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THE AWARENESS OF MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG): POLICY STEPS TOWARD ADDRESSING THE CRISIS

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THE AWARENESS OF MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG): POLICY STEPS TOWARD ADDRESSING THE CRISIS

*Meenakshi Richardson,¹ Kimberly C. Klein,²
& Stephany RunningHawk Johnson³*

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³ Stephany RunningHawk Johnson, PhD, is an enrolled member of the Oglala Lakota nation and an Assistant Professor of Cultural Studies and Social Thought in Education at Washington State University. Her research concentrates on aiding Indigenous students enrolled in universities and pursuing science majors, particularly delving into how the philosophy in science courses erect obstacles for Indigenous students and students of color. Stephany is working with local Tribes to incorporate land-based education and Indigenous Traditional Ecological Knowledges to increase Indigenous students' sense of identity and belonging in a university setting. She is researching how non-Indigenous instructors can begin to decolonize their curriculum and teaching practices. Stephany's work is done through an Indigenous Feminist lens that is dedicated to supporting Nation building, Tribal sovereignty, and empowering Indigenous communities and students in working toward social justice.

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I. INTRODUCTION

Across Turtle Island (North America), a grassroots movement nurtured and grown from Indigenous peoples' hearts and voices has gathered to raise awareness of missing and murdered Indigenous women and girls (MMIWG).⁴ The complexities surrounding violence against Indigenous women are inexorably intertwined with the violence of settler colonialism perpetuated into the present day.⁵ Although grassroots efforts, media campaigns, and the socio-political awareness of MMIWG have grown over the last few years, empirical literature addressing the realities of this violence is minimal, creating a barrier to policy, social, and racial justice efforts.⁶

This paper will examine how violence and injustice against Indigenous peoples are rooted in genocide, forced removal, historical and intergenerational trauma, forced enculturation, and ongoing settler colonial and internalized oppression in the United States.⁷ Settler colonialism specifically centers the settler in permanence, hoarding authority over sovereignty, citizenship, and knowledge.⁸ Subsequently, the legacy of colonial violence is imbedded in the structural and systemic violence intentionally inflicted upon Indigenous peoples.⁹ Indigenous women have been dehumanized through “patterns of government officials, top to bottom, ignoring practical, sovereignty-first reforms and instead hoarding the kind of power that keeps the crisis alive.”¹⁰ Hence, federal legislative reform to support and respect Tribal law enforcement, governments, and sovereignty is critical to resolving the MMIWG crisis.

Notably, the terms Indigenous and Native are used interchangeably in this paper. Many distinct groups are Indigenous to the lands now known as the United States; the broader term “Indigenous” is used to discuss issues that impact most, if not all, of these groups. Additionally, the term “Native” is employed extensively in the research and statistical facts cited throughout. While it is critical to use the name that an individual or group prefers, this was not an option for us as the data did not identify the individual groups, likely due to upholding confidentiality. This paper will also reference the population designation of American Indian/Alaska Native (AI/AN).

Indigenous bodies have been racialized. The term ‘racialized bodies’ invites us to acknowledge how racialization has led to the investment of skin color as a descriptor for racial identity. The concept of racialized bodies implies that race cannot be fully understood without considering its physical embodiment.¹¹ Historically, racialized bodies have been relegated to low status and priority and viewed as less worthy compared to white bodies.¹² For example, Gabby

⁴See Vincent Schilling, *A ‘Call for Justice’: MMIWG Awareness Day*, INDIAN COUNTRY TODAY NEWS (May 4, 2021), <https://ictnews.org/news/a-call-for-justice-mmiwg-awareness-day> (last visited Apr. 19, 2024).

⁵ See Lisa Monchalin et al., *Homicide and Indigenous Peoples in North America: A Structural Analysis*, 46 AGGRESSION AND VIOLENT BEHAVIOR, 212, 213 (2019).

⁶ See Christina Haswood et al., *Missing and Murdered Indigenous Women & Girls: A Literature Review*, NAT’L COUNCIL OF URBAN INDIAN HEALTH, 1, 9 (2019).

⁷ See Hilary N. Weaver, *The Colonial Context of Violence: Reflections on Violence in the Lives of Native American Women*, 24 J. INTERPERSONAL VIOLENCE 1552, 1554 (2009).

⁸ See Eve Tuck & Rubén A. Gaztambide-Fernández, *Curriculum, Replacement, and Settler Futurity*, 29 J. CURRICULUM THEORIZING 72, 73 (2013).

⁹ See Monchalin et al., *supra* note 5, at 217.

¹⁰ Nick Martin, *The Cyclical Crisis of Missing and Murdered Indigenous Women*, THE NEW REPUBLIC (Jan. 22, 2020) <https://newrepublic.com/article/156263/cyclical-crisis-missing-murdered-indigenous-women> (last visited Apr. 9, 2024).

¹¹ See Sara Ahmed, *Racialized Bodies*, in REAL BODIES: A SOCIOLOGICAL INTRODUCTION, 46, 46 (2002).

¹² See Emily A. Grant et al., *Missing and Murdered Indigenous People Statewide Report Wyoming*, WYOMING DIV. OF VICTIM SERVICES, 1, 8 (2021).

Petito was a young white woman who went missing in Wyoming in 2021. National media covered her case extensively, and her body was discovered within a week.¹³ The entire country mourned her death. However, this same country continues to ignore the 710 missing Indigenous people, or the 105 Indigenous people murdered in Wyoming alone.¹⁴

Such disregard for racialized bodies has led to Indigenous women's characterization as high risk for experiencing violence, suggesting that women who experience such violence have placed themselves at risk due to other behaviors.¹⁵ Hence, we need to reframe these notions regarding risk and protective factors. Traditional risk and resilience models focus on factors that make individuals vulnerable to exploitation, even when those vulnerabilities are structural issues instead of individual choices.¹⁶

These traditional models victim-blame Indigenous women and girls, and, by extension, their families and community. Instead, these models should focus on the historical and systemic reasons why Indigenous women and girls' lives have been and continue to be considered expendable.

Approaching the discussion of MMIWG based upon culturally valid perspectives and decentralizing settler colonial perspectives is vital to Indigenous populations. This can be achieved within the framework and worldview of Indigenous Ways of Knowing (IWK). This approach is grounded in Indigenous cultures, history, and worldviews, connecting a holistic and reciprocal relationship between all living things. IWK is a framework for decolonization, rooted in intergenerational knowledge and wisdom, relying on a balance between physical, emotional, and spiritual levels. Through a framework of IWK, we as authors will disclose our connection to this work and the topics outlined.¹⁷ Within Indigenous knowledge systems, relationships between the earth and other beings influences teachings, values, and culture.¹⁸ Embedded within this framework, this research examines how Indigenous grassroots efforts have given life to two recent United States federal policies about MMIWG: Savanna's Act and the Not Invisible Act.

This paper also considers how Savanna's Act and the Not Invisible Act impact reliable and efficient data collection. The aims of this paper are to: (1) analyze the available data of MMIWG; (2) critique of the risk and resiliency model through a decolonial lens that decentralizes individual victimization; (3) examine the background, formation, and function of S.277 Savanna's Act and the S.982 Not Invisible Act; and (4) present a justifiable call to action and recommendations for more empirical literature and academic support to fuel policy efforts to prevent MMIWG.

¹³See Travis Fortnum, *Would Gabby Petito's Story Receive as Much Coverage If She Were an Indigenous Woman?*, GLOBAL NEWS (Sept. 30, 2021), <https://globalnews.ca/news/8234308/gabby-petito-story-coverage-indigenous-woman/> (last visited Feb. 8, 2024); see also Grant et al., *supra* note 12, at 39.

¹⁴ Fortnum, *supra* note 13.

¹⁵ See Taima Moeke-Pickering et al., *Understanding the Ways Missing and Murdered Indigenous Women Are Framed and Handled by Social Media Users*, 169 MEDIA INT'L AUSTRALIA, 54, 58 (2018).

¹⁶ See Sherry Hamby & John Grych, *The Complex Dynamics of Victimization*, in THE WILEY HANDBOOK ON THE PSYCHOLOGY OF VIOLENCE, 66, 69 (Carlos A. Cuevas & Callie Marie Rennison eds., 2016).

¹⁷ See Naadli Todd Ormiston, *Re-Conceptualizing Research: An Indigenous Perspective*, 5 FIRST PEOPLES CHILD & FAM. REVIEW 50, 53 (2010).

¹⁸ See *id.*

II. AUTHOR POSITIONALITY

Decolonizing methodologies are inclusive of critical self-reflexivity.¹⁹ Self-reflexivity is defined as a process where researchers “critically interrogate ourselves and one another regarding the ways in which research efforts are shaped and staged around the binaries, contradictions, and paradoxes that form our own lives.”²⁰ Through self-reflexive praxis, authors critically disclose their research efforts, their identities, and their backgrounds as they relate to the present paper.

A. Meenakshi Richardson

I am a citizen of the Haliwa-Saponi Tribe and of Asian Indian of Indo-Fijian descent. I am a daughter, a sister, an aunty, a partner, a relative, and I am currently a PhD candidate in Prevention Science. I pursue reciprocal research strategies and collaborations through a cultural and integrative lens to address trauma, equity, and social justice in partnership with Indigenous communities. As a community member, Indigenous woman, and advocate, this work on amplifying the awareness of MMIWG is close to my heart and home. My personal and familial lived experience guides me to center Indigenous knowledge and cultural resilience to amplify Indigenous voices to advance prevention strategies. I believe that we must seek and call for justice through collective responsibility, and in doing so bolster educational awareness and allyship surrounding MMIWG.

B. Kimberly C. Klein

It is vital to disclose my positionality as a white woman who was born and raised on land stolen from the Indigenous peoples who have resided here since time immemorial. I am a daughter, sister, aunt, cousin, friend, and community member. Although I continue to endeavor to decolonize the mindset embedded in my upbringing and education, there remains much for me to learn. Throughout discussions of MMIWG and the research and writing processes, I relied heavily on my co-authors with vast lived experience and subsequent cultivated knowledge. My contribution comes from significant anti-trafficking and domestic violence advocacy work, along with important perspectives from my graduate studies in Social Justice & Human Rights and Prevention Science—including my current research focus on intimate partner economic abuse. Indigenous women and girls go missing and are murdered predominantly at the hands of non-Indigenous perpetrators; therefore, I firmly believe I must bear my part of the responsibility in addressing it.

C. Stephany RunningHawk Johnson

I am a citizen of the Oglala Lakota nation and an assistant professor of Cultural studies and social thought in education. Just as importantly, I am a mother of two daughters, a wife, a daughter, an auntie, and a guest on the homelands of the Nimiipuu people. The work I do, particularly this paper, is important to me for many reasons. As a family member, this is meaningful for friends and family who are, and who have, missing and murdered women in their lives. As an Indigenous

¹⁹See Vivetha Thambinathan & Elizabeth Anne Kinsella, *Decolonizing Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis*, 20 INT’L. J. QUALITATIVE METHODS 1, 1 (2021).

²⁰ Yvonna S. Lincoln & Egon G. Guba, *Paradigmatic Controversies, Contradictions, and Emerging Confluences*, in THE LANDSCAPE OF QUALITATIVE RESEARCH: THEORIES AND ISSUES 163, 183 (2003).

woman, keeping my Indigenous sisters, nieces, daughters, and students is crucial. As a scholar, my job is to get the word out to others about how we can all help keep our Indigenous women safe. This work is both personal and professional. I most certainly will do all I can to make sure my daughters are not among the missing and murdered and have a responsibility to make sure nobody else's daughter is either.

III. PREVALENCE OF VIOLENCE AGAINST INDIGENOUS WOMEN

The available data regarding violence against Indigenous women is alarming for two reasons. First, the sheer prevalence of violence against Indigenous women is much higher than other ethnicities. For example, the Department of Justice determined that violent victimization rates against Native women were higher than any other ethnic or racial groups in the United States.²¹ Furthermore, according to the National Congress of American Indians (NCAI), more than four out of five American Indian women experience violence during their lifetime.²² In addition, AI/AN women are murdered at rates ten times higher than the national average.²³ The Centers for Disease Control (CDC) reports that homicide is the third leading cause of death among AI/AN women between the ages of ten and twenty-four years old and the fifth leading cause of death for AI/AN women between twenty-five and thirty-four years of age.²⁴ In Breiding's 2011 National Intimate Partner and Sexual Violence Survey, the data revealed that 27.5% of AI/AN women are raped in their lifetime, and fifty-five percent experience sexual violence other than rape.²⁵ The data also reported on the prevalence of lifetime stalking, showing that AI/AN women experienced higher incidences of stalking than any other race or ethnicity at a weighted percentage of 22.4, even with the inclusion of a multiracial subsample.²⁶

Second, the data available about MMIWG are unreliable, incomplete, and, even when compiled, often inaccessible to families searching for loved ones. For example, out of 5,712 reports of missing AI/AN women and girls in 2016, only 116 of these cases were logged into the United States Department of Justice's missing person database.²⁷ Meanwhile, a report published by the Urban Indian Health Institute (UIHI) found 506 unique cases of MMIWG around the United States.²⁸ Of those 506 unique cases, only thirty percent existed in law enforcement reports.²⁹ In contrast to Gabby Petito's media coverage, more than ninety-five percent of the cases in this

²¹ Lawrence A Greenfeld & Steven K. Smith, *American Indians and Crime*, 1 U.S. DEP'T. OF JUST., OFFICE OF JUST. PROGRAMS, BUREAU OF JUST. STAT., 1, 4 (1999).

²² NCAI POLICY RESEARCH CENTER, *Research Policy Update: Violence Against American Indian Women and Girls*, NAT'L CONGRESS OF AMERICAN INDIANS, 1,1 (2018).

²³ Ronet Bachman et al., *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*, NAT'L INST. JUST., 1, 5 (2008).

²⁴ CENTERS FOR DISEASE CONTROL AND PREVENTION, LEADING CAUSES OF DEATH BY AGE GROUP, ALL FEMALES-US, (2019), <https://www.cdc.gov/women/lcod/2016/nonhispanic-native/index.htm> (last visited Apr. 9, 2024).

²⁵ Matthew J. Breiding et al., *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011*, 105 AM. J. PUB. HEALTH 1, 5 (2015).

²⁶ *Id.* at 8.

²⁷ Annita Lucchesi & Abigail Echo-Hawk, *Our Bodies, Our Stories: Missing and Murdered Indigenous Women & Girls*, URBAN INDIAN HEALTH INST., 1, 2 (2018). Available at <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>

²⁸ *Id.* at 6.

²⁹ *Id.*

analysis did not receive national or international media coverage.³⁰ Of the 506 missing persons, twenty-five percent were missing persons, fifty-six percent were murder cases, and nineteen percent were of unknown status, with thirteen percent tied to domestic and sexual violence.³¹ Moreover, a third of perpetrators have not been held accountable for these 506 cases.³² There needs to be more data systems, infrastructure, and regard from the justice system concerning MMIWG.³³

Another barrier to understanding MMIWG is the lack of comprehensive policies that include Tribal Nations, reservation-based, and urban Indigenous populations. The UIHI report identified multiple challenges in accessing law enforcement, such as fees for submitting data requests and issues of racial misclassification were barriers to accessing data, which inhibited further insight into the observed cases and those unidentified.³⁴ The Freedom of Information Act only received responses from seventy-one city police departments and one state agency. Of those, only forty provided any data, while fourteen agencies were unable to provide any data and, as of this date, eighteen agencies have failed to complete the report.³⁵

For example, a 2020 UIHI report specifically examined sexual violence against Native women in Seattle, Washington. The report revealed significantly higher rates of sexual violence than previously reported by UIHI, shedding light on the issues of underreporting and lack of accuracy at local, state, and federal reporting agencies.³⁶ This report found that ninety-four percent of the women surveyed experienced rape or sexual coercion.³⁷ In addition, only eight percent of first attacks resulted in convictions.³⁸ These statistics are heart-wrenching and exemplify the violence enacted upon Indigenous women in the United States. In yet another report by UIHI, of AI/AN female victims and survivors of sexual violence, ninety-six percent of the violence was committed by non-Native perpetrators, a majority of whom were white men.³⁹ These crimes fall under jurisdictional discrepancies and systemic failures, leaving survivors and their families without justice or resources to find their loved ones.⁴⁰

Public Law 280, passed by Congress in 1953, fostered these discrepancies by authorizing the shift of federal jurisdiction of criminal offenses among American Indians to some states and giving the option to others.⁴¹ The law was enacted as part of larger efforts after World War II to terminate Indigenous peoples in the United States, affecting almost one-quarter of all Indigenous people living on a reservation and more than 300 tribes.⁴² Public Law 280 was compounded with

³⁰ *Id.* at 18.

³¹ *Id.* at 6.

³² *Id.* at 18.

³³ *Id.* at 23.

³⁴ *Id.* at 4.

³⁵ *Id.* at 13.

³⁶ Abigail Echo-Hawk, *Our Bodies, Our Stories: Sexual Violence Among Native Women in Seattle, WA*, URBAN INDIAN HEALTH INST., 1, 2 (2018), http://www.uihi.org/wp-content/uploads/2018/08/UIHI_sexual-violence_r601_pagesFINAL.pdf (last visited Apr. 18, 2024).

³⁷ *Id.* at 4.

³⁸ *Id.*

³⁹ Andre B. Rosay, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS 11, 19 (2016), <https://www.ojp.gov/pdffiles1/nij/249736.pdf> (2016), <http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/36140/version/1> (last visited Apr. 9, 2024).

⁴⁰ *Id.*

⁴¹ Alberto R. Gonzales et al., *Public Law 280 and Law Enforcement in Indian Country-Research Priorities*, OFFICE OF JUSTICE PROGRAMS, NAT'L INST. OF JUST., 1, 1 (2005).

⁴² See Carol Goldberg, *Unraveling Public Law 280: Better Late than Never*, 43 HUM. RTS., 11, 11 (2017).

the American Indian Urban Relocation between the 1940s and 1970s, which furthered assimilation efforts in the 20th century by relocating AI/ANs from their reservation communities to urban settings.⁴³ Currently, more than seventy percent of AI/AN people reside in urban areas.⁴⁴

Jurisdiction issues make it difficult for families to determine who has the ability and power to find a loved one, whether that be a missing person from a reservation, a Tribal member from an urban setting, or an Indigenous individual with no federal Tribal enrollment residing in urban areas.⁴⁵ In 2019, the United States Department of the Interior noted that gaps in data and conflict over jurisdiction are a large part of the MMIWG crisis.⁴⁶ Federal, state, and Tribal governments share responsibility, emphasizing how a lack of law enforcement education, misinformation, underreporting, and racial misclassification with regard to MMIWG cases are some of the challenges in need of resolution.⁴⁷ There is a dire need for significant and sustainable research to unveil the depth of domestic and sexual violence and missing and murdered cases amongst Indigenous populations.

IV. EXAMINING MMIWG THROUGH A RISK AND RESILIENCE PERSPECTIVE

A reframing of risk and protective factors is needed when examining MMIWG. For example, a Canadian government report found that Indigenous identity itself was a significant risk factor for violence against women and girls.⁴⁸ When an immutable aspect of an individual's identity is the most salient risk factor for victimization, the conversation must shift to examining the systems and structures upholding individual identity risk and away from the individual.

A. Risk Factors

Risk factors are "characteristics at the biological, psychological, family, community, or cultural level that precede and are associated with a higher likelihood of negative outcomes."⁴⁹ However, we reject this definition and will use Martinez-Torteya and colleagues' framework: risk factors as external, environmental characteristics or threats that increase vulnerability of victimization.⁵⁰ At the structural level, risk factors directly tie to the historical oppression and genocide of Indigenous peoples including colonialism, forced enculturation, genocide, systemic

⁴³ National Archives, *American Indian Urban Relocation*, THE U.S. NAT'L ARCHIVES AND RECORDS ADMIN. (2016), <https://www.archives.gov/education/lessons/indian-relocation.html> (last visited Apr. 9, 2024).

⁴⁴ Tina Norris et al., *The American Indian and Alaska Native Population: 2010*, U.S. CENSUS BUREAU (Jan. 2012).

⁴⁵ *Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women (MMIW): Exploring Solutions to End the Cycle of Violence*: Hearing Before the Subcomm. For Indigenous People of the United States, 116 Congress (Mar. 14, 2019) (statement of Professor Sarah Deer, University of Kansas). <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=109101> (last visited Apr. 9, 2024).

⁴⁶ *MMIW Crisis: Reviewing the Trump Administration's Approach to the MMIW Crisis: Oversight Hearing Before the Subcomm. For Indigenous Peoples of the United States*, 116 Cong. (Sept. 11, 2019), (statement of Charles Addington, Deputy Bureau Director) <https://www.doi.gov/ocl/mmiw-crisis> (last visited Feb. 8, 2024).

⁴⁷ *Id.*

⁴⁸ See Jillian Boyce, *Victimization of Aboriginal People in Canada, 2014*, CANADIAN CENTRE FOR JUST. STATISTICS, 1,4 (2016).

⁴⁹ Substance Abuse Mental Health Services Administration, *Risk and Protective Factors*, U.S. DEP'T. OF HEALTH AND HUM. SERV'S 1, 1 (2019).

⁵⁰ See Cecilia Martinez-Torteya et al., *Resilience Among Children Exposed to Domestic Violence: The Role of Risk and Protective Factors*, 80 CHILD DEV. 562, 563 (2009).

racism, and ongoing settler oppression.⁵¹ The term ‘settler colonialism’ arose from Indigenous scholarship to differentiate between European colonialism that most often sought to have Indigenous peoples work ‘for them’ (commodification) as opposed to settler colonialism, wanting Indigenous peoples to ‘go away’ (evacuation), as was largely the case in American colonialism.⁵² Settler colonialism⁵³ forced patriarchal and hierarchical belief systems that devalue women and perpetuate gender role stereotypes, disregarding the matrilineal systems and collective social structures many Indigenous societies uphold.⁵⁴ Forced conversion to Christianity and acculturation,⁵⁵ including the banning of languages⁵⁶ intentionally disrupted Indigenous cultural patterns, cohesion, and stability.⁵⁷ Embracing the IWK framework situates this work within Indigeneity, sovereignty, resilience, and collective agency.⁵⁸

Community fragmentation is a critical risk factor pertaining to MMIWG as it impedes community-based models of care.⁵⁹ Urban Indigenous people are often disconnected from their community and heritage, both physically and emotionally, which can present as an individual and community-level risk factor.⁶⁰ The United States ‘legal’ Tribal status also adds to this fragmentation, with issues surrounding citizenship including Certified Indian Blood, Blood Quantum, and federal versus state recognized tribes. All of these contribute to one’s disconnection from community.⁶¹ Community fragmentation also has implications within the complicated legal issues surrounding Tribal sovereignty that can clash with local, state, and federal jurisdictions, further impeding the ability of Indigenous communities to engage in self-governance.⁶² For example, sovereign Tribal governments courts do not have criminal jurisdiction over non-Tribal/non-Native perpetrators.⁶³ Yet Bubar and Thurman found that seventy-five percent of perpetrators of intimate partner violence (IPV) were of a different race than their Indigenous victims, and twenty-five percent of offenders were a different race within familial violence, concluding that “non-Natives play a significant role in perpetrating the violence against Native women.”⁶⁴ The Department of Justice (DOJ) presents a similar conclusion, stating that violence

⁵¹ See Weaver, *supra* note 7, at 1554.

⁵² See Lorenzo Veracini, *Introducing Settler Colonial Studies*, 1 SPECIAL ISSUE: A GLOBAL PHENOMENON, SETTLER COLONIAL STUDIES 1, 3 (2011).

⁵³ We define settler colonialism here as a system of oppression that seeks not only to conquer and exploit a colonized land and resources, but to displace the indigenous population and replace it with a new settler population.

⁵⁴ See Catherine E. Burnette & Timothy S. Hefflinger, *Identifying Community Risk Factors for Violence against Indigenous Women: A Framework of Historical Oppression and Resilience*, 45 J. CMTY. PSYCHOL. 587, 594- (2017); Kyle Whyte, *Settler Colonialism, Ecology, and Environmental Injustice*, 9 ENV’T AND SOC’Y 125, 129 (2018).

⁵⁵ See Weaver, *supra* note 7, at 1555.

⁵⁶ Andrew Woolford, *This Benevolent Experiment: Indigenous Boarding Schools, Genocide, and Redress in Canada and the United States* (2015).

⁵⁷ See Weaver, *supra* note 7, at 1554.

⁵⁸ See Vanessa Anthony-Stevens et al., *Indigenous Teacher Education Is Nation Building: Reflections of Capacity Building and Capacity Strengthening in Idaho*, 30 J. SCH. LEADERSHIP 541, 559 (2020).

⁵⁹ See Burnette and Hefflinger, *supra* note 54, at 595.

⁶⁰ See Burnette and Hefflinger, *supra* note 54, at 597; For further reading on individual and community-level risk factors within the context of IPV, see Patrick Tolan et al., *Family Violence*, 57 ANN. REV. PSYCHOLOGY 557 (2006).

⁶¹ See Bryan McKinley Jones Brayboy, *Toward a Tribal Critical Race Theory in Education*, 37 THE URBAN REV. 425, 431 (2005).

⁶² See, e.g. Algeria R. Ford, *The Myth of Tribal Sovereignty: An Analysis of Native American Tribal Status in the United States*, 12 INT’L COMM. L. REV. 397, 405 (2010).

⁶³ *Id.*

⁶⁴ Roe Bubar & Pamela Jumper Thurman, *Violence Against Native Women*, 31 SOCIAL JUST. 70, 72 (2004).

committed by non-Natives is more likely to be experienced by American Indians than that of any other race.⁶⁵ Because these non-Indigenous perpetrators must be tried outside of Tribal courts,

Geographic location should be considered a risk factor with Seattle, Albuquerque, Anchorage, Tucson, and Billings as the five cities with the highest numbers of known MMIWG cases.⁶⁶ Residing in a hotspot area poses a challenging risk factor, particularly when relocating might not be feasible. Fracking locations are an example of hotspot areas with high risk for MMIWG. A recent analysis conducted by A. Skylar Joseph in 2021 included these regions as outlined by UIHI and found United States fracking locations in relation to the areas determined to be of the highest danger for Indigenous women.⁶⁷ A significant number of MMIWG hotspots were identified within a range of twenty-five to 156 miles from either fracking or drilling sites.⁶⁸ Joseph further asserts that the contemporary settler colonial agenda includes oil fracking, drilling, pipeline construction, and other resource extraction projects.⁶⁹ Joseph connects these activities with increased rates of human trafficking, drug use, and other crimes.⁷⁰ Further investigation should examine the correlation between resource extraction sites with MMIWG hotspots.

Additional community-level risk factors include generational poverty and low socioeconomic status (SES).⁷¹ Contextualizing United States Census data from 2013, Burnette and Renner found that 15.9% of AI/ANs experience poverty, the highest rate of any racial group in the United States.⁷² SES is a strong predictor of intimate partner violence among Indigenous women. A study of low-SES women attending a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) clinic experienced IPV in the past year at a rate of forty-three percent, compared to ten percent of women at the clinic who were not low-SES.⁷³ Women in poverty often have to make choices that put themselves at risk to maintain economic survival for themselves and their families—for example, moving away from their community for a better-paying job, engaging in sex work, or staying with an abusive partner due to financial instability. The risks arising from systemic racism and inequitable access due to the historical oppression of Indigenous peoples require comprehensive interventions that extend beyond the individual level for effective resolution.

B. Protective Factors

Protective factors are “characteristics associated with a lower likelihood of negative outcomes or that reduce a risk factor's impact...[and] may be seen as positive countering events.”⁷⁴ Protective factors include environmental and community characteristics associated with an

⁶⁵ See Greenfeld and Smith, *supra* note 21.

⁶⁶ *Id.* at 11.

⁶⁷ A. Skylar Joseph, *A Modern Trail of Tears: The Missing and Murdered Indigenous Women (MMIW) Crisis in the US*, 79 J. FORENSIC AND LEGAL MEDICINE 102136, 4 (2021).

⁶⁸ *Id.* at 5.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See Katherine J. Sapra et al., *Family and Partner Interpersonal Violence among American Indians/Alaska Natives*, 1 INJ. EPIDEMIOL. 1, 11 (2014).

⁷² See Catherine E. Burnette & Lynette M. Renner, *A Pattern of Cumulative Disadvantage: Risk Factors for Violence across Indigenous Women's Lives*, 47 BR. J. SOC. WORK 1166 (2017).

⁷³ Lorraine Halinka Malcoe et al., *Socioeconomic Disparities in Intimate Partner Violence against Native American Women: A Cross-Sectional Study*, 2 BMC MEDICINE 1, 9 (2004).

⁷⁴ Substance Abuse Mental Health Services Administration, *supra* note 49, at 1.

increased positive adaptation.⁷⁵ One protective factor is Indigenous families' inherent strength and resiliency, such as Indigenous spirituality emphasizing relationships, respect, unity, balance, and bravery.⁷⁶ According to Jenson and Fraser, "resilience is one's capacity to adapt successfully in the presence of risk and adversity."⁷⁷ Resilience concerning MMIWG can be found in embracing Indigenous worldviews that largely "emphasize the interrelatedness and balance of all things, including mind, body, environment, and spiritual dimensions."⁷⁸ An essential aspect of resilience is the sacredness of Native women, including matriarchal tradition-communities and the deep connection that their bodies and spirits have to the land, as "the resilience of Native women has sustained our communities for generation after generation."⁷⁹ Indigenous family structure is intergenerational, with "extended family systems, the primacy of elders, and the family as a conduit for protective aspects of culture."⁸⁰

The relational nature of Indigenous worldviews is uniquely situated to serve as a protective factor against MMIWG. An Indigenous worldview considers the interactions and intertwined nature of risk and protective factors beyond the individual, and centering relationality, to consider family, community, culture, and society—all of which impact the 'self' and our relationship to people and place.⁸¹ The liberating cultural action of Indigenous communities, such as spiritual coping, traditional healing, and enculturation, also serves as a protective factor.⁸² For Indigenous peoples, enculturation includes re-learning traditional beliefs, stories, and ways of knowing.⁸³ Enculturation is a strong protective factor against several social issues impacting Indigenous communities, including IPV and other forms of violence.⁸⁴ Holding to traditional beliefs about equity and honoring/valuing women protects against vulnerability and victimization, especially as communities and families work to reverse the dehumanizing gender roles of colonization and patriarchy.⁸⁵ In addition, strong social networks and community resources provide protection as connection and reconnecting with a strong community leads to better social support and self-agency.

C. Indigenous Feminisms

Indigenous communities should regard Indigenous feminisms (a collection of Indigenous feminist theories) as both a protective factor and a way to practice resilience. Indigenous feminisms connect settler colonialism to the heteropatriarchy and heteropaternalism inherent within attempts to eradicate IWK.⁸⁶ The theories and practices encompassed within Indigenous feminist thought are part of the larger concept of IWK yet are a distinct subset of knowledges that address the

⁷⁵ Martinez-Torteya et al., *supra* note 50, at 564.

⁷⁶ Burnette and Hefflinger, *supra* note 54, at 596-97.

⁷⁷ Jeffery M. Jenson & Mark W. Fraser, SOC. POL'Y FOR CHILD. AND FAMILIES: A RISK AND RESILIENCE PERSPECTIVE, 8 (William J. Hall, Paul Lanier, Jeffrey M. Jenson, & Mark W. Fraser eds., 3rd ed., 2015).

⁷⁸ Catherine E. Burnette, *Family and Cultural Protective Factors as the Bedrock of Resilience and Growth for Indigenous Women Who Have Experienced Violence*, 21 J. FAM. SOC. WORK 45, 47 (2018).

⁷⁹ Lucchesi and Echo-Hawk, *supra* note 27, at 23.

⁸⁰ Burnette, *supra* note 78, at 5.

⁸¹ *Id.* at 47.

⁸² Burnette and Hefflinger, *supra* note 54, at 596-97.

⁸³ *Id.*

⁸⁴ Burnette, *supra* note 78, at 48.

⁸⁵ *Id.*

⁸⁶ Maile Arvin et al., *Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy*, 25 FEMINIST FORMATIONS 8 (2013).

“compound issues of gender, sexuality, race, indigeneity, and nation.”⁸⁷ This is particularly relevant to the discussion of protecting and honoring Indigenous women and girls and providing better policies that address the systemic causes of MMIWG, such as settler colonialism. It shows that we “cannot concentrate on one of these issues in isolation, but must attend to them all, as well as how they interact.”⁸⁸

Yakama scholar Michelle Jacob uses Indigenous feminist theories to demonstrate how Indigenous women use their ways of understanding and knowing the world to support and heal their communities.⁸⁹ In her book, *Yakama Rising*, she gives examples such as dance, language revitalization work, and storytelling to show that these communities are resilient – now and since time immemorial, their traditions and knowledge provide them with strength and resiliency that offer protection from current and future harms.⁹⁰ Being connected to one’s cultural and traditional heritage helps with identity and belonging, which then protects from the harms of settler colonialism.⁹¹ Jacob tells us that “Indigenous resistance is inherently intergenerational” and that without the guidance of elders, “younger generations will not have a pathway to follow” as they grow.⁹² To pass on this knowledge, we must protect our Indigenous women and girls. Indigenous feminisms also give us a way to think about political movements, policy and practice differently. These concepts are “rooted in a political commitment to social change,” and that is what we are asking for change in our systems that currently allow Indigenous women and girls to go so often missing.⁹³

Indigenous feminist theories act together as a protective factor by supporting Indigenous peoples’ identities, as well as their ways of knowing and being in the world, and by bringing together communities to nurture and sustain their cultural practices and further grassroots efforts.⁹⁴ Additionally, “Native feminist theories offer new and reclaimed ways of thinking through not only how settler colonialism has impacted Indigenous and settler communities, but also how feminist theories can imagine and realize different modes of nationalism and alliances in the future.”⁹⁵ Reimagining and reclaiming ways of thinking about the impacts that settler colonialism has on both Indigenous and non-Indigenous communities can provide a measure of resiliency in communities and can lead to new strategies and efforts to address systemic oppression.⁹⁶ Indigenous feminisms also offer hope and that “hope is important in attempting to move forward, to create change that is lasting and powerful and that supports and continues Tribal sovereignty.”⁹⁷

⁸⁷ *Id.* at 11.

⁸⁸ Stephany RunningHawk Johnson, *Centering the Indigenous in Science Education: Possibilities and Limitations of Decolonizing the Academy* 1, 23 (June 2020) (Ph.D. dissertation, University of Oregon) (on file with University of Oregon).

⁸⁹ MICHELLE M. JACOB, *YAKAMA RISING: INDIGENOUS CULTURAL REVITALIZATION, ACTIVISM, AND HEALING* 109 (2014).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.* at 52.

⁹³ *Id.* at 114.

⁹⁴ See Arvin et al., *supra* note 86; See also RunningHawk Johnson, *supra* note 88.

⁹⁵ Arvin et al., *supra* note 86, at 9.

⁹⁶ *Id.*

⁹⁷ RunningHawk Johnson, *supra* note 88, at 23.

V. GRASSROOTS EFFORTS

Indigenous grassroots organizing is essential in creating sustainable and efficient policy in addressing data gaps and in bolstering awareness of MMIWG. The engagement of families and communities is at the core of grassroots advocacy via multiple modalities, such as cultural activities, marches, campaigns, and coalition-building.⁹⁸ Robust grassroots networks speak to the magnitude of the resiliency of Indigenous communities and the importance of each woman and girl stolen. These efforts are central to understanding the need to heal the impacts of colonial violence situated in the past through efforts to dismantle it in the present.

The Coalition to Stop Violence Against Women (CSVANW) was organized by three Native women in 1996, Peggy Bird (Kewa), Darlene Correa (Laguna Pueblo), and Genne James (Navajo).⁹⁹ The CSVANW was created to provide support to Native American advocates addressing domestic, sexual, and dating violence, stalking, and sex trafficking in Tribal communities in New Mexico.¹⁰⁰ CSVANW now serves the greater Southwest region, with a membership alliance with over fifty organizations and individuals, to provide resources such as education, advocate training and support, technical assistance, and policy advocacy.¹⁰¹ CSVANW also collaborated with Tribal leadership to promote, develop, and expand Tribal, federal, state, and local legislation and policies that foster the best practices in addressing violence against Native American women and children.¹⁰² The mission of CSVANW is to eliminate violence among Native communities by advocating for and adopting social change through self-determination and strengths-based approaches.¹⁰³

The Washington State Missing and Murdered Indigenous Women and People Task Force was formed in 2021 through the Washington State Attorney General's Office to address the history of violence perpetuated into the present day in the Pacific Northwest.¹⁰⁴ The task force, with twenty-three appointed members, in partnership with Native activists, advocates, survivors, community-based organizations, Tribal leaders, and state and local policymakers in the region, assesses systemic issues contributing to the high rate of missing and murdered Indigenous women and people.¹⁰⁵ In their 2022 report, the task force assessed Washington State Patrol missing persons data and homicide cases and provided several recommendations.¹⁰⁶ Some of their recommendations emphasized the need for increased and streamlined communication between entities, advancing data strategies and addressing cold cases.¹⁰⁷ As a result of the report, Washington State Governor Jay Inslee signed into law Substitute House Bill 1177 in 2023, establishing a cold case unit specifically for MMIWG, the first of its kind in the nation.¹⁰⁸

⁹⁸ Vicki Chartrand, *MMIWG: The Spirit of Grassroots Justice Lives at the Heart of the Struggle*, THE CONVERSATION (June 12, 2019), <http://theconversation.com/mmiwg-the-spirit-of-grassroots-justice-lives-at-the-heart-of-the-struggle-118424> (last visited Feb. 8, 2024).

⁹⁹ Coalition to Stop Violence Against Women, ABOUT US (May 12, 2015), <https://www.csvanw.org/about-us/> (last visited Feb. 8, 2024).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ Washington State Office of the Attorney General, *2022 Interim Report of the Washington State Missing and Murdered Indigenous Women and People (MMIWP) Task Force* (2022).

¹⁰⁵ *Id.* at 4.

¹⁰⁶ *Id.* at 6.

¹⁰⁷ *Id.*

¹⁰⁸ Substitute H.B. 1117, 68th Legislature (Wash. 2023).

The National Indigenous Women’s Resource Center, Inc. (NIWRC), established in 2010, aims to end violence against Native women and children in the United States.¹⁰⁹ The creation of NIWRC is rooted in a legacy of Tribal grassroots organizing led by Tillie Black Bear (Sicangu Lakota), considered one of the grandmothers and founding leaders of the battered women’s movement in the 1970s.¹¹⁰ The NIWRC provides national leadership in eliminating gender-based violence in Tribal communities by uplifting the collective voices of grassroots advocates while also providing culturally grounded resources, technical assistance, training and education, and policy strategies to strengthen Tribal sovereignty and community-based practice.¹¹¹ NIWRC staff and board of directors consist of Indigenous women with extensive experience in violence against Native women and children, personally and professionally, and a long-standing commitment to addressing and ameliorating violence within Indigenous communities.¹¹² NIWRC’s staff brings decades of expertise in building grassroots movements to increase Tribal responses to domestic violence and increase safety for Native women.¹¹³ The mission of NIWRC is to provide leadership and support at the national level to end violence against American Indian, Alaska Native, and Native Hawaiian peoples by supporting culturally grounded and informed grassroots advocacy.¹¹⁴

These organizations and collaborative actions are transformative community and cultural resources as they grow from and engage community. Despite the ongoing imposition of settler colonial violence, racism, and oppression, these efforts honor the MMIWG who have been taken and work against further harm. Further emphasizing and uplifting community voice to shape their strategies, services, actions, and responses as representative of those impacted to bolster protective factors against MMIWG.

VI. POLICY AND AIMS

In November 2019, the president signed an executive order forming a task force to address MMIWG entitled *Operation Lady Justice*. After multiple previous attempts to raise awareness and enact legislation regarding MMIWG, representatives of Indigenous communities who attended that signing expressed support for the task force.¹¹⁵ Eleven months later, on October 10th, 2020, the president signed S.277 Savanna’s Act and the S.982 Not Invisible Act into law. Savanna’s Act was named “in honor of Savanna LaFontaine-Greywind, a twenty-two-year-old pregnant citizen of the Spirit Lake Nation in North Dakota who was viciously murdered in August of 2017.”¹¹⁶ Savanna’s Act aims to improve MMIWG data collection and access. It directs the DOJ to review, edit, and implement law enforcement and investigation procedures, technical assistance, and

¹⁰⁹ See National Indigenous Women’s Resource Center, *Annual Report: Fiscal Year 2019* (2020), https://www.niwrc.org/sites/default/files/images/hero/annual_report_fy19.pdf (last visited Mar. 19, 2024).

¹¹⁰ *Id.* at 4.

¹¹¹ *Id.* at 17.

¹¹² *Id.* at 5.

¹¹³ *Id.*

¹¹⁴ National Indigenous Women’s Resource Center, *Who We Are* (2023), <https://www.niwrc.org/about> (last visited Mar. 19, 2024).

¹¹⁵ Acee Agoyo, “*We Want Tribal Consultation*”: *Trump Administration Pushed to Improve Missing and Murdered Task Force*, INDIANZ (Feb. 12, 2020), <https://www.indianz.com/News/2020/02/12/missing-murdered-task-force-tribal-consultation.asp> (last visited Mar. 19, 2024).

¹¹⁶ Elizabeth Carr, *MMIW Savanna’s Act and Not Invisible Act Become Law*, *Restoration Magazine*, NAT’L INDIGENOUS WOMEN’S RES. CTR (Nov. 2020), <https://www.niwrc.org/restoration-magazine/november-2020/mmiw-savannas-act-and-not-invisible-act-become-law> (last visited Mar. 19, 2024).

training to address missing and murdered Indigenous peoples.¹¹⁷ Additionally, Savanna's Act requires the DOJ to implement strategies to educate the public on the National Missing and Unidentified Persons System and conduct outreach to Tribes and Tribal affiliations.¹¹⁸ Lastly, Savanna's Act allows urban Indigenous organizations to access this system and collaborate in reporting surveillance from other portals not regulated by law enforcement.¹¹⁹

The Not Invisible Act of 2019 was developed to complement Savanna's Act, with the goal to identify and counteract violent crimes against Indigenous peoples on or off Tribal sovereign lands.¹²⁰ The Act created an advisory committee composed of Tribal leaders, government, law enforcement, federal entities, resource and service providers, and survivors whose purpose is to create and execute recommendations to the DOI and DOJ to combat MMIWG.¹²¹ The joint commission directive is to develop and publicly present recommendations to the DOI and DOJ surrounding the identification, reporting, and responding to missing persons, human trafficking, or murder cases.¹²²

Within an IWK framework, stories play a crucial role in guiding intervention.¹²³ Creating space for the voices of Indigenous communities through testimony and local government was vital to passing Savanna's and the Not Invisible Acts.¹²⁴ The passing of these Acts was directly tied to sustained Indigenous organizing around MMIWG and testimony provided by grassroots activists before Congress.¹²⁵ The National Indigenous Women's Resource Center has noted that elevated attention and call for actions regarding MMIWG, along with the elections of this country's first American Indian women to Congress, also aided in the passing of these bills.¹²⁶ Former Congresswoman and current Secretary of the Interior Deb Haaland (D-NM) and Sharice Davids (D-KS), along with Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV), worked alongside Tribal leaders and grassroots movements who have been fighting to center the MMIWG crisis as an issue faced by the entire country—setting a precedent for action at the federal level.

VII. DISCUSSION

Savanna's Act and the Not Invisible Act have strengths and limitations and both Acts can still be improved to further address the issue of MMIWG. Though critiques of the Acts do exist, it is important to highlight the positive impacts the Acts have had on the Operation Lady Justice (OLJ) task force. The passing of these two Acts significantly bolstered these efforts. OLJ held monthly task force meetings and conducted numerous listening and consultation sessions with

¹¹⁷ *Id.*

¹¹⁸ Savanna's Act, S. Res. 227, 116th Cong. (2020) (enacted).

¹¹⁹ *Id.*

¹²⁰ The Not Invisible Act of 2019, S. Res. 982, 116th Cong. (2019) (enacted).

¹²¹ *See Carr, supra* note 116.

¹²² The Not Invisible Act of 2019, *supra* note 120.

¹²³ MARGARET KOVACH, *INDIGENOUS METHODOLOGIES* (2nd ed. 2021).

¹²⁴ *See* François Benoit, *Public Policy Models and Their Usefulness in Public Health: The Stages Model*, NAT'L COLLABORATING CENTRE FOR HEALTHY PUB. POL'Y 1, 5 (2013).

¹²⁵ *Id.*

¹²⁶ *See Carr, supra* note 116.

Tribal governments and Indigenous communities across the country.¹²⁷ The OLJ developed model protocols and procedures, including law enforcement response to new and unsolved cases of missing or murdered persons in AI/AN communities, data collection and data sharing, database development, and improved/expanded training on the issue.¹²⁸ Another positive step was creating the Unresolved Case Team Working Group (UCWG), a cold case review team comprising representatives from several different federal agencies.¹²⁹ Lastly, OLJ developed a family guidebook entitled *When a Loved One Goes Missing: Resources for Families of Missing American Indian and Alaska Native Adults*, a free guide to help families searching for a missing family member navigate the criminal justice system.¹³⁰

A primary limitation of the Acts is that they are not designed to provide sustainable action-oriented changes; rather, the Acts aim to establish a greater understanding of the scope and prevalence of MMIWG by gathering new data and investigating current data structures and systems. Nevertheless, despite the development of model protocols, the responsibility for data collection predominantly remains with individual agencies. The DOJ overview of Savanna's Act highlights this limitation: "the Department encourages all Tribal, State, and local law enforcement agencies to submit to it, to the fullest extent possible, all relevant information pertaining to missing or murdered indigenous persons."¹³¹ The Not Invisible Act Commission developed recommendations to address MMIWG public safety challenges, but those remain recommendations only, not mandates or enforceable legal statutes.¹³² The DOJ also states it is "committed to outreach and training to federal, Tribal, State, and local law enforcement officers."¹³³ While additional trainings have been developed and disseminated by the Acts' provisions, training remains discretionary among law enforcement and other relevant departments and agencies. Without a training mandate, it seems unlikely that widespread change will occur. Additionally, the work of OLJ was short-term—a two-year task force that wrapped up with a final report to the president in April 2022.¹³⁴ The Acts do not provide real long-term accountability for sustained change or provide penalties for failures to investigate MMIWG cases properly.

VIII. RECOMMENDATIONS

The answers to addressing MMIWG are not simple; however, there are identifiable ways to change policy and expand the efforts of Savanna's Act and the Not Invisible Act to decrease the rate of MMIWG. Despite the efforts of OLJ and other related commissions to increase public awareness of MMIWG, there continues to be low public knowledge or interest about the subject

¹²⁷ Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (Operation Lady Justice), *Final Report To The President: Activities and Accomplishments of Operation Lady Justice* at 8 (2022). [hereinafter Operation Lady Justice]

¹²⁸ *Id.* at 26-27.

¹²⁹ *Id.* at 31.

¹³⁰ See Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (Operation Lady Justice), *When a Loved One Goes Missing: Resources for Families of Missing American Indian and Alaska Native Adults* (2021).

¹³¹ U.S. DEPARTMENT OF JUSTICE: TRIBAL JUSTICE AND SAFETY, Savanna's Act (last updated Mar. 31, 2023) (2022), at § 5, [hereinafter Dept. of Justice (1)] <https://www.justice.gov/tribal/mmip/SavannasAct> (last visited Feb. 8, 2024).

¹³² U.S. DEPARTMENT OF JUSTICE: TRIBAL JUSTICE AND SAFETY, Not Invisible Act (2023), <https://www.justice.gov/tribal/not-invisible-act> (last visited Feb. 8, 2024).

¹³³ Dept. of Justice (1), *supra* note 131.

¹³⁴ Operation Lady Justice, *supra* note 127.

outside of Indigenous communities. Including information on MMIWG as a part of mandatory ongoing training for all federal employees would be an excellent start to disseminating information on the issue.

On the legal front, a thorough evaluation of and change to Public Law 280 is imperative to meaningfully address the issue, given its role as a primary cause of jurisdictional disputes and a significant barrier to addressing MMIWG. Lastly, there is limited empirical literature and research on MMIWG in the United States to inform additional action. Academia and research inquiry can contribute by documenting the importance and scope of the issue. However, federally mandated reporting from law enforcement at all levels is also needed to gather accurate statistical data and establish credible prevalence rates.

Recommendations for academic MMIWG research include: (1) law enforcement surveillance, accountable policing, and investigations; (2) evaluation of data protocols and procedures and health impacts of unresolved cases of MMIWG on Indigenous families and communities; (3) restorative justice; (4) an examination of non-law regulated portals and databases, racial bias, and gender discrimination within justice and law enforcement entities; (5) further insight into non-native perpetrators; and (6) increased as education for the general public to encourage allyship and broader community engagement. Academic researchers could also assist the advisory committee set forth by the Not Invisible Act in producing federal guidelines translating such recommendations to states to be regulated and further evaluated based on their respective constitutional and Tribal relations. This alignment with the objectives of Savanna's Act and Not Invisible Acts stands out in regions and states with concentrated cases.

IX. CONCLUSION

Outside of Indigenous grassroots efforts and community organizing, the United States has yet to begin to grapple with the issue of MMIWG. While important, the passing of Savanna's Act and the Not Invisible Act are the beginning steps of efforts to create and implement policy. These acts are a precursor to collect data, develop law enforcement protocols, implement education and training, conduct Tribal outreach, and form an advisory committee.¹³⁵ Action-forward policies and practices must follow for real change to occur. There is an opportunity for academic research to play a vital role, as the current (albeit quite limited) academic research is predominantly Canadian. The need for policy efforts that speak to individuals while emphasizing policy moving community work forward is highly evident—elevating grassroots organizing while amplifying MMIWG in the political sphere. The MMIWG movement exists because of Indigenous women's efforts, including education access, data accuracy, coalition building, advocacy, Tribal sovereignty, and policy reform. MMIWG is a neglected public health crisis, and minimizing the movement continues to excuse the lack of government action in addressing systemic barriers that exist to maintain cycles of violence.¹³⁶ Without intentional, sustainable, and collaborative efforts, the loss of Indigenous women and girls will continue without recourse. Honoring women and justice for Indigenous communities is a matter of public safety for all. This is a testament to our unjust justice system and an urgent call to action.

¹³⁵ Savanna's Act, *supra* note 118; The Not Invisible Act of 2019, *supra* note 120.

¹³⁶ Melika Khajeh, *Missing and Murdered Indigenous Women: The Role of Media and Political Administrations/Campaigns in Undermining Violence Against Indigenous Women and Girls in Canada*, 6 *POLITICUS* Jo. 26, 30 (2020).