women and girls face to their safety?

Answer. We agree that we have diverse citizens that travel and live all around the world. However, the majority are still located together in their home villages, neighboring relative's villages or other similar area. The resources to our rural areas are often scarce, but needed. Our Urban populations may have access to other resources as general "citizens" of the US, but our village citizens truly have vast limitations. We need resources, money, services and training to provide the necessary support. The State of Alaska, as a PL 280 state, has been tasked with providing these services, but over the years we continue to see that they don't understand our needs and their priorities are often not what we consider primary. In addition, with the budget crisis in Alaska, we see a dwindling of resources to our villages. An example is if a judicial officer retires and has served a village, the state may not fill that position. That happened in Kake, Alaska where long time magistrate Mike Jackson retired. The state closed the court there. This story is not unique. In the

same village, the city had police. The state no longer funds law enforcement there. The city of Kake is required to call into an offsite 911/1-800 service for any emergencies, sometimes only able to leave a message. Law enforcement response is often delayed, which jeopardizes the chain of custody of any potential crime to be investigated. Our villages need resources.

Question 2. As Patricia likely knows, the Department of Justice operates a “central clearinghouse” database to help share information about missing persons cases called NamUs. There is no requirement/law that all missing persons cases be entered in NamUs. And, even though the system is supposed to be accessible to families to input information, at least one law enforcement agency has to approve all inputted information. So, Senator Udall is interested to know more about how often missing person cases on tribal lands are entered into the system. He will likely ask—Does Patricia know if her Tribe—which is dependent on the State and VPSOs—has access to NamUs/clearance to initiate cases in the NamUs system?

Answer. NamUs is different than FBI CJIS’s Missing persons file, they are two separate systems that cannot currently talk to each other for several reasons. Anyone can have access to NamUs, literally. All they have to do is set up an account, and enter the information they want to enter about a missing person. Then the NamUs staff take that information and confirm with LE before it can go out publicly. There are less missing Native persons in NamUs than there are in FBI CJIS’s missing persons file, likely because LE doesn’t use it in the same way. NamUs is completely voluntary, and was originally set up to try to match remains found with people who were missing. FBI CJIS’s database is also voluntary except for entry of missing persons under age 18 which is mandatory, and then some states have mandatory missing person reports to CJIS by their state law but it is way less than half. So the question that has been asked apparently is if the Tribe has access to initiate cases in NamUs, and the answer is absolutely, anyone can enter this information. However, we do not currently have the infrastructure that would track this type of information and assign someone to enter such information.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO PATRICIA ALEXANDER

Question 1. While many of your tribal members are spread out across vast rural areas, you also have many members living in urban centers. This means that some of your members face very different circumstances and issues than others, and both situations present their own challenges when it comes to addressing the crisis of missing and murdered indigenous women and girls. How do you think about the divide—when it comes to resources, law enforcement jurisdiction, and the threats women and girls face to their safety?

Answer. We agree that we have diverse citizens that travel and live all around the world. However, the majority are still located together in their home villages, neighboring relative’s villages or other similar area. The resources to our rural areas are often scarce, but needed. Our Urban populations may have access to other resources as general “citizens” of the US, but our village citizens truly have vast limitations. We need resources, money, services and training to provide the necessary support. The State of Alaska, as a PL 280 state, has been tasked with providing these services, but over the years we continue to see that they don’t understand our needs and their priorities are often not what we consider primary. In addition, with the budget crisis in Alaska, we see a dwindling of resources to our villages. An example is if a judicial officer retires and has served a village, the state may not fill that position. That happened in Kake, Alaska where long time magistrate Mike Jackson retired. The state closed the court there. This story is not unique. In the same village, the city had police. The state no longer funds law enforcement there. The city of Kake is required to call into an offsite 911/1-800 service for any emergencies, sometimes only able to leave a message. Law enforcement response is often delayed, which jeopardizes the chain of custody of any potential crime to be investigated. Our villages need resources.

RESPONSES TO THE FOLLOWING QUESTIONS FAILED TO BE SUBMITTED AT THE TIME THIS HEARING WENT TO PRINT

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO CHARLES ADDINGTON

Staffing

Question 1. Indian Country is over 87,000 square miles and nearly 1 million people live on or near reservations. During the hearing, Senator Udall stated, “the best practices in law enforcement are to have about 3 officers for 1,000 people, [yet] there’s only 0.14 agents for 1,000 reservation residents.” The Committee has heard from Tribes that there is a law enforcement shortage in Indian Country. This law enforcement shortage affects coordination efforts to resolve missing and murdered Indigenous women cases.

- a. What is the proportion of BIA officers to total residents on tribal lands in the United States?
- b. Does the BIA have plans to increase the number of BIA officers on tribal lands?

Question 2. Where is the central location for BIA officers with respect to reservation populations within Indian country?

Question 3. Many tribal communities are located in rural areas. Does the BIA have data on the average response time of its officers to crimes committed within Indian country?

Question 4. As mentioned by Navajo Nation Council Delegate Amber Crotty, one barrier to solving crimes in Indian country is a lack of medical examiners. She mentioned that there were zero medical examiners located within the Navajo Nation, which encompasses more than 27,000 square miles of land and inhabited by 350,000 people. The lack of medical examiners means deceased victims within Navajo Nation must be transported hundreds of miles away to urban medical centers to conduct an autopsy.

- a. Does the BIA have data on how many tribes do and do not have medical examiners within their tribal communities?
- b. Does the BIA have plans to provide tribes with better access to medical examiners?

Data and Coordination

Question 5. The Tribal Law and Order Act (TLOA) requires the Offices of the United States Attorneys to designate an Assistant United States Attorney as a Tribal Liaison to facilitate communication, coordination efforts, and conduct outreach to the tribal law enforcement. Recent Department of Justice reports indicate that communication and outreach vary from robust to non-existent between Tribal Liaisons and tribal authorities. Do the BIA law enforcement officers engage with Tribal Liaisons in missing and murdered indigenous women (MMIW) cases?

Question 6. The National Missing and Unidentified Persons System (NamUs), administered by the National Institute of Justice (NIJ), is a nationwide clearinghouse on missing and unidentified or unclaimed deceased persons for all stakeholders, from the general public to law enforcement agencies. In January 2019, NamUs plans to update their database to include five additional fields for Native people. Those fields are:

- a. Individual’s primary residence located on or near tribal lands;
- b. Tribal enrollment or affiliation status;
- c. Last known location located on or near tribal lands;
- d. Location of remains on or near tribal lands, and
- e. Tribal participation in the Tribal Access Program.

There is no requirement for law enforcement agencies to create a record in NamUs when undertaking a missing persons investigation.

- a. Does the BIA currently utilize NamUs when tracking MMIW cases? If not, does the BIA plan to utilize NamUs in the future?
- b. Does the BIA have plans to utilize the five additional fields on Native peoples come in January 2019?

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO HON. AMBER CROTTY

Data and Coordination

Question 1. During the hearing, you indicated that the lack of coordination between federal, state, and tribal law enforcement agencies (LEAs) is a critical obstacle to the effective investigation of crimes within the Navajo Nation. You also mentioned that state LEAs have actively approached the Navajo Nation to improve coordination and data collection efforts. What can Congress do to improve coordination with tribal law enforcement agencies such as Navajo Nation Police Department?

Question 2. You mentioned in your testimony that the planned expansion of the Tribal Access Program (TAP) provides “tribes with access to national crime information systems for both criminal and civil purposes. [This] presents an opportunity for congressional leaders to expand the program to develop a database to adequately track missing Navajo citizens and compile information to share across jurisdictional boundaries.” What can Congress do to increase tribal access to TAP and ensure that TAP effectively serves the Navajo Nation and other tribes?

Question 3. During the hearing, you mentioned the data collected by the Nation and their federal partners was different. The difference in data collections leads to an inaccurate count of missing and murdered individuals.

One potential solution is the National Missing and Unidentified Persons System (NamUs). NamUs a national missing person clearinghouse and resource center for all stakeholders, from Law Enforcement Agencies (LEAs) to the public. DOJ is updating NamUs in January 2019 to include more five informational fields on Native people. Those fields include:

- Individual’s primary residence located on or near tribal lands;
 - Tribal enrollment or affiliation status;
 - Last known location located on or near tribal lands;
 - Location of remains on or near tribal lands, and
 - Tribal participation in the Tribal Access Program.
- a. What more can Congress do to help the Navajo Nation and other Tribes successfully utilize NamUs to track missing and murdered Indigenous people?
 - b. What can the National Institute of Justice do to help the Navajo Nation and other Tribes successfully utilize NamUs?

Staffing and Training

Question 4. In your testimony, you noted that because the Navajo Nation does not have its own Office of the Medical Investigator (OMI), a decedent must be transported to Albuquerque, New Mexico, which is over three hours away, to a state facility for an autopsy. The distance from a crime scene to the OMI has a negative effect, such as report delays, on the investigation and could make the crime more difficult to prosecute resulting in case declinations.

- a. What can Congress do to help Tribes, like the Navajo Nation obtain their own OMIs to help increase the efficiency of investigations?

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO ROBERT JOHNSON

Declinations

Question 1. According to a 2017 Department of Justice (DOJ) report on Indian Country investigations and prosecutions, the Federal Bureau of Investigations (FBI) declined to refer 20.5 percent of the Indian Country criminal investigations it opened to U.S. Attorney’s Offices (USAOs) for prosecution. The primary reasons for closing cases without a prosecutorial referral were: 1) the cases did not meet statutory definitions of a crime or USAO prosecution guidelines, and 2) the cases contained unsupported allegations.

- a. What is the FBI’s standard for declining to refer a case to a USAO?
- b. How does the FBI evaluate whether or not allegations in a criminal investigation are supported?
- c. Does the FBI track how many of these cases involve missing or murdered Indigenous women?

Question 2. The same DOJ report states that USAOs declined to prosecute 37 percent of all Indian country cases referred to them, with the most commonly cited reason for doing so being “insufficient evidence.” Insufficient evidence is broadly defined and there is very little data on what is considered insufficient evidence.

- a. What is the DOJ's standard for declination on the grounds of insufficient evidence?
- b. Does the DOJ have feedback from USAOs who work in Indian Country about why evidence gathered at a crime scene is deemed insufficient and the case must be declined?
- c. Does the DOJ or other federal agencies provide training regarding evidence gathering to local law enforcement officials? Are there guidelines or protocols that must be followed?

Staffing

Question 3. Indian Country is over 87,000 square miles and nearly 1 million people live on or near reservations. During the hearing, Senator Udall stated, "the best practices in law enforcement are to have about 3 officers for 1,000 people, [yet] there's only 0.14 agents for 1,000 reservation residents." There are not enough officers and agents in the field to ensure the safety of Native communities. This law enforcement shortage directly affects coordination efforts to resolve missing and murdered Indigenous women cases.

- a. FBI coverage in Indian country is just a fraction of what best practices in law enforcement recommend. What are the FBI's plans to remedy this situation?

Question 4. Indian Country covers a large area and many tribal communities are located in rural areas. There are 36 FBI field offices located throughout the country and many are located in larger metropolitan areas like Albuquerque, New Mexico and Phoenix, Arizona. Albuquerque is over 160 miles from the capital of the Navajo Nation and Phoenix is over 280 miles away.

- a. Where are the 140 FBI agents assigned to Indian Country located with respect to the reservations in Indian country?
- b. Does the FBI collect data on the average response time of its agents to crimes committed in Indian country?
 - i. If yes, what is the average response time and is this data publicly available?

Data and Coordination

Question 5. You mentioned during the hearing that the FBI is improving its primary database on missing persons, the National Crime Information Center (NCIC), with input from law enforcement agencies (LEAs), including tribal LEAs. One of these improvements involves developing a new "name search algorithm that will enhance the ability to search Native American names."

- a. Has the FBI tested the efficacy of the name search algorithm regarding identification of missing or murdered indigenous people?
- b. Has the FBI considered adding additional fields, such as tribal enrollment information, regarding Native peoples to NCIC?

Question 6. The lack of data sharing among LEAs is one of the obstacles to an efficient and effective police response to crime in Indian country. LEAs are not required to enter information into the National Missing and Unidentified Persons System (NamUs). Access to the National Crime Information Center (NCIC) requires certification for current or pending law enforcement employees with a background and fingerprint check. Furthermore, information cannot be shared between NamUs and NCIC. These restrictions on access and sharing of vital information must be addressed.

- a. What legal or structural obstacles exist that prevent the FBI from sharing information on crimes in Indian country with other LEAs?
- b. Does the FBI utilize Tribal Liaisons in communicating relevant information on Indian Country crimes to tribes, and vice versa?
- c. Does the FBI utilize the National Missing and Unidentified Persons System (NamUs) to track or solve crimes within Indian Country?

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO GERALD LAPORTE

Data and Coordination

Question 1. You elaborated on the five fields to be added in January 2019 to the National Missing and Unidentified Persons System (NamUs) on Native people. Those fields are:

- a. Individual's primary residence located on or near tribal lands;
- b. Tribal enrollment or affiliation status;
- c. Last known location located on or near tribal lands;
- d. Location of remains on or near tribal lands, and
- e. Tribal participation in the Tribal Access Program.

I am encouraged by your efforts to involve Native stakeholders, tribal, state, and federal, in the process of developing and implementing these fields.

- a. What are is the National Institute of Justice's (NIJ) plan for reviewing the purposeful utilization of these fields?
- b. Will the NIJ include their findings in a report?

Training

Question 2. During the hearing, you stated that NIJ has a "boots-on-the-ground team" that provides training, technical assistance, and case support to aid investigations. You also stated in the past year, NIJ had concentrated their efforts to provide training and outreach to Indian Country. In fact, NIJ states they held 22 events in 13 states. However, testimony from our tribal witnesses indicate that neither training nor outreach was conducted within their tribal communities.

- a. Please provide a list of the past training and outreach events conducted within Indian Country.
- b. Does NIJ plan to provide more training events for Tribes?

Staffing

Question 3. You mentioned during the hearing that NIJ has been working with the Office of Victims of Crime (OVC) to create a tele-medicine program to ensure that rape victims in remote areas, such as Alaska, do not have to travel to distant urban areas for examinations.

- a. What is NIJ's timeline for implementing this program in Alaska Native villages?

WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO CHARLES ADDINGTON

Question 1. In the Urban Indian Health Institute's eye-opening report on missing and murdered indigenous women and girls, the authors of the report come to the conclusion that "no agency can adequately respond to violence it does not track." Do you agree with this statement, yes or no?

- a. What are you doing in order to improve the data collection on missing and murdered indigenous women and girls?

Question 2. What role do you believe human trafficking plays in the crisis of missing and murdered indigenous women and girls?

Question 3. In your testimony, you described how the BIA has partnered with DOJ's Missing and Unidentified Persons System (NamUs) to create new data fields to capture tribal affiliation data. What kind of outreach to law enforcement agencies and tribes are you conducting to make sure all relevant parties are aware of this change and are using it effectively?

Question 4. Ensuring tribal enrollment information is accurately recorded in federal databases is one of the provisions of Savanna's Act, which recently passed the Senate. Are you working with databases other than NamUs to ensure they all capture tribal affiliation data?

Question 5. Tribal access to federal crime databases is an ongoing issue. To your knowledge, do tribes have full access to NamUs and the National Crime Information Center (NCIC)?

Question 6. Other witnesses before the committee described the need to help families of missing women navigate the complex web of law enforcement systems and databases. What role should BIA play in helping family members when a loved one goes missing?

Question 7. Witnesses before the committee all agreed that more data should be collected on missing and murdered indigenous women and girls, but collecting or reporting data that includes personally identifiable information can be dangerous, and increased data collection can add responsibility to public safety officers and victim service providers. How do we learn more about the problem confronting us without

putting victims at risk or making it harder for law enforcement and victim service providers to do their jobs?

WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO ROBERT JOHNSON

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Question 4. Witnesses before the committee all agreed that more data should be collected on missing and murdered indigenous women and girls, but collecting or reporting data that includes personally identifiable information can be dangerous, and increased data collection can add responsibility to public safety officers and victim service providers. How do we learn more about the problem confronting us without putting victims at risk or making it harder for law enforcement and victim service providers to do their jobs?

WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO GERALD LAPORTE

Question 1. In the Urban Indian Health Institute’s eye-opening report on missing and murdered indigenous women and girls, the authors of the report come to the conclusion that “no agency can adequately respond to violence it does not track.” Do you agree with this statement, yes or no?

a. What are you doing in order to improve the data collection on missing and murdered indigenous women and girls?

Question 2. What role do you believe human trafficking plays in the crisis of missing and murdered indigenous women and girls?

Question 3. Witnesses before the committee all agreed that more data should be collected on missing and murdered indigenous women and girls, but collecting or reporting data that includes personally identifiable information can be dangerous, and increased data collection can add responsibility to public safety officers and victim service providers. How do we learn more about the problem confronting us without putting victims at risk or making it harder for law enforcement and victim service providers to do their jobs?

WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO HON. AMBER CROTTY

Question 1. In your testimony, you described the need to help families of missing women navigate the complex web of law enforcement systems and databases. Can you share any ideas you might have to address this issue?

Question 2. While many of your tribal members are spread out across vast rural areas, you also have many members living in urban centers. This means that some of your members face very different circumstances and issues than others, and both situations present their own challenges when it comes to addressing the crisis of missing and murdered indigenous women and girls. How do you think about this divide—when it comes to resources, law enforcement jurisdiction, and the threats women and girls face to their safety?